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

**St. Davids Church Of Wales Primary School, Lane - Colwinston Village to Golygfa, Colwinston**

Proposed replacement primary school including 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 that is not covered by the scheme of delegation.

**EXECUTIVE SUMMARY**

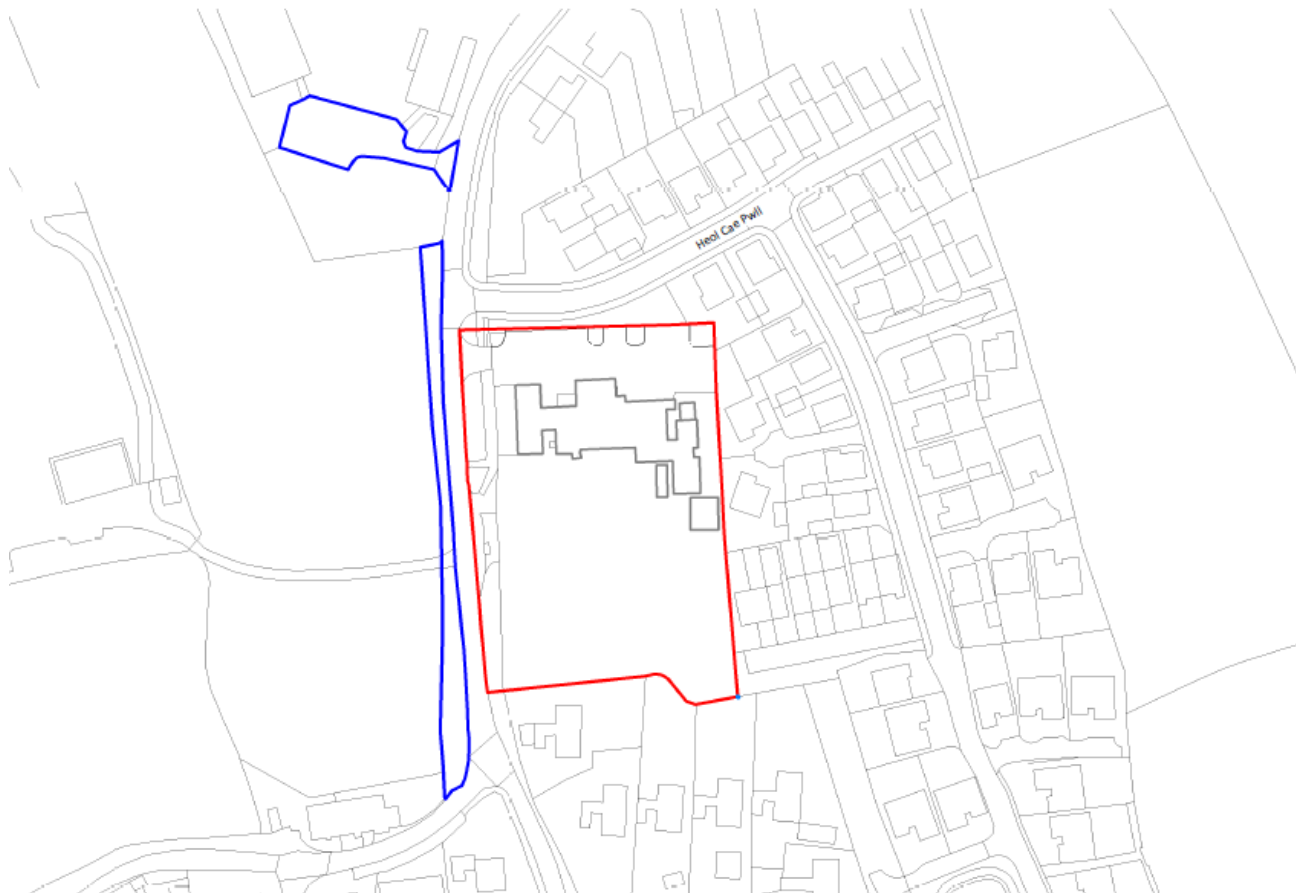
This is a full application for a new primary school at the site of the existing school in Colwinston. The application involves the provision of a two storey school building, capable of accommodating up to 210 pupils, 48 nursery places and 24 staff. The new building would be located in the western part of the site, fronting onto the un-named highway that runs north to south into the village. Vehicular access would be directly from this highway, just to the south of Heol Cae Pwll, and this would lead to a staff parking area comprising 24 parking spaces. Pupil drop off and pick up would take place outside the site.

