

PLANNING & DEVELOPMENT COMMITTEE

12 September 2024

REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT

PURPOSE OF THE REPORT

Members are asked to determine the planning application outlined below:

APPLICATION NO: 24/0597/08 (GRD)
APPLICANT: Rhondda Cynon Taf CBC
DEVELOPMENT: New single storey classroom block containing 3 classrooms on site of the multi-use games area.
LOCATION: MAESGWYN SPECIAL SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE
DATE REGISTERED: 26/06/2024
ELECTORAL DIVISION: Aberdare West and Llwydcoed

RECOMMENDATION: APPROVE

REASONS: The development would provide additional educational facilities at the school and provide a modern building for pupils. It is considered that the proposal would not be harmful to the character and appearance of the site and would not be harmful to the amenity of the closest neighbouring properties. Furthermore, it is considered that sufficient outdoor play spaces would be retained at the site for the benefit of pupils of the school. The application is therefore considered to comply with Policies AW5, AW6, AW7 and AW10 of the Local Development Plan.

REASON APPLICATION REPORTED TO COMMITTEE

- The application has been submitted by the Council, on land within its ownership, and where the Council's interest is of more than a minor nature.

APPLICATION DETAILS

Full planning consent is sought to construct a single storey classroom block at Maesgwyn Special School, Cwmdare. The proposed classroom block would be built atop part of an existing Multi Use Games Area (MUGA) at the site.

The supporting information notes that Maesgwyn Special School is an existing school for children aged 11-19 with complex learning needs. The school currently has 120 pupils on roll, but numbers are forecast to increase, and consequently more teaching space is required.

The proposed single-storey classroom block would be built atop part of an existing MUGA at the site. The proposed classroom block would measure approx. 22.9m in width and 15.7m in depth, with a gross internal floor area of approx. 324m² proposed. The building is single-storey and has been designed with two mono-pitch roofs,

reaching a height of approx. 3.1m to the eaves and 6.1m in height to ridge. The development also includes an external canopy to the building's northern elevation.

Internally, the accommodation comprises three self-contained classrooms along with a group/ breakout room, sensory room, W/Cs, and plant room. External materials include facing buff brickwork along with elements of horizontal cladding, with a standing seam metal roof.

Works associated with the proposal includes some adaptations to existing perimeter fences and the installation of new internal fences at the site. The development also includes the provision of open swale/ water gardens and wildflower planting and meadow grass. Plans also show that the retained part of the MUGA space will be resurfaced.

In addition to the plans and elevation drawings accompanying the application, the following supporting documents have been submitted:

- Design and Access Statement;
- Geotechnical & Geo-Environmental Investigation Report

SITE APPRAISAL

The application site relates to Maesgwyn Special School, which is located on the outskirts and towards the northern end of Cwmdare and Aberdare. The site is bound by Cwmdare Road to the south, with open heathland to the north. To the east and west are modern low rise residential housing, with residential properties also to the south of the site. The application site also benefits from an established treeline to the east, north and west which aids in denoting its boundary.

Maesgwyn Special School is an established and existing school for children aged 11-19 with complex learning difficulties. The school benefits from hard surface play areas, along with allotments/gardens and a car park within its curtilage.

Access to the site is from the south along Cwmdare Road. The application site is located within settlement boundary limits and the surrounding area is predominantly residential in nature.

PLANNING HISTORY

18/1142/08: MAESGWYN SPECIAL SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE. 'Variation of condition 2 of planning consent 17/0695/08: 1. Revision of existing site entrance, 2. Repositioning of additional on-site car parking and drop off, 3. Repositioning of MUGA and gardening area, 4. Removal of proposed vehicular entrance from Graiglwyd and 5. Removal of proposed conversion of existing tarmac playground for parking and drop off'. Granted, 10/12/2018

17/0695/08: MAESGWYN SPECIAL SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE. '*Installation of a new dedicated access point and 4.8m wide carriageway connecting to the existing playground to the north of the site served by a vehicular crossover to the adopted highway on Graiglwyd, modifications and*

alterations to the existing front elevation car park to increase parking capacity and the installation of a new Multi Use Games Area to the north east of the site on the site of the existing sports field'. Granted, 24/07/2017

08/0352/10: MAESGWYN SPECIAL SCHOOL, SWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE. '*Building of a greenhouse for vocational course in horticulture.*' Granted, 25/04/2008

07/2148/10: MAES-GWYN SPECIAL SCHOOL, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE. '*Storage Container on School Site*'. Granted, 05/02/2008

07/1083/10: YSGOL MAESGWYN, CWMDARE ROAD, CWMDARE, ABERDARE, CF44 8RE. '*Erection of paladin fencing*'. Granted, 07/09/2007

PUBLICITY

The application has been advertised by direct notification to neighbouring properties as well as by site notices, posted near the application site. One letter of objection was received, which is summarised as follows:

- Loss of Privacy, with concerns of overlooking of neighbouring property
- Increase in Noise and Disturbance. Concerns with construction noise and the use of the classroom which would create noise and disturbance impacting on the well-being of neighbours.
- Impact on Property Value. Concerns that the development would devalue a neighbouring property.
- Loss of Green Space, with concerns that the current space provides an open green space, and the building would be out of character in the area.
- Concerns that the development would disrupt neighbours and lead to a loss of privacy and having a negative impact on the quality of life of neighbours.

