

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **21 JANUARY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

**2020/00874/RG3** Received on 29 July 2020

**APPLICANT:** Jane O'Leary Civic Offices, Holton Road, Barry, CF63 4RU

**AGENT:** Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

### **St. Nicholas Church In Wales Primary School, St. Nicholas**

Proposed replacement primary school including additional nursery provision and associated works

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

#### **EXECUTIVE SUMMARY**

This is a full planning application for a new primary school at the site of the existing school in St Nicholas. St Nicholas has been included as part of the Council's 21<sup>st</sup> Century Schools Programme with £4.185m allocated to construct a new school building on the existing site. This will ensure that the school is able to meet demand and would address the poor condition and suitability of the existing buildings.

The application proposes the replacement of the existing school within the site with a single storey school building (with double height hall), capable of accommodating 210 primary pupils with an associated 24 place nursery and 24 full time equivalent staff. The new building would be located further back into the existing school site, to allow the school to remain open during construction. This also provides the space for staff and visitor parking; parent drop off and service access directly from School Lane at the front of the site.

The proposal has raised several concerns from residents of St Nicholas and at the time of writing a total of forty objections have been received to the original consultation, with a further fifty three on the receipt of amended drawings and updated information with regards transport and highways concerns. The main issue for objectors is in respect of highways given the existing problems with school related traffic in St Nicholas and with a proposed increase in the school's capacity, which they do not consider the amended and updated information addresses. In addition, concerns regarding the design and visual impact of the school and the impact on neighbours have been raised.

The application is recommended for approval, subject to conditions.

#### **SITE AND CONTEXT**

The application site is land at St Nicholas Church in Wales Primary School, St Nicholas, as shown edged red on the site plan below.



The site is bounded on three sides (south, east, and west) by dwellings that front onto School Lane.

The school building currently sits at the southern end of the site, overlooking School Lane. There is currently a single vehicular entrance point in the south eastern corner, which provides access to the car park, located on the eastern side of the school building used for staff and visitor parking comprising of 15 spaces in total.

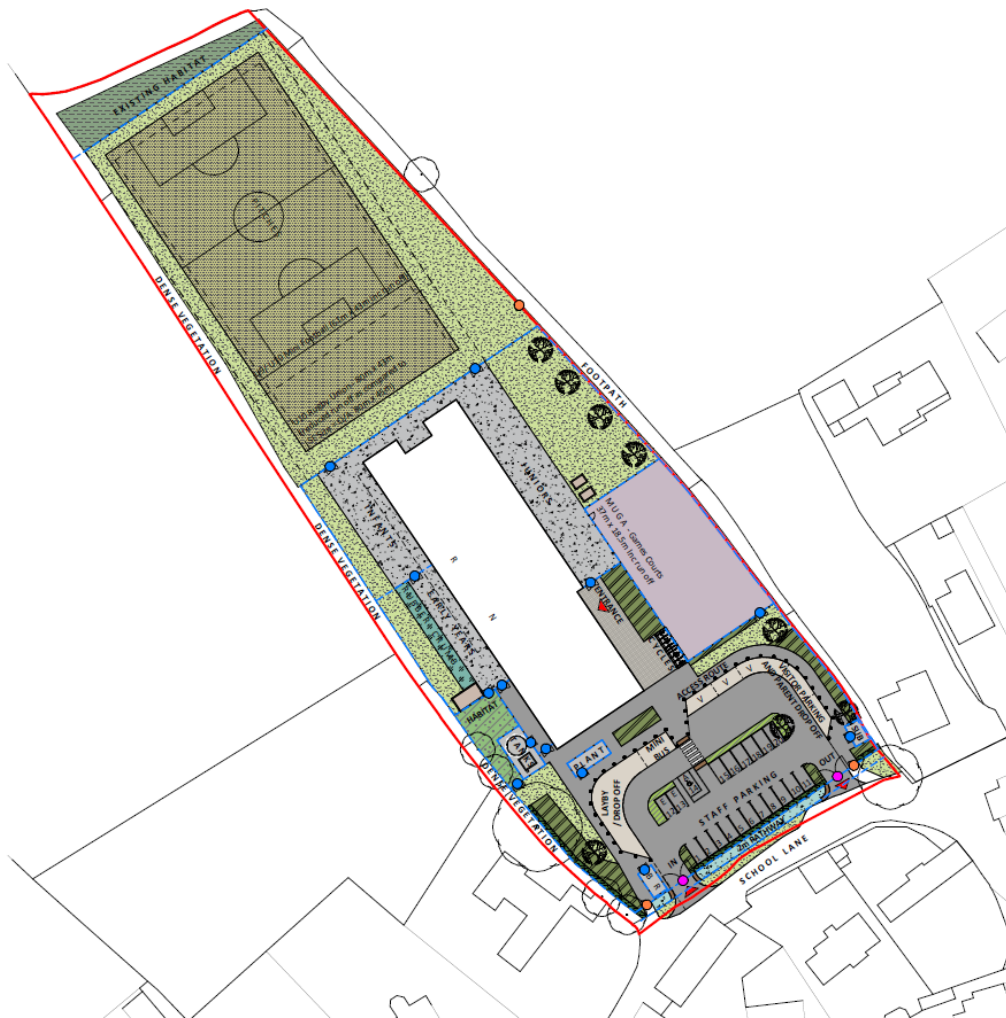
The main hard play area is on the western side of the school building, wrapping around to the north. Further beyond is an enclosed grass play area with external furniture. Beyond the fence line at the north of the grass play area are sports pitches and an established habitat area. At the front of the school site in the south, there are smaller enclosed external play areas.

The application site sits wholly within the defined settlement boundary for St Nicholas. The southern part of the site, where the existing school is located, is within the St Nicholas Conservation Area. The area to the north of the application site is open fields and is designated Special Landscape Area (SLA). Public Right of Way No.2 St Nicholas (status – Footpath) runs parallel to the eastern boundary of the site.

## DESCRIPTION OF DEVELOPMENT

This is a full planning application for a new replacement primary school with associated works. There is an accompanying conservation area consent application for the demolition of the existing school building (2020/00954/CAC).

The proposed site layout is shown on the plan below:



The existing school building (as shown on the site location plan) occupies the southern part of the site with open space to the north. The new school building, which is to be constructed whilst the existing school remains functional, is set further north and outside the boundary of the St Nicholas Conservation Area.





*Proposed Site Layout*

Vehicular access to the site would be directly from School Lane. The proposal increases the points of access from one which provides access to the existing school parking area of 15 no. spaces, to two. Currently there are no formal facilities for the drop off or collection of pupils on-site. The proposed layout includes an in/out vehicular access providing access to a staff parking area, visitor parking area and parent pick up/drop off. Pedestrian access is via two points on the school lane frontage at the eastern and western corners of the site. There would be 24 parking spaces provided, comprising 20 for staff (including one allocated for disabled use and two with electric vehicle charging), 3 visitors' spaces and 1 commercial space.

The layout of the school includes informal hard play areas outside the classrooms of the age group they serve. A smaller nursery and reception yard are included on the western side of the site. The sports pitches and existing school habitat area sit to the northern side of the development. Despite the new school building sitting across some of the previously grassed area, there remains space for junior sized rugby and football pitches.

The proposed elevations are below. From top to bottom they show the east elevation, west elevation, north elevation, and south elevation. The south elevation is the one that will face School Lane.

The proposed building is single storey, with a double height hall element of approximately 9.5m at its tallest point, the ridge of the hall roof. The main part of the building is approximately 7.4m to ridge and approximately 3.4m to eaves. The school building would measure approximately 69m along the east/west elevations approximately 22.5m along

the south/north elevations). The design is a contemporary one with elevations finished in facing brick work, metal composite cladding panels (with inset coloured spandrel panels) and a metal standing seam roof. Windows and doors are dark grey aluminium. The school signage, on the east elevation, is brushed aluminium (individual raised lettering).



East Elevation  
1:100



West Elevation  
1:100



North Elevation  
1:100



South Elevation  
1:100

Below is a perspective view looking towards the east (front) elevation of the proposed school.



The proposed floor plan is below with the early years/infants classrooms at the bottom of the plan (western side of building), junior classrooms at the top of the plan (eastern side of the building) and the communal areas such as reception, hall/dining, staff room, plant rooms etc towards the front of the building (southern side of the building).



Proposed Floor Plan  
1 : 100

The new school will provide:

- A high quality, IT rich learning environment for pupils meeting the educational curriculum needs of the 21<sup>st</sup> century
- Unobstructed access between all internal areas for children and staff as the new school would be contained within a single building
- Break out spaces for staff and pupils
- Enhanced safeguarding and site security for pupils and staff
- Improved outdoor sports facilities for both pupil and community use
- Full access for the whole community with improved disabled access

## PLANNING HISTORY

1995/00591/TCA : St. Nicholas Primary School, St. Nicholas, Proposal: Crown lift and crown thin two Acers at the front of school, Decision: Approved

1995/00921/TCA : St. Nicholas Primary School, St. Nicholas, Proposal: Fell three silver birch trees as indicated on the plan included with letter of application dated 4th October 1995, Decision: Approved

2001/01435/REG3 : St. Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Site a steel container in playing fields, Decision: Approved

2004/01248/REG3 : St. Nicholas Church of Wales Primary School, St. Nicholas, Proposal: Provision of an external boiler room to house the new heating system equipment, Decision: Approved

2004/01807/REG3 : St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Infill extensions in 2 No. separate locations to increase classroom areas. Existing external screens to be re-used thus overall appearance to elevations unchanged. Decision: Approved

2005/01996/REG3 : St. Nicholas Primary School, St. Nicholas, Proposal: Metal storage container (6.00 x 2.4m) to store outdoor PE equipment on playing field to rear of St. Nicholas Primary School, Decision: Approved

2008/00243/RG3 : Playing field to rear of St. Nicholas Primary School, Proposal: Retention of metal storage container (6.0 x 2.4m) to store outdoor P.E. equipment, Decision: Approved

2016/00431/RG3 : St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Proposed canopy to the front/south elevation, Decision: Approved

2002/00954/CAC : St. Nicholas Church In Wales Primary School, St. Nicholas, Proposed replacement primary school including additional nursery provision and associated works. Decision: outstanding

## CONSULTATIONS

**St. Nicholas and Bonvilston Community Council** were consulted and responded stating that many residents have been in touch with the Community Council and attended our meetings to raise their concerns. The Community Council resolved to object to the planning proposal.

St Nicholas has no community building. No pub. No village hall. The proposal for a 'community school', offering facilities such as a hall and sports courts, should have huge support from residents.

However, there is significant community opposition to the current proposal, with residents continuing to voice objections that much be considered carefully and addressed. The decision regarding the new school will shape the village of St Nicholas for eternity.

Key points of objection are:

1. Building to the countryside
2. Inappropriate design & materials by the conservation area
3. Loss of Public Open (Sports) Space
4. Disruption of teaching/learning during construction
5. Loss of mature trees
6. Failure to tackle traffic issues – with a concern for safety and access for emergency service vehicles to nearby homes.

These issues should have been addressed before we reached this late stage of the planning process.

**Local Ward Member** – No representations received to date.

**Councils Highway Development Team** comments are attached in full as **Appendix A** to this report. In summary they do not object to the proposed development. They recommend a number of conditions including off-site traffic management measures and travel plan requirements.

**Councils Public Rights of Way Officer** was consulted and has advised that there should be no adverse effect on the Public Right of Way and the applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

**Councils Drainage Section** were consulted and in summary have advised that the site is not located within a DAM zone at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. Further that SuDS Approval Body (SAB) approval will be required.

### **Shared Regulatory Services**

- **(Pollution)** were consulted and have recommended a condition requiring the submission of a Construction Environmental Management Plan (CEMP) due to the proximity to neighbouring residents.
- **Contaminated Land, Air & Water Quality Team** were consulted and have stated that contamination is not known at this site, however the potential for this cannot be ruled out. Conditions are requested in respect of unforeseen contamination and imported soil/aggregates.

**Councils Conservation Officer (Planning)** was consulted and in summary has not objected to the demolition of the building and is satisfied that the replacement building will cause no more harm to the setting of the conservation area than the current building and its setting.

**Dwr Cymru Welsh Water** were consulted and have stated that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site and that the development may require approval of Sustainable Drainage Systems (SuDS) features, under the relevant SuDS Approval Body (SAB).

**Councils Ecology Officer** was consulted and raised no objection but has provided notes for the applicants and suggested conditions regarding compliance with the submitted Preliminary Ecological Appraisal, a lighting scheme and 5-year Landscape and Ecology Plan.

**Councils Landscape Section** was consulted and has raised no objection but has commented on the loss of trees, requires greater detail on soft landscaping proposals, additional tree planting and replacement on the hedge along the frontage.

**Councils Estates (Strategic Property Estates)** was consulted and has raised no objection.

**Natural Resources Wales** were consulted and responded raising no objection.

**South Wales Police** were consulted and no response has been received to date.

**Open Spaces Society** were consulted and no response has been received to date.

**Cadw, Ancient Monuments** were consulted and raised concerns regarding impact on an historic asset. Following the submission of an additional Heritage Impact Assessment, Cadw has agreed the proposed form of mitigation subject to a condition securing it.

**Sports Wales** were consulted and have stated that until further evidence can be provided addressing Planning Policy Wales and The Schools Premises Regulations, Sports Wales would like to object to the application.

## REPRESENTATIONS

The neighbouring properties were consulted on the original submission (14 September 2020) and re-consulted on the receipt of amended drawings and updated information (8 October 2020), and the development has been advertised on site (20 September 2020) and in the press.

To date, forty letters/emails of objection were received following the original consultation. A further fifty three letters/emails of objection were received following re-consultation (many attaching copies of letters sent previously to reiterate the concerns and these have been included on the records for completeness).

One letter of support has been received from the Chair of the Governing Body of St Nicholas CIW Primary School. A full copy of this representation is available online but in summary it states 'we would like to remind those currently determining the ultimate fate of our school that our children and staff are so in need of this new building, to enable them to learn and work effectively.'

Any additional representations received following publication of this report will be reported in the Matters Arising Report.

Due to the scale of development the application was also subject to a Pre-Application Consultation (PAC) Report which has been submitted, as required, with the application.

Below is a summary of the representations received on the original submission:



- The Transport Assessment is completely flawed
- Traffic generation and road safety are a major concern
- Adverse impact on highway and pedestrian safety for residents of the village and users of the school
- Narrow roads and non-existent footways in the vicinity of the school
- Proposal will lead to even greater number of cars parking and waiting on the highway network around the village
- Application fails to address the problems of construction traffic and parking during construction while school remains operational
- There is no informal one-way system currently in place at the school, as stated
- Villagers should have been contacted at the initial stages of proposals to expand the school
- The village is a Conservation Area, and the proposed school is totally inappropriate
- The scale, design and massing of the building is not sympathetic
- The choice of materials is not appropriate
- Visual impact of the development and loss of amenity
- Negative impact from increased activity and noise generated
- Request acoustic fencing is erected around the playground
- Loss of trees
- Loss of open space
- There is no need for the school
- New school as part of the new housing development to the east of the village is a better option.
- An alternative site for the school was available and should have been pursued
- The expansion of the school is not for children living in St Nicholas and the surrounding areas of the Vale of Glamorgan
- The proposal fails to comply with Planning Policy Wales, the Local Development Plan, the Local Travel Plan, relevant Supplementary Planning Guidance including the VOG Parking Standards

The responses received on the re-consultation have reiterated all the previous concerns raised and objectors do not consider that the amended information has addressed any of their concerns. There is further concern that the mitigation measures require consideration prior to the determination of the application as they are fundamental to the scheme and concerns are raised that they are not achievable.

Members should note that all neighbour responses (including those received up to the day before the committee meeting) are available via the documents tab on the online application record:

<http://vogonline.planning-register.co.uk/default.aspx?AspxAutoDetectCookieSupport=1>

Neighbours have made this request so that you are able to view their letters in full. Objections can be viewed in full, including all attachments sent in (which includes previous correspondence during the various stages of consultation for the new school, photographs to support concerns raised regarding visibility, inappropriate parking etc).

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP7 - Transportation  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG6 – Provision of Educational Facilities  
POLICY MG17 – Special Landscape Areas  
POLICY MG22 – Development in Minerals Safeguarding Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,



- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

### Chapter 4 - Active and Social Places

- Transport
- Community Facilities
- Recreational Spaces

### Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

## **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

## **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan

## **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*.
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

## **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Issues

### Background

The existing St. Nicholas CIW Primary School is an English-medium voluntary controlled school serving 4 to 11 year olds in St. Nicholas and Bonvilston. There are 18 pupils per year group with a total capacity of 126 pupils. The school does not currently provide nursery provision.

The school consists of two buildings: the 'Old School' built in the 1850s and a flat-roofed main building built in the 1960s. The main building is timber clad and has been categorised as being of poor condition and suitability. The school is split over two sites with reception pupils having to walk to the nearby 'Old School' following morning assembly. There are currently 72 children being taught across two classrooms.

It is stated in the Design and Access Statement (DAS) that on the 18 March 2019 the governing body issued a consultation document on a proposal to increase the capacity of the school from 126 (FT) places to 210 (FT) places and alter the age range from 4-11 to 3-11 from September 2021.

This was to meet projected future demand as a result of existing and proposed housing developments in the area. Planning permission has been granted for 117 dwellings to the east of St Nicholas and 120 dwellings to the east of Bonvilston and both development sites are underway. These housing developments are situated within the catchment area for St Nicholas CIW Primary School.

St Nicholas has been included as part of the Council's 21st Century Schools Programme with £4.185m allocated to construct a new school building on the existing site to accommodate the 210 (FT) pupils and 48 (PT) nursery places. It is stated that this will ensure that the school is able to meet demand and would address the poor condition and suitability of the existing buildings.

### The principle of development

The site already accommodates the St Nicholas CIW Primary School and since the proposed land use is the same and the site is located within the settlement boundary, the redevelopment of the site for its continued use as a school is considered acceptable in principle. However, the acceptability rests on the detail of the scheme given the increase in the capacity of the new school compared to the existing, which is discussed below.

### Design, layout and visual impact

The proposal places the new, single storey school building in the centre of the site, on a previously grassed area, parallel to the western boundary. The school car park is proposed at the southern end of the site, adjacent to the site access from School Lane. A new junction is proposed to create an entrance point to a one-way vehicular route through the car park, from which access is provided to a servicing and parent drop off laybys as well as a dedicated school minibus parking space. Within the loop sits the main car parking area for staff and visitors and access to cycle parking.

The servicing layby provides access to the sprinkler tank, bin/recycling enclosure, kitchen, and plant areas. There will be an external fenced plant compound to house PV batteries and air source heat pumps.

Placing the building slightly biased towards the western side of the site reflects the differing size requirements of early years and KS1/2 yards and allowing junior access to the enclosed games courts which sit as an extension to the junior yard. Informal hard play areas are located around the site and relate to the classrooms of the age that they serve. A smaller nursery and reception yard are included at the western side of the site, in a location easily accessible for parent drop off and collection at the more regular intervals throughout the day, without disruption to the rest of the school. This playground will feature an area of rubber crumb safety surface and have access to its own habitat zone. The sports pitches and existing school habitat area sit to the northern side of the site. Despite the new building sitting across some of the previously grassed area, there remains space for junior sized rugby and football pitches.

Within the secure area of the school there will be defined informal hard and soft play areas. They will offer a variety of uses that can be adapted to suit individual needs/abilities and user group sizes.

Secure boundary fencing has been proposed to ensure that pupil and staff safety is always maintained. Where possible the secure line has been softened by planting. Pedestrian access to the school will be prioritised through the school's front and side entrances. All new arrivals will be required to access through the main building. Provision of cycle storage for pupils, staff and visitors is in covered shelters within the entrance courtyard.

The main building entrance is at the corner of the site, overlooking the paved entrance plaza and parent drop off area. A cut-out section from the rectangular shaped footprint, coupled with a roof overhang signifies the route to the public entrance.

The teaching wing consists of a group of 8 classrooms located either side of a central learning zone. The 4 classrooms along the front (north eastern side of the building) house the junior (KS2) classrooms whilst the classrooms to the rear (south western) elevation of the building are nursery, reception, and infants (KS1).

