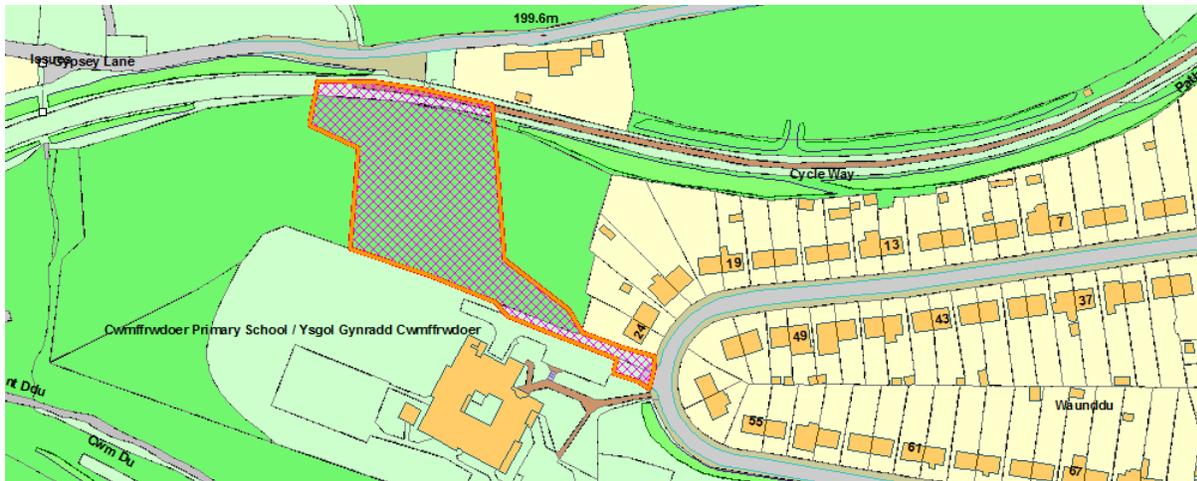


OFFICER REPORT

Application Number: 18/P/0660/FUL
Received Date: 28th September 2018
Proposal: Construction of 2.1m wide footpath and stepped access from the cycle path down towards Cwmffrwdoer School and out onto Waunddu
Site Address: Cwmffrwdoer Primary School Waunddu Pontnewynydd Pontypool
Ward: Pontnewynydd
Applicant: Mr Patrick Bates **Agent:** Ms Clare Woodward



SITE HISTORY:

App Number	Proposal	Status	Received Date	Decision Date
16/P/01075/FUL	Creation of single storey 4 classroom extension, refurbishment of existing school building and new extension to main hall	Approved	14.07.2016	25.08.2016
16/P/01318/CND	Discharge of conditions 9-11 (risk assessment, ground/site investigation and verification report) of planning	Approved	02.11.2016	13.02.2017

	permission 16/P/01075 for creation of 4 classroom extension and refurbishment works			
16/P/01319/CND	Discharge of conditions 5-7 (risk assessment, ground/site investigation and verification report) of planning permission 16/P/00236 for creation of new car park, extension of school playground, ground remediation works and new drop-off area adjacent to Waunddu Road	Approved	02.11.2016	13.02.2017
16/P/01351/CND	Discharge of parts (a) to (d) of condition 13 (Coal Authority Mine Assessment and Stabilisation Strategy) of planning permission 16/P/00236 for creation of new car park, extension of school playground, ground remediation works and new drop-off area adjacent to Waunddu Road	Approved	16.11.2016	19.01.2017
16/P/01365/CND	Discharge of condition 4 (protected species licence) of planning permission 16/P/00236 for creation of new car park, extension of school playground,	Returned	22.11.2016	24.11.2016

16/P/01366/CND	ground remediation works and new drop-off area adjacent to Waunddu Road Discharge of condition 11 (Method Statement for ground stabilisation works) of planning permission 16/P/00236 for creation of new car park, extension of school playground, ground remediation works and new drop-off area adjacent to Waunddu Road	Approved	22.11.2016	19.01.2017
16/P/01367/CND	Discharge of condition 12 (external lighting of car park) of planning permission 16/P/00236 for creation of new car park, extension of school playground, ground remediation works and new drop-off area adjacent to Waunddu Road	Returned	22.11.2016	24.11.2016
16/P/01408/CND	Discharge of condition 13 (Method Statement - mine stabilisation works) of planning permission 16/P/01075 for creation of 4 classroom extension and refurbishment works	Approved	12.12.2016	19.01.2017
17/P/0066/CND	Discharge of condition 8 (Bat roost method	Approved	26.01.2017	22.02.2017

