

Mr. J. Powell The Spinney, Twyncyn, Dinas Powys, Vale of Glamorgan, CF64 4AS

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The Spinney, Twyncyn, Dinas Powys

Temporary change of use from Granny annexe and studio, to a school (class D1) until 31st July 2020

REASON FOR COMMITTEE DETERMINATION

Cllr Robertson and Cllr Griffiths have requested that the application be determined by the Planning Committee due the public interest in the proposal.

EXECUTIVE SUMMARY

This planning application seeks the temporary change of use of the residential annexe associated with The Spinney, Dinas Powys into a school (D1 Use Class) for twenty 10-12 year old children, until 31st July 2020.

The school would be operated by two members of staff and children would arrive and depart the site via a walking bus under teacher supervision, and would be dropped off and collection from the Dinas Powys Bowls Club, St Andrews Road.

A total of 26 letters of objection and 12 letters of support have been submitted. The main matters raised in the letters of objection relate a school being out of character with the area, noise and disturbance, traffic generation, parking and safety concerns given lack of footways on the Twyncyn.

The application has been supported by noise and travel assessments, which have been undertaken and it is concluded that the proposal would not cause unreasonable noise and disturbance to the amenities of any nearby occupiers and there are no highway safety concerns with the application.

Due to the absence of harm and the temporary nature of the proposal, it is considered that the application is acceptable and meets all the appropriate planning policies.

It is recommended that temporary planning permission be granted with conditions.

SITE AND CONTEXT

The application site relates to land at the Spinney, a detached dwelling and associated access, set within a large plot at the head of the Twyncyn, within the settlement of Dinas Powys.

The dwelling is set back some 100m from the end of the adopted highway at the head of Twyncyn, which is a single width driveway which serves two other properties, Longdrive to the east and Longmead to the south.

The head of Twyncyn forms a junction with a Beauville Lane to the west and a private track providing access to several houses and a Public Right of Way (leading to Highwalls Avenue) to the east.

The site also includes the car park within the Dinas Powys Bowling Club (approximately 0.6km from the main site) as a set down / pick up location for pupils.



DESCRIPTION OF DEVELOPMENT

This application is for a “Temporary change of use from Granny annexe and studio, to a school (class D1) until 31st July 2020”. It is proposed to utilise a detached outbuilding within the curtilage of The Spinney as a temporary teaching facility, until a permanent site has been found and designed. The proposal school will accommodate up to 20 children within the age ranges of 10 – 12 years old. The proposed operating times are 10:00 – 16:30 hours (weekdays).

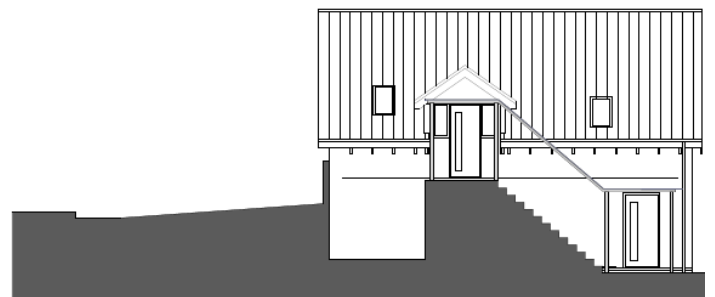
Externally, the changes to the outbuilding relate in the main to the ground floor, with the removal of the existing entrance door to the front and the installation of two pairs of bi-fold doors, a set of bi-fold doors to the rear and pedestrian door to the side. A flat roof covered canopy is proposed over the existing external staircase to the side, to provide a covered way from the secondary new entrance door to the side to the first floor of the building.

Internal alterations are proposed to the existing outbuilding, to provide an open plan teaching area to the ground floor with a kitchen and separate WC. At first floor level (accessed via the external staircase) an open plan area is proposed with a worktop and sink and a separate shower room.

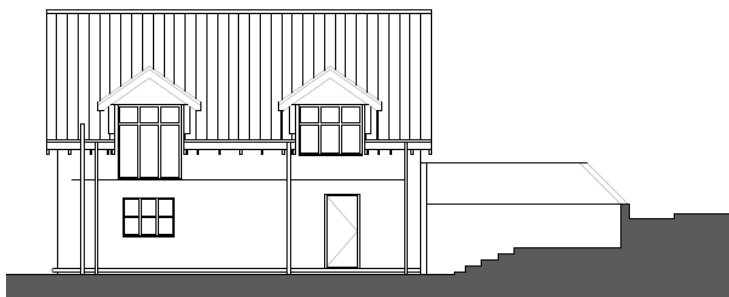
Members should note that the physical works proposed to the annex have been completed and the building and site is being used to teach children, albeit currently limited to the hours of 10:00 and 12:30.



