

APPLICANT: 21st Century Schools Programme Manager, Civic Offices, Holton Road, Barry, CF63 4RU

AGENT: Mr Mark Farrar The Creative Quarter, 8a Morgan Arcade, CARDIFF, CF10 1AF

Land at Lower Cosmeston Farm, Lavernock

Proposed new specialised school and associated access, landscape, and engineering 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

The proposal is a full planning application for the development of the site by the Council's 21st Century Schools team for a new Special Educational Needs (SEN) school. The proposal is to expand upon the offer of the existing Ysgol Y Deri facility located in Penarth through the provision of a facility on the above site for 150 pupils.

The proposal would introduce a two storey 'T' shaped building to the northern edge of the site, adjacent to the boundary. The proposed school would be accessed from Fort Road to the south, with associated localised widening of the road to allow for vehicle manoeuvres associated with the school, visibility and a new active travel link from Lavernock Road. This would serve a staff car park towards the southern boundary and a parent pickup/drop off facility adjacent to the western boundary.

The plans also show ancillary outdoor facilities including a Multi-Use Games Area (MUGA), artificial pitch and playing fields inclusive of grass football pitch to the east of the site, in addition to associated drainage infrastructure and ecological mitigation.

The proposal has raised concerns from a number of interested parties and at the time of writing this report, circa 20 letters of representation had been received with regard to this application, in addition to circa 30 letters of representation with regard to application 2021/00876/RG3 which was a submission in outline for a broadly similar development. The main issues for objectors are in respect of contaminated nature, traffic, active travel, sustainability of the location; loss of greenfield land; visual impact; green wedge; impact on Cosmeston Lakes Country Park and the Medieval village; Ecological concerns including bats, loss of hedgerow and upon nearby designations; Archaeological impacts.

Whilst the proposal would result in tension with the allocation of the land as green wedge under Policy MG18, the proposal would provide for an identified need for a facility to provide for special education needs which are considered to outweigh any harm to the green wedge. As such the application is recommended for approval subject to conditions.

SITE AND CONTEXT

The application site consists of circa 2.3 hectares of land at the junction of Fort Road and Lavernock Road as shown on the plan below:



The site is currently grassed and enclosed by established hedgerow to the roadsides with a former railway embankment running to the eastern edge. The site lies adjacent to the settlement boundary of Penarth but wholly within the countryside and the 'South Penarth to Sully' Green Wedge, in addition to mineral safeguarding areas for limestone, sand & gravel (all category 2) as identified within the adopted Vale of Glamorgan Local Development Plan 2011-2026. Proposed National Cycle Routes run along the north-western boundary of the site on Lavernock Road and along the railway embankment to the south-east, with the Ty-r-Osaf Site of Importance for Nature Conservation (SINC) to the south.

Members are also advised that land to the north of the site is known as 'Land at Upper Cosmeston Farm, Lavernock' and it is allocated under the Local Development Plan- Policy MG2 'Housing Allocations'.

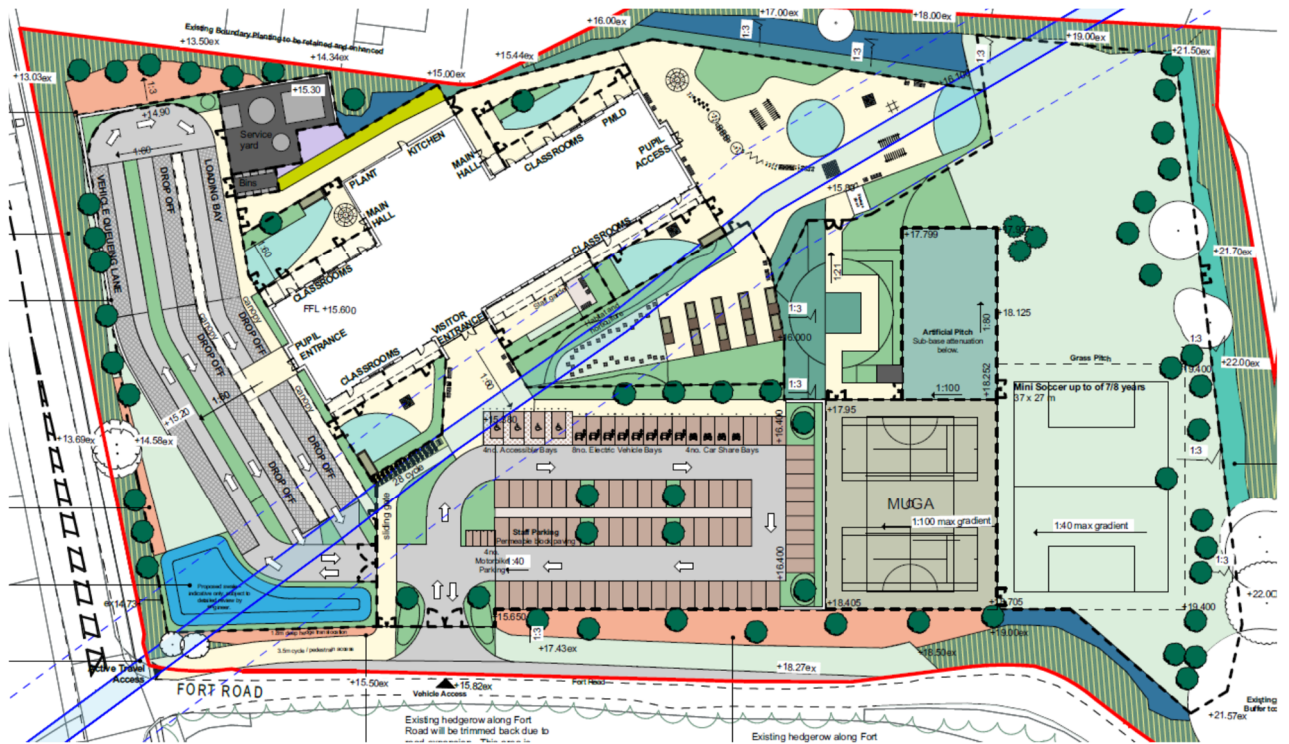
DESCRIPTION OF DEVELOPMENT

The proposal is a full planning application for the development of the site by the Council's 21st Century Schools team for a new Special Educational Needs (SEN) school. The proposal is to expand upon the offer of the existing Ysgol Y Deri facility located in Penarth through the provision of a facility on the above site for 150 pupils.

The proposal would introduce a two storey 'T' shaped building to the northern edge of the site, adjacent to the boundary. The proposed building would have maximum two storey width of circa 78 metres, a depth of approximately 30.5 metres with approximate eaves and ridge heights of 8.2 metres and 9.9 metres respectively. A single storey rear projection of circa 6 metres depth is also proposed to the northern elevation. The building would be finished in a mix of materials, with predominant use of brick to the single storey and ground floor elements with a timber cladding to the upper floors. The roof would be constructed of standing seam material albeit with a predominantly green roof and a 'living wall' to the front facing gable end. Front and side elevations of the proposed principal building are shown below:



The proposed school would be accessed from Fort Road to the south, with associated localised widening of the road to allow for vehicle manoeuvres associated with the school, visibility and a new active travel link from Lavernock Road. This would serve a staff car park towards the southern boundary and a parent pickup/drop off facility adjacent to the western boundary. A site layout plan is shown below:



It is also shown to provide ancillary outdoor facilities including a Multi-Use Games Area (MUGA), artificial pitch and playing fields inclusive of grass football pitch to the east of the site, in addition to associated drainage infrastructure and ecological mitigation.

PLANNING HISTORY

With regard to the application site the following application is of relevance:

2021/00876/RG3, Address: Land at Lower Cosmeston Farm, Lavernock,
 Proposal: Proposed new specialised school and associated works, Decision:
 Pending consideration (although in effect superseded by the current application).

