

## **PLANNING & DEVELOPMENT COMMITTEE**

**23 November 2023**

### **REPORT OF: DIRECTOR PROSPERITY AND DEVELOPMENT**

#### **PURPOSE OF THE REPORT**

Members are asked to determine the planning application outlined below:

**APPLICATION NO:** 19/1258/16 (MF)  
**APPLICANT:** Persimmon Homes West Wales  
**DEVELOPMENT:** Reserved Matters application for new primary school and associated infrastructure including access and landscaping (submitted pursuant to outline (hybrid) planning permission 10/0845/34). (Amended plans received 30 September 2021, 05 April 2022; updated ecology information received 22 June 2023, 09 October 2023)  
**LOCATION:** LAND AT FORMER OPEN CAST COAL SITE, LLANILID  
**DATE REGISTERED:** 05/04/2022  
**ELECTORAL DIVISION:** Brynna and Llanharan

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**RECOMMENDATION:** Approve, subject to conditions.

**REASONS:** The application site constitutes part of one of the Council's Strategic Sites (Policy SSA9 refers) as identified in the Rhondda Cynon Taf Local Development Plan. The scheme represents the new primary school phase of the wider Llanilid development through the submission of reserved matters pursuant to the outline element of the 'hybrid' planning permission granted for up to 1850 new dwellings, a new primary school and new town centre across the former Open Cast Coal Site, Llanilid.

The principle of developing this site for residential purposes along with the associated primary school and town centre was accepted by the Council in the granting of the hybrid planning permission ref. 10/0845/34 in January 2016.

The new school and its associated development will bring a state of the art facility to Llanilid. It will be of significant benefit to the pupils of the catchment area and will relieve the ever-growing pressure on the existing Dolau Primary School, currently serving the existing Bryncae/Llanharan area and the new development at Llanilid. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the area.

**The development would have no undue impact to the character and appearance of the area, the amenities of neighbouring residents, or highway safety in the vicinity. Further, through considerable discussion/negotiation acceptable ecology mitigation/enhancement measures have been agreed.**

**The application therefore complies with the relevant local and national planning policies and is considered acceptable.**

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## **REASON APPLICATION REPORTED TO COMMITTEE**

The proposal is not covered by determination powers delegated to the Director of Prosperity and Development.

## **APPLICATION DETAILS**

### Wider Context and Background to the Application

In 2010 an application (10/0845/34) was submitted to the Council for a far larger area than the site covered by this 'phase' of reserved matters. That 'hybrid' planning application sought a combination of both outline and full planning permission for a large scale development on a site which incorporates part of the former Llanilid Open Cast Coal Site (OCCS), together with land to the north of the A473. The whole 10/0845/34 site has an area of 75.35 hectares, of which approximately 50 hectares is considered developable.

The first phase (Phase 1 – 18/0334/16) reserved matters submission for 216 new residential units was approved on 24 April 2019. Site construction works on that first phase of the development are near completion.

The second phase (Phase 2 – 19/1081/16) reserved matters submission for 421 new residential units was approved on 19 May 2021. Site construction works on that second phase of the development are underway.

The third phase (Phases 3 and 4 – 19/1082/16) reserved matters submission for 494 residential units was approved on 22 December 2021. Site construction works on that third phase of the development are underway.

No further phases (through reserved matters submissions) have been approved to date, but it is anticipated the whole site will be developed through 10 phases in all, 8 residential phases, a primary school phase (this application), and a mixed use area / town centre phase.

### The Current Application

This application seeks reserved matters approval (access, appearance, landscaping, layout and scale) for a new primary school together with associated infrastructure.

Members are advised that the scheme has been amended three times since submission, once on 04 January 2021, then on 30 September 2021, and finally on 05 April 2022. The application site boundary, the site layout and the design of the school building have each had to be altered due to the presence of a high-pressure gas main in close proximity of the site. Many of the plans submitted throughout the application process have been superseded and it is a mixture of the plans received 30 September 2021 and 05 April 2022 only that are now being considered, along with the relevant supporting information (as set out in full within condition 1 below).

The scheme originally proposed a single-storey school building and associated infrastructure across a much larger site along the wider Llanilid development area's eastern boundary. However, during the course of the application a high pressure gas main was found to bound the proposed school's original application site boundary (north/east) and therefore, in accordance with Health and Safety Executive (HSE) guidance, the site boundary was reduced and set away from the gas main, further south/west into wider Llanilid development area, to comply with the relevant restrictions.

It is also noted that a low pressure gas main runs through the centre of the site, but this would be diverted outside of the site should permission be granted.

Following the reduction of the site area the general layout of development had to be altered and the school building changed to a two-storey structure to allow for the necessary, associated access, parking and amenity areas. Therefore, specifically, this scheme now proposes the following:

A two-storey, L-shaped school building located at the north-eastern element of the site with yard and play areas to the south and access and parking to the west.

The new school building would be separated in to 2 main elements, a classroom wing and hall block, having a gross internal floor area of approximately 2800m<sup>2</sup> and a maximum ridge height of 11m.

The building would be a of modern, contemporary design incorporating face brickwork and aluminium curtain wall units with coloured spandrel panels and fenestration throughout (the colour of which is yet to be determined). Several natural ventilation chimneys would be sited within the roof, the maximum height of which being 1.5m above roof level.

The materials are intended to sustain long-term value and durability in an effort to reduce maintenance costs; and the building has been designed to be highly sustainable with an extensive roof mounted solar photovoltaic array and heating/cooling provided by air source heat pumps.

The building would accommodate 2 nursery, 2 reception and 6 infant classrooms, a main hall and kitchen at ground floor level. 8 junior classrooms, a learning resource area and staff room would be sited at first floor level. Various supporting facilities would also be located across the 2 floors (toilets, offices, storage rooms, etc.).