The proposed building is single storey, with a double height hall element of approximately 9.5m at its tallest point, the ridge of the hall roof. The main part of the building is approximately 7.4m to ridge and approximately 3.4m to eaves. The school building would measure approximately 69m along the east/west elevations approximately 22.5m along the south/north elevations).

Whilst the school building inevitably has a larger footprint than the existing school on the site and has a larger and bulkier appearance than the nearby dwelling houses this does not render it unacceptable or visually harmful. Pulling the main building back from School Lane (it is set back approx. 36m from the frontage) to accommodate the new parking area also creates space around the development which lessens any impact on the immediate street scene of School Lane. The design of the school is contemporary, but the building would sit well within the site and its general form, whilst bigger than neighbouring dwellings, would not appear incongruous in the context of an existing school site.

The elevations are proposed to be finished in facing brick work, metal composite cladding panels (with inset coloured spandrel panels) and a metal standing seam roof. Windows and doors are dark grey aluminium. The design has been informed by and reflects the 21<sup>st</sup> Century school programme to develop buildings which achieve BREEAM Excellent, improving upon the existing school structure. As originally submitted the choice of brick was buff with lighter cladding panels. This has since been amended to a darker brick and darker cladding panels which is considered more acceptable. However, to ensure appropriate materials, a condition requiring samples of all materials to be agreed is recommended (see **Condition 15**).

Whilst some trees and hedgerows will be removed to accommodate the development (discussed in more detail later in the report) the existing line of dense vegetation along the western and eastern boundaries will be retained with additional planting proposed, which helps to soften some aspects of the development.

In summary, whilst the proposed building is larger than the existing building on the site and has a more contemporary design, it is considered to be of an appropriate size, siting and design for its setting and function. The setback from the site frontage helps to mitigate the size of the building and it would sit comfortably in this context and would not appear as an overly prominent building in accordance with policies SP10 and MD2 of the LDP.

### Historic Environment

The planning application has been accompanied by a Heritage Impact Assessment (HIA), an updated Heritage Impact Assessment (to address concerns raised by Cadw) and an Historic Environment Desk-Based Assessment.

The application site is part within the St Nicholas Conservation Area. The existing school building lies within the St Nicholas CA, however, the playing fields which relate to the school are excluded from the designation. The St Nicholas Conservation Area Appraisal and Management Plan (CAAMP) identifies qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity. The CAAMP is not prescriptive in which areas may be suitable for development but is guidance on general principles.

The proposal includes the demolition of the building which is located within the conservation area; the demolition requires conservation area consent and is considered under application 2020/00954/CAC, also on this committee agenda.

The existing school building is not identified in the CAAMP as making a positive contribution. It is understood that the building dates from the late 1960s. The Council's Conservation and Design officer considers that the existing building does not make a positive contribution to the character or appearance of the conservation area. As a result, there is no objection to the demolition of the building.

The proposed school building will be located outside, but immediately adjacent to the conservation area. Local planning policy relating to conservation areas is limited to development within conservation areas. National policy, contacted in PPW, extends the strong presumption against the granting of planning permission for development which

damages the character or appearance of conservation areas to an unacceptable level to their setting. This suggests that an acceptable level of harm exists. PPW further states that the presumption may be overridden in favour of development considered desirable on public interest grounds.

The Conservation and Design officer has raised some concerns regarding the design of the new building and choice of materials commenting that it favours its function as an educational facility over its form and relates poorly to the vernacular architecture. However, notwithstanding the concerns, the impact on the significance of the conservation area must be assessed against the current position. The proposal, it is concluded, will cause no more harm to the setting of the conservation area than the current building.

The accompanying Historic Environment Desk-Based Assessment has concluded that based on the below ground archaeological potential determined by the assessment and from previous impacts caused to the site area from construction of the existing school and associated playing fields, it is considered that the overall archaeological potential of the site is very low to negligible. The study concludes that there should be no requirement for any further archaeological mitigation at the site as regards below ground archaeological remains.

The study has also considered other assets and there is only one Scheduled Ancient Monument within 2km of the site that has clear intervisibility with the proposed school development side, the Cottrell ringwork, a defended medieval castle site. The vast majority of the intervisibility is with the playing fields rather than the school buildings.

There are several listed buildings within the centre of St Nicholas in relatively close proximity to the site. The only one with intervisibility is St Nicholas Church itself, Grade II\* Listed.

The assessment identified that of the two Registered Historic Parks and Gardens within 3km of the Site, only that of Coedarhydyglyn has any intervisibility with the general Site area, but that the proposals will not actually be visible from the gardens and thus there will be no change to its significance and therefore no mitigation is proposed.

Cadw were consulted on the application and raised concerns that that there was insufficient information to enable a balanced decision on historic assets. Further assessment work was requested from the applicant to consider the relationship of the development with scheduled ancient monument Cottrell Ringwork and the registered Coedarhydyglyn historic park and garden. An updated HIA was submitted to address these specific concerns.

Of the eleven Scheduled Monuments identified within the 3km study area, only five of these were considered that changes to their significance may occur. Following the Stage 3 assessment in the updated HIA, this was reduced to a single site, that of Cottrell Ringwork (GM096) located north of the Site. This relates to changes in its setting and therefore mitigation is proposed, as discussed below.

In lieu of the fact that mitigation in the form of screening will not be possible, offsetting, and compensatory measures are suggested for any slight harm to the significance of the Cottrell Ringwork that may occur from the development. It has been discussed with the 21st Century Schools Programme Manager that information can be provided on the Ringwork for users of the footpaths, perhaps in the form of information panels located

adjacent to the end of the path at the northern end of the school grounds. Education materials on the monument and medieval St Nicholas can also be prepared for pupils at the school, which could also include information on St Nicholas Church. A condition to secure the details of the information panel(s) has been included (see **Condition 20**).

Subject to the above condition securing appropriate mitigation it is considered that the development would not adversely affect the identified historic assets, in accordance with Policies SP10 and MD8 of the LDP and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Impact on residential amenity

The school site has existing residential development to the west, east and south; it sits close to the heart of the village. Directly adjoining the school boundary to the west is a detached property 'Tregwyn' with direct access to a front drive from School Lane. Directly adjoining the PROW which runs along the eastern school boundary to the east is 'Twyn Bach' a detached property. To the south of the site, on the opposite side of School Lane, are 'Orchard Cottage' and 'Ty-to-Gwellt' Orchard Cottage is detached property fronting onto School Lane, but well set back and Ty-to-Gwellt backs onto School Lane.

As discussed in the section above, the proposed school building although single storey with a double height element, will be higher and have a larger footprint than the existing school building. However, the new school building has been set back from the street frontage by approximately 36m (moving it further into the site away from adjacent properties) and it is set 14.5m from the nearest residential boundary to the west (Tregwyn) and 31m from the east (Twyn Bach). In this context it is also relevant to consider that the existing vegetation along the eastern and western boundaries is proposed to be retained. The position of the new school building also takes the built form of the school further away from the outlook from Orchard Cottage.

Consequently, it is considered that the new positioning of the school building and the retention of existing vegetation ensures that the new building would not appear overbearing or unneighbourly although undeniably it will change the relationship for neighbours with the school site.

The proposed plant machinery/tanks and bin stores have been positioned to allow for easy access by service vehicles within the site and are located on the western side of the site. The plant machinery area will house the PV batteries and air source heat pumps which serve the new school building. The PV batteries generate limited noise, and the air source heat pumps create between 40 to 60db. This type of noise generation is comparable to a normal conversation which typically results in 60db. The plant compound would be located approximately 14m from the nearest residential boundary (with Tregwyn) and there is dense vegetation on the boundary, which would further reduce noise created by the plant machinery to acceptable levels.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport and the increase in pupil numbers as a result of these proposals. It is noted that the Multi-Use Games Area (MUGA) has been positioned near the eastern boundary adjacent to the garden of Twyn Bach. There is planning permission for a detached dwelling in the rear garden of Twyn Bach (2016/00717/FUL) granted on 31 August 2016 but this permission has not been implemented or any of the pre-commencement conditions submitted to date. Whilst this

will be very close to the proposed MUGA it is recognised that the site has a long established use as a school. It is not considered that the noise generated will be to a level which would unacceptably impact upon residential amenity given the nature/level of the noise, the operational daytime hours of the school and the retained vegetation along the boundary with the PROW. As a rule primary schools are generally located within residential neighbourhoods and do not give rise to unreasonable noise levels to such an extent as to harm residential amenity of nearby dwellings.

Due to the proximity to neighbouring residents and as recommended by the Council's Pollution Team, a Construction Environmental Management Plan (CEMP), shall be submitted, to be secured by condition (see **Condition 4**) to ensure that all aspect of the construction phase minimise impacts on neighbouring residents

Subject to the above condition, it is considered that the development would not adversely impact upon residential amenity, in accordance with Policies MD2 and MD7 of the LDP.

### Traffic and Access Issues

The school site is located on the western side of the village of St Nicholas and is accessed via School Lane, which is directly linked to the A48. School Lane feeds into Well Lane to the northeast of the site and Church Row which runs through the middle of the village. The existing vehicular access to the school via School Lane leads to a school car park accommodating 15 parking spaces, which is only used by staff and visitors and not parent drop off / pick up. Pedestrian access is via the school gates at the south western boundary of the school. There are currently no formal facilities for drop-off or collection of pupils on site. The school operates a mini-bus service to collect/drop off pupils from near to their home locations.

The existing school caters for Reception through to Year 6 pupils. The school currently has a consented capacity of 126 pupils with 21.5 Full Time Equivalent (FTE) staff based on-site and no pre-school / nursery provision. The proposal seeks the expansion of the existing school to enable an increase in pupil intake to a total of 234 pupils, including 24 FTE in a new nursery (an increase in 108 pupils in total). The number of staff will increase from 21.5 FTE to 24 FTE members of staff (an increase of 2.5 staff FTE). The proposed expansion of the school is partly driven by committed residential developments in the local area.

The application has been supported by a Transport Assessment (TA) & Addendum, Technical Notes, Swept Path Analysis, and a Transport Implementation Plan. An interim Travel Plan has also been submitted.

The TA provides an assessment of the existing situation at the site. The existing traffic conditions have been informed by traffic surveys which were undertaken at 6 locations within the settlement of St Nicholas. In addition, the applicant supplied the Transport Consultants undertaking the TA with pupil home postcode data to understand pupil generation. The findings of the TA are that the school's expansion would have the greatest impact upon School Lane, the road which circulates through the settlement of St Nicholas, allowing access to the A48 and wider highway network. The existing school figures have been multiplied by a growth factor to predict the growth of the existing school to the year 2021 when the proposed development is considered likely to come forward. This method assesses the impact the existing school would have in 2021 to give a fair comparison to the proposed development.



The TA anticipates that the proposed development would result in a 200% or greater increase in traffic during the AM peak hour period (07:45-8:45) and over a 350% increase during the school PM peak hour period (15:00-16:00) on School Lane. (The AM and PM peak hour periods have been assessed around the school using traffic counts). These high percentage increases are a result of the comparatively low baseline traffic as existing on School Lane compared to the anticipated increase in traffic cause by the proposed development. The maximum increase cause by the proposed development would be approximately 71 two-way movements during the AM peak hour equating to just over one movement per minute, and 68 two-way movements during the PM peak hour also equating to just over one movement per minute.

It should be noted that the TA assessment did not account for pupils who would arrive / depart outside of the assessed time periods to attend before and after school clubs and the impact on traffic generation. It was considered to be a more robust approach to plan for the worst-case scenario to ensure appropriate mitigations were put in place to alleviate the impact the proposed development could have on the local highway network.

Technical Note 1 outlines the before school provision for the expansion to the school which would include a breakfast club, as a continuation of the existing provision. The club commences at 07:50 and runs for one-hour until school starting time. The breakfast club is provided Monday – Friday. Following the school expansion, the maximum capacity of the breakfast club will be increased to 105 pupils, equating to 45% of the maximum pupil population of the site (234 including nursery provision). It is likely, based on experience of the existing provision, that a significant proportion of breakfast club pupils will be dropped-off for 07:50, effectively shifting a proportional amount of traffic movements to before, and therefore out of, the AM peak hour (referring to taking the traffic out of the peak arrival time). The remaining breakfast club pupils are likely to be dropped off in the earlier part of the AM peak hour (for example, between 08:00 and 08:30). Whilst this does not mean that there will be less traffic generation in the AM peak hour, it will spread out the traffic over a longer period of time, resulting in less significant impacts overall.

The after-school provision currently includes various clubs which will continue to operate following the school expansion. Clubs can include sports clubs, arts and crafts clubs, reading clubs and cooking clubs. Whilst not as popular as the breakfast club, after school clubs are decided on a term-by-term basis depending on interest. There are currently three school clubs which run from the end of the school period 15:30hrs, each with a capacity for 10 pupils (up to a total of 30 pupils per day) and these run Monday to Wednesday. It has not been possible to determine exact uptake of the after-school clubs because the clubs change based upon pupil uptake and interest, however the school is committed to running after-school clubs as part of the proposed school. The TA considered the uptake of after-school clubs by 30 pupils which would reduce the trip generation of the school during the PM peak hour by up to 39 two-way movements, rather than the 68 two-way movements during the PM peak hour. This results in just over 160% increase in traffic during the PM peak hour on days when the after-school clubs take place at maximum capacity. Of course the worst case scenario for after school provision is little or no interest, but the experience to date would suggest there is interest and with an increase in the pupil numbers it is likely there will be more interest. Even assuming the same levels as the three after school clubs, with 10 in each club, this would represent a reduction on the percentage impact during the PM peak. It should be noted however that although the TA concluded that there would be a material change in traffic this would be

an acceptable impact from the proposed development without consideration of the after-school provision.

Comments have been raised regarding trip generation methodology and the reasoning for the school expansion. The submitted TA derived the trip generation from the existing pupil home postcode data. This data was analysed to understand where pupils are travelling to / from school and the likely transport modes used to complete the journey. The vast majority of existing pupils reside in the residential areas at the western fringe of Cardiff and would travel by private car. This analysis was reflected in the TA traffic impact assessment and traffic assignment for the proposed school development. However, the main driving force behind the need to expand the school is recent residential developments in the area, which, in the case of St. Nicholas, the allocated housing site has already been fully built out and the allocated housing site in Bonvilston is under construction.

The following residential applications were considered when calculating the projected need for education places in the local area:

- Land to the east of Bonvilston – allocated in the LDP for 120 dwellings (reference MG2 (40)). A planning application for 120 dwellings was granted in October 2015 (2015/00960/FUL)
- Land to the east of St Nicholas – part of the allocation in the LDP for 117 dwellings (reference MG2 (46)). A planning application for 100 dwellings was granted in December 2016 (2015/00249/FUL)
- Land to the east of Mink Hollow – part of the allocation in the LDP for 117 dwellings (reference MG2 (46)). A planning application for 17 dwellings was granted in November 2016 (2015/00662/FUL)

In total, the permissions result in 237 new dwellings local to the existing school location. The total number of committed dwellings has been considered against the yield factors published in the 'Planning Obligations' Supplementary Planning Guidance. The submitted addendum to the TA considered how local residential development would impact the potential home location and the impact upon anticipated mode share.

Out of the 108 additional pupils predicted to attend the proposed school, the TA Addendum anticipates that 72 pupils (67%) would travel to the school using sustainable modes of transport. This would have a beneficial impact upon the traffic impact within the local area further reducing the impact of the proposed school on the local highway network. It is acknowledged that following enrolment to the expanded school that there may well be differences in mode share compared to that report, however, the TA and the Addendum to the TA set out a series of measures that will be fundamental in encouraging active travel to the school including an informal one way system; active travel route, pedestrian improvements to the school site, walking bus, bicycle parking and travel plan. These are discussed in more detail below.

#### On Site parking / drop off provision

The proposed site layout has identified and provided an increased area / allocation for on-site car parking to take place off the road network, to assist with staff parking and additional provision for drop off / pick up. The layout identifies:

- 20 parking spaces proposed for staff

- 3 separate visitor spaces
- one disabled space
- space for mini-bus drop offs
- laybys for parent drop off / pick up.

In addition, within the proposed parking layout the commercial vehicle space is provided within a service lay-by which will also form part of the on-site provision for pupil drop off / pick up. There is also a space provided for the school minibus which is an operational requirement and therefore separate from the parking standards calculation.

The Council's parking standards require a maximum of 1 parking space per member of staff and 3 visitor spaces. The 20 staff spaces would represent almost 1:1 provision for staff and this is considered an appropriate level, which recognises a balance between the need to ensure adequate provision, and the need not to 'over provide' and promote more sustainable modes of travel, e.g. bus, cycling, walking, or car sharing, and given that the Parking Standards SPG prescribes maximum standards for parking.

The principal issues of concern that have been raised in the objections received from residents of St Nicholas relate to the exacerbation of an already difficult situation within St Nicholas as a result of school drop off and pick up and in particular because of the proposed increase in the school's capacity with the likely increase in traffic. Objectors have raised concerns about ad hoc parking around the village which given the narrow road network poses a risk to highway and pedestrian safety. Objectors have stated that the morning and evening drop off and collection already causes congestion so with the additional capacity and no seemingly reasonable solution, objectors consider that the situation will only get worse.

The concerns raised by objectors have been highlighted to the Local Highway Authority (LHA) and indeed many of the objectors have been in direct contact with the LHA with their concerns.

The accompanying TA and addendum have identified a series of measures and responses which have been considered by the applicant.

The applicant has proposed a range of measures that will work together to address the concerns that have been raised and will likely result in no detriment and potentially an overall improvement compared to the existing situation. The suggested measures have been outlined in the TA and addendum and have been considered by the highway authority and are discussed in detail below.



*Proposed school site layout with parent drop off / pick up*

The internal layout has been designed to include the introduction of an area for the drop off and pick up of pupils. This will also benefit from a separate entry and exit, to allow for one-way movement of traffic through the site, working to reduce the likelihood of vehicular conflict. Specific drop off spaces and minibus parking spaces have been formally allocated, along with additional road space in a layby allocated for commercial vehicles and refuse vehicles. These vehicles will be accessing the school outside of school opening and closing times, therefore this layby will also be made available during school start and finish (including breakfast club and after-school clubs) for additional parent drop off / pick up.

The provision of on-site drop off / pick up locations is considered an improvement to the existing conditions at the school where all escorting adult parking is currently accommodated off-site within the local highway network. It is considered that this on site provision will reduce on-street parking impact, however it acknowledged that during the drop off and pick up School Lane is congested as a result of an increase in vehicle trips where there is potential for traffic exiting the village to be delayed, creating queuing traffic. As stated above, the provision of before and after school clubs should act to spread out the timing of trips to and from the school which would reduce congestion in and around the village.

The Local Highway Authority raised some concern regarding the afternoon pick up. To mitigate the impact they have requested a condition that requires submission of a scheme for the management of staggered start and finish times across the school. Staggering the school start and finish times allows for further spreading of traffic thereby managing the

capacity on the road network around the school. The trigger point for the implementation of the details approved by this condition is when the capacity of the school reaches more than the existing pupil numbers (see **Condition 12**).

The proposed works to improve the existing provision of drop off / pick up by making space within the school site are welcomed. However once capacity is reached (whilst accepting that there will be a frequent turnover of vehicles within the pick up and drop off areas), it is recognised that additional drop off / pick up traffic will likely take place along School Lane and within the surrounding village of St Nicholas where objectors have identified inappropriate parking by parents. Of greatest concern in the early arrival of parents in the afternoon for pick up, so in addition to the required staggered start and finish times to spread out the traffic, the highway authority has also requested a condition to secure a Traffic Regulations Order (TRO) to control parking along School Lane and other areas within the village where it is appropriate, to reduce indiscriminate parking and maintain the free flow of traffic and maintain pedestrian safety. The TRO scheme will include the school keep clear markings outside the school. The trigger point for this implementation of the details approved by this condition is when the capacity of the school reaches more than the existing pupil numbers (see **Condition 11**).

