

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 25 APRIL, 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

Decision Codes:

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2024/0038/BN	A	64 Chandler Ways, Penarth. CF64 1SP	Adding a cloakroom
2024/0045/BR	AC	Hafod Y Wennol, Hensol. CF72 8JX	Amendment to existing kitchen and building services
2024/0050/BN	AW	17, Maillards Haven, Penarth. CF64 5RF	Extension to garage and First floor extension.
2024/0052/BN	AW	56, Castleland Street, Barry. CF63 4LP	Repair / replace existing single storey extension & repair gable end wall
2024/0057/BN	AW	10, Wordsworth Avenue, Penarth. CF64 2RL	Single storey extension to side of property to create living room, WC and utility
2024/0058/BR	AC	57, Blackberry Drive, Barry. CF62 7JG	Single storey rear extension
2024/0059/BN	A	59, Westward Rise, Barry. CF62 6PP	Removal of two internal downstairs walls and installation of supporting steel beams

2024/0060/BR	AC	63, Stanwell Road, Penarth. CF64 3LR	New penetration through existing structural wall between kitchen and conservatory. New support beam and supporting brick pillars and foundations. Replacement kitchen timber floor with solid construction. Wet underfloor heating to kitchen and conservatory
2024/0061/BN	A	179, Pontypridd Road, Barry. CF62 7IW	Ground floor extension to reconfigure living space together with first floor extension to create an additional fourth bedroom
2024/0062/BR	AC	6, Kenson Close, Rhoose. CF62 3FS	Single storey extension to side of bungalow to provide new kitchen / dining area
2024/0063/BR	AC	4, The Orchard, Aberthin. CF71 7HU	Single storey rear extension
2024/0064/BN	A	Rock House, Fonmon, Rhoose. CF62 3BJ	Installation of two new windows on first floor (East Elevation), one window on the first floor (North Elevation) and enlargement of one window on the ground floor
2024/0065/BN	A	Hollygrove, Terhyngyll. CF71 7TN	Steel beam on landing. Supporting landing timber roof beams
2024/0066/BR	AC	Whitmore High School, Port Road, Barry. CF62 8ZJ	Removal of stud wall & erection of stud wall. Enlarge existing ring main & lighting circuit
2024/0067/BN	A	23, Herbert Street, Barry. CF63 1EA	New floors to Groundfloor and First floor, new ground floor

			WC
2024/0068/BN	A	62, Llanmead Gardens, Rhoose. CF62 3HX	Replace existing conservatory roof with a tile effect warm roof
2024/0069/BR	AC	63, Porth Y Castell, Barry. CF62 6QE	Two storey side extension, single storey rear extension and conversion of rear sun room
2024/0070/BN	A	29, Baron Road, Penarth. CF64 3UD	Removal of an internal wall between kitchen & lounge. Removal of two external walls for sliders & roof light in kitchen
2024/0071/BR	AC	Cliff Walls, Marine Parade, Penarth. CF64 3BG	All existing windows and doors to be replaced. Existing conservatory to be demolished and new sitting room constructed. Existing roof to day room to be inspected and repaired as necessary. New front door and screen to be installed
2024/0072/BN	AW	4, Croft Lane, Southerndown. CF32 0RT	New windows & doors to rear & single storey extension
2024/0073/BN	A	18, Priory Gardens, Barry. CF63 1FH	Single storey extension
2024/0074/BR	AC	11, Cornerswell Road, Penarth. CF64 2UX	Single storey rear and side extension
2024/0075/BN	A	22 & 24, Cornwall Road, Barry. CF62 9AF	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of

			windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2024/0076/BN	A	9, 11, 13, & 15 Dudley Place, Barry. CF62 7HY	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2024/0077/BN	A	31, 33, 35 & 37, O'Donnell Road, Barry. CF63 1RB	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2024/0078/BN	A	6, Beidr Iorwg, Barry. CF63 1FG	Knock through
2024/0079/BN	A	9, Heol Y Coed, Llantwit Major. CF61 1TU	Two storey side extension
2024/0080/BN	A	Sigingstone Grange, Pleasant View Farm, Singingstone. CF71 7LP	Extension for / to kitchen / utility / dining

2024/0081/BN	A	69, Cedar Way, Penarth. CF64 3PW	Internal knock through of two walls to create an open plan area
2024/0082/BN	AW	34, Winston Road, Barry. CF62 9SW	Two storey side extension , ground floor storage and gym area
2024/0083/BR	AC	Romilly Junior & Infants School Romilly Road, Barry. CF62 6LF	Change of use to the undercroft from a storage unit to a classroom
2024/0084/BN	A	6, Longmeadow Drive, Dinas Powys. CF64 4TA	Single storey extension between 10 - 40m2
2024/0085/BN	A	49, White Farm, Barry. CF62 9EU	Installation of modular bedroom/wetroom for disabled user to side of property.
2024/0086/BN	A	14, Clement Place, Barry. CF62 65SN	Re-roofing
2024/0087/BR	AC	The Quad, Sheepcourt Barns, Bonvilston. CF5 6TR	Construction of a detached annex building with accommodation, garage and carport
2024/0088/BN	A	15, Blyth Close, Barry. CF62 9HG	Knocking through kitchen
2024/0089/BN	A	27, Countess Place, Penarth. CF64 3UJ	Supalite warm roof only
2024/0090/BN	AW	23, Colcot Road, Barry. CF62 8HJ	Proposed single storey extension to rear of existing domestic dwellinghouse
2024/0091/BR	AC	18, Masefield Road, Penarth. CF64 2SD	Single storey rear extension. Two storey side extension & single storey porch
2024/0092/BN	AW	314, Barry Road, Barry. CF62 8HF	Proposed 2 storey extension to the side and single storey extension to the rear

2024/0093/BR	AC	Koi Nooshi, Neptune Road, Barry. CF62 5DZ	Conversion of unit to food outlet
2024/0095/BN	A	16, Middlegate Court, Cowbridge. CF71 7EF	Garage conversion and kitchen knock through
2024/0096/BR	AC	12, Greenway Close, Llandough, Penarth. CF64 2LZ	Single storey rear extension
2024/0097/BN	A	4, Grange Close, Wenvoe. CF5 6AT	Single storey extension to rear
2024/0098/BR	AC	29, Tennyson Way, Llantwit Major. CF61 1WY	Single storey rear extension and knock through between dining room and kitchen
2024/0099/BN	A	3, Albert Crescent, Penarth. CF64 1DA	Knock through in kitchen
2024/0100/BN	A	26, Marine Drive, Barry. CF62 6QP	Rear single storey extension
2024/0102/BN	A	7, Monkstone Close, Penarth. CF64 3RA	Construction of rear extension. Replacement of existing double glazed windows and front door with new double glazing and composite front door. Cladding to front wall
2024/0103/BN	A	24, Forrest Road, Penarth. CF64 5BT	Garden room
2024/0104/BR	AC	7, Eagle Road, St. Athan CF62 4NR	Single storey rear extension
2024/0105/BN	A	15, Southesk Place, Barry. CF62 6SL	Removal of an internal wall. Replacement of doors and windows with new. Replacement of existing roof and bathroom refit
2024/0106/BN	A	20, Millbrook Heights, Dinas Powys. CF64 4JJ	Disabled through floor lift

2024/0107/BR	AC	2, Pinklands, Church Road, Llanblethian. CF71 7JF	Double storey rear extension
2024/0108/BN	AW	5, Rowan Close, Penarth. CF64 5BU	Part single, part double storey extension and renovation of detached house, replacing existing conservatory, garage and front porch
2024/0109/BN	AW	9, Grays Walk, Cowbridge. CF71 7BQ	Single storey side extension
2024/0110/BN	A	17, Broadway, Cowbridge. CF71 7ER	Internal Alterations
2024/0111/BN	A	66, John Batchelor Way, Penarth Marina, Penarth. CF64 1SD	Proposed replacement balustrading to existing front balcony in structural glass. New glazed doorway formed to rear elevation in place of door and window and internal alterations
2024/0112/BR	AC	6, St. Brides Place, St. Brides Super Ely. CF5 6HB	Loft conversion (no dormer), single storey extension to side & new front doors
2024/0113/BN	A	11, Knowbury Avenue, Penarth. CF64 5RX	Kitchen refurbishment. Widening and raising of existing opening (former window) including the installation of 2 steel beams to support the former outside cavity wall now within a lean to extension to the house.
2024/0114/BN	A	34, Cae Canol, Penarth. CF64 3RL	Proposed single storey extension to rear
2024/0116/BN	A	Austin Friars, St Brides Major. CF32 0SA	New roof
2024/0117/BN	A	3, Grove Place, Penarth. CF64 2LB	Re roof

2024/0118/BR	AC	97, Cornerswell Road, Penarth. CF64 2UY	Rear single storey extension
2024/0119/BN	A	Milkwood, Graig Penllyn. CF71 7RT	Knock down the stairs and two walls separating the kitchen and living room. Orientate and intall stairs. Enlarge bedroom
2024/0120/BN	A	98, Port Road East, Barry. CF62 9PW	Single storey extension to rear
2024/0121/BR	AC	Romilly Junior & Infants School, Romilly Road, Barry. CF62 6LF	Remove roller shutters and install new aluminium frames with double doors, Form opening from barn to breakout area and install single aluminium door, Remove roller shutter to breakout area and install double Skin wall with cavity and aluminium window, Line walls to breakout area with 100mm celotex and plasterboard, New warm flat roof, New WC. New drainage to WC's and tea-point, New sports floor
2024/0122/BN	A	79, Cog Road, Sully. CF64 5TE	Detached garden room
2024/0123/BR	AC	Olive Lodge, 2, Port Road, Barry. CF62 9PT	Change of use of C1 (Hotel) to Sui Generis (Interim accommodation for the homeless 10 studio flats) with external alterations including a single storey rear extension and a new dormer to the existing roof
2024/0124/BN	AW	13, Castle Close, Llantwit Major. CF61 1UU	Single storey extension to enlarge the kitchen and downstairs WC

2024/0125/BN	A	1, Harlech Drive, Dinas Powys. CF64 4NZ	Re-Roof
2024/0126/BN	A	4, Maes Y Bryn, Colwinston. CF71 7NP	Porch and utility extension (less than 10m2)
2024/0127/BN	A	1, Glamorgan Street, Barry. CF62 6JP	Extension under 10m2 including upgrading of part existing store room
2024/0128/BN	A	31D, Holton Road, Barry. CF63 4HA	Loft conversion with dormer
2024/0129/BN	A	17, Glamorgan Street, Barry. CF62 6JP	Re roof
2024/0130/BN	A	5, West Farm Road, Ogmore By Sea. CF32 0PU	Installation of a wood burner
2024/0131/BN	A	Tynytwod Cottage, Sandy Lane, Ystradowen, Cowbridge. CF71 7SY	Single storey kitchen extension
2024/0133/BR	AC	3, St. Augustines Road. Penarth.	Two rooms into one by removing the internal wall between the current living room and dining room on the ground floor.
2024/0134/BN	A	Windmill Farm, Llansannor. CF71 7TF	Convert remaining 2 disused stone farm buildings to holiday cottage & laundry / storage for business
2024/0134/BN	A	Windmill Farm, Llansannor. CF71 7TF	Convert remaining 2 disused stone farm buildings to holiday cottage & laundry / storage for business
2024/0135/BN	AW	78, Churchfields, Barry. CF63 1FR	Single storey extension under 10m2
2024/0136/BN	A	12, Maes Slowes Leyes, Rhoose. CF62 3LT	Knock through and installation of one steel beam

2024/0137/BN	A	15, Bryneithin, Dinas Powys. CF64 4BL	Enlarge ground floor window with catnic lintel
2024/0138/BN	A	97, Main Road, Ogmore By Sea. CF32 0PR	Re-roof.
2024/0139/BR	AC	43, Plas Saint Andresse, Penarth. CF64 1BW	Replacement balcony
2024/0140/BN	A	25, Tair Onen, St. Hilary. CF71 7UA	Re roof
2024/0141/BN	A	36, The Parade, Barry. CF62 6SF	Cut and prepare aperture for Stannah through floor lift for disabled person.
2024/0142/BN	A	52, Ffordd Cwm Cidi, Barry. CF62 6LJ	Replacement of 3 uPVC windows with Aluminium, one of which will be increased in width from 610mm to 1210mm.
2024/0143/BN	A	42, Fitzhamon Avenue, Llantwit Major, CF61 1TP	Widening of existing knock through with steel
2024/0144/BN	AW	55, Trebeferad, Boverton. CF61 1UX	Proposed two storey / single storey rear extension & internal alterations
2024/0145/BN	A	44, Romilly Park Road, Barry. CF62 6RR	Kitchen knock through
2024/0146/BN	A	10, Mariners Walk, Barry. CF62 5AY	Knock through from kitchen to garage with one steel beam installation
2024/0147/BN	A	22, Grove Terrace, Penarth. CF64 2NG	Re roof
2024/0148/BR	AC	College Lodge, Townmill Road, Cowbridge. CF71 7BE	Knock down of existing building and replacement with new dwelling
2024/0149/BR	AC	Morton, St. Mary Church. CF71 7LT	Replacement of roof over existing garage, extending to the rear

			(single storey) and replacing front porch.
2024/0150/BN	A	52, Afal Sur, Pencoedtre Village, Barry. CF63 1FX	Extend existing opening for installation of bifold doors
2024/0151/BN	A	Swn Y Don, Colhugh Street, Llantwit Major. CF61 1RF	Single storey rear extension 19.2m2
2024/0152/BN	A	8, Cwrt Dyfed, Barry. CF63 1DZ	Single storey rear extension
2024/0154/BN	A	8, Arlington Road, Sully. CF64 5TQ	Single story side extension covering 20 metres
2024/0155/BN	A	12, Jestyn Close, Dinas Powys. CF64 4JQ	Removal of downstairs bathroom and knocking this room into the adjoining living room to form one living space. Windows are being removed and replaced with a patio door with a Juliet balcony
2024/0156/BN	A	77, Court Road, Barry. CF63 1ET	Removal of complete chimney including chimney stack between kitchen and dining room to create open plan kitchen diner. New roof and repair to front joint of chimney stack & extend rear doorway into garden, bricking up small window to replace current door and windows with bifold doors
2024/0157/BN	A	11, St. Teilo Close, Dinas Powys. CF64 4TY	Double side extension, single storey rear extension, front porch with associated works
2024/0158/BN	A	8, Westward Rise, Barry. CF62 6PL	Upgrade lean to extension & internal

			alterations
2024/0159/BR	AC	Church Cottage, St. Lythans. CF5 6BQ	Loft conversion with dormer
2024/0160/BN	A	22, Dyserth Road, Penarth. CF64 3UQ	Removal of an existing load bearing wall between the kitchen and dining room
2024/0162/BR	AC	15, Porfa Ballas, Rhoose Point, Rhoose. CF62 3LF	Conversion of existing attached double garage, 3/4 space converted to 1 bedroom and 1 shower room
2024/0165/BN	A	19, Plas Taliesin, Penarth. CF64 1TN	Installation of patio door including steel beam supports
2024/0169/BN	A	9, Caynham Avenue, Penarth. CF64 5RR	Dormer to front elevation

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2024/0053/BN	R	6, Handel Close, Penarth. CF64 3QP	Dormer loft conversion
2024/0055/BN	R	1, Barberry Rise, Penarth. CF64 2RB	Replacing a conservatory
		Refused	
2024/0094/BN	R	14, Harbour View Road, Penarth. CF64 1HE	Single storey rear extension

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2024/0018/AI	A	6, Grove Place, Penarth. CF64 2ND	Two storey side extension, single storey rear extension and dormer loft conversion
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2024/0019/AI	A	Front Room, The Pump House, Barry. CF62 5QN	Proposed open kitchen preparation area to ground floor restaurant, including new partition to the existing kitchen area to create storage space off basement with general refurbishment works
2024/0020/AI	A	6, Ivy Street, Penarth. CF64 2TY	Proposed loft conversion
2024/0021/AI	A	2, Highwalls End, Dinas Powys. CF64 4AY	Formation of a structural opening to accommodate the installation of a lift
2024/0022/AI	A	15, Dryden Road, Penarth. CF64 2RT	Construction of single storey rear extension with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0023/AI	A	Pugh's Garden Village, Port Road, Wenvoe. CF5 6AD	New steel frame building for garden centre
2024/0024/AI	A	Land adjacent to 24, Jewel Street, Barry. CF63 3NQ	Construction of a detached dwelling
2024/0025/AI	A	28, Main Road, Ogmore By Sea. CF32 0PD	Part single storey, part two storey rear / side extension, loft conversion and internal / external structural alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0026/AI	A	21, Willow Close, Penarth. CF64 3NG	Rear ground floor extension
2024/0027/AI	A	Sycamore House, Penllyn. CF71 7RQ	Existing conservatory roof and replace with a

			Leka Roof
2024/0028/AI	R	REFUSED - 5, Rowan Close, Penarth. CF64 5BU	REFUSED - Proposed two storey extension with associated works
2024/0029/AI	A	6, Beidr Iorwg, Barry. CF63 1FG	New thermal element to replace existing conservatory roof with a warm type roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0030/AI	A	4, Eithinen Ber, Barry. CF63 1FY	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0031/AI	A	14, St. Cyres Road, Penarth. CF64 2WQ	Proposed garage conversion and extension with associated works
2024/0032/AI	A	1, Aberthin Road, Cowbridge. CF71 7EN	New thermal element to replace existing conservatory roof with a warm type roof and replacement frames (works to incorporate material alterations to structure, controlled services and fittings)
2024/0033/AI	A	10, Windsor Road, Penarth. CF64 1JH	Rebrand plus - internal alterations
2024/0034/AI	A	13, Cornerswell Road, Penarth. CF64 2UX	Proposed loft conversion
2024/0035/AI	A	Brynheulog, Llangan. CF35 5DW	Construction of new detached garage
2024/0036/AI	A	52A, Glebe Street, Penarth. CF64 1EG	Conversion of existing coach-house / workshop

			to create a new dwelling (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0037/AI	A	58, Coleridge Avenue, Penarth. CF64 2SQ	Single storey side / rear extension and garage conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0038/AI	A	35, High Street, Cowbridge. CF71 7AE	Internal decoration to rear of building to existing retail outlet
2024/0039/AI	A	229, Barry Road, Barry. CF62 9BH	Loft conversion, hip to gable and rear dormer
2024/0040/AI	A	4, Newlands Street, Barry. CF62 8DZ	Loft conversion to create a habitable room at second floor level (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0041/AI	A	The Briars, Treoes. CF35 5DL	Formation of a structural opening to accommodate the installation of a lift
2024/0042/AI	A	8, Heol Moor, Barry. CF62 6LT	Replacement of conservatory roof to existing dwelling house
2024/0043/AI	A	Cardiff International Airport, Rhoose. CF62 3BD	Fit out and rebrand
2024/0044/AI	R	REFUSED - 4, Cae Brewis, Boverton. CF61 2AU	REFUSED - Single storey rear extension (works to incorporate material alterations to structure, controlled

2024/0045/AI	A	1, Corn Glas, Barry. CF63 1FF	services, fittings and thermal elements) Remove existing conservatory roof and replace with a Leka Roof
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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 APRIL, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2012/01140/1/N MA	R	Land at Penarth Heights, Harbour View Road, Penarth	Non-Material Amendment - Retrospective approval of conditions details relating to Retaining wall; Tree and watercourse protection; External lighting; Land contamination Remediation Verification; and Oil Interceptors
2018/00482/5/C D	A	Gardeners Mews, Hensol Castle Estate, Hensol	Discharge of Condition 29 (Ecology Protection and Management Plan). Planning permission ref: 2018/00482/HYB - Hybrid planning application as an 'enabling development' to

			facilitate the restoration of Hensol Castle, comprising of the following: Site 1: Full Application: for the erection of 10 dwellings and associated access and works on land at Gardeners Mews to the north of the Walled Garden, Hensol. Site 2: Outline Application: for the erection of 6 detached dwellings and associated access and works on land to the west of Sail Newydd, Hensol'
2021/00023/FUL	R	Police Station, Cowbridge Road, St. Nicholas	Proposed new dwelling
2022/00397/1/C D	A	Land North of Holm View Leisure Centre, Barry	Discharge of Conditions 3 (Materials Details), 11 (CEMP), 12 (CTMP), 15 (Pre Construction Condition Survey) and 19 (Public Open Space/LAP). Planning permission ref: 2022/00397/RG3 - Phase Two of the residential development of 31 no. affordable housing units and associated works
2022/00397/2/C D	A	Land North of Holm View Leisure Centre, Barry	Discharge of Conditions 13 (Full Engineering Details Highways) and 14 (Engineering Details Highways). Planning permission ref: 2022/00397/RG3 - Phase Two of the residential development of 31 no. affordable housing units and associated works
2022/00588/FUL	A	Land within the curtilage of The Stables, St. Brides Road, Wick	Detached two storey 4 no. bedroom dwelling

2022/01016/FUL	R	Hillcroft, Heol Y Cawl, Dinas Powys	Proposed subdivision of single dwelling to three dwellings with extensions to rear
2022/01026/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Installation of 3 no temporary boiler flues 700mm diameter
2022/01063/CAC	R	Hillcroft, Heol Y Cawl, Dinas Powys	Demolition of garage.
2022/01068/OBS	P	Fforest Wood Quarry, Cowbridge Road, Talygarn, Pontyclun	Construction of aggregates recovery facility
2022/01113/6/CD	A	Land at Lower Cosmeston Farm, Lavernock, Penarth	Discharge of Condition 22 (FEMP condition). Planning permission ref: 2022/01113/RG3 - Proposed new specialised school and associated access, landscape, and engineering works
2022/01267/FUL	A	Unit 5, Palmers Vale Business Centre, Barry	Retrospective extension of Use Class approval to include B2 use in addition to approved B1 and B8 uses
2022/01338/FUL	A	The Cross Inn, Treguff	Conversion of unused building shell of The Cross Inn to 2 holiday lets, and single storey side extension to include plant room.
2022/01345/FUL	A	12, Hastings Avenue, Penarth	Proposed two storey extension, alterations to existing kitchen diner and attic conversion
2023/00374/FUL	R	Dyffryn Springs. St. Lythans Road, Dyffryn	Retention of replacement marquee for wedding and entertainment functions

2023/00483/FUL	R	Speedy House and Office Clearance, Georges Row, Dinas Powys	Demolition of existing warehouse and erection of attached two storey three bedroom residential dwelling
2023/00587/FUL	R	Land Adjacent to 44, Coldbrook Road East, Barry	Erection of a detached house
2023/00617/FUL	A	Aston Martin Lagonda, Llanmaes	The installation of 12074 solar PV panels (6MW) upon the existing roof of Aston Martin Lagonda. The panels are to lay directly flat on north/south 5 degree pitch roofs. The entire roof space is surrounded by a 1.2 m parapet edge hiding the panels from view
2023/00634/FUL	A	Morgan House, 10, Marine Walk, Ogmere By Sea	<p>The proposed works comprise a pod-style summerhouse (designed and built by Strongpod) in the garden of 10 Marine Walk, Ogmere-by-Sea - dimensions 3,050mm X 3,000mm with a deck area in front. The height is 2,720 mm from the base to the top of the arch, including the thickness of wooden battens, felting and Metrotile shingles.</p> <p>The site location behind is on a steep bank exposed to high winds. After moving into the property, we replaced the existing shed which was rotting and unstable with a wooden ridge-roofed shed/summerhouse. The roof of this shed/summerhouse was blown off in the April 2022 storm (Eunice) and the</p>

structure damaged beyond repair.

The Strongpod was chosen as it is similar to another seen in the area and it is designed for exposed areas. We ordered the specific pod shape as it is more likely to resist the updraft of winds coming off the sea and, in discussion with our neighbours, ensured that the side elevation would have no window overlooking their kitchen/garden. The pod has a galvanised, ridged-steel skeleton frame and, when constructed, would have shingle Metrotile lightweight roofing - supported on 25mm timber batons - which are recommended for their 'natural' appearance to blend with trees/bushes.

The distance from the structure to the boundary walls is 550mm (back of pod) and 730mm (right side of pod when facing).

We are seeking planning permission now as we were not advised by our solicitor on purchase that specific planning permission would be required for our property under the terms of the full planning permission granted in August 1998 but assumed it would be an acceptable as there are other similarly-large structures in the area. This requirement was brought to our attention by the Council

			Planning Enforcement Unit and we have stopped work to seek planning permission, avoid breaching planning rules and to await inspection and guidance.
2023/00654/FUL	A	36, Cambrian Avenue, Llantwit Major	Demolish existing garage. Proposed single storey front extension and two storey side and rear extension and associated internal alterations
2023/00693/FUL	R	Lodge Farm, St. Lythans Road, St. Lythans	Erection of agricultural unit for hay and machinery storage
2023/00744/FUL	A	Ashwood, Beach Road, Marcross	Erection of poly tunnel 5.48m x 12.8m on land at Ashwood, Beach Rd, Marcross for horticultural use on the family small holding
2023/00750/FUL	R	12A, Market Street, Barry	Change of use from existing childrens play centre (D1) to Dwellinghouse (C3) on first floor
2023/00844/FUL	A	6, St. Brides Place, St. Brides Super Ely	Proposed single storey side extension to replace porch and loft conversion
2023/00880/FUL	A	East House, Maendy	Two storey extension to East facing gable elevation and single storey extension to North facing elevation including demolition and rebuilding of more substantial conservatory on West facing elevation
2023/00932/FUL	A	The Fox, Penllyn	Proposed two storey rear extension with adaptation of first floor to form five bedrooms all with en suite facilities. New

			reception/office area together with four new bedrooms with disabled bedroom to ground floor. External landscaping.
2023/00969/FUL	A	73, Penlan Road, Llandough	Single storey rear extension
2023/00977/FUL	A	Ty Nant, St. Brides Super Ely	The proposed works would consist of extending the existing single storey extension further out into the back garden by approx 3m. The height of the extension will remain the same, and it will get no closer to the neighbouring property.
2023/00997/FUL	A	Highbeeche, Penllyn	Demolition and relocation of an existing stable building within the grounds of the main house, to open up views across the landscape
2023/01018/FUL	R	Ty Isha Farm, Heol y March, Bonvilston	Conversion of 'part of' agricultural outbuilding to form ancillary residential accommodation
2023/01019/FUL	R	Whitcliffe House, 2, Whitcliffe Drive, Penarth	Revision to 2023/00224/FUL. - Proposed dormer bungalow to rear of 2 Whitcliffe Drive. Existing access widened. New garage to 2 Whitcliffe Drive
2023/01020/FUL	A	Glebe Farm, St. Hilary	Change of use of converted barn to provide mixed use for horticultural activities (processing, bottling etc) and tourist accommodation
2023/01026/1/N MA	A	7, Victoria Square, Penarth	Non Material Amendment - Keep existing driveway at 3.5m width and approve

			3.5m gates and not 5m gates, which was overlooked as we are not demolishing garages. Planning permission ref: 2023/01026/FUL -
2023/01033/FUL	A	Entrance to River Court, Treoes	Proposed secure entrance gates and fencing (revised resubmission of approved lapsed application 2010/00369/FUL)
2023/01046/FUL	A	Car Park, Llandough Hospital, Penlan Road, Llandough, Penarth	Installation of solar car ports
2023/01059/RG3	A	Evenlode Primary School, Evenlode Avenue, Penarth	V Mesh 3.0 metre high fencing abutting an existing concrete wall. The wall is currently used as access by local youths to the school grounds causing anti social behaviour
2023/01070/FUL	A	1, Barberry Rise, Cogan, Penarth	Demolition of existing conservatory. Proposed construction - single storey extension to the rear of the property. New bathroom/shower to ground floor.
2023/01078/FUL	A	23, Dinas Road, Penarth	Two storey side and rear extensions to provide new living area, kitchen and entrance/cloakroom
2023/01085/FUL	A	Old Post, A48, Bonvilston	Alterations to front elevation. Removal of existing entrance and pitched roof. New flat roof and installation of bi-fold doors. Current use class A3. Change of use to include A3, A1(retail) & B1(Office)

2023/01086/FUL	A	Red Roofs, 1, Cliff Parade, Penarth	Proposed remodelling of existing house together with two storey side and rear existing and detached garage and home office
2023/01089/FUL	A	71, Porth Y Castell, Barry	Renewal of applications 2008/01506/FUL, 2013/01096/FUL and 2018/01248/FUL - Kitchen, dining room and extension
2023/01100/FUL	R	18, Elm Grove Road, Dinas Powys	Loft conversion with hip to gable and rear dormer
2023/01103/FUL	A	12, Roberts Close, St. Athan	Rear raised decking
2023/01113/FUL	R	Warren House, Pendoylan	Extension and reconfiguration of existing dwelling
2023/01116/ADV	A	Cemetery, Cemetery Approach Road, Barry	Erection of 1 no. flagpole next to two existing flagpoles
2023/01120/FUL	A	19, Heol Fioled, Barry	Extension to rear of house (part single storey/part three storey). New pitched roof with raised ridge to accommodate additional bedrooms in loft space. Alterations and a new link to the conservatory. New outdoor swimming pool
2023/01124/FUL	A	Aberthaw House Hotel, 28, Porthkerry Road, Barry	Change the use of Aberthaw Guest House Hotel from commercial Class C1 to Residential Class C3
2023/01130/FUL	A	Xanadu, 41, Old Port Road, Wenvoe	Demolish existing conservatory to build rear two storey extension. Addition of a dormer to the front room. Demolition and rebuild of garage with extension over

2023/01131/FUL	R	Five Acres, Llantrithyd	Erection of cattery, retention of log cabin for 3 years (rural enterprise dwelling), amendment to access
2023/01133/FUL	A	34, Winston Road, Barry	Construction of a double storey extension to the side and a single storey extension to the front of the property
2023/01139/OUT	R	Stapleton, 120, South Road, Sully	Proposed retirement bungalow
2023/01148/FUL	A	Lynroy, Ham Lane South, Llantwit Major	Conservatory, rear dormer extension and internal alterations
2023/01149/FUL	A	Field to the South East of Pencyrn Farm, Mountain Road from Llansannor School to A4222, Aberthin	Proposed stable block incorporating a shelter, hay store and tackroom
2023/01153/FUL	A	3, Clive Place, Penarth	Replacement garage to rear of 3 Clive Place, with proposed vehicular and passenger gates
2023/01154/FUL	A	Dragon Way, Bro Tathan West, St. Athan	Change of use of premises to a prep kitchen and deli takeaway service for the businesses on site
2023/01163/ADV	A	Unit H, Valegate Retail Park, Culverhouse Cross, Cardiff	Erection of 4 Fascia signs
2023/01167/FUL	R	19, Lavernock Road, Penarth	Extension to rear and side of property. Existing downstairs bathroom to be moved into upstairs bedroom. Ground floor to rear on existing footprint to include kitchen and cloakroom. New elevation to side to include entrance hall and car port. First floor to rear on half of existing

			footprint to include bedroom. First floor to side to include corridor and home office
2023/01170/FUL	A	Petrol Station, Tesco Extra, Culverhouse Cross	Formation of jet wash bay including 1.8m high screens
2023/01171/FUL	A	26, Clos Y Fulfran, Barry	Increase height of front window from 1300mm to 1650mm in UPVC width to remain at 1700mm
2023/01174/FUL	A	Cwm Cwsg, 15, Tyla Rhosyr, Cowbridge	Proposed single storey rear extension, proposed first floor extension over existing garage, conversion of garage and off road parking
2023/01175/FUL	R	Tylagwyn, 35 Broadway, Llanblethian, Cowbridge	Convert 3 bed bungalow to 4 bed dormer bungalow with creation of first floor and ground floor rear extension
2023/01180/FUL	A	The Stables, St. Andrews Major	Retention of building and replacement hardstanding area (amendment to 2020/01131/FUL approved 25 February 2021)
2023/01181/FUL	A	5, Town Hall Square, Cowbridge	Variation of conditions 4 ; Opening times and Condition 5 ; Playing of music from planning approval 2023/00745/FUL:
2023/01182/FUL	R	The Barns, Howe Mill Farm, St. Athan Road, St. Mary Church	Create door opening on south side of building that will generate a natural thermal heat source for hatching room as well as reducing the carbon footprint. The external view will be wooden barn doors which are closed when not in use

2023/01184/FUL	R	1, Drope Terrace, Drope, St. Georges Super Ely	Proposed retrospective planning application to retain existing timber machinery and general store for use incidental to the agricultural use of the land and extension to garden and retention of decking with a new post and wire fence between proposed garden extension and the agricultural land
2023/01190/FUL	A	Ty Caron, Stag Lane, Llantwit Major	Proposed ground floor extension to enlarge kitchen and form dining room. Proposed first floor extension over ground floor bathroom to form en suite bathroom. Existing timber windows and doors to be changed to upvc in grey anthracite
2023/01191/FUL	A	40, Byrd Crescent, Penarth	Removal of existing garage and conservatory Erection of new 2x storey extension to side and rear
2023/01193/FUL	A	13/14, Poundfield, Llantwit Major	Fenestration alterations and erection of an orangery extension to existing restaurant
2023/01195/FUL	A	14, Court Close, Aberthin	Single storey outbuilding with flat roof
2023/01196/FUL	A	Milverton, Peterston Super Ely	Replacement new build dwelling house in place of previously extended project
2023/01198/FUL	A	Land to the east of the GoodSheds, Hood Road, Barry	Full planning application for the retention of containers for A1, A3, B1, and/or D1 uses and associated works
2023/01199/FUL	A	43, Plas St. Andresse, Penarth	Proposed replacement balcony to front

2023/01200/FUL	A	Parkmount, Bridgeman Road, Penarth	First floor single storey extension to rear elevation, existing conservatory removed and driveway relaid.
2023/01201/FUL	A	35, Cowslip Drive, Cogan, Penarth	Proposed single storey rear extension. To provide larger kitchen and new wet room
2023/01202/FUL	A	Jubilee Fields Campsite, Jubilee Scout Campsite, St. Brides Super Ely	The proposal consists of the erection of new accessible toilet / shower block and amended site access
2023/01205/FUL	A	30, Baron Road, Penarth	Replacement single storey rear and side return extension with internal alterations
2023/01206/FUL	A	5, Croft John, Penmark	Demolition of existing and construction of new rear outbuilding
2023/01210/FUL	A	29, Atlantic Business Park, Hayes Lane, Sully	Change of use of premises from B1 to B2
2023/01211/FUL	A	15, Bryneithin, Dinas Powys	Expansion of our existing ground floor window within the side elevation of the end wall of our end of terrace house
2023/01216/FUL	A	4, Victoria Avenue, Penarth	Partial demolition and rebuild of the front boundary wall
2023/01217/LAW	A	19, Ewenny Close, Barry	Rear extension and new enclosed lobby to front entrance
2023/01223/FUL	A	2, Sutton Road, Llandow	Proposed attic extension
2023/01225/FUL	R	Holly Cottage, Home Farm, Michealston Le Pit Road, Michaelston Le Pit	Two storey side extension with all associated works

2023/01229/FUL	A	10, St. Andrews Road, Barry	New single storey side and rear extension
2023/01230/FUL	A	5, Meadow View Court, Sully	Retain as built changes to front porch and side storage cupboards at ground floor level
2023/01232/FUL	A	The Salon, 5, Cog Road, Sully	Change of use from A1, Hair Dressing Salon to Sui Generis for Dog Hair Dressing Salon
2023/01238/FUL	A	Southwinds, 4, Swanbridge Farm, St. Marys Well Bay Road, Swanbridge	Ground and first floor extensions to East elevation to form dressing room and bathroom. Adjustment to roof to South elevation to form first floor bedroom terrace and insertion of new fenestration.
2023/01240/ADV	A	Specsavers Opticians, 10, Windsor Road, Penarth	Externally Illuminated fascia and externally illuminated projecting sign.
2023/01242/FUL	A	15, St Augustine's Road, Penarth	The increase in width of the approved bay window extension from 600mm to 1200mm
2023/01243/FUL	A	19, Vale Street, Barry	Rear ground floor extension and rear second storey flat roof. Re-application following disapproval of 2023/00809/FUL

2023/01247/RG3	A	Nos 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, and 50, Peterswell Road, Barry	Retrofit and refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2023/01248/RG3	A	22 and 24, Cornwall Road, Barry	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2023/01249/RG3	A	31, 33, 35 and 37, O'Donnell Road. Barry	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.

2023/01250/RG3	A	9, 11, 13 and 15, Dudley Place, Barry	Retrofit and Refurbishment works including installation of Soltherm 100mm Mineral Wool EWI with Ultimate Silicone render / Deco W Brick-ID applied to the existing external wall surfaces. Additional works include the replacement of windows and doors and roof to be extended to accommodate new EWI where necessary to achieve overhang.
2023/01251/LAW	A	The Croft, Heol Y March, Bonvilston	Lawful development certificate application - house been built not in accordance with plans for over 10 years
2023/01252/FUL	A	The Croft, Heol Y March, Bonvilston	Retain new granny annex construction of 2009/00584 application
2023/01262/FUL	R	Pantwilkin Stables, Aberthin	Agricultural building for sheep, fodder, farm machinery and equipment. Reduced size of building to that approved under reference 2022/00502/FUL.
2023/01266/ADV	A	Switch 'n' Socket, 2, Evelyn Street, Barry	Resubmission of advertisement consent for front elevation (without illumination) following refusal of application 2023/00931/ADV
2023/01276/FUL	A	51, Wordsworth Avenue, Penarth	Two storey rear extension. Relocation of garage and associated external works
2023/01278/FUL	R	Plot 5, The Highlands, Old Barry Road, Penarth	Proposed detached garage with ancillary space above

2023/01280/FUL	A	Hillfields Farm, Pont Sarn Lane, Peterston Super Ely	Removal of Condition 1 (Agricultural Occupancy) of Planning Approval Ref.74/01318 for one agricultural dwelling to be used in connection with land as a market garden/smallholding
2023/01282/FUL	R	Ringwood House, 1, Ringwood Crescent, St. Athan	Dormer to the front elevation of the property approximately 5.4m x 1.8m.
2023/01283/FUL	A	13, Cwrt Y Vil Road, Penarth	Proposed alterations to existing dwelling to include 2 storey rear extension and front / side dormers to existing roof
2023/01287/FUL	A	4, Church Avenue, Penarth	Loft conversion with rear dormers
2023/01288/FUL	A	3, Church View, Llanblethian, Cowbridge	Raise ridge loft conversion to form additional bedrooms
2023/01291/FUL	R	Regenerate it, 20-22, Holton Road, Barry	Conversion of part of first floor to 4 flats
2023/01292/FUL	A	Bute Cottage, The Causeway, Llanblethian, Cowbridge	Form new window opening in previous extension and use the stone taken out to close up existing back door formed in previous extension
2023/01293/FUL	A	St. Andrews House, 21, West Farm Road, Ogmore By Sea	Proposed roof and primary facade alterations, ground floor rear single storey extension and driveway alterations to include new access and single garage
2023/01294/FUL	A	Beechcroft, Llancarfan	Replacing existing roofs to dwelling and adjacent garage with new roofs at steeper pitch and incorporating new dormers and a solar panel installation. Existing plan,

			elevations and landscape arrangement to be reconfigured.
2024/00003/FUL	A	West House, Penarth Town Council, Stanwell Road, Penarth	The existing timber windows to side elevation of the hub are to be changed to new powder coated aluminium windows. Existing decayed rooflight to West House to be replaced.
2024/00005/FUL	R	1, Breaksea Close, Sully	New bungalow at the rear of 1 Breaksea Close
2024/00006/FUL	R	Brookville, Trerhyngyll	Removal of the single storey lean to extension on the front elevation. New front door and associated glazing. Side extension and infill extension at the first floor. Conversion of the garage to habitable rooms. New glazing to replace garage door. New glazing on the front, side and rear elevations. Single storey rear extension. New garage with a first floor annex in the garden
2024/00010/FUL	A	The Pines, Wick Road, Ewenny	To construct a two bedroom granny annex above existing double garage with external staircase as secondary access. To replace existing window in bedroom 4 with a Juliet balcony
2024/00011/FUL	A	Land outside of 9, Rectory Close, Wenvoe	Provision of external stairlift to provide/enable disabled access to property from footway/highway

2024/00015/LAW	A	30, Slade Close, Sully	New bricked conservatory and roof to replace existing PVC. Extending converted garage back 2.5 to make flush with existing back wall of property
2024/00016/ADV	A	Nationwide Building Society, 21, Windsor Road, Penarth	Replace 1no. Projecting signage with new 500mm. Replace 1no. Fascia and 1no. Logo with 1no. New blue fascia & 1no. New 290mm logo height. Replace 1no. ATM surround and decals with new. Replace and install new safety manifestation to window. Door handle to be SS
2024/00019/LAW	A	28, Cardigan Close, Dinas Powys	Proposed single storey extension and internal modifications
2024/00020/LAW	A	18, Priory Gardens, Barry	<p>Single storey rear extension to project 4 metres from the rear wall of the original dwellinghouse, does not exceed 50% of the total area of the curtilage and is 2.6 metres high, therefore the eaves of the enlarged part do not exceed 3 metres</p> <p>Windows and doors will be UPVC and match existing dwellinghouse and the external walls of an extension will be constructed of materials that provide a similar visual appearance in terms of colour.</p> <p>The proposed extension will have a flat roofs which does not normally have any visual impact and so, where this is the case, the</p>

			need for materials of similar appearance should not apply
2024/00024/FUL	A	55, Queens Road, Penarth	Single storey ground floor extension with a balcony and glass balustrade. French doors to first floor and French doors to second floor with glass Juliet balcony
2024/00026/LAW	A	8, Cwrt Dyfed, Barry	Proposed single storey rear extension to replace an existing single storey conservatory
2024/00028/CAC	A	4, Victoria Avenue, Penarth	Partial demolition and rebuild of the front boundary wall
2024/00029/FUL	A	38, Elfed Avenue, Penarth	Alteration to create front porch. Construction of single storey rear extension
2024/00030/FUL	A	4, White House, Barry	Take down existing conservatory pitched roof structure and replace with proposed flat roof structure with all associated external works
2024/00031/FUL	A	11, Pyke Street, Barry	Demolition of existing rear lean to extension and erection of replacement single storey rear extension and single storey side extension; all with the associated external works including ground level modifications and render finish to rear and side elevations
2024/00037/FUL	R	The Moorwell, Windsor Road, Penarth	Change of use of the ground floor of the building from gym (Class D2) to retail (Class A1).

2024/00040/FUL	A	Pant Glas, Treoes Village, Treoes	Single storey rear extension to replace an existing conservatory
2024/00042/FUL	A	Rock House, Fonmon	Existing garage partially converted to home office and gym, with new windows and doors.
2024/00046/FUL	A	Leyda, 28, Main Road, Ogmored By Sea	Proposed extension and attic conversion
2024/00048/FUL	A	Cardiff Animal Shelter, West Point Industrial Estate, Penarth	Single storey flat roofed replacement extension to an existing building to house additional kennels for the dogs.
2024/00054/FUL	R	24, Highwalls Road, Dinas Powys	Two storey side extension, single storey rear extension and loft conversion with rear dormer
2024/00055/FUL	A	1, Cae Glas, Ewenny	Ground floor and first floor extension on site of existing structures
2024/00059/FUL	A	Ground Floor Flat, 8, John Street, Penarth	Extension to outbuilding forming garden room
2024/00068/OBS	P	Rhydhalog Newydd, Cowbridge Road, Talygarn (24/0060/13)	Outline application for the siting of a rural enterprise dwelling and garage with vehicular access, parking, landscaping and associated works
2024/00071/FUL	A	36, Whitcliffe Drive, Penarth	Ground floor front extension beneath existing balcony

2024/00074/FUL	R	The Fig Tree, Esplanade, Penarth	Retention of glazed enclosure beneath existing veranda to provide covered seating area to be used in an ancillary capacity to existing A3 use, all with associated external works (Resubmission of planning ref: 2023/00543/FUL)
2024/00078/FUL	A	18, Harlech Road, Culverhouse Cross, Wenvoe	Single storey rear extension
2024/00084/LAW	A	Glanville House, Town Mill Road, Cowbridge	Alteration of garage doors to pair of garages.
2024/00102/FUL	A	10, Heol Tre Forys, Penarth	Conversion of garage into habitable space, with all associated works
2024/00105/FUL	A	25, Tair Onen, Bonvilston	Rear single storey extension and front porch
2024/00106/PNA	A	Land off The Red Lane, Pop Hill, Cross Common, Dinas Powys	Proposed new agricultural building
2024/00111/FUL	A	25, Cosmeston Drive, Penarth	Proposed single storey side extension. Proposed single storey rear extension.
2024/00118/FUL	A	37, Elfed Avenue, Penarth	Revision to previous application 2023/00555/FUL - Single/Two storey rear extension. (Extension increased in depth due to public sewer location)
2024/00131/FUL	A	24, Sully Terrace, Penarth	Ground floor extension to side and rear of property

2024/00140/FUL	A	3, Cherwell Road, Penarth	One and two storey rear extensions, creation of first floor bedroom with front dormer above new stairs
2024/00148/FUL	A	3, Portland Close, Penarth	New powder coated flue to rear elevation
2024/00177/PNA	R	Wallas Farm, Wick Road, Ewenny	Mobile cylindrical covered storage tank for the temporary storage of liquid fertiliser products
2024/00207/LAW	A	29, Tennyson Way, Llantwit Major	New Single Storey Rear Extension in place of the existing conservatory

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 April 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/00351/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03184-K1N0Z0
Appellant: Mr Andrew Donnelly
Location: Homri Barn, Well Lane, St. Nicholas
Proposal: Proposed garage and greenhouse
Start Date: 5 February 2024

LPA Reference No: 2023/00462/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03063-L1T9M9
Appellant: Mr Allan Parfitt
Location: Vacant agricultural land with abandoned rural buildings forming a previous smallholding/farmstead, Bonvilston (Easting: 306447, Northing: 173918)
Proposal: Refurbishment consolidation repair conversion of derelict farmstead to new dwelling including extension of 43m2
Start Date: 7 February 2024

LPA Reference No: 2023/00685/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03251-Q3S6R2
Appellant: Mr Gareth Jones
Location: 11, Coed Mawr, Barry
Proposal: Garden summer house
Start Date: 27 February 2024

LPA Reference No: 2023/01030/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03273-Y6T0Y0
Appellant: Mr Callum Couper
Location: 4, St. Augustines Place, Penarth

Proposal: Proposed loft conversion complete with
rooflights to front and dormer to rear
Start Date: 19 March 2024

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2022/00931/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02889-B6P1X0
Appellant: Mr Peter Reynolds
Location: Cliff Haven Residential Home, 10 Clive Crescent, Penarth
Proposal: Demolition of the existing single storey side extension, existing detached office and retaining walls and external staircases. Construction of a new single storey side extension at ground floor level and a new single storey rear extension at first floor level. Formation of a new rear terrace at ground floor level with excavations, new retaining walls and extended store. Internal alterations and reconfiguration of existing accommodation with new service lift. Refurbishment and restoration of existing external features. New pitched dormer windows on front elevation to replace existing box dormer. Change of use from existing residential care home (Residential institutions Class C2) to a new Daycare Nursery (Non-residential institutions Class D1).
Decision: Appeal Dismissed
Date: 6 February 2024
Inspector: H Smith
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposed development on the living conditions of the occupiers of nearby dwellings, having particular regard to noise and disturbance. The appeal site related to a large semi-detached, currently vacant property previously used as an 18 bed residential care home.

The Inspector determined that with regard to internal noise between the party wall and the adjoining flats at No. 9, whilst there was the potential for disturbance from the daily activities within the nursery, including sounds

generated by children and very young infants, they were satisfied that any noise impacts on the internal areas could be mitigated to an acceptable level.

In relation to noise from the outdoor areas to the rear, it was noted that the proposal would limit the numbers of children using either the lower terrace or the rear garden area at any one time to 21. Whilst the Noise Assessment demonstrated that the predicted noise levels of the surrounding gardens would not be significantly increased above the existing levels, the Inspector considered that sound produced from children at play could vary significantly at different times and it would be difficult to control the natural behaviours of children at play. It was concluded that having regard to the close proximity of the surrounding properties to the outdoor areas, unpredictable and sudden noise from the children would be noticeable and disturbing to the occupiers of the surrounding dwellings.

Whilst acknowledging that the number of children using the outdoor space could be controlled by the management of the nursery to a degree, a planning condition to that effect would be difficult for the Council to enforce. Furthermore, a limitation of 21 children in the outdoor areas would lead to a regular use of these spaces and whilst noise from children at play in rear gardens was normal in a residential area, this was not at the scale and intensity which the proposal would generate.

The Noise Assessment had a recommended 1.8m high acoustic fence along the boundaries of the outdoor spaces, however due to trees and vegetation on the site's boundaries, it had not been demonstrated that the proposed acoustic fence could be constructed in a manner for it to be effective. Whilst the Council's Environmental Health Officer had raised no objection on the basis of the proposed noise mitigation and the restriction of the number of the children using the spaces, the Inspector was not persuaded that the noise mitigation measures would be effective in controlling the noise levels to an acceptable degree.

Owing to the scale of the nursery, the proposal would generate a significant increase in the comings and goings of staff and parents or carers dropping off and picking up children. There were likely to be concentrations of activity at peak times in the mornings and afternoons and increased disturbance from car doors opening and closing and engines starting, which would particularly be noticeable in the context of the quiet residential street where residents could reasonably expect to enjoy peace and tranquillity. Whilst acknowledging that the nursery would not operate at full capacity every day of the week, the proposal was considered on the basis of its maximum capacity and the intrusion of noise and disturbance for the majority of the week would be unacceptable.

Little weight was afforded to the previous use as a commercial care home and it was considered that activities arising from a nursery with a capacity for 75 children would be significantly more intensive than an 18 bed residential care home. The presence of the other day nursery on Clive Place, Orchard Day Nursery was identified as having a capacity almost half of the proposal and on a busier street and would therefore not justify the impacts of the proposed development which had been identified. The Inspector therefore concluded

that by reason of its impacts from noise and disturbance, the proposal would be harmful to the living conditions of nearby residents and contrary to LDP policies MD2, MD5 and MD7 and the objectives of PPW and TAN 11 and the appeal was therefore dismissed.

LPA Reference No:	2023/00352/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02861-L8F5R5
Appellant:	Mr & Mrs Ponchard
Location:	Sant Y Nyll Farm, Heol Sant Y Nyll, St. Brides Super Ely
Proposal:	Proposed change of use of agricultural land to residential curtilage. Demolition of existing agricultural building and erection of detached domestic garage and store
Decision:	Appeal Dismissed
Date:	6 February 2024
Inspector:	H Smith
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on the character and appearance of the area, which was characterised by attractive undulating open fields, areas of woodland and sporadic rural dwellings.

The Inspector identified that whilst the existing barn conversion had largely retained the existing openings which respected its traditional rural character, the proposed garage would be a long and narrow outbuilding with two wide double garage doors and have an overtly domestic appearance which would fail to reflect the characteristics of a rural building and would result in an unsympathetic building in the rural context of the site. In these circumstances, a condition to secure alternative materials would not be appropriate.

The appeal site was also separated from the residential curtilage by the north west elevation of the converted barn and physically separated by the driveway. The parking and garden space serving the dwelling were primarily contained within the courtyard and consequently, the siting, orientation and appearance of the proposed building would not be in keeping with the intrinsic character and layout of the site. As the majority of the building would be in domestic use as an ancillary outbuilding for the parking of cars, a store and a home office, it was considered that the proposal would extend the residential use beyond its existing curtilage to form a prominent and intrusive encroachment into the countryside.

Despite the siting of the proposed building adjacent to the bank on the northern boundary and its lower level in comparison with the lane, its significant length and expanse of roof would still be apparent in the immediate context of the site and landscaping would do little to mitigate its impact.

Consequently, it would represent an intrusion into the open countryside and the domestication and urbanisation of this part of the site which would erode the rural character of the area.

Whilst the Inspector's attention was drawn to another decision for a garage and garden room with pool at St Y Nyll House nearby (ref: 2022/00338FUL), that outbuilding was proposed within the curtilage of an existing dwelling and did not relate to a converted rural building, unlike the appeal proposal. The proposal would therefore have a significant harmful effect on the character and appearance of the area, contrary to LDP policies SP1, SP10, MD1, MD2, MD11 and MD12 and the SPG and the appeal was therefore dismissed.

LPA Reference No:	2023/0779/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03090-R1Z0D6
Appellant:	Mr. Derek Ohare
Location:	5, Ringwood Crescent, St. Athan
Proposal:	Dormer loft conversion - Finishes as existing, dark tiles finish to dormer cheeks, grey/black upvc window unit, black fascia
Decision:	Appeal Dismissed
Date:	9 February 2024
Inspector:	H Smith
Council Determination:	Delegated

Summary

The main issue was the effect of the proposal on the character and appearance of the area. It was identified that the proposed front dormer would be sited in an off-centre position and of significant scale, in contrast to the two small and narrow dormers on the existing side extension. Its shallow roof pitch would also conflict with the steeply pitched roof of the main house and the proposal would therefore disrupt the strong symmetry of the host dwelling and appear as a bulky and unsympathetic addition that would fail to respect the character and setting of the host dwelling.

Whilst recognising that the use of dark materials would blend in with the roof, the Inspector considered that this would do little to mitigate the proposal's scale and unsympathetic design. The use of grey/black UPVC window units would be at odds with the white windows of the house and would exacerbate the proposal's unsympathetic appearance. As the proposal would be visually prominent and viewed in the context of the surrounding unaltered roofs of the dwellings on this part of Ringwood Crescent, it would be an incongruous and discordant feature in the street scene that would not positively contribute to the context and character of the surrounding built environment.

The appellant had drawn attention to Nos. 1, 2, 3, 6, 7 and 8 Ringwood Crescent as having interrupted roof lines on their frontages, however the Inspector considered that these dwellings had gable front projections which appeared to be an original feature which contribute to their character and

were therefore not comparable to the proposal. The large dormer on the front of 1 Ringwood Crescent was noted, however it was acknowledged that this dormer was unauthorised and subject to an on-going enforcement case.

The fact that no objections had been received from residents of the surrounding properties did not justify the harm identified and it was concluded that the proposed front dormer would significantly harm the character and appearance of the area, contrary to policies SP1, MD2 and MD5 of the LDP and the objectives of the SPG and the appeal was therefore dismissed.