Thirteen objections have been received across the consultation processes for this application and the previously withdrawn application for the same development. The main issues are considered to be the design and visual impact of the school, impact on neighbours, and highways issues associated with an increase in the school's capacity.

The application is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

The application site is land at St. David's Church Of Wales Primary School, Colwinston, as shown edged red on the site plan below. The land edged blue is other land in the ownership of the Council and comprises a strip of adopted highway verge and a further area of Council owned land, used informally for parent parking at school drop off and pick up times. The site measures approximately 60m x 95m.



The site is bounded on three sides (north, east and south) by dwellings and there are fields opposite the site to the west. Vehicular access to the site is at the north west corner, just south of the junction with Heol Cae Pwll.

### DESCRIPTION OF DEVELOPMENT

This is a full planning application for a new replacement primary school, with associated works. The proposed layout of the site is shown on the plan below:



Whereas the existing school building is located closer to the north of the site, with open space to the south, the new school would be located in the southern part of the site, with an enlarged parking and circulation area to the north. The vehicular access would remain in essentially the same place as that which serves the existing school. There would be 24 parking spaces provided, comprising 20 for staff, 3 visitors' spaces and 1 commercial/minibus space.

The school building would measure approximately 48m in width (42m of which at full height) by 20m in depth, by 10.5m high to the top of the roof. The design is relatively contemporary, with a dual pitched roof and the elevations would be finished in brick at ground floor with render above. The roof would have a standing seam metal finish and the windows would be in dark grey aluminium. The elevations are shown on the plans below:



East Elevation  
1 : 200



West Elevation  
1 : 200



North Elevation



South Elevation

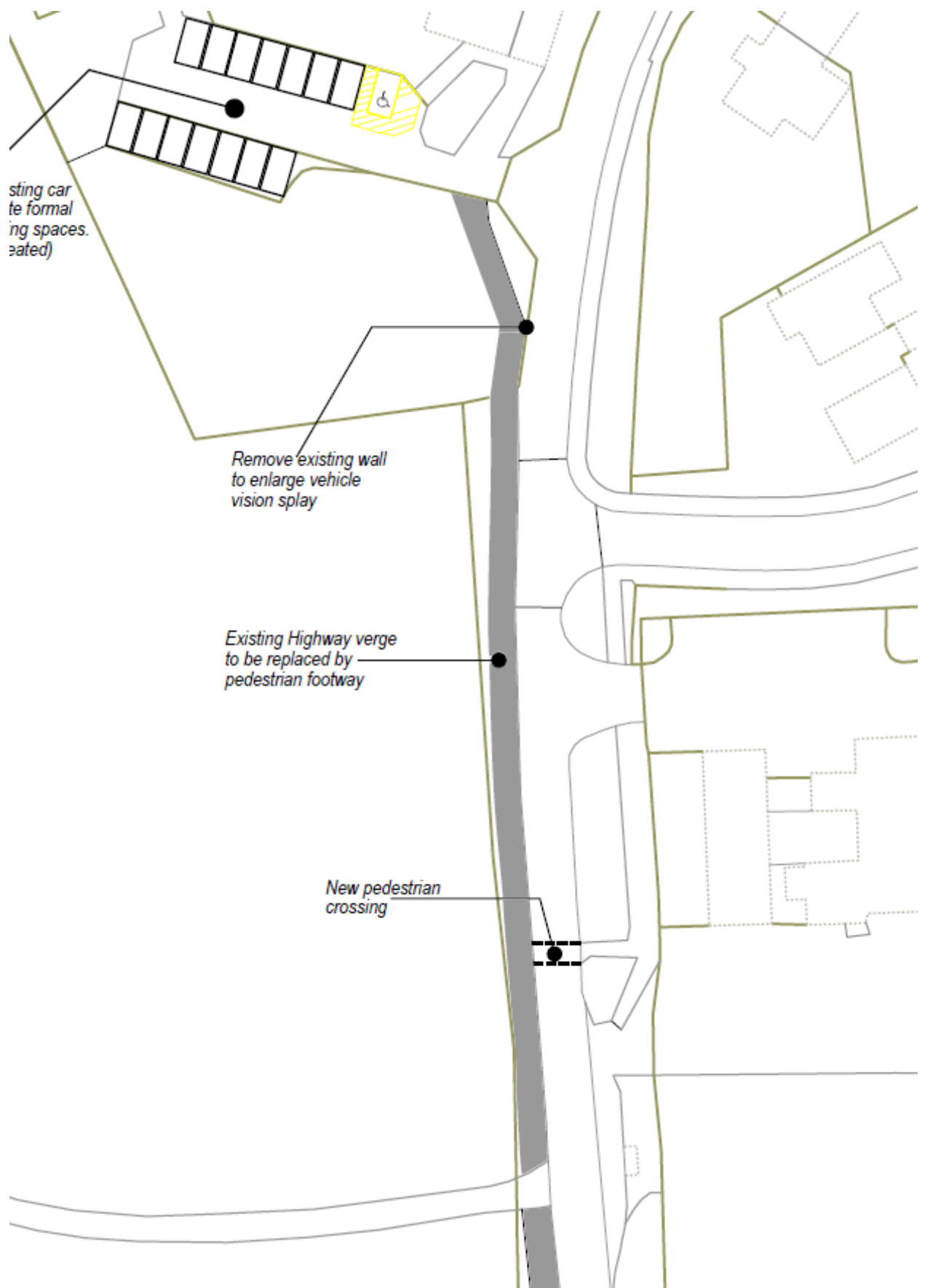


The layout involves informal hard surfaced play areas adjacent to the building (front and back) and incidental grassed areas and would provide further informal play opportunities in the eastern part of the site.

The existing school has a permitted capacity of 140 primary school pupils and 14 Full-Time Equivalent (FTE) nursery pupils, with 130 primary school students and 14 FTE nursery pupils currently enrolled.

The new school facility is proposed to accommodate 210 primary school pupils and 24 FTE nursery pupils, equating to 234 FTE pupils. The number of staff would increase from 15 FTE to 24 FTE members.

The proposals also involve providing a new footway on the western side of the road, opposite the school and formally laying/marking out 15 parking bays in the area north west of the school, shown on the plan below. A new crossing point is proposed directly opposite the school.



## PLANNING HISTORY

1992/01238/FUL, Address: St. Davids Church In Wales Primary School, Colwinston, Proposal: Relocate classroom, Decision: Approved

1996/00106/FUL, Address: St. Davids Church In Wales Primary School, Colwinston, Proposal: Single classroom extension with link corridor to reception class, Decision: Approved

2004/00658/FUL, Address: St. Davids School, Colwinston, Cowbridge, Proposal: Extension to existing staffroom, Decision: Approved

2004/01113/FUL, Address: St. Davids Church In Wales Primary School, Colwinston, Proposal: Single classroom and stores (prefabricated building), Decision: Approved

2006/00511/FUL, Address: St. Davids Church In Wales Primary School, Colwinston, Proposal: New car parking spaces, 19 no. staff, 1 no. disabled, 4 no. visitors, wider access drive and ancillary works, Decision: Approved

2008/00860/FUL, Address: St. Davids Church in Wales Primary School, Colwinston, Proposal: Proposed outdoor shelter, Decision: Approved

2009/00704/FUL, Address: St. Davids Church In Wales School, Colwinston, Proposal: Proposed conservatory to classroom Year 1 for experiential play area, Decision: Approved

2020/00442/RG3, Address: St. Davids Church Of Wales Primary School, Lane - Colwinston Village to Golygfa, Colwinston, Proposal: Proposed replacement primary school including associated works, Decision: Withdrawn.

This application above (2020/00442/RG3) was withdrawn due to changes in the legislative requirements for statutory Pre-Application Consultations as a result of Covid.