An external yard area would be provided to the eastern side of the new building and a 3G all-weather pitch to the south of the site. Various other informal hard and soft landscaped areas will also be located throughout the site. No floodlighting is proposed at any of the external play spaces, although general lighting would be included throughout the site.

Vehicular access would be provided off a junction at the north-western corner of the site, via a new section of road that would also serve the future mixed use area phase of the wider Llanilid development. This junction would lead to a staff car park with a capacity for 39 vehicles along the site's western boundary, and a separate turning loop between the staff car park and the school building to allow delivery/maintenance vehicles to access/egress the site in forward gear. A parent drop off / pick up area would be located at northern end of the turning loop and 3 coach layby bays at the southern end. Cycle stands would be located across the site.

Pedestrian access would be via dedicated gates at the west of the site. It is noted however that a further pedestrian access would be created along the eastern boundary where a secure walkway would be provided to the existing, neighbouring Dolau Primary School (east) for use by staff and pupils.

3 small, single-storey ancillary buildings would be located at the southern end of the turning loop that would accommodate the bin store, sprinkler tank and heat pump enclosure.

The development works would require an existing siltation pond on site to be infilled and all trees/vegetation around it removed. This would be achieved by diverting the watercourse that feeds the pond outside of the site. As a result appropriate landscaping and ecological mitigation measures will be incorporated throughout the site and at a nearby off-site location to compensate the loss. Much of this ecology mitigation is controlled through the Section 106 agreement attached to the original planning permission for the wider development which covers all phases.

The new school would be built to Secured by Design standards with the entire site enclosed by 2.4m high weldmesh boundary fencing and 1.8m high internal weldmesh fences where necessary to create a secondary security line that allows controlled access for the public and deliveries during the day while ensuring the school and play areas remain secure.

The new school would accommodate 540 pupils, 480 between the ages of 5 – 11 and 60 nursery places. It is detailed that the new school would form an extension of the existing, neighbouring, dual-language Dolau Primary School and as such would

provide mixed medium education allowing parents to choose which medium their child is educated in.

The supporting information also details that elements of the school building and outdoor spaces could be available for community uses in the evenings and at weekends. However, full details of the exact community uses are unknown at this time, but with no floodlighting proposed it is envisaged any potential use of the outdoor spaces would be during daytime hours only.

Finally, the 21<sup>st</sup> Century Schools team has advised that the existing local primary school, Dolau, is now full given the number of houses that have already been built at this wider development (circa 250). The Council is consequently in danger of not meeting its statutory duties to provide school places for all children within the catchment, and therefore the development of this proposed new school is desperately needed in this area.

## **SITE APPRAISAL**

The site subject of this reserved matters submission lies entirely within the much larger Llanilid development area which benefits from hybrid planning permission for mixed use development (as set out in detail above). The plot sits roughly centrally along the wider development area's eastern boundary, directly south of the A473. It amounts to approximately 1.4 hectares (10 acres).

The school plot is relatively level throughout and is occupied by a siltation pond at its centre (to be infilled) which serves a local watercourse (to be diverted outside of the site). The remainder of the plot is covered by dense woodland (to be removed).

The site is bordered by the A473 (New Road) to the north beyond which are existing residential dwellings and an area of land currently being developed for residential use in line with the earlier Phases 3 and 4 reserved matters approval. A further siltation pond surrounded by dense woodland is located to the east beyond which is the existing Dolau Primary School. To the south and west is land within the wider development area that is to be occupied by residential units and the mixed use phase, the reserved matters of which are yet to be approved.

A low pressure gas main runs through the site, to the south of the pond (to be diverted outside of the site). A high pressure gas main is located outside of the site but close by under the A473 to the north turning south following the boundary of the existing, neighbouring Dolau Primary School to the east.

## **PLANNING HISTORY**

The site is subject to a substantial planning history much of which relates to the discharge of conditions attached to the original hybrid planning permission and subsequent reserved matters approvals and non-material amendments to the same

(several of which are currently being considered). There is also a substantial planning history in respect of the former open cast coal site use. As such, only the previous planning applications that are considered relevant to this development, the main permissions since the granting of the hybrid planning permission for redevelopment of the site, are detailed below:

**19/1082/16** – Reserved Matters application for Phases 3 and 4 of Parc Llanilid (submitted pursuant to outline (hybrid) planning permission 10/0845/34) to include 494 no. residential units and associated infrastructure.

Decision: Granted 22/12/21

**19/1081/16** – Reserved Matters application for Phase 2 of Parc Llanilid (10/0845/34) to include 421 no. residential units and associated infrastructure.

Decision: Granted 19/05/21

**18/0334/16** – Reserved Matters application for 1st phase of Parc Llanilid (10/0845/34) to include 216 residential dwellings and associated landscaping, re-profiling, access and highway works and subsequent discharge of conditions (16, 20, 21, 25, 26, 31, 35, 36, 37, 48 as imposed on 10/0845/34).

Decision: Granted 24/04/19

**10/0845/34** – Comprehensive phased development comprising: residential development of up to 1,850 dwellings; neighbourhood centre to include Class D1 and D2 community/leisure facilities, Class D1 medical centre, Class D1 primary school, Class A1, A2 and A3 retail/services/food and drink floorspace; B1 office/commercial floorspace; new drainage, services, transport and highways infrastructure, strategic landscape areas and public open space (all matters reserved). Full details for new spine road and access onto A473, drainage infrastructure and the creation of development plateaus to serve the first phase of the development.

Decision: Granted 28/01/16

Reserved matters submissions (pursuant to 10/0845/34) have also been made in respect of the subsequent phases of development as follows, however these applications currently remain under assessment and are yet to be reported to Committee for Members consideration and determination:

**19/1200/16** – Reserved matters application for the erection of 607 dwellings, associated infrastructure (Phases 5, 6, 7 and 8).