LPA. Reference No:	2023/00202/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02846-P3J2Q0
Appellant:	Mr & Mrs R Davies
Location:	Llanmihangel Cottage, Llanmihangel
Proposal:	Proposed single storey extension to a dwelling used as a holiday let
Decision:	Appeal Allowed
Date:	14 February 2024
Inspector:	A McCooey
Council Determination:	Delegated

LPA. Reference No:	2023/00203/LBC
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02847-N8R6F0
Appellant:	Mr & Mrs R Davies
Location:	Llanmihangel Cottage, Llanmihangel
Proposal:	Proposed single storey extension to a dwelling used as a holiday let
Decision:	Appeal Allowed
Date:	14 February 2024
Inspector:	A McCooey
Council Determination:	Delegated

Summary

The Inspector confirmed that as the applications for planning permission and listed building consent were refused for similar reasons related to the impact of the proposal on the listed building and the character of the historic and rural setting, the appeals would be considered together.

The main issues were determined to be whether the proposed works would detract from the special architectural and historic interest and settings of the surrounding heritage assets and the impact of the proposal on the existing barn and its historic and rural setting.

Impact on the Building Itself

The Inspector identified that the Heritage Impact Assessment (HIA) submitted showed remaining physical evidence of the former extent of the building that

was present, the re-construction of the building was the principal impact on the heritage asset, and that had already occurred. The current proposal was an extension designed to appear subservient to the existing building, set back from the front and with a lower ridge height.

The Council considered that the building had significance for its group value and that its extension would result in the dilution of the significance of the plan form of the farmstead as a whole however, the Inspector considered that the effect of the extension on the existing building or its plan form would not be significant, especially given the likelihood that the building was historically larger.

Impact on Other Heritage Assets

The Inspector concluded that the proposal would not be detrimental to the settings of the listed buildings or the Registered Park and Garden at Llanmihangel Place or have any effect on the way that the heritage assets were experienced, understood, and appreciated. The proposal would also preserve the character and appearance of the Conservation Area and these conclusions were reinforced by the views of Cadw. It would therefore meet the statutory tests in Sections 16 (2), 66 (1) and 72 of the Act and would also comply with TAN24 (and accompanying advice) and Policies SP10 and MD8 of the Vale of Glamorgan Local Development Plan.

Impact on the Building and Rural Setting

The Council's SPG on the Conversion and Renovation of Rural Buildings sought to apply Policy MD11 to future proposals for extending the property however, the Inspector considered that proposals should be considered on their merits and that the proposal would be in keeping with the design, form and use of the building as approved by the LPA. Although there had been criticism of the form of the extension and the openings to the south (front) elevation, these opening were considered to be a positive feature of the approved scheme that was in keeping with a rural form and location. The Inspector therefore concluded that the proposal meets the requirements of Policy MD11 and the guidance in section 9.3 of the SPG.

Other Matters and Conditions

The Inspector concluded that the proposal was acceptable on its own merits and that the appeals should therefore succeed. Planning permission and LBC were therefore granted subject to a number of conditions, however it was considered that those suggested by the Council relating to a sample panel of stonework to guide the construction works to the walls and the submission of a Green Infrastructure Statement were not required.

LPA. Reference No:	2023/00927/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03150-T6Y1X3
Appellant:	Mr A Partridge
Location:	95, Colcot Road, Barry
Proposal:	Proposed first floor extension over existing ground floor with external fire escape stairs

Decision: Appeal Dismissed
Date: 27 February 2024
Inspector: Z Baxter
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposal on the character and appearance of the area and the living conditions of the occupiers of 93 Colcot Road.

Character and Appearance

The appeal site comprised a two-storey semi-detached dwelling with a long linear garden. The proposed development would introduce a first floor with an approximate ridge height of 6m at a depth in excess of 14m and therefore be a substantial addition to the appeal property that would significantly heighten and elongate its side profile.

Whilst the Inspector accepted that the eaves and ridge height of the extension would be lower than the main house, it was considered that its height and depth would protrude well above the existing boundary wall to create a visually dominant flank elevation of substantial mass that would be out of scale and character with the existing dwelling. The proposed cladding would also clash with the prevailing brick finish of the dwelling's side elevation and boundary wall, exacerbating its visual dominance. The Inspector therefore concluded that the proposal would not respond appropriately to the local context and character of the site or neighbouring buildings and would be harmful to the character and appearance of the area, contrary to Policy MD2 of the adopted LDP and advice in the SPG.

Living Conditions

The proposed extension would be offset from the boundary with the neighbouring property 93 Colcot Road (No. 93), however the scale and mass of the proposed extension would be in close proximity to the rear patio and garden of that property. Owing to its height and depth, it would have a tunnelling effect on the neighbours' outlook from their rear garden and would be detrimental to the resident's enjoyment of their patio and main seating area, as its height and depth would be domineering and oppressive on their outlook. The proposed external fire escape stairs would also introduce a high and bulky feature to the detriment of the outlook of the occupiers of No. 93. It was therefore concluded that the proposed development would cause significant harm to the living conditions of the occupiers of No. 93 with regard to outlook, contrary to Policy MD2 of the LDP and the objectives of the SPG.

Conclusion

It was therefore concluded that the appeal should be dismissed.

LPA Reference No: 2022/00908/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02961-V0X3H0
Appellant: Matthew & Victoria Barker

Location:	1, The Verlands, Cowbridge
Proposal:	Construction of new 3 bedroom dwelling
Decision:	Appeal Dismissed
Date:	14 March 2024
Inspector:	H Smith
Council Determination:	Delegated

Summary

The main issues were considered to be the effects of the proposed development on the character and appearance of the area, the living conditions of the occupiers of 1 The Verlands (No.1) and whether the proposal made adequate provision for affordable housing.

Character and appearance

The appeal site formed part of the side garden of a recently extended detached dwelling located in a visually prominent location near the entrance to The Verlands. Whilst not an area of public open space, the appeal site was considered to contribute to the open and spacious character of the area. The Inspector identified that although the proposal was for a modest size dwelling, given the constrained shape and size of the site and the dwelling's proximity to the road, the proposal would appear cramped in its setting, despite the provision of adequate amenity and parking space within the site.

Consequently, the proposal would fail to respect the housing pattern and character of the street, and would be unsympathetic to its immediate setting and wider surroundings, resulting in an incongruous development in the street. The Inspector considered other developments in the area but did not consider that any of these related to dwellings on corner plots or were not directly comparable to the appeal proposal. It was therefore concluded that the proposed development would be harmful to the character and appearance of the area, contrary to policies MD2 and MD5 of the LDP.

Living conditions

It was identified that the site formed a large proportion of the overall garden area for No. 1, the remainder of which would be limited to the rear of the dwelling. Whilst 3 The Verlands significantly extended beyond the rear elevation of Nos. 1 and 2, the section of the dwelling close to the shared boundary had a low height and as such was not considered to be overbearing to the rear of these dwellings.

The proposed dwelling would be sited in close proximity to the proposed shared boundary with No. 1. Whilst the appellant's evidence suggested that the length of the proposed dwelling extending beyond the rear elevation of No.1 would be 2m, the Inspector did not consider that this was consistent with the submitted drawings. Therefore, it was considered that the proposal would be imposing and overbearing when viewed from the rear of No. 1. and therefore contrary to policy MD2 of the LDP.

Affordable Housing

The Inspector acknowledged the requirement in Policies MD4 and MG4 of the LDP to seek to secure new and improved community infrastructure, including affordable housing and the mechanism for its delivery set out in the Council's

SPG on 'Affordable Housing'. The Council had identified a number of omissions in the UU submitted and the Inspector agreed that it did not meet the requirements of S106 of the Act and therefore did not comprise a legally binding UU. It was therefore concluded that the proposal failed to make adequate provision for affordable housing, contrary to policies MD4 and MG4 of the LDP.

Other Matters

The inspector considered other representations in relation to the potential loss of privacy to the church, on-street parking, highway safety, noise and disturbance and flood risk but did not consider that there was any evidence to suggest that the proposal would be unacceptable for these reasons.

Conclusion

Having regard to all of the matters raised, the Inspector concluded that the appeal should be dismissed.

LPA Reference No:	2022/01252/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02899-P4Z2S5
Appellant:	Mr Gareth Davies
Location:	Plot 1, Eglwys Brewis Road, Eglwys Brewis, CF62 4DN
Proposal:	Construction of five bedroom two and half storey detached house with attached double garage
Decision:	Appeal Dismissed
Date:	22 March 2024
Inspector:	N Jones
Council Determination:	Delegated

Summary

The main issues were considered to be, the visual effect of the proposal on the character and appearance of the area, whether the proposal made an appropriate contribution towards affordable housing and whether any identified harm would be outweighed by other material considerations.

Character and appearance

The appeal site was located outside but adjacent to the settlement boundary of Eglwys Brewis and PPW advises (para 3.60) that all new development should be of a scale and design that respects the character of the surrounding area. The Inspector concluded with the LVIA's evaluation, that the appeal site's visual influence was seen in the context of adjacent residential development, was not visually prominent in the wider landscape, and residential development was therefore acceptable in principle.

The Inspector agreed with the LVIA's conclusions that there would be no change in visual impact in relation to mid-range and most short-range views. Whilst these conclusions partially rely on existing screening beyond the appeal site, there was nothing to suggest that such screening would be likely

to be removed to such an extent as to materially alter the appeal site's visual envelope.

It was considered however that more open and prolonged views of the proposal would be available at viewpoint 1 than suggested in the LVIA. Although the appeal scheme would be taller from ground to ridge than nearby dwellings at Picketston Close, its southern gable, would also reflect the scale and form of these existing dwellings and the proposal would not therefore appear over scaled or incongruous in this view.

The Inspector considered however that the proposal's intended height would be visually exaggerated by the third-storey impression which would be gained by the large upper storey apex opening when seen from viewpoints 2 and 3. Whilst the LVIA acknowledged that the development would be visible in these views and give rise to significant adverse effects, it was also contended that views of the development would be short-range, with only glimpses of nearby dwellings visible. However, at the junction of Picketston Lane with Eglwys Brewis Road, from where clear and more prolonged views towards existing properties were available, the appeal scheme was considered to be over-scaled and visually incongruous.

Whilst the appellant contended that the intended landscaping proposals would reduce the scheme's effects when the native buffer planting scheme became established within about 2-3 years of planting, this assessment relied however on the retention of existing trees. The Inspector was not satisfied that the intended formal avenue tree planting would wholly screen the proposal's intended height and three storey form, which would be over-scaled in the direct visual relationship with the smaller dwellings seen in the same view. This perceived three-storey form would materially amplify the perception of built development and urban character in this edge of settlement location. It was therefore concluded that the proposal would result in a harmful visual effect on the character and appearance of the area contrary to policies MD1 and MD2 of the LDP, PPW and Technical Advice Note 12 'Design'.

Affordable housing

During determination of the appeal, the Council had confirmed that the content of the appellant's UU was acceptable and had withdrawn its objection to the proposal on that basis. The Inspector was therefore satisfied that a contribution towards affordable housing could be secured and the proposal would therefore comply with LDP Policies MG4 and MD4 and SPG advice.

Other material considerations

The Inspector considered that the extant planning permission (2021/00781/FUL) had established the principle for a similar development at the appeal site and therefore represented a realistic fallback position. The appellant's Landscape Statement of Case (LSC) had assessed the landscape and visual impacts of the proposed development over and above the planning 'fall back' position. Whilst the LSC concluded that the difference in height would not be perceptible in visual terms, the Inspector considered that there were more prolonged views available from paths and bus stops at viewpoint 1, and a pedestrian/ cycle path at viewpoints 1, 2 and 3. The magnitude of the visual effect of the increase in height of the appeal scheme over the permitted

fallback height had therefore been underestimated. Although the effects would be localised, the appeal dwelling would be a harmfully incongruous presence which would lead to a noticeably harmful visual effect on the character and appearance of the area.

The Inspector acknowledged the appeal proposal's intended contribution towards affordable housing, however a similar contribution would be made in relation to the fallback and neutral weight was therefore attributed to this matter. It was considered that the harm identified in relation to the three-storey appearance of the property, exacerbating its intended height, tipped the balance away from allowing the appeal.

Other Matters

The Inspector noted concerns raised by neighbouring occupiers, however raised no objection to the proposal in terms of its effect on the living conditions of neighbouring occupiers or highway safety.

Conclusion

It was therefore concluded that the appeal should be dismissed

Costs Application

The appeal was accompanied by an application for a full award of costs against the Council, however the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and the application for costs was therefore refused.

LPA Reference No:	2022/01251/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02901-Y3P7S3
Appellant:	Mr Barry Ryan
Location:	Plot 2, Eglwys Brewis Road, Eglwys Brewis, CF62 4DN
Proposal:	Construction of a detached two and half storey five bedroom house with a detached double garage
Decision:	Appeal Dismissed
Date:	22 March 2024
Inspector:	N Jones
Council Determination:	Delegated

Summary

The main issues were considered to be, the visual effect of the proposal on the character and appearance of the area, whether the proposal made an appropriate contribution towards affordable housing and whether any identified harm would be outweighed by other material considerations.

Character and appearance

The appeal site was located outside but adjacent to the settlement boundary of Eglwys Brewis and PPW advises (para 3.60) that all new development

should be of a scale and design that respects the character of the surrounding area. The Inspector concluded with the LVIA's evaluation, that the appeal site's visual influence was seen in the context of adjacent residential development, was not visually prominent in the wider landscape, and residential development was therefore acceptable in principle.

The Inspector agreed with the LVIA's conclusions that there would be no change in visual impact in relation to mid-range and most short-range views. Whilst these conclusions partially rely on existing screening beyond the appeal site, there was nothing to suggest that such screening would be likely to be removed to such an extent as to materially alter the appeal site's visual envelope.

It was considered however that more open and prolonged views of the proposal would be available at viewpoint 1 than suggested in the LVIA. Although the appeal scheme would be taller from ground to ridge than nearby dwellings at Picketston Close, its southern gable, would also reflect the scale and form of these existing dwellings and the proposal would not therefore appear over scaled or incongruous in this view.

The Inspector considered however that the proposal's intended height would be visually exaggerated by the third-storey impression which would be gained by the large upper storey apex opening when seen from viewpoints 2 and 3. Whilst the LVIA acknowledged that the development would be visible in these views and give rise to significant adverse effects, it was also contended that views of the development would be short-range, with only glimpses of nearby dwellings visible. However, at the junction of Picketston Lane with Eglwys Brewis Road, from where clear and more prolonged views towards existing properties were available, the appeal scheme was considered to be over-scaled and visually incongruous.

Whilst the appellant contended that the intended landscaping proposals would reduce the scheme's effects when the native buffer planting scheme became established within about 2-3 years of planting, this assessment relied however on the retention of existing trees. The Inspector was not satisfied that the intended formal avenue tree planting would wholly screen the proposal's intended height and three storey form, which would be over-scaled in the direct visual relationship with the smaller dwellings seen in the same view. This perceived three-storey form would materially amplify the perception of built development and urban character in this edge of settlement location. It was therefore concluded that the proposal would result in a harmful visual effect on the character and appearance of the area contrary to policies MD1 and MD2 of the LDP, PPW and Technical Advice Note 12 'Design'.

Affordable housing

During determination of the appeal, the Council had confirmed that the content of the appellant's UU was acceptable and had withdrawn its objection to the proposal on that basis. The Inspector was therefore satisfied that a contribution towards affordable housing could be secured and the proposal would therefore comply with LDP Policies MG4 and MD4 and SPG advice.

Other material considerations

The Inspector considered that the extant planning permission (2021/00781/FUL) had established the principle for a similar development at the appeal site and therefore represented a realistic fallback position. The appellant's Landscape Statement of Case (LSC) had assessed the landscape and visual impacts of the proposed development over and above the planning 'fall back' position. Whilst the LSC concluded that the difference in height would not be perceptible in visual terms, the Inspector considered that there were more prolonged views available from paths and bus stops at viewpoint 1, and a pedestrian/ cycle path at viewpoints 1, 2 and 3. The magnitude of the visual effect of the increase in height of the appeal scheme over the permitted fallback height had therefore been underestimated. Although the effects would be localised, the appeal dwelling would be a harmfully incongruous presence which would lead to a noticeably harmful visual effect on the character and appearance of the area.

The Inspector acknowledged the appeal proposal's intended contribution towards affordable housing, however a similar contribution would be made in relation to the fallback and neutral weight was therefore attributed to this matter. It was considered that the harm identified in relation to the three-storey appearance of the property, exacerbating its intended height, tipped the balance away from allowing the appeal.

Other Matters

The Inspector noted concerns raised by neighbouring occupiers, however raised no objection to the proposal in terms of its effect on the living conditions of neighbouring occupiers or highway safety.

Conclusion

It was therefore concluded that the appeal should be dismissed

Costs Application

The appeal was accompanied by an application for a full award of costs against the Council, however the Inspector concluded that unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated and the application for costs was therefore refused.

LPA Reference No:	2023/00556/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03120-J8P4Z9
Appellant:	Mr Ian Cowell & Mr Paul Pigott
Location:	26 and 27, Crompton Way, Ogmore By Sea
Proposal:	Proposed single storey side garage extension for 2 adjacent properties
Decision:	Appeal Invalid (no further action)
Date:	25 March 2024
Inspector:	N/A
Council Determination:	Delegated

Summary

An appeal had been received on 27th November 2023, however PEDW had not received all essential documentation within the 6 month deadline. PEDW has therefore confirmed that the appeal is now considered late and will not be taking any further action.

LPA Reference No:	2023/00566/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03053-G4K9X0
Appellant:	Mr and Mrs Scott
Location:	Ty Isaf, Drope Road, Drope
Proposal:	New single storey extension on the site of former agricultural building. It is intended to plant a native stock hedge along the west facing boundary fence adjacent to the Village Hall car park to provide privacy and help with biodiversity
Decision:	Appeal Allowed
Date:	25 January 2024
Inspector:	R James
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposal would preserve or enhance the character or appearance of the Drope Conservation Area (CA).

The appeal site comprised a detached single storey dwelling, converted from a former stone agricultural building and was considered to have retained much of its traditional agricultural appearance. The CA was identified as including various dwelling/building designs and materials and the Drope Conservation Area Appraisal and Management Plan (CA Appraisal) included Ty Isaf as a 'Positive Building', which was identified as making a positive contribution to the special architectural or historic interest of the CA.

The appeal proposal would extend the dwelling to the rear with a pitched slate roof and timber clad building, which would link to the dwelling via a flat roof glazed corridor and the existing rear porch would be removed. The Inspector considered that the principle of an extension to be acceptable despite the Council's contention that any size of extension would be harmful to the existing dwelling's form. The proposal would be sited to the rear of the dwelling and its contemporary appearance with larger openings and subsidiary timber cladding, with a glazed corridor link, would provide a clear visual distinction between the 'old' and 'new' that would not be harmful in this context. In doing so, it would emphasise the contrasting, bulkier traditional form and appearance of the existing dwelling, which would also benefit from the removal of the existing visually incongruous rear porch. As a result, its design would not be disproportionate or appear as a 'tack-on' but would instead remain subservient to the host dwelling's traditional and linear agricultural character, which would remain clearly legible, including when viewed from the Village Hall car park.

In terms of its wider setting, the Inspector considered that the proposal's length would not protrude beyond the existing garage and, from western viewpoints including the Village Hall car park, would be viewed amongst other neighbouring dwellings with varied rear elevation designs. It would not therefore encroach into the open spaces that were vital to the area's rural landscape setting and would preserve, rather than harm the CA's traditional architectural qualities. The proposed native stock hedge along the western boundary would likely provide additional screening of the extension from the Village Hall car park, which would minimise the extension's visual prominence and also strengthen a key characteristic of the CA.

It was therefore concluded that the proposal would not be harmful to the character and appearance of the appeal property or the locality and would preserve and enhance the character and appearance of the CA. It would therefore comply with the requirements of LDP Policies MD2, MD8 and MD11, and the strategic purpose of Policies SP1 and SP10 to protect, preserve and enhance the Council's natural and built environment. The proposal would also comply with the design and conservation objectives of the SPGs and CA Appraisal. The Inspector determined that the appeal should be allowed subject to a number of conditions to secure a scheme of biodiversity enhancement, landscaping and materials.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2021/0102/PRO
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02593-Y8Y4X3
Appellant:	D Clarke & Mariclaire Dominique Clarke
Location:	Land at Brooklands, Brook Lane, St. Nicholas
Proposal:	Without planning permission, the carrying out of operational development comprising the substantial alteration and conversion of a barn in the countryside into a residential dwelling and the construction of an unauthorised extension linking two converted barns at Brooklands.
Decision:	Appeal Allowed
Date:	6 February 2024
Inspector:	M Hall
Council Determination:	Committee

Summary

The Enforcement Notice was corrected by the deletion of the words 'into a residential dwelling' from the allegation and their replacement with the words 'to form part of a residential dwelling', but was quashed and planning permission was granted subject to conditions.

Background

Planning permission granted in 2011 for the conversion of two detached barns to residential use, including the use of the appeal barn (Barn F) as a garage

serving the appeal dwelling (Barn E). It was identified that the development differs from that approved as a link extension had been constructed between Barns E & F, and Barn E now forms part of the living accommodation rather than a garage serving the dwelling.

The ground (a) appeal / deemed planning application - that planning permission should be granted.

The Inspector identified that the appeal site comprised two barns which form part of a larger complex of buildings known as Brooklands. Several of the buildings in the complex were in residential use and together, and gave the immediate area a more domestic character in an otherwise wider rural setting.

The Council had not taken issue with the effect of the development on the special landscape qualities but rather, the extent of works that had been carried out to Barn F, together with the construction of a link extension. This was considered to amount to substantial reconstruction and alteration of the building, and tantamount to the construction of a new building in the countryside. The design of the alterations relative to the former agricultural appearance of the building also gave Barn F a highly domesticated and urbanised character detrimental to the group of buildings and the wider character of the yard.

The Inspector considered however that the replacement blockwork, the re-cladding of the external walls and re-roofing with black corrugated metal sheets and the insertion of large areas of glazing amounted to more than the replacement of the outer skin of the building. It was recognised that a steel portal frame building was inherently different to a building of traditional construction in terms of the extent of the works that would amount to 'reconstruction', however on balance, the works were considered to be tantamount to reconstruction which did not align with one of the strands of Policy MD11.

The Inspector did not however consider there to be a fundamental conflict and the external appearance of Barn F largely replicated that which previously existed. Planning permission had been granted for the conversion of Barn E to a dwelling and Barn F formed a separate garage serving the dwelling. Whilst it was considered that the addition of fenestration contributed to the domestic appearance of the building, the Inspector did not consider that the alterations and additions had unacceptably harmed or fundamentally altered the character of Barn F and its setting having regard to the planning permission granted and the character of the immediate surroundings.

Having considered advice in the Council's SPG regarding glazed lightweight extensions, the Inspector did not consider this meant that a modest extension of an alternative design and external appearance cannot be acceptable. Furthermore, there was nothing to suggest that extensions to dwellings in the countryside were not acceptable, in principle. Hence, the use of the barn as additional accommodation and modest link extension, did not give rise to any additional harm or result in a materially more domestic or urbanised character than would otherwise have been the case had the appeal barn been utilised for the parking of vehicles in association with the use of Barn E as a dwelling.

It was concluded that even if the development did not fulfil all the aims of Policy MD11, it was not considered that the development offends the Plan overall, the Council's SPG or the guidance in Technical Advice Note 12: Design.

Conclusion

It was therefore concluded that the appeal should succeed on ground (a) and planning permission was granted subject to conditions. The appeal on ground (g) (the compliance period for complying with the notice) did not need to be considered.

(e) April 2023 – March 2024 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	20	5	25	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		20 (80%)	5 (20%)	25	1
Committee Determination		1	1	2	-
Other Planning appeals (inc. appeal against a condition)		2	-	2	
Enforcement Appeals	W	4	1	5	2
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		4	1	5	2
All Appeals (excludes non validation appeals)	W	26	6	32	3
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		26 (81%)	6 (19%)	32	3

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 APRIL, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved

R - Refused

E Split Decision

2023/01226/TPO	A	St. Andrews Major Primary School, St. Andrews Road, Dinas Powys	The new proposal, which we need specific permission for, is to carry out dead wooding to the Austrian Pine trees which fall within the TPO group A3 at the West of St Andrews primary School. I also plan to remove any dangerous branches which overhang both the lane or the school playing field, without unbalancing the tree.
2023/01261/TPO	A	Gardenhurst Resource Centre, Holmesdale Place, Penarth	Removal of 3no Bay trees and 1 no Bay hedge due to active boundary wall displacement. Only 2no trees are the subject of the TPO, being Multi-stem Bay Tree 1 and Multi-stem Bay Tree 2 as identified on the site plan.
2024/00004/TCA	A	Cherry House, Park Road, Barry	Work to Tree(s) in a Conservation Area: Sectioning down and

			removal of one mature Ash tree (T1)
2024/00027/TCA	A	The Old Vicarage, Penmark	Work to Trees in Penmark Conservation Area: Removal of two single stem mature Cherry trees (T1 and T2). Removal of one multi stem Sycamore tree (T3)
2024/00038/TPO	A	Can Yr Onen Cottage, Llandough, Cowbridge	Work to Tree(s) covered by Tree Preservation Order 1991, No. 5 - T1- Ash - Reduce to 3m monolith
2024/00039/TCA	A	The Buffers, Cardiff Road, Cowbridge	Work to Tree in Cowbridge Conservation Area: T1 Ash - reduce end weighted limb by 3m approx
2024/00050/TCA	A	Church Of The Blessed Virgin Mary, Tredogan Road, Penmark	Work to Tree(s) in a Conservation Area: ID no: 001. Likely Failure Point: Branches. Action Needed: Takedown Sycamore growing too close to the church which is weighted towards the church and infected with honey fungus
2024/00053/TPO	A	42, Coleridge Avenue, Penarth	Work to Tree(s) covered by Tree Preservation Order 1994, No. 13 : Large Oak tree in rear garden - Plan to reduce canopy by 3-4 metres
2024/00057/TPO	A	19, Trepit Road, Wick	Work to Tee(s) covered by Tree Preservation Order No.2 1976 : 40% crown reduction of T1 Ash and T3 Sycamore to maintain shape and size within the garden

2024/00058/TCA	A	Old Rosedew House, Colhugh Street, Llantwit Major	Work to Trees within Llantwit Major Conservation Area: Prune trees away from overhead electricity lines
2024/00061/TCA	A	3, Portland Close, Penarth	Work to tree in Penarth Conservation Area: Prune an existing London Plain tree, located in the north- east corner of the grounds
2024/00065/TCA	A	Crossways, 1A, Rectory Road, Penarth	Work to Trees in Penarth Conservation Area: 2x Apple trees, rear r/h corner - Reduce/pollard tallest leader to previous points, and other leaders to match height and shape, retaining all lower growth with some minor pruning
2024/00076/TCA	A	64, Plymouth Road, Penarth	Work to Trees in Penarth Conservation Area: 3 Metre crown reduction of two bay trees in rear garden
2024/00091/TPO	R	The Court House, High Street, Llantwit Major	T1 - 1 x sycamore removal to ground level protected by TPO Order 1977, Number 3
2024/00094/TCA	A	The Court House, High Street, Llantwit Major	T2 removal of ash down to ground level
2024/00095/TCA	A	Quiberon, Redwood Close, Boverton, Llantwit Major	Work to Trees in Boverton Conservation Area: Beech tree to be reduced by 30% and shaped. 2 X additional trees overhanging from Council land (alongside the road to the back of the property) are to be cut back so no longer overhang the applicants property

2024/00099/TPO	A	Fairview, 6, Ringwood Crescent, St. Athan	Work to Trees covered by TPO No.12 of 2005: Remove two black poplars
2024/00110/TCA	R	Maisonette, 32 Clive Place, Penarth	Work to tree within Penarth Conservation Area: Felling of a variegated sycamore (T5)
2024/00113/TPO	A	1, Maes Yr Afon, Llancarfan	Work to Tree(s) in a Conservation Area: Removal of triple stemmed Ash tree.
2024/00127/TCA	A	Geoffrey Ashe Court, Cardiff Road, Cowbridge	Work to Tree(s) in a Conservation Area: Cutting back overgrown trees in garden areas
2024/00144/TCA	A	The Bridge Cafe, Bron Y Mor, Barry	Work to tree in Barry Marine Conservation Area: Prune back Holm Oak tree overhanging property
2024/00146/TPO	A	Ashgrove Cottage, Ashgrove, High Street, Llantwit Major,	To carry out a pollard of the Ash tree (Fraxinus Excelsior)
2024/00151/TCA	A	Barry Athletic Club Ltd, Paget Road, Barry	Work to Trees within Barry Marine Conservation Area: Sectioning down and removal of two mature Poplar trees (T1 and T2).
2024/00152/TCA	A	The Mount, Penmark	Work to Trees in Penmark Conservation Area: Removal of one Ash tree (T1). Reduction to previous reduction points on one Beech tree (T2)
2024/00173/TCA	A	77, Eastgate, Cowbridge	Work to Tree(s) in a Conservation Area: Reduction of Birch tree in rear garden by 20% whilst retaining a good shape

2024/00186/TCA	A	39, Bron Awelon, Barry	Work to Tree(s) in a Conservation Area : Ash tree in garden signs of Ash die back and has recommended pollard to remove danger of falling deadwood and debris
2024/00188/TCA	A	Flemingston Grange, Flemingston	Work to Tree(s) in a Conservation Area: T1 - Reduction will create a more compact tree. T2, 3, 4, 5 and 6 - Mostly self sown trees with poor habit. Owners wish to repair boundary and plant more sustainable planting scheme
2024/00189/TCA	A	9, Westbourne Road, Penarth	Work to Tree(s) in a Conservation Area : T1 - Stands alongside boundary wall with no space to develop without causing damage. T2, 3 and 4 - Relandscaping taking place.
2024/00190/TCA	A	17, Church Avenue, Penarth	Work to Tree(s) in a Conservation Area : T1 - Beech - reduce crown by 25%
2024/00201/TCA	R	London House, 89, Eastgate, Cowbridge	Work to Tree(s) in a Conservation Area: Removal of scyamore - marked T1
2024/00236/TCA	A	Gardenhurst Resource Centre, Holmesdale Place, Penarth	Removal of 1 Multi-stemmed bay tree and one bay hedge

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 April 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

ENFORCEMENT ACTION

LAND AND BUILDINGS AT PENRHIW HOUSE, THE DOWNS, ST. NICHOLAS

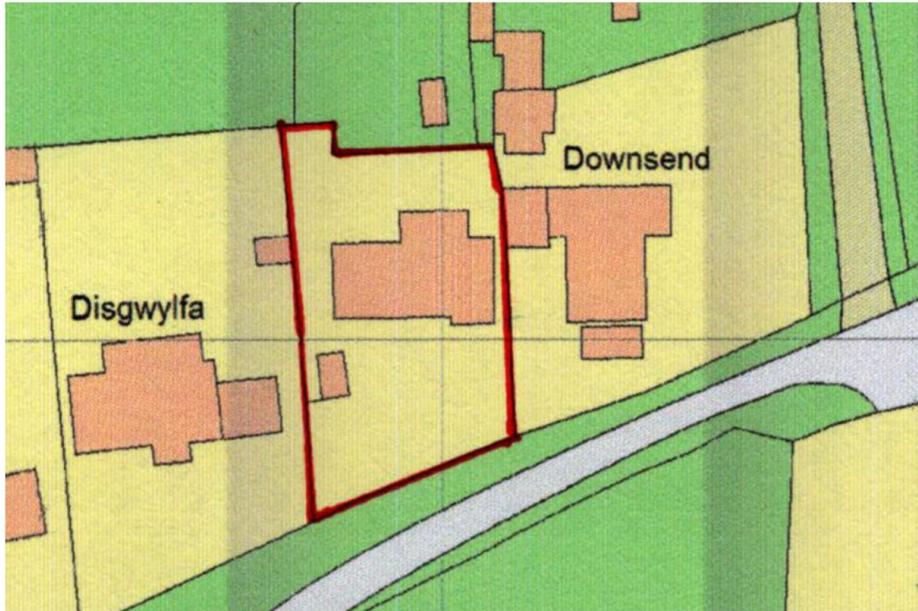
EXECUTIVE SUMMARY

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the extensions and alterations made to the front of Penrhiw House, which differ significantly from the plans approved under application ref: 2022/00522/FUL. The principal issue is the fact the extensions as built are disproportionate in size and scale to the dormer bungalow and do not respond appropriately to the character or visual amenity of the dwelling or surroundings.

The report therefore recommends that an enforcement notice is issued to require the reduction in the height and depth of the two-storey front extension, to the scale approved by 2022/00522/FUL. Enforcement action is also recommended to require that the first-floor extension is removed, and the pitched roof is reinstated, in addition to the construction of either the flat roof dormer approved under application ref: 2022/00522/FUL, or the original pitched roof dormers. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

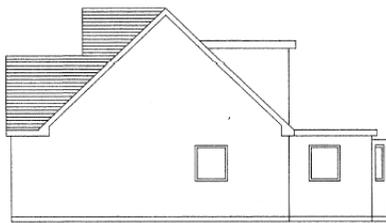
Background & Site Description

1. A complaint was received by the Local Planning Authority on 11th September 2023, alleging that the alterations and extensions made to the front of the property had not been constructed in accordance with the details approved under application ref: 2022/00522/FUL, at Penrhiw House, The Downs, St. Nicholas.
2. Penrhiw House was originally a dormer bungalow, located in the countryside as identified by the Vale of Glamorgan adopted Local Development Plan. The property is sited along Grant's Field and is located to the west of Culverhouse Cross. The site falls within the North of Wenvoe Green Wedge and within the Dyffryn Basin and Ridge Slopes Special Landscape Area and is safeguarded for Minerals (Limestone – including dolomite). An extract from the site location plan submitted for 2022/00522/FUL is shown below:

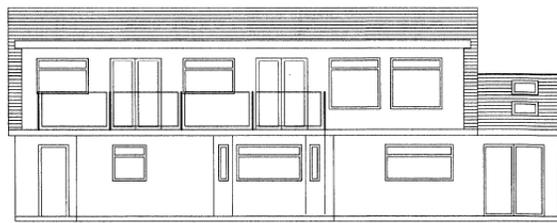


- Existing plans and photographs of the house, prior to undertaking the unauthorised works are included below.

Penrhiw House prior to being extended or altered.



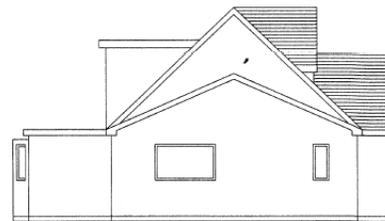
Existing side elevation



Existing rear elevation



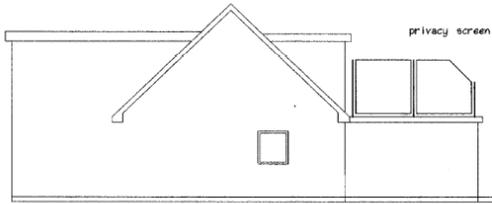
Existing front elevation



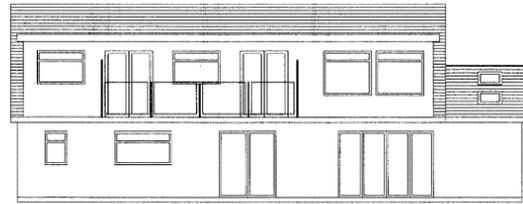
Existing side elevation



Approved Elevations 2022/00522/FUL



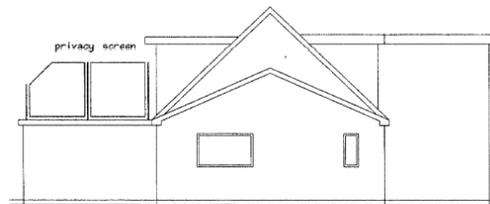
Proposed side elevation



Proposed rear elevation as approved



Proposed front elevation



Proposed side elevation

Photos of Front Elevation, as built.



Details of the Breach

4. The height of the two-storey front extension has been increased by approximately 1m, to match the ridge of the dwelling at approximately 6.4m high. The depth of the extension has also been increased from 3.3m to approximately 4.06m. It was also noted that the dormer has been built considerably larger, as it is now flush with the front elevation of the ground

floor and extends up to the ridge of the house. As such the dormer is no longer set into the roof (in terms of being set-down from the ridge height and up from the eaves of the dwelling) and is regarded as a first-floor front extension. The Juliet balconies in the front of what should have been the dormer have also been replaced with floor to ceiling windows. The openings in the front of the two-storey extension are also larger as a result of the increased height and the original roof of the dwelling is no longer visible from the front.

Action Pursued to Date

5. Following receipt of the complaint, a site visit was made with the owner present, on 14th September 2023, where the extensions as built were considered against the details approved by 2022/00522/FUL. It was clear that the works undertaken did not accord with the approved scheme and it was considered that by virtue of the increased bulk, height, and boxed form, the front extensions as built have resulted in unacceptable visual and neighbour impacts. The owner's agent was subsequently informed of this position in an email on Tuesday 19th September 2023.
6. The owner responded on 19th September 2023, justifying the reasoning behind the variations and highlighted the lack of consistency in terms of building heights and styles at other neighbouring properties in The Downs. The owner continued to provide justification of the variations in email correspondence that followed and confirmed that they were not in a position to remedy the breach.
7. The owner confirmed in an email dated 2nd October 2023 that it was their intention to apply for planning permission, to retrospectively regularise the extensions as built. However, given that it was considered that such an application was unlikely to be supported, the owner was advised against this course of action and informed again that it was likely to be considered expedient to issue an enforcement notice to require the approved scheme to be implemented and for the breach to be remedied. The owner has not provided any further indication of how he intends to remedy the situation and no further action has been pursued to date.

Planning History

8. The site benefits from the following planning history:

2013/00606/1/CD, Address: Penrhiw Bungalow, Grants Field. The Downs, St. Nicholas, Proposal: Discharge of Condition 3 - Details of balcony screens. Planning permission ref. 2013/00606/FUL: Retrospective planning for a side extension to my house, and planning approval for a loft conversion; side extension work complete, but loft conversion not started, Decision: Approved.

2013/00606/FUL, Address: Penrhiw Bungalow, The Downs, St. Nicholas, Proposal: Retrospective planning for a side extension to my house, and

planning approval for a loft conversion; side extension work complete, but loft conversion not started., Decision: Approved.

2021/00901/FUL, Address: Penrhiw Bungalow, Grants Field, The Downs, St Nicholas, Cardiff, CF5 6SB, Proposal: Rear single storey flat roof extension, (with balcony over), proposed two storey front extension to gable bay, demolish existing garage and construct new summer house on site, Decision: Approved.

2022/00522/FUL, Address: Penrhiw Bungalow, Grants Field, The Downs, St Nicholas, Cardiff, CF5 6SB, Proposal: Proposed two storey front bay extension and existing front dormer remodelling to match proposed extension. Existing garage and shed to be demolished and replaced with new summer house, Decision: Approved.

Policy

Local Development Plan:

9. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS

POLICY MG18 – GREEN WEDGES

POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD9 – PROMOTING BIODIVERSITY

POLICY MD12 - DWELLINGS IN THE COUNTRYSIDE

Future Wales: The National Plan 2040:

10. 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.

Planning Policy Wales:

11. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.

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, the Covid-19 Pandemic and Building Better Places, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas
- Managing Settlement Form – Green Belts and Green Wedges

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Design in the Landscape
- Minerals Safeguarding (2018)
- Residential and Householder Development (2018)

8.7.1 Extensions to the front of properties will usually be prominent in the street scene and therefore require careful design, particularly in terms of scale and massing.

8.7.2 Key principles:

- i. Established building lines should be respected.*
- ii. Two storey developments will in many cases not be acceptable; however, this will depend on the context of the site.*

- iii. *Where a single storey extension or a porch is proposed, it should be of an appropriate form, scale and location that responds to the character of the existing house and other development within the street scene.*
- iv. *The scale of new development should be proportionate to that of the original property.*
- v. *Original features on front elevations (e.g., bay windows) should be retained.*

8.10 Roof form

8.10.1 Generally, proposals that involve major changes to the existing roof (e.g., raising the ridge or eaves, or extensions to the roof) will potentially have a big impact on the appearance of the property and can cause harm in a street with a consistent street scene.

- (iv) *Flat roof extensions are generally not supported, unless they form part of a high-quality contemporary design. Much will depend on the architectural style of the original building and the form of new development.*

- Sustainable Development - A Developer's Guide

Welsh National Marine Plan:

14. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

15. 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.

Reasons for Serving an Enforcement Notice

16. National planning guidance advises that when deciding whether to take enforcement action, the decisive issue for the Council should be whether the unauthorised development would have unacceptable effect on public amenity or the existing use of land and buildings meriting protection in the public interest. In all cases, the Council is required to consider the expediency of taking enforcement action and action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
17. The principal issue to consider when identifying whether it is expedient to issue a planning enforcement notice in this case include the visual impact of the extensions upon the character and visual amenity of the dwellinghouse and surroundings. Given the divergence from the approved plans, the impact of the front extensions on the residential amenity of adjoining neighbours will also be considered.

Visual Impact

18. Criterion 1 of Policy MD2 (Design of New Development) of the Vale of Glamorgan Adopted LDP states that development proposals should “be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest”. Furthermore, Policy MD12 (Dwellings in the Countryside) states that extensions to dwellings in the countryside will be permitted if the dwelling as extended “is not disproportionate in size to the original dwelling” and “would not unacceptably affect the character of the existing dwelling and its contribution to rural character”.
19. The extensions to the front have fundamentally altered the character of the property. The two-storey extension is around 1m higher than approved, as it has been constructed up to approximately 6.4m in height, to meet the ridge of the bungalow. It is also approximately 0.8m deeper than approved, at around 4.1m deep, instead of 3.3m. Furthermore, the dormer has been constructed as a first-floor flat roof extension, given that it now extends up to the ridge and is flush with the front elevation at the ground floor. This has resulted in the loss of the original eaves and pitched roof, as it has created an almost continuous flat roof at the front of the house, apart from a small ground floor kitchen section on the west side of the house that remains.
20. The increased bulk and height of the extensions, as well as its boxed form, is considered to be completely disproportionate to the size and design of the original dormer bungalow, contrary to Policy MD12 of the LDP. Moreover, the Council’s Supplementary Planning Guidance (SPG) for ‘Residential and Householder Development’ 2018, also notes that major changes to the existing roof form can cause harm to the character and appearance of a property. Part 8.10.2 (iv) of the SPG also highlights that:
“Flat roof extensions are generally not supported, unless they form part of a high-quality contemporary design. Much will depend on the architectural style of the original building and the form of new development.”

21. While it is acknowledged that the proposal approved by 2022/00522/FUL included a flat roof dormer and two storey front extension that would have altered the appearance of the dwelling, it was considered that these extensions would have been proportionate to the dormer bungalow and would not have significantly harmed the character of the rural dwelling by virtue of being smaller in size and appearing subordinate to the bulk of the original house. Despite examples of contemporary builds and two-storey dwellings nearby, the extensions in this case are no longer considered subservient in scale, to the point that they now dominate the front elevation of the house and have resulted in an irreparable loss of character should the extensions be retained in their current form.
22. Consequently, the fact the house now has an almost completely boxed form at the front and that the extensions are considered disproportionate to the house, means the development as built fails to accord with Policies MD2 and MD12 of the LDP, as well as the Residential and Householder Development SPG (2018). Therefore, the extensions and alterations made to the front of Penrhiw House as built are considered to have an unacceptable visual impact and, on that basis, it is considered expedient to pursue enforcement action.

Impact upon Residential Amenity

23. Criterion 8 of Policy MD2 (Design of New Development) requires that new development proposals “safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance”. The main impact of the extension is on the occupiers of the neighbouring property adjoining the east side, Downsend. It was noted in the officer delegated report for 2022/00522/FUL, that the flat roof design of the two-storey extension to the front would have resulted in more massing along the boundary with Downsend. However, due to the distance away from the adjacent property, together with the height of approximately 5.4m, it was considered that the extension would not unacceptably impede the outlook and natural light available to this neighbour.
24. Whilst the extension as built is the same distance away, it is now approximately 6.4m in height. This additional 1m for the full increased depth of the extension is considered to have resulted in an overbearing impact on this neighbour and has reduced the amount of light and outlook. It is acknowledged that the majority of impact is on the driveway and side of Downsend. However, the loss of outlook and light from the windows in the side elevation of this neighbour in addition to the overbearing impact to the side is still considered to have had an unacceptable impact on the residential amenity of Downsend. Therefore, the extension as built fails to accord with Policy MD2 of the LDP. This impact is illustrated by the photographs inserted below, which are taken from the driveway of Downsend, looking towards the side of the unauthorised extension.



25. Despite the impact on Downsend, due to the distance away from the boundary, the extensions have not resulted in a materially different impact on the neighbour adjoining the west side. The only unacceptable impact is on the occupiers of Downsend and as such, it is considered expedient to take enforcement action on that basis.

Conclusions

26. It is considered that by virtue of the increased height and overall bulk of the two storey and first floor front extensions, the massing of development to the front of the house has significantly increased. As a result, the extensions and alterations made to the front of Penrhiw House are considered disproportionate in scale and have not responded appropriately to the context or character of the original dormer bungalow or the site surroundings. Consequently, the extensions and alterations made to the front of the dwelling are considered to have an unacceptable visual impact and fail to accord with

Polices MD2 and MD12 of the Adopted LDP, as well as the Residential and Householder Development SPG (2018).

27. The increased height and depth of the two-storey front extension on the east side of the house has also resulted in an unacceptable loss of outlook and light to the occupiers of the adjoining property, Downsend, as well as having an overbearing impact on this neighbour. Therefore, the extensions as built and alterations made to the front of Penrhiw House have failed to safeguard the residential amenity of the adjoining neighbour to the east, contrary to criterion 8 of Policy MD2 of the Adopted LDP.
28. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action to require the two-storey extension to be reduced in height and depth, to comply with the plans approved under application ref: 2022/00522/FUL and for the first-floor extension to be removed and replaced with the pitched roof together with either the approved flat roof dormer, or two reconstructed pitched dormer(s), matching the appearance of the original design.
29. It is considered that the decision would comply 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.

Resource Implications (Financial and Employment)

30. Any costs involved in drafting and issuing Notices, attending enquiries, and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

31. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
32. Notwithstanding this, the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed.
33. In view of the conclusions reached in respect of the extensions and alterations made to the front of Penrhiw House without planning permission, which are considered to adversely affect the character and visual amenity of the property and surroundings, as well as having a detrimental impact on the residential amenity of the adjoining neighbouring property to the east side, the actions proposed are considered to be in the public's interest and outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

34. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Carry out appropriate alterations to the existing development so as to fully accord with the scheme approved under planning application ref: 2022/00522/FUL; or
 - (ii) Permanently demolish and remove the front extensions and reconstruct the dwelling as it appeared prior to the commencement of the unauthorised developmentand
 - (iii) Permanently remove from the land all of the demolition and construction waste materials resulting from the taking of steps (i) or (ii) above.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting of operational development – the two-storey flat roof front extension and first floor flat roof extension to the front of the property, have occurred within the last 4 years.
- (2) The development has been undertaken to a residential property sited in the countryside, between two neighbouring properties. New development should respond appropriately to the context and character of the original dwelling as well as the surrounding environs. New development should also be designed to safeguard the residential amenity of neighbouring properties. By virtue of the approximately 6.4m height, increased depth, and boxed form of the two storey and first floor front extensions, the massing towards the front of the dwellinghouse has significantly increased. As a result, the extensions to the front of the dwellinghouse are considered disproportionate in scale and do not respond appropriately to the context or character of the original dormer bungalow or the site surroundings. Consequently, the extensions as built are considered to have had an unacceptable visual impact and fail to accord with Policies MD2 and MD12 of the Adopted LDP, as well as the Residential and Householder Development SPG (2018).
- (3) It is also considered that the increased height and depth of the two-storey front extension on the east side of the house has resulted in an unacceptable loss

of outlook and light, as well as having an overbearing impact on the adjoining neighbour to the east, Downsend. Therefore, the extensions as built have failed to safeguard the residential amenity of the occupiers of the adjoining property to the east, contrary to criterion 8 of Policy MD2 of the LDP.

- (4) 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.

Background Papers

Enforcement File Ref: ENF/2023/0282/CLL

Contact Officer - Mr. Marc Stephens, Tel: 01446 706185

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 April 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

ENFORCEMENT ACTION

LAND AND BUILDINGS AT 6, WIMBOURNE CLOSE, LLANTWIT MAJOR, CF61 1QW

EXECUTIVE SUMMARY

This report seeks authorisation to serve an enforcement notice in relation to a two-storey extension and flat roof dormer that have been constructed to the rear of 6, Wimbourne Close, Llantwit Major, without planning permission. While the extension to the side of the property and alterations to the front elevation and roof have now been regularised under application ref: 2023/00889/FUL, the two-storey rear extension is considered overly large and disproportionate in form and scale to the host pair of semi-detached dwellings.

Aside from the visual impact, it is considered that the two-storey rear extension has an overbearing impact on the neighbours adjoining either side and has reduced the outlook and daylight available to the occupiers of no.8, Wimbourne Close. It is therefore also considered expedient to serve an enforcement notice as the development has failed to safeguard residential amenity. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

1. A complaint was received by the Local Planning Authority on 14th June 2023, regarding extensions that had been erected at 6, Wimbourne Close, Llantwit Major, CF61 1QW. Extensions to the property were originally approved under planning application ref: 2021/00893/FUL. However, what has been constructed does not accord with the approved details.
2. Number 6, Wimbourne Close is a semi-detached, two storey dwelling located within a street scene of similarly designed and scaled dwellings. In policy terms, the dwelling is located within the Settlement Boundary of Llantwit Major. A site location plan is shown below.



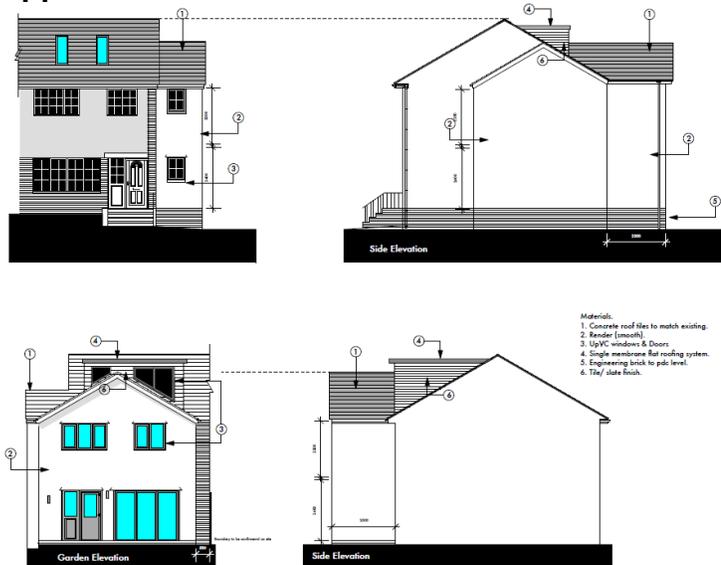
Details of the Breach

3. Following an initial site inspection, it was noted that the extensions as built do not reflect what was approved on 15th September 2021 by 2021/00893/FUL. The 2021 application sought permission for the demolition of the existing external garage and the construction of a two-storey side extension, as well as a two-storey extension and flat roof dormer to the rear. The proposed side extension as approved measured approximately 1.8m wide, around 7.4m to the ridge and was built to approximately the same eaves height as the existing house. It would also have been set back from the front elevation of the house by approximately 2.8 - 3m. The rear extension would have projected beyond the rear elevation of the house by approximately 2.5m and would have been around 6.2m wide with a gable roof. The flat roof dormer would have been set into the original roof of the property, above the ridge of the rear extension. Existing and proposed plans as approved under 2021/00893/FUL are included below.

Existing Plans - 2021/00893/FUL



Approved Plans - 2021/00893/FUL



4. The extensions as built materially differ from the approved plans referenced above. To the rear, the two-storey extension has been built with a flat roof that exceeds the eaves height of the dwelling. The extension is also approximately 3.4m deep, which is almost 1m deeper than approved. The extension now directly adjoins the boundary with no.8 Wimbourne Close, whereas to accord with the approved plans it should be set off by at least 0.5m. The flat roof dormer also exceeds the height of the ridge by around 10 – 20cm and also extends onto the roof of the two-storey extension.
5. There have been changes to the fenestration of the two-storey side extension, which, along with the front elevation of the house, has been finished in grey cladding instead of render at the first floor. One single roof light has also been

inserted in the front facing roof slope, as opposed to the two narrow roof lights originally approved. However, these variations have now been regularised by a more recently planning application ref:2023/00889/FUL and the only breach that remains relates to the rear extension and dormer. Photos of the extensions as built are included below.