## CONSULTATIONS

**Colwinston Community Council** responded as follows: *“The Community Council has submitted its support, and observations, as part of the pre-planning application and requests that all its comments are carried forward as part of the current application.”*

The community Council’s Pre-Application response made comments in respect of the following:

- The likely increase in traffic
- Inadequacy of parking facilities
- Congestion.
- Locating the entrance away from Heol Cae Pwll
- Congestion and disruption during the construction process

- That the local playing field should be for the sole use of children during the construction process.

**Highway Development-** Matters relating to highway safety and traffic are discussed in the report below. A formal response from the highways engineer has not been received to date. Any subsequent response will be set out to Members in a matters arising note.

**South Wales Police-** No objection.

**Councils Drainage Section-** No objection is raised and the engineer has advised that SuDS Approval Body (SAB) approval will be required.

**Shared Regulatory Services (Pollution)-** No representations received to date.

**Dwr Cymru Welsh Water-** No objection subject to a condition which states that surface water shall not connect to the public system.

**Ecology Officer-** No representations received to date.

**Contaminated Land, Air & Water Quality-** Conditions are requested in respect of unforeseen contamination and imported soil/aggregates.

**Local ward members-** No representations received to date.

**Natural Resources Wales-** No objection

## REPRESENTATIONS

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

Five letters/emails of objection have been received, and the grounds are summarised as follows:

- Loss of trees
- Sprinkler enclosure would be unsightly
- The Transport Assessment underestimate traffic and highways impact.
- Damage to verges from parked cars
- Traffic generation.
- Adverse impact on highway and pedestrian safety
- Increase in cars waiting in the highway as a consequence of inadequate parking
- The local park should not be used as a school facility/ it is not a school facility.
- Overprovision of schools/education facilities.



Eight objections were received in relation to planning application 20/00442/RG3, which was withdrawn. While those objections were not technically submitted in relation to this application, the objectors may have expectation that those comments will be considered as part of this application. They are considered relevant to this application and Members are advised that the objections raised in those letters/emails should also be taken into account. They are summarised as follows:

- Traffic generation.
- Likely inconsiderate construction staff
- Adverse impact on highway and pedestrian safety
- Increase in cars waiting in the highway
- Loss of trees
- Inadequate parking facilities
- The transport assessment does not adequately assess the likely impacts.
- The local park should not be used as a school facility/ it is not a school facility.
- Use of the local park may limit potential use for the public.
- Trees near the boundary with 64 Heol Cae Pwll need regular maintenance and should be removed.
- Overprovision of schools/education facilities.

## 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

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

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,

### **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)

### **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:

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Travel Plan (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

- 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.
- 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.

## **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 principle of the development

The site already accommodates a primary school and consequently the development, which would maintain the same use, is considered acceptable in principle. The acceptability of the proposal rests upon the detail of the scheme, as discussed below.

#### Design, layout and visual impact

The proposed building would be in the region of 10.5m tall and, while this is generally taller than the surrounding dwelling houses (and taller than the existing school), it is not significantly so, and the building would be of a height that is still visually compatible with the surrounding buildings. The building inevitably has a larger footprint and bulkier general form than the nearby dwelling houses, however, that does not render it unacceptable or visually harmful. It would sit within a spacious site, visually distinct from the nearest dwellings and its general form, while bigger than those buildings, would not appear incongruous in this context.

The building would be conventional in form, while the proposed detailing would give a relatively contemporary finish. The elevations are proposed in traditional brick and render, with coloured panels and dark grey windows to add interest. There is not a strong prevalence of brick in the surrounding area, and buff brick in particular is not common to this part of the village. Consequently a condition requiring samples of materials to be agreed is recommended (see condition 3). The elevations would be punctuated with large windows and door openings and the western side of the building would present an active and engaging frontage to the main road.

The building would be sited closest to the western boundary, which would give a direct frontage to the street, and the parking area is located appropriately close to the highway to minimise the required length of access road. The hard and soft play spaces and landscaped areas would be located mainly to the rear. There would be grassed areas which, in addition to the proposed tree planting along the western and eastern boundaries, would soften the appearance of the development.

The sprinkler enclosure is a simple and low key timber structure, and it is considered that it would not have an unattractive appearance that would adversely affect the character of the wider area.