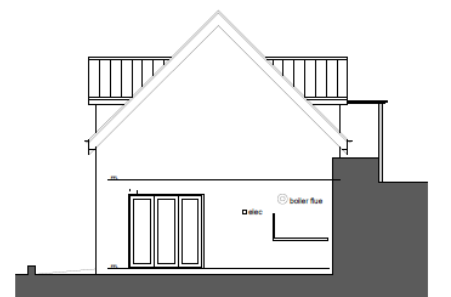
FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION



REAR ELEVATION



Proposed Elevations

The land shown to be associated with the use, relates to the existing annex located to the north west of the dwelling and land within the existing garden.

The supporting document states that the unit will be temporary until a permanent site has been found and designed.



Land shown to be used in connection with school

The supporting information states that there are no proposals for a pick-up/set-down facility for pupils on the main site. The application proposes the use of the car park within the Dinas Powys Bowling Club to allow parents to set down and collect their children. The pupils will then be walked by staff to the Spinney, a distance of some 0.6km. The pedestrian route between the school and bowling club will be bay way of a 'walking bus' which will be managed by school staff and any volunteer parents.

Two staff and two visitor spaces are proposed within the site to serve the school.

PLANNING HISTORY

1994/00267/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Proposed pitched roof extension over property- bedroom/ bathroom, garage converted to kitchen, Decision: Approved.

1994/00631/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Detached garage with gym/shower within ceiling void positioned alongside existing house, Decision: Approved.

1995/00299/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Conservatory, Decision: Approved.

1995/00419/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Detached garage/gym, Decision: Approved.

2011/00373/FUL, Address: The Spinney, Twyncyn, Dinas Powys, Proposal: Ground floor rear extensions with replacement of existing fenestration. Decision: Approved.

CONSULTATIONS

Dinas Powys Community Council were consulted and objected on the grounds of highways safety, negative visual impact, potential to generate significant volume of traffic and being detrimental to the character of the neighbourhood.

Councils Highway Development Team were consulted and further to reviewing the revised information, comment as follows:

- 1 information has been provided in respect of the Automatic Traffic Counter (ATC) Data including their location and from the data for ATC 1 there were on average approximately 145 vehicles per day utilising Twyncyn during weekdays and their 85%ile speed was 20mph. The data for ATC 2 indicated that there were on average approximately 83 Vehicles per day utilising Beauville Lane during weekdays and their 85%ile speed was 16mph.

As a result of the low vehicular speeds at ATC 2 then the Highway Authority considers that there would be no benefit in introducing Slow / Araf markings on the road and the cutting back of existing vegetation / trees as due to the current low speeds of vehicles this type of signage would unlikely reduce the speed of traffic further.

- 2 The Technical Note contains a drawing of the proposed layout and swept path showing that a 3.5T vehicle can turn within the confines of the property and the Highway Authority is satisfied with that information
- 3 No information has been provided in respect of the width of the access serving the development, however as a result of the revised proposal that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property and the ability of children to walk on the grass adjacent to the lane then there is now no requirement to widen the access.
- 4 No information has been provided in respect of the passing bays along the access road serving the development, however as a result of the revised proposal that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property

and the ability of children to walk on the grass adjacent to the lane then there is now no requirement to provide passing bays along the access road.

- 5 The spaces provided for staff and visitors are satisfactory
- 6 As a result of further information being provided on the location of the drop off point and the route the pupils would now take when being accompanied by a member of staff (walking bus) the Council's Road Safety staff have undertaken a risk assessment of that route in accordance with the Learner Travel Statutory Provision and Operational Guidance June 2014. The risk assessment has highlighted that various actions and recommendations need to be undertaken by the school and is attached for information and action.
- 7 The Road from Twyncyn to the 'Spinney' is a private lane and as a result has not been included within the Learner Travel Statutory Provision and Operational Guidance Assessment. It is a matter for the School to undertake a risk assessment and to consider the Health and Safety requirements of that private lane.

Further to the above the Highway Authority is now happy that a Risk Assessment has been undertaken by the School. However, it is pointed out that the Highway Authority is not the owner or responsible for the risk assessment produced by the school.

Shared Regulatory Services (Pollution) were consulted and have and the following comments

- 1) No comments from a contamination perspective.
- 2) Have appraised the noise report submitted in support of this application and have stated that the findings satisfy concerns regarding the affect this proposal would have on neighbouring noise sensitive premises and no adverse comments are raised regarding this proposal.

Dinas Powys Ward Members were consulted :

Cllr Robertson has responded and strongly objects to the application as the proposal is against the wishes of all the neighbours of the Spinney and is to be applied to a building which has changed use already without planning consent, issues of covenants and rights of way agreements, utilities to the site (sewerage and drainage) and that the site is unsuitable for the safe care of young children (no pavement access). It is requested that the application be brought before Planning Committee for determination.