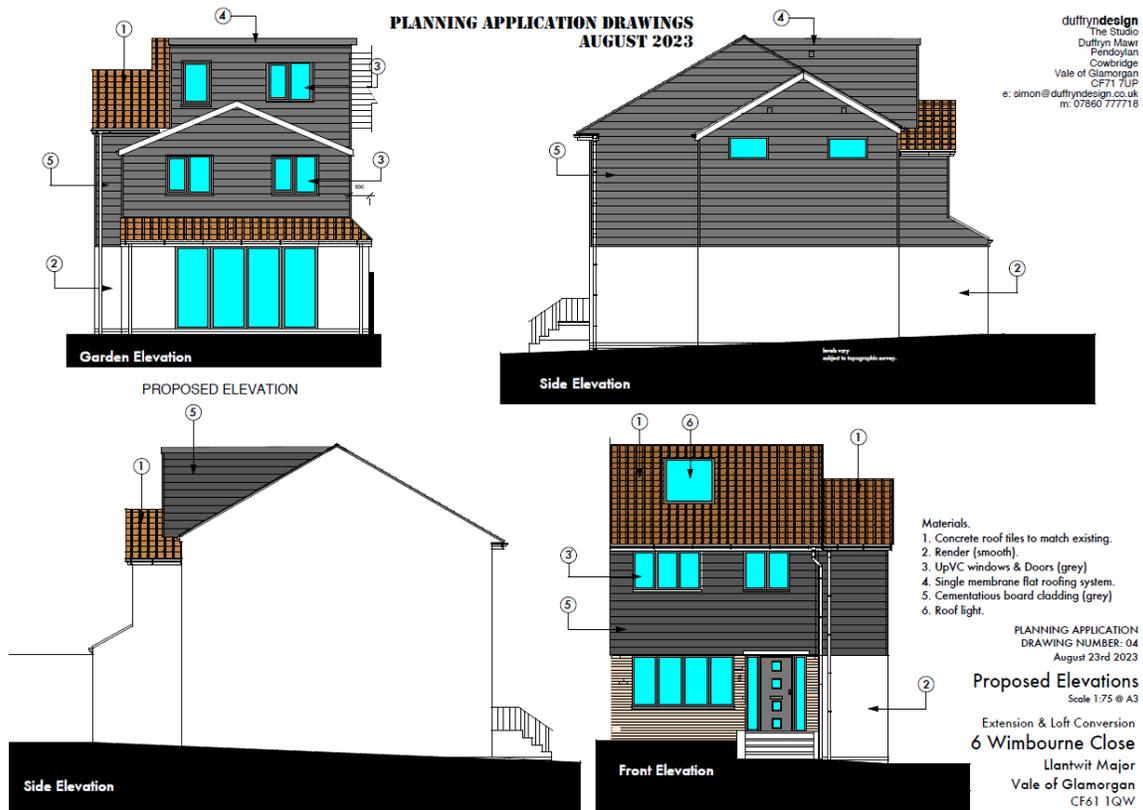




Action Pursued to Date

6. Following receipt of the complaint, an initial site visit took place on 21st June 2023. Given the extent of the divergence from the details approved by condition 2 of 2021/00893/FUL, the owner was contacted by email following the visit and informed that the extensions and alterations to the property as built did not benefit from planning permission. In the email to the homeowner dated 27th June 2023, they were advised to cease all building work immediately while the Council arranged to visit the neighbouring properties separately, to assess the impact of the rear extension in particular, on residential amenity.
7. A second site visit was made to the adjoining neighbouring properties on 28th June 2023. The homeowner was contacted the next day on 29th June 2023 and informed that officers did not consider the neighbour or visual impacts of the two-storey rear extension to be acceptable. The owner was informed that based on the unacceptable impact, the extension and dormer to the rear would need to be reduced in size and changed to accord with the plans approved by application ref:2021/00893/FUL, or alternatively an amended set of proposed plans would need to be submitted for consideration.
8. The owner confirmed that they would prefer to submit amended plans and an application was received and subsequently approved on 4th October 2023 (app ref: 2023/00889/FUL). The newly approved plans are included below.

Approved Elevations - 2023/00889/FUL



9. Whilst the implementation and completion of the approved amended scheme would regularise the current position, the owner has not provided any guarantee as to when the required works will be completed. It is therefore considered that it would be expedient to issue an enforcement notice to require the amendment of the development to accord with the newly approved scheme and to prevent the unacceptable extension as built, from becoming lawful.

Planning History

10. 2021/00893/FUL, Location: 6, Wimbourne Close, Llantwit Major, Proposal: Demolition of existing garage and the erection of a two storey extension to the side and rear of the dwelling as well as an attic conversion and the insertion of dormers to the front and rear, Decision: Approved.
11. 2023/00889/FUL, Location: 6, Wimbourne Close, Llantwit Major, Proposal: Two storey extension to rear and side of dwelling. Attic conversion with rear dormer. Associated external alterations, Decision: Approved.

Policy

Local Development Plan:

12. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

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:

13. 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.

Planning Policy Wales:

14. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.
15. 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.
16. The following chapters and sections are of particular relevance in the assessment of this planning application:
17. 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)
18. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places

Technical Advice Notes:

19. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

20. 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)
 - Residential and Householder Development (2018)

8.5 Siting, Scale and Massing

- 8.5.1. *“You must ensure that the scale and massing of a new development is appropriate when compared to the original property and its context. It is important to ensure that new extensions are proportionate in their scale to the existing property.”*

8.9 Rear Extensions

8.9.1. *“Generally, extensions to the rear of existing houses are less visible within the street scene. These may, however, be visible from a side street, rear lane or noticeable due to the topography of the site and its context or from gaps between houses.”*

8.9.2. Key principles:

- i. *“The scale of new extensions should be proportionate and not dominate the existing house.”*
- ii. *“The impact on neighbours should be minimised.”*

8.10.2 Key principles:

- i. *“Where there is a strong, prevailing roof form on buildings in the area, this should be replicated in new development. Proposals that depart from the prevailing character of residential development will be resisted where they would be harmful to the street scene”*
- iv. *“Flat roof extensions are generally not supported, unless they form part of a high quality contemporary design. Much will depend on the architectural style of the original building and the form of new development”*

Welsh National Marine Plan:

21. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

22. 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.

Reasons for Serving an Enforcement Notice

23. National planning guidance advises that when deciding whether to take enforcement action, the decisive issue for the Council should be whether the unauthorised development would have unacceptable effect on public amenity or the existing use of land and buildings meriting protection in the public interest. In all cases, the Council is required to consider the expediency of taking enforcement action and action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
24. The principal issue to consider when identifying whether it is expedient or not to serve a planning enforcement notice in this case include the visual impact of the extensions and alterations made to the dwellinghouse without planning permission and the wider impact they have on the visual amenity of the street scene. The other fundamental issue to consider are the impacts of the extensions and alterations upon the residential amenity of adjoining neighbours.

Visual Impact

25. Criterion 1 of Policy MD2 (Design of New Development) of the Vale of Glamorgan Adopted LDP states that development proposals should "*be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest*". Furthermore, criterion 3 of Policy MD5 (Development Within Settlement Boundaries) requires that new development "*is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality*".

26. Furthermore, the Council's SPG on Residential and Householder Development (2018), states under paragraph 8.5.1 that it is important to *"ensure that the scale and massing of a new development is appropriate when compared to the original property and its context. It is important to ensure that new extensions are proportionate in their scale to the existing property."* The SPG also highlights that flat roof extensions are generally not supported and that due consideration of the style of the original building and the form of the proposed development is required.
27. The current two-storey extension to the rear is approximately 3.4m deep and given the increased depth, that it exceeds the height of the eaves, and has a flat roof, it is considered overly large and disproportionate to the existing semi-detached pair of dwellings. Despite being located to the rear, the extension is highly visible from Tresilian Close, particularly to anyone entering the street from Seaview Park. The boxed form exacerbates the unacceptable impact, as it fails to replicate the pitched roof form of the original house and nor is it considered to respond appropriately to the character of neighbouring dwellings. Therefore, the two-storey flat roof extension to the rear fails to accord with both Policies MD2 and MD5 of the Adopted LDP, as well as the design guidance contained within the Council's SPG on Residential and Householder Development (2018).
28. In terms of the dormer, it is considerably larger than approved in 2021. Albeit a larger dormer has now been approved under application ref: 2023/00889/FUL, subject to the cheek of the current dormer being moved off the boundary with no.8 by around 0.5m, so that it sits directly behind the approved two-storey extension as amended by the 2023 consent. Whilst the dormer would still sit partially on top of the roof of the rear extension, it would be set around 1m back from the edge of the roof at the gable end facing the rear. The height of the newly approved dormer is also shown to be reduced so that it no longer protrudes above the ridge tiles. The section relating to the dormer from the officer's report is included below.
29. *"Regarding the addition of a rear dormer, whilst there are glimpsed views of this element, it is deemed that the dormer causes negligible impact within the visual impact of the proposal, as the proposal is considered to be of an acceptable scale and not negatively impact the wider character of the street scene. Additionally, whilst it is noted that the rear dormer is not set down from the ridge height, or set up from the eaves, the proposed dormer would be set in from the western side elevation of the dwelling by approximately 2m and consequently the proposal is considered to be of an appropriate scale in order to not be overly dominant and therefore is considered to comply with policies MD2 and MD5 and advice contained within the Residential and Householder Development SPG. Additionally, whilst the dormer would project past the existing rear building line, the dormer would be set approximately 1m back from the rear extension and consequently, on balance the rear dormer is considered acceptable. It should also be noted that the ridge height and eaves height of the dwelling remains unaltered."*

30. Therefore, whilst a larger dormer than approved in 2021 has been deemed acceptable, this will be subject to alterations that will enable the finished dormer to accord with the details approved under application ref: 2023/00889/FUL.

Neighbour Impacts

31. Criterion 8 of Policy MD2 (Design of New Development) requires new development proposals to “*safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance*”. The impacts on the amenity of the adjoining neighbours are assessed below.

8 Wimbourne Close

32. By virtue of the increased depth of approximately 3.4m from the rear elevation and the fact it is no longer set off the boundary, the two-storey rear extension is considered to have an overbearing impact on the rear garden of 8, Wimbourne Close and also restricts the amount of natural daylight that is able to enter the first and ground floor windows in the rear elevation of this neighbour. Given the depth and two storey height of the extension that now sits on the boundary, it has also enclosed the outlook, particularly from this neighbour’s first floor bedroom and ground floor dining room windows. The photograph below helps to illustrate the degree to which the extension now dominates the boundary and dwarfs no.8, having an unacceptable impact on the residential amenity of the occupiers of 8, Wimbourne Close.



33. It is noted that the current occupant of no.8 has not raised any objections to the extension and has consented to the extension being built on the party boundary. However, the Council must carry out an objective assessment, taking into consideration the amenity of future occupiers. Therefore, based on the above-mentioned impacts, it is considered that the two-storey rear extension fails to safeguard the residential amenity of no.8.

4, Wimbourne Close

34. At the closest point, the two-storey rear extension as built is set off the boundary with no.4 by approximately 0.5m. However, despite being sited away from the boundary, the extension is built at a higher level to this neighbour. This relationship, together with the almost 1m increase in depth is considered to have resulted in the extension having an unacceptably overbearing impact on the rear garden of no.4. This again is illustrated by the photographs below, taken from within this neighbour's rear garden.



35. In terms of the impact on the neighbour to the rear (18, Tresilian Close), despite the increased depth, the rear extension is still sited a sufficient distance away from the boundary (over approximately 10.5m) and is not considered to have had any unacceptable impact on the amenity of this neighbour. This is also considered the case in terms of overlooking as while the first and second floor windows in the rear elevation of the extension and dormer are now closer to this neighbour, the degree of overlooking is still deemed acceptable on balance. Nevertheless, it is considered that given the detrimental impacts on the residential amenity of the occupants of the neighbouring properties adjoining either side (nos. 4 and 8, Wimbourne Close), it is considered that the two-storey rear extension as built fails to accord with criterion 8 of Policy MD2 as well as the associated SPG on Residential and Householder Development (2018).

Conclusions

36. It is considered that by virtue of the increased depth and footprint together with the flat roof and resultant boxed form, that the two-storey extension to the rear of 6, Wimbourne Close fails to respond appropriately to the character of the property and neighbouring dwellings and is considered to be disproportionate in scale and form to the semi-detached pair of dwellings. The visual impact on the surroundings is exacerbated by the fact the extension to the rear is highly visible from the street. The current flat roof dormer is also considered to have a harmful visual impact by virtue of its size and the fact it is visible above the ridge of the house. Therefore, it is considered that the current rear extension and dormer have an unacceptable visual impact and fail to accord with Policies MD2 and MD5 of the Adopted LDP, as well as the associated SPG on Residential and Householder Development (2018).
37. The increased depth of the two-storey rear extension together with the fact that it now directly adjoins the boundary with no.8 means that it is considered to have an overbearing impact, overshadow, and reduce the outlook enjoyed by the occupier of this property. Furthermore, the increased depth has also resulted in the two-storey rear extension having an overbearing impact on the rear garden serving the occupants of no.4, Wimbourne Close. On that basis, the extension is considered to have had a materially harmful impact on the residential amenity of adjoining neighbours and therefore also fails to comply with Policy MD2 of the LDP and the Residential and Householder Development SPG in that regard.
38. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action to require the plans approved under application ref: 2023/00889/FUL to be implemented.
39. It is considered that the decision would comply 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.

Resource Implications (Financial and Employment)

40. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

41. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
42. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

43. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) Carry out appropriate alterations to the existing development so as to fully accord with the scheme approved under planning application ref: 2023/00889/FUL; or
 - (ii) Permanently demolish and remove the rear extension and dormer and reconstruct the dwelling as it appeared prior to the commencement of the unauthorised development

and
 - (iii) Permanently remove from the land all of the demolition and construction waste materials resulting from the taking of steps (i) or (ii) above.
- (2) In the event of noncompliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting of operational development – the two-storey flat roof extension and flat roof dormer to the rear of the property have occurred within the last 4 years.
- (2) By virtue of the increased depth, flat roof that exceeds the height of the eaves to the rear, and the resultant boxed form, it is considered that the two-storey extension to the rear of 6, Wimbourne Close fails to respond appropriately to the character of the property and neighbouring dwellings and is considered to be disproportionate in scale and form to the semi-detached pair of dwellings. The visual impact on the surroundings is exacerbated by the fact the extension is highly visible from the street. The current flat roof dormer is also considered to have a harmful visual impact by virtue of its size and the fact it is visible above the ridge of the house. Therefore, it is considered that the current rear extension and dormer have an unacceptable visual impact and fail to accord with Policies MD2 and MD5 of the Adopted LDP, as well as the associated SPG on Residential and Householder Development (2018).
- (3) The increased depth of the two-storey rear extension together with the fact that it now directly adjoins the boundary with no.8 means that it is also considered to have an overbearing impact, overshadow, and reduce the outlook of the occupier of 8, Wimbourne Close. Furthermore, the increased depth has also resulted in the two-storey rear extension having an overbearing impact on the rear garden serving the occupants of no.4, Wimbourne Close.

On that basis, the extension is considered to have had a materially harmful impact on the residential amenity of the adjoining neighbours either side and therefore fails to comply with Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development in that regard.

- (4) 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.

Background Papers

Enforcement File Ref: ENF/2023/0186/PC

Contact Officer - Mr. Marc Stephens, Tel: 01446 706185

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **25 April 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

ENFORCEMENT ACTION

LAND AND BUILDINGS AT ORCHARD DENE, WELSH ST DONATS, CF71 7SS

Executive Summary

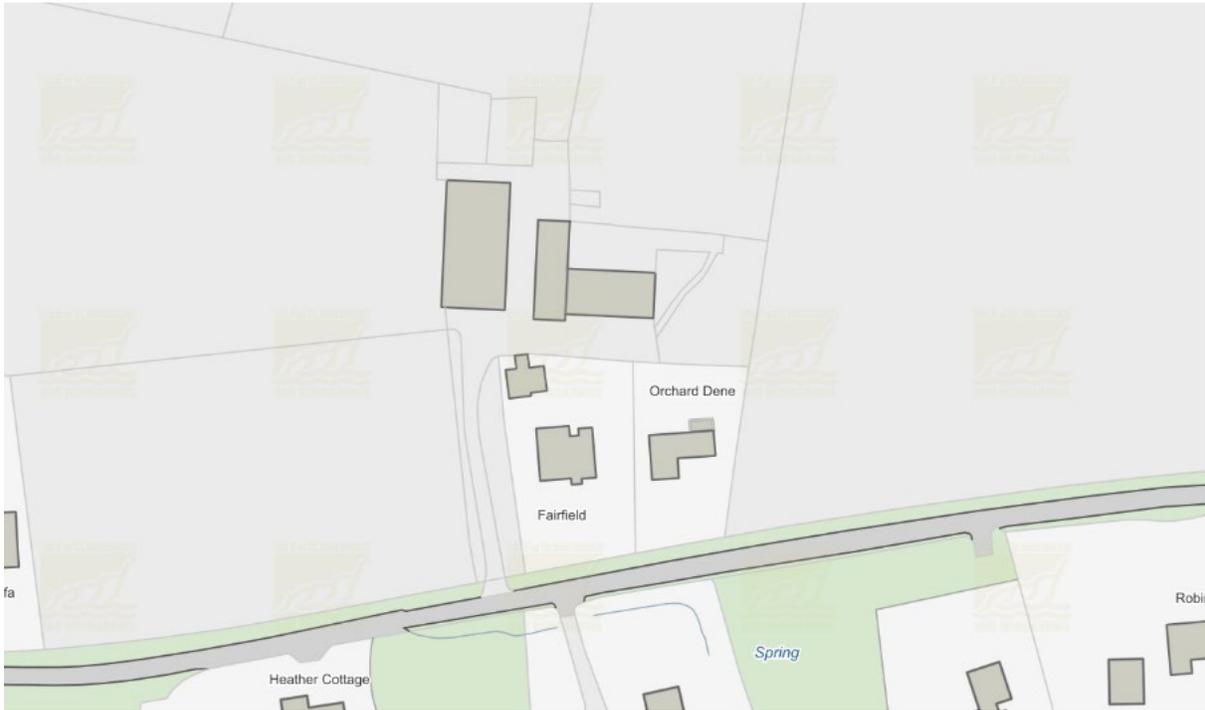
This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a new building erected to the rear of Orchard Dene, Welsh St Donats. The building in question is located in the open countryside and due to its design, appearance and the materials used, is considered to constitute the construction of a new building.

This report recommends that as the building is not considered to be a renovation of a previously existing rural building and is not considered to be justified for agricultural purposes, an Enforcement Notice is issued requiring its demolition. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

1. A complaint was received by the Local Planning Authority on 8 December 2023, regarding the construction of a new building at Orchard Dene, Welsh St Donats, CF71 7SS.
2. The site is situated in the open countryside, included within the Ely Valley and Ridge Slopes Special Landscape Area (SLA). Whilst the site is located in the rural village of Welsh St Donats, the nearest sustainable settlements identified by the Vale of Glamorgan LDP are Aberthin and Cowbridge, which are both located over 1.5 miles away, via country lanes and the A48. The site is also located within a mineral safeguarding area for limestone Category 2.
3. The building in question is claimed by the landowner's representative to be a renovation of a previously constructed agricultural building, situated north of the bungalow known as Orchard Dene. Without any previous planning history relating to the previous agricultural building, it is assumed that the building was part of the original farm, predating 1st January 2001 shown on satellite imagery. The new building is located to the east of another agricultural building that has previously been renovated.
4. The site is identified on the map below, in addition to photographs of the new building, taken on 17th July 2024. As can be seen from a comparison between

the site map and photographs of the new building, this has been constructed in a similar location as the previous agricultural building, however it would appear that none of the previous building remains.







Details of the Breach

5. Following an initial site inspection, it was noted that a new building had been erected in the countryside, at the rear of a property called Orchard Dene. The new building is situated next to another agricultural building that has recently been renovated, however there is no planning history relating to any of these works. The use of the other building has been confirmed as for agriculture, general storage and as a stable. From satellite imagery, it appears that the works on that building took place between 28th May 2020 and 3rd June 2021 and whilst there is no definite date as to when these works were completed, there is internal evidence of the former building still remaining at the site.
6. Due to the character and style of the works undertaken to the new building, the building appears residential in character and during one site visit which was attended by a representative of the landowner, a possible intention to convert the building to a holiday let in the future was suggested. Despite a suggestion by the landowner's representative that there may be evidence of the former agricultural building, no evidence has been provided to indicate that any original elements of the previous building have been retained. Therefore, due to the extensive internal and external new buildings works, it is considered that the building is substantially a new building and would not be considered a renovation. Additionally, the roof structure has been confirmed by the owner of the property as entirely new building works, due to the disrepair the building was in, prior to the building works being undertaken.

7. No start date for the works has been given by the landowner, however the works remain incomplete at the time of writing this report (April 2024).

Action Pursued to Date

8. Two letters were sent to the property owner on 14th December 2023 and 8th January 2024 informing them that there was an ongoing investigation,. Correspondence was received from the owner on 9th January 2024 acknowledging the correspondence and advising that they would be in contact shortly.
9. Three site visits were conducted between 18th December 2023 and 11th January 2024 and whilst none were successful in gaining access to the property, substantial new building works could be seen from the public highway. Following the site visit conducted on 11th January 2024, an email was therefore sent to the owner of the property on 15th January 2024 requesting all works to cease as the works were considered to be unauthorised.
10. Following this, correspondence was received from an agent acting on behalf of the landowner and a site visit was subsequently conducted on 17th January 2024, where access was gained to the property and the inside of the building. During this visit, discussions were held with the agent regarding the potential for a planning application to be submitted for use as both holiday accommodation and for agricultural purposes. The agent was informed that an application for either use would be unlikely to be supported as the works were not considered to be a renovation or justified for agricultural purposes.
11. In response to the suggestion that there may have been photographs taken during the construction of the building, an email was sent to the agent on 17th January 2024 following the site visit, requesting any images taken before or during the construction process, however none have been received to date. Additionally, it was requested that a further site visit take place, to inspect the neighbouring agricultural building to confirm its use. A further email was sent on 23rd February 2024, as no response was received to the previous email.
12. Following this, correspondence was sent from the landowner which was accompanied by letters from neighbouring properties in support of the development. A detailed response was provided on 28th February 2024, which explained that the works were not considered to be a renovation of a rural building, the planning policies that the development was considered to be in breach of and that an application to retain the building had therefore not been invited.
13. A further site visit was arranged on behalf of the landowner for 28th February 2024, to inspect the interior of the neighbouring building. During this site visit, it was confirmed that the use of that building was agricultural, general storage and a stable. In addition to this, a discussion was had regarding the position, and any remedial options possible for the unauthorised building. On 6th March

2024, an email was received from the previous planning agent stating they no longer had any involvement in the case.

14. An email was therefore sent to the landowner on 22nd March 2024 requesting an update on their position. Subsequent correspondence was sent in which it was confirmed that an application had not been invited and that to resolve the breach of planning control, the demolition and removal of the building would be required, as no further information had been received to indicate the building was a renovation. Correspondence received on behalf of the owner on 2nd April 2024, stated their intent to submit a planning application, however this did not confirm their agreement to demolish the building as requested. A response was therefore sent on 2nd April 2024 stating that the submission of an application would not change the position and that an application was unlikely to regularise the position.
15. At the time of writing this report, no planning application seeking to retain the building has been received and there is therefore no reason for any further delay in considering whether enforcement action should be taken to demolish the unauthorised building.

Planning History

16. The site benefits from the following planning history:

1992/00803/FUL, Location: Orchard Dene, Welsh St Donats, Proposal: 2000 litre LPG tank, Decision: Approved

2022/01206/FUL, Location, Orchard Dene, Welsh St Donats Proposal: Demolish Existing Bungalow and construct new 4 bedroom detached dwelling, Decision: Approved

Policy

Local Development Plan:

17. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

POLICY SP9 – MINERALS

POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS

POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD9 - PROMOTING BIODIVERSITY

POLICY MD11 - CONVERSION AND RENOVATION OF RURAL BUILDINGS

“Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

1. Conversion of an existing rural building would not give rise to the need for a replacement building; and
2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;

Proposals for conversions to residential use will only be permitted where it is demonstrated that;

3. The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and
4. The location of the building is sustainable in terms of access to local services, public transport and community facilities.”

Planning Policy Wales:

18. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.
19. 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.
20. The following chapters and sections are of particular relevance in the assessment of this planning application:
21. 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
22. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places
 - Promoting Healthier Places
 - Sustainable Management of Natural Resources
 - Placemaking in Rural Areas

- Accessibility
 - Previously Developed Land
 - The Best and Most Versatile Agricultural Land
 - Development in the Countryside (including new housing)
- 3.9 “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”
- 3.38 “In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.”
- 3.60 “Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”
- Supporting Infrastructure
 - Managing Settlement Form –Green Wedges
23. Chapter 5 - Productive and Enterprising Places
- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
24. 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)
- National planning guidance in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

- **Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)**

3.3.1 ‘Planning authorities should examine particularly carefully applications for re-use of buildings erected under agricultural permitted development rights. This should alert them to the possibility that the building was in breach of planning control when it was substantially completed, because there was no genuine agricultural justification.’

A23. ‘The scale, form and siting of new agricultural buildings are usually influenced by the operational needs of the enterprise, the standardisation of modern agricultural buildings and economic considerations. However it should be possible to reconcile proposals for development with the need to conserve and wherever possible enhance the landscape.’

- **Technical Advice Note 12 – Design (2016)**

5.8.1 ‘The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.’

5.8.5 ‘The scale, form and siting of new agricultural buildings or buildings for on-farm diversification, is usually influenced by the operational needs of the enterprise. Where possible, new buildings should be integrated within the farmstead. Elsewhere, particular care should be taken with siting, massing and detailed design to enable them to fit well into the landscape. The use of materials appropriate to the setting, attention to colours of materials and detailing can all facilitate integration into the landscape. The standard pattern book approach needs to evolve to accommodate vernacular elements and relate to the local context.’

Supplementary Planning Guidance:

26. 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
- Conversion of Rural Buildings
- Design in the Landscape
- Minerals Safeguarding

Welsh National Marine Plan:

27. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Well Being of Future Generations (Wales) Act 2015:

28. 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.

Reasons for Serving an Enforcement Notice

29. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on the public amenity or the existing use of the land and buildings meriting protection in the public interest and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued to simply regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
30. The principal issues to consider in this case are consideration of the works complying with policy relating to the renovation of rural buildings, the agricultural justification, the impact on ecology, biodiversity and the mineral safeguarding area, and the design and character of the building within the context of its rural location.

Conversion and Renovation of Rural Buildings

31. As identified above, LDP Policy MD11 (Conversion and Renovation of Rural Buildings) requires that:

‘Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

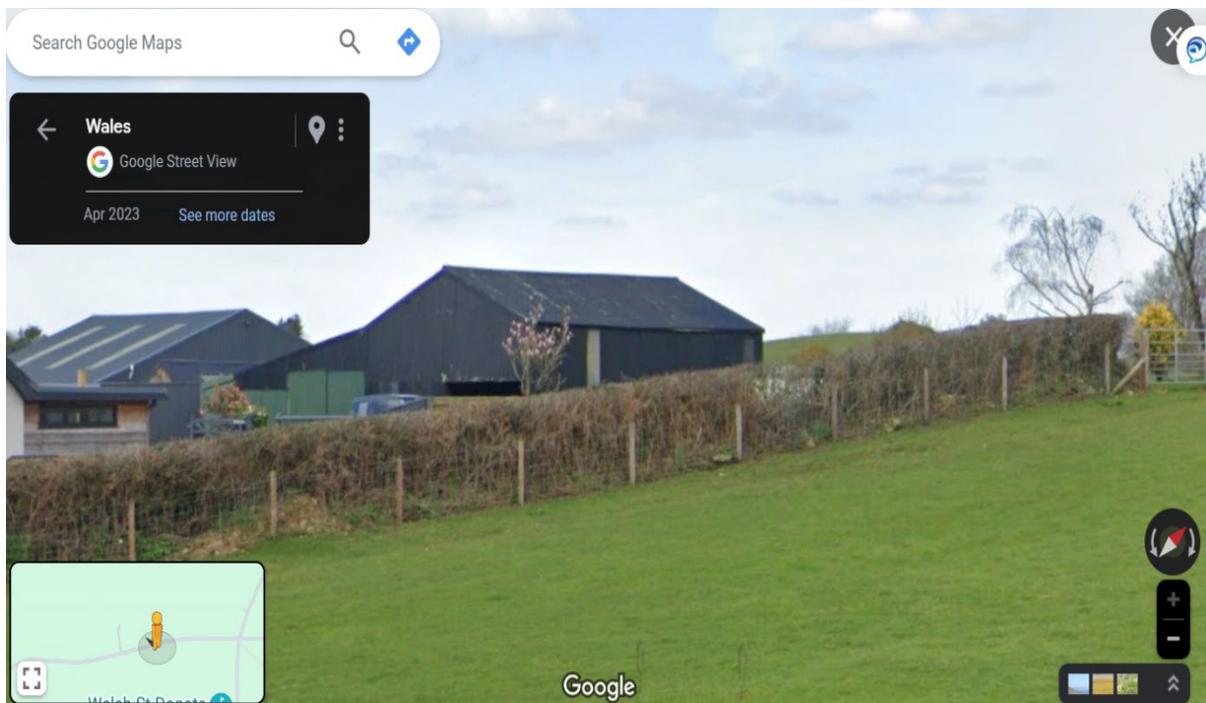
1. Conversion of an existing rural building would not give rise to the need for a replacement building; and
2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;

Proposals for conversions to residential use will only be permitted where it is demonstrated that;

3. The building has been appropriately marketed for other alternative uses such as farm diversification, business, community, tourism, or recreational uses and it has been demonstrated that such alternative uses are not viable; and
4. The location of the building is sustainable in terms of access to local services, public transport and community facilities'

This policy is supported by the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance.

32. An image showing the barn before any works were carried out is shown below.



Dated: April 2023



Dated: March 2023

33. The previous building was a modern, utilitarian rural building, with a black metal clad exterior finish. As specified within Policy MD11, the conversion of both traditional and modern rural buildings must be sympathetic to their location and not require any extensions or alterations which would materially alter the character of the building, including its setting in the rural landscape. As a result of the works undertaken, the current building has a completely different external appearance from the previous building and no evidence has been submitted to suggest that any of the previous materials or blockwork have been retained. Additionally, new window and door openings have been created that do not match the previous building. Additionally, the roof structure and form has been wholly changed, being constructed entirely in new materials and with no resemblance to the previous structure. It also appears there is variation between the previous and existing building height, and this has not been evidenced or confirmed by the owner.
34. The resultant building is markedly different in appearance and character to the former building, and the agricultural appearance of the building has been wholly lost. Rather, as a consequence of the materials and pattern of window/door openings, it overtly has the appearance of a residential dwelling.
35. As the works undertaken are considered to have result in the construction of a new building within the open countryside and it has not been demonstrated that these works constitute the conversion or renovation of an existing building, it is considered that the development would need to be assessed under Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of Development) and MD2 (Design of New Development), rather than Policy MD11.

Agricultural Justification

36. LDP Policy MD1 (Location of New Development) requires that:

‘Within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development’.

The above policy is supported by TAN 6 and TAN 12.

37. As the site falls outside a designated settlement boundary, outlined within the Vale of Glamorgan Local Development Plan 2011-2026, in order for the development to be deemed acceptable, it is necessary for the development to be essential for agriculture or other rural activities. It is considered that the new building in question is located on agricultural land, however it is not known if there is any agricultural related business enterprise at the site and no details have been provided by the landowner. Additionally, there is no evidence to suggest that the associated land is used extensively for agricultural purposes. Photographs of the land surrounding the site (within the same ownership) are shown below.



38. Although parts of the land have been used for the keeping of horses and sheep grazing and evidence of some farm machinery on the land, is it considered that any agricultural activity would be at a low level and therefore, there is insufficient intensity to demonstrate the need for a new agricultural building of this scale within the site. As identified earlier, there is already another large building that has been refurbished and is being used partly for stabling horses and as a general store. Therefore, there is already a suitable building on the site, should the need for a further agricultural building arise in the future. It is therefore considered that the building in question is unsustainable and cannot be justified for the onsite use of the land, therefore contributing to an unacceptable impact on the countryside and the special landscape area (SLA), and contrary to policies MD1 (Location of Development) and MG17 (Special Landscape Areas). Additionally, policies SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) seek to protect the special qualities of the rural Vale, supporting the above.
39. Planning Policy Wales' overarching sustainability principal advocates that the countryside should be protected for its own sake. In addition, PPW has specific sections (in particular sections 3.38; and 3.60) which seek to restrict new development in the countryside, other than where it is appropriate for rural development. It has therefore been concluded that as there is no agricultural justification for a building of this size in this location, its retention would be contrary to policies of the LDP and guidance within PPW.

Development in Minerals Safeguarding Area

40. The development is located within a mineral safeguarding area for limestone category 2. Despite this, the development adjoins a neighbouring dwelling and any extraction in this area is likely to have an unacceptable impact on residential amenity. Therefore, the fact the development lies within a minerals safeguarding area would not be a reason to take enforcement action.

Ecology, Biodiversity and Green Infrastructure

41. Although the land is predicted as Grade 4 agricultural land, the development is sited on the existing farmyard and therefore this is not considered a significant issue.
42. Policy MD9 of the LDP (Promoting Biodiversity) requires new development to conserve and where appropriate enhance biodiversity interests and mitigate the impacts of development. This is supported by the Council's SPG on Biodiversity and Development and PPW. It is not known whether the site has any identified biodiversity interest. However, the building has been sited in approximately the same location as the former agricultural building and as such, is constructed on previously developed land. Aside from the partial demolition of the former building which may have housed roosting bats and nesting birds, it is considered that there would not have been any adverse impacts in terms of biodiversity and ecology.

43. Notwithstanding that there is no likely identified direct ecological impact, the absence of an application means there has been no opportunity to consider any appropriate biodiversity enhancement measures at the site or indeed Green Infrastructure provision, which is now a requirement of Planning Policy Wales (February 2024). Planning Policy Wales sets out, at paragraph 6.2.12, the need to submit a green infrastructure statement with planning applications. Such a statement should be used to identify that development has a net benefit to biodiversity and green infrastructure in line with the Section 6 duty within the Environment (Wales) Act 2016. It is highlighted in the subtext of Policy MD9 of the LDP that: “it is nearly always possible to provide biodiversity enhancement on development sites. Levels of enhancement should be commensurate with the level of adverse impact and the scale of development.”
44. Ordinarily, a proposed development would be conditioned to require either mitigation or measures to improve opportunities for local wildlife, in accordance with PPW and the Environment (Wales) Act 2016. In this case, the Local Planning Authority would have sought appropriate ecological enhancement which may have included the provision of bird and bat boxes at the site as well as the expectation that the development would enhance green infrastructure on site.

Design and Character of the Building

45. Policy MD1 (Location of New Development) requires development on unallocated sites to have no unacceptable impact on the countryside. Technical Advice Note 12 (Design) advises at paragraph 5.8.4 that “in relation to conversion or adaptation of agricultural buildings, character retention will often involve the least amount of change possible to external appearance”. It is not considered that the works comply with these policies and guidance as the building constructed appears to be a new structure that resembles a residential dwelling and it has not been demonstrated what, if any, parts of the previous building remain.
46. In addition, the alteration to the height, design and character of the building is not considered justifiable for an agricultural building located in the countryside as it has a detrimental impact on the local setting. The building has the appearance of a new residential dwelling and is therefore considered to be in contrary to policy MD2 (Design of New Development) which seeks to protect the Vale’s countryside from development which does not enhance or preserve the character of the site.
47. Although the building in question is not wholly visible from any public right of way, it is visible from the public highway. As the site is outside of any recognised settlement boundary and within a Special Landscape Area, any development which takes place on this land should ensure that it fits in well to the rural landscape.

48. Policy MG17 (Special Landscape Areas) requires all new development proposals to demonstrate that they would cause no unacceptable harm to the important landscape character of the area. It is advised that where development is acceptable, *'careful consideration (should be) given to the design elements of the proposal such as the siting, orientation, layout and landscaping, to ensure that the special qualities and characteristics for which the SLAs have been designated are protected'*. The size and character of the current building and its design are more akin to an urban residential building, rather than its surrounding rural location. In the absence of a planning application for its retention, it has therefore failed to be demonstrated that the building would not harm the landscape character of the area in the long-term and is therefore considered to conflict with this policy. With regard to the policy guidance above, the new building is considered unacceptable by virtue of its detrimental impact upon the countryside and rural landscape.
49. In view of the above, the design, scale, form and materials of the resulting building are out of keeping with the context of the site, and its overtly domestic appearance would serve to urbanise the area to the detriment of the rural surroundings. As such, it is considered that the proposal will have an unacceptable impact on the appearance and rural character of the countryside.

Conclusions

50. Notwithstanding the minimal ecological and biodiversity impacts, the principle of a substantially new building on the site is considered unacceptable based upon its unsustainable rural location. Noted above, is the lack of justification for a new building, acknowledging that there has been some agricultural activity on the surrounding land, however it is not considered that there is any reason why a further need could not be met by the existing building on the site.
51. In view of the matters discussed throughout this report, the development is therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), and MD7 (Environmental Protection) of the LDP, as well as PPW (Edition 12, 2024). The building in question also fails to accord with the principles of TAN 6 (Planning for sustainable Rural Communities) and TAN 12 (Design), as well as Supplementary Planning Guidance on Design in the Landscape, and Biodiversity and Development.
52. It is considered that the decision would comply 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.

Resource Implications (Financial and Employment)

53. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

54. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
55. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

56. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to:
- (i) Demolish the building.
 - (ii) Remove from the land all construction materials resulting from the carrying out of steps (i) above.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control consisting of the construction of a new building in the countryside has occurred within the last 4 years.
- (2) The development has been undertaken on land located within the countryside and the Ely Valley Special Landscape Area. Additionally, it has been determined that the development would not be considered a renovation of a rural building and would only therefore be justifiable as a new agricultural building in association with an established rural enterprise, where this would contribute positively to the existing rural setting and preserve the character of the Vale's rural landscape. The substantially new works, alterations to the built form of the roof and structure and complete alteration in character and design is considered to be unacceptable as it detracts from the character of the countryside, alongside the excessive and unjustified scale of the building which has an adverse impact on the rural landscape. It is also considered that the building is not justified for the purposes of agriculture due to the low level of activity present on the land. The development is therefore considered to

conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), and MD7 (Environmental Protection) of the LDP, as well as Supplementary Planning guidance on Design in the Landscape, and Biodiversity and Development and PPW (Edition 12, 2024). The building in question also fails to accord with the principles of TAN 6 (Planning for sustainable Rural Communities) and TAN 12 (Design).

- (3) Despite two on-site meetings with the owner's representatives, there has been no further indication that the owner is willing to resolve the breach by demolishing the building and the unauthorised building remains located on the land in breach of planning control.
- (4) 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.

Background Papers

Enforcement File Ref: ENF/2023/0370/CCC

Contact Officer - Bethan Davies, Tel: 01446 706123

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 APRIL, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2023/00285/RG3 Received on 25 April 2023

APPLICANT: Vale of Glamorgan Council Kelly Williams, Sustainable Communities for Learning, Civic Offices, Holton Road, Barry, CF63 4RU

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

St. Richard Gwyn RC High School, Argae Lane, St. Andrews Major

Proposed replacement St. Richard Gwyn Catholic High School including access, parking, landscape works, formal and informal recreation space, and demolition of the existing school

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 demolition of the existing school and construction of a new high school at St Richard Gwyn RC High School, which is accessed off Argae Lane, St. Andrews Major. St Richard Gwyn RC High School is included as part of the Councils 21st Century Schools Programme to construct a new school building on the existing site. This would ensure that the school is able to meet demand and would address the poor condition and suitability of the existing buildings.

The application proposes the erection of a new school, comprising of a four storey main teaching block, with three storey central atrium and school hall, and two storey sports hall, with associated parking and landscape facilities, including a multi-use games area to the north of the proposed school, with a rugby/4G pitch to the north east and running track and kick about area to the west of the proposed site (following the demolition of the existing school buildings). The capacity of the proposed school would be increased from 815 to 1050 pupils aged 11-16, plus a special resource base, with a capacity of 60 pupils, totalling a combined capacity of 1110 pupils.

The proposal has resulted in representations from three neighbouring properties, with the key issues raised relating to traffic congestion and exacerbated parking issues as a result of the increased school capacity, the unsustainable location of the existing school, impact upon the countryside, impact on historic environment, and impact of construction. Concerns have also been raised in regards to surface water runoff, and the exacerbation of existing flooding of the Coldbrook on neighbouring land and businesses.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is St Richard Gwyn Roman Catholic High School, Argae Lane, St Andrews Major, and comprises a total area of approximately 5.2 ha. The site is located to the north-east of the A4231 Barry Docks Link Road by approximately 60m from the western corner of the site, and is located outside of any LDP identified Settlement

Boundaries. The site is bordered by agricultural land to the east and west, however the land adjoining to the south comprises of a solar array.

The existing school building and associated structures sits to the northern most part of the site, adjacent to Argae Lane. Vehicular access to the site is provided from Argae Lane to the north of the site, with the existing school having a vehicular entrance serving the main parking area of the school to the north west of the site, and a secondary entrance comprising of a semi-circular ingress/egress serving bus drop-off and pick-up, along with an overspill car park, to the north east of the site.

The main hard play area is located to the south of the existing school, with the playing field located south of this. A MUGA is located centrally and to the east of the site, to the south of the overspill car park. The existing school playing field is located within the southern section of the site.

The site lies wholly within the Mineral Safeguarding Area for Category 2 Superficial sand and gravel deposits, and in addition, the site is located within 10m of the Cold Brook to the north of the site, and is classed as being partially located within Zones B and C2 of the Flood Risk Areas.



DESCRIPTION OF DEVELOPMENT

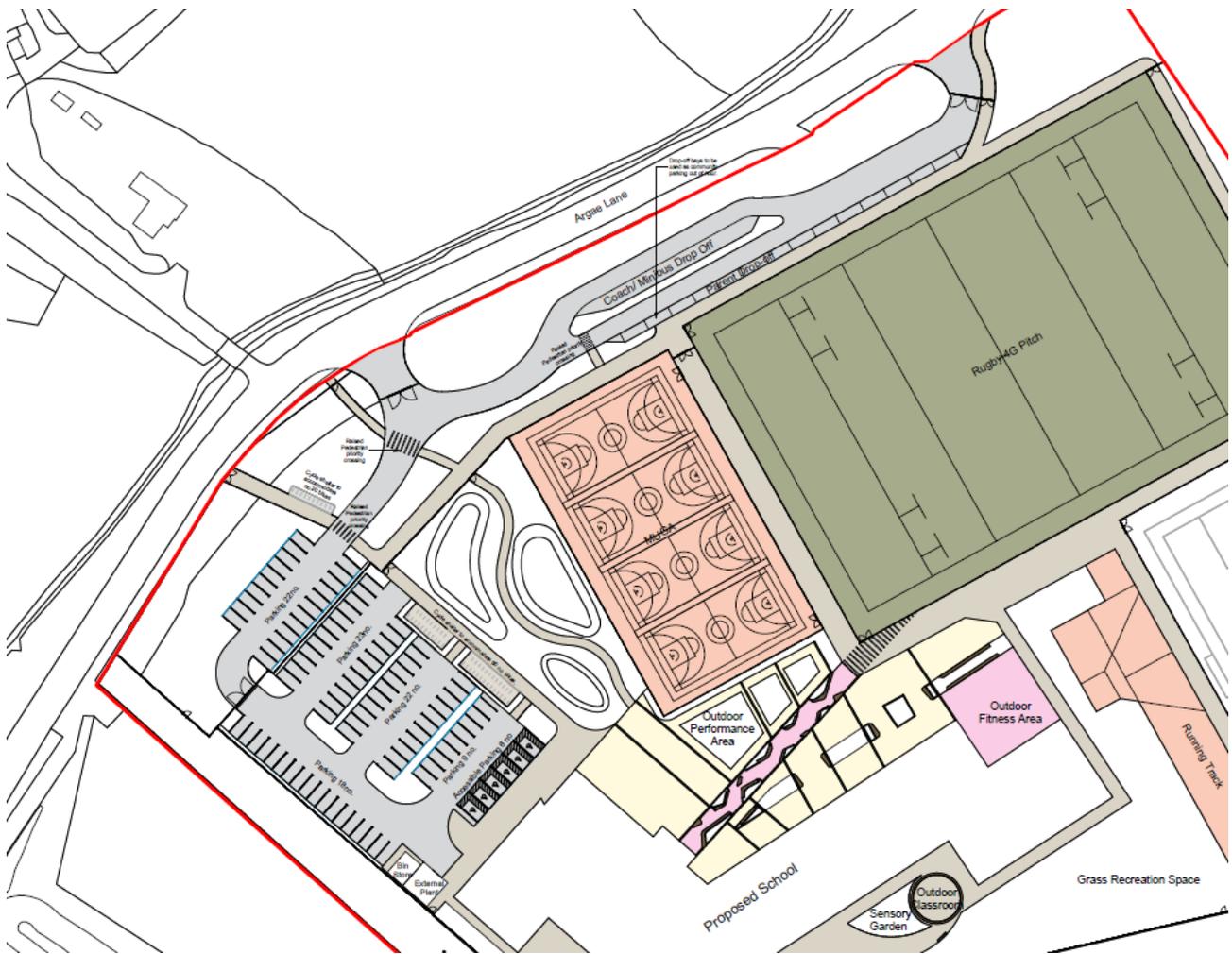
This is a Regulation 3 planning application for the demolition of the existing school and the construction of a new, four storey mixed sex comprehensive school, associated parking and landscape facilities, including a new multi-use games area and rugby 4G pitch to the

north of the proposed school, and a running track and playing field 'kickabout' area to the east of the proposed school. The capacity of the proposed school would increase from 815 to 1,050, 11-16 year 7-11 pupils, with an additional 60 Special Resource Base (SRB) pupils, totalling 1110 pupils, with approximately 150 full time equivalent staff numbers.

The proposed school would be located within the south-western most corner of the site, set within the playing field of the existing school, with the intention to retain the existing school building and existing MUGA sports pitch during the course of construction, with its demolition and landscaping undertaken following the decanting of pupils into the replacement school. The proposed site layout of the school is shown below:

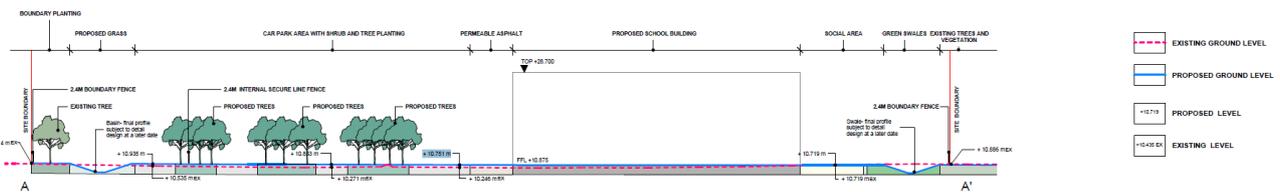


The proposals would be served by a one way, east to west 'in-out' vehicular access arrangement, with coach/minibus drop off and separate parent drop off lane, with 14 drop off bays within the school site. This arrange also provides access to the proposed parking area, of which a total of 100 spaces are proposed, including 6 disabled spaces. Plus, an additional 14 spaces are proposed within the parent drop off area. In addition, cycle parking for 220 bicycles is proposed. This is shown on the plan below:

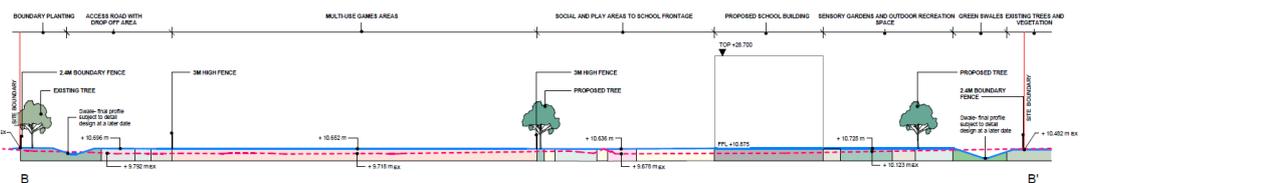


Pedestrian access to the site would be provided via three access points, with two located to the west of the site, and one to the east.

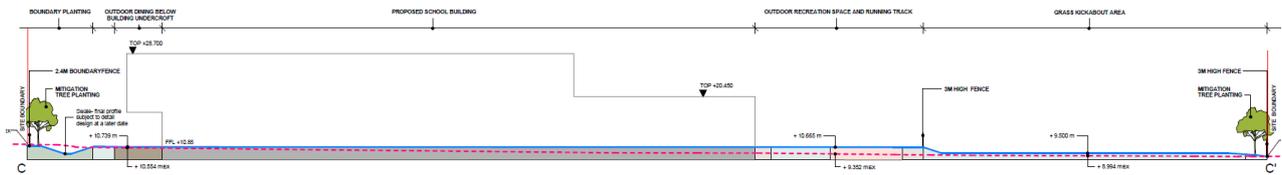
The levels of the site are to increase with the highest increase in levels being 1.3m, located adjacent to the proposed 'kickabout' area, which forms part of the flood mitigation measures. Site Section plans are detailed below:



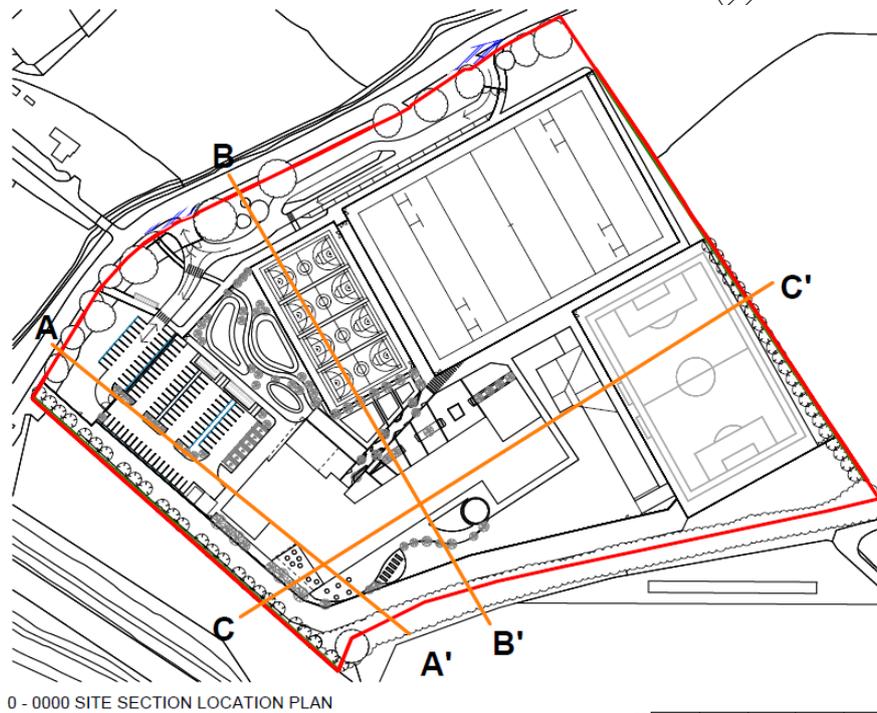
1 - Section A-A'
Scale: 1 : 500



2 - Section B-B'
Scale: 1 : 500



3 - Section C-C'
Scale: 1 : 500



0 - 0000 SITE SECTION LOCATION PLAN

The main school building would be four storey in height, with an attached two storey sports hall to the eastern side of the main school block. A three storey block comprising of classrooms and the main school hall projects forward of the western side of the main block, which is joined by a triple storey central atrium, accommodating a dining area, kitchen and store room, reception and chapel to the ground floor.