In summary, it is considered that the building is of an appropriate size/siting and it has a pleasant unassuming design. It would sit comfortably in this context and would add positively to the wider built environment, in accordance with Policies SP1 and MD2 of the LDP. The site is close to the conservation area boundary, however, for the reasons above it is considered that there would be no adverse impact on the setting of the conservation area. The development would therefore also comply 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.

The new footway referred to above in the description of development would result in the loss of a grassed verge, however, this would not be a significant visual intrusion and the works would be of an acceptable character and appearance, given that such works are commonplace adjacent to roads.

#### Impact on Residential Amenity

The proposed building would be over 25m away from the nearest dwellings to the east and over 50m away from the nearest dwellings to the north. It would be approximately 14m away from the closest dwelling to the south (1 Beech Park) and between 8m and 9m away from the boundary to that property's garden.

Consequently, there is sufficient space with surrounding dwellings to ensure that the building would not appear as overbearing or unneighbourly. In respect of privacy, the distances between windows on the school and neighbouring windows/gardens to the east and north would comfortably exceed the 21m that is recommended in the Council's Residential and Householder Development SPG. While this is not a residential development, the same principles are relevant and it is considered that the spacing is sufficient to ensure that there would not be harmful impacts on privacy.

There would be a single window at first floor on the side elevation facing towards number 1 Beech Park, however, that would serve a circulation area/corridor and consequently (also having regard to the operational times of the school) this would not unreasonably impact upon the privacy of that neighbour.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport, however, this would not be to a level which would unacceptably impact upon residential amenity (given the nature/level of the noise and the operational daytime hours of the school).

A Construction Environmental Management Plan condition is recommended, to minimise impacts during the construction phase (see condition 4).

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.

### Highways Issues

The new school would be accessed at essentially the same point as the existing school, towards the north western corner of the site. That access point is fundamentally safe and drivers would benefit from good visibility in both directions along the highway when exiting. While it is relatively close to the junction into Heol Cae Pwll, that does not cause a highway safety problem in principle and that arrangement was considered acceptable when the housing development was approved.

While the proposed school is larger than the existing, the on-site parking provision is only for staff and visitors and consequently there would not be significantly more vehicles using the access than is the case at present. In addition, vehicles will typically be arriving *into* the site at morning peak (as opposed to vehicles coming out of the site when vehicles are also exiting from Heol Cae Pwll). The timing of staff leaving is likely to not coincide with the evening peak. The proposed vehicular access point is, therefore, considered acceptable.

The school would be staffed by 17 members of teaching staff and 7 non-teaching support/ancillary staff. The proposed parking area accommodates 24 spaces, of which 20 would be for staff, 3 would be for visitors and one 'commercial' bay would accommodate minibus drop offs. The Council's parking standards require a maximum of 1 parking space per member of staff and three visitor spaces. The 20 staff spaces would represent almost 1:1 provision for staff and this is considered to be an appropriate level, which recognises a balance between the need to ensure adequate provision, and the need to not 'over provide' and promote more sustainable modes of travel, e.g. bus, cycling, walking, or car sharing. Promoting sustainable modes of transport for staff should be a focussed objective in the school travel plan, which is required by Condition 13. Therefore, it should be emphasised that the SPG sets out maximum standards, and it is considered that the proposed layout represents an acceptable level of staff parking, which would not result in a reliance on parking outside of the site on the highway (or in the car park by the village hall).

The principal issues of concern listed in the local objections relate to the likely increase in traffic (as a consequence of increasing the capacity of the school) and issues associated with parent drop off and pick up at the start and finish of the school day.

The existing school has a permitted capacity of 140 primary school pupils and 14 Full-Time Equivalent (FTE) nursery pupils, with 130 primary school students and 14 FTE nursery pupils currently enrolled. The new school facility is proposed to accommodate 210 primary school pupils and 24 FTE nursery pupils, equating to 234 FTE pupils. This is an increase of 70 primary pupils and 10 FTE nursery pupils.

The Transport Assessment (TA) notes that before and after school, parents generally park on the verge and along the footway north of the school access. Vehicles also park along Heol Cae Pwll, the access road to the recently constructed residential development to the north (there are no parking restrictions along these roads). Some vehicles also park in the car park adjacent to the village hall.