Members are also advised that the following history is of relevance to land to the north of the site relating the residential allocation aforementioned:

2018/01431/SC1, Address: Land at Upper Cosmeston Farm, Lavernock,
 Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

2018/01432/SC2, Address: Land at Upper Cosmeston Farm, Lavernock,
 Proposal: Request for scoping opinion, Decision: EIA (Scoping) - Further info required

2020/01170/OUT, Address: Land at Upper Cosmeston Farm, Lavernock Road, Penarth, Proposal: Outline application for residential development, a primary school, community space and public open space with all matters reserved other than access, Decision: Still under consideration

The most up to date amendment of the masterplan for the neighbouring site, indicating the location of the application site in yellow, is shown below for reference:



CONSULTATIONS

Sully & Lavernock Community Council raise concern with regard to the location of the development; contamination of the site; impact upon the Green Wedge; suitability of the site access; potential for archaeological remains at the site; capacity within the local highway network and lack of active travel/public transport infrastructure; Lavernock Road prone to flooding; play space too removed from Sully and ecological impacts of the development.

The Council's Highway Development section were consulted and advise that potential queuing along Fort Road at peak times should be minimal in terms of queue lengths during peak times. However, with regard to the originally submitted layout, they requested that the footway cycleway be routed along Fort Road and verge area to the east of the access; footway adjacent to entrance not be obstructed; revised swept path analysis of the access and also that audit responses should be addressed within the submission.

Following the receipt of amended plans, the highway authority indicate that they are 'generally content with the proposals' including with regard to potential congestion on Fort Road; the revised access arrangements and the active travel link along the site frontage. As such they state that they have no objection subject to conditions relating to engineering works for the widening of Fort Road; condition surveys of the existing highway and details of Traffic Regulation Orders for the relocation of existing street furniture including signage. They also request that the applicant enter into a legally binding agreement to secure implementation of the proposed highways work.

Chief Fire Officer was consulted and advises that 'the fire authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation'.

The Council's Economic Development Section were consulted with regard to the proposals although no comments had been received at the time of writing this report.

The Council's Drainage Section were consulted and initially advised that the site does not fall within a DAM Zone at risk of tidal and fluvial flooding and there is very low risk of surface water flooding to the site. However, they identify that there is a risk of surface water flooding within the adjacent highways of Lavernock Road and Fort Road. In terms of on-site surface water drainage they note that a SAB application is currently under consideration. However, in terms of flooding they initially raised concern with the level of information provided with regard to the magnitude and frequency of surface water flooding in the adjacent highway network and the potential impact upon the proposed use. As such they requested additional information with regard to this element of the works.

Following further discussion with the applicant and the Council's Drainage Section, and the submission of the Flood Evacuation Management Plan (FEMP) and confirmation from the applicant received on 16 March 2023 that school occupants could potentially remain on site for 24 hours, they confirm that a suitable strategy should be able to be developed. As such notwithstanding the FEMP submitted, they request a condition requiring an amended FEMP be attached to any consent granted, to ensure the FEMP is agreed prior to the commencement of work.

Head of Adult Services was consulted although no comments had been received at the time of writing this report.

Shared Regulatory Services (Pollution Control) were consulted with regard to the application and request conditions relating to a Construction Environment Management Plan (including control of working hours, piling and asbestos) and further detail of noise/light pollution relating to the use be conditioned to any consent given. Following clarification they provide further advice with regard to noise and light assessments stating that they 'are not essentially necessary pre-permission and pre-construction' although advise that they should have regard to the best practice guidance in terms of lighting and acoustic standards.

Glamorgan Gwent Archaeological Trust (GGAT) state that ‘there is unlikely to be an archaeological restraint to this proposed development and therefore, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.’

Cadw (Ancient Monuments) were consulted. Whilst no comments were received with regard to the current application with regard to the previous application (2021/00876/RG3) they advised that ‘Our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.’

Dwr Cymru Welsh Water provided comments stated that they have no further comments to this latest consultation and request that previous condition and advisory note requested in relation to previous application 2021/00876/RG3 be attached to any permission given.

These comments indicate that no operational development shall be carried out within 10m of the centre line of the sewer crossing the site and that conditions be attached requiring details of the precise location of the sewer from the development; a method statement and risk assessment for the protection of the structural condition of the strategic sewer crossing the site and to ensure that no surface water/land drainage be connected directly or indirectly to the public system. Their most recent comments also indicate that no problems are envisaged with the Waste Water Treatment Works. Advisory notes relating to connection to the public sewer network and issues relating to water supply were also requested.

The Council’s Ecology Officer was consulted and initially raised a ‘holding objection’ with regard to the original proposals on the basis of the information in relation to European and UK protected species (specifically dormice and bats) being incomplete. They also advise that the proposals should use seed mixes of a local provenance and request that a planning condition requiring details of a lighting plan/strategy be attached to any permission given.

Following the receipt of amended plans, they advise that the revised proposals allow for the retention of most of the hedge along Fort Road except at the location of the entrance, although noting some constriction between Lavernock Road and the entrance. They recommend that alternative tree species are utilised; consideration being given to a temporary dormouse bridge over the entrance to the site and also indicate that hedgerow along the northern boundary and seed material for meadows to be of local provenance.

Landscape Section was consulted although no comments had been received with regard to this application.

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

Sully Ward members Councillor Mahoney and former Councillor Penrose previously provided comment with regard to the previous application at the site (2021/00876/RG3). They advise that in principle they have no objection to an additional school, they object to the site location owing to suggested previous use for landfill with associated risks including asbestos; flooding on site access; increased traffic; air pollution; loss of agricultural land; green wedge designation; ecological impact of the proposed works. Particular concern is raised with regard to previous use of the site and what was dumped there and lack of forward planning on behalf of Council given recent construction of Ysgol Y Deri facility on the existing site. Former Cllr Penrose also indicates that any development would be conditional upon the development of the residential site to the north.

Transport and Road Safety section was consulted although no comments had been received at the time of writing this report.

Natural Resources Wales were consulted and initially noted that whilst they have concerns with the application as submitted these concerns could be overcome if approved plans and documents are conditioned on the decision notice. They also initially noted that other concerns in terms of contamination and protected species can be dealt with by conditions relation to requirement for a construction environment management plan (CEMP); dormouse conservation plan (DCP) and a remediation plan for contaminated land.

Following the submission of amended plans with regard to the south-western corner of the site and works to Fort Road they do not object subject to the plans being conditioned as part of the suite of approved plans and the conditions noted above. Furthermore, following the submission of a further Protected Species Survey which found that dormice were absent they advise that a condition requiring a DCP would no longer be required subject to a condition subject to the recommendations of the submitted protected surveys report being undertaken.

Following further consultation and submission of the CEMP, NRW confirmed that they were satisfied with the CEMP addressed their concerns.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) initially made comments with regard to the previous application and localised hydrocarbon contaminants identified within topsoil that would require further investigation and an appropriate remediation strategy/ground gas mitigation. Following the receipt of further information they confirmed that the ground gas regime would require no further measures. They also detail that subject to the development being undertaken in compliance with the recommendations section of the report, the development should be suitable for use.

As such they request that conditions relating to unforeseen contamination; imported soils and aggregates and use of site won materials, in addition to informative with regard to contamination and unstable land.

South Wales Police were consulted with regard to the application and state that they 'do not object to this development' and would like to work with the Developer so that school is able to achieve the Secured by Design Gold Award. As such they make a number of suggestions including with regard to enclosures, public access, car parking and lighting.

Plymouth Ward members were consulted and comments have been received from Councillor Ernest who indicates that noting the nature and complexity of the application, he believes a site visit and meeting with local members would be beneficial to allow them to understand the proposals. Notwithstanding this, he notes concerns with regard to the lack of transport orders, suitability of Fort Road, amount of traffic that would be anticipated for a development of this type along Lavernock Road, Fort Road and the wider highway network. Lack of right turn facility on Lavernock Road, active travel route and lack of suitable pedestrian safety measures.