The pathway that has been provided to the school frontage as shown on the submitted site layout drawing as approx. 2m wide. Manual for Streets (6.3.22) states in lightly used streets, the minimum unobstructed width for pedestrians should generally be 2m. However additional width should be considered adjacent to gathering places such as schools. Considering this requirement the Local Highway Authority has requested that the footway outside the school frontage is widened to greater than 2m in width and a condition has been attached to secure this (see **Condition 8**).

#### Off-site Highway considerations

The TA and Addendum to the TA set out a series of measures that will be fundamental in encouraging active travel to the school.

- Proposed 'informal' one-way system

The original TA proposed an informal one-way system for school traffic, during AM and PM peak periods. This plan below demonstrates how such a system could be implemented. Further details of a revised one-way system were included in the Addendum, which accommodates the proposed pedestrianisation of School Lane / A48 junction as part of the Active Travel route (discussed below).



The principles of the informal one-way system have been outlined as:

- East-bound only movements past the school. Two-way movements along this link are known to result in difficult traffic conditions for vehicles and for pedestrians. All vehicles moving in the same way will significantly reduce conflicts.
- This ties into the school access strategy for the drop-off / collection areas, which requires access via the eastern vehicle access and exit via the western access. This removes the need for complex two-way movements past the school gates and site frontage which will improve road safety and improve pedestrian amenity.
- Once past the school, vehicles will be permitted to circulate the centre of St Nicholas via School Lane and Church Row. This will allow vehicles unable to use the formal drop-off areas within the school to find a parking space. Currently, school vehicles regularly park along Church Row.
- Egress back to the A48 is proposed via Unnamed Road only. The School Lane connection is proposed to be pedestrianised and therefore vehicle egress via this connection will not be permitted.
- Circulation routes mean that if parking is unavailable on the first loop around the village, it will not be debilitating to loop around again to find a parking space. The one-way loop is also not large enough as to be tortuous or time consuming for drivers and contribute to non-compliance.
- The duration of circulation around St Nicholas is as presented to remove complex manoeuvres / vehicle queues at the school frontage. Vehicles will only have one direction of travel at the School Lane / Church Row junction which will eliminate confusion and inefficiencies in vehicle movement.
- The one way system is also designed to work with the active travel corridor (discussed below) so that the flow of traffic is predictable at pedestrian crossings and that footways can be provided by narrowing the carriage at certain locations.

The applicant has suggested that the one-way system will be implemented from the opening of the expanded school and will be promoted as an informal system only.

However the highway authority has given this due consideration and whilst it is recognised that a one-way system would alleviate concerns regarding the conflict of vehicles and result congestion, it is the case that informal one-way systems rely heavily on parent / guardian and other motorists and road users fully complying with the informal one-way systems to work effectively and cannot be enforced. The highway authority has therefore requested a condition for the design and implementation of a formal one-way system supported by a Traffic Regulation Order (TRO). The trigger point for the TRO to be in place is when the capacity of the school reaches more than the existing pupil numbers (see **Condition 10**).

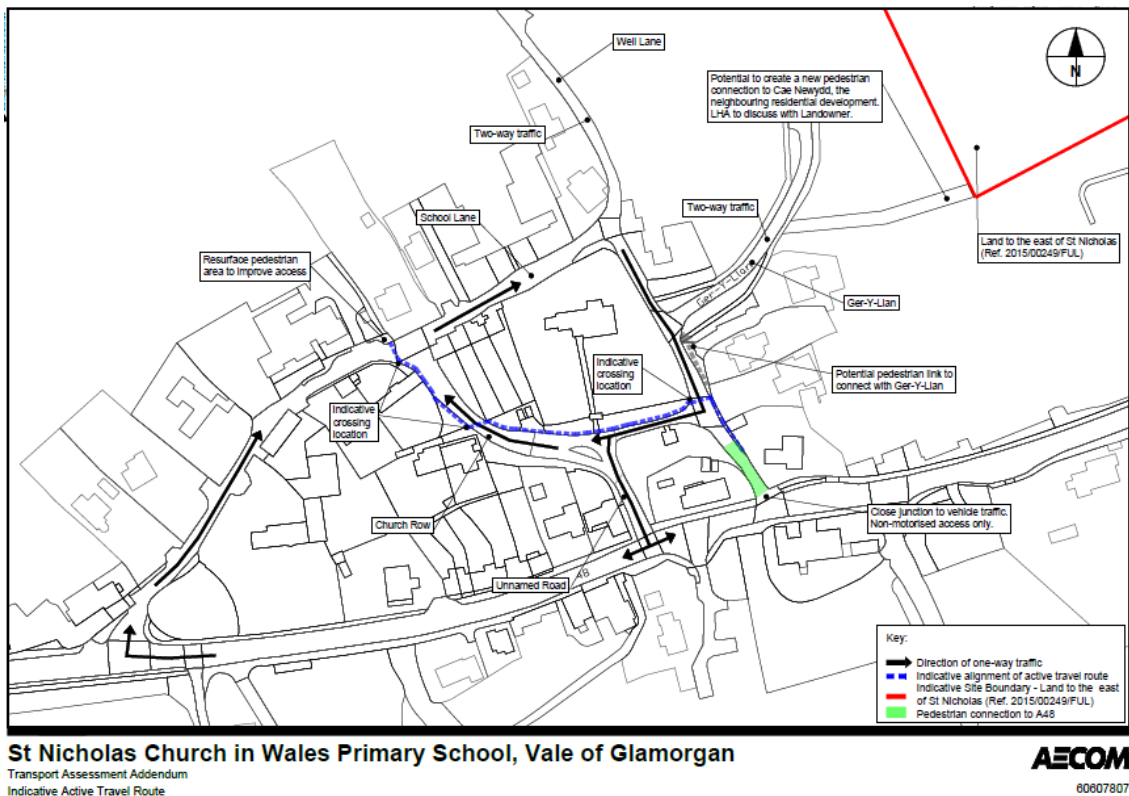
In relation to the proposed one-way system it is recognised that there is a lack visibility for vehicles exiting School Lane onto the A48, the exit point being promoted as part of the one-way system. However, this is an historic situation although an increase in vehicles using this junction could exacerbate the potential issue of congestion through the village and the potential for conflict with vehicles traveling along the A48. In light of this the highway authority has requested a condition for the submission of a scheme for warning signage to mitigate for the intensification of the existing access onto the A48. The trigger point for this implementation of the details approved by this condition is when the capacity of the school reaches more than the existing pupil numbers and the TRO to be in place (see **Condition 7**).

#### Active Travel Route

The current school site lacks Active Travel provision to allow pupils to walk or cycle to school. There are policies and legislation which sets out objectives of a modal shift away from the private car. These are included in PPW 10 (Section 4) and the Active Travel Act 2013. There is a footway along the A48 but from this footway pupils are expected to walk in the carriageway to enable access to and from the school, which could increase the likelihood of conflict between the two.

The applicant has provided information for possible improvements to the existing situation. It is proposed that an active travel route is installed through the village between the A48 and St Nicholas School. This will involve the creation of footways and pedestrian crossings to facilitate pedestrian movements for pupils who are walking to / from school, walking as part of the proposed walking bus, and also walking from parked vehicles within the village.





The potential alignment of the active travel route is shown above (and presented in Appendix D of the TA Addendum). The route is summarised as follows:

- Access from the A48 at the newly pedestrianised section of School Lane
- A footway along the eastern side of School Lane to a point north of its junction with Church Row
- A crossing over School Lane north of Church Row. This will be a dropped kerb crossing with tactile paving
- A footway along the northern side of Church Row
- A crossing over Church Row to the south of School Lane. The exact placement of the crossing will be confirmed following investigation of land ownership in this area
- A footway on the western side of Church Row and extending to the junction with School Lane and
- A crossing over School Lane to tie into the footway proposed along the school frontage.

Further measures also discussed as part of the Active Travel Route, but that have not been fully developed, include a potential connection to Cae Newydd (the new housing development) via Ger-Y-Lan, pedestrian improvements at the school site and a walking bus, operating from Cae Newydd. A further proposed measure as part of the active travel provision is outlined below.

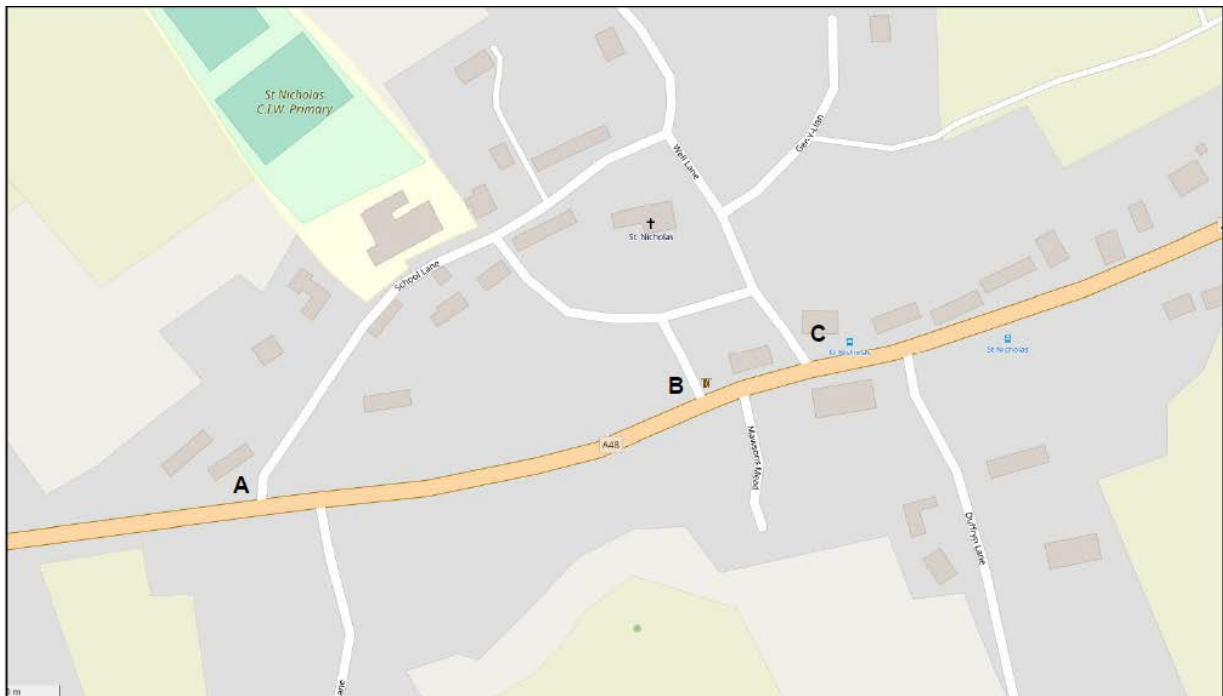
### Pedestrianisation of A48/School Lane Junction

There are three existing vehicle connections to the A48 at St Nicholas.

- A: School Lane West, a priority junction



- B: Unnamed Road, an undefined junction type with only give-way markings provided on Unnamed Road despite this being available for two-way traffic movements. Unnamed Road is approximately 5.3m wide at the junction
- C: School Lane East, an undefined junction type similar to Unnamed Road. School Lane is approximately 3.8m wide at the junction.



There are limited opportunities to widen School Lane at the eastern connection to the A48 (C) to improve vehicle or active travel routes to the village. The emerging visibility for vehicles is also constrained by the walls of either side of School Lane, with visibility limited. This junction in its current operation, is also not ideal for active travel movements to St Nicholas.

It is proposed that School Lane connection at point C is closed to vehicle traffic and retained for non-motorised vehicles only. This will allow for improved access to St Nicholas for pedestrians travelling along the existing footway network on the A48 and improve the active travel environment.

The highway authority has considered the measures that have been put forward in relation to Active Travel provision. The active travel improvements as outlined above, includes closing off one of the exits from the school to allow pedestrians only, coupled with improvements to provide a pedestrian route through the village between the A48 and the school. These measures would likely reduce the potential conflict between vehicles and pedestrians during the AM and PM peak and would allow a Travel Plan to encourage a modal shift to a more sustainable mode of transport which could reduce vehicle trips. It is assumed that using yield calculations that in time 92 new pupils could come from neighbouring developments and a large proportion would walk; therefore it is imperative that pedestrian provision through the village is provided as outlined above.

The provisional Travel Plan, which has been submitted as part of the application, has identified a 'walking bus' in which parents can drop off their children in the Cae Newydd development and then be walked to the school by school staff.

There is broad support for the mitigation measures outlined and the encouragement for Active Travel provision and measures to secure a modal shift. However a condition is necessary to fully detail each of the measures and to allow further discussions with the highway authority. A condition has been recommended which secures the provision of a Travel Plan, including details of the Active Travel route in order that the measures outlined can be given further consideration and to secure their implementation and review their effectiveness. The trigger point for the implementation of the details approved by this condition is prior to the beneficial use of the new school (see **Condition 9**). It should be noted that the Condition will include a requirement for a timetable for monitoring and review of the Travel Plan for a period of not less than 5 years from the date of occupation in order to ensure that the measures proposed are effective and a requirement to include any new measures as a result of monitoring.

### Construction Traffic

Many of the objections have referred to concerns regarding construction traffic, during the development of the new school. A condition has been suggested for the submission of a Construction Traffic Management Plan (CTMP) which outlines the detail that is expected to be submitted and agreed prior to any construction works commencing on site so that all potential impacts can be addressed and adequately mitigated. The applicant has already indicated that construction vehicles will not be undertaking key deliveries to/from the site during the AM and PM peaks, to ensure congestion and conflicts between construction vehicles and pedestrians during these times are avoided (see **Condition 3**).

Members will be aware of the weight of objections that relate to concerns regarding highways and will have been able to read the objections from local residents in full. The impact that a school can have on local residents is an emotive one. There are also acknowledged existing concerns, but these do relate to the existing lawful operation of the school.

All of the submitted information and the objections from local residents have been considered and there has been extensive ongoing dialogue with the applicants recognising that the highway impacts of the development need to be carefully considered and balanced.

In summary, it is considered that the proposed development to accommodate the growth in the school whilst resulting in more daily movements compared to the established school, is acceptable in planning terms. The combination of the proposed mitigation measures to be secured by conditions and a commitment from the school through these measures to improve the existing provision for drop off and pick up, to provide a Travel Plan (subject to monitoring and review) to encourage modal shift away from the car including provision of Active Travel routes through the village with improvements to the pedestrian environment, the securing of Traffic Regulation Orders for parking management and a one way system and a scheme to stagger the start and finish times to spread out trips to and from the school will provide benefits to the existing problems as well as mitigating the impacts of the additional pupils. The development is therefore considered acceptable in terms of the traffic and highway impacts subject to conditions and would comply with policies SP1 and MD2 of the LDP.

## Drainage

An FCA and Drainage Strategy has been prepared to inform the proposed development.

SAB approval will be required for the development. The submitted conceptual design indicates that due to anticipated poor infiltration rates surface water runoff from the development will be discharged to combined sewer. Additional SuDS features have been proposed to provide both interception and biodiversity benefits. It is indicated that the conceptual drainage system has been designed to cater for storm events up to the 1 in 100-year return period plus 40% climate change.

It is noted that the site is not located within a DAM zone at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low - low risk of surface water flooding to the site.

In respect of foul sewerage, Dwr Cymru Welsh Waters (DCWW) response states that there is a capacity in the public system to accept the foul flows.

Subject to the site being drained in accordance with an approved SAB design, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD7 of the LDP.

## Biodiversity

Policy MD9 of the LDP states:

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

A Preliminary Ecological Appraisal (PEA) & BREEAM Ecology Report and a Bat Report have been submitted as part of the planning application. The PEA was commissioned to identify whether there are known or potential ecological receptors (nature conservation designations and protected and notable habitats and species) that may constrain or influence the design and implementation of the proposed development. In order to deliver a PEA, a desk study and an extended Phase 1 Habitat Survey were undertaken. The BREEAM assessment is focussed towards specific BREEAM Land use and Ecology Issues.

The Bat Report confirms that emergence/re-entry roost surveys were undertaken in June and July 2019. No bats were recorded emerging or re-entering any buildings on site. Moderate to Low levels of foraging and commuting were recorded at the site. The proposed demolition of the buildings will have no impact on roosting bats. As an enhancement, the Bat Report recommends bat boxes should be incorporated into the building design or erected in suitable trees.

The Council's Ecological Officer has reviewed the submitted details and is satisfied that the application process has highlighted the impacts on biodiversity and has also identified

opportunities for their remediation and potential enhancement e.g. for bats and invertebrates.

The officer has made a number of suggestions to the applicant and requested that details such as a lighting plan and 5-year Landscape and Ecology Management Plan, which is part of the PEA, should be conditioned ahead of commencement of work on site for approval. **Condition 14** is recommended to secure development in accordance with the recommendations of the PEA. **Condition 19** relates to the requirement for a lighting strategy and **Condition 13** relates to the requirement for a scheme of landscape and ecological management.

Subject to compliance with the recommendations in the PEA and the Bat Report and the provision of details as required by conditions, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

### Trees

An Arboricultural Report including Tree Survey Data and Tree Constraints Plan (TCP) has informed the proposed development. The application is also accompanied by a Soft Landscape Plan.

Four trees would be removed as part of the development – two on the southern boundary (fronting School Lane) to make way for the parking area (field maple) and two to the rear of the existing school building (north eastern corner) to make way for the proposed MUGA (silver birch and hawthorn). The two-field maple and the hawthorn have been assessed as category B (moderate quality and desirable for retention) and the silver birch as category c (low quality and optional for retention). A section of hedgerow to the front of the site would also be removed to accommodate the enhanced provision of a drop off/pick up area and additional access. The hedge is in three parts including hawthorn & holly: hawthorn and hawthorn, hazel & elder. These hedges are identified as category C (low, optional for retention)

A number of trees, hedges and vegetation are also marked for retention on the accompanying soft landscape plan. Existing vegetation along the eastern and western boundaries is to be retained, as well as several the existing trees. These include a silver maple (category B) in a prominent location on the southern boundary (close the south eastern corner of the site and entrance to the PROW) which is covered by a TPO and an Ash (category B) on the western boundary which is covered by a TPO. However, it is acknowledged that since the trees were surveyed, Ash dieback disease has become widespread and it is likely to affect the Ash tree which if infected is likely to have to be removed.

The site's location within the St Nicholas Conservation Area is of course an important consideration and trees are afforded an additional level of protection because of this. However, the quality of the trees and hedgerow that are to be removed has been assessed as category B (moderate quality) and C (low quality). Whilst the loss of the field maple trees to the front the site and the existing hedge along the school frontage is unfortunate, they are not of the highest quality and their loss needs to be weighed against a fundamental redesign of the existing schools layout. The proposed soft landscaping plan includes a total of 8no. new trees which accords with the Councils SPG (2:1 ratio for replacements) and shows a replacement hedge along the southern boundary. Whilst the

general principles of the soft landscaping plan are supported, it is considered appropriate to attach a condition requiring a greater level of detail and confirmation of appropriate species and management of the landscaping along with details for the protection of retained trees (see **Condition 16**).

On balance, having regard to the above including retention of trees and vegetation and proposed replacements subject to the detail required by condition, the proposal is considered acceptable in respect of impact on trees and would accord with policy MD2 of the LDP and the Council's Trees, Woodlands, Hedgerows and Development SPG.

### Open Space/Provision of Play Space

The siting of the proposed school will result in the loss of 0.24ha of open space, but 0.69ha of school playing fields would remain which would consist of 0.39ha of sports field, 0.31ha of play space and 0.07ha of Multi Use Games Area (MUGA). This would reduce the size of the existing school playing fields which currently provides 1.01ha of open space to 0.77ha of open space.

The Councils' Open Space Background Paper (2013) identifies school playing fields as outdoor sports provision. Within the Wenvoe Ward there is an over provision of outdoor sports space of 1.89ha. The proposal would result in reduction of outdoor sports space of 0.24ha meaning 1.65ha of over provision would remain at ward level. However, concerns have been raised regarding the loss of open space at the local level in St Nicholas. Whilst at ward level there is over provision, some further work has been done to calculate this at the local level. Within the LDP settlement boundary of St Nicholas there are 267 residential properties which if multiplied by the average household size (persons) in Vale of Glamorgan of 2.26 (from Stats Wales, 2019) equals a population of 603.42. The Council's Open Space Background Paper (2013) benchmark for provision of open space is 1.6ha per head of population which equals a provision of 0.97ha for St Nicholas. The proposal will therefore result in local under provision of 0.2ha of open space. However, it is considered this minor reduction is considered acceptable when balanced against the wider overprovision and the improvements in the quality of the onsite provision proposed.