Cllr Crowley has responded, and in summary states that the proposal involves no set curriculum, and pupils are encouraged to choose their own subjects, or none at all. There will be around 20 pupils who will be located in a building currently used as a recording studio. There are restrictive covenants which state that there can be just one residential dwelling and a garage and cannot be used for business. In addition, the school would impinge on the enjoyment of the

neighbours' properties, in relation to privacy, security, noise and, strain on the local utilities.

Cllr Griffiths requested that the application be brought before Planning Committee for determination.

REPRESENTATIONS

The neighbouring properties were consulted on 17 July 2019 and a site notice was also posted.

To date a total of some 38 letters of representation have been received, of which 12 are in support of the application and 26 have raised an objection. Of the objections received, the comments are summarised below:

- Introduction of a school/commercial development would be harmful to the character of this residential area would be out of character
- Noise and disturbance from children and school activities in nearby gardens
- Increase in traffic generation and parking
- Private drive is subject to a restrictive covenant/legal rights of access
- Concerns with children's safety in respect of the proposed "Walking Bus"
- Twyncyn is not appropriate for walking as there are no footways
- Concerns that there are appropriate measures in place to ensure any temporary consent is appropriately enforced.
- Concerns in respect of elements of the Transport Assessment

Comments have also been received from David Melding AM raising the following concerns:

- Site has restricted access
- Property is of a domestic character unsuitable for conversion to business and educational use.
- School on this site may not meet the fire prevention, health and safety requirements of the pupils and staff.
- Potential severe impact on the adjacent residential area.
- Pupils would range from primary school age to secondary (in the near future) which indicates a scale of operation which would be of questionable suitability in this domestic setting.
- The proposed site is not fit for purpose.

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 SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities

POLICY MG7 – Provision of Community Facilities

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

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
- Accessibility

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities

4.1.57 Planning applications for developments, including changes of use, falling into the categories identified in TAN 18: Transport must be accompanied by a Transport Assessment. In addition, in areas where the transport network is particularly sensitive, planning authorities should consider requiring Transport Assessments for developments which fall outside of the thresholds set out in TAN 18. Transport Assessments can be required for any proposed development if the planning authority considers that there is a justification or specific need. Transport Assessments provide the basis for negotiation on scheme details, including the level of parking, and measures to improve walking, cycling, and public transport access, as well as measures to limit or reduce levels of air and noise pollution. They should cover the transport impacts during the construction phase of the development, as well as when built and in use.

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

Chapter 6 - Distinctive and Natural Places

- 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 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Parking Standards (2019)

- Residential and Householder Development (2018)
- Travel Plan (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

Background

The Planning Statement outlines the concept of the school. "The Awen Project" is to provide an autonomous, free to attend, democratic school which enables children to not only choose their path of learning and shape their futures but to have a direct input into the design and construction of their learning space and the school curriculum. The vision is that each new year of pupils will contribute to the development of the school structure and teaching methods, allowing constant evolution and enabling the school, pupils and teachers to respond rapidly to changing society.

The first intake from September 2019 comprises 20 children, ages 10 to 12 years old, who will be taught in two classrooms provided at ground and first floor levels of the annexe building at The Spinney. The first year of the school will be in a temporary space and given the temporary nature of this new school, it is stated that it has always been the intention during its first year to gauge the success of the innovative system and its acceptability to students and parents.

The Planning Statement states that it is the intention that every year the school will 'grow up and down' by a year to eventually teach pupils ranging from 3 to 16 years old. Supporting information has been submitted stating that there is an urgency to commit to an alternative site as pupil roll numbers will increase. It is stated that the existing building is at capacity for current pupil numbers and is therefore self-limiting to a single year's use, given that under Estyn rules, a school would not be able to operate at over-capacity.

It adds that of the 20 children attending, two currently live at the application property whilst the remaining 18 are largely from the Vale of Glamorgan region. Being an independent school, the Awen Project is not bound by catchment areas or financial income. Travel distance does however have a direct correlation with

attendance at the school and it is stated that students will travel much further to attend than the current intake.

The hours of operation of the school are deferred compared to standard school hours in order to avoid peak traffic hours and minimise travel times for the children, where teaching starts from 10am with the school day ending at 4:30pm.