	statement) of planning permission 16/P/01075/FUL for creation of 4 classroom extension and refurbishment works			
17/P/0123/CND	Discharge of condition 14 (method statement - mine stabilisation works - piling operations) of planning permission 16/P/01075/FUL for creation of 4 classroom extension and refurbishment works	Approved	10.02.2017	22.03.2017
17/P/0788/CND	Discharge of condition 11d (controlled waters monitoring plan) of planning permission 16/P/00236/FUL for the creation of new private car park, extension of existing play area, ground remediation works and new drop off area adjacent to Waunddu Road	Approved	16.10.2017	24.11.2017
17/P/0790/CND	Discharge of condition 13d (controlled waters monitoring plan) of planning permission 16/P/01075/FUL for creation of single storey 4 classroom extension, refurbishment of existing school	Approved	16.10.2017	27.11.2017

18/P/0012/FUL	building and new extension to main hall Construction of 2.1m wide footpath and stepped access from the cycle path down towards Cwmffrwdroer School and out onto Waunddu	Withdrawn	04.01.2018	09.03.2018
16/P/00236	Creation of new private car park, extension of existing play area, ground remediation works and new drop off area adjacent to Waunddu Road.	Approved	29.04.2016	24.08.2016
15/P/00685	Proposed four classroom extension and alterations to school including new parking spaces and drop off area on Waunddu Road.	Withdrawn	04.11.2015	24.03.2016

BACKGROUND

None.

DESCRIPTION OF SITE

The application site comprises an existing primary school located within the built-up residential area of Waunddu. Access to the school is via Waunddu Road and the highway network in this area is constrained with the majority of houses parking on-street and limited footways. The school sits within its own grounds (approx. 3 acres in size) and is surrounded by areas of mature trees and open space. The site is part of a former colliery/mine working area and the school was built on reclaimed land in 1983.

The school building itself is a modern single storey building, constructed of brick and block elevations with a pitched artificial slate roof and powder coated aluminium window and fenestration panels. There is an existing grassed playing pitch within the school grounds as well as smaller, less formal areas of play provision. Immediately outside of the school fence is an equipped play area and large recreation/open space that is used by local residents for leisure activities.

To the west of the school is a large area of recreational space/playing fields used by Cwmffrwdroer Sports Club (football team).

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the construction of a new cycle path and pedestrian link to the north of the school. The submitted details show the removal of a section of woodland and the creation of a part stepped, part ramped link between the school entrance and the existing National Cycle Network ('NCN') that circumvents the school.

PLANNING POLICY:

Planning Policy Wales (Edition 9, November 2016)

Chapter 5: Conserving and Improving Natural Heritage and the Coast

5.5 Development management and the conservation and improvement of the natural heritage

5.5.1 Biodiversity and landscape considerations must be taken into account in determining individual applications and contributing to the implementation of specific projects. The effect of a development proposal on the wildlife or landscape of any area can be a material consideration.

Chapter 8: Transport

8.2 Promoting active travel

8.2.1 The Active Travel (Wales) Act 2013 aims to make walking and cycling the most attractive option for shorter journeys. In particular, everyday journeys such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities.

8.2.2 Walking should be promoted for shorter trips. The impact of policies and development on pedestrians should be considered. Planning authorities should, taking into account the requirements of the Active Travel (Wales) Act 2013, promote specific measures to assist pedestrians including the provision of safe, convenient and well-signed routes.

Adopted Torfaen Local Development Plan (December 2013)

LDP Policy S1 - Defines the Urban Boundaries to promote the full and effective use of urban land, to allow for development to contribute to the creation of sustainable communities and define the urban area within which there is a presumption in favour of development. Land outside Urban Boundaries is within the Countryside where development is restricted.

LDP Policy S2 - Gives a set of Sustainable Development criterion that should be taken into account in the design of development proposals.

LDP Policy S7 - seeks to ensure that development proposals promote the conservation and enhancement of the Natural, Built and Historic Environment.

LDP Policy BW1 - provides a detailed Borough wide General Policy on Development Proposals with criterion covering 'Amenity and Design', the 'Natural Environment', the 'Built Environment', 'Utilities Provision' and 'Design and Transport', against which all planning applications will be determined in conjunction with other relevant policies of the Local Development Plan.