Several objectors have also raised concerns regarding the provision of the play space for the new school. A representation was received from Play Wales, national charity for children's play (their full letter is available online under the application reference). Play Wales strongly advised that the developer is instructed to engage with the play development team at the Vale of Glamorgan Council to ensure that any play interventions to address the loss of open space support the play needs of the widest range of people.

The applicants have provided some additional information following a request for clarification on comments received in representations and from Play Wales. They have stated that the outdoor sports space 'Guidance for Outdoor Sport and Play Beyond the Six Acre Standard Wales' produced by Fields in Trust (FiT) is relevant to this proposal. This guidance has been endorsed by the Welsh Government and sets out guidelines for the size of outdoor spaces. The proposal includes sports playing fields and would meet the formal size thresholds for the some of the pitches outlined in the guidance. A primary school does not need to supply all the outdoor facilities in the guidance. However, the Education (School Premises) Regulations 1999 Schedule 2 sets out the minimum required for team game playing fields where they are supplied which is 2500sq m in total; this is exceeded on the grassed playing fields (excluding habitat area) proposed which is 3437sq.m.

The FiT guidelines also sets out the recommended size for Multi Use Games Area (MUGA) at 40m x 20m. The proposed MUGA would measure 37m x 18.5m and would allow for the following sports: tennis, mini-tennis, netball, basketball and five-a-side football. Whilst the proposed MUGA is smaller than the guidelines, it is considered appropriate for the proposed primary school and the age range within the school. The MUGA can be used for all the sports listed above, depending on the equipment that the school chooses to purchase. As the MUGA can be used for multiple activities it can be counted twice when considering how much recreational space is available, once for hard surface PE and again for Hard Surface informal recreation. The applicant has also confirmed that the pupils of the school have been included within the design of the proposal as part of the engagement process to help inform the design and facilities available.

The design of the proposal has been informed by the Welsh Government endorsed Building Bulletin 99. This is not planning policy or guidance but is relevant to school developments which are being brought forward as part of the 21<sup>st</sup> Century School Programme. The proposal meets the minimum area requirements for internal and external areas. In regards to assessing a MUGA's contribution to outdoor facilities, it can be counted twice when considering how much recreational space is available. Once for hard surface PE and again for Hard Surface informal recreation due to a MUGA being able to accommodate multiple different activities. The applicant has also confirmed that the pupils of the school have been included within the design of the proposal as part of the engagement process to help inform the design and facilities available.

The applicant was also asked to clarify the use of the school and its facilities by the community. They have confirmed that the open space will be managed by the local school governors, which is the current situation at the existing school. It will be up to the school governing body as to how the school is accessed by the local community and whether facilities require booking, or they remain open to the general public outside of school hours.

While the loss of a small amount of open space on the site is regrettable, this is considered to be justified and acceptable when balanced against the significant improvements in the on-site facilities provided by the new school, including outdoor play space enhancements.

### Other issues

A number of objections have referred to the expansion of the school and have said it is not necessary, in particular because it is not to serve children who live in the village or surrounding areas of the Vale of Glamorgan.

There is a requirement for a Local Authority to provide sufficient school places under the Education Act (1996). The governing body of St Nicholas CIW Primary School consulted on a proposal to increase the capacity of the school from 126 places to 210 places to meet additional demand because of recent and proposed housing developments within the school's catchment. This includes developments in St Nicholas and Bonvilston area which are projected to yield an additional 66 primary aged learners. The existing school does not currently have sufficient capacity to meet this project demand.

Furthermore, the education catchment due to this being a faith school, does not follow local authority boundaries which would be used for a state school. State schools generally stay within local authority boundaries whereas faith schools follow parish boundaries but can also take pupils from further afield.

## RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- SNPS-STL-XX-XX-DR-A-0001 PL\_PL03 – Site Location Plan
- SNPS-STL-XX-XX-DR-L-9001S4\_P03 - General Arrangement Plan
- SNPS-STL-XX-00-DR-A-0101 PL\_PL03 – Proposed floor plan
- SNPS-STL-XX-01-DR-A-0102 PL\_PL03 – Proposed roof plan
- SNPS-STL-XX-XX-DR-A-0201 PL\_PL08 - Elevations
- SNPS-STL-XX-XX-DR-L-9401 PL\_PL04 – Cycle Shelter and Stands
- SNPS-STL-XX-XX-DR-L-9402 PL\_PL04 Bin Enclosure, Sprinkler Tank Enclosure, Substation and Plant Store
  
- Aecom - Preliminary Ecological Appraisal August 2019
- Aecom - Building Bat Roost August 2019
- ArbTS - Arboricultural Report Including: Tree Survey Data & Tree Constraints Plan (TCP) Report July 2019
- HCUK Group Heritage Impact Assessment November 2020

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The plan/statement shall provide for:
  - A construction/demolition programme including phasing of works
  - 24-hour emergency contact number
  - Hours of construction / demolition / delivery activity
  - Expected number and types of vehicles accessing the site
  - Deliveries, waste, equipment, plant, works, visitors
  - Size of construction vehicles

- The use of a consolidation operation or scheme for the delivery of materials and goods
- Phasing of works
- Details of any temporary Traffic Regulations required during the construction/demolition period
- Means by which a reduction in the number of movements and parking can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)
- Programming
- Waste management
- Construction/demolition methodology
- Shared deliveries
- Car sharing
- Travel planning
- Local workforce
- Parking facilities for staff and visitors
- On site facilities
- A scheme to encourage the use of public transport and cycling
- Routes for construction traffic together with warning signage which includes proposals to restrict HGV movements to the site to avoid the AM/PM peak travel and school drop off/pick up times for the existing school site
- Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site
- Locations for storage of plant/waste/construction materials (not to be deposited or stored within the limits of the public highway)
- Arrangements for the turning of vehicles, to be within the site unless completely unavoidable
- Arrangements to receive abnormal loads on unusually large vehicles (although this should be avoided)
- Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available
- Any necessary temporary traffic management measures
- Measures to protect vulnerable road users (pedestrians and cyclists)
- Method of preventing mud being carried onto the highway
- Methods of communicating the Construction Traffic Management Plan to staff, contractors, visitors and neighbouring residents
- The approved plan/statement shall be adhered to throughout the demolition/construction period.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of highway/public safety and the free flow of traffic along the adopted highway network and to ensure compliance with policy MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

4. No development shall take place until a site-specific Construction Environment Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.



The plan shall include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation, and liaison
- Arrangements for liaison with the Council's Pollution Control Team
- Hours of operation for all works and ancillary operations in relation to construction / demolition / delivery activity
- Management, control and mitigation of dust, noise, and vibration
- Odour management and mitigation
- Measures for controlling the use of site lighting whether required for safe working or for security purposes
- How the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development
- Procedures for emergency deviation of the agreed working hours
- The approved plan shall be adhered to throughout the demolition/construction period.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

5. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a Condition Survey of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic as agreed in the Construction Management Plan under Condition No. 3
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey
- 

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

6. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under condition 5 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

7. Prior to the commencement of the construction of the school building a scheme for warning signage to mitigate intensification of the proposed exit from St Nicholas onto the A48 shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented prior to the beneficial occupation of the school by more than 126 pupils.

Reason:

In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. Prior to the commencement of the construction of the school building, and notwithstanding the submitted plans, details of the footway (which shall be wider than 2m) along the site frontage on School Lane shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first beneficial use of the school.

Reason: In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

9. Prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall include measures to:

- Provide a suitable active travel route to the school site through the village
- Restrict school traffic along the designated active travel route to the school site at peak times (except for resident and emergency access)
- Consider options for a walking bus
- Consider options for car sharing
- Ensure appropriate and effective management of pedestrian and vehicular traffic in accessing the site

- A timetable for monitoring and review of the travel plan for a period of not less than 5 years from the date of occupation and shall include any new measures as a result of monitoring

The Travel Plan shall thereafter be completed/implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles, in the interests of highway and pedestrian and safety and to ensure that the site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. The school shall not be occupied by more than 126 pupils until a Traffic Regulation Order to secure the design and implementation of a formal one way system through the village is in place. A scheme indicating the extent of the Traffic Regulation Order shall first be agreed with and approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

11. The school shall not be occupied by more than 126 pupils until a Traffic Regulation Order to control parking along School Lane and other areas within the village (where appropriate) to prevent indiscriminate parking to maintain free flow of traffic has been secured. The scheme shall include the 'school keep clear' marking and other restrictions to be agreed. A scheme indicating the extent and full details of the Traffic Regulation Order shall first be agreed with and approved in writing by the Local Planning Authority.

Reason:

In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

12. The school shall not be occupied by more than 126 pupils until a scheme for the management of staggered start and finish times for all pupils has been submitted to, and approved in writing by, the Local Planning Authority. The development shall thereafter be implemented, and the school day operated fully in accordance with the approved details.

Reason:

In the interests of pedestrian and highway safety and the free flow of traffic along the adopted highway network in accordance with MD2 (Design of New Developments) of the Local Development Plan.

13. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) based on the measures set out in the Aecom Preliminary Ecology Appraisal and BREEAM Ecology Report August 2019 shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme and it shall be implemented and delivered in accordance with the approved timescales and retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 (Promoting Biodiversity) of the Local Development Plan.

14. The development shall at all times be carried out in accordance with the recommendations contained within the Aecom Preliminary Ecology Appraisal and BREEAM Ecology Report August 2019.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Prior to their use in the development, samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and maintained in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan

16. Notwithstanding the submitted plans, prior to the first beneficial use of the development hereby approved a fully detailed scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall make provision for at least 2 trees to be re-planted for every tree to be removed. A full planting schedule (with species) and details of all materials to be used in landscaping works shall be provided and the development shall thereafter be implemented fully in accordance with the approved details.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the

occupation of the school or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

18. Notwithstanding the submitted plans, prior to the first beneficial use of the development hereby approved all means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

19. Notwithstanding the submitted plans, prior to the installation of any external lighting, full details of all external site lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- Details of the siting and type of external lighting to be used
  - Drawings setting out light spillage in key sensitive areas
  - Details of lighting to be used both during construction and/or operation
- The lighting of the site shall thereafter only be in accordance with the approved details.

Reason:

In the interests of ecology and neighbouring amenity and to ensure compliance with Policy MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan

20. Prior to the first beneficial use of the development hereby approved, full details including the siting, design, content and size of the proposed information board relating to the Cottrell Ringwork, as described in section 6.9 Mitigation of the Heritage Impact Assessment (HCUK Group, November 2020) shall be submitted to and approved in writing by the Local Planning Authority. The information board shall thereafter be delivered, installed, retained and maintained in accordance with the approved details.

Reason:

In in order to mitigate the impact of the works on an identified designated historic asset and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10

(Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

22. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed 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. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policy MD7 (Environmental Protection) of the Local Development Plan.

23. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with policy MD7 (Environmental Protection) of the Local Development Plan.

24. Notwithstanding the submitted plans detailing cycle parking, prior to the first beneficial use of the development hereby approved details of the provision of scooter parking shall be submitted to and approved in writing by the Local Planning Authority, to include full details of the their design and location within the site. The scooter parking shall be provided prior to the beneficial use of the school and shall be retained at all times thereafter.

Reason:

In the interests of ensuring adequate scooter parking to serve the development, and to ensure compliance with policy MD2 (Design of New Developments) of the Local Development Plan.

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1, SP7, SP10, MG6, MD2, MD5, MD7, MD8 and MD9 of the Vale of Glamorgan Adopted Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Councils SPG on Biodiversity and Development, Parking Standards, Sustainable Development – A Developers Guide and Travel Plans, the proposed development, subject to compliance with conditions, is considered acceptable in principle and in respect of design, residential amenity, highway safety, parking, historic assets, ecology and drainage.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

### NOTE:

- 1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal**

procedures have been completed and confirmed for the diversion or extinguishment of the right of way.

2. **The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for (i) determining the extent and effects of such constraints; (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site; - Unprocessed / unsorted demolition wastes. - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances. - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.**

**The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.**

3. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)**

**The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**



4. **Pollution Prevention During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>**
5. **New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

Responsibility is not accepted for errors made by others in scaling from this drawing.  
All construction information should be taken from figured dimensions only.



Site Location Plan  
1 : 1250

PL PLO3 29/06/2020 Planning Issue.  
PL PLO3 11/06/2020 Pre-application consultation issue.  
STATUS | REV | DATE | DESCRIPTION  
CLIENT Vale of Glamorgan Council  
REVISED BY JP  
CHECKED BY JP  
ORIGINATOR NO 152853

CONSULTANT  
**STRIDE TREGLOWN**  
www.stride-treglown.com © Stride Treglown Limited 2020

PROJECT  
St Nicholas Church In Wales Primary School  
St. Nicholas, Vale of Glamorgan

DRAWING TITLE  
Site Location Plan

SUITABILITY STATUS  
PL : Authorized and accepted  
SCALE 1 : 1250@A3

DRAWING USAGE:  
PROJECT - ORIGINATOR - VOLUME - LEVEL - TYPE - ROLE - CLASS - NUMBER STATUS - REVISION  
SNPS-STL-XX-XX-DR-A-0001 PL\_PLO3

2020/00874/RG3



## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2020/00874/RG3
Observations By:	James Aitken
Date:	16 <sup>th</sup> November 2020
Location:	St Nicholas Church in Wales Primary School
Proposal:	Proposed replacement primary school including additional nursery provision and associated works
Case Officer:	Mrs Emma Watkins

I refer to the above planning application for the demolition and re-development of St Nicholas Church in Wales Primary School, St Nicholas. The existing site currently caters for 128 pupils (enrolled) and 21.5 full time equivalent staff.

The proposals seek to build a new building which will increase the capacity of the school from the current capacity of 126 pupils to 210 pupils plus a new nursery facility consisting of 48 pupils. For the purposes of the Transport Assessment the nursery pupils have been calculated at full time equivalent's therefore 24 FTE pupils are used as there will be a morning and afternoon sessions. Staff numbers are increasing from 21.5 FTE to 24 FTE members of staff and this has been explained within the Transport Assessment.

The highway authority has taken into account all of the information provided, consulted various officers and engineers within Neighbourhood Services and conducted site visits. Further information was provided and re-consulted on 8<sup>th</sup> October 2020 and the highway authority has considered the revised submissions. In the initial submission of information the highway authority had concerns and various consultations and discussions have been carried out in an attempt to alleviate those concerns. The revised information has provided potential improvements to active travel provision, estimated reductions in possible vehicular movements to/from the school and more up to date public transport information.

The highway authority would comments as follows:-



1. The Proposed Site Layout (SNPS-STL-XX-XX-DR-L-9001) has identified and provided an increased area / allocation for on-site car parking to take place off the local road network to assist with staff parking. The layout identifies 20 parking spaces proposed for teachers and ancillary staff, 3 separate visitor spaces and one disabled space. The highway authority considers this an acceptable level of parking in accordance with the council's SPG – Parking Standards. The school should ensure that visiting and deliveries take place outside of the school start and finish times to maximise the space used for pick up and drop off of children.
2. The initial submission of information for this proposed development suggested that during the AM and PM school peak there would be a 79% modal split for pupils travelling by car to the school which was a worst case scenario. Following concerns raised by the highway authority and after subsequent discussions, additional information has been submitted to provide a better picture of the likely modal splits. The initial TA report provided the modal split for the proposed school based on existing pupil numbers where the vast majority travel from further than 2 miles away. However using yield calculations provided from the Council's SPG, of the increase in pupils, 92 will likely live in the new residential developments. The TA has also estimated that the majority of pupils to reside in the Bonvilston development will travel by car as it is on the edge of the 2km 'preferred maximum' distance. Therefore, there is a 33% increase in vehicular trips (36 additional trips) to/from the school as provided in the revised TA and Addendum. During school drop off and pick up times School Lane is often congested and as a result of an increase in vehicle trips there is a potential for cars turning right from the A48 onto school Lane to be delayed which will likely create queuing traffic along the A48 which is not favoured. Breakfast club provision will be provided at the new school with a maximum uptake of 105 pupils and will begin at 07:50am. The after school clubs could allow for 30 pupils which would mean collection between 16:00 and 17:00. Pupils attending these facilities should act to spread out the trips to/from the school which in turn would possibly reduce congestion in and around the village of St Nicholas however there is still some concern regarding the afternoon pick up. Therefore, the following condition is required:

*A scheme for staggering start and finish times shall be submitted to and approved in writing by the local planning authority. The scheme and details shall be agreed prior to beneficial use of the school and must be implemented before occupation of the 127<sup>th</sup> pupil. The development shall thereafter be implemented, and the school day operated fully in accordance with the approved details.*

*Reason :- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network*

3. The proposed works improve the existing drop off and pick for parents by making available within the new school development site provision for 5 bays for dropping off and picking up pupils and with the potential for the delivery bay to be

used. However, once capacity is reached any additional pick up and drop off will likely take place on School Lane and within the surrounding village of St Nicholas and it has been observed that there is frequent inappropriate parking. However, the highway authority's main concern is the early arrival of parents in the afternoon to pick up children and the pick-up and drop off area being occupied which will then displace parking in and around the neighbouring streets. This is an existing situation however the expansion of the school will mean more cars travelling to and from the school which in turn with the area at present saturated with parking could cause further congestion issues. In addition to the measures required in point 2 to spread out the traffic the highway authority would require the following condition:

*The school shall not be occupied by more than 126 pupils until all the measures forming part of a Traffic Regulation Order to control parking along School Lane and other areas within the village (where appropriate) to prevent indiscriminate parking to maintain free flow of traffic have been implemented. The scheme shall include the 'school keep clear' marking and other restrictions to be agreed. A scheme indicating the extent and full details of the Traffic Regulation Order shall first be agreed with and approved in writing by the Local Planning Authority prior to commencement of development.*

*Reason: In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 of the LDP.*

4. The current site lacks Active Travel provision to allow pupils to walk or cycle to school. There are policies and legislation which sets out the objectives of a modal shift away from the private car. These include Planning Policy Wales 10 (Section 4) and the Active Travel Act 2013. There is a footway along the A48 but from this footway pupils are expected to walk in the carriageway to enable access to the school gates. With the increase in vehicle trips and pedestrians to /from the school this could increase the likelihood of conflict between the two. The applicant has provided information for possible active travel improvements which includes closing off one of the exits from school to allow pedestrians only and improvements to provide a pedestrian route through the village between the A48 and the school. This would likely reduce the potential conflict between vehicles and pedestrians during AM and PM pick up times and if implemented, would allow the Travel Plan to encourage a modal shift to a more sustainable mode of transport which could reduce vehicle trips. It is assumed using yield calculations that 92 new pupils could come from neighbouring developments and a large proportion would walk therefore it is imperative that pedestrian provision through the village is provided.
5. The provisional Travel Plan has identified that a 'walking bus' is proposed in which parents can drop their children off in the Cae Newydd development and then be walked to the school by school staff. Whilst the highway authority favours a walking bus there are a number of issues with using this particular area. The highway Authority requires a condition for the provision of a comprehensive



Travel Plan to be agreed by the LPA / LHA and to include the provision of a walking bus and car share scheme to ensure appropriate and effective management of pedestrian and vehicular traffic accessing the site. The following condition should be applied to satisfy points 4 and 5 above:

*Prior to the first beneficial use of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall include measures to:*

- *Provide a suitable active travel route to the school site through the village*
- *Restrict school traffic along the designated active travel route to the school site at peak times (except for resident and emergency access)*
- *Consider options for a walking bus*
- *Consider options for car sharing*
- *Ensure appropriate and effective management of pedestrian and vehicular traffic in accessing the site*
- *A timetable for monitoring and review of the travel plan for a period of not less than 5 years from the date of occupation and shall include any new measures as a result of monitoring*

*The Travel Plan shall thereafter be completed/implemented in accordance with the approved details.*

*Reason:*

*To ensure the development accords with sustainability principles, in the interests of highway and pedestrian and safety and to ensure that the site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.*

6. There is lack of visibility for vehicles exiting School Lane onto the A48 close to which is proposed to be the exit point for the one way system. This is an historic situation however an increase in vehicles using this junction could exacerbate the potential issue of congestion through the village of St Nicholas and potential for conflict with vehicles travelling along the A48 and exiting School Lane. The following condition should be applied:

*Prior to the commencement of the construction of the school building a scheme for warning signage to mitigate intensification of the proposed exit from St Nicholas onto the A48 shall be submitted to and approved in writing by the Local Planning Authority. The signage shall be implemented prior to the beneficial occupation of the school.*

*Reason :- In the interest of highway / Public Safety*

7. The pathway provided for the school frontage should be widened to greater than 2 metres shown on the site layout drawing. This is in accordance with Manual for Streets section 6.3.22 which states that areas fronting schools should be wider than the recommended 2 metre width footways. Either amend the layout to incorporate this or provide a suitably worded condition as below:

*Prior to the commencement of the construction of the school building, and notwithstanding the submitted plans, details of the footway (which shall be provided at 3m width) along the site frontage on School Lane shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first beneficial use of the school.*

*Reason: In the interests of ensuring appropriate highway and pedestrian safety and to ensure compliance with Policy MD2 of the LDP.*

8. The TA identifies that an advisory/informal one way system will be promoted by the school to reduce the potential conflict between pedestrians and vehicles to positively assist in the management of school traffic. Whilst it is considered that a one-way system would be advantageous in controlling vehicular traffic thereby alleviating concerns regarding the conflict of vehicles and resulting congestion, it is the case that informal one-way systems rely heavily on parent / guardian and other motorists compliance to work effectively and cannot be enforced. The highway authority would require a formal one ways system to be pursued.