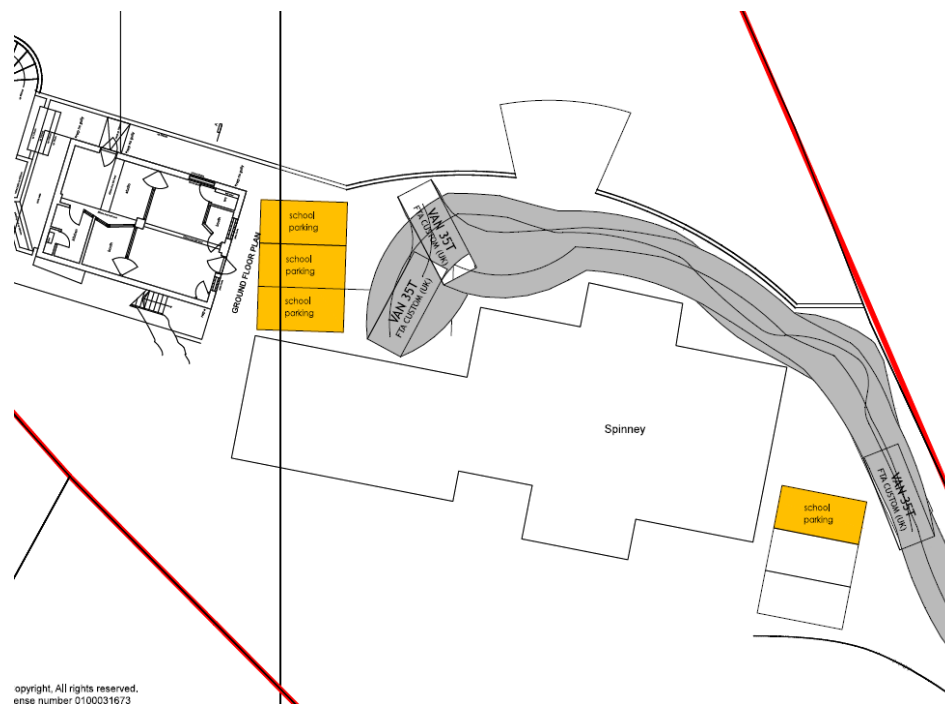
On the basis of the above, the applicant is committed to ceasing the use of the site as a school at the end of the current school year, 17th July 2020, although the application description states that this will be 31st July 2020.

The main issues in the assessment of this application relate to access considerations relating to traffic generation, parking, pedestrian and road safety issues, and the impacts on the amenities of neighbouring occupiers in respect of noise and disturbance as a result of the use of the site as a school. Consideration should also be given to the impacts of the physical works to change the use of the building for a school.

Access and Parking

The application has been supported by a Travel Plan, Technical Note and Walking Bus Route Risk Assessment Form.

In respect of Trip Generation, the Travel Plan (TP) states that both teachers would travel to work separately by car. There will be no ancillary staff employed. School meals will not be provided and as such no catering staff trips will be generated. Staff would access the site to park, for which two dedicated on-site parking spaces will be provided, in addition to two visitor spaces, as shown below.



Proposed On-site parking layout – for staff and visitors

It is stated that parents/guardians would not be permitted access to the private drive and pupils would not be arriving by minibus, and will only be permitted to be set down/pick-up at the Dinas Powys Bowls Club, St. Andrews Road, where they will walk from the Bowling Club to the site as a 'walking bus', which will be managed by school staff and any volunteer parents.

As part of the teaching curriculum, it is stated pupils would go on a school trip to a local place of educational interest such as museums, places of historic significance, science workshops etc. These trips would take place at a similar frequency to state schools (and not more than twice per month). School trips would require the hire of a minibus, which would collect and drop off at the Bowls Club.

The proposed school is relatively small with a capacity for 20 pupils and whilst the requirements of Parking Standards (see below) are noted, the applicant does not wish to attract vehicles to the site or the adjacent road network, as it is stated that this is not considered appropriate due to the suburban/semi-rural location and the standard of highway infrastructure.

However, it is recognised that pupils will require a means of accessing the school safely and it is proposed that pupils are collected from a suitable meeting point (or points) on the public highway or public land.

Therefore during the consideration of this application, the applicant has agreed terms with the Dinas Powys Bowling Club to allow parents to use the car park to set down and collect their children. Furthermore a detailed plan has now been submitted showing the layout of the parking area at the Bowls Club.

The Council are also in receipt of a signed "Car parking Licence" between the applicant and The Dinas Powys Bowling Club. In summary, the licence permits the applicant (the Licensee's) use of the Car Park for the parking of cars for the purpose of dropping and collecting children attending the Licensee's school at The Spinney, subject to standard clauses. It is noted that the Licence shall expire on the earliest of (a) 31 July 2020; or (b) the Licensor giving notice to the Licensee to terminate this Licence with immediate effect.

The Bowling Club Car park has now been included within the application site and as such the use of the carpark can be controlled under the terms of the planning permission. The submission of a signed copy of the licence also provides certainty that an agreement is in place between the applicant and Dinas Powys Bowling Club to provide drop off/pick up parking for the school for the temporary specified period.