**19/1299/16** – Development of the Parc Llanilid mixed use area comprising A1, A2, A3 and D1 uses, a community building, a neighbourhood equipped area of play, 30 no. dwellings, 20 no. affordable flats and associated infrastructure.

## **PUBLICITY**

The statutory planning application consultation process was carried out (originally and following submission of revised details) which involved 61 properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail).

9 letters of objection have been received from surrounding residents, making the following comments (summarised):

- The school will result in increased traffic in the area with parents dropping off / picking up children in the mornings/afternoons in a village that is already very busy and will get significantly busier once all of the houses at this development are built. As well as general highway safety issues, this will also result in a reduction of air quality in the area. This application should not be considered until the proposed bypass has been implemented which would alleviate much of these concerns.
- The drop off / pick point seems inadequate for the number of children proposed at the school and the associated number of parents that will be dropping off / picking up children each morning/afternoon.
- The new school will result in additional cars parking on the adjacent residential streets during drop off / pick up times to the detriment of existing residents, an issue that already occurs as a result of the existing, neighbouring primary school.
- Question the amount of EV charging points within the staff car park given Welsh and National Government's push towards electric vehicles in future.
- The new school would result in noise and disturbance to existing, surrounding residents, which would be exacerbated by the proposed evening and weekend community use of the site.
- The infilling of the pond will result in the loss of habitat for many species, including European protected species. The development will also result in the loss of valuable flora on site.
- The pond to be infilled provides a welcomed drainage facility that prevents flooding in the local area. Where would the excess surface water go once this pond is infilled? The pond's removal could result in flooding in the locality.
- Insufficient notification of local residents has been undertaken for this planning application.

Several concerns were also raised in respect of allowing development of the wider open cast coal site in the first place and the number houses approved. However, these comments have not been included above or addressed below as this application

relates solely to the reserved matters approval for the new primary school phase of development at the wider site. These issues were considered and addressed during the earlier, approved hybrid planning application (10/0845/34).

## **CONSULTATION**

Highways and Transportation – No objection subject to conditions in respect of the access, turning and parking facilities construction details; a Safe Routes in the Community Assessment; a Travel Plan; a Construction Method Statement; and a restriction on surface water drainage entering the highway drainage system.

Flood Risk Management – No objection or conditions suggested. The applicant has provided adequate information to clarify that an appropriate site drainage scheme can be implemented on site.

Public Health and Protection – No objection subject to conditions in respect of land contamination, construction noise, waste, dust and lighting.

Education and Inclusion Services – No objection or conditions suggested. The proposed development is welcomed.

Countryside, Landscape and Ecology – No objection or conditions suggested. Existing conditions and S106 attached to original hybrid permission are sufficient to mitigate any impacts.

Natural Resources Wales – No objection subject to conditions in respect of external lighting plan and mammal ledge to new culvert. Existing conditions and S106 attached to original hybrid permission are sufficient to mitigate any further impacts.

Waste Services – No objection or conditions suggested. Appropriate waste facilities/access would be provided at the site.

Coal Authority - No objection or conditions suggested.

Health and Safety Executive - No objection or conditions suggested.

Dwr Cymru Welsh Water - No objection subject to the development being carried out in compliance with the requirements of the drainage conditions imposed on the original hybrid planning permission.

Glamorgan Gwent Archaeological Trust – No objection subject to the development being carried out in accordance with the archaeological Written Scheme of Investigation that was approved under the Phase 1 reserved matters consent which also discharged the pre-commencement element of condition 37 (programme of archaeological work) of the original hybrid permission, 10/0845/34.



Sports Wales – No objection or conditions suggested.

South Wales Police – No objection or conditions suggested. General advice offered in respect of Secured by Design standards.

South Wales Fire and Rescue Service – No objection or conditions suggested. General advice offered in respect of water supplies and access for firefighting appliances.

Western Power Distribution – No objection or conditions suggested. General advice offered in respect of a new connection or service alteration being required.

Western Power Distribution – No objection or conditions suggested. General advice offered in respect of developing in proximity to their apparatus.

Scottish and Southern Energy – No objection.

Bridgend County Borough Council – No objection.

Llanharan Community Council – Raise Concerns that the school will result in increased traffic in the area and that the drop off / pick point seems inadequate for the number of children proposed. As such the Community Council would like to see traffic control at the site entrance, even if only during peak times, and a safe crossing point of the A473 here. Also question whether the remaining pond and woodland adjacent to the site will be available for public use following development.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

Members will be aware that the current LDP's lifespan was 2011 to 2021, that it has been reviewed and is in the process of being replaced. The Planning (Wales) Act 2015 introduced provisions specifying the period to which a plan has effect and providing that it shall cease to be the LDP at the end of the specified period. These provisions were commenced on 04 January 2016 but do not have retrospective effect. Therefore, the provisions do not apply to LDPs adopted prior to this date and plans adopted before 04 January 2016 will remain the LDP for determining planning applications until replaced by a further LDP. This was clarified in guidance published by the Minister on 24 September 2020. Subsequently, Members are advised that the existing Plan remains the development plan for consideration when determining this planning application.

The application site is located inside of the settlement boundary at Llanilid and forms an element of the wider strategic site at the former OCCS, Llanilid which is allocated for the construction of between 1950 – 2100 dwellings, 2500m<sup>2</sup> net retail floor space,

a medical centre, library / community facility, a new primary school and associated public open space (Policy SSA9 refers).

**Policy CS2** – sets out criteria for development in the Southern Strategy Area.

**Policy CS3** – in order to promote sustainable growth this policy allocates a number of specific ‘Strategic Sites’ across the County Borough for the development of a mixture of large scale residential, employment, retail and recreational purposes (Former OCC Site, Llanilid, Llanharan is identified as site no. 8 (Policy SSA9)).