*A scheme indicating the extent of a Traffic Regulation Order for a proposed one-way system and extents shall first be agreed with and approved in writing by the Local Planning Authority prior to commencement of development. The school shall not be occupied by more than 126 pupils until all the measures forming part of a Traffic Regulation Order to secure the design and implementation of a formal one way system through the village have been implemented.*

*Reason :- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network*

9. Prior to commencement of development the provision of sheltered scooter pods should be provided and the details to and agreed by the Highway Authority.

\*\*\*Should the Local Planning Authority be mindful in approving this application the following conditions should be applied.

10. No development shall take place, including any demolition works, until a construction management plan or construction method statement has been



*submitted to and approved in writing by the Local Planning Authority. The plan/statement shall provide for:*

- *A construction/demolition programme including phasing of works*
  - *24-hour emergency contact number*
  - *Hours of construction / demolition / delivery activity*
  - *Expected number and types of vehicles accessing the site*
    - *Deliveries, waste, equipment, plant, works, visitors*
    - *Size of construction vehicles*
    - *The use of a consolidation operation or scheme for the delivery of materials and goods*
    - *Phasing of works*
  - *Details of any temporary Traffic Regulations required during the construction/demolition period*
  - *Means by which a reduction in the number of movements and parking can be achieved (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction)*
    - *Programming*
    - *Waste management*
    - *Construction/demolition methodology*
    - *Shared deliveries*
    - *Car sharing*
    - *Travel planning*
    - *Local workforce*
    - *Parking facilities for staff and visitors*
    - *On site facilities*
    - *A scheme to encourage the use of public transport and cycling*
  - *Routes for construction traffic together with warning signage which includes proposals to restrict HGV movements to the site to avoid the AM/PM peak travel and school drop off/pick up times for the existing school site*
  - *Locations for loading/unloading, waiting/holding areas and means of communication for delivery vehicles if space is unavailable within or near the site*
  - *Locations for storage of plant/waste/construction materials (not to be deposited or stored within the limits of the public highway)*
  - *Arrangements for the turning of vehicles, to be within the site unless completely unavoidable*
  - *Arrangements to receive abnormal loads on unusually large vehicles (although this should be avoided)*
  - *Swept paths showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available*
  - *Any necessary temporary traffic management measures*
  - *Measures to protect vulnerable road users (pedestrians and cyclists)*
  - *Method of preventing mud being carried onto the highway*
  - *Methods of communicating the Construction Traffic Management Plan to staff, contractors, visitors and neighbouring residents*
- The approved plan/statement shall be adhered to throughout the demolition/construction period.*

*Reason:*



*To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of highway/public safety and the free flow of traffic along the adopted highway network and to ensure compliance with policy MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.*

11. *No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a Condition Survey of the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:*

- *A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic as agreed in the Construction Management Plan under condition xx*
- *A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey*

*No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.*

*Reason:*

*To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.*

12. *Within 1 Month following the completion of the development, a Second Condition Survey along the route agreed under condition XX shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.*

*Reason:*

*To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.*

*13. No materials whatsoever shall to deposited or stored within the limits of the adopted highway in the interest of highway / Public Safety and the free flow of traffic along the adopted highway.*

*Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway.*

In summary, the highway authority has concerns regarding the proposals for the re-development of St Nicholas Church in Wales Primary School. However, a list of measures and conditions to mitigate these concerns have been identified above and it is requested that should the Planning Authority be minded to recommend approval of this application then the requirement of the above conditions should be reported accordingly to Planning Committee for their consideration and approval. Furthermore, The highway authority would welcome revisiting and reviewing the success of the proposed conditioned traffic management proposals and travel plan objectives with the education department and the community council to consider any additional measures that may be required, such as the expansion of after school clubs and any potential for additional pick up and drop off provision at an appropriate time in the future should any traffic issues be identified.

**2020/00954/CAC** Received on 29 July 2020

**APPLICANT:** Jane O'Leary Civic Offices, Holton Road, Barry, CF63 4RU

**AGENT:** Mr. Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

### **St. Nicholas Church In Wales Primary School, St. Nicholas**

Proposed replacement primary school including additional nursery provision and associated works

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

#### **EXECUTIVE SUMMARY**

This is an application for conservation area consent for the demolition of the existing school building at St Nicholas Church in Wales Primary School in St Nicholas. This CAC application has been submitted in conjunction with planning application 2020/00874/RG3 which proposes the replacement of the existing school.

No representations have been received on this application and the only consultee response is from the conservation and design officer.

The application is recommended for approval, subject to conditions.

#### **SITE AND CONTEXT**

The application site is land at St Nicholas Church in Wales Primary School, St Nicholas, as shown edged red on the site plan below.



## DESCRIPTION OF DEVELOPMENT

The proposal is the demolition of the existing school building. This CAC application has been submitted in conjunction with planning application 2020/00874/RG3 which proposes the replacement of the existing school, including additional nursery provision and associated works.





## PLANNING HISTORY

1995/00591/TCA, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Crown lift and crown thin two Acers at the front of school, Decision: Approved

1995/00921/TCA, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Fell three silver birch trees as indicated on the plan included with letter of application dated 4th October 1995, Decision: Approved

2001/01435/REG3, Address: St. Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Site a steel container in playing fields, Decision: Approved

2004/01248/REG3, Address: St. Nicholas Church of Wales Primary School, St. Nicholas, Proposal: Provision of an external boiler room to house the new heating system equipment, Decision: Approved

2004/01807/REG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Infill extensions in 2 No. separate locations to increase classroom areas. Existing external screens to be re-used thus overall appearance to elevations unchanged, Decision: Approved

2005/01996/REG3, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Metal storage container (6.00 x 2.4m) to store outdoor PE equipment on playing field to rear of St. Nicholas Primary School, Decision: Approved

2008/00243/RG3, Address: Playing field to rear of St. Nicholas Primary School, Proposal: Retention of metal storage container (6.0 x 2.4m) to store outdoor P.E. equipment, Decision: Approved

2016/00431/RG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Proposed canopy to the front/south elevation, Decision: Approved

2020/00874/RG3, St. Nicholas Church In Wales Primary School, St. Nicholas: Proposed replacement primary school including additional nursery provision and associated works, Decision: Application also being reported to 25 November Planning Committee.

## CONSULTATIONS

**Councils Conservation (Planning)** was consulted and has raised no objection.

**Wenvoe Ward Member** was consulted and no comments have been received to date

**St. Nicholas and Bonvilston Community Council** were consulted and no comments received to date

## REPRESENTATIONS

The neighbouring properties were consulted, and the development has been advertised on site and in the press.

No representations have been received to date in specific reference to this application. However, comments have been received in respect of application ref

2020/00874/RG3, for the proposed replacement primary school including additional nursery provision and associated works, which are fully considered under that application.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP10 – Built and Natural Environment

#### **Managing Development Policies:**

POLICY MD8 - Historic Environment

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.

The following chapters and sections are of relevance in the assessment of this planning application:

Chapter 6 - Distinctive and Natural Places sets out the Welsh Government's planning guidance on the conservation and enhancement of the historic environment.

Paragraph 6.1.6 sets out the Welsh Government's specific objectives for the historic environment. These seek to:

- protect the Outstanding Universal Value of the World Heritage Sites;
- conserve archaeological remains, both for their own sake and for their role in education, leisure and the economy;
- safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved;
- preserve or enhance the character or appearance of conservation areas, whilst the same time helping them remain vibrant and prosperous;
- preserve the special interest of sites on the register of historic parks and gardens; and
- protect areas on the register of historic landscapes in Wales.

Paragraph 6.1.9 makes clear:

“Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.”

In relation to listed buildings Paragraph 6.1.10 states:

“There should be a general presumption in favour of the preservation or enhancement of a listed building and its setting, which might extend beyond its curtilage. For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses.”

Paragraph 6.1.12 states:

“The demolition of any listed building should be considered as exceptional and require the strongest justification.”

In relation to conservation areas Paragraph 6.1.14 states:

“There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.”

Paragraph 6.1.15 states:

“There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

Para 6.1.16 states:

“Preservation or enhancement of a conservation area can be achieved by development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

Para 6.1.17 states:

“Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the

building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole

### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- St Nicholas Conservation Area Appraisal and Management Plan

The St Nicholas Conservation Area Appraisal and Management Plan (CAAMP) identifies the qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity.

### **Other relevant evidence or policy guidance:**

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

### Issues

This is an application for conservation area consent (CAC) for the demolition of the existing school building at St Nicholas Church in Wales Primary School in St Nicholas.

This CAC application has been submitted in conjunction with a detailed planning application 2020/00874/RG3 which proposes the demolition of the existing school building and redevelopment for a new school. The corresponding planning application is on this agenda for consideration.



Paragraph 6.13 of TAN 24 provides additional guidance relating to the demolition of unlisted buildings in conservation areas:

“There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

It is understood that the existing school building dates from the late 1960s. The school building is not identified in the CAAMP as making a positive contribution and it is not historically significant.

It is considered that the existing school building does not make a positive contribution to the character or appearance of the conservation area and subject to the approval of the detailed planning application ref. 2020/00874/RG3 for the replacement school, there is no objection to its demolition.

#### REASON FOR RECOMMENDATION

The recommendation to approve conservation area consent is made having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. In consideration of whether to grant listed building consent, this requires the local planning authority to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015

#### RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works hereby permitted shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**NOTE:**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

Responsibility is not accepted for errors made by others in using from this drawing.  
All construction information should be taken from the approved drawing only.

0mm 50mm



Site Location Plan  
1 : 1250

2020/00954/CAC

PL PLO3 29/04/2020 Planning Issue  
 PL PLO2 11/04/2020 Pre-application consultation issue  
 STATUS | REV | DATE | DESCRIPTION  
 CLIENT Vale of Glamorgan Council  
 REVIEWED BY JP  
 CHECKED BY JP  
 ORIGINATOR NO 152853

CONSULTANT  
**STRIDE TREGLOWN**  
 www.stridetreglown.com © Stride Treglown Limited 2020

PROJECT  
 St Nicholas Church In Wales Primary School  
 St. Nicholas, Vale of Glamorgan

DRAWING TITLE  
 Site Location Plan

SUPPLY STATUS  
 PL : Authorized and accepted  
 SCALE 1 : 1250@A3

DRAWING USAGE:  
 PROJECT ORIGINATOR - VOLUME - LEVEL - TYPE - ROLE - CLASS - NUMBER STATUS\_REVISION  
 SNPS-STL-XX-XX-DR-A-0001 PL\_PL03

**2020/00514/OUT** Received on 13 October 2020

**APPLICANT:** Mr. Craig Anstee 15, Nantlais, Corntown, Vale of Glamorgan, CF35 5SA

**AGENT:** Mr. Craig Anstee 15, Nantlais, Corntown, Vale of Glamorgan, CF35 5SA

### **15, Nantlais, Corntown**

New residential dwelling in garden of existing dwelling and replacement garage

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Cave for being unneighbourly and causing the overdevelopment of the site.

#### **EXECUTIVE SUMMARY**

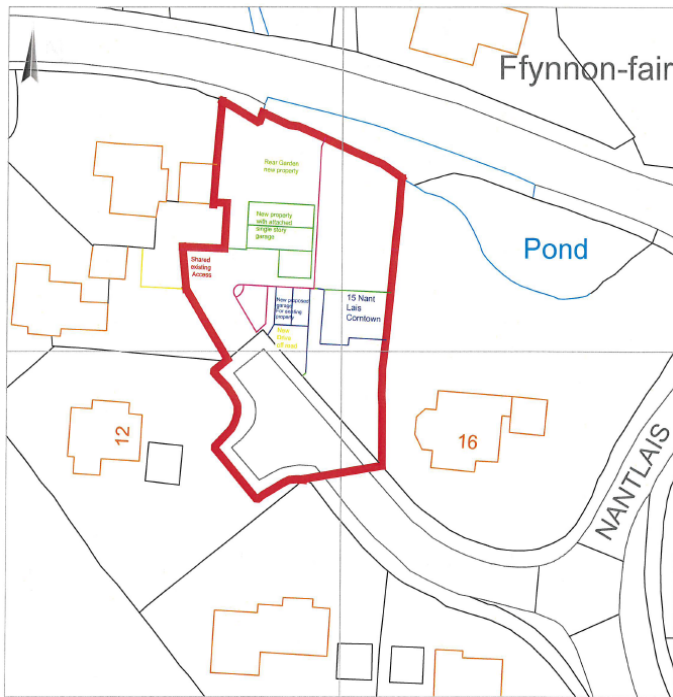
The application seeks outline permission for an additional new dwelling at the site and for a new external garage to serve number 15 Nantlais, Corntown. The surrounding street scene is made up of detached dwellings, and this application proposes an additional unit in between numbers 14 and 15. The application is in outline with all matters reserved, however, indicative details have been submitted.

The main issues to consider are the design and layout, impact on neighbours, parking provision/access and amenity space provision. The application also triggers a requirement for a financial contribution towards affordable housing.

Over the course of the application, three neighbours have objected to the proposal, however, having regard to the above issues, the proposed development is recommended for approval subject to conditions and a section 106 legal agreement to secure affordable housing.

#### **SITE AND CONTEXT**

The application relates to 15 Nantlais, Corntown. The existing property is two storeys in height, detached, and lies within the Corntown settlement boundary, as identified by the Vale of Glamorgan Adopted Local Development Plan (LDP) 2011-2026. The current street scene retains much of its original character and a site location plan is shown below. The street comprises a series of relatively large and well-spaced detached dwellings.



## DESCRIPTION OF DEVELOPMENT

The application seeks outline planning permission to demolish the existing detached garage serving number 15 and construct a two-storey detached dwelling within the current curtilage of the property, on the north-west side of the existing house. All detailed matters are reserved for future approval, however, indicative details of siting, layout and access have been submitted to assist the assessment.

A new detached garage would be built to the side of the existing building to serve the existing property (accessed via a new drive) and the current driveway would lead to a new garage attached to the side of the proposed dwelling. Indicative site layout plans are shown below to illustrate the proposed development.



## PLANNING HISTORY

There is currently no relevant planning history related to the site.

## CONSULTATIONS

**Highway Development** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Comments received on 10<sup>th</sup> August provide advice in respect of parking standards and access to the site.

**The Councils Drainage Section** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. No comments have been received to date.

**Shared Regulatory Services (Pollution)** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Comments received on 3<sup>rd</sup> of July 2020 requested conditions to be imposed regarding the unforeseen contamination of the land, imported soils, and imported aggregates, as well as a contamination and unstable land advisory note.

**Ewenny Community Council** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Comments received on 13<sup>th</sup> July 2020 and 15<sup>th</sup> November 2020 object to the proposal on the basis that:

- The additional property would over develop the site.
- The development would lead to surface water runoff.
- The existing sewer network is already over capacity.
- There are already 4 properties served by the shared driveway.

**Dwr Cymru / Welsh Water** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Comments received on 7<sup>th</sup> July 2020 and 6<sup>th</sup> November confirms capacity within the existing public sewerage system. The response also notes that there is a public sewer running through the site and advise that the applicant carry out a survey to ascertain the exact location and contact Welsh Water to discuss repositioning the sewer if necessary.

**Local Ward Members** were consulted on 2<sup>nd</sup> July 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Councillor Cave responded on 10<sup>th</sup> September 2020 and 23<sup>rd</sup> November and requested that the application be considered by planning committee on the grounds that the proposed development would be unneighbourly and an over development of the site.

**Housing Strategy** were consulted on 21<sup>nd</sup> October 2020 and again on 27<sup>th</sup> October 2020 following re-registration. Comments received on 3<sup>rd</sup> November 2020 state:

- *“The application states a net gain of 1 unit. Under the SPG we require an off-site contribution of AHC x 0.4 of a one bed unit in zone 5 (£119,700) which equates to £27,770.40.”*

## REPRESENTATIONS

The neighbouring properties were consulted on 2<sup>nd</sup> July 2020. Objections have been received from three neighbours and in summary they state:

- The proposed development would lead to parking and highway safety issues, as the additional dwelling and new access would exacerbate the current issue.
- The proposed new house would potentially overshadow and impede on the privacy of 14, Nantlais, Corntown.
- Without detailed plans, it is not clear whether the proposed new house would harm the existing level of neighbouring amenity.

- Construction works would disrupt neighbours.
- The development would cause more surface water runoff, adding to the current issue of intermittent flooding on Corntown Road.
- The development could harm the value of neighbouring properties.
- The new house would damage the profile of the area and set a precedent for compact development in the village.
- The existing public sewerage network may become overloaded following the development.
- The site was initially restricted to 16 dwellings.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP2 – Strategic Sites

POLICY SP4 – Affordable Housing Provision

#### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG2 – Housing Allocations

POLICY MG4 – Affordable Housing

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.



## **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

### Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas
- Accessibility

### Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

## **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

## **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of

sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Affordable Housing (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)

### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Issues

The main issues to be considered as part of this application are:

- The principle of a new house at the site;
- Design, layout and visual impact;
- Impacts on neighbouring properties;
- Whether enough private residential amenity space will remain to serve number 15 as well as the new dwelling;
- Highways and parking issues;
- Drainage and surface water runoff;
- Ecology issues; and
- The requirement for an affordable housing contribution.

### Principle of Development

The site falls within the settlement boundary of Corntown, which is a 'Minor rural settlement' as identified in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, with adequate local facilities and services to meet every day needs where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant detail policies in the Plan. Ordinarily, new residential

developments would have to achieve a density of around 25 dwellings per hectare as per LDP policy MD6. However, in this case, while the resultant density of the site would be marginally below 25 per hectare, at present the density of the site is around 12 per hectare, and therefore the proposal would result in much more efficient use of the land. The aims of Policy MD6 would therefore be complied with and the proposed development is considered acceptable in principle in this location.

As this application is in outline with all matters reserved, the detail provided only extends to an indicative access and site layout, which can nevertheless be considered against the relevant criteria set out in Policies MD2, MD5 and MD7 of the Adopted LDP 2011-2026.