Parents will be required to set down children on time every day (except for special circumstances). The children will then walk a pedestrian route between the school and bowling club as a 'walking bus' which will be managed by school staff and any volunteer parents.

The walking bus will depart the Bowls Club at 09:50 and the set down period would be from 09:40 – 09:50. Children will be walked back to the Bowls Club for 4.30pm. It is stated that the school/applicant will not permit children to be collected from any other location.

Full details of the walking route is set out within The Walking Bus Route Risk Assessment Form. In summary, it states that upon arrival pupils at the Bowl Club pupils will be collected in a safe area on the right hand side, inaccessible to cars and there will be no vehicular movement within the car park until the pupils are segregated in the designated 'safe area'. Pupils are accompanied along the route by two adults – one to the front and one to the rear. The children will be visible and in close proximity to at least one adult at all times.



Proposed Walking route from Bowling Club to Site

The proposed 'walking bus' route from the Dinas Powys Bowls Club car park, to the site is approximately 0.6km in length, using the footpath on St Andrews Road and into Twyncyn, where there is no footpath. It is stated that sight lines are sufficient to provide advance warning to drivers and pedestrians and that there are sufficient "step off" areas on LA adopted verges on both sides, which are mainly grass and gravel and include resident driveways. The Risk Assessment notes that there are a number of crossing points at Merevale on St Andrews Road and at northern end of Twyncyn crossing King's Ride and Beauville Lane.

The application has been supported by a traffic count and speed assessment taken at two locations, ATC 1 (top of Twyncyn) and ATC 2 (junction of Beauville Lane and Twyncyn), over a 7 day period (24 hours a day).

The Transport Technical note states that the data demonstrates that the greatest number of trips on any one weekday was 82 northbound and 85 southbound. During the school AM peak hour (0900-1000), six vehicles were recorded

travelling northbound and five southbound. Assuming these vehicles are evenly profiled across the hour, this would equate to one vehicle every 10 minutes. The Technical Note therefore considers that as a worst case, the walking bus could encounter one vehicle on Twyncyn on their journey to school.

The highway engineer has considered the proposed scheme, and following an on-site meeting and the review of supplementary information, states that given the low vehicular speeds at ATC 2 (junction of Beauville Lane and Twyncyn) does not consider that there would be any benefit in introducing Slow / Araf markings on the road or the cutting back of existing vegetation / trees, as this is unlikely to further reduce the speed of traffic.

In respect of on-site parking provision, the Parking Standards SPG states that schools should be provided with the following levels of parking provision.

- 1 commercial vehicle space;
- 1 space per each member of teaching staff;
- 1 space per 2 ancillary staff;
- Visitor spaces (to include 1 space for disabled people); and
- Bus parking as required.

However given the nature of the use, limited pupil numbers and two members of staff, the Highway Engineer is satisfied with the provision of two spaces provided for staff and two for visitors.

Whilst information was originally sought in respect of the width of the private access (shared private drive) serving the development, given that children will now be escorted on foot (walking bus) from the Bowls Club instead of utilising minibuses directly to the property and the fact that children can walk on the grass adjacent to the lane, the highway Engineer has stated that there is no requirement to widen the access. Similarly, whilst passing bays along the private access road were originally requested, on the basis that a minibus will not be used to access the site, there is no longer a requirement to provide any passing bay.

As a result of further information being provided on the location of the drop off point and the route the pupils would take when being accompanied by a member of staff (walking bus), the Council's Road Safety Team have undertaken a risk assessment of that route in accordance with the Learner Travel Statutory Provision and Operational Guidance June 2014. The risk assessment provides a detailed assessment of the risks associated with the proposed walking route, to pedestrians, drivers, cyclists in a road traffic incident or collision, and considers hazards, route conditions, crossing point, traffic, risks, traffic flows, collision history, footpath and lights.

The Risk Assessment considers what measures are already in place, what further action is necessary, who should action the measures (applicant or VOGC) and the timescales for action. Of the recommendations made within the Risk Assessment, the agent has produced their own updated School Risk Assessment which has been reviewed by the Highway Authority/ Road Safety Team who are happy that a Risk Assessment has been undertaken by the School, but stresses that that the Highway Authority is not the owner or responsible for the risk

assessment produced by the school and any comments made are purely observations only.

It should also be noted that the road from Twyncyn to the 'Spinney' is a private lane (shared private drive) and as a result has not been included within the Learner Travel Statutory Provision and Operational Guidance Assessment in any Risk Assessment. It is a matter for the school to undertake a risk assessment and to consider the Health and Safety requirements of the private lane.

In summary, there are no highway objections to the scheme in respect of on-site parking provision to serve the school. Having regard to pupil safety, there are no objections to the proposed walking route, and it is the responsibility of the subject to ensure this activity is carried out in accordance with their Risk Assessment. Furthermore, the license agreement that is in place with the Bowls Club also provides certainty that there is an appropriate agreement in place for the pick-up and drop of car parking.