**Policy AW2** – supports development in sustainable locations which includes sites that are within the defined settlement boundaries, are accessible by a range of sustainable transport modes, have good access to key services and facilities, and would not unacceptably conflict with surrounding uses.

**Policy AW4** – details the criteria for planning obligations including Section 106 Agreements and the Community Infrastructure Levy.

**Policy AW5** – sets out criteria for new development in relation to amenity and accessibility.

**Policy AW6** – requires development to involve a high standard of design and to make a positive contribution to placemaking, including landscaping.

**Policy AW7** – identifies that proposals which impact upon sites of architectural or historic merit will only be permitted where it can be demonstrated that the proposal would preserve or enhance the character of the area.

**Policy AW8** – sets out the criteria for the protection and enhancement of the natural environment.

**Policy AW10** – does not permit proposals where they would cause or result in a risk of unacceptable harm to health and/or local amenity.

**Policy SSA6** – sets out the criteria for development in the Key Settlement of Llanharan. Supporting paragraph 6.127 states “Through the identified Strategic Site at Llanilid, which includes large-scale residential and commercial proposals, Llanharan will continue to experience significant new development. The Council recognises that new development must be supported by appropriate local services and infrastructure in order to meet the needs of the existing and future community.”

**Policy SSA9** – allocates the site (as a Strategic Site, as identified under Policy CS3) for the development of between 1950 – 2100 dwellings, together with provision of 2500m<sup>2</sup> of retail floor space, a medical centre, library/community centre, a new primary school and associated public open space.

## **Supplementary Planning Guidance**

- Design and Placemaking
- Nature Conservation
- Planning Obligations
- Access, Circulation and Parking Requirements

## **National Guidance**

*In the determination of planning applications regard should also be given to the requirements of national planning policy which are not duplicated in the Local Development Plan, particularly where national planning policy provides a more up to date and comprehensive policy on certain topics.*

Planning Policy Wales Edition 11 (PPW) was issued in February 2021 in conjunction with Future Wales: The National Plan 2040 (FW2040). PPW incorporates the objectives of the Well-being of Future Generations (Wales) Act into town and country planning and sets out Welsh Government's (WG) policy on planning issues relevant to the determination of all planning applications. FW2040 sets out the National Development Framework for Wales (NDF), WGs current position on planning policy at regional and national level, although it should form the basis of all decisions.

It is considered the proposed development is consistent with the key principles and requirements for placemaking set out in PPW; and is also consistent with the Well-being of Future Generations (Wales) Act's sustainable development principles through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable development and building healthier communities and better environments.

It is also considered the proposed development is compliant with the NDF, with the following policies being relevant to the development proposed:

- Policy 1 – Where Wales will Grow
- Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking
- Policy 3 – Supporting Urban Growth and Regeneration
- Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

Other relevant national planning policy guidance consulted:

- PPW Technical Advice Note 5: Nature Conservation and Planning
- PPW Technical Advice Note 11: Noise
- PPW Technical Advice Note 12: Design
- PPW Technical Advice Note 16: Sport, Recreation and Open Space
- PPW Technical Advice Note 18: Transport
- Building Better Places: The Planning System Delivering Resilient and Brighter Futures
- Manual for Streets

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of Proposed Development**

This application seeks reserved matters approval for the new primary school phase of development at the wider Llanilid development site.

The wider former open cast coal site benefits from 'hybrid' outline/full planning permission for up to 1850 dwellings, a new primary school and new town centre, to be developed in phases (10/0845/34). Subsequently the principle of developing a new primary school here has already been accepted by the Council and the considerations of this application relate only to the details of development pursuant to the outline element of the earlier planning permission (access, appearance, landscaping, layout and scale).

### **Visual Impact**

The proposed development comprises the new primary school phase of a much larger development site which has the benefit of 'hybrid' outline/full planning permission and is allocated as a Strategic Site within the LDP (SSA9).

It is acknowledged that the site is currently occupied by a large pond and surrounding vegetation which is attractive in character and appearance. This effectively results in this plot appearing separated from the wider development site and as a buffer between it and the village of Bryncae beyond (north/east). However, the plot is within the confines of the former OCCS and is included within the earlier hybrid planning permission boundary, within which it was proposed to be occupied by the new primary school phase of development.

It is subsequently accepted that the character and appearance of this site along with that of the wider former OCCS will inevitably undergo a considerable change as a result of the development proposed. This impact and any general consequences which included the infilling the pond and removal of all surrounding vegetation were fully and properly considered at the earlier outline stage, and were considered acceptable.

As such, while the loss of this wooded area and pond are regrettable, the principle of losing them and constructing a new primary school in their place has long been established and is considered acceptable in terms of the general impact upon the character and appearance of this area.

It is also noted that the earlier outline permission proposed the infilling of both ponds in this area of the wider site and removal of all vegetation around. With the amendments to the site boundary and layout required by the proximity to the nearby gas main, the easternmost pond within the wider site and all surrounding vegetation

will now remain. This will ensure an element of the current, attractive wooded area will remain, and that there will continue to be a natural buffer between the wider development site and the existing settlement at Bryncae. It will also ensure that views of this area of wider development site will be largely limited from existing properties to the east / north-east.

While it is accepted existing properties to the north will have direct views of the new school building, it is considered sufficient distance will remain between elevations, over 50m, which will ensure no loss of outlook would occur.

Furthermore, it is considered the new school building of modern materials and construction methods will be aesthetically interesting and would form an attractive and high-quality development that will enhance the visual amenity of the wider site which will largely comprise residential units, resulting in a welcomed barrier between the existing and new residential development in this area. Additionally, it is of a relatively modest scale and design, commensurate to the occupancy requirement, and appropriate landscaping will be located throughout the site helping to soften the development and ensure it sits well within the context of its surroundings.