The school has a broadly 'L-shaped' form, with the sports hall forming an exception, given its projection from the south eastern most corner of the main school block. The main block measures approximately 95m in width, 21m in depth, with a ridge height of 17.4m. The sports hall has a maximum width of 35.3m, and depth of 20.2m, with a ridge height of 9.2m. The projection to the front of the school, comprising of the atrium and main hall/chapel would project from the front elevation of the main teaching block. The main hall would oversail the ground floor of the block and would have a width of 52.3m, depth of 20m, and height of 13m. The atrium would connect this block with main teaching block of the school, and would have a maximum width of 32m, depth of 21m and height of 12.2m. Elevations of the proposed building are shown below:



Elevation 02
Scale: 1 : 200

Front Elevation



Rear Elevation

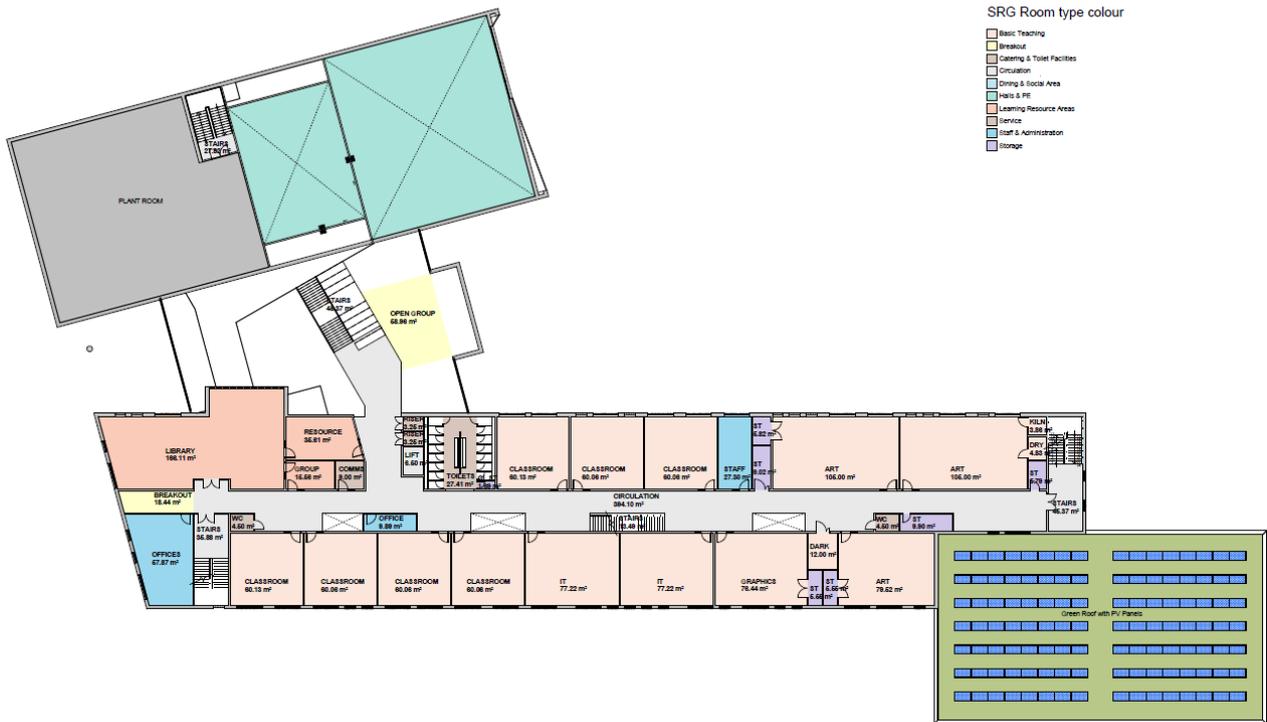


East Facing Elevation

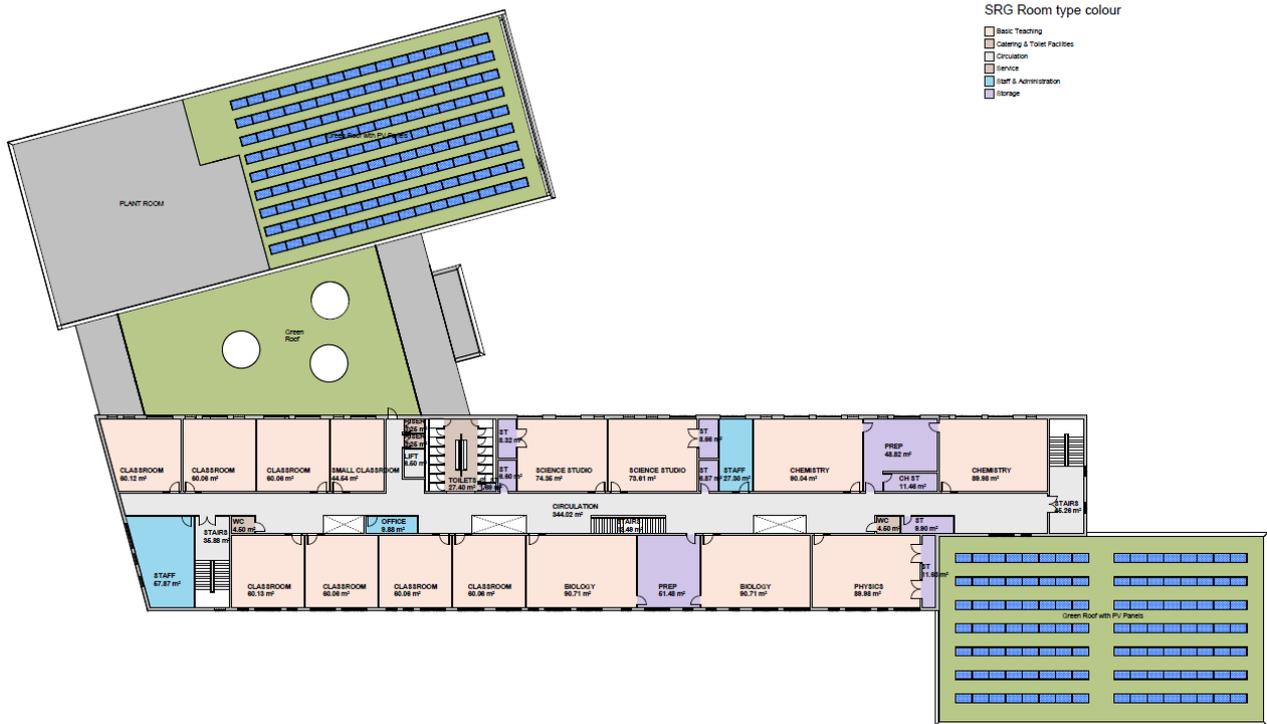


West Facing Elevation

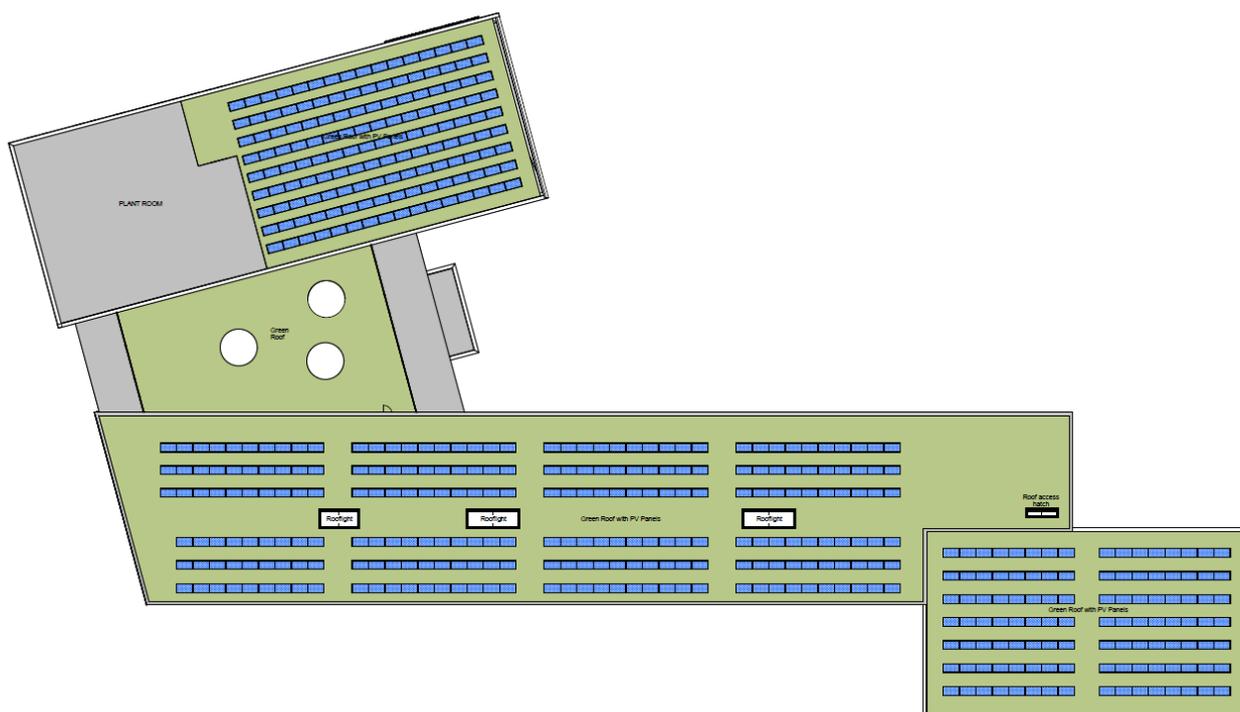
The building would be finished in a relatively contemporary materials palette, comprising of grey brickwork to the main block, with concrete banding and window/door head detailing, fibre cement cladding to the sports hall and main hall in a multi red colour, and fibre cement cladding to the chapel in a grey colour, with grey windows and doors and dark grey glass spandrel blanking panels.



Second Floor



Third Floor



Roof Plan

The primary teaching area would be contained to the main four storey section, with the sports hall located to the south-east of the school, a central dining area and the school chapel contained within the two storey central atrium to the north of the primary teaching block, and school hall contained within the oversail structure located above.

PLANNING HISTORY

1984/00786/FUL, Address: St. Cadoc's R. C. Comprehensive School, Coldbrook Road, Cadoxton, Barry, Proposal: Construction of demountable buildings for educational use (Phases 1 and 2) (Phase 2 will not proceed for at least 18-24 months after Phase 1), Decision: Approved

1988/01363/FUL, Address: St. Richard Gwyn R. C. School, Coldbrook Road, Barry., Proposal: Reinstatement of fire damage within school grounds (gymnasium and changing rooms)., Decision: Approved

1990/00976/FUL, Address: St. Richard Gwyn High School, Coldbrook Road, Barry, Proposal: Erect wireless aerial to meet requirements of new national curriculum, Decision: Approved

1995/00987/FUL, Address: St. Richard Gwyn High School, Argae Lane, Cadoxton, Barry, Proposal: Double demountable classroom unit., Decision: Approved

1999/01427/REG3, Address: St. Richard Gwyn R.C. High School, Argae Lane, off Coldbrook Road, Barry, Proposal: Bus turning area, Decision: Approved,

2001/00372/REG3, Address: St. Richard Gwyn High School, Argae Lane, Barry, Proposal: Bus turning facility (Minute No. 561), Decision: Approved

2002/00613/FUL, Address: St. Richard Gwyn R.C. High School, Argae Lane, Barry,
Proposal: Two storey classroom extension to existing school building, Decision: Approved

2011/00355/FUL, Address: St. Richard Gwyn RC School, Barry, Proposal: Installation of
photovoltaic solar panels to roof tops, Decision: Approved

2012/00833/FUL, Address: St. Richard Gwyn RC High School, Argae Lane, Barry,
Proposal: Installation of solar photovoltaic modules to the flat roof(s) within the grounds of
St. Richard Gwyn School, Decision: Approved

2012/01115/FUL, Address: St. Richard Gwyn RC High School, Argae Lane, Barry,
Proposal: Construction of a new 60m x 40m multi use games area with associated
features including integral storage recesses, new perimeter fencing, floodlighting and
access arrangements within the existing school playing fields., Decision: Approved

2013/00397/FUL, Address: St. Richard Gwyn School, Argae Lane, Barry, Proposal:
Remove a 2 classroom portacabin building and replace with a larger portacabin 7
classroom building to provide additional teaching facilities and provide enough space to
contain a school library facility, Decision: Approved

2015/01333/FUL, Address: St. Richard Gwyn RC High School and land to south of Argae
Lane, St. Andrews Major, Proposal: Proposed underground cable linking approved Biglis
Solar Farm (application 2015/00573/FUL) to provide renewable energy to St. Richard
Gwyn Catholic High School, Decision: Approved

2021/01023/RG3, Address: St. Richard Gwyn RC High School, Argae Lane, St. Andrews
Major, Proposal: Supply and installation of Two Section Modular Building, comprising of
15no toilet cubicles and communal hand wash trough station. Supply and installation of
New Cabin. comprising of 2no. breakout classroom / offices with secure store rooms and
central entrance lobby , Decision: Approved

CONSULTATIONS

Dinas Powys Community Council were consulted on 15 May 2023 and again on 14
September 2023 and responded to both consultations stating 'No Objection'.

Councils Highway Development Team were consulted on 15 May 2023 and responded
with a number of concerns in respect of the original scheme. Following discussions and
amendments to the proposed plans and supporting documents, in their final comments,
the highways authority have raised no objection, subject to conditions:

1. *Prior to commencement of development, details of the proposed active travel
improvements to enable a safe and attractive walking route to the proposed site
shall be submitted to and approved in writing by the local planning authority. These
shall include:*
 - *The improvements to the underpass to the West of the site to include improved
lighting inside and on either approach to be agreed in conjunction with the council's
street lighting and transport departments.*
 - *New artwork or other measure to improve the attractiveness of the underpass with
the inclusion of pupils in the scheme.*
 - *Pedestrian guard rails to be provided on all exits.*

- *Setting back of site frontage to provide a new shared cycleway/footway facility or provide the land for future development of such.
The measures to be agreed shall be implemented prior to beneficial occupation of the new proposed school.
Reason: In the interests of highway/ pedestrian safety and to encourage the use of more sustainable modes of transport in accordance with local and national policies.*
- 2. *Prior to the beneficial occupation of the proposed new school, a Traffic & Pedestrian Management Plan will need to be submitted to and approved in writing by the Local Planning Authority. The plan will need to provide measures to protect pupils and staff during the pick up and drop off times. The Measures should aim to include priority of afternoon egress for buses over cars, highlight pupil desire lines and measure to ensure no cutting across the car park, Traffic calming features along the pick up and drop off area, publications to staff, parents and pupils and any other measures deemed necessary.
Reason: in the interests of highway/pedestrian safety.*
- 3. *Prior to the commencement of any works engineering details shall be provided of the proposed new accesses and drop off area including vision splays, footway/cycleways, kerbing, crossing points, boundary treatments, street lighting, surfacing, road markings and signage which shall be approved by the local highway/planning authority. The agreed details shall be brought into use prior to beneficial use of the new school site.
Reason:-To ensure minimum design and construction standards in the interests of highway safety.*
- 4. *Prior to the commencement of any works a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Highway/Planning Authority. The CTMP shall include but not be limited to:*

 - *incorporating delivery outside am & pm school pick / drop off times,*
 - *Access/haulage Route.*
 - *Compound layout including parking for construction vehicles. No vehicles to park along Argae Lane or the surrounding area.*
 - *Loading and unloading areas for plant and materials on site.*
 - *Measures to control water, mud and debris entering the highway.*
 - *Suitable boundary treatments to protect pupils and staff.*
 - *Any signage or traffic management required as part of the development.*

*The CTMP shall include along with the above, proposals to control, manage and monitor the CTMP requirements.
Reason:-In the interests of maintaining highway efficiency and safety.*
- 5. *Prior to commencement of any works a pre-construction condition survey shall be undertaken at the developers expense of the extents fronting the site along Argae Lane for extents to be agreed by the Highways Network Manager which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant to be approved by the Local Highway / Planning Authority.
Reason :-In the interest of highway / Public Safety.*
- 6. *A Second condition survey shall be undertaken at the developers expense of the agreed extents upon completion of the site or at a time which the Highway Authority instructs. Any defects identified with the second conditions survey that the highway*

authority considers necessary as a direct result of the works shall be rectified at the developers expense.

Reason :-In the interest of highway / Public Safety.

Councils Public Rights of Way Officer were consulted on 15 May 2023 and responded stating:

Public Right of Way No.11 St Andrews Major (status - Footpath) runs parallel to the western and southern boundaries of the development. Concerns that the application does not appear to recognise the public footpath. The footpath must be available for safe use by the public at all times. Should the footpath require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. No adverse effect should result to the footpath, the applicant should ensure that materials are not stored on the path and no barriers, structures or any other obstructions placed across the legal alignment of the path. Any damage to the surface of the path as a result of the development is to be made good at the applicant's own expense.

Councils Drainage Section were consulted on 15 May 2023 and again on 14 September and responded stating:

A Flood Consequences Assessment (Hydrock 2023) has been submitted in support of this application which considers the findings of an updated hydraulic modelling exercise and optioneering appraisal (Aecom 2020). It was concluded by the appraisal that option 5 was the preferred strategy with the attenuation of floodwaters on site prior to conveyance around the southern perimeter. It is understood at the time of writing NRW are to undertake a detailed review of the hydraulic modelling used to inform the FCA and as such will defer to NRW position regarding this aspect of the design.

It is noted from the proposed design that access to the new development will be made through the existing site access off Argae lane. Evidence of historic flooding events have identified that flood flows from the Coldbrook River flow east along Argae Lane before entering the main access to the school. As recommend by the FCA it is requested that a Flood Warning Evacuation Plan (FWEP) is provided to ensure that occupants are able to evacuate the site safely should a flood event occur. Whilst LLFA can comment on surface water and small watercourse flood risk additional input from emergency planners and emergency services should be sought regarding any site specific evacuation procedure proposed.

From the Drainage Strategy it is noted the permeable surface of the proposed car park is to be installed above an area containing existing drainage tanks. It is believed these tanks relate to a DCWW overflow system, as such it is requested that DCWW are consulted further with regard to the existing tanks and that further demonstration is provided as to how they will interact with the proposed permeable surface.

It is indicated from the submitted Drainage Strategy (Hydrock 2023) that surface water runoff generated by the proposed development will be treated / attenuated through the use of sustainable drainage techniques prior to discharge to the Coldbrook main river at attenuated rates. This application is subject to Schedule 3 of the Flood and water Management Act 2010. As such it is advised that a detailed drainage design is submitted through the SAB process.

Additional comments were received following the submission of DCWW consultee response, and a swale section, however the Drainage Department maintained their objection, requiring further information as to the ownership, form and construction of the tanks and how the proposed permeable surface will interact with this existing feature. In addition, no depth of the sewer has been provided, and how the proposed swale will interact with this at the point of crossing.

Further consultation was sought following the comments from DCWW, and the Drainage Department raised concerns with regards to the lack of detail on the submitted levels section drawing in respect of the basin system, and requested further clarification as to how exceedance flows would be managed, together with how such proposals would affect the previously accepted FCA. Further clarification was sought from the planning agent, who confirmed that the drainage schematic states that preliminary modelling was undertaken, and the final details are to be refined with the landscape strategy, so the details requested from the drainage team cannot be meaningfully shown on the section drawing, but it is indicative that it is expected to be in this area.

Following receipt of this clarification, and on review of the application as a whole, the Drainage Department confirmed that the drainage proposal is acceptable in principle, and therefore no objection is raised in respect of the proposed scheme. The proposal is however subject to SAB.

Shared Regulatory Services (Pollution) were consulted on 15 May 2023 and to date, no comments have been received.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) were consulted on 15 May 2023 and again on 14 September 2023, and responded stating the following:

The site has been identified as a school. Contamination is not known at this site, however the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services requests the inclusion of the following conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

Conditions relating to unforeseen contamination, imported soil, imported aggregates and use of site won materials were requested. In addition, an informative regarding contamination and unstable land was also requested.

Dwr Cymru Welsh Water were consulted on 15 May 2023 and again on 14 September 2023 and responded stating:

We advise that the proposed development is within close proximity of a 700mm public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the submitted 'Proposed site layout', it appears the proposed development will be set back and therefore positioned outside the protection zone of the public sewer.

The developer has indicated that foul flows are to be disposed of via the public sewerage system and we offer no objection in principle to the foul flows discharging to the public sewer. Whereas the surface water is set to be drained to the nearby brook.

Anticipate this development will require the installation of a new single water connection to serve the new premises. The water supply system in the immediate vicinity has insufficient capacity to serve the development. The applicant is advised to instruct us to undertake a hydraulic modelling assessment. The provisions of Section 45 of the Water industry Act 1991 apply. We therefore rely on the Local Planning Authority to control the delivery of any required reinforcement works by way of planning condition at planning application stage.

Conditions were requested in regards to the requirement of a scheme of potable water to serve the development to be submitted and approved, and no surface water and/or land drainage shall be allowed to connect directly/indirectly with the public sewerage network.

Following correspondence with the Councils Drainage Department, DCWW confirmed that two drainage tanks located underneath the proposed car parking area of the site were DCWW assets, and form part of the key trunk sewers which transfers flows from Barry into the cog Moors WWTWs, and is a critical asset for DCWW. Further information was sought as to how the proposal would interact with the tanks.

Following the submission of additional section drawings and plans, DCWW responded confirming that, in principle, DCWW are satisfied with the proposal, subject to conditions and separate agreements:

- Formal agreement requiring 24/7 access for maintenance to the entire length of the sewer crossing the site
- Formal agreement for the unfettered access to the sewer above the MUGA pitch for 24/7 maintenance access
- No permeable paving (soakaway) to be located over the tanks
- No manhole chambers and a change of direction within any of the sports areas

Councils Ecology Officer was consulted on 15 May 2023 and to date, no comments have been received.

Councils Estates (Strategic Property Estates) were consulted on 15 May 2023 and again on 14 September 2023 and to date, no comments have been received.

Fields in Trust Cymru were consulted on 15 May 2023 and again on 14 September 2023 and to date, no comments have been received.

Sport Wales were consulted on 15 May 2023 and again on 14 September 2023 and responded stating the following:

We note that there are a variety of new sports spaces planned, including a 4G pitch, a grass pitch and an outdoor fitness area as well as a MUGA to replace the existing one. We are pleased to see that community use is planned of both the indoor and outdoor sports facilities and it would be great to see the management plan for this in due course. It's not clear how the school will manage its PE provision during the build phase and clarification of this would be appreciated. Sizes of each of the facilities would also be useful to assess the planned level of provision, but providing community use of the facilities is specified as a condition of planning approval, Sport Wales has no objection.

Natural Resources Wales were consulted on 15 May 2023 and responded stating:

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Flood Risk and European Protected Species (EPS). If this information is not provided, we would object to this planning application.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

Following the submission of additional information regarding the proposed swales, and the requested surveys, NRW responded stating:

We have reviewed the updated FCA undertaken by Hydrock, Reference: 24106-HYD-XX-XX-RP-FR_0003 (Issue number P04) dated 22nd November 2023. We note that the updated FCA now includes details of the cross section of the swales and is now up to date. We therefore continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if this document identified above is included in the approved plans and documents condition on the decision notice. Please note, without the inclusion of this document we would object to this planning application.

On the basis of the [bat survey] report, we do not consider the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. Therefore, we have no objection to the application on European Protected Species grounds.

The Cold Brook is less than 20m away from the site of this development. Whilst it lies outside the development boundary, it must be considered during construction to avoid negative impacts on the watercourse. We therefore advise the following condition is included on any permission granted.

Condition:

No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- *Construction methods: details of materials, how waste generated will be managed;*

- *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.*
- *Soil Management: details of topsoil strip, storage and amelioration for re-use.*
- *CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.*
- *Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.*
- *Traffic Management: details of site deliveries, plant on site, wheel wash facilities*
- *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.*
- *Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details – including self-reporting to NRW via the incident hotline*
- *Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.*

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

An informative was included informing the applicant that an EPS licence is required for the development.

South Wales Police were consulted on 15 May 2023 and again on 14 September 2023, and responded recommending that *Martyns Law* is incorporated into the scheme and provided principles for the design of the school and site to include to design out crime.

Dinas Powys Ward Members were consulted on 15 May 2023 and again on 14 September 2023 and to date, no comments have been received.

Glamorgan Gwent Archaeological Trust (GGAT) were consulted on the 30 January 2024 and responded stating:

We have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

We have consulted the regional Historic Environment Record (HER) and note the proposal is located in a landscape of high archaeological potential. Previous archaeological work in the vicinity has recorded an Iron Age/Roman settlement, a Roman coin hoard and pottery scatters, as well as a Mesolithic flint scatter. Accordingly an Archaeological Desk Based Assessment has been carried out by HCUK (report no. 8640A, dated January 2023). The document identified a high potential of encountering prehistoric and Roman remains, particularly in the southern part of the proposed development area which is likely to have been subject to less truncation than the site of the current school, parking areas etc. Therefore the assessment recommends an archaeological field evaluation in the first

instance, focussing on the southern area. It also recommends conditioned archaeological monitoring in the area of the standing structures, parking etc.

We concur with the assessment and there is the potential to encounter archaeologically significant remains during the course of the proposal.

In such circumstance. Planning Policy Wales 2021 (Edition 11) Section 6.1.26 states that “Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains” More detail on this guidance can be found in TAN 24 sections 4.7 and 4.8.

It is our assertion that a field evaluation is appropriate in this particular case. It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the evaluation has been submitted to your Members. It should also be noted that additional archaeological mitigation is likely to be required, following the completion of the evaluation works.

REPRESENTATIONS

The neighbouring properties were consulted on 15 May 2023 and on 14 September 2023. Four site notices were displayed near and around the site on 22 May 2023 and the application was also advertised in the press on 12 June 2023. At the time of writing, four letters of representation have been received, with a summary of the comments received below:

- Concerns regarding drainage and surface water run off
- Concerns regarding lack of consideration for downstream capacity of the Cold Brook Stream to take increased run off
- Stream has had years of neglect from NRW and is heavily silted which causes flooding issues
- Request that the proposal includes a clearance of the stream beyond the proposed development
- Current state of downstream water course has not been taken into account
- Unsustainable location
- Existing access is problematic due to its location
- Vehicular and pedestrian access is funneled into Argae Lane
- Parent drop-off/pick-up blocks the lane
- Concerns regarding expansion into the countryside
- Concerns regarding impact on nearby heritage assets
- No information regarding construction phase/impact with regards to noise, mess and congestion
- Supportive but raise concerns with traffic congestion
- Increased pupil numbers will increase parking demand

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 SP9 – Minerals

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities

POLICY MG7 – Provision of Community Facilities

POLICY MG16 – Transport Proposals

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

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 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Transport
- Community Facilities

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

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 key issues to consider in the determination of this planning application includes the principle of development, the scale, design and visual impact on the wider landscape, impact on neighbouring amenity, highways issues, flooding and drainage, sports pitch/open space provision, ecology, green infrastructure and biodiversity.

Principle of Development

The site lies outside of the Barry Settlement Boundary to the south-west, separated by the A4231 Barry Link Road, and as such, the site is located within the countryside. Policy MD1 – Location of New Development states that new development on unallocated sites should benefit from existing infrastructure provision or where necessary, make provision for new infrastructure without any unacceptable effect on the natural or built environment. In light of this, the site has an existing education use, given that the site already accommodates the existing St. Richard Gwyn RC School, and since the proposed land use would remain the same, the redevelopment of the site for its continued educational use is considered acceptable in principle, and would be compliant with Policy MD1.

Scale, Design and Visual Impact

The application has been supported by a Design and Access Statement (DAS), a supporting site constraints plan and massing development extract.

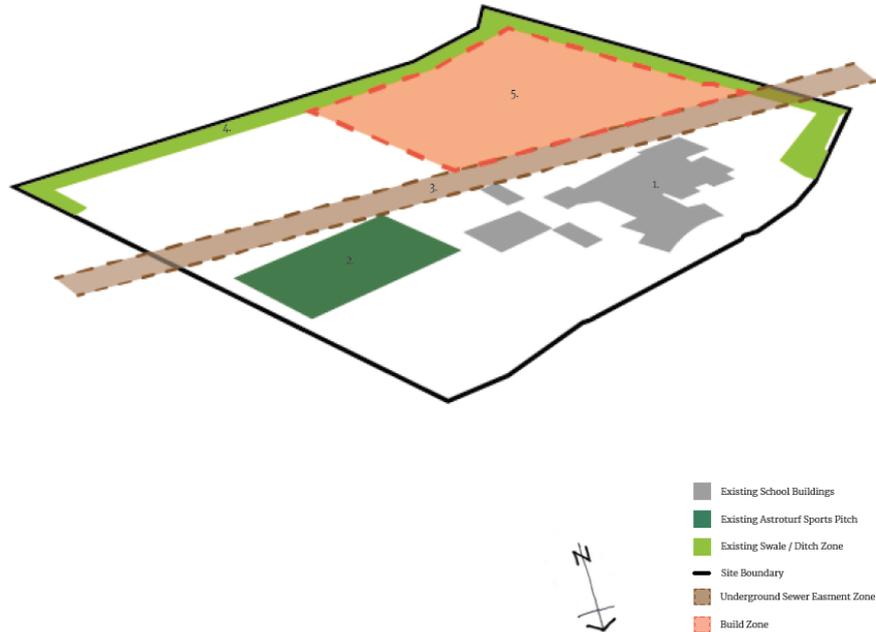
In respect of the general building form, it would have a broadly 'L-shaped' form and would be some 119m in width at its maximum, and some 63m in depth. However, the form of the building has been broken up into sections which correlate to the differing needs of the school. A four storey teaching block forms the main focus of the design, with a two storey sports hall to the east, and three storey central atrium and school hall to the north, forward of the proposed teaching block, within what is currently the playing field for the existing school. The proposed material palette would predominately utilise grey brickwork and concrete banding to separate the floors of the main four storey block, with fibre cement cladding in a matt red colour to the sports hall and cantilevered school hall, with grey fibre cement cladding to the chapel, dark grey fenestration, and a glazed link between the main teaching block and school hall.

It is acknowledged that the proposed school would introduce a new form of built development which is of a considerable size and scale in this relatively rural position, albeit the site is a brownfield site and currently used as a school. However, further justification was sought by officers as to the scale and massing of the proposed school, particularly the justification for the need for the four storey part of building

The submitted supporting information states that site constraints informed that design of the replacement building, including the requirement for the existing school to remain operational and the provision of existing sports facilities during construction. A sewer which crosses the site diagonally required a 7m easement, which restricts development, in addition to the required flood mitigation measures. All of these constraints reduced the developable part of the site for the building to the south-west corner.

There were a number of key site constraints which had to be taken into consideration when exploring the initial development options for both location, and massing of a new school building on the existing St. Richard Gwyn school site.

1. It would be essential that the existing school building remain operational during the construction of the proposed new school building. This would avoid the need for temporary accommodation, causing further disruption to the school, and adding considerable cost to the scheme.
2. Along with maintaining the use of the existing school building during construction, it would also be important to maintain sufficient sports provision during the construction of the new school. The existing astroturf sports pitch provides an all weather surface which can be used more frequently than a natural grass surface, and as such would be ideal to retain during the construction phase.
3. An existing sewer running east-west splits the site into two. A 7m easement either side of the sewer further restricts the developable area of the site.
4. Flood mitigation measures for the site includes a large swale which extends along the south and west boundaries of the site.
5. Once all the above constraints have been allowed for, the effective build-zone is limited to a relatively small area in the south-west corner of the existing school site.



Site Constraints Extract

A variety of massing options were explored, all of which required the bulk of the school to be located within the south-western corner in order to adhere to the site constraints. Options for separating the sports block as a stand-alone building was also explored, however security and operational concerns were raised.

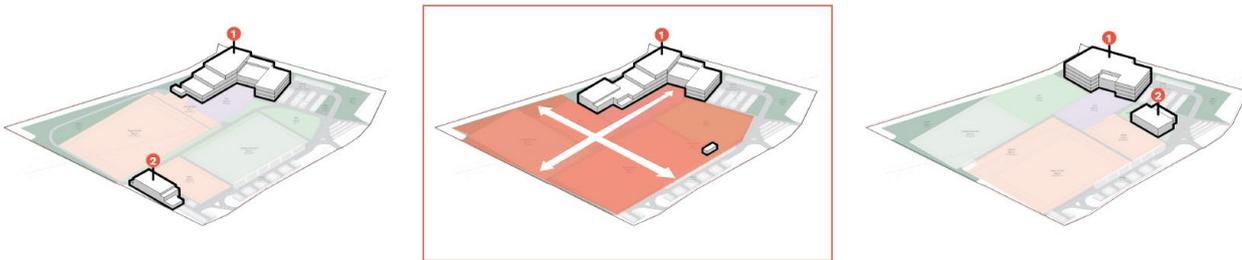


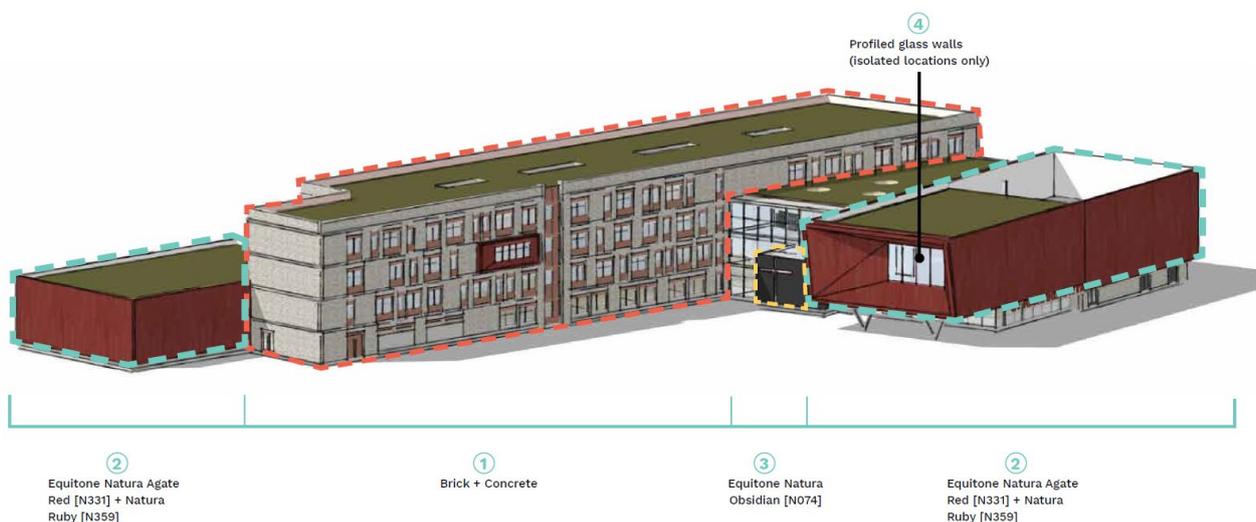
Image detailing differing massing options

Upon development of the final schedule of accommodation, a four storey teaching block was required to accommodate the overall GIFA (Gross Internal Floor Area) required for the proposed new school development, and adequately serve its needs. As such, the previously considered stepping of the massing away from the south-west corner of the site could not be achieved whilst maintaining a sufficiently compact building footprint within the available build zone identified by the aforementioned site constraints, whilst providing sufficient space for the required sports facilities.

Consequently, it is stated that the submitted scheme is considered the preferred option, which is best to meet the required needs of the school, whilst adhering to the existing site constraints that restrict the construction and location of the proposed replacement school.

In respect of the design of the building, it has been broken up into three main elements, with differing functions, which would introduce a positive composition of elevations, all of which would reflect the purpose and proposed use of the site. The proposed materials and design, in particular for the four storey block, have been designed to reflect the nearby farmsteads, with modern concrete detailing used to identify the floor-plates, and the use of window heads, and panelling would break up the elevation and would add interest in the form of the building. The sports hall and main hall are also stated to have been influenced by nearby farmsteads, with the red fibre cement cladding taking inspiration from the aged, rusted corrugated steel cladding of agricultural barns, which assists in breaking up the massing of the proposed school, and is an appropriate detailing. Whilst noting the contemporary design of the proposed school in this rural location, and the proposed height, it is considered that the scale and massing of the school has been justified, and on balance, is considered acceptable, and would not appear overly incongruous in its context, particularly given that the site already has an established educational use. Furthermore, noting the relocation of the proposed school to the south-west of the site, away from Argae Lane, the retention of the vegetated features and the robust landscaping scheme proposed, it is considered that the school has been appropriately designed and sited to reduce the impact on the rural character of the area.

The submitted palette of materials reflect that the building has been designed to meet the needs of the 21st Century school programme, and also achieve a BREEAM ‘Excellent’ rating. The proposed material palette, and in combination with the contemporary design represents an interesting composition of elevations that are considered to be appropriate in their context. The proposed materials are relatively stark within the rural landscape, but as stated above have been designed to reflect the materials of the rural buildings that are found in the rural landscape and it is considered that a condition should be attached to any consent granted requiring the submission of further details and samples (**Condition 3**).



Indicative model detailing proposed finishes

To improve access and pedestrian/highway safety, works are proposed to the existing vehicular access via Argae Lane, comprising of the widening of the most western and east vehicular access, and the blocking up of an existing access currently serving the bus drop off area. Argae Lane is enclosed by a number of mature trees located within the site, and the proposed works would not have any detrimental impact on these mature trees, as indicated by the proposed site plan and the submitted tree survey.

Overall, whilst the proposed building would undoubtedly introduce a visible and contemporary designed building to the site, of which would be materially larger than the existing cluster of buildings it replaces, it is considered to be of an appropriate size, siting and design for its setting and proposed function. The proposed setback from the Argae Lane frontage 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.

In terms of visual impact upon the wider setting and landscape, the proposals would result in the relocation of the school building to the south western corner of the site, served by car parking to the western boundary, forward of the proposed school, and drop off areas adjacent to Argae Lane to the north of the site. As a result, the main school building would be set back from Argae Lane in excess of 100m, however would be constructed closer to the A4231 Barry Docks Link Road to the west, at approximately 63m.



Plan showing location of application site in relation to the A4231 Barry Docks Link Road

As a result of the location of the site outside of the Barry Settlement Boundary, Policy MD1 states that developments on unallocated sites should, amongst other things, have no unacceptable impacts on the countryside.

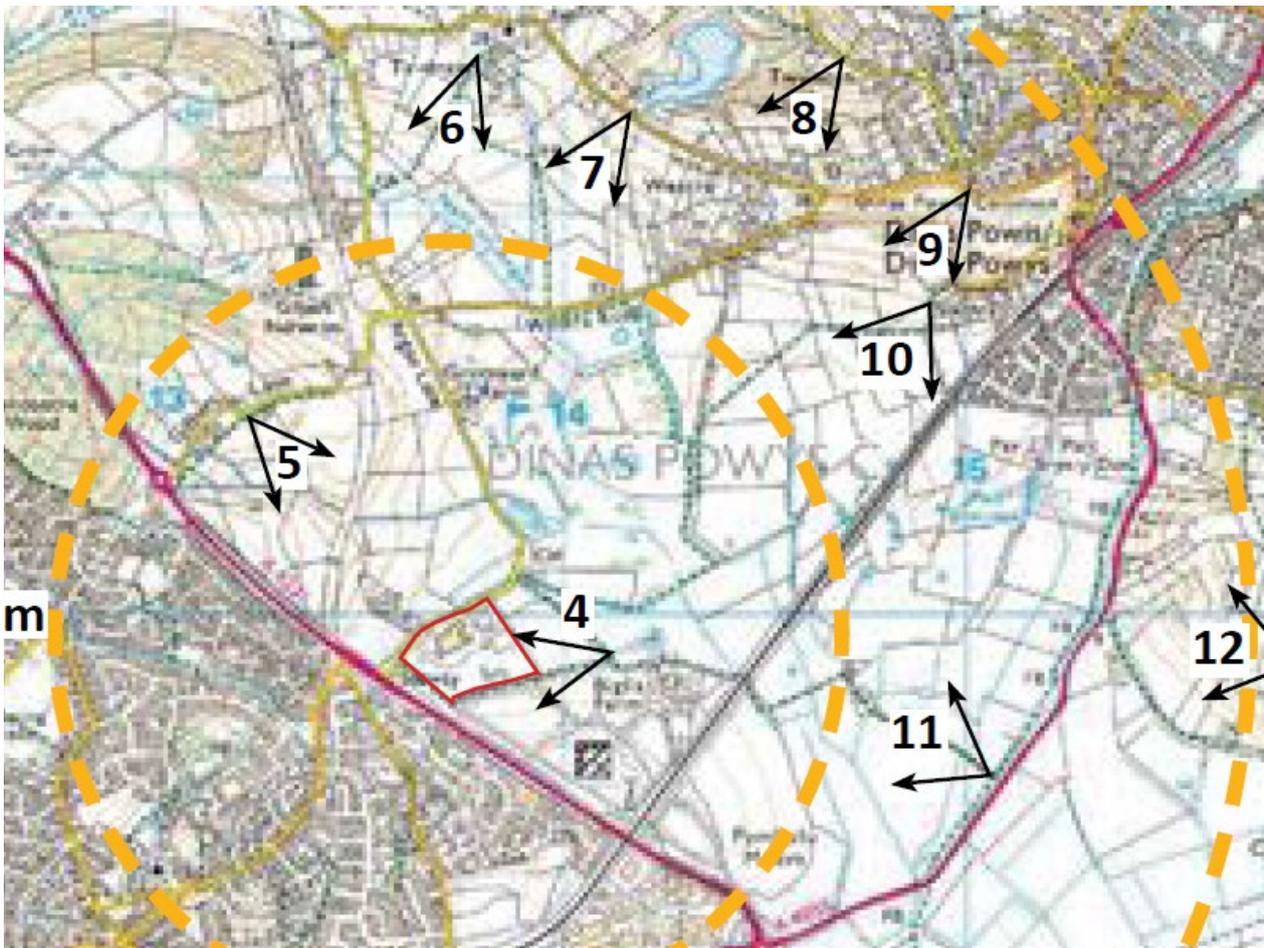
Whilst the site has an existing education use, given the scale of the replacement school, the application has been supported by a Landscape and Visual Impact Report, prepared by Enplan, on behalf of HLM Architects dated August 2023 to assess the effects on the landscape character (of the site and of the host character area) and on visual amenity.

The study area has been defined to incorporate all parts of the landscape that potentially may have a view of the proposal. The assessment utilises the adopted LANDMAP methodology, which comprises of five aspects which utilise character areas, comprising of visual and sensory, historic, cultural and geological landscapes and landscape habitats. The report notes that for each aspect area, the characteristics and qualities, management and an evaluation of condition, trend and value area detailed, with an overall evaluation score being provided.

The visual impact assessment has identified a number of publicly accessible viewpoints within relatively close proximity to the site at which locations where significant visual effects may be likely. It is stated that there are no prominent long distance views that would be affected to an adverse or significant degree, however two further reaching viewpoints have been included within the LVIA.

The viewpoints identified as being most affected by the proposal would comprise those in close proximity to the site, including Argae Lane (Viewpoint 1) and the public footpaths which enclose the site to the east and south (Viewpoints 2 and 3), and further reaching viewpoints from Beauville Lane (Viewpoint 8) and Dinas Powys Common (Viewpoint 9) to the north east of the site, which have longer reaching views of the surrounding landscape towards the site and Barry beyond.





Maps detailing locations of viewpoints to support Visual Impact Assessment

The Visual Impact Assessment (VIA) concludes that the viewpoints most affected would be the ones in close proximity to the application site, including Argae Lane (viewpoints 1, 2 and 3), and have identified the effect on these viewpoints would be noticeable and potentially adverse and significant, however has identified that the proposed school would be mitigated by additional vegetation screening, which would lessen the impact of the development in the long term and thus over time reduce the impact to being not noticeable, not adverse and not significant. The VIA identifies that the effect of the development from viewpoint 8 and 9 would be noticeable, however the school would be set against the backdrop of rising land and existing mature trees associated with the Barry Docks Link Road, and as such, would have a noticeable, but not adverse or significant visual impact. The assessment is based on seasonable conditions at the time of the fieldwork and the illustrated viewpoint photographs, with the VIA undertaken in summer 2023. As such, the summer views detail the best-case scenario, with a greater visual impact during the winter months due to limited leaf cover.

The Landscape and Visual Impact Report has also been supplemented by Computer Generated Images (CGI's) to accurately illustrate the impacts that would result in the development of the site. The CGI's are based on year 1 and year 15 following completion of the development and landscaping.

Following receipt of the Landscape and Visual Report, the Councils Landscape Officer was consulted on the scheme.

Location of Application Site



Viewpoint 1- Photomontage (Year 1)

Location of Application Site



Viewpoint 1- Photomontage (Year 15)

Viewpoint 1: Year 1 to Year 15

When viewed from Argae Lane, the most visible viewpoint, the proposal would undoubtedly have a considerable visual impact from Argae Lane particularly in year one with limited vegetation growth, as detailed in viewpoint 1, however it would be expected that a greater degree of vegetation growth have occurred over 15 years to assist in screening. The landscape officer however notes that the proposed swale is shown extending to the boundary in this area so may be a small localised unscreened view. Whilst the school would therefore remain visible, it is considered that with appropriate supplementary landscaping, the visual impact would be noticeable, however would not be adverse or significant in the long term.

Approximate Location of Application Site



Viewpoint 2- Photomontage (Year 1). Blue line indicates area of building screened by existing vegetation.

Approximate Location of
Application Site



Viewpoint 2- Photomontage (Year 15)

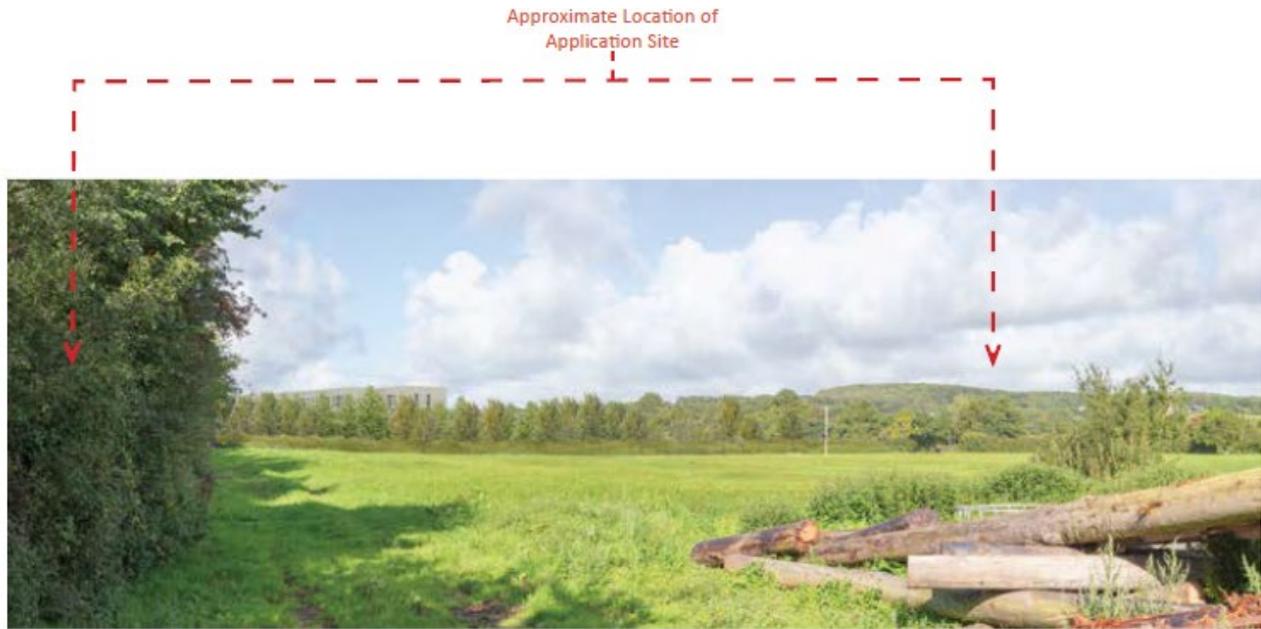
Viewpoint 2: Year 1 to Year 15

This viewpoint is taken from PRoW S1/11/1, looking north towards the site. The proposed school would be located within the centre of this viewpoint and would be clearly visible, with the effect of this view identified as being notice, adverse and severe. The mitigation strategy proposes new, semi-mature tree planting along the southern edge of the site, which would filter views towards the new school building, reducing the impact to noticeable, but not adverse, or significant, as noted by the VIA. The Councils landscape officer has stated that the 15 year screening is over optimistic given the proposal for a managed hedge, standard trees and swale along this boundary, and stated that although filtered, the impact of the view will likely remain as noticeable, adverse and significant. Whilst the impact is considered likely to remain noticeable and significant, it is considered that the visual impact of the school on this PRoW would be acceptable on balance, and the management of the hedgerow would be secured by condition (**Condition 6**).

Approximate Location of
Application Site



Viewpoint 4- Photomontage (Year 1)



Viewpoint 4- Photomontage (Year 15)

Viewpoint 4: Year 1 to Year 15

Viewpoint 4 is taken from PRow S1/11/1 looking west towards the site. The proposed school would have a materially greater impact on the visual impact from this viewpoint than the existing school and would have a noticeable to adverse and significant impact. The proposed boundary treatment planting would mitigate this impact, and whilst the landscape officer states that the 15 year screening is over optimistic considering managed hedge proposal and standard trees, in the long term the trees will provide suitable filtering and screening of views, however this will be seasonal, and the impact on the view would likely be noticeable and slight adverse and not significant. Consequently, the visual impact from this PRow is considered acceptable in the long term, subject to the proposed mitigation measures.



Viewpoint 8- Photomontage (Year 1)



Viewpoint 8- Photomontage (Year 15)

Viewpoint 8: Year 1 to Year 15

This photomontage details the visual impact of the site from the public seating area alongside Beauville Lane, looking south-west towards the site. The view is elevated above the existing surrounding landscape with long distance views towards the site and Barry beyond. The existing semi-mature trees in the wider landscape to the north, north-east and north-west of the existing school screen views, and whilst the proposed school would potentially be visible above the trees, this will be set against a backdrop of rising land and existing mature trees associated with the Barry Dock Link Road, with a noticeable, but not adverse and not significant visual impact. The landscape officer is in general agreement with the projected impact, but would assess impact on view as noticeable and slight adverse and not significant, due to scale of building in context of what is visible behind it. Nevertheless, the visual impact from this viewpoint would be acceptable.

On the basis of the above and as set out within the Landscape and Visual Impact Report, the proposals would result in a materially greater impact to the landscape character than that of the existing school, but this direct change would be largely limited to within the site itself. The effects on visual amenity are more limited to close range views from Argae Lane to the north and the PRoWs that enclose the site to the south and east. The PRoW network would not be notably affected by the development.

Beyond the extent of the site, close range views are generally glimpsed, filtered, and partial or screened completely by vegetation, which is either on the site boundary, or in the surrounding field boundaries in the vicinity of the site.

The findings of the visual impact assessment state that effects are noticeable at worse, and whilst the landscape officer notes that the proposed year 15 vegetation growth photomontages are over optimistic, and that the effect would be significant at viewpoint 2, given that this viewpoint is taken from the public footpath at the most south-western point of the site, directly behind the proposed school building, on balance, the visual impact of the proposed school is considered acceptable, with the landscape officer noting that the impact from the other viewpoints would be slight adverse at worse.

Having regards to light pollution, an external lighting plan has been submitted, which details the proposed layout of columns and lighting bollards within the site. Whilst the existing school has a degree of illumination, with the existing MUGA pitch being illuminated by lighting columns, the proposal would result in a materially greater degree of lighting, with 4m high lighting columns proposed throughout the site, as well as lighting bollards and 15m high lighting columns to the 4G rugby pitch and lighting within due to the scale of the new school.

Whilst a light spill diagram has been provided, having regard to the scale of the building and given the rural nature of the site, there are instances where illumination will have a degree of impact, particularly during winter months and during extended periods into the evening both within the school and the use of the external sports facilities. On this basis, it is considered necessary that lighting is adequately controlled and minimised when not required to maximise the impact of the site on the surrounding rural area. As such, it is considered necessary to request a lighting strategy, including hours of operation for internal rooms and all external lighting, for the car park and drop-off/pick-up areas, walkways, cycle parking and sports facilities. **(Condition 15)**

As a result of the above, whilst noting the scale of the building, it is acknowledged that the school would have an impact on the landscape in the short term and to a lesser degree in the long term, however as a result of the proposed landscaping, and its more localised public viewpoints, the redevelopment of the school would not be perceived as a fundamental change to the landscape character of the area. It is also material, that the existing school, whilst having a lesser visual impact on the landscape, has created an established baseline impact which on the site and wider area.

Trees and Landscaping

The application has been supported by an arboricultural report, and 27 trees and tree groups have been surveyed.

Of these trees, the proposal seeks to fell:

- G2 – Mixture of Sycamore and Crack Willow Trees – South Western Boundary – Grade C2
- T24 – Ash – Northern Boundary – Grade U
- T5 – Sycamore –Northern Boundary - Grade U
- T18 – Ash – Northern Boundary – Grade U
- G17 – Silver Birch – Centrally located – Grade C2

The trees and hedgerows to be removed are highlighted in yellow on the map shown below:

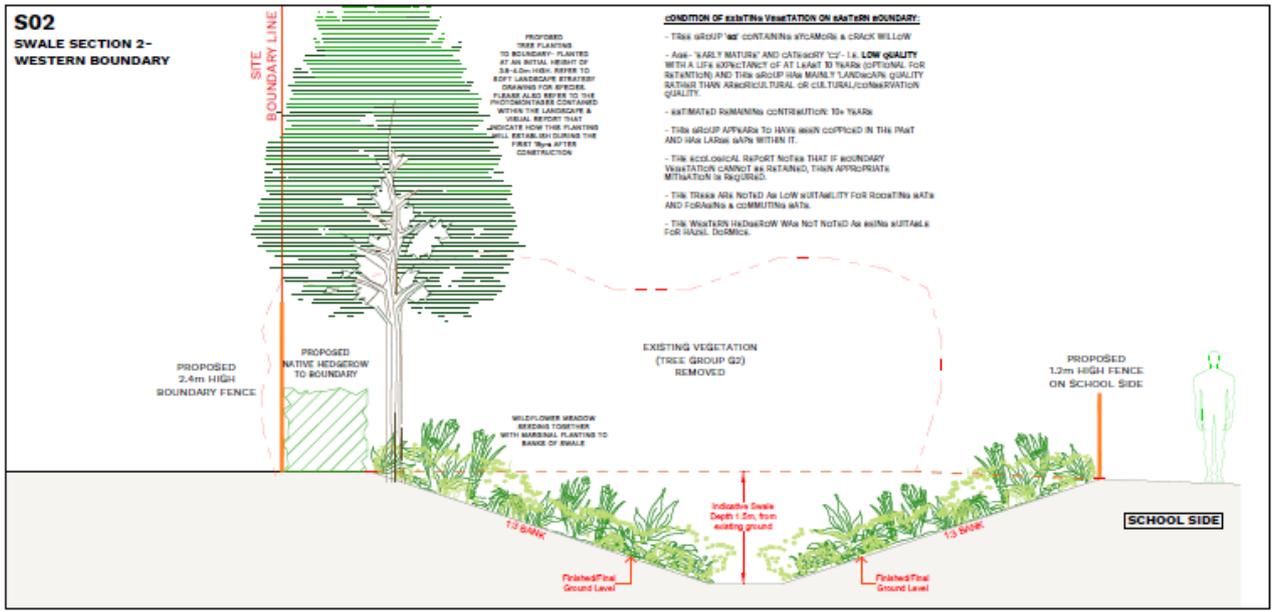


The three trees to be removed are located on the northern boundary of the site, adjacent to Argae Lane, and are category U trees, which are trees identified as being in such a condition that they cannot realistically be retained as living trees for longer than 10 years. As such, their loss of acceptable.

Group 17 relates to two Silver Birch trees located to the north of the existing car park. These trees are of limited prominence from views outside of the site, and their removal is necessary for the redevelopment of the site. As such, whilst their loss would have a limited degree of localised visual impact, on balance their removal is considered acceptable in order to facilitate the wider scheme.

Group 2 comprises a C2 graded boundary group of scrub and small trees, which have been coppiced in the past, with large gaps and forms the south-western boundary treatment of the site and is approximately 145m in width. The removal of this group of trees would have a considerable visual impact due to the scale of hedgerow to be removed, and whilst the hedgerow is graded C2, it is an established hedgerow which contributes to visual amenity. Nevertheless, in order to facilitate the proposed flood prevention measures, comprising of the construction of swales to the south and south-

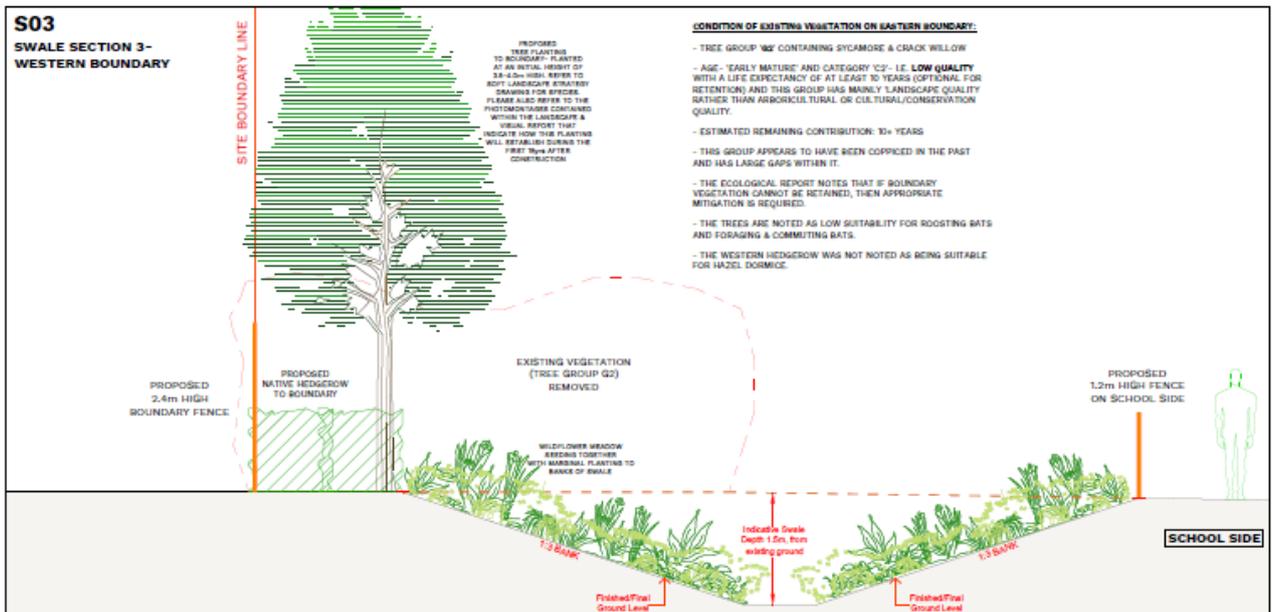
western site boundary, the removal of hedgerow Group 2 is considered necessary to enable the construction of the swales, due to the overgrown nature of the hedgerow, as depicted on S02 and S03 of the indicative swale section plan below.