LDP Policy BG1 - states development proposals will not be permitted where they would cause

significant adverse effects to local nature conservation designated sites, including the features of a Site of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), or Regionally Important Geological Sites (RIGS), subject to two criterion.

CONSULTATION RESPONSES:

Ward Members	No reply received
Community Council	No observations
Ecology Officer	<p>Whilst it is disappointing to lose a substantial amount to secondary woodland adjacent to a strategic ecological corridor I welcome the mitigation proposals detailed in this application. To ensure the proposal complies with advice set out in Technical Advice Note 5 (Nature Conservation and Planning) I suggest the following is considered as appropriately worded conditions and/ or advice notes.</p> <ol style="list-style-type: none">1. Where off-site tree planting is proposed as mitigation it is important this is undertaken prior to the commencement of work.2. Japanese knotweed is present on site. As per the recommendation with the Ecology Report, a method statement for the control of this invasive species must be provided for approval prior to the commencement of work.3. As nesting birds are protected under the Wildlife and Countryside Act (1981) all tree and vegetation removal must be conducted outside of the bird breeding season (Mar - Aug). If this cannot be achieved, vegetation to be removed must be checked for breeding birds by a fully qualified ecologist beforehand.4. Should bats be discovered during any phase of development then work is to cease and advice must be sought immediately from a fully qualified ecologist.
Highways And Transportation	<p>I would welcome this proposal to provide a ramped footway / cycle link from the cycle route to the school.</p> <p>I would not oppose this application from a highway standpoint and there are no specific conditions I would wish to see attached to any grant of approval</p>
Tree (Arboricultural) Officer	<p>(original comments):</p> <ol style="list-style-type: none">1 There is scope for mitigation planting in the site described but this has to be confirmed before any felling works are undertaken.

2 Felling tree within the woodland will open up the canopy so increasing the risk of windblown, what measures are in place to compensate for future loss of trees.

3 the construction of a cycleway/footpath within the woodland will lead to increase risk through trip hazards/slips during autumn and winter when leaves and debris will be on the pathway.

(additional comments):

Any extra works to trees should be passed by us before being undertaken so as to prevent the unnecessary felling or removal of limbs.

The point the landscape officer raised about funding for the establishment/management of the new planting, over the first 3 years, must be in place before any work commences.

Landscape Officer

I acknowledge the need for general improvements to alternative transport networks and initiatives to encourage safer cycling and walking in general.

The application is a new application following a previous application which was withdrawn.

Based on the planning application information and plans provided I have the following comments.

Walkover

The proposal is for a new ramp and steps to create a link from the NCN 492 through a mixed deciduous woodland on a steep bank. The route is not aligned on an existing public right of way or a well-used path. However there is evidence of light desire line use from the cycle way through the woods to the school boundary.

The NCN route is well maintained and is quite wide with woodland vegetation on both sides. Opposite the proposed access point is an informal access to gypsy lane. Barrired to restrict vehicles and motorbikes

The other 'end' of the proposed route exits on to Waunddu road adjacent to the entrance to the school.

The woodland is quite steep, boggy in places and consists of a mix of birch ash and other deciduous species of trees. Within the wider landscape and ecological context the woodland is part of the NCN ecological corridor and pattern

of woodland, hedges and grazing land on the fringe of urban areas.

The proposed link location appears to be partially adjacent to a culverted stream that appears to have passed under the former railway now NCN from Gypsy lane.

Designations

The site is within the Pontnewynydd ward and forms part of a series of woodland blocks on the edge of Pontnewynydd. Although not designated as an ancient woodland it is close to 1.99ha of Ancient semi natural woodland and SINC site and will have value as part the wider NCN ecological corridor.

The site is just outside the Pontypool urban boundary and appears to fall within a former coal working area and is listed under Coal Authority high risk referral area.

Local Planning context:

S7 Conservation of the Natural and Historic Environment (a) Biodiversity resources (d) Landscape setting
BW1: General policy A (ii) design and visual appearance (iv) proposals include a landscape and planting scheme

Landscape Character:

NRW Landmap characterises the area as:

- Geological landscape Glacial Mountain Valley: High Value
- Landscape habitat Residential / green space: Moderate
- Visual and sensory Hillside and Scarp slopes with grazing : Moderate
- Historic landscape: Nucleated settlement Outstanding
- Cultural landscape sense of place moderate

The summary description of the general character of the area is:

'Valley slopes/upper valley ranging from approximately 150m to 250mAOD with both rural and suburban characteristics - influence of Pontypool. Open grazing fields in valley floor with wooded slopes, some hedgerows. Line of dismantled railway in cutting and on embankment now used as recreational facility for cyclists, and several public footpaths also cross the area testimony to the recreational use from the adjacent urban areas.'