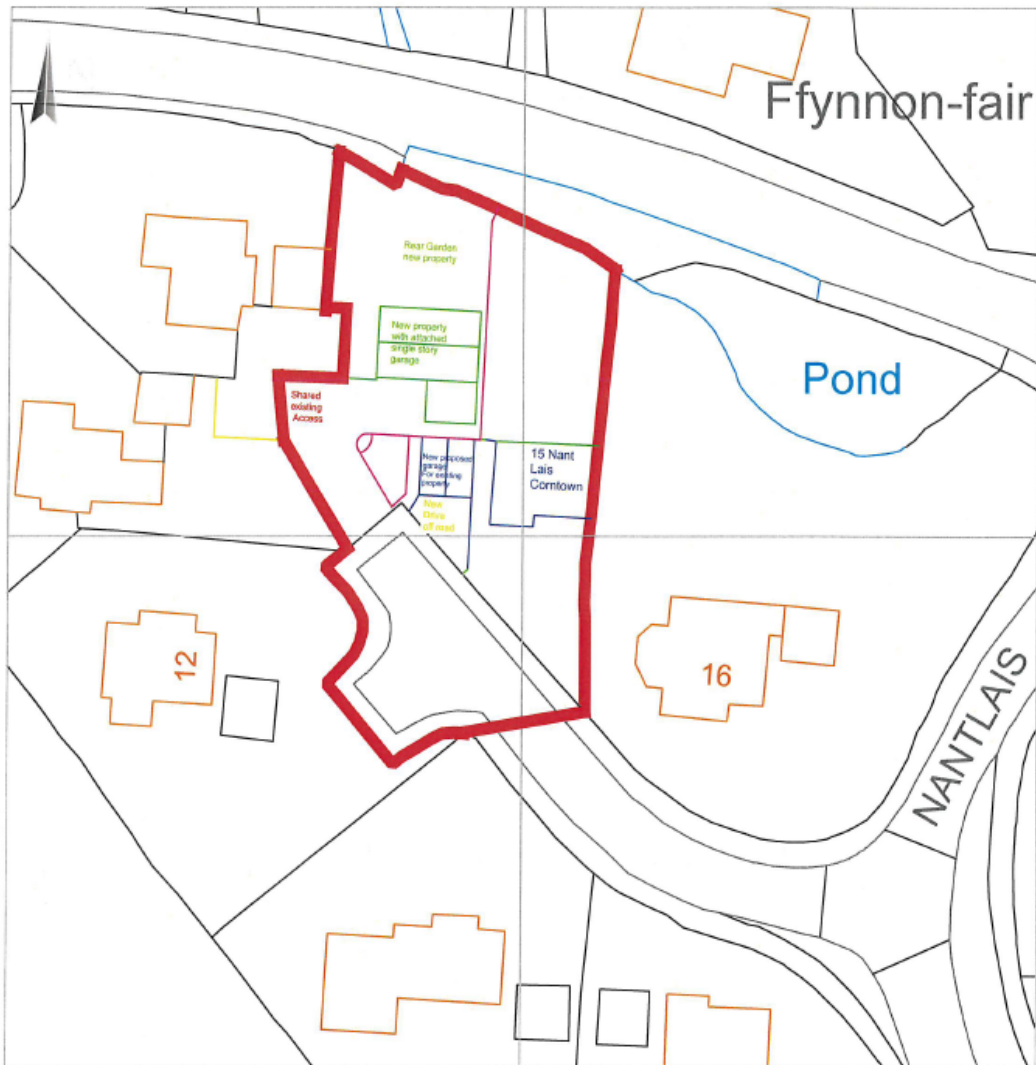
### Scale, Layout, and Visual Impact

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 10<sup>th</sup>) and TAN12- Design (2016).

Given that the application is in outline, the layout details are only indicative to show how the site could be developed. In addition, scale parameters have been submitted which enables an assessment to be made of the general scale and size of the house.

The application states that the proposed new dwelling would be approximately 7.7m high to the ridge and 4.8m high to the eaves. In principle, this would be in keeping with the existing houses in the street which are all two storey and detached. The indicative width and depth of the house are also comparable with the existing houses in the street, such that a new dwelling of this size would not appear over-scaled nor cramped in this context.

Whilst only indicative, the layout plans suggest that the new house would front the shared driveway. The existing houses in this part of the street all encircle the cul-de-sac/turning head and, therefore, while there is no single linear building line, there is a consistency to how the dwellings address the street. The new dwelling would fit comfortably within the existing pattern of development and its positioning would be consistent with the existing arc of dwellings (as shown on the plan below):



Aside from in the street itself (Nantlais), the new house would also be visible from Corntown Road to the rear. However, from that highway the dwelling would be viewed directly in the context of the existing close of houses and it would not appear visually incongruous.

The dwelling would be set well away from the side boundary with number 14 and while it would (in the indicative position shown) sit adjacent to the alignment of the side of number 15 (longitudinally) the siting further back into the site would ensure there would be an appreciable visual break between the two dwellings. In summary, the dwelling would not appear cramped in this location and there would remain generous space between the proposed building and the existing houses on either side.

The detailed design would be the subject of a reserved matters application, however, it is considered that a dwelling of this size, in this location, would not be harmful to the character of the area.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the wider area, complying with the requirements of MD2 and MD5 of the adopted LDP 2011-2026.

## Neighbour Impacts

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development (2018).

Whilst the layout is a reserved matter, the site layout plans give an indication of the proposed development of the site and shows that the new dwelling and garage could be accommodated whilst maintaining adequate separation distance from the adjoining property of 14, Nantlais and the applicants own property (15, Nantlais), such that the development would not be overbearing or lead to an unacceptable loss of light. Regarding number 14, the indicatively sited dwelling would be over 12 m from the front of the house and it would be sited well away from this neighbour's garden space. Officers are satisfied that it would not overbear this neighbour or harmfully affect the immediate outlook from that property. The greater impact would likely be upon the rear garden of the applicant's dwelling at number 15. The new house would partially enclose the outlook from the rear garden of 15 across the western boundary, however, such is the size and otherwise open aspect of this garden, it is considered that this relationship would not be unduly harmful to living conditions.

The Council's Residential and Householder Development SPG requires a separation distance of 21 metres between habitable room windows. Whilst the layout provided is indicative, any first-floor windows could be designed so that they are not within 21 metres of opposing windows and any habitable first floor windows of the two nearest neighbours and are not within 10.5 metres of private amenity space of the proposed house. However, the impact of any window openings would need to be considered further at reserved matters stage and it is likely that there should not be first floor habitable room windows on either side elevation. As noted above, there is ample scope to design the internal space such that these windows would be on the rear and front, where they would not unreasonably impact upon privacy.

It is noted that neighbours have objected on the basis that the construction of the proposed house and garage serving 15 would cause significant disruption to the street. However, all developments will inevitably result in a certain level of disruption from building works, and this would rarely be grounds to refuse planning permission. Any damage to neighbouring properties during construction would be a private matter.

One neighbour stated that the development could potentially harm the value of neighbouring properties, however, property value is not a material planning consideration. An objection was also received on the basis that the proposed development would spark local concern over the prospect of further compact residential developments in the village. Given that every planning application is considered on a case by case basis, this cannot be given weight as a material planning issue. The fact the original development consists of 16 spread out dwellings does not mean that an additional unit would necessarily be unacceptable in principle.

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for consideration with the reserved matters. In this respect it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

### Amenity Space

The Council's Residential and Householder Development SPG indicates a need for 20 sqm of private residential amenity space per person. The SPG also requires that garden areas are of a useable shape, form and topography. The submitted plan does not indicate the number of bedrooms proposed, however enough land would remain associated with number 15 to serve its needs and the size of the residential curtilage subdivided to serve the new dwelling would meet the requirements of a household. Consequently, the application is considered acceptable in terms of amenity space.

### Access, Parking and Highway safety

Criterion 3 of Policy MD2 requires proposed developments to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking. The Council's Car Parking Standards for residential development require a maximum of 1 space per bedroom up to a maximum of three per unit. Moreover, parking spaces must be at least 2.6m by 4.8m in size and the internal dimensions of the garage should be 6.0m by 3.0m for a single and 6.0m by 6.0m for a double. Further details of car parking would be required with a reserved matters application but in principle, the site would be able to accommodate enough curtilage car parking to serve the existing property as well as the proposed new dwelling.

In terms of exacerbating the existing parking issues in the street, while the proposed replacement garage to serve number 15 would require a new access to be made on to the highway, just above the shared driveway, it would not unacceptably displace the existing on street provision by dropping the kerb. Additionally, the proposed new house would re-use the existing access on to the shared driveway and would also be served by a new garage and the existing drive. Consequently, there is no reason to assume that the proposed dwelling would result in an undue increase in on street car parking and as above, the issue of parking provision would need to be finalised as part of a reserved matters application.

Considering the low levels of traffic using the cul-de-sac and the low vehicle speeds, there are no highway safety concerns. Overall traffic levels would be negligibly affected.

### Ecology

Policy MD9 is most relevant in respect of ecology matters, as it requires new development proposals to conserve and where appropriate enhance biodiversity interests. In this case, the demolition of the existing garage and the proximity of the site to the pond beside Corntown Road called for an ecology report to be submitted following a full survey of the site.

No significant wildlife or features were recorded in the garden that require protection and the fact that the pond to the rear is a washed system meant that no Great Crested Newts were found upon inspection. Furthermore, the survey found no evidence to suggest that the existing garage (to be demolished) is home to any roosting bats. It is acknowledged that this does not definitively prove that bats are never present at the site. However, for the purposes of this outline application, the proposed development is considered to have an acceptable ecological impact. Ecological enhancements, to comply with Policy MD9 and the Council's SPG, are required by condition.

### Land Contamination

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from land contamination and hazardous substances.

The Council's Environmental Health Officer has recommended a number of conditions to ensure that the proposed development is carried out in a safe manner. It is considered that subject to these conditions, the amenity of future occupants and local residents would be protected. Therefore, subject to appropriate conditions, the proposal is considered acceptable in respect of contamination and land pollution impacts in accordance with policy MD7 of the LDP.

### Drainage and Flooding

Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development site.

The site is not within an identified flood zone. Nevertheless, the development site would be subject to SAB body approval in respect of surface water. As such, the proposal is considered acceptable in relation to surface water drainage. The site is located next to an existing main sewer. Furthermore, Welsh Water have confirmed that there is capacity in the system to take the private foul flows from the dwelling. However, the developer will need to discuss connection/any mitigation works with Welsh Water prior to commencing construction.

It is considered that, subject to conditions, the development of the site is acceptable and that future occupiers of the site would not be prone to unacceptable flood risk, whilst also ensuring that the proposal does not present an unacceptable flood risk off-site, primarily along Corntown Road. Consequently, it is considered that the proposed development complies with the requirements of policy MD7 of the LDP and TAN 15 with respect to drainage or flood risk.

### Affordable Housing Contribution

The Council's Homes4U waiting list in the Ward of Llandow/Ewenny identifies the following need for new affordable homes:

<b>Llandow Ewenny</b>	
1 Bed	13
2 Bed	11
3 bed	6
4 bed	1
5 Bed	0
<b>Total</b>	<b>31</b>

LDP Policy MG4 requires a 40% affordable housing contribution to be incorporated with any residential development of one or more dwellings in minor rural settlements in the Vale of Glamorgan, including Corntown. In this case the application proposes one additional residential unit. In line with the Council's Affordable Housing SPG, this requires an off-site contribution of AHC x 0.4 of a one bed unit in zone 5 (£119,700), which equates to £27,770.40. The applicant has agreed to this contribution. A Section 106 Agreement will secure the payment of this contribution, however, the agreement will also set out that this will not be payable if a Self-Build Exemption is claimed, in accordance with Part 12 of the Affordable Housing SPG.

#### Planning Obligations Administration Fee

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater, subject to a minimum fee of £200. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

#### RECOMMENDATION

APPROVE, subject to the applicant first entering into a Section 106 Legal Agreement in respect of the following:

- Provide an affordable housing contribution of 27,770.40 (unless self-build exemptions apply)

#### APPROVE subject to the following conditions(s):

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.



Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following scale parameters:

Proposed Dwelling

- Ridge height to 7.7 metres
- Eaves height to 4.8 metres

Proposed Detached Garage (number 15)

- Ridge height to 4.8 metres
- Eaves height to 2.3 metres

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. The development shall be carried out in accordance with the following approved plans and documents:

3 x Proposed Site Layout Plans. Received: 19/05/2020.

Amended Site Location Plan. Received: 14/10/2020.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

6. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

7. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the commencing and use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

8. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed 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. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed 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. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. All means of enclosure associated with the development hereby approved shall be in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, prior to their erection. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

12. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to their use. The development shall be completed in accordance with the approved details.

Reason:

To safeguard local visual amenities, as required by Policy MD2 (Design of New Development) of the Local Development Plan.

13. The dwelling shall not be occupied until the parking spaces to serve the new house and number 15 Nantlais have been laid out within the site and those spaces shall thereafter be kept available for the parking of vehicles to serve those dwellings in perpetuity.

Reason:

To ensure that satisfactory vehicle parking is provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

14. No development shall take place until an ecological enhancements plan (including details of phasing) has been submitted to and approved in writing by the Local Planning Authority. The enhancements plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 and MD9 of the Local Development Plan.

### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1 – Delivering the strategy, SP2 – Strategic Sites, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection, and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development (2018), Parking Standards (2019), Affordable Housing (2018), Planning Obligations (2018), Planning Policy Wales 10th Edition (2018), Technical Advice Note 2 – Planning and Affordable Housing (2006), and Technical Advice Note 12- Design (2016), the development is considered acceptable in terms of its scale, siting, context within the street scene, amenity space, land contamination, drainage, and impacts on neighbours, parking, highway safety, and ecology.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

- 1. The applicant is required to contact Mr. Peter Coughlan of the Highways Section prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.**
- 2. The proposed development may be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and they should contact Dwr Cymru Welsh Water to discuss and consider possible solutions.**
- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

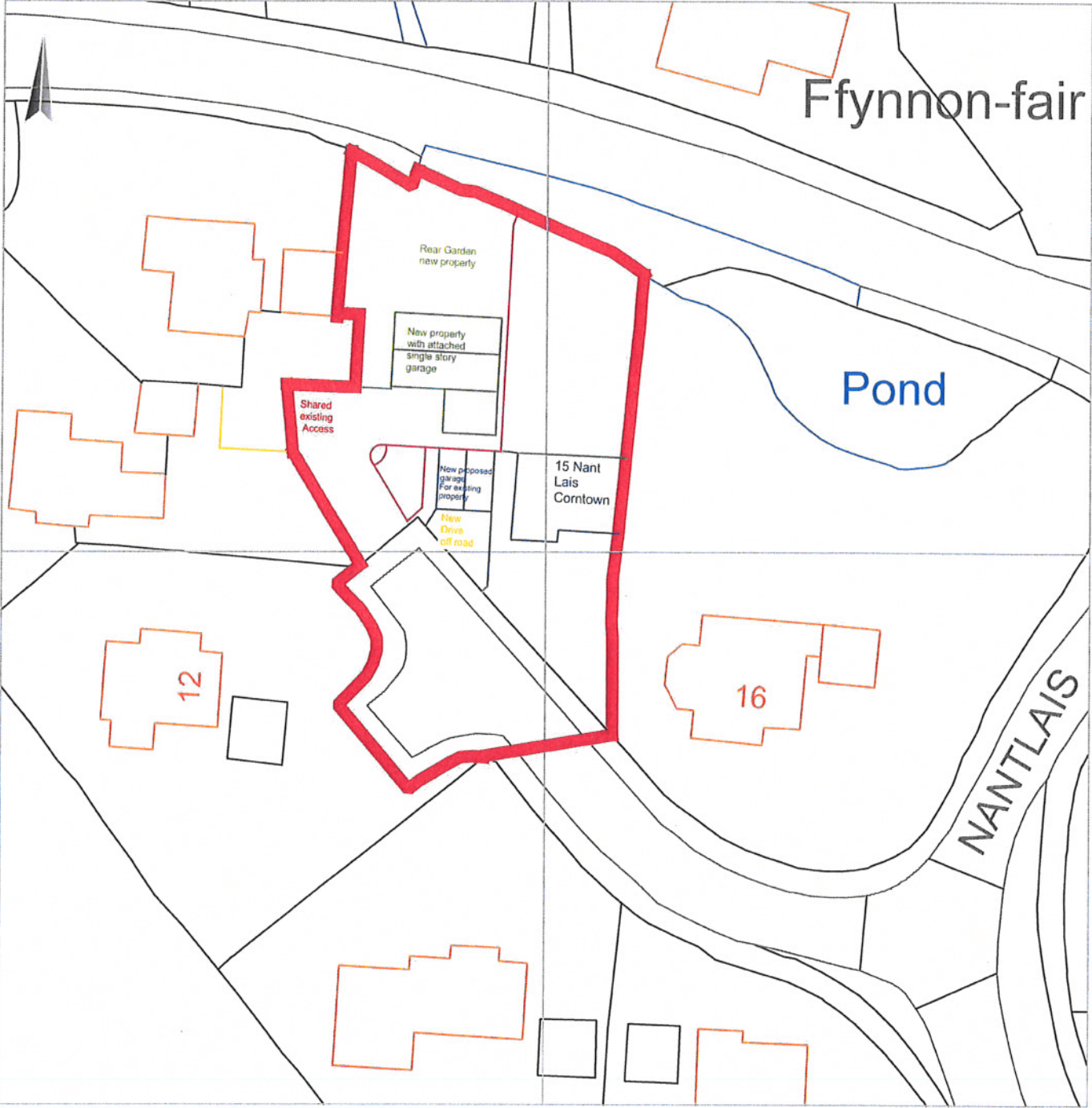
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

15 Nant Lais Corntown, Bridgend, Cf35 5SA



1:500

**2020/00762/FUL** Received on 9 July 2020

**APPLICANT:** Mr. and Mrs. Mike Morgan Lanlay, Wyndham Park Way, Peterston Super Ely CF5 6LG

**AGENT:** Mr. Andrew Parker, The Great Barn, Redway Road, Bonvilston CF5 6TR

**Lanlay, Wyndham Park Way, Peterston Super Ely**

Proposed 20m X 40m Menage

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been submitted by Councillor M. Morgan, ward member for Peterston Super Ely, who is also the site owner.

**EXECUTIVE SUMMARY**

Planning permission is sought for the construction of a manege in the existing field located to the north east of Lanlay, Peterston Super Ely. The site is outside the settlement boundary and is within the Ely Valley and Ridge Slopes Special Landscape Area. The proposed manege is close to a row of trees on the site boundary, which are covered by a tree preservation order.

No consultee comments have been received in respect of this application and one representation has been received from a neighbour expressing support for the development.

Policies MD1 (Location of Development) and MD2 (Design of New Development) of the Local Development Plan are considered to be the key policies in the determination of this application.

Although the site is outside the settlement boundary, a manege is a development that would be expected to be located in the countryside. There is not considered to be a significant visual impact, nor significant impact on the wider special landscape area, providing the manege does not affect the health of the trees on the site.

The key issue therefore is considered to be the impact on these trees, particularly those on the south eastern site boundary covered by a tree preservation order.

It is considered that some of the outer branches of these trees will slightly overhang the manege. However, subject to the provision of a method statement for the protection of trees during construction, it is considered the manege can be constructed without any significant impacts on the trees. A condition is recommended for this purpose.

It is also considered that the development is acceptable in terms of its impact on the availability of agricultural land and in terms of flood risk.

In conclusion, having assessed the proposal, it is considered that it complies with Policy MD1 and MD2 of the Local Development Plan and is acceptable subject to conditions.



## SITE AND CONTEXT

The site consists of the dwelling known as Lanlay and surrounding land, including a field to the north east of the dwelling. The site is outside the settlement boundary and is within the Ely Valley and Ridge Slopes Special Landscape Area. It bounds Wyndham Park Way to the north and a dwelling known as The Granary to the south west.

A number of trees on the boundaries of the site are subject to Tree Preservation Orders. The site is largely within a C2 flood risk area and is also largely within an area identified as at risk of surface water flooding.

The site is grade 2 (good quality) agricultural land. It is also within an area safeguarded for its sand and gravel resources.