S02

Swale Section 02

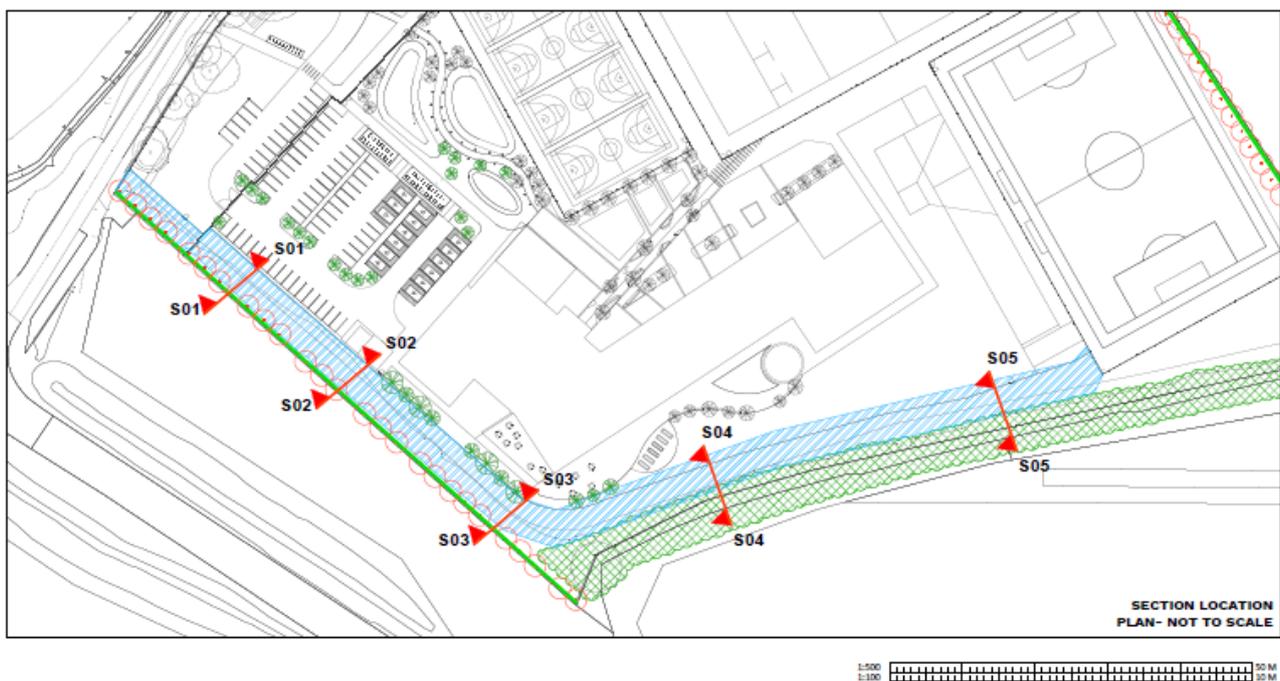
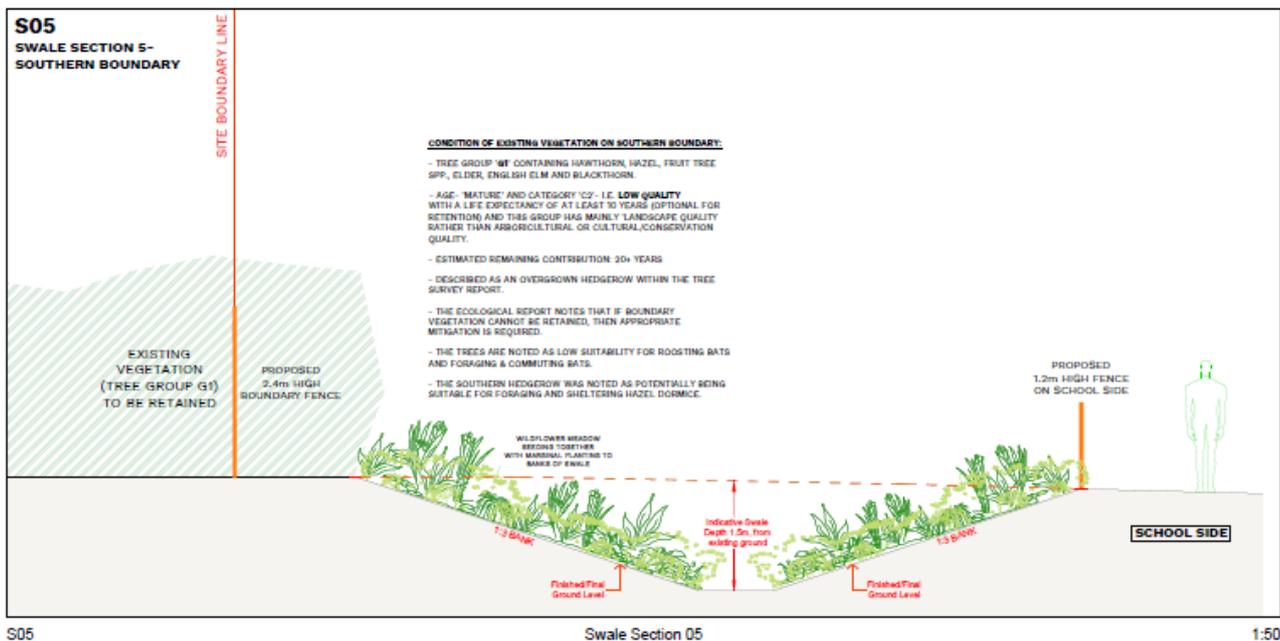
1:50



S03

Swale Section 03

1:50



Indicative swale section plan

As such, whilst the loss of this hedgerow would have a detrimental visual impact in the short term, a scheme of landscaping has been submitted, which proposes a full replacement of this hedgerow with tree planting to an initial height of 3.5-4m, of which the implementation and management of the landscaping scheme will be secured by condition **(Condition 4 and 5)**. Consequently, whilst the loss of an established hedgerow is regrettable, given that it is a necessary requirement to enable the construction of the flood mitigation measures, discussed further below to facilitate development of the new school , the removal of this hedgerow is acceptable, and will be sufficiently mitigated through further planting.

The Tree Protection plan includes full details of a scheme for the protection of trees and hedgerows during construction, which would be compliant with BS: 5837:2012, which is considered acceptable and shall be secured by condition (**Condition 7**).

As aforementioned, the application has been supported by a soft landscaping plan, which details the proposed landscaping of the site. The proposal includes a mixture of heavy standard and multi-stem trees through the site, mitigation hedge planting, understorey planting, ornamental planting, wildflower meadow, amenity grass, and the basin of the green swales to be seeded with wildflower mixes. To the eastern boundary, 22 Extra Heavy standard and multi-stem trees are proposed, and to the western boundary, in place of the existing hedgerow, 26 extra Heavy standard and multi-stem trees are proposed, in addition to 76 heavy standard and multi-stem trees scattered throughout the site. Resultantly, a total of 126 extra heavy and heavy standard and multi-stem trees are proposed.

Noting that a total of 5 trees and a hedgerow will be removed, it is considered that the proposed tree planting will more than meet the ratio for replacement trees set out in Planning Policy Wales which requires a planting ratio of 3:1 of trees that are lost. This scheme of tree planning and the wider landscaping scheme is considered acceptable and its implementation and management will be secured by condition (**Condition 4 and 5**).



Proposed soft landscaping plan

Ecology

The application is supported by a Preliminary Ecological Appraisal dated January 2023, which states that a number of ecological features may be affected by the proposed development, including; badgers, bats, dormouse, reptiles, breeding birds, hedgehogs and common toads. It recommended additional survey work be undertaken due to the confirmed presence of a bat roost. It also stated that if habitat around the southern boundary is to be removed, then bat activity surveys and the presence/absence of dormouse surveys are required.

The submitted tree survey and additional plans confirmed that the southern hedgerow would be retained and protected during the construction of the replacement school and during its use. As such, no dormouse surveys are necessary.

However, as per the preliminary ecological appraisal, the application is supported by additional surveys regarding the presence of a bat roost within the existing school building, identified as B11. The interim report prepared by AECOM dated September 2023 confirmed B11 as a bat roost, with a peak count of one soprano pipistelle roosting in the lead flashing. In addition to the single bat recorded at B11 during the PEA site walkover in November 2022, a single soprano pipistelle emerged from the feature during the July emergence survey, and no emergences were recorded in August or September. The interim report therefore considered B11 as an opportunistic day roost, and a transitional roost for individual or very small numbers of bats. As such, the interim report states that an European Protected Species Mitigation Licence (EPSML) from Natural Resources Wales will be required if the demolition occurs between April and October, the active season for bats. An EPSML may also be required if the demolition occurs between November and March if a bat is confirmed to be hibernating within B11. The licence will outline the methodology required including appropriate timing of the works and mitigation measures.

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.

The submitted Preliminary Ecological Appraisal report outlines a number of opportunities for biodiversity enhancement, which recommends a structured management regime for grassland including the re-sowing with a species diverse mix to the areas of grassland which will be retained. Insect walls, boxes or bee banks are also recommended in the landscape design to provide shelter and hibernated habitat for a range of insects, which should be installed in areas adjacent to species rich habitats. The installation of at least six bird boxes should be incorporated in the building design, and boxes suitable for swift and house sparrow would be suitable as habitat for these species as they are often lost in modern building design. Hedgehog houses are also recommended. The interim bat survey report recommends that bat boxes are installed, due to the existing school sports hall being a confirmed bat roost. Full details biodiversity enhancement features have not been submitted in support of the application, therefore it is considered necessary to condition the submission of a fully detailed scheme of biodiversity enhancement which shall include a method statement for biodiversity enhancement. (**Condition 9**).

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 additional survey information, NRW have confirmed that they are satisfied that the proposed development is not likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, and as such, no objection is raised. NRW request that the works are undertaken in accordance with the submitted plans and that the implementation measures detailed within the protected species report.

As per the habitats regulations, 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 existing school has reached the end of its viable lifespan, and the proposed replacement school would improve educational facilities, improve inclusivity and to achieve a higher standard of education for current and future students at the school. As such, the replacement school would have a social benefit, which is in the public interest.

Test ii) - There is no satisfactory alternative

Alternatives were assessed during the design process, other sites and refurbishment of

the existing buildings. No other sites were available and any alternatives would have still likely resulted in the demolition of school as the project aims were not able to be met through refurbishment, and therefore demolition and rebuild was the only way to achieve all the needs of the school and latest building standards and demolition and new construction is the only satisfactory solution.

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 has advised that on the basis of the preliminary ecological appraisal and the subsequent interim bat survey report, it is not considered that the development would be detrimental to the maintenance of the population of the species concerns at a favourable conservation status in its natural range.

With regards to pollution prevention, NRW stated in their consultee response that the Cold Brook is located less than 20m away from the development site. Whilst acknowledging that its lies outside of the development boundary, it must be considered during construction to avoid negative impacts on the watercourse. As such, NRW advised that a Construction Environment Management Plan (CEMP) shall be submitted and approved prior to any development or phase of development, including site clearance. The CEMP shall include, but not limited to:

- Construction methods: details of materials, how waste generated will be managed;
- 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.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- 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.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details – including self-reporting to NRW via the incident hotline
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

The submission of the CEMP shall be secured by condition. (**Condition 14**).

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 is located to the east of the A4231 Barry Docks Link Road and the settlement of Barry, and is accessed via Argae Lane, which is linked directed to the A4231 and provides access to St Andrews Major, and Dinas Powys via Westra. The existing school is served by two separate vehicular accesses, with the main entrance serving the staff and visitor car park and, the secondary access forming a bus ingress-egress loop drop off. Pedestrian access is via three access points on Argae Lane, the northern boundary of the site. Pupil drop-off/pick-up is provided via the coach drop off point, with parents dropping off within the main car park, however Argae Lane is often utilised for pick up/drop off.

The existing school caters for Year 7 through to Year 11 and currently has a capacity of 815 pupils, with approximately 100 staff members, with approximately 50 designated teaching staff. The proposed school would increase the capacity to 1050 pupils, plus a 60 pupil SRB (Special Resource Base), with approximately 150 full time equivalent staff numbers.

The application is accompanied by a transport statement (TS), which assesses existing and proposed travel/transport arrangements and considered how the proposed development would impact upon the highway network.

The TS indicates that as a result of the proposed development, based on the increased capacity of the proposal school from 836 to 1050 pupils, with an increase in the number of staff from 96 to 132 total staff, and the addition of a 60 pupil SRB unit.

It is stated that the proposed redevelopment of the school may result in up to 27 additional vehicle trips to and from the premises, associated with an increase in staff members. It should be noted that the school has advised that a significant majority of pupils arrive by a school operated bus, although specific figures are not available without patronage surveys.

The consideration for the additional 214 mainstream pupils is that these will, in the significant majority, be accommodated on school buses, as per the existing pupil cohort, with a large proportion of the total proposed pupils likely to live within one mile of the school. The TS notes that approximately one third of all existing pupils reside within one mile of the school, as reflected by the percentage of pupils who are anticipated to travel to school on foot, at 45%. This would therefore enable further uptake of active travel modes, as encouraged within the transport plan. The 60 SRB pupils are envisaged to travel by contracted school transport, such as minibus/coach, and where necessary, private transport.

As a result, the TS states that there is unlikely to be a significant increase in vehicular trips associated with the proposals. In addition, the proposed school will also be subject to a travel plan which will target the reduction of car use for all users accessing the school, and should be a focussed objective within the Travel Plan, in order to replace private vehicle trips with more sustainable forms of travel, and will be secured by condition. (**Condition 10**)

In light of the above, it is considered that, whilst the proposed development would result in a marginal increase in the number of trips generated due to the increased capacity of the school, this would not be to a degree which would unacceptably impact upon the highway

network around the site, due to the majority of the anticipated pupils to either walk to school, or utilise public transport/school buses, as per the majority of the current pupils, which would be managed through the Travel Plan. The proposal is therefore considered acceptable in respect of traffic impacts.

Car Parking

The Council's parking guidelines require a maximum of 1 space per each member of teaching staff, 1 space per 2 ancillary staff, 1 space per 20 students of age 17 (or above) and 3 visitor spaces. The replacement school would serve pupils aged 11-16, and as such, no provision for students aged 17 and above is necessary. This would equate to a maximum of 106 based on staff numbers, and whilst 100 spaces are proposed within the primary parking area, this would be compliant with the maximum standards, and an additional 14 spaces are proposed within the parent drop-off area which can be utilised if/when necessary. Consequently, given that the parking guidelines are maximum standards, the proposed provision would be sufficient to meet the needs of the new school. The car park includes the necessary space for vehicles to manoeuvre into and out of spaces, ensuring that vehicles would be able to circulate safely, without having to undertake significant reversing movements. In summary, it is considered that the proposed parking capacity is appropriate and satisfies the requirements of the Council's Parking Standards Supplementary Planning Guidance.

Segregated Drop-Off/Pick-Up

The Highways Department observations note concerns along Argae Lane for the school peak times where cars perform manoeuvres and obstruct the highway when dropping off and picking up pupils. In an effort to mitigate these impacts, the proposed scheme has relocated the bus and parent drop-off to within the site, with segregated bus and parent drop off point located to the north of the site.



Proposed segregated pick-up/drop-off area

The car/parent pick up and drop off area has been placed on the same side of the school, and the bus area is provided as a separate area to the north of the car pick up area. The bus/coach area would be segregated from the parent drop off/pick up to avoid conflicts between users at the request of the Council's Highways Authority, with the bus/coach waiting area forming an island between the parent drop off/pick up and the bus drop off. The bus drop off area would remove highway designated bus parking and its relocation within the school site. This is considered to improve the existing situation within the public highway and the highway authority have advised that this would be sufficient to deal with need arising from the school.

Notwithstanding this, it is considered necessary for further, detailed plans and a traffic and pedestrian management plan to be provided to protect pupils and staff during the pick-up and drop-off times, which include the provision of the following measures:

- Priority of afternoon egress for buses over cars
- Highlight pupil desire lines and measure to ensure no cutting across the car park
- Traffic calming features along the pick-up and drop off area
- Publications to staff, parents and pupils and any other measures deemed necessary.

In addition, due to the drop off area forming a straight section, it is necessary for physical traffic calming measures to be provided to ensure a reduction in vehicles speeds within the site. These measures can be secured by condition (**Condition 11**) by way of a traffic and pedestrian management plan.

Highway Safety

The proposed relocation of pick-up/drop-off facilities to within the site as opposed to the current on-street drop off would improve on highway safety along Argae Lane, and would limit manoeuvres undertaken on the public highway of Argae Lane. Nevertheless, the Highways Department state that the visibility to the west for the vehicular exit is sub-standard, and it is necessary for the proposed boundary fence to the northern boundary to be set back to improve visibility when exiting the site.

As such, it is necessary for a plan to be provided and agreed for the setting back of the boundary mesh fence fronting Argae Lane (to the western exit) to provide clear visibility for vehicles exiting the future school site for highway safety reasons. In addition, the Highways Authority has also requested that the following engineering details are provided:

- Details of footways/cycleways
- Kerbing
- Crossing points
- Boundary treatments
- Street lighting
- Surfacing
- Road markings
- Signage

These measures will be secured by condition (**Condition 12**).

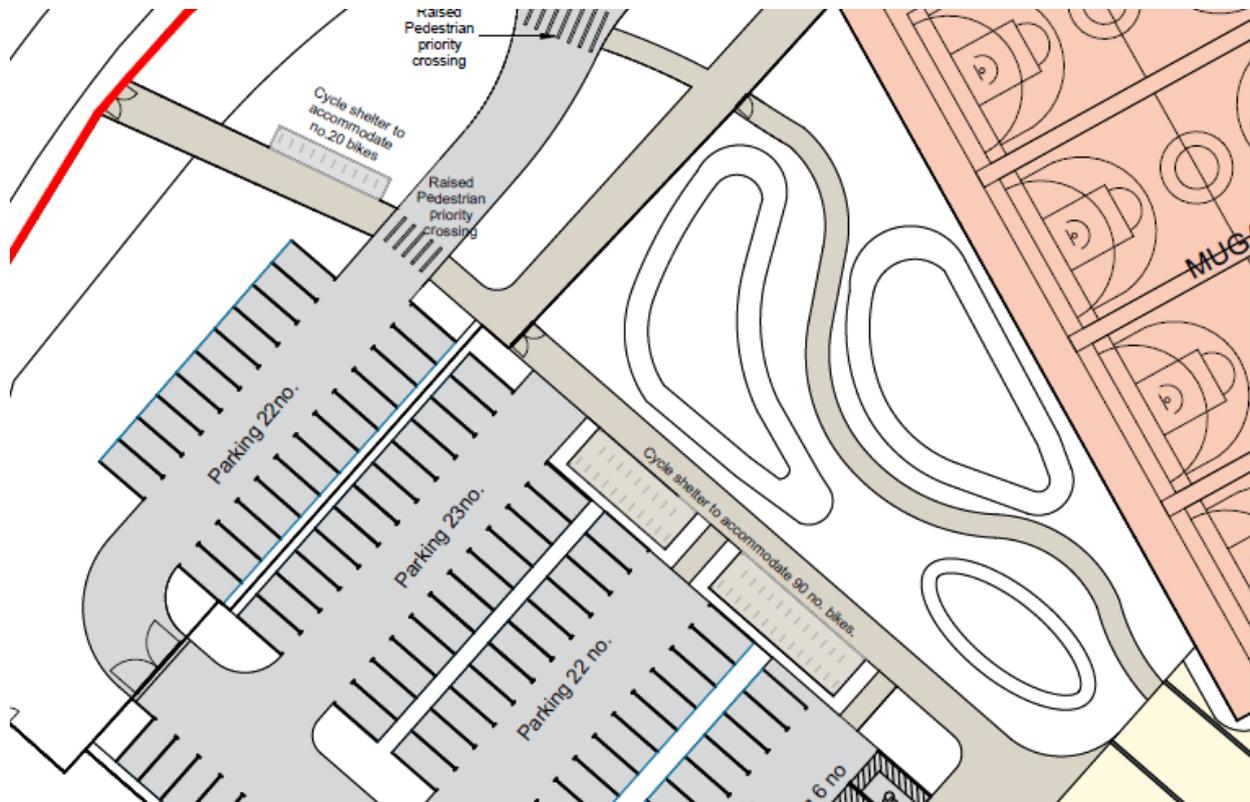
The Highways Department also require a scheme of new and amended traffic regulation orders along Argae Lane. They have advised that the new Traffic Regulation Order (TRO) be in made and all markings / signage to be completed on site prior to the beneficial occupation of the new school. Given that TRO's fall under the Highways Act 1980 and Road Traffic Regulation Act 1984, this requirement falls under separate legislation. Nevertheless, it is considered necessary to condition a revised/new TRO prior to the first beneficial occupation of the new school. (**Condition 26**).

Pedestrian and Cycle Access/Facilities

Pedestrian and cycle access will be retained via the existing dedicated access, located approximately 50m south of the proposed site egress junction and 70m from the underpass section on Argae lane.

The transport statement notes a set of Integrated Network Maps were submitted to the Welsh Government in November 2017 which set out the Councils plans for enhancing active travel infrastructure over the following 15 years, which will improve active travel routes to the school. In addition, the Council's Highways Authority has requested the inclusion of a condition for details of the proposed active travel improvements, including improvements to the underpass to the west of the site, pedestrian guard rails to be installed on all exits, and the setting back of the site frontage to provide a new shared cycleway/footway facility or to provide the land for future development of such. However, these improvements would be outside of the identified red line site boundary, and as such, are matters between the Council's Highways Authority and Education Department.

With regards to cycle parking, the Council's Parking Standards SPG requires a minimum of 39 cycle parking spaces for the development. The masterplan details that 110 cycle parking spaces are proposed, with the opportunity to increase this provision if necessary in order to comply with BREEM requirements. The cycle parking would be located between two parking areas and is in close proximity to the dedicated pedestrian/cycle entrance. As a result, the proposal is compliant with the Councils Parking Standards SPG.



Proposed Cycle Parking Location

Construction Traffic

The Highways Department Team have requested the inclusion of a condition requiring the submission of a Construction Traffic Management Plan (CTMP) which outlines the detail that is expected to be submitted and agreed prior to any construction works commencing on site so that all potential impacts can be addressed and adequately mitigated. The Highways Department have outlined the primary considerations to be included, but not limited to, within the CTMP, which comprise the following:

- Incorporating delivery outside am & pm school pick / drop off times,
- Access/haulage Route.
- Compound layout including parking for construction vehicles. No vehicles to park along Argae Lane or the surrounding area.
- Loading and unloading areas for plant and materials on site.
- Measures to control water, mud and debris entering the highway.
- Suitable boundary treatments to protect pupils and staff.
- Any signage or traffic management required as part of the development.

The CTMP shall include, along with the above, proposals to control, manage and monitor the CTMP requirements. This will be secured by condition. **(Condition 13)**

Consequently, as a result of the above and subject to the aforementioned conditions, it is considered that the proposed redevelopment of the school would have an acceptable impact on traffic generation, highway and pedestrian safety and car and cycle parking.

Impact upon amenity of neighbouring residential properties

The proposed building would be at least 80 away from the nearest residential property and consequently, the building would not be overbearing towards any neighbour or result in overshadowing. The distance is also sufficient to preserve the privacy of the nearest neighbours.

Whilst the capacity of the school would increase, it is not considered that the degree of comings and goings to the site would have a materially greater or adverse impact upon neighbouring amenity than that of the existing school.

The illuminated rugby/4G pitch would be located to the north east section of the site, and would be located in excess of 100m from the nearest residential dwellings to the north west. As a result of this separation distance, it is considered that it would not cause undue noise disturbance to this nearest residential property, or a nuisance as a consequence of light pollution.

As set out above, **Condition 15** requires the submission of a lighting management strategy for all internal and external lighting, which will seek to minimise light pollution, including safeguarding residential amenity.

As aforementioned within the design and visual impact section, the location of the existing school is a constraint in terms of constructing the new school. The existing school would be functional for the duration of the construction phase. As such, the new school would be constructed alongside the existing school building and once complete, pupils would decant into the new accommodation. The existing building would then be demolished and the remaining site landscaped. Consequently (and in order to protect residential amenity in general) a carefully conceived Construction Environmental Management Plan (CEMP) will be required to ensure that this process is managed appropriately, with regard to pupil/pedestrian safety in particular.

In light of the above, it is considered that the development will not adversely affect residential amenity when operational, in accordance with policies MD2 and MD7 of the LDP. A Construction Environmental Management Plan condition is required (**Condition 14**) to ensure that impacts during the demolition/construction phases are minimised and managed.

Open Space and Sports Pitch Provision

The proposed school would be constructed on the playing field of the existing school, and whilst this would result in the loss of this playing field temporality, the existing MUGA and hard standing playground would be retained during the construction of the replacement school, which is considered adequate to serve the existing school during construction of the proposed replacement school.

Following the decanting of pupils into the new school, the existing school would be demolished and the site landscaped. In place of the existing school, a 4G rugby pitch measuring 105m x 701m and four MUGA pitches are proposed, measuring approximately 33m x 16m each. In addition, an informal 'kickabout' school field, which measures approximately 100m x 65m, and running track is proposed to the east of the proposed school, with grassed recreational areas proposed to the side and rear of the building. The new spaces would provide space for multiple sports, games and other outdoor activities, and is considered sufficient to serve the proposed school.

Paragraph 4.5.6 of Planning Policy Wales encourages multiple use of open spaces and facilities to increase their effective use, and the facilities provided allow for that flexibility of use. The proposed facilities serving the school are stated to be available for community use. New schools built by the Council are promoted as having community facilities available for use, however, it will be for the school management to decide how their use is promoted.

Sport Wales were consulted on the proposal, and stated that the proposed community use is welcomed, and request the provision of a management plan for the community and school use. Policy MG7 Provision of Community Facilities states that proposals which provide new or enhanced multi-use community facilities will be favoured. On the basis that the proposal will provide added community benefit, it is in accordance with Policy MG7, and as such a management plan demonstrating how the community will be able to access and use the facilities within the school and sports facilities will be required by condition (**Condition 17**).

Consequently, it is considered that the proposed open space and sports pitch provision is acceptable, based on a mixed community and school use provision.

Flooding and 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 (FCA) and associated addendum prepared by Hydrock.

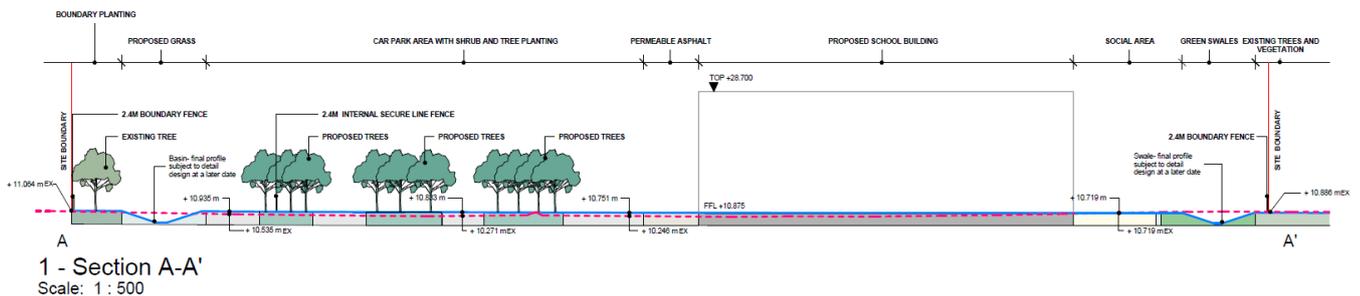
The site is located within flood risk Zone C2, which is an area of floodplain without significant flood defence infrastructure and based on NRW's online flood risk from rivers mapping, the site is shown to be at 'low' to 'high' risk of flooding from the Cold Brook to the north of the site. The results of the hydraulic modelling study indicated that during the baseline scenario, the site is predicted to be at risk of flooding during all modelled flood events, with depths reaching maximums of 0.66m during the 1 in 20 year event, and 0.80 during the extreme 1 in 1000 year event, with the maximum depths occurring in the vicinity of the existing school buildings.

The FCA states that a hydraulic modelling study was undertaken in 2019 by AECOM, which presented mitigation options to reduce the risk of flooding to the proposed development to NRW. Since this, the mitigation measures proposed comprise of the use of swales to the south western and southern boundaries of the site, ditches to the north, and a basin to the North West utilised, as well as allowing the kick about area as a floodable area to manage potential flooding from the Coldbrook.

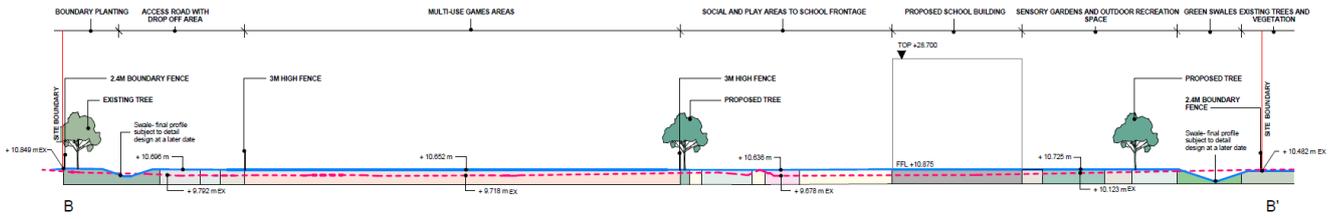
The proposed mitigation measures as set out in the Flood Consequence Assessment Revision P05 dated 8 February 2024 and within Appendix B dated 10 March 2023 comprise of the following measures:

- Ditch 1: 8.00m wide by 36.00m long. Levels lowered to 9.50m AOD at the upstream end to 9.40m AOD at the downstream end.
- Ditch 2: 8.00m wide by 37.00m long and set to 9.35m AOD at the upstream end and 9.25m AOD at the downstream end.
- 4.00m wide by 1.50m high culverts added connecting Ditch 1 and Ditch 2, and Ditch 2 and the Basin, below the proposed site access.
- Basin: approximately 770m² in plan area and set at 9.20m AOD at the upstream end to 9.00m AOD at the downstream end.
- Ditch 3: 8.0m wide increasing to 10m wide by approximately. The ditch bed has been set to 9.0m AOD along its entire length to provide additional storage volume as well as conveyance of flood water across the site. The proposed 9.0m AOD ditch bed level provides more storage volume than required, therefore, this could be further refined at the detailed design stage to minimise the earthworks required on-site.
- Proposed playing field: level set to 9.0m AOD to provide additional floodable area and to ensure that flood waters from the proposed ditch outfall approximately at the location of the flow paths present in the baseline scenario, and to ensure that no additional areas of third-party land are affected as a result of the proposals.
- Beany Block style kerb inlet units implemented along the carriageway of Argae Lane, drawing water off the carriageway and discharging to a 0.30m diameter pipe, which in turn discharges to the proposed basin in the north-west of the site.

The levels of the site are also to be increased, with the kickabout area set at the lower level of 9.0m AOD to provide additional floodable area as aforementioned. A section plan has been submitted, which details the existing and proposed ground levels of the site. Section A-A, details the depth of the site from the northern to southern boundary, cutting through the proposed car park and western elevation of the proposed school. The proposed ground level would be increased by a maximum of 560mm, from 10.271m AOD to 10.833m AOD.

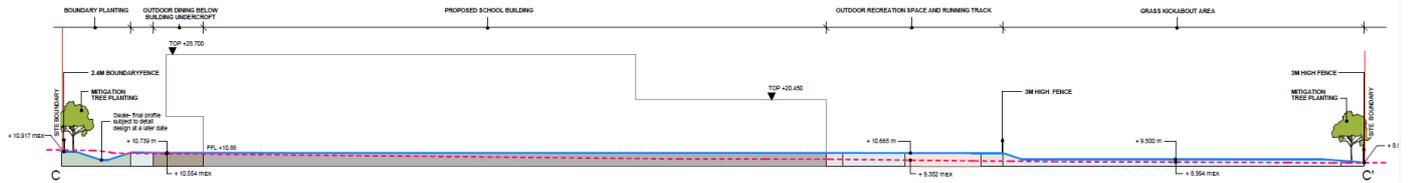


Section B-B, a cross section through the drop-off/pick-up area, MUGA, teaching block and the southern boundary swale, details that the ground levels would increase by a maximum of 934mm from 9.718m AOD to 10.652m AOD.

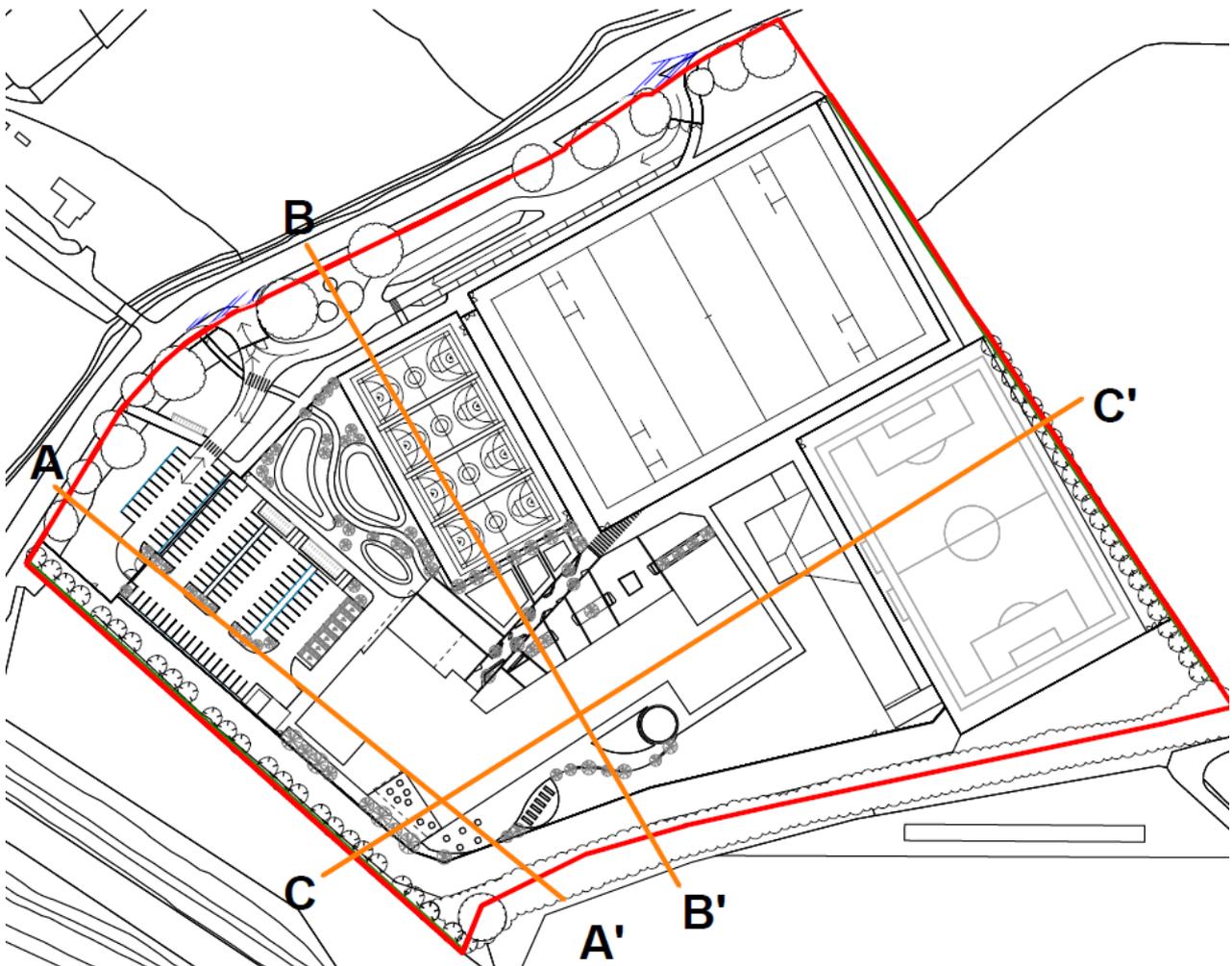


2 - Section B-B'
Scale: 1 : 500

Section C-C' is the cross section of the width of the site from west-east, which cuts through the western boundary swale, the width of the proposed school, the running track and kickabout playing field. The levels would increase at their maximum by approximately 1.4m, from 9.352m AOD to 10.665m AOD. The ground levels would then drop to 9.500m AOD on the kickabout playing field to allow for the use of this area as a flooding area.



3 - Section C-C'



- 0000 SITE SECTION LOCATION PLAN

The flood mitigation proposals as laid out within the submitted FCA are detailed on the proposed site plan below:



TAN15 (Development and Flood Risk) advises that in zone C2, *“Only less vulnerable development should be considered subject to the application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered”*. NRW were consulted on the scheme, stated that highly vulnerable development should not be permitted in zone C2, and that the justification tests in paragraph 6.2 do not apply to highly vulnerable development in Zone C2.

NRW stated that notwithstanding this policy position, the FCA has been reviewed in order to provide technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15 and the flood modelling to inform the FCA has been reviewed, and is considered fit for purpose.

The proposed mitigation measures have been modelling using the maximum depth outputs for the future 1 in 100 year (plus a 30% allowance for the future effects of climate change) and extreme 1 in 1000 year events.

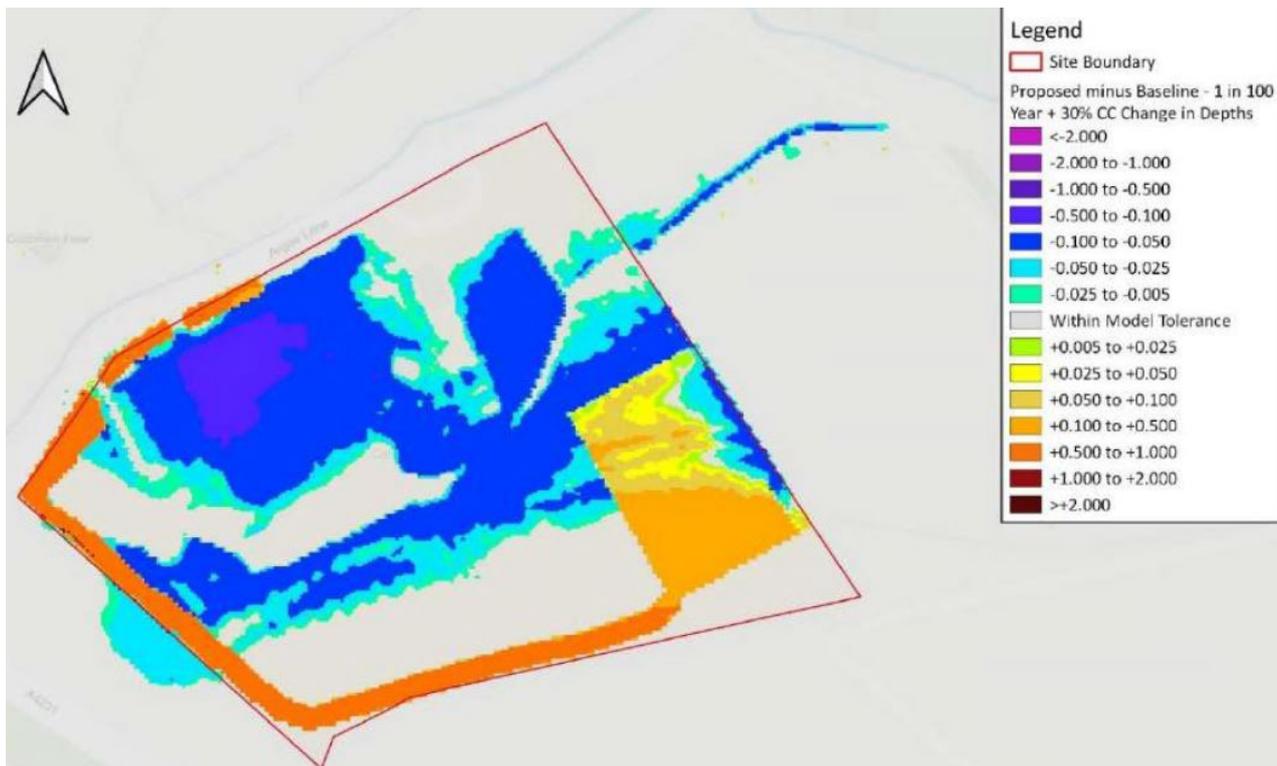
The FCA states that during the modelling for these events, and the lower order events, the flooding across the site has been successfully mitigated for all flood events, with flooding shown to be contained within the proposed ditches and basins. The predicted flood depths within the basin range from 0.38m during the 1 in 20 year events, to 0.9m during the 1 in 100 year plus 30% climate change event and 1.05m during the 1 in 1000 year event. Maximum flood depths within the proposed playing field range from 0.11m during the 1 in 20 year event to 0.24m during the 1 in 100 year +30% CC event and 0.27m during the extreme 1 in 1000 year event.

With respect of this, NRW responded stating that the proposed buildings are predicted to be flood free during the 1% plus climate change allowance event, and whilst the proposed building is designed to be flood free, the kick about area would be allowed to flood during this event by up to a maximum depth of 0.24m. This area has been set to a level of 9.0m AOD to provide additional floodable area and to ensure that flood waters from the proposed ditch outfall do not increase flood risk elsewhere.

Although A1.14 of TAN15 advises that development should be flood free in this event, it is acknowledged that the development is for a replacement school on the same site. Consequently, in acknowledging that the school is classified as highly vulnerable development, of which TAN15 advises should not be considered on zone C2, noting the proposed mitigation measures, which have been modelled to successfully mitigate any flooding of the school building, and would not increase flooding to third parties, the reuse of the site for a replacement school is considered acceptable.

Having regards to emergency access/egress, the main site access route along Argae Lane is predicted to flood up to a maximum depth of 0.15m during the 1% (1 in 100 year) plus CC (30%) event. TAN15 advises that access/egress routes should be shown to be operational under all conditions, however, as aforementioned, this is a replacement school and the existing school would be subject to the same level of flood risk. Notwithstanding this, the proposed mitigation strategy includes Beany Block style kerb inlet units implemented along the carriageway of Argae Lane, which draws water off the carriageway and discharging to a 0.30m diameter pipe, which in turns discharges to the proposed basin in the north-west of the site. Nevertheless, as per the FCA and the Councils Drainage Department, it is considered necessary to condition the submission of a Flood Warning and Evacuation Plan, which shall outline safe evacuation routes and flood warning systems. (**Condition 29**). Consequently, as a result of the above and in line with NRW's consultee response, the mitigation strategy proposed within the FCA will be conditioned (**Condition 18**), as well as the FCA being included as part of the approved plan list (**Condition 2**).

Concerns have also been raised in respect of increased flooding to third party land, however a depth comparison has been carried out to assess changes in flooding between the baseline and proposed scenarios. The modelling, as shown in the figure below, details that while there are some reductions in flooding of up to 0.09m to the west of the site, and 0.21m to the east of the site, which are associated within the change in flow routes due to the proposed mitigation measures, there are no increases in flood depths to third party land as a result of the development. Therefore, based on the modelling contained within the FCA, it is considered that the proposed development can be safely mitigated over its lifetime without causing an increase in flooding elsewhere.



Change in flood depth from baseline to proposed

As noted on the site constraints plans, the site is crossed by a 700mm diameter sewer. Dwr Cymru Welsh water have considered the submissions and advise that, in accordance with the Water Industry Act 1991, Dwr Cymru Welsh water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, they note that it appears the proposed development is to be set back and therefore positioned outside of the protection zone of the public sewer.

Following a consultation response from the Councils Drainage Department, it was noted that the permeable surface of the proposed car park is to be installed above an area containing existing drainage tanks and requested that DCWW are consulted further in respect of these tanks. DCWW confirmed that the tanks are one of the key trunk sewers which transfers flows from Barry into the Cog Moors WwTWs, and is a critical asset. As a result, a detailed section drawing was requested by DCWW to ensure that the proposed car parking area would have no detrimental impact upon these drainage tanks.

DCWW were consulted on the submitted section plan, and responded stating that the location of the proposed car park is acceptable in principle, however no permeable paving is permitted over the drainage tanks, which are located below the proposed car park. Consequently, it is considered necessary to condition a revised hard landscaping scheme which shall detail impermeable hard surfacing to the car park area. (**Condition 30 refers**). In addition, DCWW stated that any lighting columns will need to be positioned outside of the protection zone of the sewer. Consequently, a condition requiring details of a revised scheme of external lighting layout which shall show that no lighting will fall within the sewer easement/protection zone is necessary. (**Condition 16**).

DCWW also state that a formal agreement is requirement to allow DCWW unfettered access to the kickabout area and the MUGA area. This will be included as an informative (**Informative 5**).

In respect of the Council's Drainage Department, further clarification was requested as to the levels section plan, as the section plan does not correspond to that shown within the FCA, as the ditch and basin system, which is proposed to capture exceedance flows from Argae Lane, is not identified upon the site section plan. The Drainage Department therefore requested further clarification as to how the exceedance flows will be managed. On relaying this to the planning agent, it was confirmed that the drainage schematic states that preliminary modelling has been undertaken and the final details are to be refined with the landscape strategy. Following this confirmation, the Council's Drainage Department have reviewed the scheme as whole, and confirm that the drainage proposal is acceptable in principle and therefore there is no objection to the proposed scheme.

Archaeology

The application has been supported by the submission of a desk based archaeological report by HCUK, dated January 2023, with the assessment confirming that the site has a negligible potential for Palaeolithic remains, a moderate potential for Mesolithic material, a high potential for archaeological remains of later prehistoric date (Neolithic to Iron Age), most likely in the form of stray finds representing flint scatters, found during fieldwalking projects over land to the south east of the site. There is a high potential for Roman remains based on evidence within the study area, which shows a number of settlements and numerous find spots. The site is stated to been agricultural land surrounding settlements during the early medieval to modern period, until the existing school was constructed in the 1960s.

The report concluded that, whilst the construction of the existing school and associated parking, roadways, areas of hardstanding and all-weather pitch will have partially truncated any archaeological remains that may have been present within the site area, remains may still exist between and below these past intrusions. It adds that the drainage that has been installed through the playing field, given the relatively level nature of the site, is unlikely to have caused very significant truncation, and thus there is still a good potential for well-preserved archaeological remains to be present within this area of the site.

The report states that it is considered that the replacement of the school to the south-western corner of the site could negatively affect archaeological deposits. As such, the recommendation made in the report is that a phase of evaluation is necessary in the undeveloped areas of the site, followed by any necessary mitigation. Evaluation of the northern section of the site would not be possible until the removal of the existing school has been undertaken, and any further archaeological works would need to wait until the demolition of the superstructure has been undertaken.

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the proposal, and have stated that the proposal has an archaeological restraint, and concur with the findings of the archaeological survey and that there is potential to encounter archaeologically significant remains. As such, GGAT stated that a field evaluation is appropriate in this particular case and the applicant should commission the required archaeological work and determination deferred until a report on the evaluation has been submitted. They also advised that additional mitigation is likely to be required following completion of the evaluation works.

However, following discussion with the Council's Sustainable Communities for Learning Department, due to limitations with the funding of the development as a whole, a field evaluation prior to the determination of planning permission cannot be undertaken prior to the release of funding, of which the release is dependent on the determination of the planning application.

As per TAN24 Historic Environment, whilst it is usual practice for a field evaluation to be undertaken prior to the determination of a planning application due to the possibility of the uncovering significant archaeological remains which could then require considerable further investigatory exploration, in this case, due to the nature of the development, the conditioning of the field evaluation would represent an extenuating circumstance which would affect the delivery of the replacement school, which would outweigh the requirement of the field evaluation to be undertaken prior to determination.

Nevertheless, the applicant has been made fully aware of the uncertainty of the conditioning of the field evaluation, and is aware of the potential risks, which may result in extended, unavoidable delays and added costs to the scheme should an extended investigation be required as a result of the field evaluation. As such, this risk has been accepted by the applicant, and the conditioning of the field evaluation for both the south of the site, and the land located below the existing school buildings will be secured by a suitably worded condition (**Condition 19**).

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 due to the requirement of the continued operation of the existing school during the construction of the replacement school, the extraction of minerals would have an unacceptable impact on the operations of the existing school, and would be contrary to criterion 2.

Public Rights of Way

The site is bordered by Public Right of Way PRoW S1/11/1 to the southern and western boundaries, and as such, the Council's Public Rights of Way Officer was consulted on the proposed scheme. Concerns were raised that the application does not appear to recognise the public footpath, and it was stated that the public footpath must be available for safe use by the public at all times. In addition, should the footpath require temporary closures to assist in facilitating works, an order should be sought under the Road Traffic Regulation Act 1984. The officer also states that no adverse effect to the footpath, and the applicant should ensure that materials are not stored on the path and no barriers, structures or any

other obstructions placed across the legal alignment of the path. Any damage is to be made good at the applicants own expense.

The proposed development, whilst bordering the PRow, is not considered to have any detrimental impact upon the PRow, and would not encroach onto this public footpath. Nevertheless, an informative will be applied to the decision notice informing the applicant of this (**Informative 3**).

Green Infrastructure

Chapter 6 of Planning Policy Wales relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

The application has not been supported by a Green Infrastructure Statement, however, through the assessment of the submitted documents, whilst the proposal would undoubtedly have a degree of impact upon existing green infrastructure in the short term, it is considered that as a result of considerable soft landscaping and significant tree planting, the proposal would result in an improvement to green infrastructure in the long term. In addition, the management of the proposed landscaping is to be secured by **Condition 6**, which will ensure the management and maintenance of the soft landscaping for at least 15 years following the completion of the development. **Condition 5** will also require all planting, seeding and turfing comprising in the approved details to be carried out during the first planting season following the completion of the development, and will require the re-planting of any landscaping which dies or becomes seriously damaged or diseased to be replaced within the next planting season for at least 15 years following completion of the development.

Notwithstanding the above, the application was submitted prior to the update of Chapter 6 of Planning Policy Wales Ed.12, and prior to the introduction of Planning Policy Wales Ed.12. As such, the submission of a green infrastructure statement is not required for the determination of this application.

Consequently, it is considered that the impact of the development on existing green infrastructure is acceptable.

Other Matters

Having regards to contamination and the importation of soil and aggregates to the site, Shared Regulatory Services were consulted and responded stating that contamination is not known at the site, however the potential cannot be ruled out. As such, conditions in regards to unforeseen contamination and the importation of aggregates and soil have been included. (**Conditions 20, 21, 22 and 23**)

Dwr Cymru Welsh Water also requested additional conditions to be included, comprising of a condition requiring a potable water scheme to be submitted to and approved in writing by the local planning authority, which is necessary to demonstrate that the existing water supply system can suitably accommodate the proposed development, and if necessary, a scheme to reinforce the existing public water supply system to accommodate the development. This will be secured by condition (**Condition 27**). A condition to prevent surface water and/or land drainage to the public sewer network was also noted. (**Condition 28**).

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 (save where plans and documents have been amended by condition):

SRG-HLM-XX-00-DR-L-0011-PLANNING ISSUE - SITE LOCATION PLAN
SRG_HYD_XX_XX_DR_C_0001_P03 - Site Constraints
SRG-HLM-XX-00-DR-L-0009-DEMOLITION PLAN
SRG-HLM-XX-00-DR-A-0010-PROPOSED GROUND FLOOR GA PLAN
SRG-HLM-XX-01-DR-A-0011-PROPOSED FIRST FLOOR GA PLAN
SRG-HLM-XX-02-DR-A-0012-PROPOSED SECOND FLOOR GA PLAN
SRG-HLM-XX-03-DR-A-0013-PROPOSED THIRD FLOOR GA PLAN
SRG-HLM-XX-RF-DR-A-0014-PROPOSED ROOF GA PLAN
SRG-HLM-XX-ZZ-DR-A-0030-PROPOSED GA SECTIONS
SRG-HLM-XX-ZZ-VS-A-0060-PROPOSED VISUALS - SHEET 1
SRG-HLM-XX-ZZ-VS-A-0061-PROPOSED VISUALS - SHEET 2
SRG-HLM-XX-ZZ-VS-A-0062-PROPOSED VISUALS - SHEET 3
SRG-HLM-XX-ZZ-VS-A-0063-PROPOSED VISUALS - SHEET 4
SRG-HLM-XX-ZZ-VS-A-0064-PROPOSED VISUALS - SHEET 5
SRG-HLM-XX-ZZ-DR-A-0020-PROPOSED GA ELEVATIONS-S2 INFORMATION-P04
AMENDED SRG-HLM-XX-ZZ-DR-A-0065-External Materials Palette-P02
AMENDED SRG-HLM-XX-00-DR-L-0014-PLANNING ISSUE - P04 TREE PROTECTION PLAN
AMENDED SRG-HLM-XX-00-DR-L-0015-PLANNING ISSUE - P04 LANDSCAPE BOUNDARY TREATMENT
AMENDED SRG-HLM-XX-00-DR-L-0017-PLANNING ISSUE - P04 HARD LANDSCAPE STRATEGY
AMENDED SRG-HLM-XX-00-DR-L-0018-PLANNING ISSUE - P04 SOFT LANDSCAPE STRATEGY
AMENDED SRG-HLM-XX-00-DR-L-0021-PLANNING ISSUE - P04 BLOCK PLAN
AMENDED SRG-HLM-XX-00-DR-L-0013-PLANNING ISSUE - LANDSCAPE MASTERPLAN
AMENDED SRG-HLM-ZZ-ZZ-DR-L-00030-SITE SECTIONS
SRG AECOM Visibility Splay Plans
SRG-HLM-XX-00-DR-L-0019-PROPOSED SITE PLAN WITH SEWER EASEMENT
SRG-HLM-XX-00-DR-L-0025-BOUNDARY TREATMENT PLAN WITH SEWER EASEMENT
SRG-HYD-XX-XX-SK-C-0005_P01 - EXISTING ON SITE WELSH WATER ASSETS

AMENDED SRG-HLM-XX-00-DR-L-0022-PLANNING ISSUE - SWALE
 SECTIONS.pdf
 SRG-HYD-XX-XX-SK-C-0006_P01 - EXISTING ON SITE WELSH WATER
 ASSETS EXTRACT
 AMENDED SRG-HYD-XX-XX-SK-C-0002_P06 - SuDS Schematic
 SRG-HYD-XX-XX-DR-E-9001 - External Lighting Layout
 SRG-HYD-XX-XX-DR-ME-9501 - External Utilities Layout
 SRG-HYD-XX-XX-SK-C-0003_P02 - Foul Water Schematic
 St Richard Gwyn_Preliminary Ecological Appraisal _V.1.0_compressed
 HCUK Archaeology Report_compressed
 SRG-HLM-ZZ-XX-RP-A-0002-St. Richard Gwyn Catholic High School-Design and
 Access Statement-P03_Part 1of4
 SRG-HYD-XX-XX-RP-E-0001 - External Lighting Technical Note
 SRG-HYD-XX-XX-RP-ME-0001 - Utilities Statement Technical Note
 SRG-HYD-XX-XX-RP-ME-0002 - Energy Strategy Report
 SRG-HYD-XX-XX-RP-ME-0003 - RIBA Stage 2 Operational Energy Report_1
 SRG-HYD-XX-XX-RP-Y-1001- St Richard Gwyn School - Baseline Noise Survey
 SRG- 01- Landscape & Visual Report
 SRG- 02- Landscape Supporting Graphics (Appendix C)
 SRG-HLM-XX-XX-RP-A-0002-Site Constraints & Massing Development Extract
 AMENDED St Richard Gwyn Transport Statement v3
 SRG Bat Survey Interim Report
 SRG-HYD-XX-XX-RP-C-0002-P01 - SuDS and Drainage Strategy_compressed
 SRG- HLM Response re tanks and sewer
 AMENDED 24106-HYD-XX-XX-RP-FR-0003 P05 Flood Consequence Assessment
 dated 8 February 2024
 AMENDED ArbTS Arboricultural Report

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, prior to their use within the development hereby approved, a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the building hereby approved and thereafter retained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. The landscaping works approved under plan ref: SRG-HLM-XX-00-DR-L-0018 P04 Soft Landscaping Strategy shall be carried out in accordance with the approved details during the first planting season immediately following completion of the development.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of the number of years as identified in Condition 6 which relates to the landscape management plan following 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) & MD2 (Design of New Developments) of the Local Development Plan.

