

**DEVELOPMENT BY THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
The Town and Country Planning (Development Management Procedure) (Wales)  
Order 2012  
Town and Country Planning General Regulations 1992  
(Regulation 3)

**DEEMED PLANNING CONSENT**

**Version 7**

Agent:  
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Applicant:  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
Vale of Glamorgan  
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**Construction of a replacement secondary school building with associated playing fields and parking at the site of the existing Whitmore High School and the demolition of the existing secondary school building upon completion at Whitmore High School, Port Road West, Barry**

The Council in pursuance of its powers under the above mentioned Act and Regulations hereby **GRANTS DEEMED PLANNING CONSENT** for the carrying out of the proposed development as described above and in accordance with the plans registered by the Council on 17 July 2019 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:

-26W006-ATK-0-XX-DR-L-X-9001 Rev P03  
-26W006-ATK-X-XX-DR-A-PL-0600 Rev P03  
-26W006-ATK-X-00-DR-A-PL-1150 Rev P03  
-26W006-ATK-0-XX-DR-L-X-9005 Rev P04  
-26W006-ATK-0-XX-DR-L-X-9106 Rev P05

-26W006-ATK-0-XX-DR-L-X-9400 Rev P05  
-26W006-ATK-0-XX-DR-L-X-9505 Rev P05  
-26W006-ATK-X-01-DR-A-PL-1151 Rev P03  
-26W006-ATK-X-02-DR-A-PL-1152 Rev P03  
-26W006-ATK-X-RF-DR-A-PL-1350 Rev P03  
-26W006-ATK-X-XX-DR-A-PL-0410 Rev P04  
-26W006-ATK-X-XX-DR-A-PL-0400 Rev P03  
-26W006-ATK-X-XX-DR-A-EL-1450 Rev P04  
-26W006-ATK-X-XX-DR-A-EL-1451 Rev P04  
-26W006-ATK-X-XX-DR-A-EL-1452 Rev P05  
-26W006-ATK-X-XX-DR-A-EL-1453 Rev P05

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 plans and prior to their use, 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 thereafter be completed and maintained 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.

2019/00435/2/CD

Details approved 25/3/20- Vale of Glamorgan Council

Plans 26W006-ATK-X-XX-DR-A-EL-1450 P07, 26W006-ATK-X-XX-DR-A-EL-1451 P07, 26W006-ATK-X-XX-DR-A-EL-1452 P07 and 26W006-ATK-X-XX-DR-A-EL-1453 P07

4. Notwithstanding the submitted plans, a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of any element of the development hereby approved. 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) and MD2 (Design of New Developments of the Local Development Plan.

**2019/00435/5/CD**

**Details approved 20/1/21- Vale of Glamorgan Council**

**26W006-ATK-DR-L-X-9303 Rev C02**  
**26W006-ATK-DR-L-X-9306 Rev P04**  
**26W006-ATK-DR-L-X-9302 Rev C02**  
**26W006-ATK-DR-L-X-9301 Rev C03**  
**26W006-ATK-DR-L-X-9305 Rev C02**  
**26W006-ATK-DR-L-X-9102 Rev C05**  
**26W006-ATK-DR-L-X-9005 Rev C01**  
**26W006-ATK-DR-L-X-9101 Rev C05**

5. 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) and MD2 (Design of New Developments) of the Local Development Plan.

2019/00435/3/CD

Details approved 6/4/20- Vale of Glamorgan Council

-26W006-ATK-0-XX-DR-L-X-9301 Rev C02  
-26W006-ATK-0-XX-DR-L-X-9302 Rev C02  
-26W006-ATK-0-XX-DR-L-X-9303 Rev P02  
-26W006-ATK-0-XX-DR-L-X-9305 Rev P04  
-26W006-ATK-0-XX-DR-L-X-9306 Rev P04  
-26W006-ATK-0-XX-DR-L-X-9005 Rev C01

6. No part of the development hereby approved shall be brought into beneficial use (and no new hard surfaces shall be laid), until 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 first beneficial 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 MD2 of the Local Development Plan.

2019/00435/5/CD

Details approved 20/1/21- Vale of Glamorgan Council

**26W006-ATK-DR-D-X-8204 Rev C06**  
**26W006-ATK-DR-D-X-8202 Rev C03**

7. The development shall be carried out at all times in accordance with the Aecom Travel Plan (Project number: 60571313): February 2019.

Reason:

In the interests of sustainable travel and to ensure compliance with Policies MD2 and MD5 of the LDP.

8. Prior to the first beneficial use of the development hereby approved, the new parking and drop off areas shall be constructed and laid out in full, and they shall be retained at all times thereafter to serve the school.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1, MS2 and MD5 of the LDP.

9. 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 and demolition;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) 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
- xii) 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.

2019/00435/1/CD

Details Approved 22/10/19- Vale of Glamorgan Council

Morgan Sindall Environmental Management Plan received on the 15th October 2019

10. The development shall be carried out in accordance with the document "Whitmore High School Geotechnical and Geo-environmental Interpretative Report (Project number: 60571313) November 2018" and all recommendations with that document shall be carried out.

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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

11. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

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 MD2, MD5 and MD7 of the Local Development Plan.

12. 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 Policies MD1 and MD7 of the LDP.

2019/00435/4/CD

Details approved 26/6/20- Vale of Glamorgan Council

DPP Planning, 10 June 2020; Letter Ref: Ref: L004/CL/3406CA/TZ

WYG, 14 November 2019; Whitmore High School– Ground Investigation and Phase 2 Soakaway Testing Results Letter Reports Ref: A114368.

13. The development shall be carried out in accordance with the recommendations and measures contained in:

- Whitmore High School - Reptile Method Statement 16 July 2019.
- Aecom Preliminary Ecological Appraisal and BREEAM Ecology Report July 2018
- Aecom Ysgol Gymraeg Bro Morgannwg and Whitmore High School Bat Activity Survey Report November 2018

Reason:

In the interests of ecology/biodiversity and to ensure compliance with Policy MD9 of the LDP.

14. Prior to the erection of any external lighting around the 3G pitch, further details of the proposed lights (and a schedule of proposed hours of use of the lights and the 3G pitch itself) shall be submitted to and approved in writing by the Local Planning Authority. The pitch and lights shall thereafter only be used/operated in accordance with the approved details.

Reason:

In the interests of residential amenity and to ensure compliance with Policies MD2 and MD7 of the LDP.

2019/00435/6/CD

Details Approved 15/12/20- Vale of Glamorgan Council

Plan HLS1962

Plan E01

Signify Optivision LEDgen3 (BVp517-BVP527)

#### Reason for Granting Planning Permission

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 comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

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.

Having regard to Policies SP1 – Delivering the Strategy, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MG16 – Transport Proposals, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10, 2018) (PPW), Technical Advice Notes 11, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in terms of design, impact on residential amenity, highway safety, traffic, parking, drainage, play/sport space and ecology.

**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.**

Dated: 1 August 2019

**M. J. Goldsworthy**

**Head of Regeneration and Planning**