Subsequently, whilst the loss of the pond and surrounding vegetation is regrettable, the principle of such has long been established as acceptable. Further, while it is accepted the proposal will form a visible and prominent development in the locality, especially from those properties immediately to the north, the new building is considered to be of an appropriate scale and attractive design that would not have any undue impact to the outlook of surrounding residents. The application is therefore considered accepted in visual terms.

### **Residential Amenity**

The application site is separated from the main settlement of Bryncae to the north and east by approximately 200m, with the existing Dolau Primary School and a wooded area in-between. As such, it is not considered the new school would have any undue impact upon the amenities of residents here, either by way of physical impacts from the building/development or from noise and disturbance associated with the use.

It is noted however that existing residential properties are located to the north of the site at the opposite side of the A473, within Trenos Gardens, and given the very nature of a school and its associated outdoor spaces, it is inevitable residents here may experience some impact, as noted by the objectors.

While some noise and disturbance may occur, the new building would be located over 50m from the nearest property at Trenos Gardens and the yard and outdoor play areas will be located towards the south of the site, being screened from the neighbouring properties to the north by the new building.

Given the separation distances involved and the fact that the busy A473 also sits between the new school and the neighbouring properties which would likely drown out a considerable amount of noise from the school site, it is not considered any potential noise impact would be significant. It is also noted that following assessment, the Public Health and Protection team have no concerns.

The separation distances would also ensure there would be no physical detriment from the new building to the existing neighbouring properties to the north.

The objectors have commented that the new school would result in additional vehicles in the area which would result in noise and disturbance. While this is inevitable, the new school would have a dedicated car park and drop off / pick point within the site and any journeys associated with drop offs / pick ups would only occur during peak times. It is subsequently considered any potential impact in this regard would not be significant enough to warrant refusal of the application.

It is accepted that new dwellings could be sited in close proximity of the new school when the future phases of development come forward. But any future phases of residential development at the wider Llanilid site will take account of the new school and be designed accordingly. Also, any future residents will be fully aware of the new school before purchasing/leasing properties in this area of the site. It is also noted that many schools in the County Borough are sited in densely developed residential areas and that these types relationships are commonplace. It is therefore considered any potential impacts to future residents would not be any different to that which they could expect living elsewhere in RCT.

Notwithstanding the above, the applicant has detailed that the new school building and associated outdoor sports and recreation facilities could potentially accommodate community uses during the evenings and at weekends during term time and throughout the day outside of term time. This could result in some potential for a loss of amenity to surrounding residents, as noted by the objectors.

No details have been submitted setting out the exact community uses anticipated, but given the limited internal areas proposed for use and likely times of use, it is not considered this element would result in any undue impact. Further, no floodlighting is proposed so it is envisaged any potential use of the outdoor facilities would be limited to daytime hours only, which would again not result in a significant impact.

Notwithstanding the above, in order to protect levels of amenity, conditions are proposed that will restrict the community uses to reasonable times and the use of the outdoor facilities to daytime hours only until such time as a scheme is submitted that clearly outlines proposals for their use. It is considered reasonable to safeguard the existing levels of amenity until such time as the plans for use of the outdoor facilities have been clarified. At that time the views of local residents can be sought either by the School, the Education Authority or by the Local Planning Authority as part of the relevant discharge of condition process.

Subsequently, in terms of the potential impact upon the amenity and privacy of neighbouring residents, while it is accepted a degree of impact will inevitably occur and the concerns raised by the objectors are fully acknowledged, the application is considered acceptable.

## **Highway Safety**

Whilst it is acknowledged that several concerns have been raised by residents and the Community Council in respect of highway safety, the Highways and Transportation Section raise no objection to the scheme subject to a number of relevant conditions being added to any consent. In coming to their conclusion the following comments were made (summarised):

### *Access and Circulation*

The applicant has amended the red line boundary to include the wider development spine road and the junction with the A473 which include a 3m wide cycle path on the development side, a 7.3m wide carriageway and 2m wide footway on the opposite side, which is acceptable subject to detailed design. The proposal will therefore implement safe and satisfactory pedestrian/cycle connectivity.

### *Internal Layout*

The amended site layout details satisfactory access and circulation within the site highlighting that all anticipated vehicles will be able to access/egress in forward gear, which is acceptable.

### *Parking Provision*

In accordance with the Council's adopted SPG: Access Circulation and Parking the proposed primary school would require 2 spaces per classroom plus 3 visitor spaces (39) in addition to 1 parking space to accommodate a service/delivery vehicle.

The proposed site layout indicates 39 off-street parking spaces for staff, including 2 disabled spaces and 2 electric vehicle charging spaces, as well as provision of 8 drop off / pick-up bays and space for 3 buses / service/delivery vehicles. Furthermore, 10 long stay cycle stands for staff, 27 long stay cycle stands for pupils and 6 short stay cycle stands for visitors would be provided with sufficient space to accommodate additional cycle stands in future should demand arise. The off-street parking/cycle provision is therefore considered acceptable.

### *Travel Plan and Safe Routes in Communities*

A Travel Plan and Travel Strategy has not been provided to allow an assessment of the site in terms of access to sustainable modes of travel in accordance with Safer

Routes in Communities / Learner Travel / Active Travel. However, such assessments and Plans are not required prior to determination of the application and can be appropriately addressed through suitably worded conditions.

### *Highway Safety Summary*

The proposed access, parking and turning facilities are considered acceptable in principle, subject to detailed design. While it is accepted the new school would result in additional vehicle trips in the area, the principle of developing a school of this scale at this location has long been established, with the capacity of the existing highway network undertaken at outline stage and considered acceptable.