Given the above, and the access arrangements proposed and reviewed, it is considered necessary to condition any planning permission to ensure the following:

- Pupil(s) shall only enter or leave the site (The Spinney) by foot (except when car sharing with any one of two members of staff) and at no time shall any pupil(s) be brought onto/leave the site using motorised transport. (**Condition 3** refers)
- All pupil(s) shall only be dropped off/picked up at the Dinas Powys Bowls Club car park. (**Condition 4** refers)
- The use of the site (at The Spinney) as restricted under Condition 6 as a school shall not be carried out outside the hours of 10:00 to 16:30 Monday to Friday and not at any time on Saturdays and Sundays. (**Condition 5** refers)

Noise Impacts

The Noise Assessment prepared by Acoustics & Noise Ltd, assesses the potential noise impact from the proposed development based on criteria provided by the Councils Neighbourhood Services Officer.

The site is in a semi-rural area, bounded by residential properties to the north, south and east. The site is located at the boundary of the course at Dinas Powys Golf Club, 50m to the north. The report states that subjectively, the acoustic climate at the site was characterised by distant road traffic with regular instances of golfers using the golf course including striking the ball and audible voices. During the survey, the use of machinery with a perceptible tone was also in use at the golf course for extended periods, possibly associated with the green keeping operation. Additional sources of noise were from intermittent birdsong, occasional local vehicle pass-bys, overhead aircraft, distant train horns, residential activity and dog barking.

To determine the potential impact from noise from the children during a typical school day, the following three scenarios were considered for this assessment:

- A maximum of 20 children located within the school building with the windows closed.
- A maximum of 20 children within the school building with the windows open.
- A maximum of 20 children outside within the external garden area at the northern extent of the site.

A 3D acoustic model was constructed to predict the noise emissions from the proposed facility and the results were assessed against the criteria detailed above. The modelling procedures adopted a worst-case approach to determine the maximum impact at the neighbouring properties. In the absence of any specific guidance, the noise emissions from children was determined using a prediction model.

The results of this assessment indicate that the noise emissions from the proposed development will be significantly below the required criterion of 50 dB LAeq,1hr and result in a very low impact at all sensitive receptors surrounding the development.

The absolute noise levels will be significantly below the levels at which the World Health Organisation would expect the majority of people to start to be moderately annoyed. Even though the noise levels are significantly below the criteria level, the children would still be occasionally audible, but will be at levels that only the most sensitive receptors would possibly find disturbing. To place this in context, the absolute noise levels predicted at the sensitive receptors is at most 38 dB LAeq,1hr and would be lower than those expected in a quiet office and approaching levels experienced within a library.

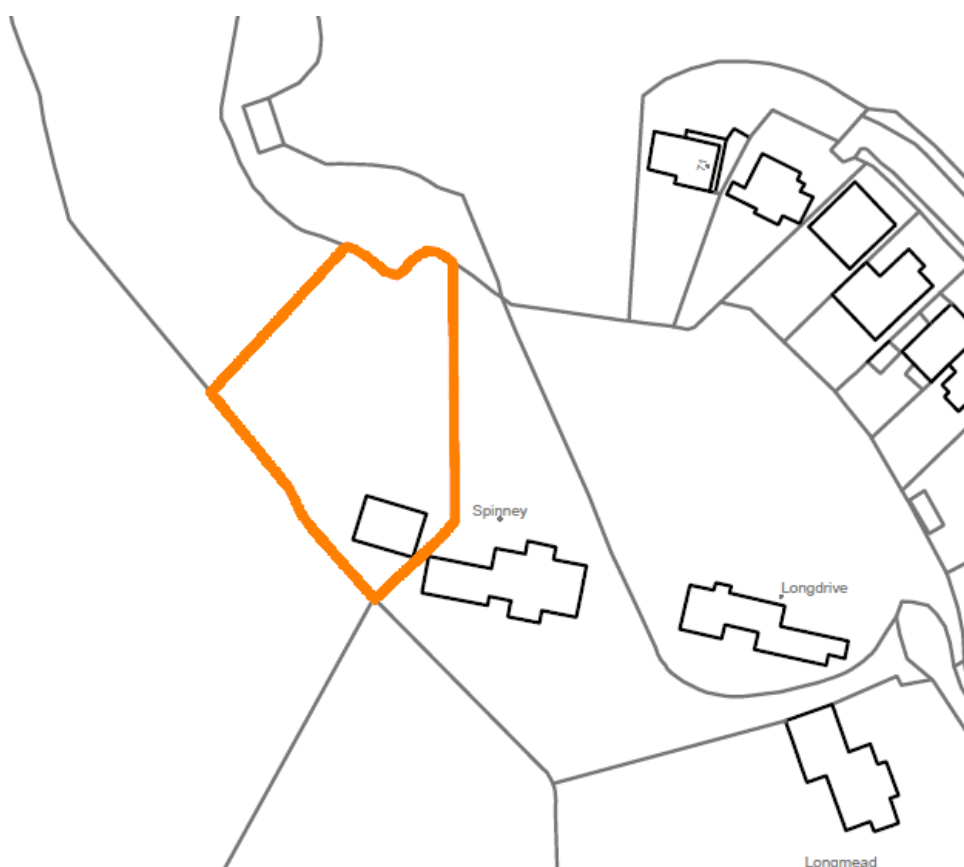
At the beginning and end of the school day, all attending children are collected and returned to a collection point located off site. Access to the site will be via the common site entrance driveway which passes the curtilage of the neighbouring property. It is anticipated that the entrance and exit activity will last no longer than 5 minutes in any one day and any noise impact will be minimal. Any noise emissions will be effectively controlled by the supervising staff during these times.