The overall evaluation is

'Moderate (hillside rough grazing with partial urban influence that both detracts from upland /rural sense of place and reduces attractiveness of views)'

Recommendation guidelines are to retain and enhance landscape character

'MediumTerm(Re-establishhedgerows)

MediumTerm (Woodland management)'

Date of monitoring 01.12.2012

Visual inspections of the site from the cycle route indicate a mature block of deciduous woodland on the fringe of Waunddu that forms part of the pattern of woodland, hedge and grazing land that characterises the hillside landscape in this part of Torfaen.

Proposal:

With respect to the previous withdrawn application and comments and concerns provided. This application now addresses some of the previous concerns with a revised approach and new landscaping proposals.

1. The main concern of the previous application was the impact that the removal of large swathes of trees would have on the integrity of the landscape setting through which the path will pass.

The new application proposes to remove the minimum of trees required to provide an access, protect those that remain and mitigate for loss with new planting adjacent to the path and off site nearby planting.

The proposal also retains trees in the foreground of the new path which will screen a proportion of the lower slopes of the new path as viewed from the wider landscape. It is important that these trees are retained and protected during and post construction.

The proposal also intends to include new wildflower planting between the ramp sections which is welcome.

2. The previous application did not assess and demonstrate that alternative routes had been considered. The applicant has now demonstrated the reasoning behind the need for a new path, the assessment of any alternative routes that have been considered and why this route is the preferred option.

3. I have noted the following.

a. Area G6 indicates some pruning and felling. As this is offsite we need to be sure that we do not fell plants unnecessarily but prune if required to allow plant access and to remove any dead diseased or dangerous elements of the tree stock.

b. The treatment of Japanese knotweed (JK) indicates a 2m deep hole being dug to bury the JK. NRW, EA and Defra guidance requires a 2m cap above the buried JK to ground level and the location of the buried JK to be marked on plan

and not to be under any constructed areas to avoid issues of settlement.

c. Aftercare maintenance of the wildflowers and tree planting needs to be undertaken to ensure full establishment and replacement of any damaged diseased or dead flora

d. Advance signage showing the location of the path and linkages is absent from the submission. However this may be being addressed by the active travel consultees

Conclusion

The revised application is acceptable but I'd like to see the following information provided and undertaken as a condition of approval.

1. Prior to any planned tree removal in section G6 the TCBC arborist to confirm that the removal is necessary

2. A revised JK burial methodology to comply with the NRW guidance

3. An aftercare maintenance programme for 3 years that will be undertaken by the applicant to ensure establishment and success of the proposed new planting and mitigation. This will ensure that the impact of loss of trees and the reduced visual impact in the wider landscape will be minimised and maintained as such.

PUBLICITY

An Article 12 site notice was erected near the site and letters sent to 3 neighbouring properties.

REPRESENTATIONS RECEIVED

None.

ASSESSMENT AND CONCLUSION

The application site is outside the urban boundary, as defined by the Adopted Torfaen Local Development Plan, and is therefore treated as open countryside for the purpose of planning control. Development is restricted unless for an essential agricultural or forestry purpose or some other appropriate rural use. The proposed footway/cycle link is an 'urban' form of development not fitting within any of these categories.

The removal of a section of woodland will have an adverse impact on the character and appearance of this rural area, contrary to national and local planning policies designed to protect the countryside, landscape and wildlife habitat. However the provision of a new footway will result in an improvement to highway safety particularly for pedestrians and cyclists. This application therefore has to be assessed 'on balance' having regard to these competing and conflicting national planning policy objectives.

The development will result in the loss of ecological habitat, contrary to criterion B of Policy

BW1 and the Torfaen Local Biodiversity Action Plan. However it is not nationally or regionally important species or designations that are affected and there is a mitigation plan included with the application, detailing replacement tree planting to the south of the school, so the overall loss of habitat can be adequately compensated. It is therefore necessary to ensure this mitigation is successfully implemented if a favourable recommendation is to be forthcoming for this development.