6. A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial use of the school. The landscape management plan shall detail the management of the proposed landscaping for at least 15 years following construction and shall be carried out as approved.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) & MD2 (Design of New Developments) of the Local Development Plan.

7. All the trees and hedges shown on the landscaping plan SRG-HLM-XX-00-DR-L-0014- P04 PLANNING ISSUE - TREE PROTECTION PLAN as "to be retained" and/or any trees whose canopies overhang the site shall be protected by strong fencing to BRITISH STANDARD 5837:2012 in the locations as identified on the Tree Protection Plan. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

8. The construction and operational phase of the development shall at all times be carried out in accordance with the recommendations contained within the St Richard Gwyn Preliminary Ecological Appraisal V.1.0 January 2023 and SRG Bat Survey Interim Report dated September 2023.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) & MD9 - Promoting Biodiversity of the Local Development Plan & the Council's adopted Supplementary Planning Guidance on Biodiversity.

9. Notwithstanding the submitted Preliminary Ecological Appraisal and Interim Bat Report, prior to the first beneficial use of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
- a) Details of any bird/bat box provision
 - b) Details of any landscaping features
 - c) Details of any additional ecological enhancements

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.

10. 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.
 - A travel survey to be undertaken not more than six months upon opening of the new school 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

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.

11. Prior to the first beneficial use of the development hereby approved, a Traffic & Pedestrian Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will need to provide measures to protect pupils and staff during the pick-up and drop off times. The measures should aim to include the following:

- Priority of afternoon egress for buses over cars
- Highlight pupil desire lines and measure to ensure no cutting across the car drop-off area
- Traffic calming features along the pick-up and drop off area
- Publications to staff, parents and pupils
- Any other measures deemed necessary.

The traffic and pedestrian management plan shall thereafter be completed/implemented in accordance with the approved details.

Reason:

In the interests of Highway / Public Safety and in accordance with Policy MD2 (Design of Development) of the Local Development Plan.

12. Notwithstanding the submitted plans, prior to the commencement of any works, the following engineering details shall be submitted to and approved in writing by the local planning authority:

- Details of the proposed vision splay to the western exit (To include the setting back of the mesh boundary fence adjacent to Argae Lane)
- Details of footways/cycleways
- Kerbing
- Crossing points
- Boundary treatments
- Lighting
- Surfacing
- Road markings
- Signage

The agreed details shall be brought into use prior to the beneficial use of the new school site and thereafter retained at all times.

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.

13. Prior to the commencement of any works a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Highway/Planning Authority. The CTMP shall include but not be limited to:

- Incorporating delivery outside am & pm school pick / drop off times,
- Access/haulage Route.
- Compound layout including parking for construction vehicles.
- Loading and unloading areas for plant and materials on site. No vehicles to park or unload along Argae Lane or the surrounding area.
- Measures to control water, mud and debris entering the highway.
- Suitable boundary treatments to protect pupils and staff.
- Any signage or traffic management required as part of the development.

The CTMP shall include along with the above, proposals to control, manage and monitor the CTMP requirements.

Reason:

To ensure that highway and pupil/staff safety in the area and the existing school as well as the wider public is not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy) MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

14. 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:

- CEMP Masterplan: details of the extent and phasing of development, having particular regard to the programme of archaeological work referenced in condition 19 and the works required under Condition 18; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- 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.
- Construction methods: details of materials, how waste generated will be managed
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities, the parking of vehicles of site operatives and visitors, loading and unloading of plant and materials
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- Measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Hours of construction;
- Construction Lighting;
- Management, control and mitigation of noise and vibration;
- Odour management and mitigation
- 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.
- How the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details – including self-reporting to NRW via the incident hotline and a system for the management of complaints from local residents which will incorporate a reporting system.
- 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.

15. Prior to the first beneficial use of the development hereby approved, a lighting management strategy for all internal and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The internal and external lighting shall be operated in line with this lighting management strategy for the lifetime of the development.

Reason:

In the interests of residential amenity, ecology, landscape and visual amenity and to ensure compliance with Policy MD1 - Location of Development and MD2 - Design of Development of the Local Development Plan.

16. Notwithstanding the submitted external lighting layout, details of a revised scheme of external lighting which shall show that no lighting will fall within the sewer easement/protection zone shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall thereafter be in full accordance with the approved details.

Reason:

In order to ensure that DCWW assets are protected as a result of the development and in accordance with MD2 (Design of Development) of the Local Development Plan.

17. Prior to the first beneficial use of the development hereby approved, a management plan demonstrating how the community will be able to access and use the facilities within the school site, shall be submitted and approved in writing by Local Planning Authority. The community access to the proposed facilities shall thereafter be in line with the approved management plan.

Reason:

In order to ensure the development provided community facilities in accordance with Policy MG7 (Provision of Community Facilities) of the Local Development Plan.

18. Prior to the construction of the proposed buildings within the development site, the proposed flood mitigation measures as detailed in Section 4.5.3.1 of the Flood Consequence Assessment's 'Hydraulic Modelling Report' Reference 24106-HYD-XX-XX-RP-FR-0002/P02 dated 10th March 2023 (Appendix B) and Appendix E must be implemented in accordance with the mitigation strategy and the mitigation strategy shall thereafter be retained and maintained for the lifetime of the development.

Reason:

In order to ensure that the proposed development is adequately mitigated against flooding and in accordance with Policy MD1 (Location of Development) and MD7 (Environmental Protection) of the Local Development Plan

19. Prior to the commencement of any development (including demolition and site clearance), a further programme of archaeological works shall be submitted to and approved in writing by the Local Planning Authority. This shall include an archaeological field evaluation of the development site, in accordance with the findings of the report HCUK Archaeological Desk Based Assessment and the Glamorgan Gwent Archaeological Trust consultee response dated 31 January 2024; in addition to any phasing of works and identify any further archaeological works required prior to, during and following the development of the site. The development shall thereafter be carried out in full accordance with the approved details. Where any further fieldwork and mitigation measures as identified through the archaeological works have been undertaken, these details and findings shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

20. 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 unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. 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) / MD7 (Environmental Protection) of the Local Development Plan.

21. 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 Local Planning Authority.

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.

22. 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 Local Planning Authority.

Reason:

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

23. 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) & MD7 (Environmental Protection) of the Local Development Plan.

24. Prior to commencement of any works a pre-construction condition survey shall be undertaken at the developers expense of the extents fronting the site along Argae Lane for extents to be agreed by the Highways Network Manager which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant to be approved by the Local Highway / Planning 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.

25. A Second condition survey shall be undertaken at the developers expense of the agreed extents upon completion of the site or at a time which the Highway Authority instructs. Any defects identified with the second conditions survey that the highway authority considers necessary as a direct result of the works shall be rectified at the developers expense.

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.

26. Prior to the first beneficial use of the development hereby approved, a new Traffic Regulation Order shall have been put into place along Argae Lane to include no waiting and no loading restrictions, school keep clear markings, removal of bus bay markings, signage and any other extents required by the Council's Highway Authority.

Reason:

In the interests of Highway / Public Safety and in accordance with Policy MD2 of the Local Development Plan.

27. Prior to the first beneficial use of the development hereby approved, a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the development is served by a suitable potable water supply in accordance with Policy MD2 (Design of Development) of the Local Development Plan.

28. 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, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

29. Prior to the first beneficial use of the development hereby approved, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of flood warning services and safe evacuation routes. 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

30. Notwithstanding the submitted hard landscaping plan REF: AMENDED SRG-HLM-XX-00-DR-L-0017-PLANNING ISSUE - P04 HARD LANDSCAPE STRATEGY, a revised scheme of hard landscaping which shall show that no permeable paving is to be installed in the western car park (above the drainage tanks) shall be submitted to and approved in writing by the Local Planning Authority. The hard landscaping shall be installed in full accordance with the approved details prior to the first occupation of the redeveloped school site.

Reason:

In order to ensure that DCWW assets are protected as a result of the development and in accordance with MD2 (Design of Development) of the Local Development Plan.

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.

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; MG22 - Development in Minerals Safeguarding Areas; MD1 - Location of New Development; MD2 - Design of New Development; MD7 - Environmental Protection; and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Development Plan 2011-2026, PPW 12, Future Wales – The National Plan 2040, TANs 11, 12, 15, 16 and 18 and the Councils SPG on Biodiversity and Development, Mineral Safeguarding, Parking Standards, Sustainable Development – A Developers Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, the proposed development, subject to compliance with conditions, is considered acceptable in principle and in respect of design and visual impact, residential amenity, highway and pedestrian safety, parking, traffic, open space and sport facilities, ecology, flooding and drainage, archaeology, and green infrastructure.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

NOTE:

1. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

(i) determining the extent and effects of such constraints;

(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.**
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

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

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

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

- 3. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 4. 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

- 5. The applicant should be aware that Dwr Cymru Welsh Water have 24/7 access to their assets.**

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.

2023/00491/FUL Received on 7 August 2023

APPLICANT: Mr Sean Mayor, 1st Floor, Wellington House, Wellington Street, Cardiff, CF11 9BE

AGENT: Mr Sean Mayor, 1st Floor, Wellington House, Wellington Street, Cardiff, CF11 9BE

Port Road West, Rhoose

Dog Adventure Land proposes to repurpose this site for a new dog daycare centre as part of their plans for growth in South Wales. We are proposing for the site to be used for grooming and outdoor/indoor daycare. The site will be fenced off to secure the perimeter, create a large carpark for staff and visitor on the existing hard standing, fencing the fields into sections for dogs to be safely and securely exercised in and providing educational course to the public. We would require the land to have a change of use from B1,B2 & B8 to Sui Generis

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- The application is of a scale and nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

This application proposes the creation of a dog day-care facility on land allocated for B1, B2 and B8 uses as part of the St Athan – Cardiff Airport Enterprise Zone.

The main issues for consideration are the principle of development, impact on highway safety and residential amenity.

Representations were received during the course of the application raising concerns of noise and odour nuisance and highway safety.

The application is recommended for refusal.

SITE AND CONTEXT

The site is located on land at Port Road, Rhoose, with an existing hotel to the east and a single residential property to the north. Cardiff Airport and associated facilities are located approximately 500 metres to the west.

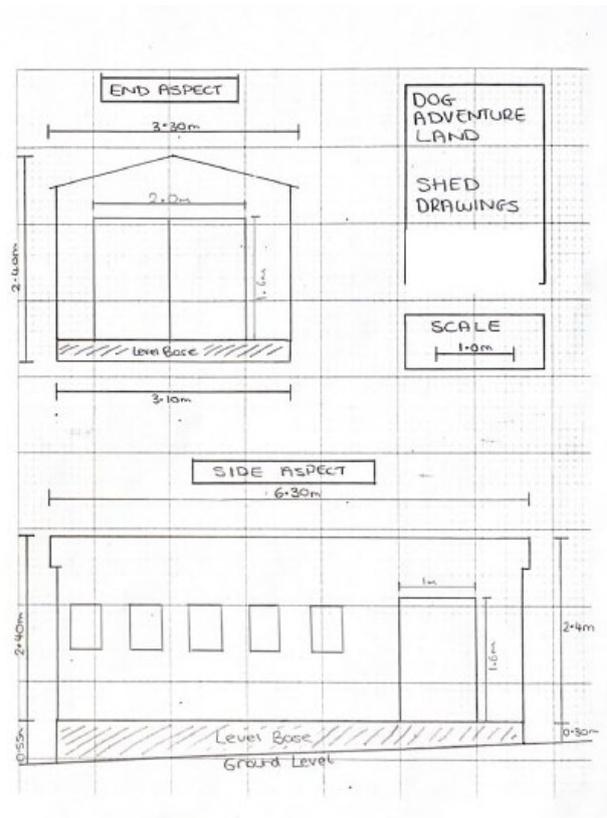
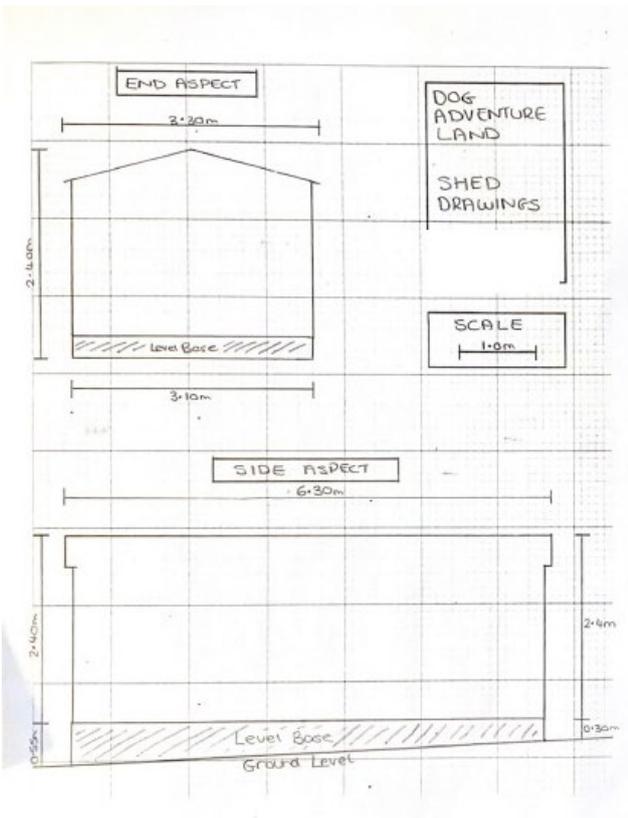
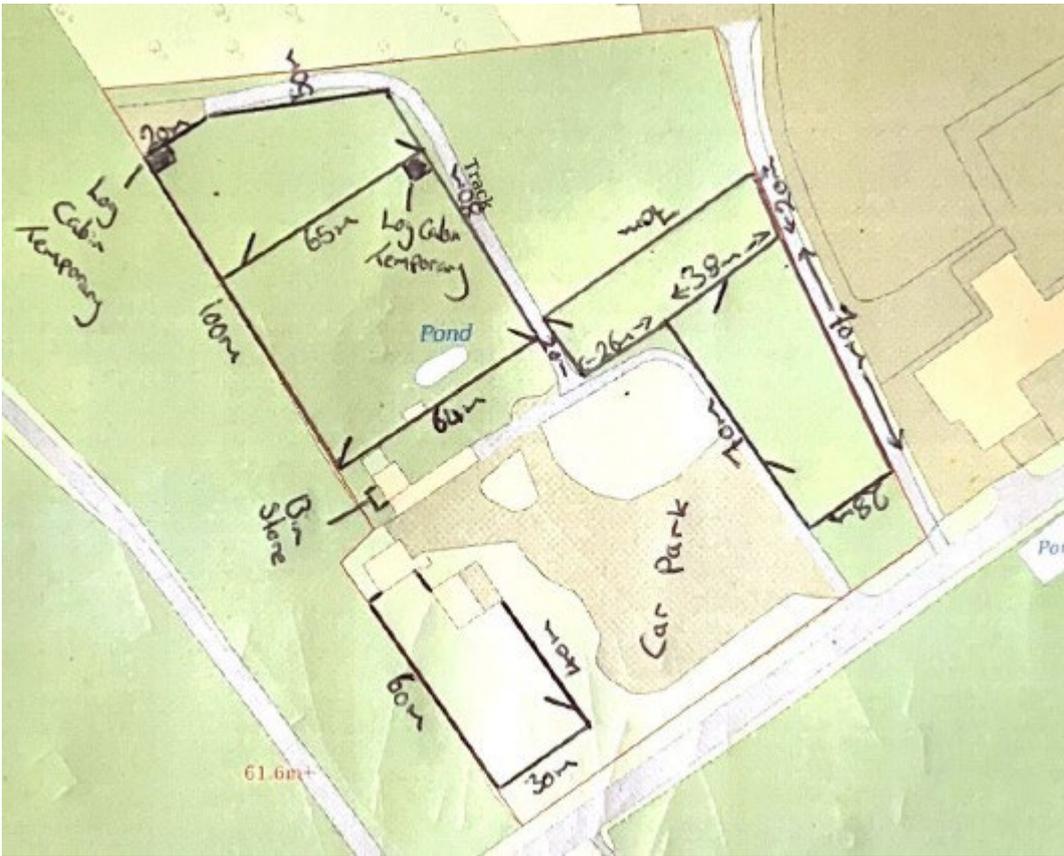
The site forms part of an employment allocation as set out in the Vale of Glamorgan Local Development Plan and is part of the St Athan – Cardiff Airport Enterprise Zone.



DESCRIPTION OF DEVELOPMENT

This application proposes the change of use of existing agricultural land to a dog daycare centre with associated dog grooming use. The proposal would make use of the existing structures on site along with the subdivision of the site to create five fenced paddocks. The fencing would be 1.9 metres in height consisting of timber fence posts and wire stock fencing. Two log cabins would be installed, one in each of the northern most paddocks and a dedicated binstore erected.

The proposal would provide for the care of a maximum of 70 dogs from 8am until 6pm Monday to Friday and at no times on Saturdays, Sundays or Bank Holidays.



PLANNING HISTORY

1987/00362/FUL, Address: OS Field No. 7380 and 7200, Port Road, Rhoose, Proposal: Stationing of caravan as agricultural shelter. Place of rest for agricultural worker during working hours and storage of seeds and implements, etc., Decision: Refused

1987/00962/FUL, Address: Airport Nurseries, Port Road, Rhoose, Proposal: Agricultural/market garden, Decision: Approved

1990/00487/OUT, Address: Airport Nurseries adj. to Airport Hotel, Port Road, Rhoose, Proposal: Proposed agricultural dwelling, Decision: Withdrawn

1990/00922/OUT, Address: Land to the north-east of Cardiff-Wales Airport, Rhoose, Proposal: Business Park (B1 & B8 uses), airport related industry, ancillary uses, warehousing, hotel, car parking, open space/ recreation, pilot training college, museum & highways, Decision: Approved

1992/00549/OUT, Address: Area of land adjacent to International Hotel, Port Road, Rhoose, Proposal: Erection of 20 bed motel with self contained flat, Decision: Refused

1995/00740/FUL, Address: Land north-east of Cardiff-Wales Airport and adjacent to International Hotel, Proposal: To use the land for airport related long term car parking (temporary use 3 years), Decision: Refused

2007/00680/FUL, Address: Market Garden, Port Road West, Rhoose, Proposal: Maximum 5 months temporary use for airport parking, Decision: Refused

CONSULTATIONS

1. **The Council's Highway Development section** - Requested that the following be submitted:
 - A 7 day 24 hour automatic traffic count and speed survey to inform visibility splays.
 - Parking layout plan to include vehicular and pedestrian movements and spaces at 2.6m x 4.8m.
 - The proposed means of access will need to be laid out with minimum 10 radius kerbing and shown on an appropriate drawing and to scale.
 - A 2m wide footway should be provided along the site frontage to provide a safe walking area for pedestrians and link up to future development active travel schemes which will eventually provide continuous pedestrian links in the area.
2. **The Council's Drainage Section** - This site is located within DAM Zone A (TAN15 2004) which is considered to be at little risk to fluvial and coastal / tidal flooding. NRW flood maps indicate that there is a small area of medium surface water flood risk adjacent to the southwest corner of the site, of which there is a small overlap of area at low risk of surface water flood with the southwest site boundary.
3. **The Council's Shared Regulatory Services (Pollution)** - Objection.

The application site shares a boundary with a residential property, Fairview, as well

as being in close vicinity of several residential dwellings and commercial properties; Wales Airport Hotel and Vale park Hotel and Caravan Park that offer overnight accommodation.

It is also noted that the application documentation does not include a Noise Impact Assessment and Noise Management Plan.

Without the provision of a Noise Impact Assessment (NIA), it is advised this application be refused.

However, regardless if a NIA had been provided with this application noting the close vicinity of the residential dwellings and commercial properties, which would very likely be detrimentally affected by the proposed dog care and boarding, it is advised that this site is not suitable for the proposed dog care use and the application be refused.

4. **Dwr Cymru Welsh Water** – The application proposed no connection to the public sewer and offers no further comments.
5. **The Council's Ecology Officer** – Initially advised that the applicant should be more specific about the biodiversity net benefit.

A factor to be borne in mind is that the site is within 750m. of the runway at Cardiff Airport. The airport is understandably concerned about birds and the potential for bird strike, so the biodiversity enhancement should probably not be bird nest boxes. The enhancements should be planting in the north-east sector to encourage pollinators, as suggested in the accompanying letter, and include some Hazel to encourage Hazel Dormouse. A hedgehog nestbox could also be installed.

6. **Rhose Ward Councillors** – No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 8 August 2023.

A site notice was also displayed on 24 August 2023.

The application was also advertised in the press on 24 August 2023.

Six responses were received along with a 15 name petition.

Representations were received objecting on the following grounds:

- Noise and odour nuisance to neighbouring residents and businesses.
- The approved use for B1, B2 and B8 should not be changed to Sui Generis.
- The site does not have running water or mains sewerage.
- The land does not have a legal or viable access across the highway authority owned grass verge.
- Increased traffic congestion and pollution.

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 SP2 – Strategic Sites
POLICY SP5 – Employment Requirements

Managing Growth Policies:

POLICY MG9 – Employment Allocations
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD14 - New Employment Proposals
POLICY MD15 - Protection of Allocated Employment Sites
POLICY MD17 - Rural Enterprise

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.

Policy 10 – International Connectivity

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.

- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (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 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 4 - Active and Social Places

- Activities in Places (retail and commercial development)

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 23 – Economic Development (2014)

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:

- Parking Standards (2019)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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

It is considered that the primary issue for consideration is whether the proposed use is acceptable in principle. Other material considerations include the impact of the use upon the residential amenities of neighbouring occupiers, access, highway safety and parking issues as well as biodiversity and green infrastructure provision.

Principle of the Development

With regard to Local Policy, as aforementioned, the site falls within the St. Athan - Cardiff Airport Enterprise Zone (LDP Policy MG10 refers) and is land allocated for Class B1, B2 and B8 employment uses.

Policy SP2(2) – Strategic Sites sets out that the sites identified within the Plan are considered to be major elements that will contribute to the implementation of the LDP Strategy as set out in the Plan i.e. the promotion of development and regeneration opportunities.

Policy SP5 – Employment Requirements states that the LDP Strategy recognises the important role that the development of land for economic purposes can make to the economy of the Vale of Glamorgan and the wider region. Through the development of the St. Athan – Cardiff Airport Enterprise Zone, the Vale of Glamorgan will play an important role in promoting the future economic prosperity of the Capital Region.

The land is allocated for B1, B2 and B8 uses under policy MG9. Policy MG9 allocates a total of 492.24 hectares (gross) of land for employment uses within the Vale of Glamorgan in order to ensure that there is an adequate supply and choice of appropriately located and

suitable employment land is available to support the objectives of the LDP and to meet local employment need. The sites comprise of strategically located flagship sites that will stimulate inward investment and consolidate the role of the Vale of Glamorgan within the Capital Region as well as local employment sites that support indigenous business expansion and facilitate the establishment of new employment enterprises to the benefit of the local economy.

Three major employment sites have been allocated which seek to capitalise on the St Athan – Cardiff Airport Enterprise Zone (including the Aerospace Business Park at St. Athan and Cardiff Airport itself) and the proximity of the M4 motorway. These sites are intended to cater specifically for the needs of the aerospace industry and high tech manufacturing, encouraging investment from the regional and sub-regional market place.

Policy MG10 – St. Athan Cardiff Airport Enterprise Zone sets out that the land adjacent to Cardiff Airport and Port Road, Rhoose (77ha) and at the aerospace business park at St. Athan is allocated for the development of strategic employment land (Classes B1, B2 and B8), forming part of the St. Athan – Cardiff Airport Enterprise Zone. Policy MG10 further supports that employment uses within the Enterprise Zone will focus on aerospace and defence sectors.

Policy MD14 states new employment proposals on existing and allocated sites will be supported for B1, B2 and B8 employment uses. This is also supported by Policy MD16 (Protection of existing employment sites and premises) which identifies the application site as an existing employment site.

As the proposed use falls outside of the B1, B2 and B8 uses that this land is allocated for, or indeed a suitable supporting use, it does not meet the requirements of supporting the aerospace industry or high tech manufacturing despite providing a small number of employment opportunities. LDP Policies SP2 and MG10 are clear in their intent that the land to the east of Cardiff airport is allocated to facilitate the development and support the growth of the airport and to build upon the established aerospace companies and services already present in the area. This is reflected in Policy MG10 at paragraph 6.56 in respect of the land to the east of the airport and south of Port Road that states that:

“6.56 This site is not allocated to meet local market demand for general industrial or office uses, but rather to accommodate business and employment uses catering specifically for the needs of the aerospace industry and high-tech manufacturing. There are plans to create an ‘airport city’, taking the form of a business destination for local and international businesses including quality office accommodation, specialist education, training facilities and leisure developments. General B1, B2 and B8 industrial development will therefore not be acceptable on this site.”

Further to the above, since the adoption of the LDP, the Council have adopted the Cardiff Airport and Gateway Development Zone SPG (December 2019) that amongst other things includes an indicative Masterplan that includes the land in question, as shown below:



The application site, marked by a red star on the plan above, is shown to fall on land identified within the masterplan for 'airport business/commercial park'.

Further to the above, the site is indicated as being retained as part of the ongoing preparation of the replacement LDP. The Council with Cardiff and Vale College are presently exploring potential development of a new Cardiff and Vale College campus for advanced manufacturing on 2.7ha of land to the south-east of the existing Airport Business Park and could house up to 2,000 students and staff. The Council wish to see the development of the remainder of the site for a commercial business park. Although little weight can be attributed to the RLDP at this time, this however indicates that evolving policy position would likely maintain a similar allocation as under the current LDP.

As such there is an in principle policy objection to the proposal, noting the tension with the provisions of the extant and evolving policy. Noting all of the above, it is considered that the proposed use of the site would not meet the strategic aims for the site as reflected within the adopted Local Development Plan. To this end the proposals are considered to compromise the development of an identified strategic site in direct contravention of policies including MG2, MG9 and MG10 of the LDP and in that respect are unacceptable in principle.

Impacts upon neighbouring properties

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Policy MD7 (Environmental Protection) requires proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- Noise, vibration, odour nuisance and light pollution.

The site shares a boundary with a residential property to the north, Fair View, as well as being in close vicinity of several residential dwellings and commercial properties; Wales Airport Hotel and Vale Park Hotel and Caravan Park. The Council's Shared Regulatory Services has advised that a Noise Impact Assessment should be submitted to accompany the application to assess the levels of noise generated and how the resulting noise can be controlled and mitigated. In the absence of a Noise Impact Assessment, SRS have considered that the application would be likely to have an unacceptable impact irrespective of this and has objected to the proposal.

The proposal initially proposed a maximum of 120 dogs on site during the day with a further 50 dogs boarding overnight. The applicant has since revised the proposal to remove the boarding element and reduce the maximum of dogs to 70. Whilst this, along with reduced operating hours, may result in a reduction in noise generated on site, due to the proximity of the proposal to residential dwellings and commercial properties it is considered that the proposal would be likely to have an unacceptable impact on these occupiers in terms of noise and disturbance, and no evidence has been submitted to the contrary.

The application indicates that a bin store will be provided centrally within the site and it is considered that a condition requiring further details of waste management would ensure that any potential odours arising from this element of the use could be adequately controlled, although this does not outweigh the likely harm identified above.

The application fails to demonstrate that the proposal would safeguard existing residential and public amenity and therefore fails to comply with the criteria of policy MD7.

Access, Highway Safety and Parking

Criterion 5 of Policy MD2 of the LDP requires that the development meets the Council's standards to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users on amenity and space, access, car parking and servicing.

The Council's Highways section advised further information pertaining to access and parking be submitted and requested the following:

- A 7 day 24 hour automatic traffic count and speed survey to inform visibility splays.
- Parking layout plan to include vehicular and pedestrian movements and spaces at 2.6m x 4.8m.
- The proposed means of access will need to be laid out with minimum 10 radius kerbing and shown on an appropriate drawing and to scale.
- A 2m wide footway should be provided along the site frontage to provide a safe walking area for pedestrians and link up to future development active travel schemes which will eventually provide continuous pedestrian links in the area.

The applicant submitted a technical note demonstrating 3m x 160m visibility splays based on a 85th percentile speed of 50mph and access improvements as detailed by the Highway comments above. It is considered that this would address the comments raised by the Highways Department and comply with policies MD1 and MD2.

No 2 metre wide footway has been provided with the applicant stating that *“this is not justified to make this development of previously developed land acceptable.*

There are no footways along Port Road to the south-west or north-east of the development nor for the majority of the A4226 between the site and Weycock Cross to the east. The delivery of an isolated section of footway adjacent to the site would therefore not make the site more accessible to pedestrians.”

Whilst this is not disputed, a footway begins less than 300m to the west and enhanced provision would assist in promoting active travel and safe pedestrian movements to and from the site in association with the proposed use in this location. In the absence of such, it is considered that it has not been demonstrated that a safe means of access would be provided to the site and the proposal would fail to comply with policy MD1 and MD2 in this regard.

Furthermore, the Cardiff Airport and Gateway Development Zone SPG states that; *“the development of the Cardiff Airport and Gateway Development Zone represents an opportunity to improve accessibility to the site by creating an effective spatial strategy for the area including the provision of a new major transport interchange. Consequently, development proposals must seek to maximise opportunities for walking, cycling and public transport in line with the sustainable transport hierarchy by prioritising their provision on site and where necessary mitigate transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services. This approach is in line with the LDP strategy which identifies Cardiff Airport as both an employment and transport opportunity and supports the provision of sustainable transport infrastructure under Policy MG10*

Pedestrian and cycle access between the airport terminal and neighbouring settlements is currently limited... Pedestrian and cycling infrastructure to settlements to the east and west is currently lacking e.g. there is no pavement or dedicated cycle path between the Airport and Barry (Port Road and A4226 towards Weycock Cross). LDP Policy MG16 (2) recognises this void and proposes improvements to walking and cycling infrastructure along the A4050 Port Road to Cardiff Airport as this is a strategically important transport corridor..”

There is a noted deficiency in pedestrian routes across the site frontage and along Port Road. Development of the site in a piecemeal approach could jeopardise the provision of coherent linkages across the wider strategic site and gaps in pedestrian infrastructure contrary to Policy MG16 (Transport Proposals).

The existing hardstanding would accommodate 34 spaces and whilst the technical note indicates a layout of two rows, also makes clear that the parking will be informal and unmarked. It is considered that had the application been recommended for approval, the layout could be adequately secured by condition.

Ecology Enhancement and Green Infrastructure

Policy MD9 (Promoting Biodiversity) requires new development proposals to conserve and enhance biodiversity interests. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures

and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures.

The scheme initially proposed that bird boxes would be installed along with the creation of wildflower meadow. The Council's Ecologist commented that due to the proximity of the site to Cardiff Airport, biodiversity enhancement should take an alternative form to bird boxes to avoid bird strike. Provision of planting in the north-east sector along with hazel and hedgehog nest boxes was suggested.

Revised proposals were submitted indicating that the bird boxes would be removed and no, hedgehog boxes, wildflower meadow and hazel planting.

It is considered that the proposed ecological enhancement would be appropriate and would therefore comply with policy MD9.

In October 2023 changes were introduced to Planning Policy Wales requiring an enhanced emphasis on the protection of and provision of Green Infrastructure. Whilst this application was submitted before the change in policy it is nevertheless of note that it supports the thrust of policy to integrate green infrastructure through development proposals which in this case would take place through the provision of new planting as part of the development proposals.

RECOMMENDATION

REFUSED

1. By reason of the proximity to neighbouring dwellings and lack of Noise Impact Assessment the proposal fails to demonstrate that there would not be an unacceptable impact in terms of noise and disturbance. The proposal would therefore be detrimental to the living conditions of the occupiers of neighbouring residential properties and is therefore considered to conflict with the aims of Policies MD2 (8) (Design of New Development) and MD7(4) (Environmental Protection) of the Vale of Glamorgan Local Development Plan 2011-2026.
2. The proposed use of the site would not fall within use class B1, B2 or B8 nor would it comply with the strategic vision for the site within the adopted Local Development Plan. Therefore the proposal fails to comply with the criteria set out in Policy MG10 (St Athan- Cardiff Airport Enterprise Zone) and the uses identified as part of the allocated employment site (Policy MG9) and would also be at odds with the guidance contained within adopted Cardiff Airport and Gateway Development Zone SPG.
3. The proposal would fail to provide a footway to the front of the site, restricting safe pedestrian access to the site and would also not assist in the provision of identified strategic infrastructure. The proposal is therefore considered to be contrary to Policy MD2 (Design of New Development) and Policy MG16 (Transport Proposals) of the Vale of Glamorgan Local Development Plan.

REASON FOR RECOMMENDATION

The decision to refuse 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.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

2023/00577/FUL Received on 26 January 2024

APPLICANT: Harris and Ford Ltd., Fonmon Castle, Fonmon, CF62 3ZN

AGENT: Mr Geraint John Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Fonmon Castle, Fonmon

Creation of 9 off-line ponds within the floodplain

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation due to the application being of a nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

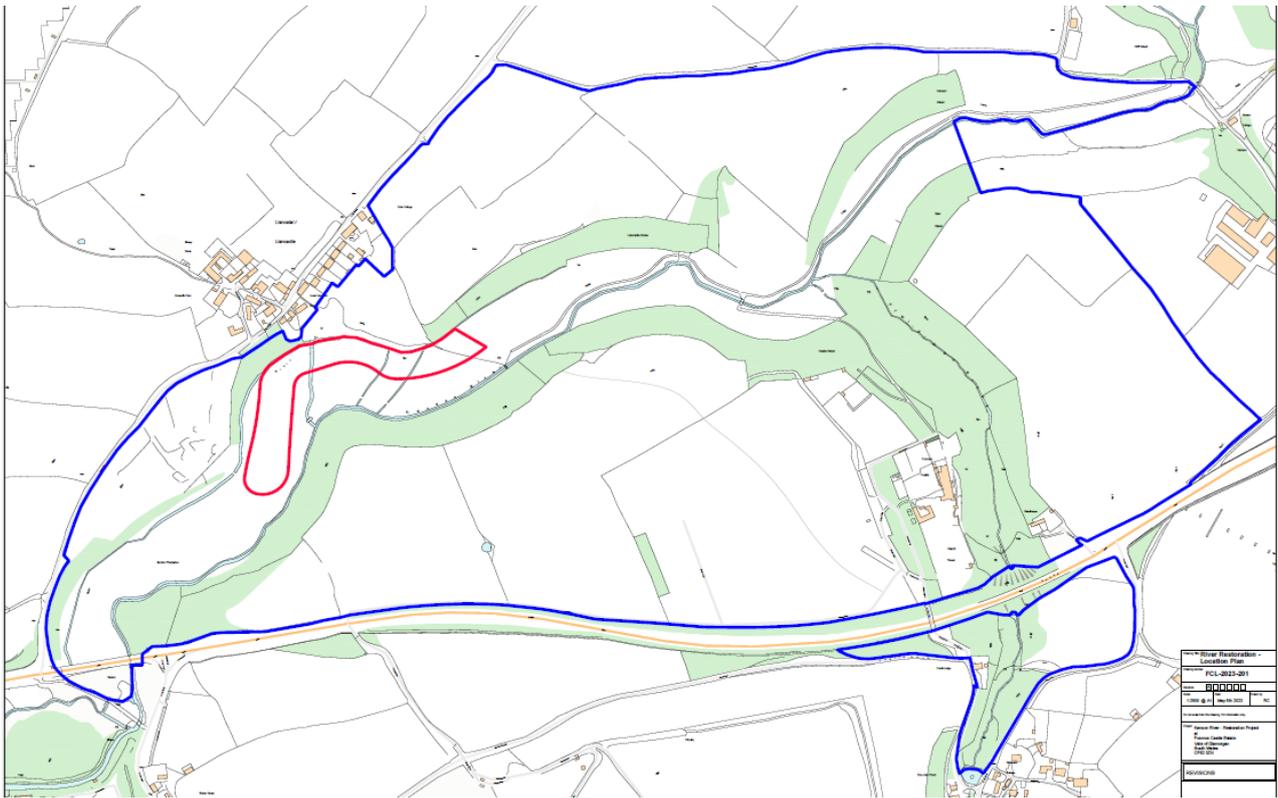
The application relates to land within the Fonmon Castle estate. It is in the Kenson river floodplain south of Llancadle. Planning permission is sought for the creation of nine ponds in the floodplain intended for habitat creation.

Nine representations were received and all objected or raised concerns with aspects of the proposals. Llancarfan Community Council also objected. The most prevalent concern was in relation to flood risk. There are no objections from statutory consultees, including from Natural Resources Wales and the Council's Drainage Engineer and Ecologist. The Woodland Trust stated they held concerns regarding the potential impact on an area of ancient woodland.

The principle of the proposals, intended for habitat creation, are considered acceptable in principle. In addition, the impacts on local heritage assets, natural resources, flood risk, ecology interests, woodland, and neighbouring amenity and health are considered acceptable. The application is recommended for approval.

SITE AND CONTEXT

The application site relates to land within the Fonmon Castle estate. It is in the Kenson river floodplain south of Llancadle, as shown edged red below:



The site is within:-

- DAM Flood Zone C2 and FMfP Flood Zone 3 (Rivers).
- Nant Llancarfan Special Landscape Area.
- Limestone Safeguarding Area Category 2.
- Sand and Gravel Safeguarding Area Category 2.
- Agricultural Land Classification (ALC) Grade 3a

Part of the site is also located within:-

- The Llancarfan Landscape of Outstanding Historic Interest.
- A Site of Importance for Nature Conservation (SINC) (Coastal Grazing Marsh, 'Land South of Llancadle')

Nearby are:-

- Scheduled Monument GM534 'Llancadle Deserted Medieval Village' - immediately to the north-west.
- The Llancadle Conservation Area - immediately to the north.
- The Fonmon Castle Grade 2 Registered Park and Garden - c.500m to the west.

DESCRIPTION OF DEVELOPMENT

The proposal is for the creation of nine 'offline' ponds located in the flood plain but not connected to the main river channel. The ponds vary in size but are all proposed to be shallow ponds (c.1.5m deep).

VoGC Drainage Section stated no objection. They advised had the ponds been proposed to connect to the existing non-main river channels in the future, as originally submitted, then the applicant would have to apply for Ordinary Watercourse Consent. They added that because NRW did not have any objections regarding the flood risk and the ponds are no longer proposed to connect to the nearby ditches, they did not have any objections nor was SAB approval required for it.

Cadw (Ancient Monuments) stated no objection. In relation to GM534 'Llancadle Deserted Medieval Village' they stated that the proposal would have a neutral, or potentially minor positive, impact because the planned alterations should result in drainage patterns and ecology that is more akin to those in existence during the medieval period.

VoGC Ecology Officer initially stated that there was insufficient information submitted relating directly to the proposals and the application site.

A further response following the submission of a vegetation assessment that determined the poor species diversity at the pond locations, which does not support rare or protected species, stated they had no hesitation in approving the planning application from a biodiversity perspective.

Natural Resources Wales initially stated that they were unable to provide technical advice regarding flood risk as insufficient information had been provided and requested an assessment of the impact from deposition of material within the floodplain and details of the river re-profiling. They also advised of the need to obtain a Flood Risk Activity Permit, requested a condition for a Construction Environmental Management Plan (CEMP), provided further advice/ recommended conditions in relation to fish.

A further response following amendments to the proposals stated:

On the understanding that the proposed works covered in this planning application are solely the creation of the 9 off-line ponds, we have no objection with regards to flood risk and confirm that a Flood Risk Activity Permit has been issued for these ponds.

They noted that their previous advice was still relevant to any broader proposals for river restoration and any activities or works within or affecting the watercourse were proposed and that a CEMP condition was still required.

Rhose Ward Councillors – no responses received to date.

Llancarfan Community Council stated that they saw, collectively, the benefits of rewilding and reintroduction of certain habitats and animals, but these must be in the right location, circumstances and subject to a careful and considered approach. However, they stated their opposition to these proposals and their belief that they should not go ahead in any guise. The reasons stated were:-

- No consideration given to any potential impact of proposed works on river levels, flood risk, and detailed modelling of the impact on the Kenson River and Nant Carfan Valley was requested.
- NRW presented flooding models to Llancarfan Community Council in Sept 2018 which forecasted significant increased flooding of the valleys upstream. The NRW proposals were to implement small dams in tributaries feeding the upper levels of Nant Carfan and River Kenson. The application proposals

contradict NRW's proposals, which were to slow the flow of water into the river and not hold back the river downstream.

- The Nant Carfan and Kenson River Valleys are heavily affected by flooding which is compounded by tidal height and it is unfathomable why it would be proposed to slow down the exit of water from the river basin. Increased rainfall from climate change effects should be factored in. In more recent years flooding has been somewhat lessened by a breach in a weir downstream of the site. Ongoing flooding caused the abandonment of a property close to Kenson Bridge in the 1930-40's.
- Claims that previous work carried out to Kenson River were for agriculture is not true. Local residents and farmers all state works carried out in the 1950-60's were done to reduce and relieve flooding.
- The proposal would reverse previous works by 70+ years to a time gone by when flooding was worse.
- A meeting was attended by over 50 residents and there was unanimous opposition to the proposals.

They queried who would be liable for future flooding if the proposals were to go ahead and cost of reversing the works. It was also requested that Fonmon Castle be restricted from having commercial or tourism related benefits from this site.

Gwent Glamorgan Archaeological Trust stated no objection from an archaeological perspective, having considered it unlikely that archaeological remains would be encountered during the works.

Woodland Trust stated that they held concerns regarding the potential impact to an area of ancient semi-natural woodland (north of Pond 1). They went on to state that the applicant should ensure the proposed works will not result in any detrimental impact to the woodland and requested that an Arboricultural Impact Assessment was provided (which, in particular, should identify any significant tree roots and propose measures for their protection).

REPRESENTATIONS

The neighbouring properties were consulted on 9 June 2023.

Site notices was also displayed in Llancadle and Llancarfan on 27 June 2023.

There have been 9 representations received. All responses either raised concerns or objected to the proposals and the reasons are summarised below:-

- Increase risk of flooding elsewhere, including residential property, road network.
- Proposals will slow the speed of floodwater exiting the floodplain/ recess of floodwater, causing flooding issues upstream.
- Lack of flood modelling/ risk assessment work, no record of FRAP application.
- The application inaccurately states that the river straightening was carried out for agricultural purposes, whereas it was more likely to have been to alleviate flooding.
- Figures within a NRW study shows a straighter river channel in 1833 than a more meandering channel in the 1950's, when flooding was at its worst.
- Concerns related to link between these works and studies into flood risk undertaken by NRW. Level of expertise and use of public funds questioned.

- Increase in pests/vermin (mosquitoes, rats) close to residential areas.
- No mention of the ponds in the conservation management plan or ecological survey.
- Queried whether the impact of flood events and saline water has been considered.
- Concern over the deposition of excavated material in the flood plain.
- No mention of the disrepair boardwalk/ public footpath crossing the valley.
- The existing site is of high biodiversity and habitat value.
- The construction of ponds to re-introduce water voles is unlikely to succeed.
- Impact to heritage assets from increased flood risk.
- Concerns relating to other development on the Fonmon Estate.
- Concerns relating to potential further river restoration proposals to follow.
- Inaccuracies in submitted application form.
- Lack of community engagement by the applicant.
- Lack of consultation with properties in flood risk areas upstream.
- Compensation/ impact on property values from increased flood regularity.

There was also support expressed for the principle of habitat creation/ biodiversity improvement.

Officer note:

The applicant was not required to undertake statutory community engagement because of the minor scale of development.

The public consultation undertaken for this application by the Council has included direct letters to the nearest neighbours in Llancadle and the placement of site notices in Llancadle and Llancarfan. The scope of the consultation exercise is considered reasonable and commensurate to the scale and potential impacts of the proposals – and has also exceeded the minimum statutory requirements.

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 SP9 – Minerals

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

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 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:

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

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 12, 2024) (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 3 - Strategic and Spatial Choices

- The Best and Most Versatile Agricultural Land

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 15 – Development and Flood Risk (2004)

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)
- Minerals Safeguarding (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- Welsh Government: Code of Practice for Species Control Provisions in Wales (May 2017).
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Background

The application proposals are for the creation of ‘offline’ ponds only. Some of the supporting documents refer to a wider scope of works, including for re-profiling of the river channel. The application was initially described as a river restoration proposal and, although re-profiling was never part of the plan proposals, the presence of this information and description has resulted in some comments being made relating to a wider scope of works.

In response to the above, there has been an amendment to the application description to make clear it relates to the creation of ponds only. These are also now proposed to be ‘offline’ ponds, i.e. not connected to the main river, to match the detail within the FRAP application to NRW. The planning assessment is duly limited to the impacts relating to the ponds, as described.

Minerals

Policy SP9 (Minerals Safeguarding) of the LDP seeks to ensure a continuous supply of minerals by safeguarding known resources from permanent development that would unnecessarily sterilise them or hinder their future extraction. While there are potential limestone and sand and gravel deposits in the area, the site is unsuitable for prior extraction activities referred to in Policy MG22 (Development in Minerals Safeguarding Areas). This is because of the landscape sensitivity, proximity to dwellings, and location in the floodplain. On this basis, there are no mineral safeguarding concerns and the proposals accord with Policy MG22 in this respect.

Agricultural Land

The ponds are located on land modelled to be within areas of Grade 3a agricultural land on ALC maps. This is classed as 'good' quality and among the classification of the *best and most versatile land* as referred to in Policies MD1 (Location of New Development) and MD7 (Environmental Protection) of the LDP. These policies seek to prevent unacceptable losses in such land (though sterilisation or fettering of agriculture).

In consideration of the existing site conditions (being likely unsuitable for crop production), the amount of arable area that would be lost, together with the potential for the development to support more sustainable grazing practices, and promote biodiversity enhancement, it is considered that the proposed works would cause no unacceptable loss of the best and most versatile agricultural land and would not contravene the requirements of Policies MD1 and MD7 of the LDP.

Flood Risk

The site is located wholly in the floodplain. The first consideration is regarding the types of development permissible in the floodplain, to which TAN15 refers. The proposals are for habitat creation within the floodplain and are therefore neither vulnerable to flooding, as defined by TAN15, nor subject to the justification tests outlined in Section 6 of TAN15. I.e. the proposals are considered acceptable in principle here, subject to there being no unacceptable increase in flood risk elsewhere.

TAN15 emphasises the importance of Natural Resources Wales (formerly Environment Agency) as a statutory consultee in the technical assessment of flood risk, their role in determining the scope of information required to do so sufficiently (p.A3.10 TAN15), and in assessing the acceptability of the flooding consequences in terms of the risks to people and property (p.2.9 TAN15).

NRW initially requested further information regarding the proposals to enable them to come to an informed opinion about whether a flood consequences assessment was required to be carried out. In their latest response, they stated that: "*On the understanding that the proposed works covered in this planning application are solely the creation of the 9 off-line ponds, we have no objection with regards to flood risk and confirm that a Flood Risk Activity Permit has been issued for these ponds.*"

There have been many representations from those concerned with flood risk, including in regard to the potential slowing down of the water flow speed in the river Kenson, and/or flood water as it exits or recedes from the floodplain. The proposed ponds would not interact with the flows whatsoever in normal conditions, and in the event of a flood, would fill with water. In the event of a flood, their impact on the flow of water across the flood plan is likely to be very minimal, bearing in mind their size and depth in the context of the wider floodplain and the volumes and flow rates during flood events. As noted, NRW have considered this matter and have no objections.

In relation to the excavated material, the applicant has advised this would be removed from the area of the floodplain for horticultural uses within the wider estate. NRW have recommended a planning condition for a Construction and Environmental Management Plan that would control this matter, among others relating to the construction phase (see proposed **Condition 3**).

Having regard to the above, it is considered that the proposals would cause no unacceptable flood risk and accords with Policy MD7 (Environmental Protection) of the LDP.

Landscape and the setting of Llancadle Deserted Medieval Village

Policy MD1 (Location of New Development) of the Local Development Plan states that new development should “*have no unacceptable impact on the countryside*”. In addition, the site is located within the Nant Llancarfan Special Landscape Area (SLA) and as such, policy MG17 (Special Landscape Areas) is of relevance, which states that development proposals will only be permitted where it is “*demonstrated they would cause no unacceptable harm to the important landscape character of the area*”. It is also within a Registered Historic Landscape.

The proposal would require the excavation of nine ponds to a depth of c.1.5m, together encompassing a total area of c.1500sq.m. Stock proof fencing is also proposed around some of the ponds. The site is very sensitive from a visual perspective as it sits on the open expanse of the valley floor and is visible from elevated viewpoints as well as from the public footpath that crosses directly through it.

The greatest, but temporary, visual impact would be during construction when excavations were taking place and bare earth exposed, as well as machinery and activity present in the valley. The works would nonetheless likely be of short duration due to the shallow depth of excavations. The completed works would have a permanent visual impact, but would nonetheless appear as relatively natural features (i.e. small water bodies) on the valley floor, which would naturally re-colonise with vegetation if they were not quickly infilled or became dry for a prolonged period. There is no ancillary development proposed apart from stock proof fencing, which is unobtrusive and a feature which is already present in the valley and wider rural landscape.

In relation to the impact to the setting of the Llancadle Deserted Medieval Village CADW have noted that, in their opinion, the impact of the proposals would be, at worst, neutral. They also noted that the river channel has been subject of engineering works to straighten the channel in modern times and that there was potential for there to be a positive impact, because the landscape may consequently be more akin to that present in medieval times.

Having regard to the above, the proposals are considered acceptable from a visual and landscape perspective and would not have any unacceptable impacts on the landscape character of the Nant Llancarfan SLA, the Llancarfan Landscape of Outstanding Historic Interest, or the rural character of the countryside. It is also agreed that the impact to the nearby Scheduled Monument GM534 would be neutral at worst and, having regard to the requirements of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, the character and appearance of the Llancadle Conservation Area would be preserved. The proposal is therefore considered to accord with Policies SP10 (Built and Natural Environment), MD1, MG17, and MD8 (Historic Environment) of the LDP.

Ecology, Woodland and Green Infrastructure

The application documents state that the aim is to create new habitat and increase local biodiversity, suitable for re-introducing water vole, as well as providing benefits in terms of wading birds, amphibians, and reptiles. Matters relating directly to species protection and control are regulated separately by NRW. This assessment relates primarily to the impacts of the proposed works (i.e. creation of ponds) on existing biodiversity and habitat interests at the site. The principal potential impact is from the loss of habitat or plant species due to the proposed engineering works.

In response to consultation the VoGC Ecologist initially requested further information. A vegetation survey was subsequently submitted by the applicant which assessed the biodiversity value and habitat value of the site. It was established that the site vegetation was of low diversity and did not contain rare plants. On this basis, the VoGC Ecologist confirmed their support for the proposals.

The proposed works would not result in any unacceptable harm to existing biodiversity, habitat, or the local ecosystem. The ponds also bring the potential for significant benefits to rare and threatened fauna, such as birds, amphibians, and reptiles. Water vole are a protected species and such conservation efforts are laudable. The site is several miles inland and the vegetation survey would suggest it is a suitable freshwater habitat. As noted, the handling of protected species and reintroductions are also subject to separate regulatory control.

It is noted that Pond 1 is located near to ancient woodland. The pond is nevertheless located clearly outside of the canopy area of the woodland. The woodland coincides roughly with the edge of the valley, with the trees generally located on higher ground which rises above the valley floor. The presence of root systems in the area of Pond 1 is considered highly improbable, given the topography and distance. The request for an Arboricultural Impact Assessment by the Woodland Trust was therefore not considered justified on this occasion. The proposed ponds are also very unlikely to have indirect impacts on the woodland (such as on its hydrology), again given the topography and distance. A buffer zone during construction is recommended to be agreed as part of the CEMP condition (see **Condition 3**).