Having appraised the noise report submitted in support of this application, the Councils Neighbourhood Services Officer states that the findings satisfy his concerns regarding the affect this proposal would have on neighbouring noise sensitive premises and has no adverse comments to make regarding this proposal.

Whilst the noise assessment shows that there would be no unacceptable noise levels on any nearby residential occupiers, the agent has nevertheless submitted a plan (as shown below) "Land Area Associated with School Use" which shows the area of the application site within which the school activities would be restricted to, which relate to the annex and the garden area to the north. Limiting the use of the school to this area would reduce any impacts on neighbouring properties moving the operational land further away from the nearest dwellings of

Longdrive and Longmead, which has been agreed by the applicant and shall be secured by condition (**Condition 6** refers).

Furthermore the physical delineation of the land used in connection with school will also be required given that the boundary line shown through the garden is an arbitrary line (particularly along its north-west and east boundaries). The agent has confirmed that the applicant's garden associated with the use of the temporary school at The Spinney will be demarcated with posts and visible tape, which can be removed at the end of use. The wooden posts will be set at 4m intervals and will be 1.5m high and the tape will comprise two lines and will be set at 0.75m and 1.5m high and attached to each post forming the perimeter of the accessible area for the school, thereby excluding the pupils from the remainder of the garden area. It is considered that the means of enclosure is considered acceptable which shall be secured by condition (**Condition 8** refers)



Plan showing Land Area Associated with School Use

Limitation on further operations as a school

The application as amended, is seeking a consent until 31st July 2020. During the application process the agent was requested to provide supporting information in terms of the future growth for the school, given the concerns raised by neighbouring occupiers that the applicant may seek to continue to use the site as a school, beyond the terms of any temporary planning permission.

The Planning Statement does contain some detail stating that the applicant is currently engaged in seeking a new school site for use from September 2020, for which a short list of sites has been made, which are not site specific for

contractual and legal reasons. However, a further supporting letter has been submitted by the agent with a commitment from the client to cease the use of the site as a school at the end of the current school year (17th July 2020). The letter states that whilst an alternative site has not yet been secured, it does provide assurance that a search is ongoing, for which the process is part of the school curriculum and enables the pupils to have a greater amount of control over their school environment.

It is stated that the current proposal is a 'stop-gap' measure which provides a partial realisation of the principles of the applicant's Awen project, providing pupils with greater autonomy and control over their learning processes. This initial 'test' year will provide valuable information regarding the needs parameters for this type of school.

As outlined in the Planning Statement accompanying the application, the applicant has already considered a number of sites for the next school year and beyond. These are:

- A former hotel on Cathedral Rd, Cardiff;
- A site that has previously been used for the provision of additional learning needs education in Barry;
- A former lawn bowls club and green in Cardiff;
- A farm with forest land in Cardiff; and
- A former hospital in Cardiff.

It is stated that there is an urgency to commit to an alternative site because the pupil roll numbers will increase for the next school year as additional school years above and below the existing one will be incorporated into the system. The existing building is at capacity for current pupil numbers and so is self-limiting to a single year's use. Under Estyn rules a school would not be able to operate at over-capacity.

Furthermore, reference is made to two legally binding documents supporting the application:

- a Unilateral Undertaking relating to school operating procedures; and
- a car parking licence between the school owners and the Dinas Powys Bowling Club Ltd.

Given that the conditions as set out above will only allow the dropping of and picking up with the Bowls Club park, for a limited period (to expire on 31 July 2020), the expiration of the car parking licence agreement would also mean that the school could not lawfully operate as it would be in breach of Condition 4 in the absence of a parking area/drop-off site for the pupils.

