**Version 12**

**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)

**D E E M E D P L A N N I N G C O N S E N T**

|  |  |
| --- | --- |
| Agent:  Osian Roberts  DPP Planning  DPP Planning  Sophia House  28, Cathedral Road  Cardiff  CF11 9LJ | Applicant:  Vale of Glamorgan Council  c/o Agent |

**Construction of a replacement secondary school building at the site of the existing Pencoedtre High School, sports facilities, and associated works (including landscaping, access and engineering works) along with the demolition of the existing secondary school building at Pencoedtre High School, Merthyr Dyfan Road, 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 4 December 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:

- PHS-HLM-SW-ZZ-GA-L-0002 Rev P11

- PHS-HLM-SW-ZZ-SE-L-0002 Rev P02

- PHS-HLM-XX-01-GA-A-0010 Rev P17

- PHS-HLM-XX-02-GA-A-0010 Rev P18

- PHS-HLM-XX-GF-GA-A-0010 Rev P18

- PHS-HLM-XX-LG-GA-A-0010 Rev P16

- PHS-HLM-XX-RF-GA-A-0001 Rev P09

- PHS-HLM-XX-XX-EE-A-0001 Rev P08

- PHS-HLM-XX-XX-EE-A-0002 Rev P08

- PHS-HLM-XX-ZZ-SE-A-0010 Rev P07

- PHS-HLM-XX-ZZ-SE-A-0011 Rev P04

- PHS-HLM-SW-ZZ-GA-L-0003 Rev P02

Other that where superseded by the following plans, submitted with application 2019/01041/2/NMA.

PHS-HLM-SW-ZZ-GA-L-0002 P14

PHS-HLM-XX-02-GA-A-0010 P20

PHS-HLM-XX-RF-GA-A-0001 P12

PHS-HLM-XX-XX-EE-A-0002 P10

PHS-HLM-XX-ZZ-SE-A-0010 P09

PHS-HLM-XX-ZZ-SE-A-0011 P06

Phasing-Plan-001

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.

**2019/01041/2/NMA**

**Condition 2 amended- 26/10/21**

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.

**2019/01041/2/CD**

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

**PHS-HLM-XX-XX-EE-A-0001-COLOURED ELEVATIONS - SHEET 1-A5-C03**

**PHS-HLM-XX-XX-EE-A-0002-COLOURED ELEVATIONS - SHEET 2-A5-C03**

4. Notwithstanding the submitted plans, a scheme of landscaping for phase 1 shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the new building hereby approved. A scheme of landscaping for phase 2 shall be submitted to and approved in writing by the Local Planning Authority, within three months of the demolition of the existing school building. Both schemes 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.

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.

**2019/01041/2/NMA**

**Condition 4 amended- 26/10/21**

**2019/01041/6/CD**

**Details approved 21/12/21- Vale of Glamorgan Council**

**PHS-HLM-SW-XX-DE-L-0001-LANDSCAPE DETAILS - PAVING AND KERBS TYPICAL DETAILS-A5-C06**

**• PHS-HLM-SW-XX-GA-L-0004-TREE PROTECTION PLAN-A5-C05**

**• PHS-HLM-SW-ZZ-GA-L-0002-PROPOSED MASTERPLAN-PL-P14**

**• PHS-HLM-SW-ZZ-GA-L-3001-HARD LANDSCAPE STRATEGY PLAN - SHEET 1-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3002-HARD LANDSCAPE STRATEGY PLAN - SHEET 2-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3003-HARD LANDSCAPE STRATEGY PLAN - SHEET 3-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3004-HARD LANDSCAPE STRATEGY PLAN - SHEET 4-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-4501-SOFT LANDSCAPE STRATEGY PLAN - SHEET 1-A5-C06**

**• PHS-HLM-SW-ZZ-GA-L-4502-SOFT LANDSCAPE STRATEGY PLAN - SHEET 2-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4503-SOFT LANDSCAPE STRATEGY PLAN - SHEET 3-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4504-SOFT LANDSCAPE STRATEGY PLAN - SHEET 4-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4520-Planting Plan - Ornamental Planting Details Sheet 1-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4521-Planting Plan - Ornamental Planting Details Sheet 2-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4522-Planting Plan - Ornamental Planting Details Sheet 3-A5-C03**

**• PHS-HLM-SW-ZZ-GA-L-4523-Planting Plan - Rain Garden & Swale Planting Details Sheet 1-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4524-Planting Plan - Rain Garden & Swale Planting Details Sheet 2-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4525-Planting Plan - Rain Garden & Swale Planting Details Sheet 3-A5-C02**

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.