In light of the above, while the comments raised by the objectors are acknowledged, the scheme is considered acceptable in respect of its potential impact upon pedestrian and highway safety in the vicinity of the site.

### **Ecology**

As noted above, the development works would require an existing pond on site to be infilled and all trees/vegetation around it removed. As a result there will inevitably be a considerable impact to the existing levels of biodiversity at the plot, which will essentially be wholly removed, albeit some general new landscaping and ecology mitigation will be introduced throughout the site following development.

Despite this fact, the impact and any general consequences of infilling the pond and removing the surrounding vegetation were fully and properly considered at the earlier outline stage, and were considered acceptable. Therefore, while the loss of this wooded area and pond are regrettable, the principle of losing them and constructing a new primary school in their place has long been established and is considered acceptable in general ecology/biodiversity terms, subject to appropriate mitigation and enhancement measures being received at this reserved matters stage.

In light of this issue relevant ecology surveys/reports have been submitted with the application, many of which have been amended/updated several times. The reports have found that several protected species occupy the site including bats, otter, great crested newt and dormice and therefore detailed mitigation and enhancement measures are proposed. As well as proposing mitigation measures on site, the applicant has also recently amended the S106 agreement attached to the original hybrid consent to include a large area of land off-site but within their ownership for 'habitat mitigation land' in addition to other off-site areas already agreed as part of the wider development.

Having considered all of the supporting information and mitigation measures proposed, while some concern is still raised to the removal of the pond and trees, NRW commented that they are generally content with the conservation strategies and the fact that much of it is now already secured and can be properly controlled through



the existing S106 agreement and relevant conditions attached to the original hybrid consent. Consequently, no objections are raised subject to conditions in respect of site lighting and a mammal ledge being introduced along the new culvert for the redirected watercourse to prevent on-road mortality.

The Council's Ecologist also raised no objection to the application noting that the ecology surveys submitted are an appropriate and acceptable assessment and include adequate mitigation measures, mainly through the inclusion of additional habitat management land to the original S106 which covers all phases and also the fact the original hybrid consent contains appropriate conditions to ensure suitable mitigation measures must be provided at each phase. As such no objections are raised or conditions suggested.

### **Health and Safety Executive / Gas Main**

As set out above, the scheme originally proposed a much larger application site for the school which would have included a single storey building of a larger footprint with playing fields to the east. However, during the course of the application it was found that a high pressure gas main was sited directly to the north and east of original application site boundary, contrary to HSE guidance (who initially raised an objection to the application because of this).

The site boundary was therefore reduced and set away from the gas main, further south/west into wider development area, to comply with the relevant HSE restrictions. This also resulted in the site layout and scale/design of the school building being amended.

Following the amendments the HSE advised that the site still falls within the consultation distance of a major hazard pipeline (ref. 1556 – Nantgarw/Brynnna (VS014) operated by Wales and West Utilities), but that the section of pipeline in this area was laid in thick-wall pipe and the new school would now be located within the outer zone of the major accident boundaries of the pipeline where this type of development is considered acceptable. As such, the HSE's original objection was removed.

It is also noted that no concerns were raised with regard the diversion of the low pressure gas main that currently runs through the centre of the site outside of the site boundary.

### **Historic Mining Activities**

While no objections were raised, the Coal Authority noted that condition 9 of the original hybrid consent requires, prior to commencement of development, site investigations to be carried out in order to establish any issues in relation to the ground conditions and what remedial / mitigation measures are required as a result of former opencast mining operations to inform the layout of each phase.

Members are advised that this condition has not yet been discharged in respect of this phase of development, however, it is a 'pre-commencement' condition rather than a 'prior to submission of reserved matters' condition and therefore does not need to have been discharged at this time, just before any works commence on site. Also, while the condition has not yet been discharged in respect of this phase, relevant investigation has been carried out to inform the design/layout of this scheme.

### **Drainage and Flood Risk**

While concerns have been raised by an objector that removing the pond could result in flooding of the surrounding area, the Council's Flood Risk Management team raised no objection to the proposal. It was commented that an appropriate drainage scheme is proposed that will ensure there is no detriment to the surrounding area, through diverting the watercourse that feeds the pond outside of the site and through other channels.

It also noted that the site lies outside of any high risk area of flooding (C1/C2 flood zones) and that the pond is not a drainage feature, but a siltation lagoon which was required to remove silt from water taken from the watercourse during the previous industrial use rather than for drainage/flooding purposes.

Dwr Cymru Welsh Water also raise no objection to the scheme.

### **Public Health**

Public Health and Protection (PHP) have advised that the site has the potential to be contaminated by previous land uses and therefore request conditions be attached to any consent requiring site investigations be undertaken prior to any development works commencing. Given the historic industrial use at the site these conditions are considered necessary.

Several further conditions were also recommended in respect of construction noise, waste, dust and lighting. Whilst these comments are appreciated, it is considered that these matters can be more efficiently controlled by other legislation available to the Council. It is therefore considered the conditions suggested in this respect are not necessary and an appropriate note highlighting them would be sufficient instead.

Finally, it is noted that an objector commented that additional vehicles associated with the school will result in increased pollution in the area. However, as previously set out, the wider development of the former open cast coal site including the provision of a primary school has long been established and the general impacts associated with the scale of the wider development such as air quality / pollution already considered acceptable. It is also noted that no concerns have been raised by the PHP.

### **Neighbour Consultation Responses**

Where the issues raised by the objectors are not addressed above, the following additional comments are offered:

- *Llanharan Community Council questioned whether the remaining pond and woodland will be available for public use following development.*

As this area is outside of the application site whether it can formally be allocated as public open space cannot be considered or controlled through this application process. However, the developer has advised that they are open to discussion with the Community Council in this respect going forward.