In October 2023 changes were introduced to Planning Policy Wales requiring an enhanced emphasis on the protection of and provision of Green Infrastructure. Whilst this application was submitted before the change in policy it is nevertheless of note that it accords with the principals of the provision of green infrastructure. The revised Planning Policy Wales (Edition 12, February 2024) states, at paragraph 6.2.1 "*Green Infrastructure is the network of natural, semi-natural features, green spaces, rivers and lakes that intersperse and connect places*". It goes on to state that component elements can function at different scales and states; "*At a local scale, it might comprise parks, fields, ponds, natural green spaces, public rights of way, allotments, cemeteries and gardens*". On this basis the provision of the proposed ponds will add value to biodiversity in the area and support the thrust of policy to integrate green infrastructure through development proposals.

Other matters

The ponds may support undesirable species (from an amenity and human health perspective) such as rats or mosquitoes. However, there is no evidence to suggest that the series of ponds would result in either a significant increase in the local prevalence of these species, nor then cause a harm to neighbours at these distances (30m+). These species may be already using the existing site and watercourses, but problematic rat infestations are far more likely to occur in urban settings or around farm buildings with more abundant food sources. Mosquitoes will breed in stagnant water conditions, but they are also a food source for reptiles, amphibians, and other insects. It is highly likely that the ecosystem would find a natural balance as the proposed habitat established.

The proposed ponds are located away from the boardwalk and would cause no permanent interference with it. The route would be required to be kept free and accessible to users, unless an Order for its temporary closure had been obtained. This is subject to separate regulatory control. There is also no justification to require repair of the boardwalk on account of the proposed works – these matters are unrelated.

It is noted that there are minor inaccuracies in submitted application form but these have not impacted the ability to make a full assessment of the planning merits of these proposals.

The application has been assessed in relation to flood risk and consequences, having regard to the applicable planning policy and guidance and input from specialist consultees, and is considered acceptable. Impact on property values is not a material consideration in the determination of a planning application.

RECOMMENDATION

APPROVE 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:

FCL-2023-201 River Restoration Location Plan Rev A
FCL-2023-204 River Restoration Pond Details Rev A
FCL-2023-203 River Restoration Layout Rev B

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. No development or phase of development, including site clearance shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- 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; and a root protection area/ buffer zone to adjacent woodland areas.
- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures and measures to control light spill;
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use;
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities;
- 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;
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

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.

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.

Having regard to Future Wales, Planning Policy Wales (12th Ed), TAN 5, TAN 15, Policies SP1 (Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (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), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan 2011- 2026, and the Biodiversity and Development and Minerals Safeguarding SPG's, it is considered that the development would have no unacceptable flood risk or consequences, impact on the landscape character of the Nant Llancarfan SLA, impacts relating to mineral resource and agricultural land, and would not harm visual amenity, the character of the countryside, existing ecological interests or woodland, residential health and amenity, and would preserve the settings of local historic assets.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

NOTE:

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.

2023/00826/FUL Received on 20 March 2024

APPLICANT: Former Darren Farm, Westgate, Cowbridge, CF717AQ

AGENT: David Williams 1 Embankment Way, Ringwood , BH24 1EU

Darren Farm, Westgate, Cowbridge

Redevelopment of site incorporating the erection of a Class B1 office building and a retirement living scheme for older people with communal lounge, refuse, guest suite, electric buggy, and house manager accommodation. Associated car parking with electric charging points, cycle storage realigned vehicular access, sub station, retaining walls, sustainable drainage and landscaped grounds.

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 has been called in for determination by Councillor Champion, for the reason that it is an overdevelopment of the site, the walking route [adjacent the site] is not safe and the need for a link to Clare Garden Village.

EXECUTIVE SUMMARY

The proposal is within the settlement boundary and would provide beneficial residential and office development on vacant land.

Public responses received have provided some support for the residential building being proposed. However, some other responses have raised concerns about the location and need for the proposed residential accommodation, its visual impact, highway safety, drainage and the impact on the environment.

The proposal would increase development on the site, however it is not considered an over-development and visual impact would be considered acceptable subject to conditions to provide details of materials.

An acceptable level of car and cycle parking would be provided on site. Off-site highway improvements to pavements, the nearby road junctions and signing would be provided, within the immediate area of the site, and are considered acceptable.

In respect to 'Green infrastructure' some trees would be removed however they are not considered of significant value and an acceptable replacement tree and planting scheme would be provided. Bats are present on site and the proposal would not significantly impact on the maintenance of the species. No objection has been raised by Natural Resources Wales subject to a European Protected Species Licence being obtained. An acceptable Ecological Protection and Management Plan has been submitted.

Flooding, Contamination and Archaeological constraints identified would be acceptably alleviated.

With regard to Planning Obligations the development would trigger contributions for affordable housing, public open space, education, sustainable transport and art. A Viability Assessment has however been submitted which demonstrates Section 106

contributions cannot be provided to the level required by the Council's Policies and Supplementary Planning Guidance. An Independent review of the assessment commissioned by the Council concludes a reduced level of contributions could however be provided and the scheme would remain viable. This contribution is solely recommended for affordable housing due to its importance and other 'off-site' sustainable transport improvements are being provided.

In all other considerations the proposal is considered to be acceptable and the application recommendation is for approval.

SITE AND CONTEXT

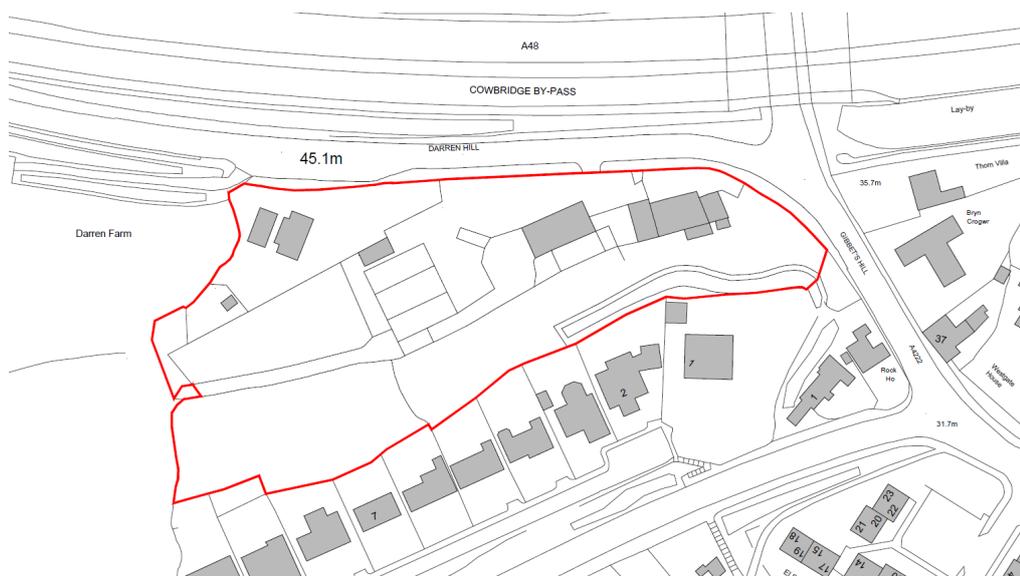
The site relates to the farmyard serving the former Darren Farm. Planning permission was previously granted for the redevelopment of the surrounding farmland for 475 dwellings and therefore the farm buildings and the wider site have become redundant and no longer used.

The existing farmhouse is indicated as being on the 'Penline' tithe map 1839 and the 1st edition OS Map (1885) and are identified as a potential archaeological constraint by Heneb: The Trust for Welsh Archaeology. The Council's GIS system also indicates potential surface water issues on the site.

The site is located within the settlement boundary for Cowbridge as defined in the Local Development Plan.

The site is bound by the Cowbridge By-Pass to the north, agricultural land to the west and residential development to the west. The eastern boundary of the site is shared with an adopted highway and residential dwellings beyond this.

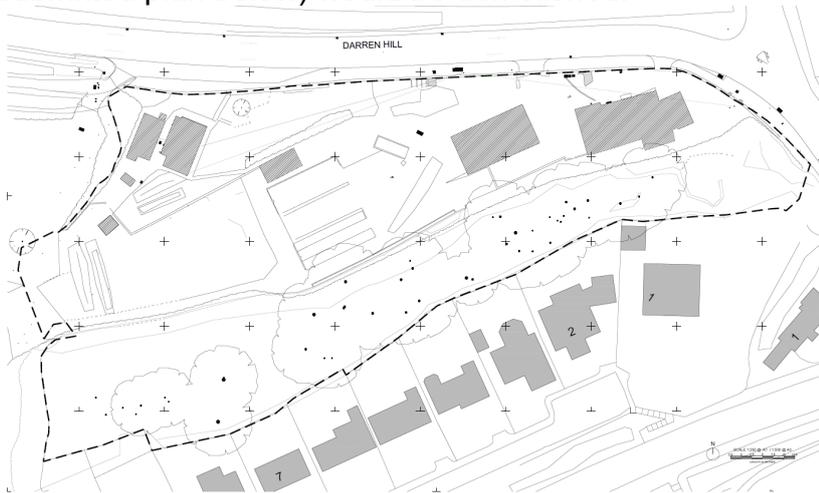
An extract of the site location plan can be viewed below:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for, *“Redevelopment of site incorporating the erection of a Class B1 office building and a retirement living scheme for older people with communal lounge, refuse, guest suite, electric buggy, and house manager accommodation. Associated car parking with electric charging points, cycle storage realigned vehicular access, sub station, retaining walls”*

The existing agricultural buildings and dwelling on the site (identified on an extract from the submitted plan below) would be demolished.



The proposal is to re-develop the site for a retirement living scheme and an office building.

The residential element is designed to accommodate elderly persons who live a relatively independent life-style compared to a traditional care home. Fifty apartments would be provided with one full time member of staff (House Manager).

The Planning Statement details that the lease requires the accommodation to be occupied by persons over 60 and where there is a couple, the lease shall be satisfied where one of the occupants is over the age of 60 years and the other is over the age of 55 years. It further states, *“typically between 60-70% of occupants are aged 78 years or over with about 30% aged 80 years or above. The vast majority of McCarthy Stone residents (some 85-90%) are widowed or single, with 75% of apartments comprising of single, female households”*.

The office building would be situated to the eastern end of the site and would be split into three offices over two floors. This would provide approximately 325m² of floor space.

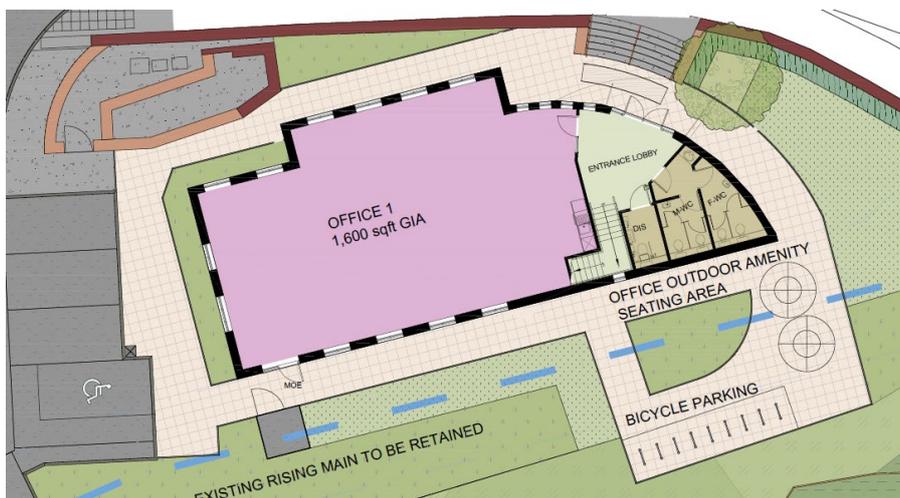
Car parking would be provided on site and an existing access would be improved as part of the proposals. 33 car spaces would be provided on site for the residential flats. This would include Electrical Vehicle recharging points and disabled spaces. A communal room would provide within the residential block for the storage of mobility scooters and bikes. Two visitor bike stands would be provided at the entrance. For the office unit 9no. car parking spaces would be provided and 9 covered bike stands.

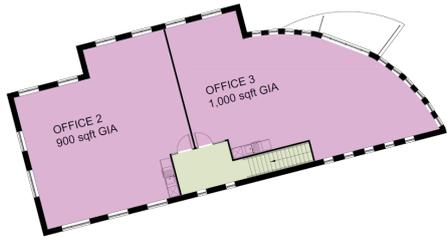
An extract from the proposed site plan is provided below:



The proposed office building would be 2 storey in height and would have three sections of varying heights as shown in the elevations below. Its eaves heights would range approximately from 6.5m to 7.3m and the ridge heights ranging from 9.2m to 10.3m. The ground floor would provide one office area and the first floor would provide two offices. Its elevations would be finished with a mixture of stone and timber cladding and profiled metal sheeting. The roof would be covered partly with slates and partly with metal cladding.

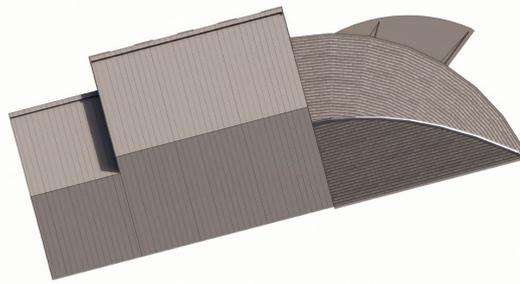
Extracts from the submitted plans are provided below:





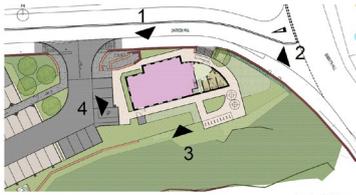
FIRST FLOOR PLAN

SCALE 1:100 @ A1 / 1:200 @ A3
LENGTH IN METRES



ROOF PLAN

SCALE 1:100 @ A1 / 1:200 @ A3
LENGTH IN METRES



LOCATION PLAN

SCALE 1:100 @ A1 / 1:200 @ A3



Canopy:
Cantilevered powder
coated aluminum canopy



ELEVATION 1

SCALE 1:100 @ A1 / 1:200 @ A3
LENGTH IN METRES



ELEVATION 2

SCALE 1:100 @ A1 / 1:200 @ A3



ELEVATION 3

SCALE 1:100 @ A1 / 1:200 @ A3



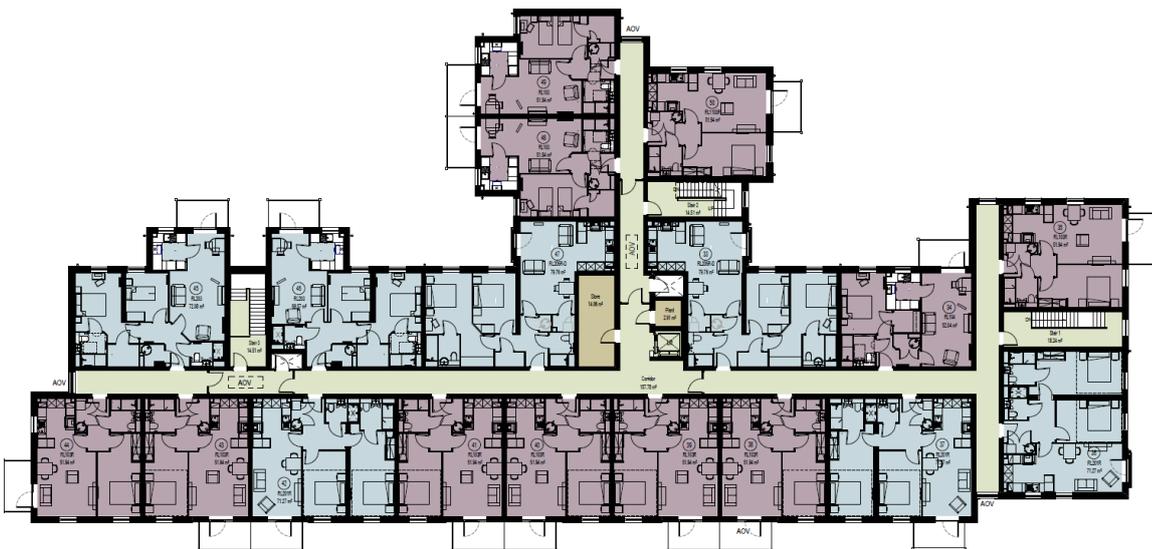
ELEVATION 4

SCALE 1:100 @ A1 / 1:200 @ A3

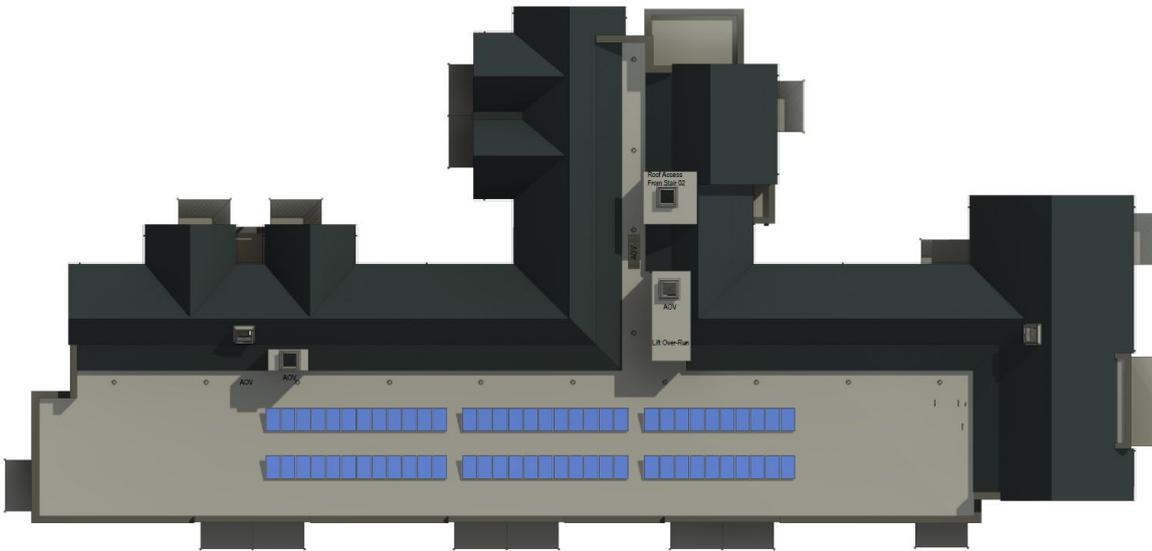
First Floor



Second Floor



Roof Plan



Elevations

Materials Key:

-  Brick buff
-  Composite cladding laid vertically. Smooth. Grey
-  Balconies and Juliet
Balconies with metal railing. Grey
-  Recon tile for roofing
Graphite
-  UPVC windows and doors. Grey
-  New stone walling



ELEVATION 1 (NORTH)
1:50

-  Approximate position of Darren Hill top of path wall level
-  Approximate position of Darren Hill at road level
-  Approximate position of the A48 By-Pass at road level

Scale 1 : 100
0 2 5 10 m



ELEVATION 2 (EAST)
1:100



ELEVATION 3 (SOUTH)
1:100

- - - Approximate position of Darren Hill top of path wall level
 - - - Approximate position of Darren Hill at road level
 - - - Approximate position of the A48 By-Pass at road level

Scale 1 : 100
0 2 5 10 m



ELEVATION 4 (WEST)
1:100



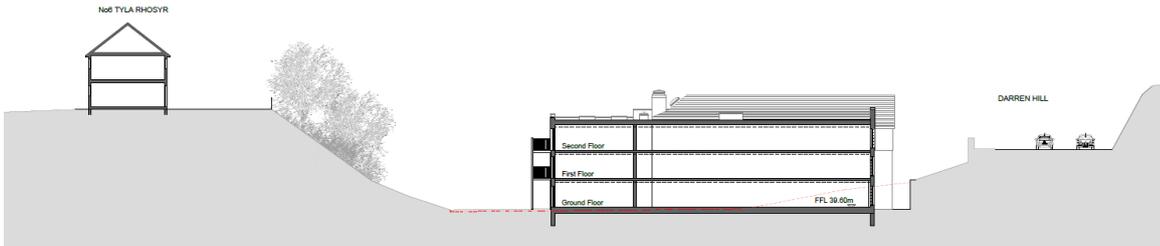
Section Key Plan



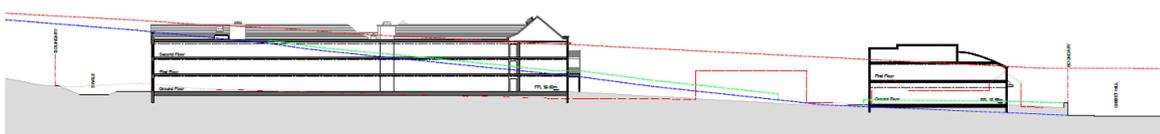
Section A-A



Section B-B



Section C-C



Section D-D

Indicative Visuals





Other structures and development around the site include an electricity substation within the car park area of the residential block. A path would be provided around the building within the landscaped areas and some small structures (as detailed on the site plan) including a small gazebo, shed, pergola and planters similar to those indicated below would be provided:



To deal with surface water, from outside and through the site, the proposal involves the installation of a 900 mm diameter twin walled culvert pipe to replace the ditch alignment that adjoins the wooded area to the south of the site. The pipe with a conveyancing capacity greater than the run-off calculated from the adjacent contributing catchment area would be provided. This would require some tree removal (highlighted in the relevant section below), the embankment would be regraded and landscaped with additional trees.

The planning application is supported by the following documents:

- Archaeological Trenched Evaluation (Archaeology Wales Limited 10/06/2020)
- Cover Letter (Planning Bureau Limited)
- SO-2849-03-AC-071-P03 Design and Access Statement (Inspire Design August 2023)

- Drainage Strategy Report (Vale Consultancy June 2023)
- 11038/TN-06 Watercourse & Exceedance Flow Route (Vale Consultancy August 2023)
- 11038_TN-01 Technical Note for the Proposed Culvert (By Vale Consultancy October 2023)
- Green Infrastructure Statement Part 1 (March 2024)
- Ecological Assessment (David Clements Ecology Ltd June 2023)
- Ecological Mitigation and Enhancement Plan V1.2 & Green Infrastructure Statement Part 2 (David Clements Ecology Ltd March 2024)
- Financial Viability Assessment (Alder King July 2023)
- Financial Viability Assessment (Alder King Update November 2023)
- Valuation Report (Alder King 28 July 2023)
- Fire Safety Statement (Solas Realta Fire Engineering 22/09/2023)
- Ground Condition Assessment (Ridge and Partners LLP July 2022)
- Noise Impact Assessment by Stantec UK Limited (January 2024)
- Planning Statement (Planning Bureau Limited)
- Pre Application Consultation Report (Cavendish August 2023)
- Travel Plan (Paul Basham Associates June 2023)
- Transport Statement (Paul Basham Associates June 2023)
- Highways Response Note (Paul Basham Associates dated December 2023)
- 1898-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA
- Visual Montages (Nicholas Pearson Associates July 2023)

PLANNING HISTORY (Relevant to site)

1978/01822/FUL, Address: Darren Farm, Cowbridge, Proposal: Framed building 60 x 70 x 16/12 to eaves to accommodate cattle and silage, Decision: Approved

1998/00227/FUL, Address: 3 No. Barns at Darren Farm, Cowbridge, Proposal: Change of use & conversion of 3 No. stone barns into 1 No. dwelling, Decision: Refused

2017/00841/RES, Address: Land at North West Cowbridge, Proposal: Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works, Decision: Approved

2019/01204/PND, Address: Darren Farm, Westgate, Cowbridge, Proposal: Demolition of all agricultural buildings within the site, Decision: Further prior approval

2020/00117/FUL, Address: Darren Farm, Westgate, Cowbridge, Proposal: Proposed redevelopment of the site incorporating the erection of five separate B1 office buildings, retention and change of use of existing farmhouse to provide a conference facility and associated car parking and landscaping, Decision: Withdrawn

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 15 August 2023. They have responded as follows:

Having reviewed the Planning Application, including the Pre-Application Consultation Report, the Town Council was not convinced that its concerns had been adequately

addressed and invited McCarthy Stone to make a presentation focusing on access and parking.

Several representatives of McCarthy Stone gave a presentation on Tuesday 17th October 2023 for which the Town Council is grateful.

However, the Town Council remains unconvinced that its concerns about access and parking have been adequately addressed.

It is understood that pedestrian access is being addressed by widening the footpath/ pavement and installing crossings. This sounds satisfactory provided it is done to correct standards and suitable lighting is installed.

Vehicle and cycle access remains problematic. It is understood that the proposal is to "change the speed limit of Darren Hill, whereby the 30mph speed limit would be extended westwards along Darren Hill to include the site access." This should now be changed to 20 mph.

It is understood that there is no intention to change existing 2 way traffic on the slip road to more conventional one-way traffic. The Town Council believes that it is essential that the road be changed to one-way traffic. Failure to do this will mean that vehicles exiting the development can turn right across traffic accelerating up the hill on to the dual carriageway.

The Town Council is disappointed that no increase in parking provision has been made following the representations made at the pre-application stage.

McCarthy Stone have stated that the number being provided is based upon their independent research. The Town Council has requested access to this research.

The Town Council considers that this proposed development has two specific characteristics which make the provision of adequate parking particularly important. There is no nearby public car park and on street parking outside the development should be prohibited and would be dangerous given that the road is a slip road to a dual carriageway.

Therefore, although the Town Council has no objection in principle to this development, it objects to it proceeding until the issues of access and parking have been properly resolved.

Following the submission of amended details they were re-consulted on 22 August 2023. Councillor John Andrew has responded with his own comments as follows:

I now also have concerns about traffic noise impact on residents and the potentially heavily reduced S106 contribution that may arise from this development.

Provided all these issues are adequately addressed I have no objection in principle to the development and in fact believe that if done correctly it could be a visual and community asset.

These are my personal comments and are not submitted on behalf of the Town Council.

Penllyn Community Council were consulted on 15 August 2023. They were re-consulted on 22 August 2023. They have responded and express concerns regarding background contamination of the site and vehicular access onto Darren Hill.

Cowbridge Ward Members were consulted on 15 August 2023. They were re-consulted on 22 August 2023. Councillor Champion has responded as follows, *“I would like this to go to committee along with the office application. The walking route to town is not safe. Should there be a link to Clare gardens. Is it overdevelopment [?]”*

Council’s Drainage Section were consulted on 15 August 2023. They were re-consulted on 21 August 2023.

With reference to Technical Advice Note 15: Development and Flood Risk (TAN15) (2004) this development is situated within DAM Zone A considered to be at little or no risk of fluvial or tidal flooding. NRW flood mapping indicates that there is a high risk of surface water flooding to the site. With consideration to Flood Map for Planning (FMfP) it is identified that areas of the site are at risk of flooding from surface water and small watercourses (Flood Zone 3).

Given the nature of the development and flood risk posed, it is considered that the proposed development would be classed as highly vulnerable. As such further assessment will be required as to how surface water flows received from the wider catchment will be managed through the development.

With reference to Technical Note Watercourse and Exceedance Flow Route (Vale Consultancy, August 2023) it is noted that the previous conveyance ditch is to be replaced by a proposed 900mm diameter culvert. From the modelling parameters provided it is thought that the assessment does not include an allowance for climate change. As such it is requested that updated modelling is provided to include an uplift for climate change (40%). Given the highly vulnerable development consideration will be required as to how flows will be managed for the 1 in 1000 year low risk event and / or blockage scenarios, with demonstration indicating where such flows would travel. Additional detail will be required to demonstrate the change in ground level pre / post development. To aid the review it is requested that a heat map / cut and fill analysis is provided to help visualise how the levels will be altered across the site.

Further information will also be required as to the durability of the proposed twin-wall plastic pipe, with confirmation of the design life of the product. Although it is appreciated the culvert will not be adopted by the Vale of Glamorgan Council it is asked that a costed maintenance replacement plan is provided to inform the future operator as to the costs of maintaining the conveyance system.

This application is subject to SAB approval of which an application (SAB/FUL/2023/038) is yet to be determined.

From the information provided we object to the proposed scheme until further details are submitted addressing our comments above.

Following the submission of updated details in November 2023 the following comments were received:

On review of the updated Flow Route Technical Note and additional supporting information. To confirm we find the drainage details acceptable in principle and have no further comment to make regarding the management of exceedance flows emanating from the wider catchment.

This application is subject to SAB approval of which discussions are currently ongoing.

Council's Ecology Section were consulted on 15 August 2023. They were re-consulted on 21 August 2023. They have responded as follows:

The applicant has engaged David Clements Ecology Ltd to carry out both an Ecological Assessment and an Ecological Mitigation and Enhancement Plan (EMEP). The EMEP needs to be implemented in full.

Council's Education Section were consulted on 01 September 2023. No response received to date.

Council's Highway Development were consulted on were consulted on 15 August 2023. They were re-consulted on 22 August 2023. They originally commented with a number of amendments that were required.

Following the submission of amended plans they were re-consulted and comment as follows:

No highway Objections would be raised to the proposals in principle subject to the following conditions being satisfied in the interest of highway safety / public safety

1. Notwithstanding the submitted Plan (034.0145.002 Rev G) which identify preliminary details of the access point and Highway Improvements along A4222 Gibbet's Hill/Westgate, visibility splays, signage, street lighting, construction spec, road markings and resurfacing, surface water drainage and the internal arrangements shall be designed to adoptable standards (DMRB for Highway improvements and Vale of Glamorgan Standards internally), no works whatsoever shall commence on the development until Full Engineering details have been submitted and approved by the Local Planning / Highway Authority.

Reason: To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

2. The developer will be required to enter into a Section 278 Agreement with the Highway Authority before undertaking works along the adjacent highway.

3. The current No stopping (clearway) order on A4222 Darren Hill should start from its junction with Gibbet Hill (as shown on 034.0145.002 Rev G). Therefore, before commencement of works, a sum of £4,613.20p to be provided by the applicant / developer to the council for covering the legal costs of Traffic Order which would need to be introduced as a result of the new development and to prevent parking along Darren Hill A4222. It should be noted that the cost indicated above is for 2023-2024 (subject to annual increase every year) and only for the legal expenses. The actual cost of the work and any additional costs such as objections / unforeseen issues will be paid for by the developer. All associated engineering works on site will be undertaken by the applicant at their own expense.

Reason: in the interests of Highway / Public Safety.

4. The current moving order (TRO) should be amended to stop two way traffic movement just after the proposed access (going up Darren Hill) as shown on 034.0145.002 Rev G. Therefore, before commencement of works, a sum of £4,613.20p to be provided by the applicant / developer to the council for covering the legal costs of Moving Order which would needs to be altered along Darren Hill A4222. It should be noted that the cost indicated above is for 2023-2024 (subject to annual increase every year) and only for the legal expenses. The actual cost of the work and any additional costs such as objections / unforeseen issues will be paid for by the developer. All associated engineering works on site will be undertaken by the applicant at their own expense.

Reason: in the interests of Highway / Public Safety.

5. There shall be no obstructions inclusive planting whatsoever within the areas required for vision splays. All proposed boundary walls, hedgerows or planting shall be located to the rear of the required vision splays in the interest of highway / public safety. Reason: In the interest of Highway / Public Safety.

6. No materials whatsoever shall be deposited or stored within the limits of the adopted highway.

Reason: In the interest of highway / Public Safety and the free flow of traffic along the adopted highway.

7. Facilities for wheel cleansing shall be provided and maintained for the duration of the works and to be approved by the Local Planning Authority prior to any site clearance / construction works commencing on site.

Reason: In the interest of highway / Public Safety.

8. Prior to the commencement of any works, a Traffic Management Plan incorporating am/pm peak travel times, any Proposed Temporary Road Closures, any Temporary or Permanent Traffic Regulations orders associated with the events, temporary signage, parking and turning facility within the site, details of wheel washing facilities for vehicles leaving the site, etc must be submitted to and approved in writing by the Local Planning/Highway Authority

Reason: In the interests of maintaining highway efficiency and safety

9. Note: A minimum of 12 week's notice is required to implement a Temporary or Permanent Traffic Regulatory Orders should the closure or other order be agreed. Requests for any such orders must be submitted in writing to Operational Manager Highways & Engineering, Alps Depot Wenvoe, Vale of Glamorgan.

Reason: In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.

10. The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to

work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.

Council's Housing Strategy (Affordable Housing) were consulted on 15 August 2023. They were re-consulted on 22 August 2023. They have responded as follows:

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of Cowbridge:

Cowbridge	
1 bed	150
2 bed	72
3 bed	37
4 bed	1
6 bed	1
Total	261

The application involves the construction of a retirement living scheme for older people and as such will provide 50 unit of residential accommodation. In line with the SPG a contribution of 40% is needed towards affordable housing. This to be made by way of 20 units on site. An RSL will need to be involved to manage the affordable units. They will also need to meet WDQR21 standards.

Cowbridge OAP		%
1 bed OAP	59	94
2 bed OAP	4	6
	63	

As the units will be for older persons, of which there are 63 on the waiting list, 19 would need to be one bedroom and one two bedroom.

Council's Shared Regulatory Services (Environment Team – Land Quality) were consulted on 15 August 2023. They were re-consulted on 22 August 2023. They have responded as follows:

The site has been identified as formerly commercial. Activities associated with this use may have caused the land to become contaminated. In addition, former quarries have been identified within 250m of the proposed development. The nature and extent of infilling of these sites is unknown. The aforementioned may give rise to potential risks to human health and the environment for the proposed end use.

The following information has been submitted with the application:

Ridge, 29/07/2022; Ground Condition Assessment Darren Farm, Cowbridge Document Ref: 5018426-RDG-XX-ST-DOC-C-01-GCA01

The above report includes a contamination assessment, based on a desk study (not submitted) and site investigation of accessible parts of the site. The findings of this assessment identify contaminants of concern which will require remediation. Further site based assessments are required post demolition in areas where access is currently restricted by structures. The completed contamination assessment (including desk study) will need to be submitted, along with a detailed remediation strategy and verification plan.

The above report also includes an initial ground gas assessment and gas data summary based on the first two gas monitoring events that were available at that time. The report confirms that, 'Further rounds of monitoring are proposed...'. A robust ground gas assessment, based on the completed monitoring programme and supported by all available monitoring data will need to be submitted.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Council's Shared Regulatory Services (Pollution) were consulted on 15 August 2023. They were re-consulted on 22 August 2023. They have responded as follows:

Pollution

Under IAQM Land-Use Planning & Development Control: Planning For Air Quality guidance, the additional traffic generated by the development by the development is not enough to consider it to have any detrimental effect on local air quality. There are no AQMAs in the area and nitrogen dioxide concentrations are well within the annual air quality objective.

With regard to the air quality impact of the nearby A48, 5,000 vehicles/day and exposure within 2m from kerb with slow moving traffic and frequent stop/start or 2,500 HDVs/day with exposure within 10m from kerb would present potential air quality problems. HDV counts are well within 2500 at an estimated 191 per day using road traffic statistics and the closest manual count point on the A48. As the proposed development is not within 10m of the A48, I have no concerns regarding air quality.

Noise Impact Assessment

A Noise Impact Assessment hasn't been submitted and is required. This should also consider and allow for internal temperatures and the risks of over-hearing that can be dangerous for elderly for who this development is targeted as over reliance on closing windows can impact on the occupier's health.

Following the above comments being submitted to the applicant a Noise Impact Assessment was received and the following comments received from SRS (Pollution):

I concur with the Methodology used and Conclusions within the report. The developer should take on board all the recommendations within the NIA including the requirement for detailed design, the acoustic specifications and meet the values specified in relation to BS8233:2014.

Demolition and construction

A construction method statement to control noise, dust and vibration during construction is required.

Asbestos and Waste

Advice is provided on the safe removal during construction works.

Council's Transport and Road Safety were consulted on 15 August 2023. They were re-consulted on 22 August 2023. No response received to date.

Council's Waste Management were consulted on 01 September 2023. No response received to date.

Cardiff & Vale University Health Board were consulted on 15 August 2023. They were re-consulted on 22nd August 2023. No response received to date.

Dŵr Cymru/ Welsh Water were consulted on 15 August 2023. They were re-consulted on 21 August 2023. They have responded and raise no objection and highlight no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

They detail a condition is required so that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. 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.

Advisory notes are provided on water supply and sewers.

Heneb: The Trust for Welsh Archaeology were consulted on 15 August 2023. They were re-consulted on 22nd August 2023. They have responded as follows:

We have consulted the regional Historic Environment Record (HER) and note our previous response to application 2020/00117. As previously noted the development is located adjacent to the projected line of the Roman road (RR60c) running from Cardiff to Neath, to the west of the Roman settlement at Cowbridge (likely Roman Bovium). Excavations at Hopyard Meadow to the southeast of the proposal uncovered Roman ditches and a possible building. The 'Cowbridge Lion', a piece of funerary sculpture was also recovered, suggesting that a cemetery is present in the area. Archaeological work associated with a residential development to the west of the site recorded a prehistoric enclosure, a cremation burial and Romano-British activity. Quarry pits, a lime kiln and evidence for iron smelting was also noted. Darren Farm itself, shown as Darren Cottage, is depicted on both the 1839 Penlline Tithe map and the 1st edition Ordnance Survey map of 1885.

Therefore we previously recommended an archaeological field evaluation be conducted on the site. Six evaluation trenches were excavated in May 2020 (Archaeology Wales report

no. 1894, dated June 2020), however only two gullies were recorded, along with medieval and Post-medieval pottery.

As a result we have no objection to the positive determination of the application. However, the proposal has the potential to reveal archaeologically significant features or structures. Therefore as previously noted, we recommend that two conditions be attached to any consent.

The first condition would require the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. The second condition would require a survey of Darren Farm to be made prior to work commencing.

Natural Resources Wales were consulted on 15 August 2023. They were re-consulted on 22nd August 2023. They have responded as follows:

From the information provided in support of the application, it would appear that the proposals constitute a lower risk case in relation to bats, as identified in section 2.1 ('Identifying lower risk cases') of the document 'NRW Approach to Bats and Planning - Good Practice Guide October 2015', available at [GPG 3 NRW Approach to Bats and Planning \(naturalresources.wales\)](https://www.naturalresources.wales/gpg3nrw). Therefore we do not intend to offer bespoke advice on this application and refer you to your in-house ecologist.

Should you be minded to grant permission for the proposal upon receiving the advice of your ecologist, in line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority: Warning: A European Protected Species (EPS) licence is required for this development.

South Wales Fire & Rescue Services were consulted on 15 August 2023. They were re-consulted on 22nd August 2023. No response has been received to date.

South Wales Police were consulted on 15 August 2023. They were re-consulted on 22nd August 2023. They have not objected and would welcome working with the developers to achieve 'Secured By Design' for this development. Advice is provided on security matters.

REPRESENTATIONS

The neighbouring properties were consulted on 15 August 2023 and a site notice was also displayed on 17 August 2023. The application was also advertised in the press on 21 August 2023. The following responses have been received:

7 letters of support has been received and their comments are summarised below:

- This is a much needed facility for Cowbridge and a good use of the site.
- It would release housing for families in the area.

6 letters of objection (2 from the same property) have been received and their comments are summarised below:

- It is not close to the centre of Cowbridge and an unsuitable location for elderly people.

- There is already similar provision within Cowbridge and more is not needed.
- It is an over development of site with a 3 storey building of increased density
- Object to the demolition of farm house and loss of 'green belt'.
- It would result in a negative visual impact. The buildings appear too tall and would change the landscape.
- Dangerous road junction on access to by-pass.
- Traffic will increase.
- Should have more parking.
- Pavements are narrow and unsuitable for buggies/wheelchairs.
- The site floods and water runs down Cowbridge High Street.
- Sewage is a problem as sewage for Clare Garden Village comes through site and joins old pipework.
- It could have a significant impact on wildlife and environmental implications.
- Electrical sub-station and generator noise in close proximity to housing.
- It would be noisy and may result in air pollution for residents due to close proximity of A48.
- Vehicles on A48 would be able to look in to the properties resulting in a loss of privacy.
- Doctors surgery can't cope with existing population never mind and influx of elderly residents.
- There should be solar panels.
- The properties are difficult to sell and are a poor investment.
- The properties should not be constructed with Reinforced Autoclaved Aerated Concrete (Raac)

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 SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP7 – Transportation
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG4 – Affordable Housing
 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

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD14 - New Employment Proposals

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 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

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.

Policy 17 – Renewable Energy

- Support for developing renewable and low carbon energy from all technologies and at all scales.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12) (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

Chapter 4 - Active and Social Places

- Transport

- Living in a Place
- Activities in Places

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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- 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:

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Renewable Energy (2019)

- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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 main issues to consider are the:

- Principle of the development in this location;
- Design, scale and visual impact of the proposal on the wider landscape;
- Parking and highway safety;
- Green infrastructure, trees, ecology and biodiversity enhancements;
- Impact upon neighbouring properties;
- Impact on archaeological resources;
- Drainage and flooding;
- Planning obligations;

Principle of Development

A number of responses to the application support the need for this type of residential accommodation in the area. However, a number have also raised concerns about the

location of the elderly residential accommodation and the need for more as there is already provision within the town centre.

The application site falls within the settlement boundary of Cowbridge, which is a 'Service Centre Settlement' identified in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant policies in the plan.

Furthermore, in relation to the need for specific accommodation for the elderly, section 1.19 of Planning Policy Wales states, "It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land" and as such there is no need to justify the need for this type of residential development in this location. Therefore, subject to meeting the criteria of other relevant policies, the principle of residential accommodation for the elderly on this site is considered acceptable.

A condition restricting the building to occupiers of a certain age has been suggested to the applicant. They have provided an appeal decision for a similar development at Westgate in Cowbridge (2016/00809/FUL) where the Inspector considered such a condition, "is necessary in order to meet the specific needs of the scheme and in the interests of highway safety necessary". The applicant has provided the wording of a suitable condition (**Condition 31** refers).

In terms of the office accommodation, policy MD14 'New Employment Proposals' states that employment proposals outside of existing and allocated employment sites will be permitted where, amongst of other things, 'It is located within or adjacent to an existing settlement boundary and where the scale and type of employment use is complimentary to its location and neighbouring uses'. As aforementioned, the site is located within the settlement boundary of Cowbridge and it is considered that the relatively modest scale of employment use would be complimentary to its location and neighbouring uses, noting its position on the fringes of the town and adjacent to the A48.

Section 5.7.13 of PPW states The Welsh Government expects all new development to mitigate the causes of climate change in accordance with the energy hierarchy for planning, as set out in the following energy policies. Reducing energy demand and increasing energy efficiency, through the location and design of new development, will assist in meeting energy demand with renewable and low carbon sources.

As stated above, the site is located within the settlement boundary of this Service Centre Settlement, which is considered a sustainable location for residential development as the proposal site is close to surrounding shops, services, and transport links in Cowbridge. It is detailed the buildings would be energy efficient as compared to the existing housing stock and which occupants would potentially be down-sizing from. It would benefit from shared heating facilities, a shared wall construction and mechanical ventilation with a heat recovery system. Furthermore, some renewable energy (solar panels) would be provided on the roof. Therefore the proposal, in these terms, would accord with national policy.

In view of the above, it is considered that the uses proposed would be acceptable in principle, subject to complying with the other material planning considerations as assessed below.

Visual impact

The site is currently occupied by a traditional farmhouse and a number of agricultural buildings of varied form, of traditional stone construction. The former farm buildings are agrarian in their form and assimilate into the fringes of the market town of Cowbridge with a rural character. It is also evident that many of the more modern portal buildings associated with the former farm have now been demolished.

Darren Hill, which comprises the slip road up to the A48, is roughly level with the site as it passes its eastern boundary and rises above the site as it passes its northern boundary. The road behind the site, Tyla Rhosyr, is also on higher ground. As a result, much of the site sits at a lower level between the road and the nearest houses. It is less prominent in public views than it would be if the surrounding land were flat. However, views of the tops of the existing buildings can be made from the A48.

The proposal, as amended, seeks a mixed-use development with part office use and part residential retirement living. The office building has been moved westward by 2m, which has allowed a more generous landscaped buffer between the office building and Gibbet Hill, improving the connection of the proposal with this part of the site. The office aspect of the proposal is considered to be generally well designed/scaled allowing the development to appear appropriate to the edge of settlement context. The part stone finish and agrarian design lends itself to the sites former use. Details of the stone and other materials would be required to be finalised by condition (**Condition 6** refers)

Some concerns have been raised that the development would be an over development of the site with taller buildings that would change the former farm site and landscape. Whilst these concerns are noted the site is designated as being within the settlement boundary, has been previously developed to some extent and is not within the open countryside. The proposed development efficiently uses the space to provide densities required by the Council's policies for residential development whilst also retaining a softer landscaped border to the site. As detailed in section 4.2.17 of Planning Policy Wales, "*The aim [for Housing Delivery] should be to make the best possible use of previously developed land and/or underutilised land within settlements in preference to greenfield sites across the market area as a whole*".

The amendments made to the application has moved the residential building further into the valley allowing for a more efficient design of the car park whilst creating a greater separation from the front of the site. Furthermore, it is noted, the context to this part of Cowbridge has changed somewhat with new housing being developed to the west of the site, albeit this is generally two storey housing development. The reduction in the height, from previous designs, sets the building down within the site and would retain more of a visual connection and relationship with the countryside and existing surrounding buildings. The wooded area to the south would also be retained which provides an attractive visual buffer.

The following visuals have been provided which indicates the visual impact of the proposal.



It should be noted the office building shown below has had some minor changes to the fenestration and canopy since the submission of this indicative picture below which are considered to improve its design (The amended design is detailed in an above section). The general scale and overall visual impact however remains relevant to the assessment of the application.



In terms of the levels, the sections provided show the development would be acceptable. However, it is noted the levels plans detail these could be indicative. Whilst the assessment is based on the plans submitted to date and the general levels shown, these are expected to be fully detailed in by way of condition prior to construction of the building (**Condition 5** refers).



Section B-B

Proposed Section B-B through the residential building

In terms of the materials a mixture of brick, stone and cladding would be used for the residential building. This mix is considered appropriate given the relationship of the site to both the countryside and the settlement, subject to samples being required for approval (**Condition 6** refers).

The existing stone boundary wall which runs along the site frontage is an attractive feature of the site and would be retained albeit modified to accommodate access points. Additional areas of new stone wall would be provided around the entrance. In addition, some further post and wire boundary treatment to the west is also proposed. Existing boundary treatment to the residential properties to the south would be retained. Details of the stone wall and provision of the boundary treatment would be required for prior approval prior to their construction (**Condition 6 and 11** refers).

Retaining structures would also be provided within the site to provide a level area for the residential building. Whilst in some areas this would be relatively high, it would be close to the proposed building and not readily visible from public vantage points. Further clarification of the design and materials for the proposed retaining structures would also be needed. Details of this would be required by a suitably worded condition (**Condition 7** refers).

Indicative details of the cycle shelter have been provided, however full details would be required for approval (**Condition 19** refers).

Finally full details of external lighting have not been provided albeit the landscaping plan suggests some lighting bollards would be provided. Due to the location on the edge of the settlement and also due to the presence of bats and ecology and as identified in the submitted ecology report it is important to require a sensitive lighting scheme to be approved prior to its installation (**Condition 30** refers).

Overall the proposal would be viewed as an acceptable form of residential and office development within the settlement boundary, whilst respecting its relationship to the countryside to the north. Whilst the proposal would have some greater impact on the surroundings it would not be considered out of keeping with the built settlement of Cowbridge or the wider area.

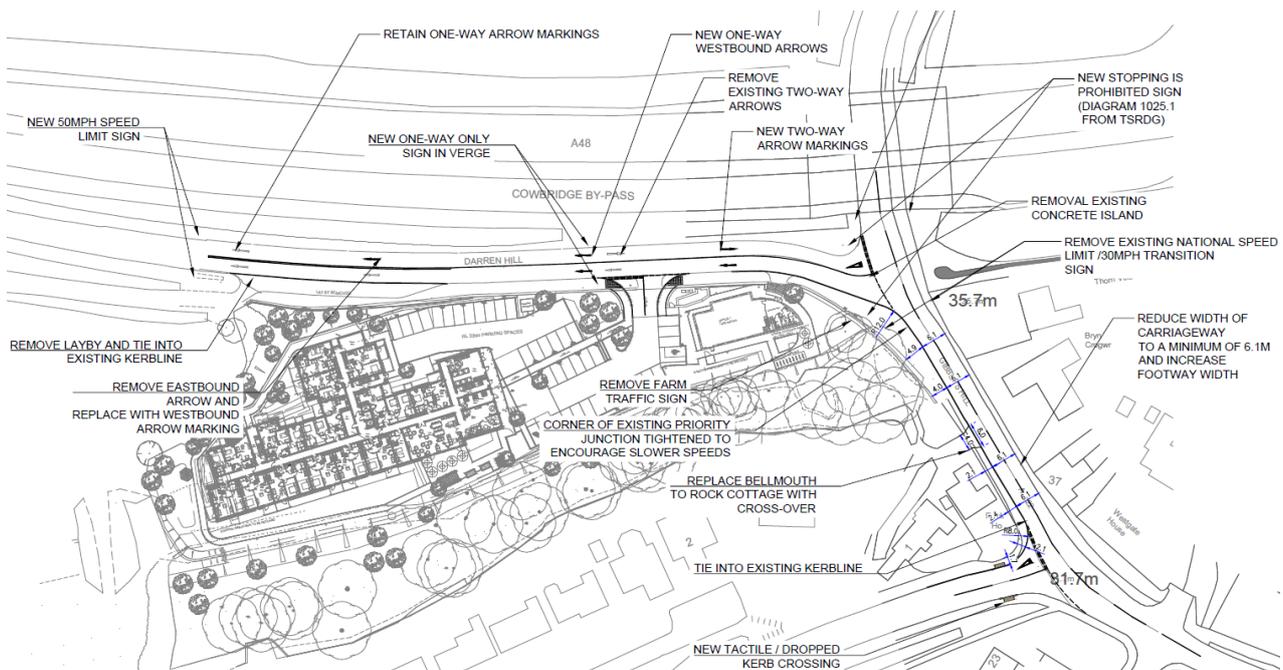
Parking, Access and Highway Safety

Concerns have been raised that the access is dangerous, there is insufficient parking proposed and that it would lead to greater parking in the area and that existing infrastructure is not suitable - for example existing pavements.

The proposed junction improvements to the Darren/Gibbet Hill include: widening the pavement from the Cowbridge town centre, the junction radius would be tightened to reduce speeds and road markings and signage would be changed. The speed limit along the site frontage would be 20mph with the 50mph zone being placed further up the slip road towards the A48. The existing layby on the slip road would be removed to improve pedestrian facilities and provide an improved link to and from the Clare Garden development.

As detailed above, some concerns have been raised with regard to highway safety and the access to and from the site. Cowbridge with Llanblethian Town Council detail that the road should be one way for its entire length with no right turn out from the development. Whilst their concerns are noted the Council's Highways Section do not object to the proposed access with left and right turns from the site. Furthermore, it is noted that improvements would be made to the junction to reduce traffic speeds and the introduction of the 20mph speed limit would be in place along the road frontage of the site. In addition, the two way movement, from the site, would allow for more flexible and efficient travel options.

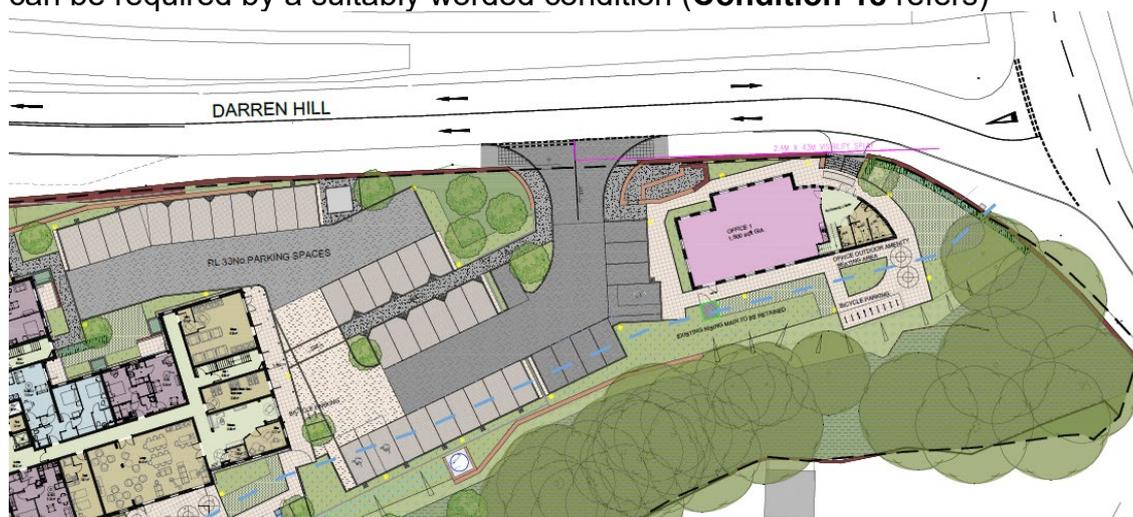
An extract of the submitted plan detailing the highway improvements is provided below:



The Council's Highways Section have recommended conditions for engineering details of the access and off-site highways improvements (detailed in the above plan) to ensure they are constructed to acceptable standards and provide the Traffic Regulation Orders (TRO) in relation to the signage (**Conditions 14 and 15** refers). In relation to the condition for the visibility splay to be kept clear of planting, this is required in the interests of highways safety (**Condition 16** refers). In addition, the separate conditions for wheel washing, storage of construction material and construction traffic can be provided under a Traffic Management Plan condition (**Condition 17** refers). Advisory notes can be provided in the decision notice with regard the requirements they raise for a section 278 Highways agreement, working in the public highway and notice for TRO.

In terms of parking, 33 car parking spaces, including electric vehicle recharging points, would be provided for the residential development (as shown below). For retirement flats, the Council's SPG Parking Standards details a maximum of 1 space per 2-4 units and 1 space per 4 units for visitors. The proposed provision would therefore be in the upper part of the 25 to 37.5 range required and is considered acceptable. As the parking has been worked out on the requirement for retirement flats a condition restricting the age of occupants (and as detailed above in the 'Principle' section) is considered necessary (**Condition 31** refers).