Whilst a Unilateral Undertaking has been submitted, which shows a commitment from the applicant in respect of cessation the use of the site as a school, it is not considered that a Unilateral Undertaking is necessary given that a planning condition would be the appropriate means to secure a time limited planning permission.

On the basis of the above, it is considered that any temporary consent can be appropriately controlled by condition to ensure that the use of the annex building and any associated land as a school shall cease to operate on or before 30th July 2020, after which time the use of the building and land shall revert back to ancillary/incidental use of the main dwelling. (**Condition 2** refers)

On the basis of the above, it is considered that the condition imposed in addition to the temporary license with the Bowls Club for the parking area, provides sufficient comfort that the site could not operate beyond the permitted date (30th July 2020). Furthermore from an operational point of view, it is noted that any further expansion of the school at The Spinney would not in any case be able to operate under Estyn school rules, as it would not be able to operate at over-capacity.

Visual Impact

The application relates primary to a change of use of the outbuilding and associated use of the land, however in order to accommodate the use, external changes have been made to the annex. These relate to relatively minor alterations to with the removal of the existing entrance door to the front and the installation of two pairs of bi-fold doors, a set of bi-fold doors to the rear and pedestrian door to the side. In addition, a flat roof covered canopy is proposed over the existing external staircase to the side, to provide a covered way from the secondary new entrance door to the site to the first floor of the building. The proposed changes to the annex would have no impacts on the amenities of the area and given the distance of the annex to any residential dwelling would not result in any additional overlooking or overbearing impacts as a result of the proposed work.

Other Matters

Several of the letters of representation received, particularly those from the adjoining neighbours who share the private access drive, have states that the access rights are shared and that the application does not have the rights to use the access for any means other than accessing The Spinney as a dwelling. The applicant and agent are both aware of these matters. The application, as amended has served notice on the other owners of the land which form part of the application site. However, any legal rights of access or covenant are matters which are outside of the scope of a planning application and it is the responsibility of the applicant to ensure that in undertaking development, all other covenants, licenses and agreements etc are in place.

However, it is considered necessary to advise the applicant, by way of an informative that any planning permission does not convey or grant any legal rights of access onto or over any land.

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, SP10 – Built and Natural Environment, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries and MD7 - Environmental Protection, the temporary use of the site as a school, subject to conditions to limited its operations, is considered acceptable having regard to its impact on the amenities of nearby residential occupiers and highway impacts, including pedestrian safety and visual impact.

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

RAC-8510_Location Plan (amended)
636.01.02.10.11 Site Plan
636.03 proposed elevations and 636.04 Proposed floor plans
Walking bus_risk_audit vers 2.0
Amended Noise report vers.02 Final
RAC-8510_Location Plan with walking bus route (amended)
RAC-8510_Land associated with school use only (amended)
Planning Statement The Spinney School - Final vers 1.1
Parking layout - Bowls Club
DWT197 - Travel Technical Note
DWT197 - Travel Plan
email from agent setting out enclosures received 11/11/2019

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.

2. The use of the annexe building and any associated land as a school shall accommodate no more than 20 pupils (as set out within the application documents) and shall cease to operate on or before 30th July 2020, after which time the annexe building and land shall only be used for purposes ancillary to the residential use of The Spinney.

Reason:

To ensure that local amenities are safeguarded and to enable the authority to maintain control over the use of the dwelling within this residential area

and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

3. Pupil(s) shall only enter or leave the site (The Spinney) by foot (except when car sharing with any one of two members of staff) and at no time shall any pupil(s) shall be brought onto/leave the site using motorised transport.

Reason:

In the interest of highway and pedestrian safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. Pupil(s), in connection with the use of the site as a school, shall only be dropped off/picked up at the Dinas Powys Bowls Club car park, St Andrews Road.

Reason:

To ensure that satisfactory vehicle parking facilities are provided and to ensure pupil safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The use of the site (at The Spinney) as restricted under Condition 6 as a school shall not be carried out outside the hours of 10:00 to 16:30 Monday to Friday and not at any time on Saturdays and Sundays.

Reason:

To ensure that pupil safety is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The use of the school and associated activities shall be strictly limited to the area defined within the orange land shown on Plan ref. RAC/8510/1 "Land Area Associated with School Use".

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. The staff and visitor parking areas as shown in Fig 6 of the Planning Statement shall be available at all times during the permitted hours of

operation for the specified use, which be retained for the period as set out within this temporary consent under Condition 2.

Reason:

To ensure that satisfactory vehicle parking on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. The boundary shown in orange on Plan ref. RAC/8510/1 "Land Area Associated with School Use" shall along its north-west and east/south-east boundaries, be enclosed in accordance with the approved details (email from agent setting out enclosures received 11/11/2019) which be retained at all times for the operational period of the school.

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access over or onto land not within your ownership or control.**

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.