REPRESENTATIONS

The neighbouring properties were consulted on 25 October 2022, site notices erected on 1 November 2022 and advertised in the press on 3 November 2022. At the time of writing this report circa 20 letters of representation had been received raising the following concerns:

- Contaminated nature of the land owing to proximity to now closed Council run refuse facility and potential impact upon health
- Proximity to chemical works
- High levels of existing traffic and impacts from development
- Lack of adequate footpath/cycle infrastructure or public transport to serve the site
- Lack of suitable facilities for coaches
- Unsustainable location
- Damage to the environment
- Loss of greenfield land and visual impact upon landscape
- Design concerns
- Suggested alternative sites including existing school site
- Merging of settlements as a result of development within the green wedge
- Impact on Cosmeston Lakes Country Park and the Medieval village
- Overprovision of special education needs school within Penarth
- Ecological concerns including bats, loss of hedgerow and upon nearby designations
- Archaeological impacts
- Presumption for further development on sites adjacent to the site
- Flooding concerns including surface water flooding to local road network
- Concerns over drainage capacity within the local area
- Queries re consultation exercise and who had been consulted
- Contrary to Policy MG6 'Education Facilities' of the LDP
- Lack of community benefit

Members are also advised that circa 30 letters of representation were received with regard to application 2021/00876/RG3 at the site that raised commensurate points to the above in addition to concerns relating to:

- Use of Section 106 contributions would be inappropriate
- Sewerage capacity

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 Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP 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 SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities
POLICY MG7 – Provision of Community Facilities
POLICY MG16 – Transport Proposals
POLICY MG18 – Green Wedges
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY 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.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Managing Settlement Form –Green Wedges

Paragraph 3.73 states that *'When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation.'*

3.74 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.

3.75 The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:

- *justified rural enterprise needs;*
- *essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
- *limited extension, alteration or replacement of existing dwellings; or*
- *small scale diversification within farm complexes where this is run as part of the farm business.*

Chapter 4 - Active and Social Places

- Transport
- Community Facilities

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Severn Estuary Shoreline Management Plan Review (SMP2)
- The First Severn Estuary Shoreline Management Plan (2010)
- Green Wedge Background Paper (2013)
- Education Facilities Assessment (2013)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment

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 application is for the development of the site for a new Special Educational Needs School at land at Lower Cosmeston Farm. The development was originally proposed under application 2021/00876/RG3, an outline application (with landscaping and appearance as reserved matters), although this previous submission has been superseded by this application for full planning permission.

The site has historically formed part of the wider holding of Lower Cosmeston Farm. However, the land is currently being purchased by the Vale of Glamorgan Council from Welsh Government, and it is understood that the tenant farmer has now vacated the site.

Principle of Development

Whilst the settlement boundary of Penarth runs in close proximity to the northern boundary of the site, this boundary is inclusive of the allocation within the current Local Development Plan for development at Upper Cosmeston Farm for up to 576 dwellings and a primary school. The application for the development of that site (2020/01170/OUT) currently proposes the provision of a single form English medium school. Noting this and the location of the application site beyond the

settlement boundary, the site subject of this application falls within the countryside.

LDP Policy MD1 (Location of New Development) requires that new development on unallocated sites should: (inter alia) have no unacceptable impact on the countryside; reinforce the role and function of [...] the service centre settlements ... as key providers of [community] facilities; where appropriate promote new [community facilities] in the Vale of Glamorgan.

The site is currently pasture land although the site does have a particularly strong visual relationship as existing with the farmstead and associated buildings to the north of the site. Noting this and the allocation of the site to the north (that is also currently subject to a planning application) its development, including the new buildings extending outside the line of the settlement boundary, would satisfy this policy as the development would in time, visually relate to and support the role and function of the Penarth settlement. Any future review of settlement boundaries in an LDP review could address any settlement boundary issue.

Policy MG6 (Provision of Educational Facilities) of the LDP identifies land that is allocated within the plan period for educational facilities including The Penarth Learning Community, Sully Road, Penarth where the existing Ysgol Y Deri school is located. The supporting text indicates that this facility was intended to respond to existing demands for educational facilities rather than as a result of growth forecast in the LDP.

The application has been submitted to provide additional accommodation for children across the Vale of Glamorgan, with differing physical, health and educational needs that cannot be accommodated within mainstream education establishments. The proposals seek to supplement the existing Ysgol Y Deri Site, located off Sully Road in Penarth and will result in the education offer being provided across the 2 sites, with the proposed building primarily catering for education needs for primary-aged children although providing facilities for all ages (subject to individual needs).

The supporting information indicates that the existing Ysgol Y Deri was originally constructed to accommodate circa 205 pupils although this capacity has been extended to 320 places (now exceeded with 380 pupils currently on roll, suggestive of a requirement to address the shortfall in existing and future provision). The current proposals seek to provide a further 150 spaces on the Cosmeston site, with the submitted Design and Access Statement indicating that expansion on the existing site has been considered and exhausted.

Sequential Assessment

Both Planning Policy Wales and Future Wales advocate a town centre first approach and indicate that a sequential approach to site selection should apply. Whilst this generally applies to retail, paragraph 4.2.31 states that 'the sequential approach applies to retail and all other complementary to retail and commercial centres. Other complementary uses include, for example [...] educational and other non-residential establishments (D1).' However, it goes further to state that 'some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they

serve. Planning authorities should be flexible in their approach where it is necessary'. This advice is largely echoed within Policy 6 'Town Centres First' of Future Wales that states that 'significant new [...] education [...] facilities must be located within town and city centres', and that advice broadly relates to developments of a significant scale including those with a region-wide catchment. It is not considered that this proposal would be classed as such.

The supporting details provide an explanation of how expansion of the current Ysgol y Deri site was not feasible without significantly reducing the available space for pupils at the Penarth Learning Community campus. Having regard to the availability of sites of a comparable size (2 hectares), the statement identifies that no suitable sites were available within the settlement of Penarth and that this site, being relatively unconstrained and adjacent to the identified settlement boundary was the most suitable available site to allow for the provision of the expanded education offer, near to the existing school site and that would meet the requirements of the above policy provision. It is also acknowledged that much of the western extent of Penarth between Dinas Powys is also identified as Green Wedge, although there is currently only a separation between these settlements of circa 400 metres.

Green Wedge

The site also falls within the 'South Penarth to Sully' Green Wedge as defined by Policy MG18 (6) of the LDP. Policy MG18 indicates that green wedges have been identified to prevent the coalescence of settlements to retain the openness of land, by restricting inappropriate development that prejudices its open nature, consistent with the advice within PPW. The Green Wedge Background Paper (2013) indicates that the South Penarth to Sully Green Wedge was designated to prevent urban coalescence between the settlements; ensure development does not prejudice the open nature of the land; to protect undeveloped land from speculative development and maintain the setting of built up areas.

Green wedges afford similar levels of protection to Green Belts, except as noted within paragraph 3.68 of PPW they '*are proposed and be subject to review as part of the LDP process.*' Paragraph 3.73 indicates that substantial weight should be afforded to harmful impact on the purposes of the green wedge designation, expanded upon by paragraph 3.75 that indicates inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge. Paragraph 3.75 of PPW provides a definition of forms of development that would not be inappropriate that include those '*justified for rural enterprise needs; essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it; limited extension, alteration or replacement of existing dwellings; or small scale diversification within farm complexes where this is run as part of the farm business.* As such the provision of education facilities is not one of the listed exceptions.

On the basis that the site forms part of the green wedge and the proposal seeks built development that does not meet the listed exceptions, the proposal would result in tension in terms of Policy MG18. 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. As such consideration must be given to all the policies within the LDP and whether the proposal as a whole would be considered in accordance with that plan and the weight of “material considerations” which could outweigh the proposal being contrary to one policy within the Development Plan.