CONSULTATION

Local Highway Authority

No objections.

The Council's Corporate Estates Department

No objections.

Ecology

No objections, subject to condition.

Flood Risk Management

No objections, subject to condition. Advisory notes recommended.

Dwr Cymru/ Welsh Water

No objections, subject to condition. Advisory notes recommended.

South Wales Fire and Rescue Service

No objections. Advisory notes recommended.

Public Health and Protection

No objections, subject to condition. Advisory notes recommended.

Education and Children's Services

No adverse comments received.

POLICY CONTEXT

Rhondda Cynon Taf Local Development Plan

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and a replacement is in the process of being produced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 4th January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 4th January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24th September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site lies within the settlement boundary limits and the proposed building lies within the grounds and curtilage of the existing school.

Policy CS1 – advises that in the Northern Strategy area, the emphasis will be on building strong, sustainable communities.

Policy AW2 - advises that development proposals on non-allocated sites will only be supported in sustainable locations.

Policy AW5 - sets out criteria for new development in relation to amenity and accessibility.

Policy AW6 - requires development to involve a high quality design and to make a positive contribution to placemaking, including landscaping.

Policy AW7 – Outlines the requirements for proposals which affect areas of public open space.

Policy AW8 – Outlines criteria for ensuring Rhondda Cynon Taf's distinctive natural heritage will be preserved and enhanced by protecting it from inappropriate development.

Policy AW10 - development proposals must overcome any harm to public health, the environment or local amenity as a result of pollution and flooding.

Supplementary Planning Guidance

Design and Placemaking

Nature Conservation

Access Circulation and Parking

National Guidance

In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales (Edition 12) (PPW) sets out the Welsh Government's (WG) current position on planning policy. The document incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out the WG's policy on planning issues relevant to the determination of planning applications. Future Wales: The National Plan 2040 (FW2040) sets out guidance for development at both regional and national level within Wales, with the thrust and general context also aimed at sustainable development.

It is considered that the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

Given the minor scale of the proposed development and its relationship with only the immediate surrounding area, there are limitations to the extent such a scheme can have in promoting planning objectives at a national scale. As such, whilst the scheme aligns with the overarching sustainable development aims of FW2040, it is not considered the policies set out in the document are specifically relevant to this application.

Other national policy guidance considered:

PPW Technical Advice Note 5 – Nature Conservation and Planning

PPW Technical Advice Note 11 - Noise

PPW Technical Advice Note 12 – Design

PPW Technical Advice Note 16 – Sport, Recreation and Open Space

PPW Technical Advice Note 18 - Transport

REASONS FOR REACHING THE RECOMMENDATION

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

Main Issues:

Principle of the proposed development

The application site lies within settlement boundary limits and the proposed building would be developed within the curtilage of the existing school site, where the established land use includes a school and associated education provision. Consequently, it is considered that the principle of providing additional facilities and additional classrooms within the grounds of the existing school would be considered acceptable in principle.

It is acknowledged that the proposed classroom block would be built atop part of an existing Multi Use Games Area (MUGA) at the school and would therefore reduce the amount of outdoor play area at the site. However, a large portion of the MUGA would be retained and enhanced, with the remaining MUGA sports pitch being resurfaced. Furthermore, the school benefits from a separate outdoor playground at the site and other outdoor play areas within its curtilage. The facilities serve Maesgwyn Special School, and no objections were received from the Council's Education and Children's Services Department following consultation to the proposal. It is also understood that technical constraints highlighted in the geotechnical surveys, including topography and mining legacy, have restricted the space available on site to construct a new classroom block which have necessitated the siting of the building at this location. Overall, the siting of the building at this location is considered justified and sufficient outdoor play areas would also be retained within the grounds of the school and the development is considered acceptable in this respect.

The supporting information notes that more teaching space is required at the school with pupil number forecast to increase, and as such, the provision of additional facilities and classrooms within the ground of an existing school within settlement boundary limits is considered acceptable, subject to consideration of other material planning matters below.

Impact on the character and appearance of the area

The proposed building is subservient in scale to the main school building, and when the size of the wider school complex is considered, the scale of the proposed single-storey building is considered acceptable at this location.