- Insufficient notification of local residents has been undertaken for this planning application.

As set out above the statutory planning application consultation process was carried out, originally and following submission of revised details, which involved 61 of the closest neighbouring properties being individually notified of the proposal by letter, 8 notices being placed on and within the vicinity of the application site, and a notice being placed in the local press (Western Mail). The consultation undertaken complies with the relevant legislation and the number of neighbours directly notified is considered more than adequate for this proposed development.

### **National Sustainable Placemaking Outcomes**

Chapter 2 of PPW emphasises that development proposals should demonstrate sustainable placemaking to ensure that the right development is achieved in the right place, and states that development proposals should be assessed against the national sustainable placemaking outcomes to ensure this is the case.

PPW acknowledges that not every development proposal will be able to demonstrate that they can meet all of the outcomes, or that it can be proved that an attribute of a proposal will necessarily result in a particular outcome.

It is also recognised that the interpretation of the relevant criteria will depend upon the detail and context of the proposal and the application site, and in the planning balance, that greater material weight may be given to some attributes rather than others.

Therefore, in addition to consideration of the placemaking merits of the scheme within the sections of the report further above, a brief outline of how the proposed development is considered to align particularly well with the national sustainable placemaking outcomes is set out below:

- **Creating and Sustaining Communities:** The development would provide a state of the art primary school facility for pupils, and wider community uses for local residents long into the future.

- **Growing Our Economy in a Sustainable Manner:** The development would have a small but positive effect in terms of construction jobs and employment at the new facility.
- **Making Best Use of Resources:** The development accords with the aim to prioritise the use of previously developed land and sustainable building practices/materials. Future energy consumption would be from renewable sources.
- **Maximising Environmental Protection and Limiting Environmental Impact:** The development would include suitable tree/landscape planting and biodiversity enhancement measures.
- **Facilitating Accessible and Healthy Environments:** The application site is in a highly sustainable location with transport links and services/facilities located within walking distance.

In respect of the other national outcomes listed, the development would be considered to have a neutral impact.

### **Community Infrastructure Levy Liability**

The Community Infrastructure Levy (CIL) was introduced in Rhondda Cynon Taf from 31 December 2014.

The application is for development of a kind that is liable for a charge under the CIL Regulations 2010 (as amended), however, the CIL rate for this type of development as set out in the Charging Schedule is £nil. Therefore, no CIL would be payable.

### **Conclusion**

The application proposes the reserved matters approval for the new primary school phase of development at the wider Llanilid development site, which already benefits from 'hybrid' outline/full planning permission for up to 1850 dwellings, a new primary school and new town centre. The principle of developing a new primary school at this site has therefore already been accepted by the Council.

The new school and its associated development will bring a state of the art facility to Llanilid which will be of significant benefit to the pupils of the catchment area and will relieve the ever-growing pressure on the existing Dolau Primary School, currently serving the existing Bryncae/Llanharan area and the new development at Llanilid. The applicant also proposes a wider community use for some facilities which will be an asset to all residents of the area.

The development would have no undue impact to the character and appearance of the area, the amenities of neighbouring residents, or highway safety in the vicinity. Further, through considerable discussion/negotiation acceptable ecology mitigation/enhancement measures have been agreed.

It is therefore considered the application complies with the relevant local and national planning policies and is recommended for approval.

**RECOMMENDATION:** Approve, subject to conditions below.

1. The development hereby approved shall be carried out in accordance with the approved plans ref:
  - Site Location Plan – 152761-STL-XX-XX-DR-A-XXXX-09001 Rev. PL11
  - Existing Site Plan – 152761-STL-XX-XX-DR-A-XXXX-09002 Rev. PL11
  - Proposed Site Layout – 152761-STL-XX-XX-DR-A-XXXX-09003 Rev. PL11
  - Proposed Floor Plans – 152761-STL-XX-00-DR-A-01002 Rev. PL09
  - Proposed Elevations – 152761-STL-XX-XX-DR-A-XXXX-02001 Rev. PL09
  - Proposed Roof Plan – 152761-STL-XX-01-DR-A-XXXX-01001 Rev. PL09
  - Bin Store – 152761-STL-XX-XX-DR-L-ZZZZ-09481 Rev. PL09
  - Sprinkler Tank & Condenser Unit – 152761-STL-XX-XX-DR-L-ZZZZ-09482 Rev. PL09
  - Proposed Site Sections – 152761-STL-XX-ZZ-DR-A-XXXX-09004 Rev. PL09
  - Soft Landscape Plan – 152761-STL-XX-ZZ-DR-L-ZZZZ-09041 Rev. PL10
  - Landscape General Arrangement – 152761-STL-XX-ZZ-DR-L-ZZZZ-09001 Rev. PL10
  - Boundary Treatment Plan – 152761-STL-XX-XX-DR-L-ZZZZ-09081 Rev. PL10
  - Typical Soil Profile Detail – 152761-STL-XX-XX-DR-L-ZZZZ-09400 Rev. PL09
  - Tree Pit in Soft Detail – 152761-STL-XX-XX-DR-L-ZZZZ-09410 Rev. PL09
  - Tree Retention and Removal Plan – 152761-STL-XX-ZZ-DR-L-ZZZZ-09101 Rev. PL09
  - Proposed Drainage Strategy Sheet 1 of 2 – 13370-HYD-XX-XX-DR-C-0600 Rev. P06
  - Proposed Drainage Strategy Sheet 2 of 2 – 13370-HYD-XX-XX-DR-C-0601 Rev. P06
  - Proposed Engineering Strategy – 13370-HYD-XX-XX-DR-C-0500 Rev. P06
  - Swept Path Analysis Coach Passing Car – 13370-HYD-XX-XX-DR-C-0162 Rev. P04

- Electrical Services External Lighting Isoline Plot – 13370-HYD-XX-XX-DR-E-0100 Rev. P04

and documents received by the Local Planning Authority unless otherwise to be approved and superseded by details required by any other condition attached to this consent.