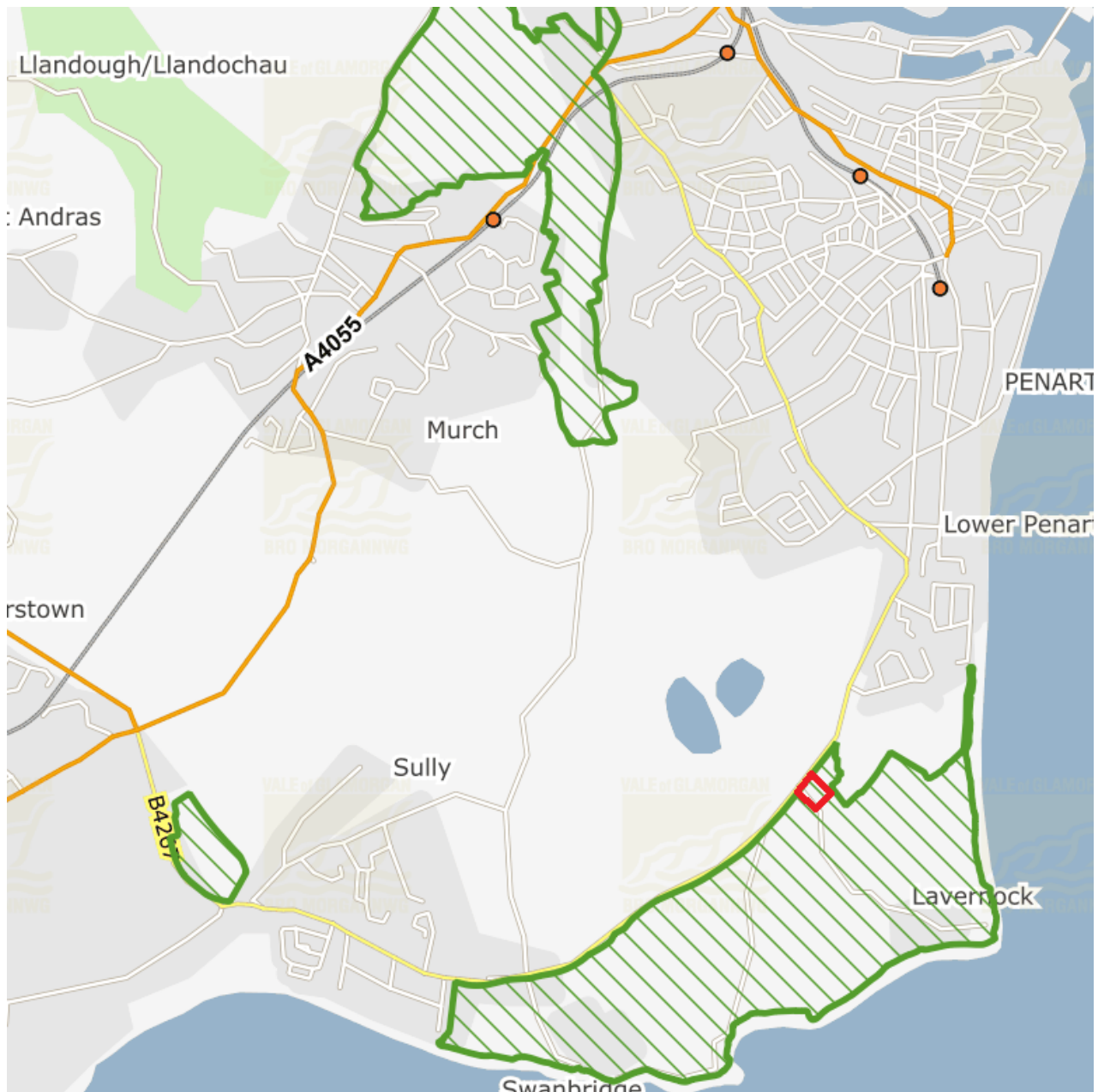
Notwithstanding this, PPW paragraph 3.78 does state that ‘other forms of development would be inappropriate development unless they maintain the openness of the... green wedge and do not conflict with the purposes of the designation.’

It is considered that significant weight should be afforded to the proposed use of the site, to provide for increased provision for special educational needs of pupils of Ysgol Y Deri, which has exceeded the anticipated capacity. Owing to the nature of the facility and the exhaustive site selection process detailed by the applicant, it is recognised that there are limited suitable sites within close proximity of the existing facility and this is considered to add significant weight in favour of the development in the balance against the designation as green wedge.

The proposed location of the building would be adjacent to the existing agricultural buildings in situ at the time of this application, some of which are statutorily protected owing to their listing. At the time of writing this report, those buildings recognised as being of historic significance are shown on the masterplan for the development of the neighbouring allocated site (2020/01170/OUT refers) to be substantially retained. Without seeking to prejudge the landscape and visual impacts associated with that development, it is considered that such a location would result in any development appearing contiguous with both existing and proposed neighbouring development within the allocated site and the settlement boundary, particularly in the event that the site allocated for residential development is constructed (noting the development subject of that application includes a relatively small area of green wedge (see plan further below). That outline application is at an advanced stage and there is no appreciable reason to assume that the allocated development should not be likely to materialise in time.

Noting the location and size of the building, the development as proposed has sought to largely maintain the openness of the land with circa 93% comprising the more visually open parking areas and green space that would remain free from buildings. As noted, the position of the building, adjacent to existing built form to be retained within built form and that allocated for future development under the LDP, currently subject of a planning application, would also assist in limiting the level of overall encroachment of buildings into the Green Wedge so as not to significantly impact upon its openness.

Noting the stated purpose of the green wedge within Policy MG18 to prevent coalescence of settlements, given the proximity to the defined settlement boundary of Penarth and the separation with Sully (circa 1 mile), it is considered that the proposal would not result in coalescence. Indeed a plan is shown below, detailing the position of the site and the extent of the currently allocated green wedge areas in the context of Penarth:



Much of the land excluded from the green wedge area that would be accessible from primary road infrastructure near to the existing Ysgol Y Deri, comprises Cosmeston Lakes and the Glamorganshire Golf Club and is therefore not available or suitable for such development.

Noting the identified need for such a facility, the need to be proximate to the existing Ysgol Y Deri campus and the lack of available sites it is considered that there exists an exceptional circumstance to allow a departure from the provisions of the Development Plan, particularly Policy MG18.

Agricultural Land Classification

The application site is primarily agricultural land which is made up of a single agricultural field, with hedgerows to the west, south and eastern boundaries.

Technical Advice Note 6 and Planning Policy Wales note that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output. Planning Policy Wales (11th edition) paragraph states that 'when considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance.'

Although the site is classed as agricultural land it has not been identified as Best and Most Versatile (BMV) land using Welsh Governments Predictive Agricultural Land Classification (ALC). The Predictive ALC identifies the land as Grade 4 which is poor agricultural land. On this basis it is considered that the proposals would not result in the loss of the BMV agricultural land and as such this does not represent an in principle reason to refuse planning permission.

Design, layout and visual impact

The proposals would introduce a new, two storey building located towards the northern end of the site, served by car parking and drop off areas adjacent to the southern and eastern boundaries of the site. As a result, the building would be set back from the Fort Road street frontage owing to the location of the proposed access and associated parking and servicing facilities. As such, the principal building would be set approximately 45 metres from the boundary with Fort Road at its nearest point and 33 metres from Lavernock Road to the west.

The proposed school is contemporary in terms of its form and materials and would introduce a two storey building within what is currently a grassed parcel of land (albeit the proposal has a low slung shallow pitch to the roof). The proposed material palette would predominantly utilise brick at ground floor level, timber cladding for the upper floors beneath a green roof and a green wall to the front projecting gable end. It would be read in the context of the adjacent farmstead buildings and the land allocated and proposed for residential development to the north .

The submissions are supported by a Landscape and Visual Impact Assessment prepared by HLM Architects dated May 2022, that provides an analysis of the likely visual impacts on landscape character and visual amenity, including from sensitive receptors, including Cosmeston Lake Country Park to the west. The LVIA concludes that the proposals will impose an additional backdrop of built form to the adjacent Medieval village that may have a moderate adverse effect, although this would be mitigated in time by maturation of landscaping. With regard to other impacts, the LVIA considers that these would be minor in their nature and only a minimal impact upon the openness of the green wedge would occur due to the largely open nature of the development.

Although the proposals would introduce a new form of built development, its general form, massing and design would reflect the function of the building and would not be out of character in terms of its scale to that found within the immediate vicinity, including the farmstead to the north. The established hedgerow to the western boundary with Lavernock Road would be maintained that would, coupled with the setback of the proposed building from this vantage

point, assist in softening the impact of the development. Notwithstanding this, at least glimpsed views of the development would be possible from different vantage points surrounding the site, owing to the two storey height of the development and its large footprint.

The design of the building would introduce a positive composition of elevations that would reflect the purpose and proposed use of the site. The proposed materials and form of the building are intended to make the building appear more agrarian in terms of its finish and design. Whilst noting the more traditional and agrarian form of development to the north, it is considered that the scale of the proposals are appropriate, and would not appear incongruous in its context, particularly noting the existing farmstead and allocated residential use of the land to the north. Furthermore, noting the position of the building away from site boundaries, the retention of vegetated features and robust landscaping scheme proposed, it is considered that the proposals would not unacceptably impact upon the setting of the surrounding area including that of the Medieval Village and Cosmeston Country Park.