The development site is set away from the public highway, and the school grounds benefit from an established treeline to the east, north and west which provide screening for the school and development site. As such, the development would not form a prominent addition within the public realm. Furthermore, the proposed single storey building, and associated works would be read in relation to the existing context of the site as a school building and complex, and the development would not be considered an incongruous addition at this location.

The materials proposed differ somewhat from that of the main school building; however, the more contemporary design would nonetheless be considered acceptable at this location and would complement the site and its surroundings.

Concerns have been raised by one neighbour that the development would remove open green space, which would detriment the visual amenities of the area and would be out of character at this location. However, the proposed building would be built atop an existing area of hardstanding used as a Multi-Use Games Area (MUGA) and within

the grounds of an existing and well-established school. Consequently, the development would not be considered to harm the character of the area and would be in keeping with the surrounding built form.

Overall, it is considered the development would be acceptable in terms of its impact on both the appearance of the site and the local area.

Impact on residential amenity and privacy

The school complex lies within a predominantly residential area, with residential properties to the east, west and south of the site.

The proposed single-storey building is set at a significant distance away from neighbouring properties to the west and south. The proposed building would also be set approx. 17m away from the rear gardens of the nearest neighbouring residential properties to the east of the site. Due to the proposed siting of the proposed building and associated works, the development would not be considered to adversely affect neighbouring occupiers through overshadowing nor would the construction of a single storey building at this location be considered overbearing.

The main openings for the building would overlook the carpark at the site and a sports pitch within the school grounds. Ground floor windows and doors would also face towards the east and west; however, the development would not significantly increase levels of overlooking and the development would not cause harm to the privacy of neighbouring occupiers.

The application site also relates to the grounds and play area (MUGA) of an existing school and the development does not represent the change of use of the development site. The proposed construction of a single storey building to provide additional classrooms within the grounds of an existing school would not be considered to cause a significant intensification of use nor would it be considered to cause harm to the amenities of neighbouring occupiers.

Concerns raised by a neighbour in relation to a loss of privacy have been noted; however, as is discussed within a preceding section of this report, the development would not directly overlook neighbouring properties and would not be considered to harm the amenities of neighbours through loss of privacy. The letter of objection received also noted concerns with an increase in noise and disturbance, including construction noise and that the additional disturbance cause would impact on the well-being of neighbours. However, the development of a modest single storey building within the grounds of an existing school would not be considered to cause significant disturbance to neighbouring occupiers. Overall, whilst the concerns received from the objector have been noted and considered, the development would not cause harm to the amenity or privacy of neighbouring occupiers, nor would it be detrimental to the outlook gained from neighbouring properties. Objectors also noted that the development could impact on neighbouring property values; however, this would not be considered an overriding material planning consideration for the purposes of this planning application.

The application is therefore considered acceptable in terms of its impact upon the residential amenities of nearby occupiers.

Highway Safety

Consultation has been undertaken with the Local Highway Authority who have assessed the application in terms of its impact upon access and highway safety.

Location:

The school is served off Cwmdare Road which provides continuous 1.9m footway links on either side of the carriageway. Cwmdare Road also provides intermittent double yellow lines to prevent indiscriminate on-street parking adjacent to accesses and junctions.

Access:

The access road into the site 5.9m in width and provides a single 1.7m footway into the site. The access road also reduces the speed limit to 5mph and provides a gated access.

The character of Maesgwyn School is such that all pupils arrive and depart via car / taxi. The school operates a well-established traffic management system for drop-off and pick-up.

Parking:

The proposed classrooms have a parking requirement of 1.5 spaces per classroom, 1space per 20 students of age 17 and 3 visitor spaces and should provide bus parking as required in accordance with SPG: Access, Circulation & Parking Requirements (March 2011).

The existing school provides 8 classrooms which has a parking requirement of 12 spaces along with 3 visitor spaces resulting in a total requirement of 15 spaces. The applicant has submitted information stating that due to the nature of Maesgwyn Special school no students will drive to the school. Therefore, the parking requirement has been calculated on a classroom basis only due to there being no requirement for student parking. The existing provides a total of 53 parking spaces which includes 6 visitor spaces and 2 disabled parking bays.

The proposed classrooms will increase the parking requirement of the existing by 4.5 spaces resulting in a total requirement of 19.5 spaces with 53 provided. The applicant also states within the submitted Design and Access Statement that the existing 53 spaces are adequately provision for the proposal and that no additional spaces will be required to cater for the additional staff generated by the proposal.