The TA also notes that while the school promotes a one way system through the village to minimise vehicular conflicts, based on observations on-site this does not seem to take place comprehensively. i.e. Vehicles were observed accessing the school from both north and south of the site.

At present, the estimated modal splits are 84 pupils by car, 39 on foot, 20 by bus and one by bicycle. Industry standard modelling suggest an average of 1.4 pupils will be delivered by car (taking car sharing into account) and this would infer 60 vehicle trips. Projecting the same modal split for the new school, that would mean 136 pupils arriving by car. Applying the same ratio of 1.4 pupils per car, that would equate to 97 car trips. i.e. 37 more at drop off and pick up (97 in total). The number of vehicles at peak times is likely to be less in reality given that some pupils will attend breakfast club and after school clubs, and therefore those car journeys would be distributed at different times. Numbers of pupils attending breakfast club and after school clubs are also not quantified, however, the above assessment (37 trips morning and afternoon) is robust in that it does not assume breakfast club attendance.

The proposals also involve providing a new footway along the western side of the highway, leading to a more formalised parking area adjacent to the village hall. It is likely that these works would result in more efficient use of that parking area, with the plans showing that 15 spaces can be accommodated. It is likely that existing/previous use of that car park would not have been as efficient, given that the spaces are not formally marked out, however, the net increase would not deal with a significant percentage of the theoretical additional 37 vehicles. Those parents would, alike the existing situation, have to find space within the surrounding network if picking up/dropping off by car.

Of greater material benefit (to highway/pedestrian safety generally) would be the provision of the new pedestrian footway and pedestrian crossing. This would represent a significant improvement to pedestrian infrastructure in the area around the school and would make parent and pupil movements to their cars more safe. Furthermore this would bring wider pedestrian benefits beyond school times, given that it would improve access all of the time to the village hall, playing field and play area. Those works are to be carried out from Section 106 monies secured from other developments.

The carriageway is wide enough for cars to park alongside the footway while maintaining space for other cars to pass, and it is considered very likely that cars would continue to park along the road here. Even if cars did ‘bump’ up onto the pavement, the proposed situation, with a formalised footway and new crossing, is still considered safer for pedestrians than the current situation, where no such facilities exist. Condition 14 requires further detail of the footway, car park and access.

As noted above, the larger school is likely to result in more vehicle trips to the school than at present, and this is likely to have an impact, to a degree, on congestion outside the school and in the highway network immediately surrounding it. However, there are a number of routes in to and out of the village, as shown on the plan below:



Whilst it is recognised that increased traffic and congestion are likely to be a source of concern to local residents, it is considered that any additional waiting time in the highway as a consequence of the development is not likely to be significant and, as noted above, there are a range of options for how to leave the village which would not rely on passing the school. It is accepted that this would be likely to add to journey times, however, the additional time is not considered to be so significant that it would have a fundamentally unacceptable impact on access to and from the village (or residents’ daily commutes).

Consequently, while the conclusions of the Transport Assessment and the objections have been fully considered, it is considered that the planning application should not be refused on these grounds, given the magnitude of the impacts and the positive benefits associated with a modern school, which is required to meet ever increasing educational needs in the immediate and wider area.

Reference is made in the submitted documents to an advisory one way system through the village. The TA acknowledges that at present, parents appear to arrive in both directions when dropping off and picking up, however, this should form part of the Travel Plan, with indicators as to how parents will be advised/encouraged to use preferred routes. The above assessment, which acknowledges the development is likely to have an impact to some extent on congestion, but concludes ultimately that it remains acceptable, is not dependant on the strict implementation of a one way system. Rather it is considered that the development is acceptable, and any further mitigation through promoted best practices would potentially improve the situation with regard to free flow of traffic.

With regard to the potential for collisions, the TA provides details of Personal Injury Collision (PIC) data obtained from Welsh Government. Three incidences have been recorded in the wider area since 2014, none of which occurred in the immediate vicinity of the school and all three were outside of school drop off or pick up times. There is no other evidence of a significant number of collisions (of any severity) in the area and while the development is likely to increase traffic coming to and going from the village, there is no particular rationale to suggest the development should result in more collisions. While the network of lanes vary in width, forward visibility is generally not problematic. Consequently, it is considered that implications from the development are more likely to relate to congestion and the free flow of traffic, rather than fundamental safety issues.