The submitted palette of materials reflect that the building has been designed to meet the needs of the 21st Century school programme and also to achieve a BREEAM 'Excellent' rating. The proposed material palette including the cladding and green roof, whilst not strictly matching that in the immediate street scene, in combination with the building's design, represents an interesting composition of elevations that are considered to be appropriate in their context. The use of a green roof would also assist in reducing the wider visual impact of the development by providing a vegetated feature to the most likely visible element of the proposed building. A condition should be attached to any consent granted however, requiring the submission of further details and samples (Condition 3 refers).

To accommodate suitable access and facilities to serve the proposed school, works are proposed to land adjacent to Fort Road, to facilitate localised widening, visibility splays and the footway/cycleway running along the site frontage. As existing Fort Road is a single track lane enclosed on both sides by established, mature hedgerow. Noting this, some trees and hedgerows would be removed to the northern edge of the road to accommodate the development particularly along Fort Road to the south to provide the access and footway cycleway (discussed in more detail later in the report). However, the amended layout indicates that much of the hedgerow would be translocated, behind the area to be widened, and that would in time and subject to suitable aftercare, re-establish. Whilst there would be a degree of alteration to the character of the lane as a result of the widening, it is considered that subject to a suitable scheme of translocation and a robust landscaping scheme, that the proposals would suitably mitigate any significant concerns with regard to the access works noted above. The existing lines of dense vegetation along the western and eastern boundaries would be retained with additional planting proposed, to help soften some aspects of the development.

Overall, whilst the proposed building would undoubtedly introduce a visible and contemporary designed building to the site, it is considered to be of an appropriate size, siting and design for its setting and proposed function. The proposed setback from the both the Fort and Lavernock Road frontages assists in mitigating

the increased massing of the building and would result in the proposed building not appearing visually intrusive or incongruous, in accordance with policies SP10 and MD2 of the LDP.

Historic Environment

The application is supported by an Archaeological and Heritage Assessment. This identifies that within 1km of the site there is one scheduled ancient monument and 2 listed buildings, although it concludes that the significance of these designated assets would not be affected by the proposed development of the site.

The application is also supported by a Heritage Impact Assessment, prepared by HCUK, dated September 2021. This indicates that owing to the loss of the wider agricultural context in which the farmstead may be appreciated, the proposals would result in a slight negative change in the significance of the building. The proposed building would have a degree of intervisibility with the listed farmhouse at Upper Cosmeston Farm itself, recognised for its special architectural and historic interest as a rare surviving pre-1700 farmhouse. However, owing to the maintained separation (circa 44 metres), it is considered that the proposal would not unacceptably detract from the recognised significance of this building or the reasons for its listing. Whilst there may be a limited degree of impact to its setting owing to the change from agricultural land to the use of the site as a school, it is considered that owing to the maintained separation and largely open nature of the proposed use of the site, it would adequately preserve its setting. It is however considered that while the impact on the setting of listed building is afforded not insignificant weight, any change to the setting is outweighed by the above issues relating to the critical need for this important development.

In terms of archaeology, the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, note that following the identified potential for archaeological remains, a field investigation including 14 trenches was undertaken. As a result they indicate that it is therefore unlikely that significant archaeological remains would be encountered during the course of the application, whilst also noting that the farm would be preserved in situ. Noting this they advise that there would not be archaeological constraint that would restrict the grant of planning permission.

Cadw have also been consulted with regard to the potential impact of the works upon scheduled ancient monuments within the vicinity of the application site, although advise that they do not consider that they would be adversely affected.

Noting the above, it is considered that the development would not adversely affect the identified historic assets, in accordance with Policies SP10 and MD8 of the LDP and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Ecology

The application is supported by a Preliminary Ecological Appraisal dated June 2021, that recognised the potential for invertebrates, reptiles, common amphibians, breeding birds, bats, dormouse, badger and hedgehog. It recommended additional survey work to assess the presence of important hedgerows and surveys for dormice, reptile and bats.

As a result the application is supported by further survey work within an Interim Note relating to Protected Species prepared by Soltys Brewster dated July 2022. This survey work found no evidence of the use of the site by badgers, dormice or reptiles, although low bat activity was recorded across the site with common and soprano pipistrelle bats identified foraging along the site boundaries, in addition to Noctule, Serotine and Myotis. Further Protected Species Survey Reports prepared by Soltys Brewster dated October 2022 and February 2023 provide further details of bat surveys and note the lack of presence of dormice, in addition to a proposed scheme of mitigation in support of the application.

The hedgerow appraisal provided in support of the application, also undertaken by Soltys Brewster, details that neither hedgerow is classified as 'important' for the purposes of the Hedgerow Regulations, although this does not definitively judge their identified ecological value.

As such it is considered that there may be impacts upon protected species including bats and dormouse, although it is noted that this could be adequately addressed through appropriate mitigation and enhancement, including a suitable lighting plan. NRW indicate that surveys in 2022 confirmed the presence of Dormice on the wider Cosmeston Farm site. They welcome the retention of the majority of boundary hedgerow and that an appropriate lighting scheme would be sought, that would also be of benefit to bats utilising the site. Following the submission of amended ecological reports NRW have confirmed that a Dormouse Conservation Plan would not be required, and are satisfied that that provided works are undertaken in accordance with the approved plans, lighting plan and with the recommendations of the submitted ecological reports, that this can be sought by way of condition attached to any permission granted (condition 20 refers).

Concerns were initially raised by the Council Ecologist with regard to the lack of updated survey work with regard to bats and dormice. Concern was also raised with regard to the loss of hedgerow to facilitate the access requirements and to the north-eastern boundary in addition to the lack of adequate proposed landscaping. Following the receipt of amended plans, the Council's Ecologist stated that they were satisfied the revised proposals allow for the retention of most of the hedge along Fort Road except at the location of the entrance, although noting some constriction between Lavernock Road and the entrance. Subject to suitable conditions requiring the details to be carried out in accordance with the approved details, a revised scheme of landscaping to include further details of enclosure to the north, seed mix and amended tree species adjacent to the entrance, potential dormouse bridge to the entrance that could be requested through the amended landscaping plan to ensure suitable species of tree/hedge are used adjacent to the entrance, it is considered that the matters raised can be adequately dealt with (conditions 18, 19 and 20 refer).

Policy MD9 of the LDP is most relevant to biodiversity, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. As such condition 21 has been added requiring further details of biodiversity to be provided.

In policy terms Policies MG19 and MG20 of the LDP are most relevant. Policy MG19 requires development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or
2. The proposal will not adversely affect the integrity of the site;
3. There is no alternative solution;
4. There are reasons of overriding public interest; and
5. Appropriate compensatory measures are secured

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the LPA 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, section 6.3.6).

In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

Policy MG20 seeks protection of nationally protected sites and species and requires development that is likely to affect protected species will only be permitted where it can be demonstrated that:

1. The population range and distribution of the species will not be adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate avoidance, mitigation and compensation measures are provided.

Following the receipt of amended plans and consultation with the Council's Ecologist and NRW they confirm that they are satisfied that the works can be undertaken subject to suitable conditions. NRW request that the works are undertaken in accordance with the submitted plans and that the implementation measures detailed within the protected species report, including hedgerow management and translocated, be required by way if condition. It is considered that that these matters, in addition to the matters raised by the County Ecologist, can be adequately controlled and secured in perpetuity by planning condition attached to any consent granted.

Although presence of dormice have not been established through the survey effort provided, it is acknowledged that the site to the north (subject of the application for residential development) is known to provide suitable dormouse habitat

connected to the site and bats are known to forage across the site. As such as a precaution, the three tests relating to derogation are carried out below:

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.

The use of the land would improve and complement specialist education facilities within the Vale of Glamorgan. The proposals subject to suitable conditions would also provide some degree of enhancement and ongoing management in the interests of identified species and provide potential benefits to biodiversity at the site.