*Site Photos from Agent:*

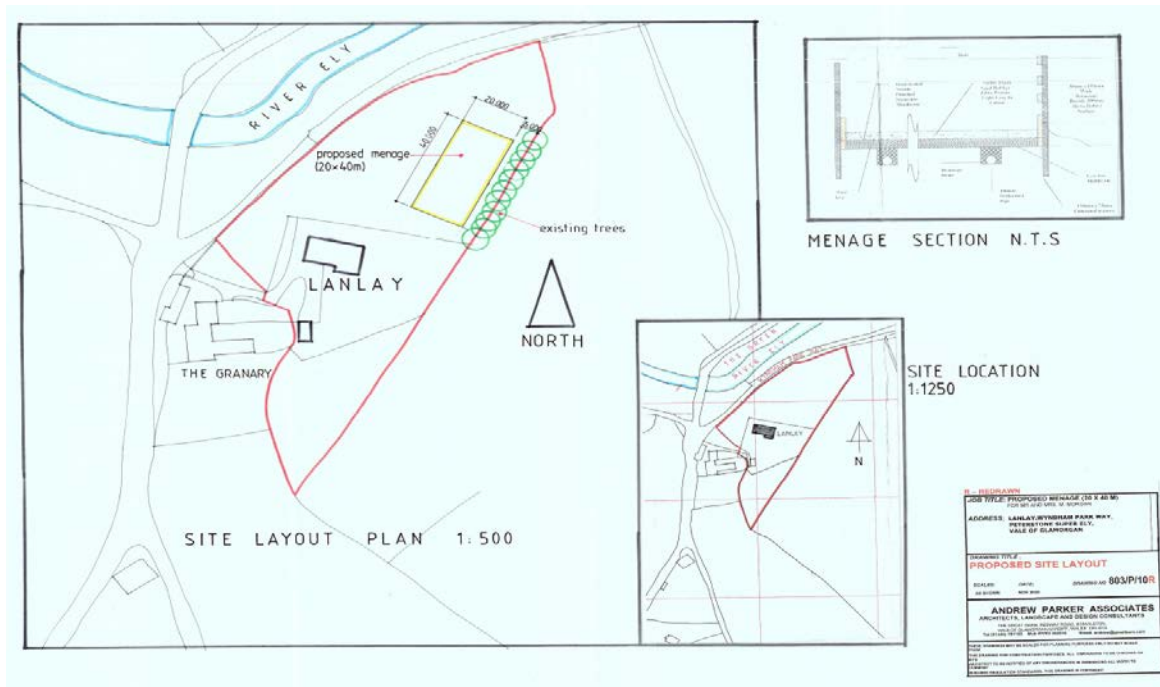


## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the construction of a manege in the existing field located to the north east of the dwelling known as Lanlay. This field is currently used as a paddock. The manege is proposed to be 40 metres x 20 metres in size. The manege is to be located 6 metres from the south east boundary of the field, and close to the row of trees that form this boundary, which are covered by a tree preservation order.

The surface of the manege is proposed to be a sand and rubber mix and the manege will be surrounded by a post and rail fence.

### *Proposed Plans:*



### *Photos From Site Visit*







## PLANNING HISTORY

2001/00767/FUL, Address: Lan-Y-Lay-Fawr, Pont Glan Pedr, Peterstone-Super-Ely, Proposal: Conversion of existing barn to dwelling, Decision: Refused 7<sup>th</sup> September 2001, appeal allowed 12<sup>th</sup> July 2002.

2003/00074/FUL, Address: Lan-Y-Lay-Fawr, Pont Glan Pedr, Peterstone-Super-Ely, Proposal: Alterations and extension to existing barns, Decision: Approved 5<sup>th</sup> June 2003.

2010/00750/FUL, Address: The Granary, Lanlay Farm, Peterston-Super-Ely, Proposal: New oak roof structure to existing stone outbuildings. Buildings to be used as 2 single car garages (retrospective development), Decision: Approved 10<sup>th</sup> September 2010.

## CONSULTATIONS

The ward member for Peterston Super Ely and Peterston Super Ely Community Council were consulted on 22<sup>nd</sup> July 2020. The Council's Drainage Section was consulted on 14<sup>th</sup> August 2020. No comments have been received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 22<sup>nd</sup> July 2020.

A site notice was also displayed on 27<sup>th</sup> July 2020.

One representation supporting the development has been received, which considers that the proposal will enhance the site and will create an asset for recreational pursuits.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG17 – Special Landscape Areas  
POLICY MG22 – Development in Minerals Safeguarding Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

#### Chapter 2 - People and Places: Achieving Well-being Through Placemaking

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

#### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)

#### **Welsh National Marine Plan:**

National marine planning policy is in the form of the Welsh National Marine Plan (2019) (WNMP). The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales. WNMP is of limited relevance in the assessment of this planning application.

## **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Design in the Landscape (2006)
- Minerals Safeguarding (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

## **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

## **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

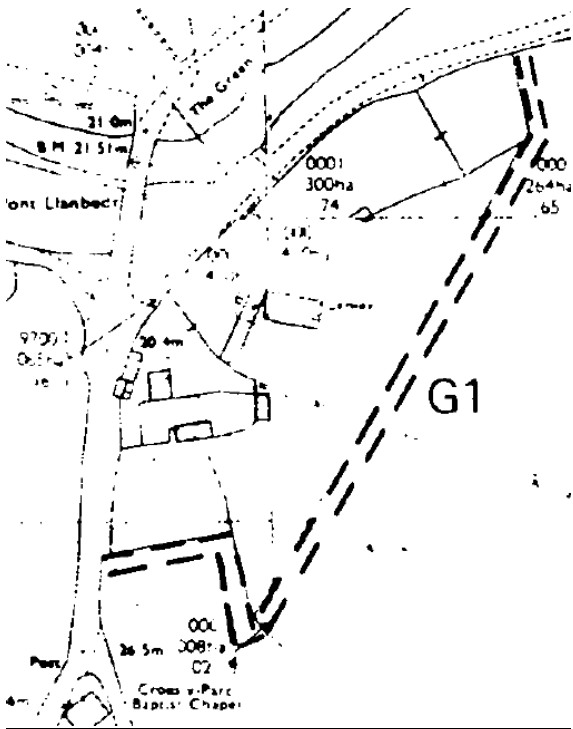
### Issues

Policy MD1 (Location of Development) of the Local Development Plan requires that new development should have no unacceptable impact on the countryside, should benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment, should provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources, and should have no unacceptable impact on the best and most versatile agricultural land. Policy MD2 (Design of New Development) requires that development proposals should be of a high standard of design that positively contribute to the context and character of the surrounding natural and built environment and protect existing features of townscape or landscape interest.

The site is outside the settlement boundary. However, a manege is a development that would be expected to be located in the countryside and it is noted that horses are already being kept on the site. The existing trees and hedges on the site screen the location of the manege and therefore there is not considered to be a significant visual impact, nor significant impact on the wider special landscape area, providing the manege does not affect the health of any of these trees (see below).

The key issue therefore is considered to be the impact on these trees. The manege is close to the south eastern site boundary which is formed by row of trees covered by Tree Preservation Order No 6, 1990. This is a group TPO and the trees in this group are listed as sycamore, horse chestnut, ash and thorn.

*Extract from TPO Plan:*



The agent has advised that the manege will not interfere with the root structure of the trees. In addition he has advised that the construction of the manege will be permeable and would not have any detrimental effect on the root structure, should any roots be encountered when the manege is constructed.

Following a site visit by the Case Officer, it is considered that some of the outer branches of these trees will slightly overhang the manege. However, subject to the provision of a method statement for the protection of trees during construction, it is considered the manege can be constructed without any significant impacts on the trees. A condition is recommended for this purpose.

There are other trees on the northern, northern western and south western site boundaries that are covered by a 1959 TPO for the wider area. However, these will not be impacted by the location of the manege.

It is noted that the land is classed as grade 2 agricultural land. However, given that the development proposed is one that would typically be expected to be located on an existing field, this is considered to be acceptable.

Although the land is at risk of flooding, the proposed development has a low vulnerability as defined by Technical Advice Note 15- Development and Flood Risk, and is proposed in connection with the existing use of the land for keeping horses. Therefore the development is considered to be acceptable in terms of flood risk. As the area of the development proposed is greater than 100 square metres, an informative is recommended regarding the requirement for approval from the SUDS Approval Body.

In conclusion, having assessed the proposal, it is considered that it complies with Policy MD1 and MD2 of the Local Development Plan and is acceptable subject to conditions.



## Other Issues

It is not considered that the proposal will have a significant impact on the availability of sand and gravel resources.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

803/P/10R- Proposed Site Layout

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Prior to the commencement of development, and notwithstanding the submitted details, a method statement for the construction of the manege and fence shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall address how the manege will be constructed in way that minimises any impacts on the trees covered by Tree Preservation Order no. 6 1990 and shall include details of the provision of fencing to protect the trees during construction, hand digging to construct the south eastern edge of the manege and how the manege will be constructed in a way that protects any tree roots, should these be encountered (such as geocellular confinement). The development shall be carried out in accordance with the approved details.

Reason:

To ensure the trees covered by a Tree Preservation Order are satisfactorily protected during the development, in accordance with Policies MD1 (Location of New Development) and MD2 (Design of New Development).

## REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies SP1, SP9, SP10, MG17, MG22, MD1, MD2 and MD7 of the Local Development Plan, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the development is considered to be acceptable in terms of its impact on the countryside, on the trees on the site and in other respects.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

- 1. New developments where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction. Further information of the SAB process can be found on the Council's website or by contacting the SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk).**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**







**2020/01232/RG3** Received on 16 October 2020

**APPLICANT:** Vale of Glamorgan Council, The Alps Depot, Alps Quarry Road, Wenvoe, CF5 6AA

**AGENT:** Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

**Land to the rear of Nos. 2 to 4, School Houses, St. Cyres Road, Penarth**

Construction of 14 affordable apartments for over 55 years old, and associated works

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and nature not covered by the scheme of delegation, given it is an application for a major development by the Council.

**EXECUTIVE SUMMARY**

The application site comprises a parcel of approximately 0.16 hectares to the north west of St Cyres Road within the settlement of Penarth as defined by the adopted Vale of Glamorgan Local Development Plan 2011-2026. The site fronts onto a turning head area to the north of 2-4 School Houses, St Cyres Road, but does not front onto the St Cyres Road itself. Currently the land is enclosed by heras fencing to the front with a mature tree to the south-east although predominantly the site comprises of scrubland. To the north and west of the site is the St Cyres School complex, with the site in an elevated position to the adjacent running track.

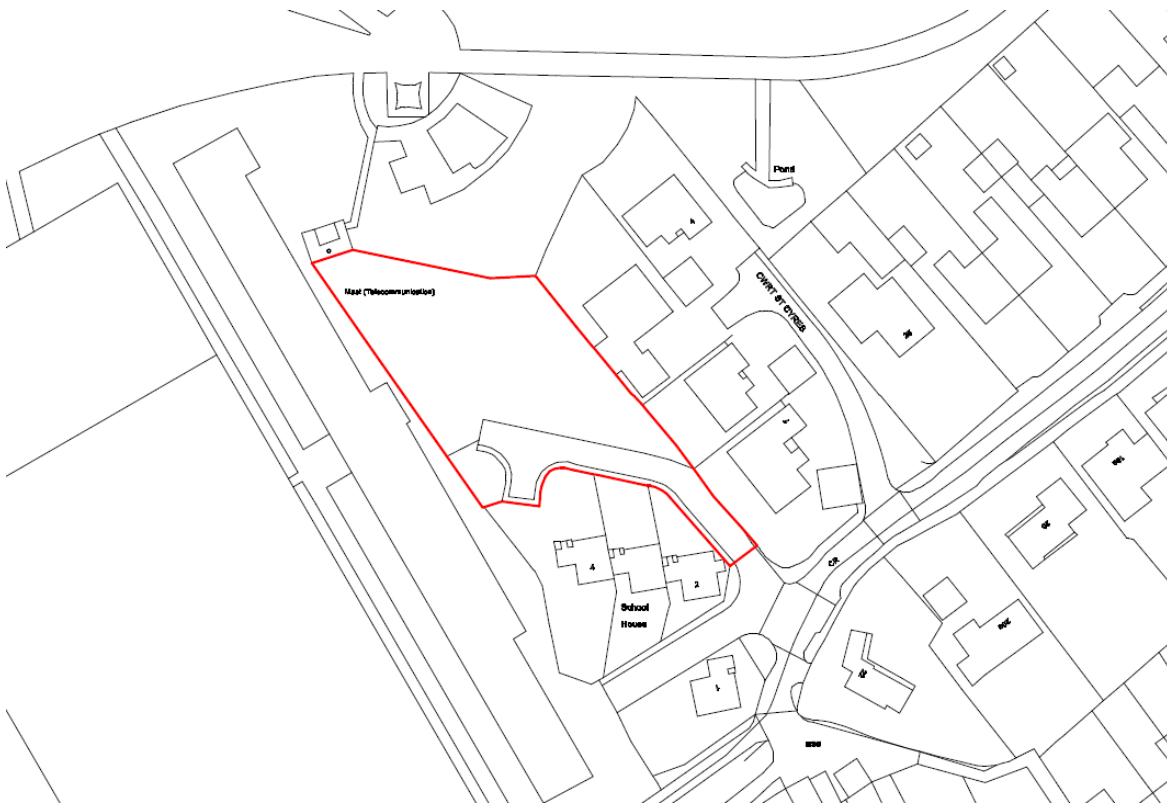
The application proposes the erection of a part two storey, part three storey block to accommodate 14 no. one bedroom apartments with associated parking and garden space. The application has been submitted by the Vale of Glamorgan Council's Housing Department with supporting documentation indicating that these apartments would provide social rented accommodation for people over the age of 55 years old.

At the time of writing this report 9 letters of representation have been received objecting on a number of grounds including but not limited to impact upon character and appearance, number of units proposed, parking problems, impact upon living conditions of occupiers of neighbouring residential properties and disruption caused during construction including from traffic at peak times.

The primary issues in consideration of this application are the principle of development; visual impact; impact upon amenity of neighbouring residential properties; ecological impact; drainage issues; highways; amenity space provision; impact upon trees and planning obligations. The application is recommended for Approval.

**SITE AND CONTEXT**

The application site comprises a parcel of approximately 0.16 hectares to the north west of St Cyres Road within the settlement of Penarth as defined by the adopted Vale of Glamorgan Local Development Plan 2011-2026.



The site fronts onto a turning head area to the north of 2-4 School Houses, St Cyres Road, but does not front onto the St Cyres Road itself. Currently the land is enclosed by heras fencing to the front with a mature tree to the south-east although predominantly the site comprises of scrubland. To the north and west of the site is the St Cyres School complex, with the site in an elevated position to the adjacent running track.

### DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a part two storey, part three storey block to accommodate 14 no. one bedroom apartments with associated parking and garden space. The proposed building would have a maximum depth of approximately 19 metres and maximum width of approximately 33 metres with a monopitch roof with a maximum height of approximately 9.4 metres. The building would predominantly be finished in a red multi-facing brickwork, with cedar cladding panels providing detailing around the windows, whilst the roof would be finished in grey standing seam metal. The proposed development would benefit from 11 parking spaces adjacent to the existing turning head to the front.

The application has been submitted by the Vale of Glamorgan Council's Housing Department with supporting documentation indicating that these apartments would provide social rented accommodation for people over the age of 55 years old.

Plans and elevations of the proposals are shown below:



Proposed Site Layout



Proposed front/south elevation



Proposed East Elevation



Proposed West Elevation

## PLANNING HISTORY

1988/01339/REG4, Address: St. Cyres Comprehensive, St. Cyres Road, Penarth, Proposal: Replace curtain walling and cladding to all elevations. Decision: Permittal (OBS - no objections :request conditions)

1994/00598/FUL, Address: St. Cyres Comprehensive, St. Cyres Road, Penarth, Proposal: Two single storey duplex style buildings for teaching accommodation, Decision: Approved

1994/00676/FUL, Address: St. Cyres Comprehensive, St. Cyres Road, Penarth, Proposal: New two storey science block comprised of 6 laboratories and 2 information technology rooms, Decision: Approved

1995/00615/FUL, Address: St. Cyres Comprehensive, St. Cyres Road, Penarth, Proposal: Single storey extension to form technical block, Decision: Approved

1998/00431/REG3, Address: Ysgol Erw'r Delyn, St. Cyres Road, Penarth, Proposal: Construction 5 No. dwellings with all assoc. infrastructure Minute No. 725 - 11/09/97, Decision: Withdrawn

1998/00545/PN, Address: St. Cyres Comprehensive, St. Cyres Road, Penarth, Proposal: 15m. Vodafone slimline monopole, Decision: Approved

1999/01286/REG3, Address: Ysgol Erw'r Delyn, Cyres Road, Penarth, Proposal: Widening of access roads and provision of new footpaths to Ysgol Erw'r Delyn and housing adjacent and associated landscaping, Decision: Approved

2012/00010/RG3, Address: St. Cyres Comprehensive School, St. Cyres Road, Penarth, Proposal: Installation of modular buildings for a temporary period - Minute No. 1979 (2002), Decision: Approved

2012/00367/RG3, Address: St. Cyres Comprehensive School, Penarth, Proposal: A new educational development combining St. Cyres School with the adjacent two schools of Ysgol Erw'r Delyn, Ashgrove and the nearby Ysgol Maes Dyfan in Barry. External works for sports education. A new Toucan Crossing and traffic calming measures will control Sully Road traffic either side of the existing public footpath and the new vehicular access point. The existing main entrance along St Cyres Road will be retained for pedestrian access at the start and end of the school day and for infrequent emergency access and deliveries (Minute number 1979 May 2002), Decision: Approved



2012/01141/PND, Address: 5 School House, St. Cyres Road, Penarth, Proposal: Demolition of detached house, Decision: Further prior approval (PNA/PND/PNT/PNQ)

2017/00617/RG3, Address: St. Cyres School, Sully Road, Penarth, Proposal: Addition of UPCV and glass conservatory as an extension to the school canteen, Decision: Approved

2018/00051/RG3, Address: Ysgol y Deri, Sully Road, Penarth, Proposal: Works at Ysgol Y Deri Respite Centre to include the construction of a single storey enclosed corridor as an extension to the existing building providing a new method of access to three proposed classrooms following internal alterations of the existing building, Decision: Approved

2020/00862/FUL, Address: Land to the rear of 2 to 4 St. Cyres Road, Penarth, Proposal: Construction of 14 affordable apartments for over 55 year olds, and associated works, Decision: Withdrawn

## CONSULTATIONS

**Penarth Town Council** was consulted and raise no objection.

**The Council's Highway Development Section** was consulted and originally raised concern with regard to the size of parking spaces and concerns with regard to manoeuvring vehicles within the site. Following the submission of amended details they confirmed they were satisfied with the proposal subject to a condition being attached requiring a construction traffic management plan to be submitted.

**The Councils Drainage Section** were consulted and state that the site is not located in a DAM Zone at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the development site. Further to this they state that SAB approval would be required with a detailed design to be submitted and agreed through the SAB process not requiring further planning condition.

**Dwr Cymru Welsh Water** was consulted and state that capacity exists within the local sewerage network and no problems are envisaged with waste water. They also note the requirements with regard to sustainable drainage systems and that some sewers and lateral drains may not be shown on their records.

**The Council's Ecology Officer** was consulted who state that 'there are insufficient grounds to refuse this planning application on purely ecological grounds' although acknowledging potential presence of bats, birds and reptiles and recommends that planning conditions relating to an Ecological Management Plan, a lighting plan and further details of species for planting at the site, should be attached to any consent granted.

**The Council's Strategic Property Estates section** was consulted although no comments had been received at the time of writing this report.

**The Council's Housing Strategy Section** identify a need for affordable housing of the form proposed within the area and 'fully support the scheme'.

**Cornerswell Ward Members** were consulted although no comments had been received at the time of writing this report.

**Shared Regulatory Services (Contaminated Land, Air & Water Quality)** was consulted and request that conditions relating to unforeseen contamination, imported soils and imported aggregates be attached and an informative with regard to contamination/unstable land also be attached.