The Travel Plan required by condition 13 provides a genuine opportunity for the school to be proactive in seeking to affect travel patterns and work towards achieving a reduction in vehicle trips, compared to what has traditionally been the case. While a travel plan has been submitted as part of the Transport Assessment, this has been conditioned so that further discussion on the required detail can be undertaken with the Council's Transportation Manager.

Tracking requirements for larger vehicles and car park markings are dealt with by Condition 12.

In summary, it is considered that the proposed development, while likely to result in more vehicle trips to the school, is nevertheless acceptable in planning terms and would comply with policies SP1 and MD2 of the LDP.

### Drainage

SAB approval will be required for the development, however, there is an indicative drainage layout submitted which indicates cellular soakaways, and an infiltration basin to the east of the school. This will be the subject of detailed design through the SAB process and need not, therefore, be the subject of a planning condition.

In respect of foul sewerage, Dwr Cymru Welsh Water's (DCWW) response states that there is capacity in the public system to accept the foul flows. DCWW have requested a condition to ensure that no surface water connects to the public sewerage network (see Condition 7).

Subject to that condition, and 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 MD 7 of the LDP.



## Ecology

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.

The application is supported by a Bat Survey, which has identified that the existing school supports a non-maternity roost of two common pipistrelle bats located in 'Building 2' (at the western boundary of the site). The report makes recommendations in respect of the timing of works, the means of demolition, compensatory roosts and lighting.

The report recommends that to mitigate for this loss, two (loss + one) compensatory roost crevices/ bat boxes should be installed in the new school building. All new roost provision would need to be situated away from light spill, with clear flight paths towards foraging corridors.

Notwithstanding the above, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

Test ii) There is no satisfactory alternative.

Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the essential contribution it would make towards meeting education provision.

In terms of Test 2, the necessary modern educational requirements cannot be viably met by extending or adapting the existing buildings. Therefore, a replacement school building is considered to be the only viable option and there is no satisfactory alternative.

In terms of Test 3, NRW have advised that subject to the measures in the mitigation statement being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

The application is also accompanied by a preliminary Ecological Appraisal (PEA) which has assessed the site's ecological potential. The PEA makes a series of recommendations in respect of lighting and biodiversity enhancements, and these enhancements include, bird boxes, increasing grassland diversity and hedgehog shelters. Subject to compliance with the recommendations in the PEA, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

### Trees

Six trees would be removed as part of the development- two at the northern boundary to make way for a sprinkler tank and pump enclosure (a Norway Maple and an Ash), and four centrally, to make way for the new building and adjacent hardstanding (2 no. Ash, a Cherry and a Norway Maple). Each of those trees has been assessed as being in Category C2 (low quality), with the exception of one of the Ash trees centrally, which has been assessed to be of moderate quality (category B2). While this is higher in quality than the other specimens that would be lost, it is an Ash and consequently its life expectancy is likely to be limited by Ash Dieback.

None of the trees are protected with a Tree Preservation Order and none are considered worthy, given their quality, size and contribution to the amenity of the area. Notwithstanding that, they would be replaced with 12 new trees, which accords with the Council's SPG (2:1 ratio for replacements). This is considered to be an acceptable level of tree provision, and the new trees would assist towards the creation of an attractive and well landscaped site.

A neighbouring property has requested the removal of a Lime tree close to the boundary with 64 Heol Cae Pwll, however, the tree does not need to be removed for the development to be implemented and consequently, its retention is considered preferable. Issues raised by the neighbour in relation to the ongoing maintenance of that tree (and another near the boundary) would be matters for the school and the owner of the dwelling, as and when they arise.

Having regard to the above, the proposal is considered acceptable in respect of impact on trees (and tree provision) and in these respects it would accord with Policy MD2 of the LDP and the Council's Trees, Woodlands, Hedgerows and Development SPG.

## Other issues

Objections have been received in respect of the use of the playing field by pupils, however, it is unlikely that times of demand for the school would coincide with times of high demand for the public generally (given the likely timings).