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.

**2019/01041/4/CD**

**Details approved 28/9/21- Vale of Glamorgan Council**

**HLM SW ZZ GA L 0003**

**CAM SW ZZ GA C 1134 A5 C04**

**CAM SW XX DE C 1146 A5 C03**

**CAM SW ZZ GA C 1133 A5 C04**

**CAM SW XX DE C 1145 A5 C01**

**CAM SW ZZ GA C 1131 A5 C06**

**CAM SW ZZ GA C 1132 A5 C08**

**CAM SW ZZ GA C 1141 A5 C08**

7. The development shall be carried out at all times in accordance with the Aecom Travel Plan (Project number: 60610283): September 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 (shown on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11) 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;

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;

xii) how the developer proposes to accord with the Considerate Constructors Scheme (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.

xiv) specific provisions/measures for maintaining pupil safety during the course of the works

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.

**2019/01041/1/CD**

**Details approved 31/3/20- Vale of Glamorgan Council**

**CEMP PHS-BYUK-PW-XX-MP-W-0001-CEMP-S2-P04 (Parts 1-31), with the exception of working hours, which shall be as follows:**

**0800-1800 Mondays to Fridays (other than bank holidays)**

**0800-1300 Saturdays**

**No working Sundays and Bank Holidays**

10. 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.

11. 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.

12. Prior to the first beneficial use of the new all weather pitch (shown yellow on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11, a light spill plan shall be submitted to and approved in writing by the Local Planning Authority, to include details of the types of flood lights, their heights, any necessary mechanisms to control the spill of light, and the spill/spread of light that would occur from them. The development shall thereafter be carried out in accordance with the approved details and any mechanisms required to control light spill shall be implemented prior to the first use of the lights and so retained at all times thereafter.

Reason:

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

**2019/01041/9/CD**

**Details approved 28/04/23- Vale of Glamorgan Council**

**Modus S Technical Specification; Pencoedtre**

**High School Technical Submission PHS-FOL-XX-FN-TS-XGP-0001 submitted on 9 December 2022 and Pencoedtre High School – Phase 2 Lighting Plan Review – File Note prepared by Aecom and letter dated 14 April 2022 from Hurley**

13. Prior to the first beneficial use of the new school, a pedestrian/cycling access plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include the widening of the existing 2m wide footpath into the site from Merthyr Dyfan Road to a 3m wide combined cycleway/footway, the location of all cycle routes and footpaths within the site, cycle storage location(s) (to accommodate at least 76 bicycles) and a new pedestrian link from the footpath that runs between 10 and 15 Blyth Close to the school. The cycling and pedestrian routes (and cycle storage facilities) as shown on the approved details shall be provided prior to the first beneficial use of the new school, and shall be so retained at all times thereafter.

Reason:

In order to ensure that the site is served by appropriate cycling and pedestrian facilities and to ensure compliance with Policy MD2 of the LDP.

**2019/01041/3/NMA**

**Condition 13 amended- 28/03/03**

**2019/01041/7/CD**

**Details approved 25/5/23- Vale of Glamorgan Council**

**• External Works Construction Details (Sheet 1 of 2) (PHS-CAM-SW-XX-DE-C-1115-A5-C05);**

**• External Works Construction Details (Sheet 2 of 2) (PHS-AM-SW-XX-DE-C-1116-A5-C02);**

**• Bus and Coach Drop Off and Access Road: General Arrangement (PHS-CAM-SW-XX-GA-C-1163-A5-C02);**

**• External Works Plan (Overall) (PHS-CAM-SW-ZZ-GA-1110-A5-C07);**

**• External Works Plan (Sheet 1 of 4) (PHS-CAM-SW-ZZ-GA-C-1111-A5-C07);**

**• Kerbing Layouts (PHS-CAM-SW-ZZ-GA-C-1181-A5-C07).**

14. Prior to the completion of the phase 2 works, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include details of drop off and pick up areas, the stopping up of parking on the existing roundabout, taxi parking, site signage and pedestrian guardrails. The operation of the site shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In order to ensure that the site is served by a safe internal parking and circulatory layout and to ensure compliance with Policy MD2 of the LDP.