**South Wales Police Crime Prevention Design Advisor** was consulted although no comments had been received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted and site notices displayed on 12 November 2020. The application was also advertised in the press on 3 December 2020 and at the time of writing this report 9 no. letters of representation have been received raising the following issues:

- Excessive density of development
- Building form out of character
- Inadequate parking provision for flats and potential overspill of parking onto public highway, potential conflict between vehicles turning in entrance
- Exacerbation of existing parking problems associated with the school particularly at drop off and pick up times and access to site by emergency vehicles and increase in fumes
- Planning history at the site for less units, number of units now proposed excessive
- Construction traffic including damage to highway
- Overlooking of children in school grounds
- Excessive height of development and inappropriate materials
- Loss of privacy and light to neighbouring properties
- Proposals not sustainable development
- Development better directed elsewhere
- Ecological implications including need for additional surveys
- Need for substation and fire hydrant to serve proposal
- Need for additional sustainable measures in addition to solar panels
- Noise and disturbance
- Impact upon trees
- Disruption to drains and during construction works

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP2 – Strategic Sites  
POLICY SP3 – Residential Requirement  
POLICY SP4 – Affordable Housing Provision  
POLICY SP10 – Built and Natural Environment

### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
POLICY MG4 – Affordable Housing  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 - Environmental Protection  
POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application :

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

- Previously Developed Land

#### Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

#### **Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

#### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)

- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017
- LDP Housing Land Supply Trajectory 2011-26 ( September 2016)
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)

#### **Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

#### **Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

#### Issues

#### **Principle of Development**

The application site is located within the settlement boundary of Penarth, which is defined as a Service Centre Settlement, where the principle of residential development is acceptable, subject to satisfying the criteria set out within LDP Policy MD5. Furthermore, LDP Policy MD1 supports new development on unallocated sites where it makes beneficial use of previously developed land and in areas that benefit from existing infrastructure and access to sustainable modes of transport.

Policy MD5 of the LDP allows for new development within the settlement boundary subject to certain criteria, including, criterion 3, that the scale, form, layout and character is sympathetic to, and respects its immediate setting and the wider surroundings, and does not unacceptably impact upon the character and appearance of the locality. This is in line with national guidance, embodied within Planning Policy Wales (PPW).

There is a significant, identified need for the provision of affordable housing within the Vale of Glamorgan, with policy SP4 'Affordable Housing Provision' identifying a target for the delivery of up to 3,252 affordable units during the plan period.

There is acute affordable housing need in Penarth and this is a significant consideration in favour of the development. The 2019 Local Housing Market Assessment determined that 890 additional affordable housing units were required each year to meet housing need in the area. The need for the type of accommodation proposed is further evidenced by the following figures from the council's Homes4U waiting list for the Penarth and Llandough area and Cornerswell ward area as shown below:

Penarth & Llandough 55+	
1 bed	205
2 bed	37
3 bed	3
4 bed	1
	246

Cornerswell 55+	
1 bed	59
2 bed	11
3 bed	1
4 bed	1
	72

Noting this, it is considered that the development would make a significant contribution towards meeting the identified need within the local area.

It is acknowledged from the planning history of the site that applications for schemes including those for lower number of residential units have previously been submitted at the site. However, there has been a substantive shift in planning policy since the consideration of these applications and the current proposal has been considered in accordance with the current adopted development plan and relevant national policy.

Being mindful of the above, it is considered that the principle of residential development at the site, given the residential character of the area and the need for affordable housing is clearly established subject to careful consideration of the proposals against over policies of the development plan.

### Density

Policy MD6 'Housing Densities' of the Development Plan' requires that residential development proposals within Service Centre Settlements such as Penarth should achieve a minimum net density of 30 dwellings per hectare.

The proposal indicates the provision of 14 affordable units on a site of 0.16 hectares, representing a proposed density of 87.5 dwellings per hectare. However policy MD6 does state that higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity. The LPA would therefore have no objection in principle to the increase in density at the site, however this

should not be at the detriment of design and visual impact and how the development relates to its wider context, which will be assessed within the following report.

### Visual impact

The site is located towards the western end of St Cyres Road setback from the main road frontage adjacent to an existing turning head area to the north of 2-4 School Houses and does not form part of the established street scene of St Cyres Road. Whilst there is variety in the design of nearby dwellings, predominantly these dwellings are two storey in height. However, the site is also read in the context of the more substantial school buildings and associated playing fields located to the north and east of the property.

The proposal would introduce development up to 3 storeys in height, with the principal element of the building having a monopitch roof. Whilst acknowledging the height of surrounding two storey development, the site does not sit within a particularly prominent part of the street scene. The proposed roof design assists in reducing the general mass and bulk of the development, to a degree that would not appear excessive in its height or out of place with the general proportions and scale of adjacent residential dwellings. The proposals would undoubtedly be visible from wider views owing to the open aspect of the playing fields serving the school. However, whilst it would introduce additional built form, this would be read against an existing backdrop of built development that would not be unacceptably prominent or visually oppressive, including when viewed from the adjacent recreational facilities serving the school that are located at a lower level.

Immediate neighbouring dwellings within Cwrt St Cyres and 2-4 School Houses are predominantly finished in red brick, although there is variety evident including 3 Cwrt St Cyres finished in render. The proposed palette of facing materials (including the use of red brick) and associated detailing would serve to add visual interest to the elevations but would also assist the building in assimilating with existing, adjacent built form. To this end, the suggested material palette is considered to be acceptable subject to submission of further details, including samples that shall be required by way of condition (**Condition 3** refers).

Noting the above, it is considered that despite the proposed three storey height that the proposal would not result in an unacceptable form of development in this varied context.

### Highways issues and parking

The proposal would be accessed via St Cyres Road and utilise the existing access serving School Houses. The proposal would provide 11 car parking spaces accessed from the existing road and a turning facility to accommodate refuse vehicles serving the site.

The Council's adopted Parking Standards SPG indicate that for a development of this form (self-contained elderly persons dwelling) in this location, would require 1 space per 2-4 units for residents and 1 space per 4 units for visitors. The provision of 11 spaces would therefore meet the requirements of the SPG and it is considered that the level of proposed parking is acceptable in this location to serve the proposed tenure type. To this end, it is considered that the development would not result in an unacceptable pressure for parking off site that would detrimentally affect highway safety or the free flow of traffic.

During the course of the application concern was raised by the Council's Highway Development Section with regard to the usability of these spaces and whether the layout



allowed for larger vehicles to manoeuvre within the site. Following submission of amended plans, the Highways officer was satisfied that these matters had been addressed.

It is acknowledged that a number of letters of objection have raised concern with regard to traffic issues arising from additional movements resulting from the development (both during and post-construction), access to the site by emergency vehicles and the existing use of St Cyres Road for school traffic at peak times.

Although the proposal may result in a number of additional vehicular movements along St Cyres Road and wider highway network, these movements would not be significant and as aforementioned, the parking provision shown on the submitted drawings would comply with the maximum standards for a development of this form. It is considered that upon occupation the proposal would not result in an unacceptable or demonstrable exacerbation of suggested parking issues relating to activities during drop off and pick up times of the school. Furthermore, no objections from the Council's Highway Development section have been received in this regard or to access to the site by large vehicles and no further traffic survey requested.

Notwithstanding this, concerns with regard to the use of St Cyres Road for construction traffic are acknowledged, particularly during peak hours during school term. However, it is considered that these matters can be adequately controlled by requiring the submission of a construction traffic management plan (**Condition 9** refers) to control timings of deliveries, in particular to avoid peak school hours, and other matters by attaching a condition to any consent granted.

To this end, it is considered that the parking and highways impacts identified do not represent a reason to refuse planning permission in this instance.

#### Amenity provision

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Residential and Householder Development', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property

The guidance contained within this policy notes that for flats between 12.5 sq.m and 20 sq.m of amenity space per person should be provided, depending on the size of development. Moreover the guidance states that communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers. Using the figures within the SPG, development of the form proposed would result in a requirement of approximately 490 square metres.

The proposed layout would provide areas of amenity to the north and east of the building, with the principal area to the east that would cumulatively provide a suitable and useable area of amenity provision for future occupiers of approximately 390 square metres. Although landscaped areas to the front of the site would be unlikely to provide useable amenity space, these areas and associated landscaping would provide a significant

degree of visual amenity for future occupiers of the development. Noting the above, it is considered, on balance, that the level and form of amenity space to be provided would be acceptable and would not represent a reason to refuse planning permission. Refuse and mobility scooter/cycle storage facilities are proposed adjacent to the car park and within the ground floor of the building respectively, which can be readily accessed from the units and from the parking area at collection times. It is considered that this represents an appropriate means of waste storage and cycle storage for prospective residents.

#### Impact upon living conditions of occupiers of neighbouring properties

To the south of the site are the properties of 2-4 School Houses, with their front elevations and front gardens situated closest to the application site. The proposal would introduce three storey mass and a number of windows serving habitable rooms at ground, first floor and second floor level that would front towards these properties. However, owing to the degree of separation, in excess of 25 metres from the front elevations of these properties, it is considered that the proposals would not result in unacceptable harm to the living conditions of occupiers of these neighbouring properties by reason of loss of privacy. Furthermore, owing to the degree of separation and the relative aspect of the proposed building, it is considered that there would not be unacceptable overbearing or daylight impacts to these properties or their front gardens.

To the east, the nearest property to the proposed building would be 3 Cwrt St Cyres. Owing to the stepped design of the building, the proposal would maintain a separation from the boundary with this property in excess of 10 metres. The first floor facing windows within the forward most easterly projection although serving habitable rooms, would be secondary openings and are indicated as being obscure glazed on the submitted plans, minimising potential overlooking from these windows. A number of 2<sup>nd</sup> floor windows are proposed within the eastern elevation that would also front towards the property, with the two nearest being approximately 15.5 metres from the boundary although these are indicated as serving areas of circulation space. Harm from these openings will also be mitigated through the use of obscure glazing to these openings, by way of condition attached to any consent granted (**Condition 12** refers).

A number of further first and second floor windows serving habitable rooms are proposed within the northerly 'rear' element of the proposal although these openings would maintain a separation in excess of 18 metres from the boundary. Noting this separation, and oblique angle with openings serving 3 Cwrt St Cyres, it is considered that these openings would not result in unacceptable loss of privacy to this property. Noting the above, it is considered the proposal would not result in unacceptable loss of privacy or overbearing impact to this property.

Owing to the degree of separation between the proposed building and numbers 1 and 2 Cwrt St Cyres, it is considered that the proposal would not result in any undue impacts upon the living conditions enjoyed by occupiers of these properties by reason of overbearing impacts, loss of privacy or light.

It is acknowledged that the proposal would introduce a number of additional vehicular movements to and from the development along an existing road with associated use of amenity space and the parking layout proposed, that may result in a degree of noise and disturbance. However, noting the residential nature of development proposed within an existing predominantly residential area, it is considered that any such impact would not be so significant to warrant refusal of planning permission.

Notwithstanding this, a condition would be attached to any consent requiring the submission of a construction environment management plan (**Condition 8** refers) , to control amongst other things the nature of and timing of construction activities at the site, to minimise potential sources noise and disturbance.

To the north and west of the site lie the grounds of St Cyres School including the running track and playing fields. Although the proposal may result in a degree of overlooking of these areas, the internal layout at first and second floor levels have been designed with predominantly circulation spaces adjacent to this boundary. As such any overlooking of these areas in isolation is not considered to represent a reason to refuse planning permission.

Overall, it is considered that the proposals would not result in unacceptable detriment to the amenity enjoyed by occupiers of neighbouring residential properties.

### Trees

The application is supported by a Tree Survey and Arboricultural Impact Assessment prepared by Treescene. These submissions generally indicate that trees within the site are of poor quality with tree T2 noted as a Category U tree of a poor condition that had been removed at the time of the officer's site visit. However, the details indicates that the sycamore tree to the south-east of the site is a category A 'high quality' tree. The submitted details indicate that the tree is to be retained within the development, although the submitted tree protection details do not match the most recently submitted site layout. As such, whilst the tree is not formally protected it is considered reasonable to require further details of tree protection to be submitted and agreed to safeguard the retention of this tree during construction works (**Condition 15** refers)

### Ecological impact

Policy MD9 'Promoting Biodiversity' requires that new development should conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the need for development outweighs biodiversity value of the site and the impacts can be satisfactorily mitigated.

The application was originally supported by an Ecological Assessment prepared by David Clements Ecology LTD dated September 2019. This survey concludes that the site could be redeveloped without causing significant adverse impacts to wildlife and would not be constrained by biodiversity issues, subject to appropriate mitigation measures. This includes further ground-level tree inspections for roosting features of trees on the site, although only if trees would be impacted by the development, timing of clearance works to avoid the bird nesting season and site clearance methods to minimise impact to reptiles.

At the time of the initial Preliminary Ecological Assessment there were two mature trees on site, a sycamore and a lime. Both were assessed as having low potential (2B) for roosting opportunities. As noted previously, the Tree Report conducted by Treescene in October 2019 concluded that while the sycamore was a mature tree in good physiological condition, the lime was a poor specimen having suffered from excessive die-back in the crown and recommended removal. Following a visit to the site it was noted that the lime had been removed, with the applicant indicating this had been done by a third party. An updated Ecological Assessment was submitted to reflect this in November 2020.

Following further discussion with the Council's Ecologist they confirm that whilst it is unfortunate that a further assessment for bats could not be made of the felled tree, the potential for use by them was always low and surveys tend to be conducted on trees assessed as 2A or higher. The scale is in five stages, 1A to 3 where 1A is confirmed bat use and 3 is nil use by bats. The amended Ecological Assessment also downgraded the roosting potential within the sycamore shown to be retained to 3, therefore offering negligible opportunities for bats. In any event this tree is shown to be retained.

Following clarification from the Council's Ecologist they confirm that there are insufficient grounds to refuse this planning application on ecological grounds. Noting the findings of the submitted ecological reports, they do however request that conditions be required with regard to an ecological management plan, lighting plan and plans to show the species for tree, shrub, hedgerow and grassland as required. It is therefore considered that there are no ecological constraints prohibiting the grant of planning consent, subject to the details above being required by way of planning condition (**Condition 7** refers) attached to any consent granted.

### Drainage and Flood Risk

The application is supported by a proposed drainage layout and maintenance schedule that provides an overview of drainage issues affecting the site and proposed solutions.

Policy MD7 - Environmental Protection requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2. Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The application form indicates that surface water would be disposed via sustainable drainage system and the plans show rain gardens and associated apparatus. Following consultation with the Council's drainage section, they confirm that the site would be subject to SAB body approval and should provide a detailed design through the SAB process and would not be subject to further planning condition. Dwr Cymru Welsh Water (DCWW) confirm that they would be a statutory consultee and would provide further comments in response to any SAB application, which falls outside the remit of this planning application.

The proposals indicate that foul discharge would be to a sewer indicated to be diverted running through the site although this is not shown on DCWW records. The site is located within a mains sewer area and DCWW indicate that they have considered the proposed solutions and indicate that there is capacity within the public sewerage network to receive foul flows and that there are no capacity issues in terms of sewage treatment. Therefore the proposal is considered acceptable in terms of foul drainage.

It is considered that, subject to details to be agreed under the separate SAB procedure, the development of the site is acceptable and that future occupiers of the site would not be prone to unacceptable flood risk, whilst also ensuring that the proposals do not present an unacceptable flood risk off-site.

It is considered that subject to conditions, the proposed development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

### Contaminated Land

Whilst no objection in principle has been raised to the proposal, the Council's Shared Regulatory Services, noting the previous use of the site including its use as a temporary construction compound, request that conditions be attached to any consent with regard to unforeseen land contamination and import of materials to the site. (**Conditions 10 and 11** refer)

### Other matters

It is acknowledged that concerns have been raised with the regard to the lack of incorporation of additional features to make the building more sustainable, compliance with fire regulations including need for a hydrant and potential need for a substation to serve the development.

Although it is acknowledged that additional measures such as ground source heat pumps to make the building more sustainable could be potentially be incorporated with the development, there is no national or local policy requirement for this. Whilst these concerns are noted, it is considered that these matters fall outside of the remit of this application with for instance energy performance and fire regulations falling under the Building Regulations.

### Planning Obligations

On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners will be exempt from paying financial planning obligations. Given the size of the proposal (14 units) and that it has been submitted by the Council's Visible Services and Housing Support section, the proposal would fall within this exempt from financial contributions

In terms of the need for a legal agreement to secure the properties as affordable housing, the following advice in TAN 2 is noted:

*"12.2 Development plans and/or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use planning conditions or planning obligations to ensure that the affordable housing provided is occupied in perpetuity by people falling within particular categories of need. Local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing"*

In this case the application has been submitted as affordable housing for the over 55s to be provided by the Council's Housing Section. Therefore, in line with the above advice, it

is considered that a condition (**Condition 6** refers) rather than a legal agreement is appropriate to secure the affordable housing tenure of the scheme.

## RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

A020 - Site Location Plan

A022 - Ground Floor Plan

A023 - First Floor Plan

A024 - Second Floor Plan

A025 - Front Elevation

A026 - East Elevation

A027 - Rear Elevation

A028 - West Elevation

A029 - Context Elevation

Planning, Design and Access Statement

Tree Survey' dated 10 October 2019

Arboricultural Impact Assessment' dated 22 October 2019

Tree Constraints Plan' received 16 October 2020

Ecological Assessment by David Clements Ecology Ltd dated November 2020 received 4 December 2020.

SK100 - Swept Path Analysis Forward Entry

SK101 - Swept Path Analysis Reverse Manoeuvre

SK102 - Swept Path Analysis Forward Egress

A021 Rev A - Site Layout received 9 December 2020

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, prior to their use within the development, a schedule of materials including samples, to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details to its beneficial occupation.



Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development) and SP10 (Built and Natural Environment) of the Local Development Plan.

4. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that visual amenity is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provision), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

7. Notwithstanding the submitted details, no development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include the measures specified within the 'Ecological Assessment' prepared by David Clements Ecology dated November 2020 and include:

- i) Methodology for dealing with protected species;
- ii) Details of sensitive site clearance with respect to bats, reptiles and breeding birds;

- ii) Measures to be undertaken to enhance biodiversity on site;
- iii) A lighting scheme for the site to determine the impact on bats and dark corridors; and
- iv) Details of ongoing management of the site to maintain biodiversity.

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

8. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic (to avoid school drop off and pick up times) and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. Any aggregate (other than virgin quarry stone), recycled aggregate material, any topsoil natural or manufactured, or subsoil to be imported shall be assessed 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. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

12. The windows in the eastern elevation at first floor level serving plot 6 and second floor level serving the protected stair well shall be non-opening and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of installation of the window and shall be retained as such at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

13. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

15. Notwithstanding the submitted details, a scheme providing for the fencing of the trees and hedgerows to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development and any site clearance. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) / MD9 (Historic Environment) of the Local Development Plan.

16. Notwithstanding the submitted plans prior to the beneficial occupation of the development hereby approved full details of bin store shown on drawing A021 Rev A shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be completed in accordance with the approved details prior to beneficial occupation of the development and shall thereafter be so retained.

Reason:

To safeguard living conditions of future occupiers, as required by Policies MD2 (Design of New Development) and SP1 (Delivering the Strategy) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to policies SP1– Delivering the Strategy, SP3– Residential Requirement, SP4– Affordable Housing Provision, SP10- Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG1 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), Technical Advice Notes 2, 12, 15, 16, 18 and 24, the Council's Supplementary Planning Guidance on Residential and Householder Development, Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, the proposed development is considered acceptable in respect of the design, scale and visual impact of the buildings, impact on residential amenity and privacy, parking, highway safety, traffic, ecology and drainage.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

**NOTE:**

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)

- 2. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for:**
  - (i) determining the extent and effects of such constraints;**
  - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
    - Unprocessed / unsorted demolition wastes.**
    - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
    - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
  - (iii) the safe development and secure occupancy of the site rests with the developer. Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.**

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.



**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**



**Site location plan**  
1 : 1250



**Notes**

This drawing is for the use of the client only. It is not to be used for any other purpose. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.

**CHAMBERLAIN  
MOSS  
MORGAN**  
ARCHITECTS

10, The Quadrant, Cardiff, CF10 1AT  
Tel: 0300 333 0000  
www.chamberlainmossmorgan.co.uk

Project	Cwm St Cywain (Pwarth)
Project number	LS94 - P
Client	The Vale of Glamorgan Council
Title	Site location plan
Drawing number	A020
Scale	1 : 1250 at A3
Revision	
Status	PLANNING
Drawn	
Date	23.09.2020

2020/01232/RG3