Test ii) - There is no satisfactory alternative

The site has been identified as the most suitable site to address an identified educational need and is key to the meeting the Vale of Glamorgan's education needs. As such there are not considered to be satisfactory alternatives within the identified allocation.

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.

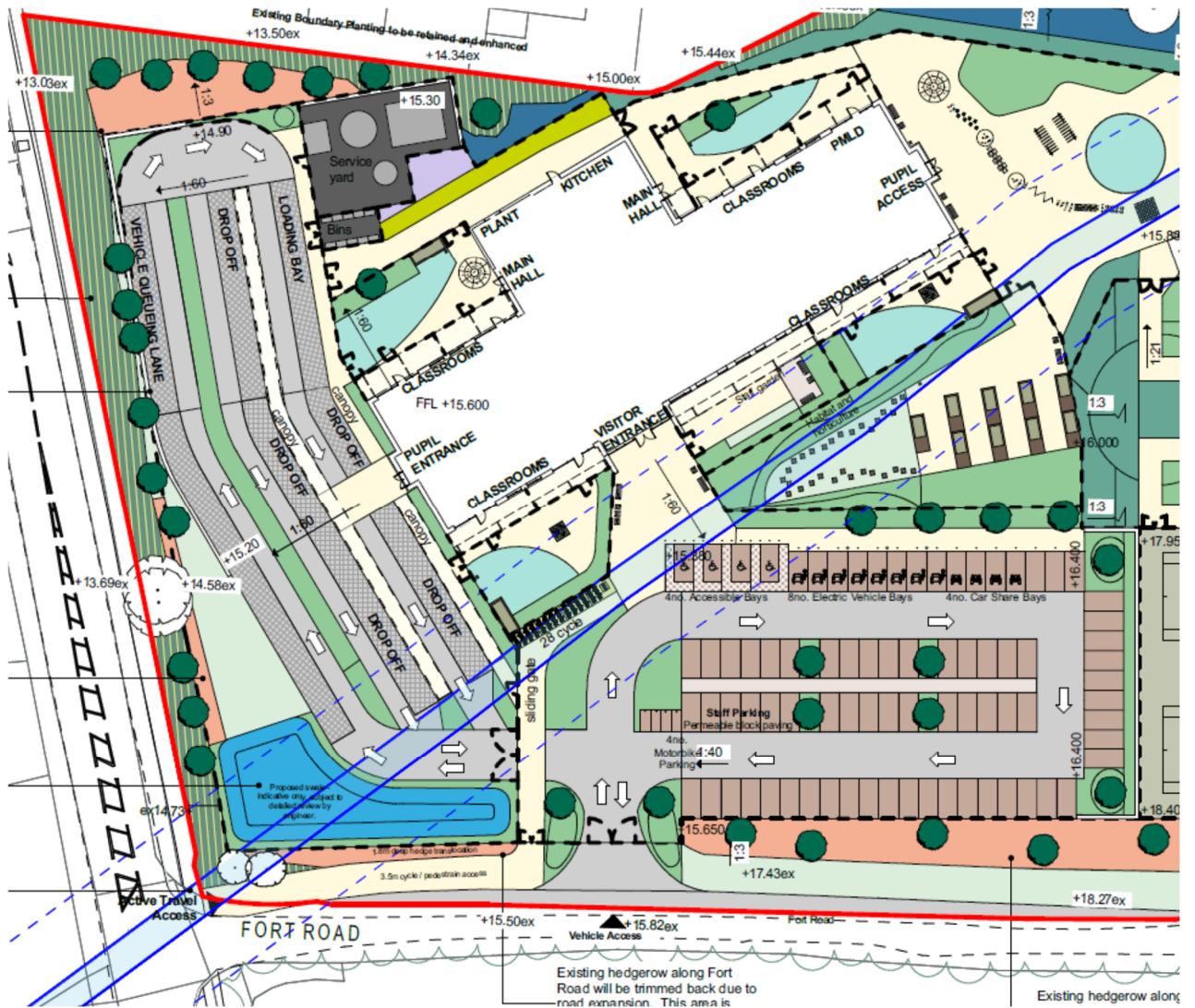
Natural Resources Wales have advised that on the basis of the recommendations contained within the submitted plans and ecological assessment, the assumed presence of dormice and the provision of conditions to secure suitable mitigation that they have no objection to the proposals. Similarly following receipt of amended plans the Council's Ecologist considers remaining issues can be dealt with by way of condition attached to any consent given. Therefore, subject to conditions attached to any consent granted, it is considered that the development would not be detrimental to the maintenance of the population of the protected species identified within the submissions.

Overall, subject to conditions, the proposal is considered acceptable in respect of the sites ecological value and enhancements in compliance with Policies MG19, MG20 and MD9 of the LDP.

Transport and Access

The school site would be accessed from Fort Road, via Lavernock Road to the west. As aforementioned, the works, as amended, would include some localised widening along Fort Road, to facilitate the access, visibility splays to both the east and west and the provision of a footway cycleway along the frontage of the site. The site would be served loading facilities and a pick up and drop off facility in addition to a car park providing a total of 77 car parking spaces, inclusive of 4 accessible spaces, 8 Electronic Vehicle (EV) Bays and 4 car share bays. Following clarification between the Council's Education and Highways Development Sections, it has been confirmed that coaches would not access the site, although the site can suitably accommodate refuse vehicles.

The proposed layout and access arrangements are shown below:



The application is supported by a Transport Assessment (TA) prepared by Aecom dated March 2022 and subsequent Technical Notes (TN) in response to concerns raised by the Council's Highway Development Section. Based on the suggested capacity of the proposals for 150 pupils, the TA details that 154 two-way movements would occur during the AM peak hour (110 from the west and 44 from the east). Peak PM trips (16:30-17:30) are forecast to be significantly lower (80 movements), noting that the end of the school day would likely be earlier (circa 15:00). Associated traffic modelling within the TA and TN indicate that there is sufficient capacity within the local and wider highway network to accommodate the proposed development without causing unacceptable adverse impacts.

Following consultation with the Council's Highway Development section they have confirmed that they are satisfied with the submissions, including evidence that the impact, in terms of potential queuing and stacking along Fort Road would not be unacceptable during peak times. As noted, the proposals have been amended during the consideration of this and previous applications, to address some initial concerns including the routing of the active travel route to the front of the site and to ensure the access is suitable for future users.

Following these amendments, the Council's Highway Development section confirm they are satisfied with the proposals subject to conditions requiring further details relating to the access, widening of Fort Road, a condition survey and details of traffic regulation orders (conditions 13, 14, 16 and 17 refer).

Policy 6 'Town Centres First' of Future Wales requires that development of this form should be well served by active travel infrastructure and public transport. In this regard the proposals are providing active travel improvements along the site frontage that would link with existing infrastructure on Lavernock Road. In terms of public transport it is noted that there are two frequent bus services (88 and 94) that provide services to Barry, Penarth and Cardiff, with stops available on Lavernock Road adjacent to the junction with Fort Road and Cosmeston Lakes. Furthermore, noting the nature of the proposals and future users, it is likely that the number of trips by pupils by active travel/p would likely be limited noting the likely range of special requirements. The site would be well served by parking with pick up and drop facilities within the site.

The provision of 8 EV charging points would comply with the requirements of Policy 12 'Regional Connectivity' of Future Wales, that requires that requires a minimum of 10% EV provision where car parking is proposed for non-residential development.

Overall, therefore the highways impacts of the proposals have been assessed with a transport assessment, including of the potential impacts of the increased traffic generation that would result from the proposals. It is considered that the increase in traffic movements associated with the school would not be so significant to be unacceptable in planning terms. Furthermore, the submissions indicate that potential measures could be incorporated within a Travel Plan. Following consultation with the Council's Highway Development section it is considered that, subject to conditions, that the development would not cause any unacceptable impacts upon the local highway network or highway safety and would comply with relevant Policies within the adopted LDP including SP1 and MD2.