**2019/01041/2/NMA**

**Condition 14 amended- 26/10/21**

**2019/01041/8/CD**

**Details approved 14/2/23- Vale of Glamorgan Council**

**Pencoedtre Parking Management Plan November 2022**

15. 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 to ensure compliance with Policy MD9 of the LDP.

**2019/01041/3/CD**

**Details approved 23/7/21- Vale of Glamorgan Council**

**• Temporary Lighting Plan (Drawing No. PHS-BYUK-SW-ZZ-GA-W-0010)**

**• External Lighting and CCTV Layout (Drawing No. PHS-FPH-XX-XX-GA-XE-6314)**

**• External Lighting Lux Plot (Drawing No. PHS-FPH-XX-XX-GA-XE-6315)**

**• External Lighting prepared by FP Hurley & Sons Ltd.**

16. Prior to any site clearance taking place a site clearance strategy shall be submitted to and approved in writing by the Local Planning Authority, to have regard to any reptiles that may be within the site. Subsequent site clearance shall only be undertaken in accordance with the approved strategy.

Reason:

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

**2019/01041/1/CD**

**Details approved 31/3/20- Vale of Glamorgan Council**

**Aecom Reptile Site Clearance Strategy (submitted 31/3/20)**

17. Prior to the first beneficial occupation/use of the school, a biodiversity enhancements plan shall be submitted to and approved in writing by the Local Planning Authority. The measures in the plan as approved shall be implemented in full prior to the completion of phase 2 works and those measures shall be retained at all times thereafter.

Reason:

In the interests of ecology and to ensure the development accords with Policy MD9 of the Local Development Plan.

**2019/01041/2/NMA**

**Condition 17 amended- 26/10/21**

**2019/01041/6/CD**

**Details approved 21/12/21- Vale of Glamorgan Council**

**PHS-HLM-SW-XX-DE-L-0001-LANDSCAPE DETAILS - PAVING AND KERBS TYPICAL DETAILS-A5-C06**

**• PHS-HLM-SW-XX-GA-L-0004-TREE PROTECTION PLAN-A5-C05**

**• PHS-HLM-SW-ZZ-GA-L-0002-PROPOSED MASTERPLAN-PL-P14**

**• PHS-HLM-SW-ZZ-GA-L-3001-HARD LANDSCAPE STRATEGY PLAN - SHEET 1-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3002-HARD LANDSCAPE STRATEGY PLAN - SHEET 2-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3003-HARD LANDSCAPE STRATEGY PLAN - SHEET 3-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-3004-HARD LANDSCAPE STRATEGY PLAN - SHEET 4-A5-C10**

**• PHS-HLM-SW-ZZ-GA-L-4501-SOFT LANDSCAPE STRATEGY PLAN - SHEET 1-A5-C06**

**• PHS-HLM-SW-ZZ-GA-L-4502-SOFT LANDSCAPE STRATEGY PLAN - SHEET 2-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4503-SOFT LANDSCAPE STRATEGY PLAN - SHEET 3-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4504-SOFT LANDSCAPE STRATEGY PLAN - SHEET 4-A5-C08**

**• PHS-HLM-SW-ZZ-GA-L-4520-Planting Plan - Ornamental Planting Details Sheet 1-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4521-Planting Plan - Ornamental Planting Details Sheet 2-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4522-Planting Plan - Ornamental Planting Details Sheet 3-A5-C03**

**• PHS-HLM-SW-ZZ-GA-L-4523-Planting Plan - Rain Garden & Swale Planting Details Sheet 1-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4524-Planting Plan - Rain Garden & Swale Planting Details Sheet 2-A5-C02**

**• PHS-HLM-SW-ZZ-GA-L-4525-Planting Plan - Rain Garden & Swale Planting Details Sheet 3-A5-C02**

18. The all weather pitch (shown coloured yellow on plan PHS-HLM-SW-ZZ-GA-L-0002 Rev P11) and the associated flood lights shall only be in use between the hours of 0800 and 2200 on any day.

Reason:

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

Reason for Granting Planning Permission

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:**

**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**

**2. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

**As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.**

**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.**

**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 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.**

**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: 19 December 2019

Ian Robinson



Head of Sustainable Development