An objection refers to other educational provision in the area and suggests that the school (or at least a school of this size) is not necessary. The existing capacity of the school is for

140 pupils and the proposed increase is to meet projected future demand as a result of existing and proposed housing developments in the area. It is acknowledged that there is a school allocated in Cowbridge as part of the Darren Farm development, however, the projected demand would require both.

## 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 Local Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Council's SPG on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle, and in respect of design, residential amenity, highway safety, parking, 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.

## 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:

- SDPS-STL-XX-ZZ-DR-A-XXXX-0001 Rev PL08
- SDPS-STL-XX-ZZ-DR-A-XXXX-0002 Rev PL08
- SDPS-STL-XX-ZZ-DR-A-XXXX-0201 Rev PL08
- SDPS-STL-XX-ZZ-DR-A-XXXX-0101 Rev PL08
- SDPS-STL-XX-ZZ-DR-A-XXXX-0102 Rev PL08
- SDPS-STL-XX-XX-DR-L-9001 Rev PL09
- SDPS-STL-XX-XX-DR-L-9002 Rev PL09
- SDPS-STL-XX-XX-DR-L-9003 Rev PL09
- SDPS-STL-XX-XX-DR-L-9004 Rev PL09
- SDPS-STL-XX-XX-DR-L-9401 Rev PL09
- SDPS-STL-XX-XX-DR-L-9402 Rev PL09
- SDPS-RVW-ZZ-00-DR-C-2000 Rev P1
- SDPS-RVW-ZZ-00-DR-C-1000 Rev P2
- SDPS-RVW-ZZ-00-DR-C-3000 Rev P2
- Aecom Preliminary Ecological Appraisal February 2020
- Aecom Bat Roost Survey Report dated 5th September 2019
- SDPS-MCO-V1-00-DR-E-9000 Rev T02
- Indicative footway and car park plan- received 20/8/20

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

4. No development shall commence 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;  
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.

5. 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.

6. 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.

7. The drainage scheme for the site shall ensure that surface water and land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

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 MD7 of the LDP.

8. The development shall at all times be carried out in accordance with the recommendations contained within the Aecom Preliminary Ecology Appraisal February 2020.

Reason:

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

9. The development shall at all times be carried out in accordance with the recommendations contained within the Aecom Bat Roost Survey Report dated 5th September 2019.

Reason:

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

10. Prior to the commencement of development, a scheme of ecological enhancements (and timescales for their delivery) shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be 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 of the LDP.

11. The landscaping scheme shown on plan SDPS-STL-XX-XX-DR-L-9002 POL11 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 and MD2 of the Local Development Plan.

12. Prior to commencement of the development hereby approved and notwithstanding the submitted plans, further details of the parking layout to include a minimum of 1:1 car parking for teaching staff, cycle store and traffic management plans shall be submitted to and approved in writing by the Local Planning Authority, to include full details of road markings within the site, signage, and a tracking plan for all vehicles that would need to access the site. The spaces and cycle store shall be provided prior to the first beneficial use of the school and shall be so retained at all times thereafter.

Reason:

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

13. 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 thereafter be completed/implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that 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.

14. Prior to the school being occupied with more than 140 pupils, the following shall be provided/carried out:

- a footway in the area of verge along the western side of the highway that runs adjacent to the application site, to provide a pedestrian link to the car park that lies adjacent to the village hall,
- a crossing point from the new footway to the eastern side of the road.
- the laying out/demarcation of a formalised parking area (with lines to delineate parking bays) in the area adjacent to the village hall.

These works shall be carried out in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority (and those details shall be generally reflective of the indicative layout submitted on 20/8/20).

Reason:

In the interests of pedestrian/highway safety and to ensure compliance with Policies SP1 and MD2 of the LDP.

15. Notwithstanding the submitted plans, 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 and MD2 of the Local Development Plan.

**NOTE:**

1. **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 DCWW 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 DCWW in dealing with the proposal the applicant may contact Dwr Cy u 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.**

- 2. 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)**

- 3. Warning: An European protected species (EPS) Licence is required for this development.**

**This planning permission does not provide consent to undertake works that require an EPS licence.**

**It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.**

**To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**

**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.**