The loss of a substantial group of trees within the woodland is considered to be unfortunate in visual amenity terms and will significantly 'open up' the site in the wider landscape, particularly to views from the other side of the valley to the south. The impact on the appearance of the landscape will therefore be quite dramatic and, in the short term, unsatisfactory in the context of both national and local planning policies designed to protect the open countryside from inappropriate development not connected to agriculture or forestry. However the application includes tree mitigation and management within the affected area of development which, if undertaken and properly managed in the longer term, will enable the development to assimilate itself into the wider landscape which, on balance is considered to be sufficient to overcome a recommendation for refusal given the wider active travel objectives of both national and local planning policies designed to reduce reliance on the private car.

Subject to a number of conditions to ensure the proposed mitigation is implemented and properly managed, the application is, on balance, recommended for conditional approval.

RECOMMENDATION: Approve with Conditions

CONDITIONS:

- 1 Unless otherwise specified by another condition of this Notice, the development shall be carried out in accordance with the following approved plans and documents: Drawing Nos. PE0241-P2-PA-001, PE0241-P2-PA-100, PE0241-P2-PA-101, PE0241-P2-PA-102, PE0241-P2-PA-3000, PE0241-P2-PA-3001 and the Ecological Assessment and Landscape & Visual Assessment Report (with Appendices) all received on 28 September 2018.

Reason: To ensure the development is carried out in accordance with the approved details. Any material alteration to the approved details may have an impact that has not been assessed.

- 2 The development shall begin not later than five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 3 Prior to commencement of development there shall be submitted to and approved in writing by the Local Planning Authority, a method statement for the control and treatment of Japanese Knotweed, as recommended at paragraph 3.1 and Appendix 1 of the approved Ecological Assessment and Landscape & Visual Assessment Report, and including a revised burial methodology to comply with Natural Resources Wales guidance. Development shall thereafter only proceed in accordance with the approved details.

Reason: To safeguard landscape and ecology interests.

- 4 Prior to commencement of development there shall be submitted to and approved in writing by the Local Planning Authority, a 3 year aftercare and maintenance programme for the mitigation scheme that must be undertaken, in accordance with the approved Ecological Assessment and Landscape & Visual Assessment Report, to ensure this mitigation is carried out, will establish, and be successful in the longer term. Thereafter the development shall not commence unless and until the detailed mitigation scheme has been fully implemented on site in accordance with the approved details.

Reason: To safeguard landscape and ecology interests.

- 5 Notwithstanding any other details that may be given in the approved plans/details, no trees shall be removed from Section G6 unless the Local Planning Authority has first given written consent to their removal, in consultation with the TCBC Arboriculturalist. All vegetation clearance and tree felling works must be undertaken outside of bird breeding season (March-September) unless supervised by an approved Ecologist and first agreed in writing by the Local Planning Authority.

Reason: To safeguard landscape and ecology interests.

INFORMATIVES:

- 1 Torfaen Local Development Plan covers Torfaen County Borough. The following policy/policies is/are relevant to the consideration of this application: S1, S2, S7, BW1 and BG1
- 2 This notice does not give authority to destroy or damage a bat roost or disturb a bat. All 16 British bat species are protected under the Conservation of Habitat and Species Regulations 2010. It is a criminal offence to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you suspect that bats might roost in the tree(s) for which work is planned you should take further advice from the Natural Resources Wales, or an ecological consultant, before you start. If bats are discovered during the work you must stop immediately and contact the Natural Resources Wales for advice before continuing.
- 3 Bats and their roots are protected under a range of legislation, including the Wildlife and Countryside Act 1981, the Bern Convention, The EC Habitats Directive and the Bonn Convention which includes an Agreement on the Conservation of Bats in Europe. Anyone intending to carry out an operation that may affect bats or their roots (outside the living area of a dwelling) is required by law to consult Natural Resources Wales. Should any bats be discovered during the works proposed, all works should cease immediately and Natural Resources Wales contacted for further advice.

Mrs Claire Hall

Appendices	None
Background Papers	Note: Members of the public are entitled, under the Local Government Act 1972, to inspect background papers to reports. The following is a list of the background papers used in the production of this report.

Planning Application File: 18/P/0660/FUL
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For a copy of the background papers or for further information about this report, please telephone: Richard Lewis, Head of Development Management (Tel. 01633 647628)
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