Reason: To ensure compliance with the approved plans and documents and to clearly define the scope of the permission.

2. No development shall commence on site, other than site clearance and general enabling works, until full details of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials thereafter.

Reason: To ensure that the external appearance of the proposed development will be in keeping with the character of the area in the interests of visual amenity in accordance with Policies AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. No development shall commence on site, other than site clearance and general enabling works, until full details of a mammal ledge to be installed within the culvert under the A473 along with details of any additional measures necessary to prevent otter accessing the road have been submitted to and approved in writing by the Local Planning Authority. The mammal ledge and any additional measures necessary shall be installed as approved prior to beneficial use of the development and shall be retained as such in perpetuity.

Reasons: To allow safe passage of otters across the A473, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to its installation, full details of any external lighting shall first be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include:
  - i. Details of the siting and type of external lighting to be used.
  - ii. Details of design features and operational measures to control and minimise spillage in key areas and periods of the night.
  - iii. Drawings setting out light spillage and showing lux levels in both 2D and 3D and that demonstrates no or sufficiently minimised light spill across the 'functional link' habitat corridor across the north of the site.

The external lighting shall be installed as approved.

Reason: To ensure appropriate lighting details are agreed prior to installation and to reduce the impacts of lighting in the interests of protected species, in accordance with Policy AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans/documents, no development shall commence on site, including any works of site clearance, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority to provide for:
  - i. The means of access into the site for all construction traffic.
  - ii. The parking of vehicles of site operatives and visitors.
  - iii. The management of vehicular and pedestrian traffic.
  - iv. Loading and unloading of plant and materials.
  - v. Storage of plant and materials used in constructing the development.
  - vi. Wheel cleansing facilities.
  - vii. The sheeting of lorries leaving the site.

The approved Construction Method Statement shall be adhered to throughout the development process, unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interests of the safety and free flow of traffic, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. No development shall commence on site, other than site clearance and general enabling works, until full engineering design and details of the new access off the A473 junction including the provision of a 2m wide footway and 3m wide cycle way leading to the proposed new school has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be in compliance with the Design Manual for Roads and Bridges and shall be implemented to the satisfaction of the Local Planning Authority prior to the development being brought into beneficial use.

Reason: To ensure the adequacy of the proposed development in the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Before the development hereby approved is brought into beneficial use the means of access, together with the vision splays, parking and turning facilities, shall be laid out in accordance with the submitted plan ref. Proposed Site Layout – 152761-STL-XX-XX-DR-A-XXXX-09003 Rev. PL11 and approved by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety, in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. Before the development hereby approved is brought into beneficial use a Safe Routes in Communities Assessment shall be carried out in accordance with the relevant Local Authority Road Safety Officers' Association guidelines and be submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures required shall be implemented to the satisfaction of the Local Planning Authority prior to the development being brought into beneficial use.

Reason: To ensure reduction of road traffic and promotion of sustainable modes of travel in accordance with PPW and Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

9. Within 6 months of the development hereby approved being brought into beneficial use a Travel Plan which sets out proposals and targets together with a timescale to limit or reduce the number of single occupancy journeys to the site and to promote travel by sustainable modes of travel shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within 1 month following its approval and be maintained and monitored thereafter. Annual reports demonstrating the progress in promoting sustainable transport measures shall be submitted to the Highway Authority on each anniversary of the first beneficial occupation of the development.

Reason: To ensure satisfactory provision for alternative travel modes to and from the site and the use of sustainable travel methods, in accordance with PPW and Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

10. Surface water run-off from the proposed development shall not discharge onto the public highway or be connected to any highway drainage system unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding, in accordance with Policy AW5 of the Rhonda Cynon Taf Local Development Plan.

11. No development shall commence on site, other than site clearance and general enabling works, until a scheme to deal with contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures unless the Local Planning Authority dispenses with any such requirement specifically and in writing:

- i. A desk-top study carried out by a competent person to identify and evaluate all potential sources and impacts of contamination relevant to the site. The desk top study should contain a conceptual site model.



- ii. A site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any contamination and its implications. The site investigation shall not be commenced until a desk-top study has been completed satisfying the requirements of paragraph (i) above.
- iii. A written method statement for the remediation of contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to commencement and all requirements shall be implemented and completed to the satisfaction of the Local Planning Authority by a competent person. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

12. The development hereby approved shall not be brought into beneficial use until the measures approved in the scheme referred to in condition 11 have been implemented and a suitable validation report of the proposed scheme has been submitted to and approved in writing by the Local Planning Authority. Any validation report shall be carried out by a competent person.

Reason: In the interest of health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

13. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out in accordance with the approved details thereafter.

Reason: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through an appropriate remediation strategy to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks to health and safety and environmental amenity, in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

14. Community use of the school building and outdoor sports and recreation facilities hereby approved shall be restricted to the following hours only:

- 7.45am to 8pm Mondays to Fridays
- 8am to 1pm on Saturdays
- Not at all on Sundays or Bank Holidays

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

15. The use of the outdoor sports and recreation facilities hereby approved shall be restricted to 7.45am to 6pm Monday to Friday only until such time as a scheme detailing the proposed activities and intended hours of operation have been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of a consultation exercise with neighbouring residents, the scope of which shall be first agreed in writing with the Local Planning Authority, designed to take the views of local residents into account. The subsequent use of the outdoor sports and recreations facilities shall be in strict accordance with any scheme as may be approved.

Reason: To protect the amenities of neighbouring residents in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.