Highway Safety and Access Conclusion:

The Local Highway Authority consider that although the proposal would increase the parking requirement at the site, the existing school car park is well in excess of the parking requirement outlined in the Council's SPG: Access, Circulation & Parking Requirements (March 2011). Additionally, taking into account that no pupils are expected to drive to school and that only 4. no additional members of staff are proposed, the proposed development are not envisaged to generate any additional

on-street parking in the interests of highway safety. Consequently, no objections were raised by the Local Highway Authority following consultation.

Other Matters:

Public Health and Protection:

The Council's Public Health and Protection Department have suggested a number of conditions in relation to construction hours of operation, noise, waste and dust. Whilst these comments are noted, it is considered that issues relating to construction can be more efficiently controlled by other legislation and the suggested conditions are not necessary. An appropriate informative note is sufficient in this instance.

The Council's Public Health and protection Department have also undertaken a review of the Geotechnical & Geo-Environmental Investigation submitted in support of the application. They have concluded that due to identified potential gas risks at the site, which requires further investigation and assessment, and is considered by the consultants as likely to require remedial measures, the Council's Public Health and Protection Department recommend full contaminated land conditions.

Drainage:

The construction area of the development is more than 100sqm, and therefore, under Schedule 3 of the Flood and Water Management Act 2010, the applicant is required to submit an application to the Sustainable Drainage Systems (SuDS) Approval Body (SAB). The applicant is also required to comply with Part H of the building regulations, which covers details of drainage and waste disposal. Following consultation, the Council's Flood Risk Management Section have raised no objections to the proposal, subject to a condition requesting that no development shall commence until the applicant evidence how the development is to comply with the requirements of Section 8.3 of Technical Advice Note 15. However, the suggested condition is not precise and would not be considered necessary as the developer will be required to submit a SuDS application to SAB and will need to comply with relevant buildings regulations covering details of drainage and waste disposal. Advisory notes are therefore considered sufficient to address the developers' responsibilities in relation to drainage arrangements at the site as surface water management would be adequately dealt with by the SuDS Approval Body and Building Regulations.

Following Consultation, Welsh Water have recommended a condition which prevents surface water from the development from connecting with the public sewerage network.

Ecology:

The proposed building would be located atop an existing play area (MUGA) and as such, the Council's Ecologists consider that the development would not adversely impact on local ecological interests. It is also considered that due to the existing context of the development site and limited green infrastructure assets which would be impacted by the development that the submission of a full Green Infrastructure Assessment was not considered necessary in the determination of this application.

Notwithstanding, a condition is suggested to ensure biodiversity enhancement at the site.

The development is considered to comply with Policy AW8 and PPW12 in respect of ecology and biodiversity interests at the site.

Community Infrastructure Levy (CIL) Liability

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended) however, the CIL rate for this type of development as set out in the Charging Schedule is £nil and therefore no CIL is payable.

Conclusion

The development would provide additional educational facilities at the school and provide a modern building for pupils at the site. It is considered that the proposal would not be harmful to the character and appearance of the site and would not be harmful to the amenity of the closest neighbouring properties. Furthermore, it is considered that sufficient outdoor play spaces would remain at the site for pupils of the school. The application is therefore considered to comply with Policies AW5, AW6, AW7 and AW10 of the Local Development Plan.

RECOMMENDATION: GRANT SUBJECT TO THE BELOW CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Sections 91 and 93 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out in accordance with the approved plan numbers:

- Site Location Plan. Drawing Number: 23/0698-00;
- Site Layout as Existing. Drawing Number: 23/698-10 [P1]
- Site Layout as Proposed. Drawing Number: 23/698-20 [P0]
- Plans and Cross Section as Proposed. Drawing Number: 23/698-21 [P0]
- Elevation & Site Section as Proposed. Drawing Number: 23/698-22 [P0]
- Existing Site Plan and Drainage Strategy. Drawing No. 01. Rev P0
- Proposed External Works & Drainage Layout. Drawing Number: 02. Rev P0

and documents received by the Local Planning Authority on 11/06/2024, unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission

3. No increase in the surface water and/ or land drainage from the development hereby approved shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with Policies AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

4. The development hereby permitted shall not begin until a scheme to deal with contamination has been submitted and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing.

1. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.
2. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (1) above.
3. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan

5. The development hereby permitted shall not be occupied and/or operated until the measures approved in the scheme (referred to in Condition 4) have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

6. If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of

a different type to those included in the contamination proposals, then work shall cease and revised contamination proposals shall be submitted to and approved in writing by the Local Planning Authority prior to the work recommencing. Any revised contamination proposals shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

7. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed by a competent person for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Subject to approval of the scheme of investigation, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken by a competent person in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority. Only material approved by the Local Planning Authority shall be imported.

Reason: In the interest of health and safety and environmental amenity and so as to accord with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

8. No development shall take place until a scheme for biodiversity enhancement has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and Policy AW8 of the Rhondda Cynon Taf Local Development Plan.