Impact upon amenity of neighbouring residential properties

The nearest residential property to the proposed school site is the farmhouse at Lower Cosmeston Farm immediately to the north of the site, that would be located in excess of 50 metres away from the building itself. Owing to the separation of the proposed building from neighbouring properties, it is considered despite the associated mass and bulk and position of the building, that the proposed building would not result in any unacceptable impact upon the amenity enjoyed by neighbouring residents in terms of overbearing or loss of light. Furthermore, noting the position of buildings associated with the farm, first floor openings within the proposed building and their separation from boundaries, it is considered that the proposal would not result in any unacceptable loss of privacy for the properties mentioned. Other properties are set significantly further from the proposal and therefore the impact of the building would not in itself result in any unacceptable detriment by virtue of loss of light or privacy.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport. The Multi-Use Games Area (MUGA) has been positioned near the south-eastern boundary, a significant distance from the dwelling to the north. Whilst the school would undoubtedly result in a degree of associated noise and disturbance including the MUGA that would formalise the use of this particular part of the existing school grounds, it is considered that owing to the general operational hours of the use of the facility, that any potential noise or disturbance arising from the introduction of the school and its associated use would not be so significant to warrant refusal of planning permission. Furthermore, the applicant has confirmed that no lighting is proposed to the sports pitches or MUGA and therefore it is unlikely that any related statutory nuisance would arise at this time and would require a subsequent planning application should they be required in the future.

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

Land contamination

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including pollution of land, land contamination and hazardous substances.

It is acknowledged that concerns have been raised in the consideration of the application with regard to the historic use of the site and neighbouring site, including as a former Council landfill site. The submissions for the development of the site were initially supported by a Ground Investigation Report and a Ground Conditions Desk Study prepared by Hydrock, that include assessment of ground gas and contamination at the site. These assessments identify that some localised hydrocarbon contaminants at the site that will require further investigation to delineate the extent of exceedances and to determine the appropriate form of remediation strategy. In terms of ground gas, it was suggested that this assessment was ongoing.

Further documents including a Phase 2 Ground Investigation Report and additional to soil testing were subsequently submitted. Following consultation with SRS, it is noted that further ground gas measures would not be required, although radon measures would be required, however, SRS have advised that this matter can be dealt with adequately through the building regulations without need for further planning conditions. In terms of hydrocarbon contamination of the site, the additional report identify localised contamination, within the school footprint which SRS advise 'would need to be removed prior to construction of the school stockpiled separately and exported to an appropriately licensed waste facility.' Whilst SRS advise if the school footprint was to be moved these measures would need to be reviewed, they confirm that 'subject to compliance with the proposals within the 'Recommendations' section of the report, the development should be suitable for use.'

Natural Resources Wales also indicate that they acknowledge the proximity of the site to the historic landfill and request that a condition relating to unknown contamination be attached to any consent given. Whilst therefore it is acknowledged that one of the primary concerns relating to the development of this

It is noted that one of the primary concerns received within neighbouring representations relates to potential contaminants at the site. However, following consultation with relevant technical consultees, Shared Regulatory Services and Natural Resources Wales, it is considered that based on the information available, noting all of the above, and subject to suitable conditions (8-12 refer) it is considered that the safety of future users of the site would not be prejudiced in accordance with the requirements of Policy MD7 of the Development Plan.

Drainage

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including flood risk and consequences (5).

The application has been supported by a Flood Consequence Assessment and associated addendum prepared by Hydrock.

This site is located within DAM Zone A considered to be at little or no risk to fluvial or coastal / tidal flooding, although it is noted that part of Lavernock Road to the north falls within DAM Zone B. NRW flood mapping indicates that in general there is a very low risk of surface water flooding to the site, although some of the areas to south and west of the site on Lavernock Road are noted as being prone to potential surface water and small watercourse flooding to be of medium and high risk on Lavernock Road to the south and west, including at the junction with Fort Road from which the proposed school would be accessed, with Fort Road also noted as being at medium risk of flood risk. Whilst therefore the site itself is at low risk of flooding, there are potential issues with regard to the surrounding highway network. NRW have raised no objection with regard to this matter, although following the initial round of consultation the Council's Drainage section they raised concern in relation to surface water flooding that could affect the access and egress from the site. Following discussion with the applicant and the Council's Drainage Section, it was confirmed that facilities would be provided to allow users of the site to take refuge within the site for at least 24 hours, if ever required. In consultation with the Council's Drainage section, it is considered that the principle of development of the site is acceptable subject to suitable measures being incorporated within a Flood Evacuation Management Plan (FEMP), to ensure that in the event of flash flooding that suitable refuge would be provided for all occupiers of the site. Whilst the submitted FEMP has not yet fully addressed the issues raised by the Council's Drainage Engineer, it is considered that subject to a suitable condition, requiring the submission and agreement of a revised document prior to any works commencing on site, officers are satisfied that this matter can be adequately dealt with to safeguard the health and wellbeing of future users of the site. As such, condition 22 is proposed to address these concerns.

It is indicated from the submitted details that surface water generated by the proposed development will be treated and attenuated by the use of SuDS features in the form of permeable surfaces, rain gardens and swales. During the course of the application, the layout and form of the drainage attenuation feature to the south west of the site has been amended to allow for the necessary alterations to the alignment of Fort Road and the associated changes to the active travel route to the site. Following consultation with the Council's Drainage Section they advise that the SAB scheme is suitable and has been approved under the SAB application process.

As noted on the plans the site is crossed by a large diameter sewer. Dwr Cymru Welsh Water have considered the submissions and advise that the main area of the site is outside of the 20 metre easement serving the development and indicate that they are satisfied that the associated sewer trace and associated risk assessment can be dealt with by way of condition attached to any consent. Whilst matters relating to water supply are raised it is indicated that this can be dealt with by way of an informative to any consent given and as such does not represent a reason to delay the grant of planning permission.

Whilst it is recognised that concerns have been raised with regard to drainage matters in representations received, in the absence of objections with regard to drainage constraints at the site have been received from the Council's Drainage Engineers, Dwr Cymru Welsh Water (DCWW) or Natural Resources Wales. The drainage of the site would be subject of SAB approval from the Council under the appropriate regime, and subject to the suite of suitable conditions and informatives suggested, it is considered that there is not a drainage constraint at the site that would prevent the grant of planning permission.

Noting the above, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD7 of the LDP.

Mineral safeguarding

As noted previously the site lies within a Mineral Safeguarding Area and as such Policy MG22 of the LDP is of relevance. This policy requires that known mineral resources of sandstone, sand and gravel and limestone to be safeguarded, with new development only being permitted where the identified criteria are met as follows:

- 1 *"Any reserves of minerals can be economically extracted prior to the commencement of the development"*
- 2 *"Or extraction would have an unacceptable impact on environmental or amenity considerations"*
- 3 *"The development would have no significant impact on the possible working of the resource by reason of its nature or size"*
- 4 *"The resource in question is of poor quality / quantity"*

Having regard to the above, it is considered that owing to the position within a green wedge and adjacent to the settlement boundary identified within the LDP, that the proposal would meet criterion 2 of this policy.

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 and Future Wales – the National Plan 2040.

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Having regard to Policies SP1 'Delivering the Strategy'; SP7 'Transportation'; SP9 'Minerals'; SP10 'Built and Natural Environment'; MG6 'Provision of Educational Facilities'; MG7 'Provision of Community Facilities' MG16 'Transport Proposals'; MG18 'Green Wedges'; MG19 'Sites and Species of European Importance'; MG20 'Nationally Protected Sites and Species'; bMG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species; MG22 'Development in Minerals Safeguarding Areas'; MD1 'Location of New Development'; MD2 'Design of New Development' MD4 'Community Infrastructure and Planning Obligations'; MD7 'Environmental Protection'; MD8 - Historic Environment and MD9 'Promoting Biodiversity' of the Vale of Glamorgan Adopted Development Plan 2011-2026, PPW 11, Future Wales, TANs 11, 12, 16 and 18 and the Councils SPG on Biodiversity and Development, Parking Standards, Sustainable Development – A Developers Guide and Travel Plans, whilst the proposal will result in tension with the allocation of the land as green wedge under Policy MG18, the proposal would provide for an identified need for a facility to provide for special education needs which are considered to outweigh its allocation as green wedge is considered acceptable, subject to conditions, having regard to the design, scale and visual impact of the buildings, impact on residential amenity and privacy, parking, highway safety, traffic, noise and odour ecology, archaeology 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:

YYDE-HLM-00-00-DR-L-00001 (P05) 'Ysgol Y Deri – Primary School. Site Location Plan' by HLM Architects;

Historic Environment Desk Based Assessment Project Ref 06365A prepared by HCUK Group dated September 2021;

Heritage Impact Assessment 06365B prepared by HCUK Group dated September 2021;

Archaeological Evaluation report no 2022/024 prepared by GGAT;

Design and Access Statement ref YYDE-HLM-XX-XX-RP-A-00001 Revision P08;

Hedgerow Appraisal ref: E22107901/Doc 02 dated July 2022 prepared by Soltys Brewster;

Interim Survey Note, Protected Species Note ref: E22107901/Doc 03 dated July 2022;

Ysgol Y Deri Primary School Preliminary Ecological Appraisal Report ref: 60629450 prepared by Aecom dated June 2021;

Stage 1 – Road Safety Audit March 2022 prepared by ISG;

Technical Note 60629450 prepared by Aecom dated 09/09/2022; Planning Statement dated September 2022

Lighting Strategy 0002228379-EX-R2-270922; Tree Survey, Categorisation & Constraints Report dated May 2022; Tree Constraints Plan Ysgol Y Deri BS5837 20-048;

First Floor Plan YYDE-HLM-01-01-DR-A-00101 Rev P15; Sections - YYDE-HLM-01-XX-DR-A-00201 Rev P15; Elevations - YYDE-HLM-01-XX-DR-A-00301 Rev P15; Roof Plan YYDE-HLM-01-R1-DR-A-00101 Rev P13; Ground Floor Plan - YYDE-HLM-01-00-DR-A-00101 Rev P15

Site Access Circulation YYDE-HLM-00-00-DR-L-00008 P06; Proposed Boundary Treatments YYDE-HLM-00-00-DR-L-25001 Rev P12; Hard

Landscape Sheet 1 of 3 YYDE-HLM-00-00-DR-L-30002 Rev P06; Hard Landscape Sheet 2 of 3 YYDE-HLM-00-00-DR-L-30003 Rev P05; Hard Landscape Sheet 3 of 3 YYDE-HLM-00-00-DR-L-30004 Rev P06

Soft Landscape Planting Plan Sheet 1 of 3 YYDE-HLM-00-00-DR-L-45002 Rev P05; Soft Landscape Planting Plan Sheet 2 of 3 YYDE-HLM-00-00-DR-L-45004 Rev P05;

Soft Landscape Strategy YYDE-HLM-00-00-DR-L-45001 Rev P13

Plant Schedule YYDE-HLM-00-00-SH-L-45005 Rev P06

Soft Landscape Planting Plan Sheet 3 of 3 YYDE-HLM-00-00-DR-L-45004 Rev P07

Electrical Engineering Services – External Lighting Services Layout ~YYDE MCP 01 XX DR E 29002 Rev P03 (As discussed Mark this is the other lighting plan which NRW have not signed off – can you confirm on this)
Document ref: YYDE-HYD-XX-XX-RP-G-00004 from Hydrock – Additional topsoil testing at Ysgol Y Deri 2 dated August 2021
Ysgol Y Deri 2 – Phase 2 Ground Investigation Report prepared by Hydrock dated 5 August 2021 ref YYDE-HYD-XX-XX-RP-G-00003
Proposed Site Layout – Facing Fort Road - YYDE-HLM-00-00-DR-L-00005 Rev P16;
Temporary Works Access YYDE-HLM-00-00-DR-L-00050 Rev P01
Protected Species Survey Report dated February 2023 prepared by Soltys Brewster
Construction Environment Management Plan SWW0066 prepared by ISG
Proposed Drainage Layout Sheet 1 of 2 YYDE-JUB-XX-XX-DR-C-00500 Rev P7
Proposed Drainage Layout Sheet 2 of 2 YYDE-JUB-XX-XX-DR-C-00501 P5
Section 278 Drainage Layout YYDE-JUB-XX-XX-DR-C-00560 P3

Reason:

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

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

Reason:

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

4. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer adjacent to the development site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety in accordance with Policy MD7 of the Local Development Plan.

5. No development shall commence until a scheme demonstrating the distance and relationship of the development, for the protection of the structural condition of the 4m diameter public sewer located within the boundary of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety and to ensure compliance with Policy MD7 of the Local Development Plan.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with Policy MD7 of the Local Development Plan.

7. 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) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.;
- 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) diesel and oil tank storage areas and bunds;
- xiii) 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) Resource Management: details of fuel and chemical storage and containment and wastewater.

xv) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.

xvi) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

xvii) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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.

8. All works shall be undertaken in accordance with the recommendations section of Hydrock, 11 August 2021; Additional topsoil testing at Ysgol Y Deri 2. Doc Ref: YYDE-HYD-XX-XX-RP-G-00004.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

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 and to ensure compliance with Policy MD7 of the Local Development Plan.

9. 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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

13. No development shall take place until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

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

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

Reason:

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

14. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 13 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

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

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

- Measures to encourage and educate a modal shift away from the private car to travel to school and minimise highway conflicts not only for staff but for all pupils and parents of the proposed school
- A travel survey to be undertaken not more than six months of the facility and the results to be provided to the council's transport/highways departments. This should then be carried out on an annual basis.
- A report to be provided to the Council annually reviewing the effectiveness of the travel plan and shall include any necessary amendments to the travel plan or additional measures to be implemented.
- Measures to ensure appropriate and effective management of pedestrian and vehicular traffic
- A timetable for monitoring and review of the travel plan for a period of not less than 5 years from the date of occupation and shall include any new measures as a result of monitoring
- Measures for how the school will liaise with the Community regarding and traffic and transport issues.

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

Reason:

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

16. Notwithstanding the submitted details, prior to the commencement of development, Full Engineering details (including details of the proposed widening of Fort Road, active travel, street lighting and new vehicular access) shall be submitted and approved by the Local Planning Authority. The works shall thereafter be carried in accordance with the submitted details.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Public Safety in accordance with Policy MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

17. Prior to the first beneficial use of the development hereby approved, a scheme of localised improvements to Fort Road as required by condition

16 of this consent (including relocation of 30mph gateway and timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason:

In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the LDP.

18. Notwithstanding the details shown on the approved landscaping plans, prior to the beneficial occupation of the development hereby approved, further details of the following shall be submitted to and approved by the Local Planning Authority:

- Amended tree species either side of the vehicular entrance from Fort Road
- Details of a temporary dormouse bridge to allow for the trees to mature
- Further details for the continuity of the hedgerow to the northern boundary
- The use of local provenance seed material for establishing wildflower meadows

Reason:

To safeguard local visual amenities and in interests of biodiversity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Biodiversity) of the Local Development Plan.

19. 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), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

20. The development shall be carried out in full accordance with the recommendations set out in the Protected Species Survey Report dated February 2023 prepared by Soltys Brewster, including sections 3.36, 3.37 and 3.41 for ongoing management and monitoring.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

21. Prior to the commencement of development, an ecological design strategy (EDS) addressing enhancement measures shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved strategy. The EDS shall include the following:
- a) Details of bird box provision
 - b) Details of any additional ecological enhancements

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan. Reason: In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

22. Notwithstanding the submitted details, development shall not be commenced unless and until a revised Flood and Evacuation Management Plan (FEMP) has been submitted to and approved by the Local Planning Authority. The FEMP must include, but not be strictly limited to, details of Flood Risk and Protection Measures; site management and Flood Emergency Procedures before, during and after flooding.

The management and operation of the site shall thereafter be carried out in accordance with the approved details.

Reason:

To protect the health and safety of future users of the development and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan

NOTE:

1. **The proposed development is in an area where there are water supply problems for which there are no improvements planned within Dwr Cymru Welsh Water's current Capital Investment Programme AMP7 (years 2020 to 2025). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a**

hydraulic modelling assessment on the water supply network. For you to obtain a quotation for the hydraulic modelling assessment, DCWW will require a deposit of £250+VAT. This fee is non refundable, however, if the developer wishes to proceed with the assessment the £250+VAT will be deducted from the final modelling costs.

2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.
3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
4. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.
5. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.
6. 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

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.