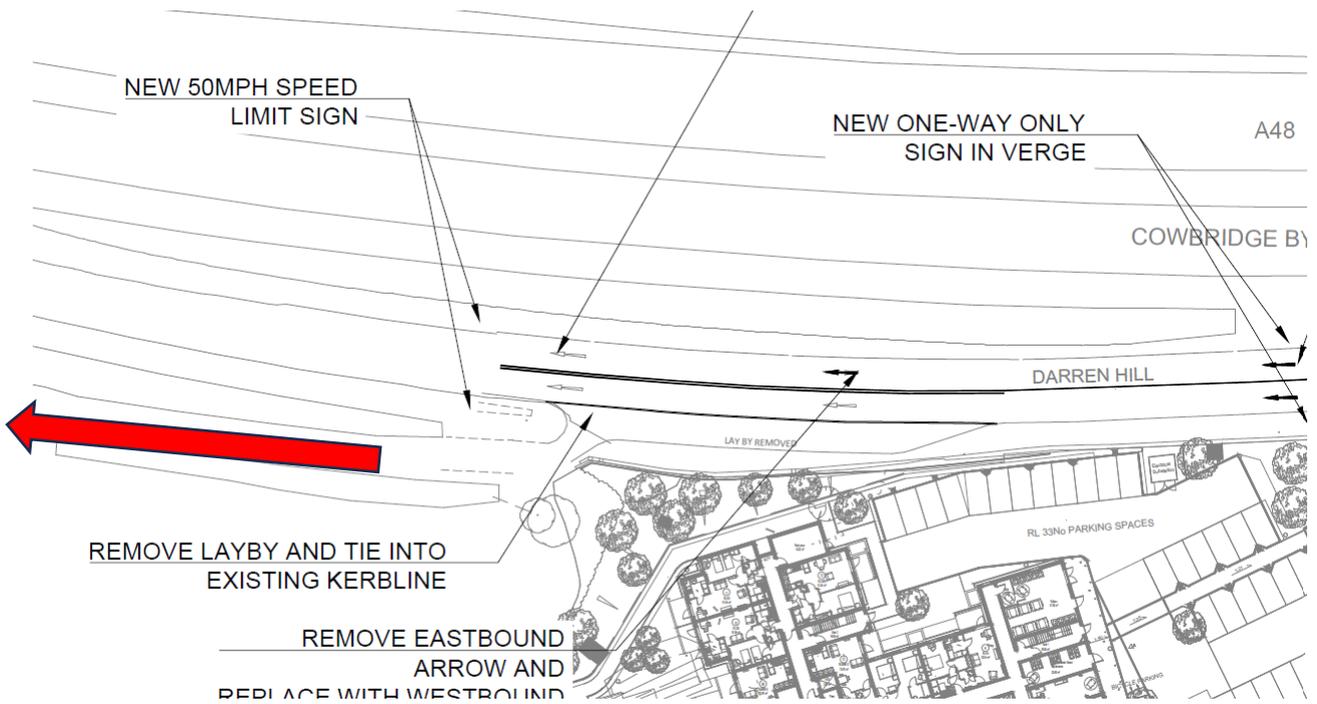
For the size of office accommodation proposed, the Parking Standards SPG requires a maximum of 9 spaces and these are provided. A condition requiring the details of the Electric Vehicle charging points (fully wired and connected) is considered necessary and can be required by a suitably worded condition (**Condition 18** refers)



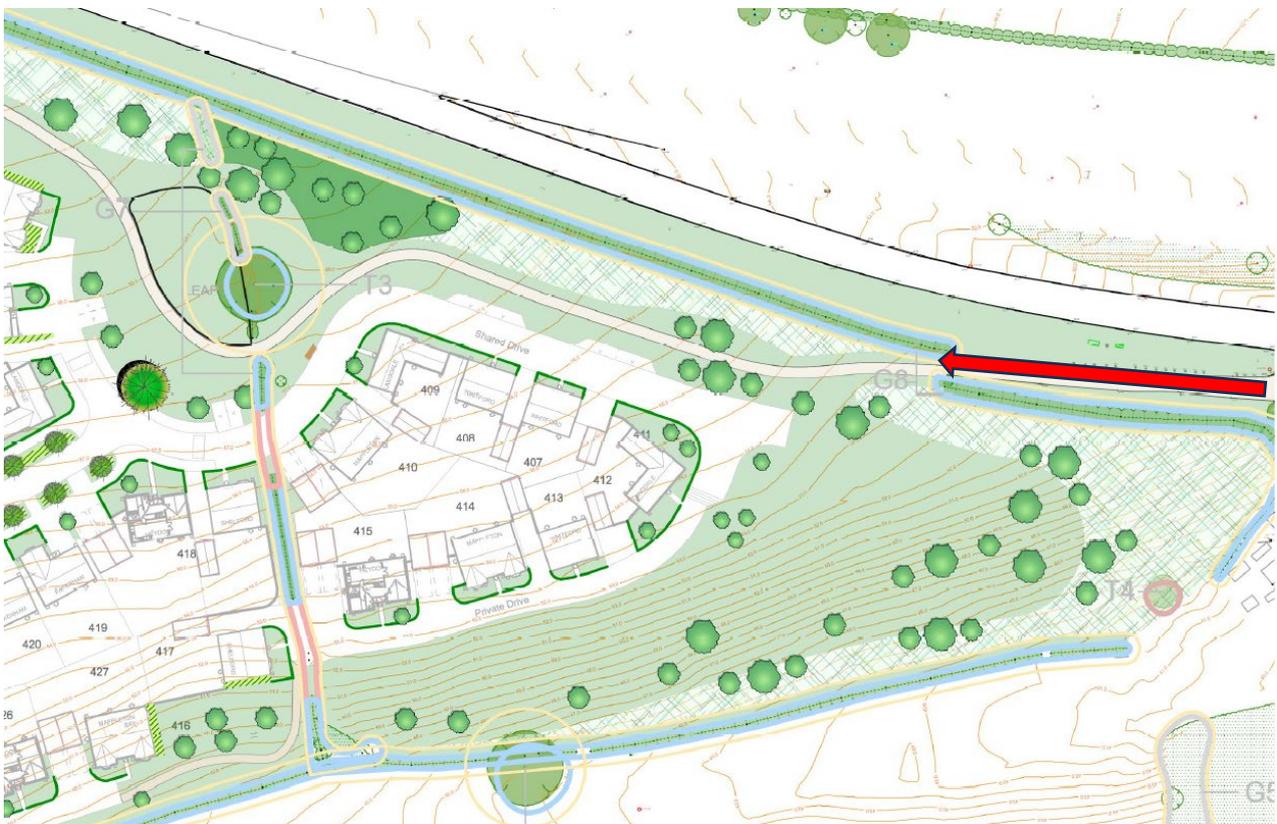
In addition, secure cycle parking would be provided on site for both the residential and office development. This would be required by a suitably worded condition (Condition 19 refers).

The Council's SPG Travel Plans requires that one is submitted for residential development of 50 dwellings and over and office buildings of over 2500m² floor area. As the office building is under the trigger, a travel plan is not required for this element. A Travel Plan has however been submitted which addresses the needs of the residential element and details a Travel Plan coordinator would be elected. This should be updated prior to occupation of the building and can be required by a suitably worded condition (**Condition 20** refers)

It has been suggested by Councillor Champion there should be a link to the Clare Gardens development, through the application site. Whilst this point is noted and whilst active travel linkages and permeability are encouraged, due to the type of residential development, being proposed, a public link through the site would not be appropriate and would most likely result in the loss of 'green space'. However, the proposal would provide improved pedestrian facilities along the public highway to surrounding development and the wider pedestrian network. In particular the removal of the lay by which will provide a widened pedestrian footway facilitating improved pedestrian access along Darren Hill, where there as a short section of adopted footway which provides a footway link into Clare Gardens connecting (as shown by the red arrow) into the wider footpath network within that development.



Extract of proposed access arrangements plan



Extract of approved plan for eastern corner of Clare Gardens residential development

In conclusion, the proposal is considered acceptable in parking and highway safety and would accord with Policy MD2 of the adopted LDP and the above referenced guidance set out within the Parking Standards SPG.

Impact on Neighbours and occupiers of the flats

The nearest residential properties are those to the south of the site on Tyla Rhosyr and would be approximately 37 metres away from the proposed residential block (25m to their rear boundaries). These properties are situated at a significantly higher level than the application site, with a mature band of trees sited between the proposals and existing properties. Noting this and the type of use proposed, it is considered that the residential aspect of the proposal would be unlikely to result in an unacceptable detriment to the amenity of neighbouring residential properties.

Similarly, in relation to properties to the east and given the separation from the site (in excess of 50 metres) and their location on the opposite side of the road, it is unlikely that the office use and building would cause unacceptable detriment to the amenity of those neighbouring residential occupiers.

Access to and from the site is from Darren Hill, which already experiences relatively high levels of traffic. As such noise and disturbance from any increased coming and goings to the site would not directly impact significantly on the amenity of occupiers of nearby dwellings. In addition, the sighting of infrastructure such as the electricity sub-station, highlighted as a concern, would not likely impact on the amenity of the surrounding residents due to the distance and siting near the road and the existing noise levels.

Turning to the impact on the occupiers of the proposed retirement dwellings concerns have been raised with regard noise, air pollution and a loss of privacy from the use of the nearby A48. The Council's SRS (Pollution) state the traffic generation from the site is not considered significant in air quality terms and concerns from traffic on the A48 would not present a concern due to the development being over 10m from the road.

With regard to the noise impact on the occupiers, the building has been designed that all the windows are below A48 level and that the majority of the development is below the level of the slip road. In addition, the communal outside amenity areas are to the rear of the site which would be protected by the building. The application also details all windows would be double glazed and that this would naturally prevent noise and it is unlikely that noise would be a significant factor to the residents.

Notwithstanding the above, the Council's SRS (Pollution) requested that a Noise Impact Assessment (NIA) be submitted to take into account the internal temperature of the properties (if over reliance on keeping windows shut is considered).

This report has been submitted and concludes, as identified in TAN 11-Noise, the site is located in a Noise Exposure Category A area. This details in such areas, "*Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable*". On assessment of this the Council's SRS section concur with the findings and methodologies of the NIA. The SRS Team advise that it is essential that the design and subsequent construction of the development takes into account of its recommendations and conclusions. In addition, post construction surveying and testing should be carried out to ensure that the values specified in relation to internal and external noise levels, ventilation

and the consideration of overheating are achieved. This is considered necessary and would be ensured by a condition if permission is granted (**Condition 4** refers).

Turning to the concern raised that people in vehicles on the A48 would be able to look into the properties resulting in a loss of privacy. Any views would, for the majority of time be fleeting due to the speed of traffic and these views would also be over 21m away which is considered acceptable distances in the circumstances of habitable window to window views and would be no worse than many other residential blocks which are located next to or close to major roads. Closer views would in any case be available from the adjacent pavement, but again this is typical of the relationship many residential blocks have to the highway / footway.

In conclusion, the proposal is also considered acceptable and would accord with Policy MD2 of the adopted LDP and the above referenced guidance set out within the Residential and Householder Development SPG.

Green Infrastructure and Trees

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a 'Dear CPO letter' entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. PPW has now been revised in Edition 12 and incorporates the updates. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees. Whilst this application was submitted before PPW Edition 12 has come in to place a Green Infrastructure Statement has been submitted. As such it is there is sufficient information to determine the application on this issue.

In the Local Development Plan (LDP), Policies MG19, MG20 and MG21 protect nature, habitats and species.

Policy MD9 of the LDP is most relevant in respect of ecology matters, and it states 'New development proposals will be required 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.

Criterion 10 of Policy MD2 requires development to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscaping features and biodiversity interests.

In terms of trees, a tree report has been submitted that details the main part of the site (i.e. the area of existing buildings and hard standings) is devoid of trees of any quality. Some privet hedge, ornamental shrubs and a small plum tree associated with the garden of the farm house would be removed as part of the proposal. These would be required to be removed to provide the residential part of the development. There is no objection to this and the loss would be replaced to an acceptable level.

The bank of trees to the south (shown on the plan below) forms a strong linear feature in the site and links to land outside the site and in the wider landscape. These are identified by Council records as a group of 'urban trees' and it would be important to retain these for visual and ecological reasons, however there is no immediate threat to the majority of the

trees and subject to an appropriate condition for their protection during construction (**Condition 8** refers), these trees would be safeguarded.

The tree report does detail that some trees would be removed for the proposed culvert through the site to deal with land drainage. Some of these to be removed are however detailed as being diseased and need removing anyway. Opportunities also exist to restock the woodland and improve amenity and tree cover for biodiversity. This has been provided in a planting schedule which is considered acceptable. Details of this would be required by a suitably worded condition (**Condition 10** refers) as part of the implementation of the wider scheme of landscaping which has been proposed.



To ensure the retained trees are safeguarded during construction a tree protection plan has been prepared to show the location of protective measures. These measures need to be implemented in advance of construction and maintained until such time as soft landscape proposals require their removal (**Condition 8** refers).

In addition, as highlighted above, opportunity would be provided throughout the whole site and surrounding the proposed built development to provide soft landscaping to replace and provide more trees. A planting plan and strategy has been submitted and is considered acceptable. This would be required by a suitably worded condition (**Condition 10** refers)

Ecology and Biodiversity Enhancement

In term of protected species and ecology the application is supported by an Ecological Assessment and Ecological Mitigation and Enhancement Plan carried out by David Clements Ecology Ltd. This includes an assessment of existing buildings and tree assessments for bats and recorded two bat roosts within the buildings which are detailed as being of high local value. It also identifies the strip of woodland to the south and hedgerows to the north-west of the site as having high local value for wildlife. It also identifies that the proposals do not involve the loss of any tree with moderate or high potential.

Natural Resources Wales have been consulted and they identify a European Protected species (EPS) Licence would be required for the development. Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or 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.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the Local Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In respect of Test 1, the existing former farm yard and farmhouse site is vacant and within the settlement boundary of the Local Development Plan. Therefore, the proposal would re-develop the site for the benefit of the public in terms of providing housing within the planned areas and provide related economic benefits for the area.

In respect of Test 2, as stated above the re-development is required to bring back this underutilised site within a settlement boundary back to a suitable use.

With regard to Test 3, NRW have not objected and do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Therefore, subject to an informative (**Informative 4** refers) in respect of the need for an EPS License, there is no objection on these grounds.

NRW do not comment further and request the Council's Ecologist is consulted. The Council's Ecology Section do not object subject to the requirements of the David Clements Ecology Ltd Ecological Mitigation and Enhancement Plan (EMEP) are implemented in full. This provides a Wildlife Protection Plan and Ecological Enhancement and Management Plan and would be required by a suitably worded condition (**Condition 9** refers).

In conclusion, based on the nature of the proposal and its impacts, as discussed above, the proposal is not considered to give rise to an adverse impact upon existing green infrastructure provision, trees, ecology and protected species. Therefore, the proposal would accord with Policy MD9 (Promoting Biodiversity) of the LDP and the SPG on Biodiversity and Development, Planning Policy Wales Edition 12 and Technical Advice Note 5 - Nature Conservation and Planning (2009).

Contamination

The site has been identified as formerly commercial by the Council's SRS (Environment and they provide the following assessment and requirements for the preproposal.

Activities associated with this use may have caused the land to become contaminated. In addition, former quarries have been identified within 250m of the proposed development. The nature and extent of infilling of these sites is unknown. The aforementioned may give rise to potential risks to human health and the environment for the proposed end use.

The application has been supported by a Ground Condition Assessment report. This includes a contamination assessment, based on a desk study (not submitted) and site investigation of accessible parts of the site. The findings of this assessment identify contaminants of concern which will require remediation. Further site based assessments are required post demolition in areas where access is currently restricted by structures. The completed contamination assessment (including desk study) will need to be submitted, along with a detailed remediation strategy and verification plan (Conditions 22-25 refers).

The above report also includes an initial ground gas assessment and gas data summary based on the first two gas monitoring events that were available at that time. The report confirms that, '*Further rounds of monitoring are proposed...*'. A robust ground gas assessment, based on the completed monitoring programme and supported by all available monitoring data will need to be submitted. This would be required by a suitably worded conditions (**Condition 21** refers)

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use (**Conditions 26-28** refers).

Therefore the proposal would ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

Drainage and Flooding

Surface Water Drainage

With reference to Technical Advice Note 15: Development and Flood Risk (TAN15) (2004) this development is situated within DAM Zone A considered to be at little or no risk of fluvial or tidal flooding. NRW flood mapping indicates that there is however a high risk of surface water flooding to the site. With consideration to Flood Map for Planning (FMfP), in the TAN 15 update that has not been adopted yet, it is identified that areas of the site are at risk of flooding from surface water and small watercourses (Flood Zone 3). Whilst this is the case, the policy update to TAN 15 has not come into force and the proposal has to be assessed against the existing version of TAN15.

Given the nature of the development and flood risk posed, it is considered that the proposed development would be classed as highly vulnerable. As such further

assessment as to how surface water flows received from the wider catchment will be managed through the development is required.

With reference to Technical Note Watercourse and Exceedance Flow Route (Vale Consultancy, August 2023) submitted it is noted that the previous conveyance ditch is to be replaced by a proposed 900mm diameter culvert to deal with surface water flows through the site. The proposal would also provide rain gardens, permeable paving for parking areas and a bio retention area.

Following the submission of updated details in November 2023 the Council's Drainage Section assessed the details further and state, "*on review of the updated Flow Route Technical Note and additional supporting information they found the drainage details acceptable in principle. No further comments were made regarding the management of exceedance flows emanating from the wider catchment and no objection in principle*".

Members are advised this application is subject to separate approval required through the Local Authority Suds Approval Body (SAB) and this is required prior to construction commencing. The applicant is advised of this requirement by way of an informative (**Informative 5** refers). Therefore, in terms of the planning application no further details are required.

Foul Drainage

Concerns have been raised from the application consultation as to the impact of existing sewerage demand and the age of existing infrastructure. Dŵr Cymru/Welsh Water do not object and they detail no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from the site.

They detail a condition is required so that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. 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 (**Condition 29** refers).

Therefore the development would be acceptable in these terms.

Archaeology

The site is in a location which may hold archaeological resource, given it's adjacent to the line of the old Roman Road. An Archaeological Trenched Evaluation by Archaeology Wales Ltd has been submitted with the application. This concludes mainly post-medieval finds and recommends an archaeological monitoring (watching brief) during any ground breaking activity. Heneb: The Trust for Welsh Archaeology have been consulted as part of the application and do not object. However, they recommend that it is conditioned that a written scheme of investigation is carried out and an appropriate programme of historic building recording and analysis has been secured. These would be secured by suitably worded conditions (**Conditions 12 and 13** refer).

Other Matters

The applicant has provided comments from South Wales Fire Rescue that were directly sent to them. They comment that whilst the scheme has been worked up with fire and

Building Regulations in mind, a detailed fire strategy won't necessarily have been progressed until there is more certainty over the final scheme and then covered under the Building Regulations. This process is considered acceptable in relation to the planning proposal.

Concerns has been raised that these types of properties are difficult to sell and are a poor investment. This is not a planning matter that would warrant a refusal of the planning application on this issue.

A concern has also been raised that the properties should not be constructed with Reinforced Autoclaved Aerated Concrete (Raac). It is not known what concrete materials would be used in the development. This would however be a Building Regulations matter to ensure the buildings are suitably constructed and in accordance with the current regulations.

A concern has also been raised stating that the existing Doctors surgery can't cope with existing population never mind additional elderly residents. Policy MD4-Community Infrastructure and Planning Obligations states: *Where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. Community infrastructure may include the provision or improvement of: 6. Healthcare Facilities.* Whilst this is noted, the SPG on Planning Obligations does not provide triggers for the provision of health care facilities as it does for other obligations such as education and affordable housing. Furthermore, no evidence has been provided to demonstrate a need for further health care facilities in the area and taking into account the relatively small scale of the development this would not justify a contribution or a refusal reason of the application.

Section 106 Planning Obligations

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

The Council's SPG is available to view/ download at: -

<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Planning-Obligations-SPG-Adopted-July-2017.pdf>

In summary the proposal would require the following contribution (calculated from the SPG):

- Affordable Housing – 20 on site units.
- Sustainable Transport - £115,000.
- Education - £262,409.
- Public Open Space - £133,400.
- Public Art - 1% of build costs.

The policy requirements are expanded upon below:

Affordable Housing

Technical Advice Note 2: Affordable Housing defines 'affordable housing' for the purpose of the land use planning system as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes:

- Social rented housing;
- Intermediate housing.

Social rented housing is housing that is provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.

LDP Policy MG4 requires residential developments to contribute to meeting the affordable housing need. The adopted Affordable Housing SPG sets out how affordable housing is calculated.

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of Cowbridge:

COWBRIDGE	
1 bed	150
2 bed	72
3 bed	37
4 bed	1
6 bed	1
	261

The application is for the construction of an age restricted development of 50 no. one and two bedroom apartments with assisted living office space, resulting in a net gain of 50 residential units.

In line with the SPG, a 40% contribution to affordable housing is required to be provided by way of 20 units on site. Having regard to the SPG 70% (14) would need to be social rented and 30% (6) for low cost sale.

The Councils Housing Strategy Team have stated that the details of how the units should be determined by size will be determined by the age group for which the scheme is intended, and as such OAP age has been used with the figures below :

COWBRIDGE OAP		
1 bed	54	94%
2 bed	7	6%

There would therefore need to be 13 of one bedroom accommodation and 1 two bedroom accommodation for social rent with 6 one bedroom units being made available for low cost sale.

A Social Landlord would need to be involved to manage the 20 affordable units which would also need to meet WDQR21 standards.

The applicant's viability assessment details that an on-site contribution would however make the scheme unviable. It is also detailed by the applicant that an off-site contribution would be more appropriate due to the specialist nature of the retirement development proposed. This is due to the required service charges related to rent levels the RSL's would need to take on.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

In terms of local policy, LDP Policies SP1, MD2, MD5 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. LDP Policy MD2 and MD5 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.

Chapter 3 in Planning Policy Wales (PPW) (Ed 12) requires proposals to seek to maximise accessibility by walking, cycling and public transport to key locations, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Further, national policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

For the provision and/or enhancement of off-site sustainable transport facilities and having regard to the cost of providing sustainable transport infrastructure and services as set in the adopted Planning Obligations SPG, the Council requires £2,300 per residential unit.

For 50 residential units this would be £115,000.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (Ed. 12) emphasises that in order to achieve a "More Equal Wales", development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales.

In line with the Council's adopted Planning Obligations SPG, a contribution of £13,811 per dwelling (2 bed units only) would be required for developments resulting in a net gain of 10 or more dwellings. It is understood that the proposal seeks a retirement complex. However, given the target minimum age, the units could theoretically be occupied by retired individuals with children who could still be of school age.

As the proposal includes 19 two bedroom dwellings, the contribution would be £262,409.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also acts as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states *"Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management"*.

The Council's adopted Planning Obligations SPG states that for smaller and constrained sites that *'where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.'*

Off-site contributions will be calculated on the basis of £1,150 per person or £2,668 per dwelling.

Therefore the contribution, based on the per dwelling fee, would be £133,400. Basing it per person would be higher, however due to retirement home it is unlikely to have 2 people in all 1 bed flats and 3 or 4 in 2 bed flats.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing *"individuality and distinctiveness"* within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4. Further advice is available within the adopted Public Art in New Development SPG.

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be

provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard.

Planning Obligations Administration Fee:

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

Viability

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

"7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available"

The application is supported by a Financial Viability Assessment by Alder King. This concludes there is no financial headroom available for the above planning obligations.

The Council has assessed viability through an independent consultant through the Valuation Office Agency. A copy of this is available on the Council's Planning Register.

This concludes that, *"It is my considered and independent opinion that the above scheme assessed with regards to full planning policy requirement comprising 40% affordable housing, and S.106 contributions of £610,257 [including green space contribution and monitoring fee] is not viable.*

Through gradual reduction of policy contributions it is my considered and independent opinion that the partially planning compliant scheme reflecting zero affordable housing and a S.106 contributions of £170,405 is considered viable."

This amount does not meet the full contribution and in these circumstances the Council's SPG clarifies the position with regard to prioritising planning obligations.

Section 6.8 states, *"The list as in Policy MD4 is not a prioritised list and where it is necessary to prioritise planning obligations the Council will do so on a site by site basis, having regard to the specifics of the development at that time and in light of the statutory tests. However, in considering how planning obligations will be prioritised, the Council will consider the specific needs arising from the development, using the following categories:"*

Whilst the SPG prioritises Sustainable Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic, the site is relatively well served in this matter. Furthermore, part of the proposal is to improve off-site pavements around the site.

Affordable housing is considered the next most important as necessary infrastructure. Whilst the preference by the Council's Housing Strategy Team is for on-site provision of units, it is noted the scheme has been proven to be un-viable if this is required. The Council's Housing Section have clarified they are developing affordable housing schemes within Cowbridge and that an off-site contribution would assist in developing this, or any other schemes.

With regard to the other contributions, the proposal is likely to provide suitable open space for the occupiers of the development and taking into account the age range of occupiers and restriction on occupation, education facilities to meet the needs of the occupiers would not be as necessary.

Therefore, in light of the viability information, it is recommended that all of the available £170,405 contribution that could be provided from the scheme, should be by way of an off-site financial contribution for affordable housing which will be delivered by the Council.

The applicant has been informed and agrees to this requirement and is in the process of producing a draft Unilateral Undertaking. This is currently not available at the time of writing this report and therefore a Section 106 legal agreement will be required to be signed prior to any planning permission being granted.

It should however be noted that given possible fluctuations in the figures attached to the assessment of viability, that a limited time for the implementation of the consent is recommended. However, for such a review mechanism to work, Welsh Government guidance advises that there should be a very clear and binding definition of what amount

of development needs to have been undertaken for the requirements of the permission to have been met.

Following consideration of the scheme and the likely timescale for construction and the scope of the works, it is considered that the authority would require the development to be practically completed within 3 years of the commencement of development. This would be secured through a section 106 agreement.

In the event that any of the apartments are not practically complete on the trigger date the owner/developer would be required to submit a further viability appraisal to the Council within 20 working days of the trigger date and pay the Council's costs in having the viability appraisal independently.

In the event that on review of the Viability Appraisal submitted it is concluded that the development is able to support payments for additional financial contributions then the owner/developer would have to make these payments in accordance with the timings that would be set out in the legal agreement. Any additional financial contributions would be allocated based on the level of contributions sought (as set out above) and would be capped to not exceed these amounts and the apportionment would then be based on the identified need by the relevant service areas at that time.

The applicant has been informed and also agrees to a 1 year period for the commencement of the development (and three years to complete) as being appropriate. This is, therefore, a recommended condition (Condition 1 refers). This will, effectively, give the applicant a maximum four year period from the permission date in which to complete the development before a viability review is triggered.

Having considered the above, and in light of the advice published by Welsh Government, LDP Policy MD4 and the SPG on Affordable Housing and Planning Obligations, the developer has demonstrated that the development would not be fully viable, however the development would still provide a financial contributions of £170,405 to contribute towards the provision of affordable housing.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of one hundred and seventy thousand four hundred and five pounds (£170,405) to contribute towards the provision of affordable housing.

And subject to the following conditions:

APPROVE subject to the following condition(s):

1. The development shall begin no later than one year 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:

224882-IDL-01-XX-DR-A-P1001-S3-P03 Location Plan
224882-IDL-01-XX-DR-A-P1003-S30-P03 Demolitions Plan
224882-IDL-01-GF-DR-A-P20027-S3-P05 Ground Floor Plan
224882-IDL-01-01-DR-A-P20028-S3-P04 First Floor Plan
224882-IDL-01-02-DR-A-P20029-S3-P04 Second Floor Plan
224882-IDL-01-01-DR-A-P20034-S3-P06 Roof Plan
224882-IDL-01-01-DR-A-P20034-S3-P06 Elevation 01
224882-IDL-01-01-DR-A-P20034-S3-P06 Elevation 02

224908-IDL-01-XX-DR-A-P2010-S3-P04 Proposed Elevations
224908-IDL-01-XX-DR-A-P4015-S3-P04 Perspective views
224908-IDL-01-ZZ-DR-A-P2009-S3-P04 Proposed Floor plans
SO-2849-03-AC-026-P09 Proposed Site Layout Plan
SO-2849-03-AC-039-P04 Proposed Site Sections
SO-2849-03-AC-040-P09 Proposed Street View Three storey
SO-2849-03-AC-046-P07 Perspective views
SO-2849-03-AC-047-P07 Perspective views

SO-2849-03-LA-901-O-Landscape General Arrangement
SO-2849-03-LA-902-C-Tree Retention and Removal Plan
SO-2849-03-LA-903-F-Kerb and Edging Plan
SO-2849-03-LA-904-D-Site Levels
SO-2849-03-LA-908-G-Boundary Treatment Plan
SO-2849-03-LA-915-F-Planting Strategy Plan
SO-2849- 03- LA-941- B- Typical Landscape Details Sheet 1
SO-2849- 03- LA-942- B Typical Landscape Details Sheet 2
SO-2849-03-LA-990 - Phasing Plan

1898-KC-XX-YTREE-TCP01 Rev 0 Tree Constraints Plan
1898-KC-XX-YTREE- TPP01 TreeProtectionPlan01 RevA

11038/C100 Rev02 Topographical Survey

034.0145-0005 Rev P01 - Articulated Vehicle Swept Paths
034.0145.002 Rev H Proposed Access Arrangements Change of Speed Limit Plan

Archaeological Trenched Evaluation (Archaeology Wales Limited 10/06/2020)
SO-2849-03-AC-071-P03 Design and Access Statement (Inspire Design August 2023)

Drainage Strategy Report (Vale Consultancy June 2023)
11038/TN-06 Watercourse & Exceedance Flow Route (Vale Consultancy August 2023)

11038_TN-01 Technical Note for the Proposed Culvert (By Vale Consultancy October 2023)

Green Infrastructure Statement (March 2024)

Ecological Assessment (David Clements Ecology Ltd June 2023)

Ecological Mitigation and Enhancement Plan v1.2 (David Clements Ecology Ltd March 2024)

Fire Safety Statement (Solas Realta Fire Engineering 22/09/2023)
Ground Condition Assessment (Ridge and Partners LLP July 2022)
Noise Impact Assessment by Stantec UK Limited (January 2024)
Travel Plan (Paul Basham Associates June 2023)
Transport Statement (Paul Basham Associates June 2023)
Highways Response Note (Paul Basham Associates dated December 2023)
1898-KC-XX-YTREE-TreeSurvey-and-ImpactAssessment-RevA
Visual Montages (Nicholas Pearson Associates July 2023)

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. The Office building shall only be used as an office or for and research and development purposes falling within Class B1 (a) and Class B1(b) and for no other purpose (including any other purpose in class B1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments), MD5 (Development Within Settlement Boundaries) and MD7 (Environmental Protection) of the Local Development Plan.

4. The residential development shall be designed and constructed in accordance with all the recommendations and conclusions within the Noise Impact Assessment by Stantec UK Limited (January 2024).

Prior to occupation of any residential units a post-construction and pre occupation test shall be undertaken by a suitably qualified acoustician and submitted to and approved in writing by the Local Planning Authority.

The submitted report shall confirm that the required levels in the report have been achieved to demonstrate the development is acceptable in relation to internal and external noise levels, ventilation and temperature levels or whether remedial action is necessary to meet an acceptable level, along with a timetable for their agreement and implementation. Should such remedial measures be deemed to be required and the timetables for their implementation be breached, any respective units shall not be occupied until such time as it is confirmed that sufficient mitigation in terms of noise, ventilation and overheating, as necessary, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard the amenities of the adjoining residential occupier and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In the interest of visual amenity and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

6. Prior to reaching DPC LEVEL for each specific building (office or residential) and notwithstanding the submitted details, a schedule of materials and samples to be used in the construction of that building and associated development (including any new stone for the boundary wall fronting Darren Hill) based upon the submitted schedule in the submission, hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

A sample panel of a minimum of 1 square metre of the proposed brick and stonework and detail of the mortar type and pointing shall also be prepared and made available for inspection for final written approval by the Local Planning Authority.

Construction work relating to those materials shall only commence once written approval has been given, and the approved panels shall be retained throughout the period of construction of the development and shall form the basis of work to walls and external surfaces of the development.

The development shall be completed in accordance with the approved details prior to occupation of any part of the development.

Reason:

In the interests of visual amenity and to enable the quality of the [brickwork and stonework, coursing and pointing] to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policy MD2 (Design of New Development) of the Local Development Plan.

7. All retaining structures associated with the development and hereby approved shall be completed in accordance with design and finishing details to be submitted to and agreed in writing by the Local Planning Authority prior to their construction. The retaining walls shall be completed in accordance with the approved details prior to the first beneficial use of the relevant office or residential part of the site to which the detail relates.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

8. Only the trees identified SO-2849-03-LA-902-C-Tree Retention and Removal Plan shown to be removed shall be felled. All other trees and hedges shown on the plan shall be retained in perpetuity unless otherwise agreed in writing with the Local Planning Authority. Any trees removed shall be replaced in accordance with current guidance on replacement ratios.

Prior to construction works (excluding surveys and ground investigation works) the trees to be retained and any trees whose canopies overhang the site shall be protected by strong fencing as detailed on plan 1898-KC-XX-YTREE- TPP01 TreeProtectionPlan01 RevA. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

In order to protect trees and avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP10 (Built and Natural Environment) and MD2 (Design of New Developments) of the Local Development Plan.

9. The development shall be carried out in accordance with the full details in the David Clements Ecology Ltd Ecological Mitigation and Enhancement Plan v1.2 (EMEP) dated March 2024.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping reference SO-2849-03-LA-915-F-Planting Strategy Plan shall be carried out in the first planting and seeding seasons following the occupation of the particular building (office or residential as defined in the phasing plan no SO-2849-03-LA-990) to which it reasonably relates; 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 SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. All means of enclosure associated with each phase of the development (detailed on drawing number SO-2849-03-LA-990 - Phasing Plan) and hereby approved shall be completed in accordance with the details in plan number SO-2849-03-LA-908-G-Boundary Treatment Plan. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of each phase of the development of which it relates.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

12. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

13. No works (or any demolition) to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

14. Notwithstanding the submitted Plan (034.0145.002 Rev H) which identify preliminary details of the access point and Highway Improvements along A4222 Gibbet's Hill/Westgate, visibility splays, signage, street lighting, construction spec, road markings and resurfacing, surface water drainage and the internal arrangements shall be designed to adoptable standards (DMRB for Highway improvements and Vale of Glamorgan Standards internally). No works (excepting demolition and ground investigation works) shall commence on the development until Full Engineering details have been submitted and approved by the Local

Planning Authority. Thereafter the scheme comprising the agreed full engineering details shall be implemented and completed prior to the construction of the buildings within the site.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to accord with Policy MD2 of the Local Development Plan.

15. Prior to the first occupation of either the residential or office building the following Traffic Orders shall have been put into place:

- 1.) The current No stopping (clearway) order on A4222 Darren Hill shall start from its junction with Gibbet Hill (as shown on 034.0145.002 Rev H)
- 2.) The current moving order (TRO) shall be amended to stop two way traffic movement just after the proposed access (going up Darren Hill) as shown on 034.0145.002 Rev H

Reason:

In the interests of Highway / Public Safety and in accordance with Policy MD2 of the Local Development Plan.

16. There shall be no obstructions including planting whatsoever within the areas required for vision splays. All proposed boundary walls, hedgerows or planting shall be located to the rear of the required vision splays in the interest of highway / public safety.

Reason:

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

17. Prior to the commencement of any works (excepting ground investigation and demolition) a Traffic Management Plan incorporating am/pm peak travel times, no materials to be deposited or stored within the limits of the adopted highway, any Proposed Temporary Road Closures, any Temporary or Permanent Traffic Regulations orders associated with the events, temporary signage, parking and turning facility within the site, details of wheel washing facilities for vehicles leaving the site, etc must be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policy MD2 (Design of New Developments) of the Local Development Plan.

18. Notwithstanding the submitted plans and prior to beneficial occupation of the development hereby approved, full details of the electric vehicle parking points shall have been submitted to and approved in writing by the Local Planning Authority. The active (fully wired and connected) electric vehicle charging points shall be provided in accordance with the approved details for the relevant parking area for the office or residential building to which they relate and shall remain available for their designated use in perpetuity.

Reason:

To ensure satisfactory provision electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

19. The office or residential building hereby approved shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted in respect of the respective building as per the phasing plan SO-2849-03-LA-990) and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

20. Prior to the first occupation of the approved residential development, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

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

21. Prior to the commencement of any development works, except demolition, a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

22. Prior to the commencement of the development, except demolition, site clearance and site investigation, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
 - (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
 - (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)

(iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

23. Prior to the commencement of the development, except demolition, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

24. The remediation scheme approved by condition 23 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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 in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

25. 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 unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

26. 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 the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

27. 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 the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

28. 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

29. 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, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD7- Environmental Protection of the Local Development Plan.

30. Prior to the occupation of the residential or office element (as per the phasing plan SO-2849-03-LA-990) of the development hereby approved a lighting scheme

relative to that phasing area, including measures to reduce light spillage onto foraging habitats for bats and other species, shall be submitted to and approved in writing by the Local Planning Authority relative to the part it relates in accordance with the phasing plan SO-2849-03-LA-908-G- Boundary Treatment Plan site. Any external lighting thereafter erected shall be in accordance with the approved details

Reason:

In the interests of visual amenity and ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

31. Each of the residential apartments hereby permitted shall be occupied only by;

- (i) Persons aged 60 years or over; or
- (ii) A spouse or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or,
- (iii) Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died.

Reason:

In order to meet the specific needs of the scheme and in the interests of highway safety necessary in accordance with Policy MD2-Design of New Development of the Local Development Plan.

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.

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG4 – Affordable Housing MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities MD7 - Environmental Protection, MD9-Promoting Biodiversity and, MD14 - New Employment Proposals, Supplementary Planning Guidance and Planning Policy Wales Edition 12. On this basis the proposed residential and office development is considered acceptable in respect of the principle of development, visual impacts, impacts on access and parking, on neighbouring amenity and the amenity of the occupiers, Green Infrastructure and biodiversity, drainage, contamination and archaeology.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

NOTE:

- 1. In relation to the Highways works the developer will be required to enter into a Section 278 Agreement with the Highway Authority before undertaking works along the adjacent highway.**

The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.

A minimum of 12 week's notice is required to implement a Temporary or Permanent Traffic Regulatory Orders should the closure or other order be agreed. Requests for any such orders must be submitted in writing to Operational Manager Highways & Engineering, Alps Depot Wenvoe, Vale of Glamorgan.

Before commencement of works, a sum of £4,613.20p to be provided by the applicant / developer to the council for covering the legal costs of Moving Order which would need to be altered along Darren Hill A4222. It should be noted that the cost indicated above is for 2023-2024 (subject to annual increase every year) and only for the legal expenses. The actual cost of the work and any additional costs such as objections / unforeseen issues will be paid for by the developer. All associated engineering works on site will be undertaken by the applicant at their own expense.

Before commencement of works, a sum of £4,613.20p to be provided by the applicant / developer to the council for covering the legal costs of Traffic Order which would need to be introduced as a result of the new development and to prevent parking along Darren Hill A4222. It should be noted that the cost indicated above is for 2023-2024 (subject to annual increase every year) and only for the legal expenses. The actual cost of the work and any additional costs such as objections / unforeseen issues will be paid for by the developer. All associated engineering works on site will be undertaken by the applicant at their own expense.

2. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

**(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**

- Unprocessed / unsorted demolition wastes.**
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
- (iii) the safe development and secure occupancy of the site rests with the developer.**

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

3. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

The survey of Darren Farm should take the form of a Level 3 survey as set out in Understanding Historic Buildings: A Guide to Good Recording Practice (Historic England 2016), with a directional plan for the photographs.

4. Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at Natural Resources Wales / Apply for a protected species licence - <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/?lang=en>

Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

5. 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

6. Dwr Cymru/Welsh Water advise that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The reason for this is 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.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water

main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Further advice can be sought via 0800 917 2652 or via email at developer.services@dwrwymru.com

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.

2023/01265/FUL Received on 19 December 2023

APPLICANT: Welsh Water Linea, Fortran Road, St Mellons, Cardiff. CF3 0LT

AGENT: Miss Chloe Jones Arcadis Cymru House, St Mellons Business Park, Fortran Road, Cardiff. CF30EY

Sewage Disposal Works, Brook Lane, St. Nicholas

Full planning permission is sought for the expansion of the existing Waste Water Treatment Works to include the following: Inlet Works, Trickling Filter, Buried Humus Tanks, Sludge Holding Tank, Motor Control Centre Kiosk, Reed Bed, Reed Bed Blower Kiosk, Alkalinity Dosing Kiosk, Trickling Filter Distribution Chamber, De-sludge Pumps and Slabs, Landscaping, Internal Access Road, Lighting, along with a Temporary Contractor's Compound and Construction Access.

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 application site lies to the south, and outside of the Settlement Boundary of St Nicholas. The site is accessed via Brook Lane, and forms the St Nicholas Waste Water Treatment Works (WwTWs).

The application seeks permission for the expansion and upgrading of the WwTWs, to include; Inlet Works, Trickling Filter, Buried Humus Tanks, Sludge Holding Tank, Motor Control Centre Kiosk, Reed Bed, Reed Bed Blower Kiosk, Alkalinity Dosing Kiosk, Trickling Filter Distribution Chamber, De-sludge Pumps and Slabs, Landscaping and an Internal Access Road. A temporary contractors compound and compound construction access is also proposed, accessed via Duffryn Lane.

To date, no letters of representation have been received.

The proposed works are necessary to support the population growth of St Nicholas, and the development is considered acceptable in regards to the principle of development, visual impact upon the countryside and special landscape area, trees and landscaping, neighbouring amenity, highway safety, ecology, drainage and flood risk, archaeology, and green infrastructure and biodiversity.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The site relates to land at and adjoining St Nicholas Wastewater Treatment Works ('the WwTW'), located in the countryside to the southwest of the village and accessed via Brook Lane a rural lane which terminates at the WwTW. The location is shown in the below plan extract:

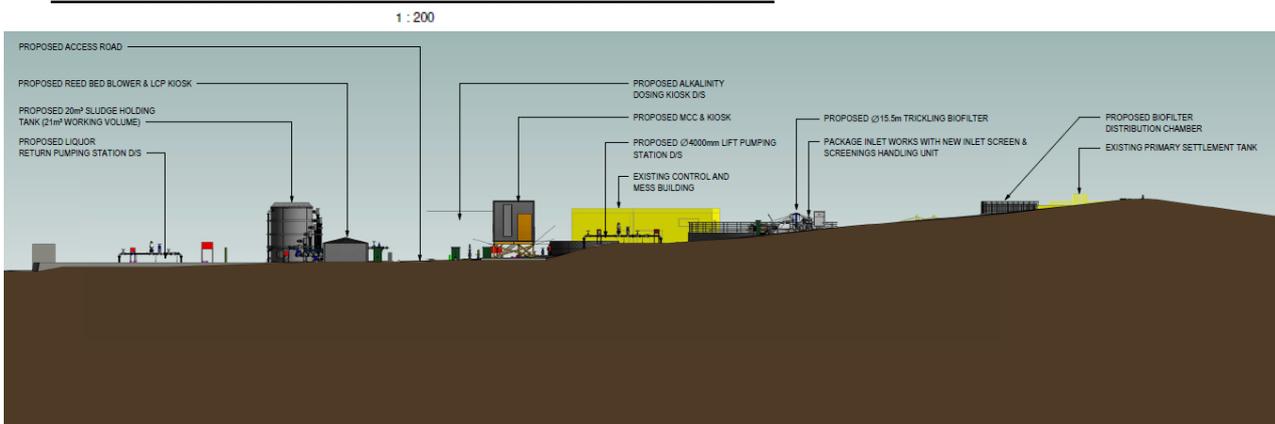
- Reed bed blower kiosk
- Alkalinity dosing kiosk
- Trickling Filter Distribution Chamber
- De-sludge pumps and slab
- Internal access road
- Security fencing
- Mitigation planting and ecological mitigation measures

The proposed temporary access track would have a length of 815m and width of approx 4m, with passing bays approximately 8m wide to allow construction traffic to pass each other. The access road would utilise four existing field gates, and would be composed of a type 1 granular aggregate on top of a protective geotextile fabric.

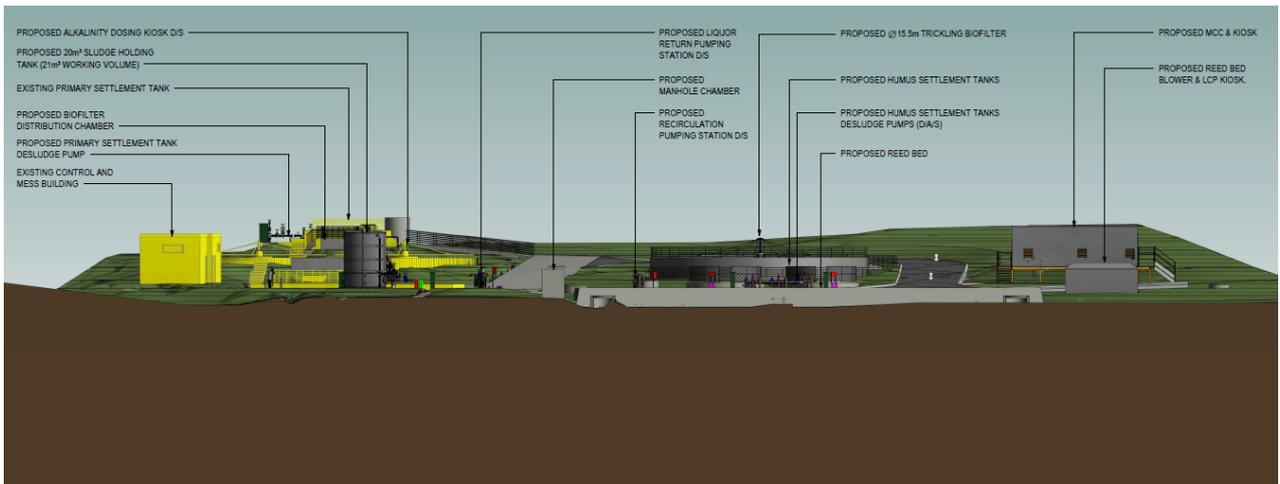
The temporary constructor's compound would be located to the south of the proposed site, and would be composed of the same type 1 granular aggregate on top of a protective geotextile fabric as the access road.



ELEVATION VIEW - LOOKING THROUGH NORTHERN SIDE

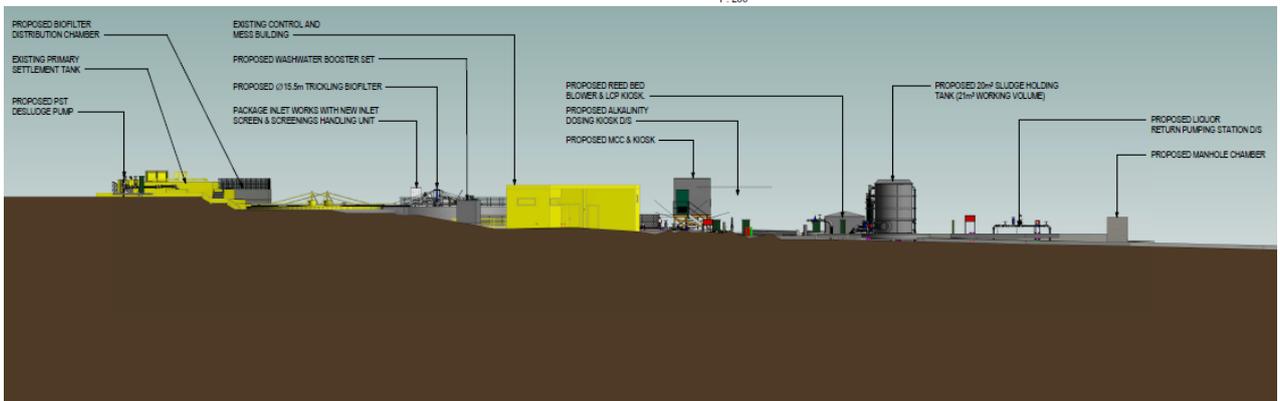


ELEVATION VIEW - LOOKING THROUGH EASTERN SIDE



ELEVATION VIEW - LOOKING THROUGH SOUTHERN SIDE

1 : 200



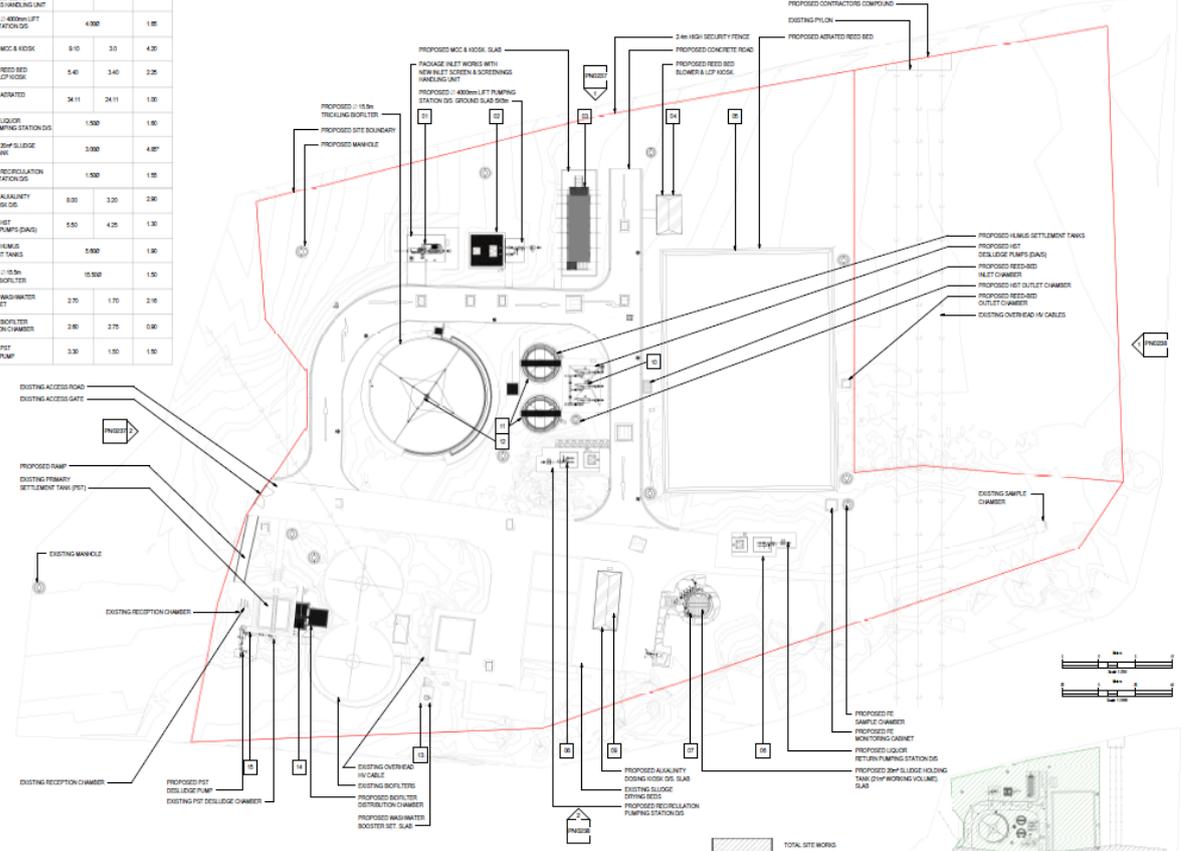
ELEVATION VIEW - LOOKING THROUGH WESTERN SIDE

1 : 200

TABLE SHOWING DIMENSIONS OF PROPOSED NEW PROCESS AREA IMPROVEMENTS ON THE EXISTING TREATMENT WORKS

TAG NO	SCHEME ELEMENT	LENGTH (M)	WIDTH (M)	HEIGHT (M)
01	PACKAGE INLET WORKS WITH NEW INLET SCREENS & SCREENINGS-HANDLING UNIT	1.23	4.33	1.82
02	PROPOSED 4000m ³ LIFT PUMPING STATION OS	4.98	1.85	
03	PROPOSED MFC & HODG	9.10	3.0	4.20
04	PROPOSED REED BED BLOWER & LIP HODG	5.40	3.40	2.26
05	PROPOSED ACTIVATED REED BED	24.11	24.11	1.80
06	PROPOSED LIQUOR RETURN PUMPING STATION OS	1.53		1.80
07	PROPOSED SHIP SLUDGE HOLDING TANK	3.30	4.87	
08	PROPOSED RECYCLATION PUMPING STATION OS	1.53	1.85	
09	PROPOSED ALKALINITY DOSEING HODG	8.00	3.20	2.90
10	PROPOSED HET DESLEGE PUMPS (DAS)	5.50	4.25	1.30
11	PROPOSED HEMUS SETTLEMENT TANKS	5.80	1.80	
12	PROPOSED 15.5m TRACKING BIOLIFTER	15.50	1.50	
13	PROPOSED WASHWATER BOOSTER SET	3.20	1.70	3.16
14	PROPOSED BIOLIFTER DISTRIBUTION CHAMBERS	3.80	2.75	0.90
15	PROPOSED PST DESLEGE PUMP	3.30	1.50	1.80

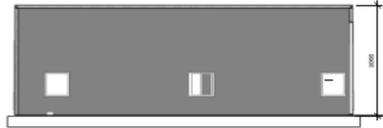
INDICATES THE HEIGHT OF THE TALLEST STRUCTURE WITHIN THE PROCESS AREA OF THE WORKS HEIGHT RELATED TO LOCAL EXISTING GROUND LEVEL



PLANNING GA PLAN
1:200

SL NO	DESCRIPTION	% OF AREA COVER	AREA (SQ M)
01	TOTAL WORKS	51%	526
02	PROPOSED WORKS	31%	423

SITE KEYPLAN
1:500



CROSS SECTION 1 - MCC KIOSK
1:50



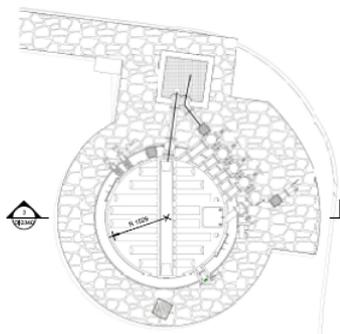
PLAN VIEW - MCC KIOSK
1:50



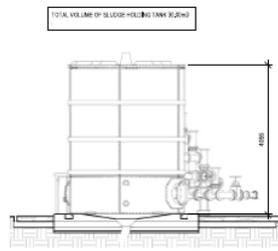
CROSS SECTION 2 - REEBBED BLOWER KIOSK
1:50



PLAN VIEW - REEBBED BLOWER KIOSK
1:50



PLAN VIEW - SLUDGE HOLDING TANK
1:50



CROSS SECTION 3 - SLUDGE HOLDING TANK
1:50



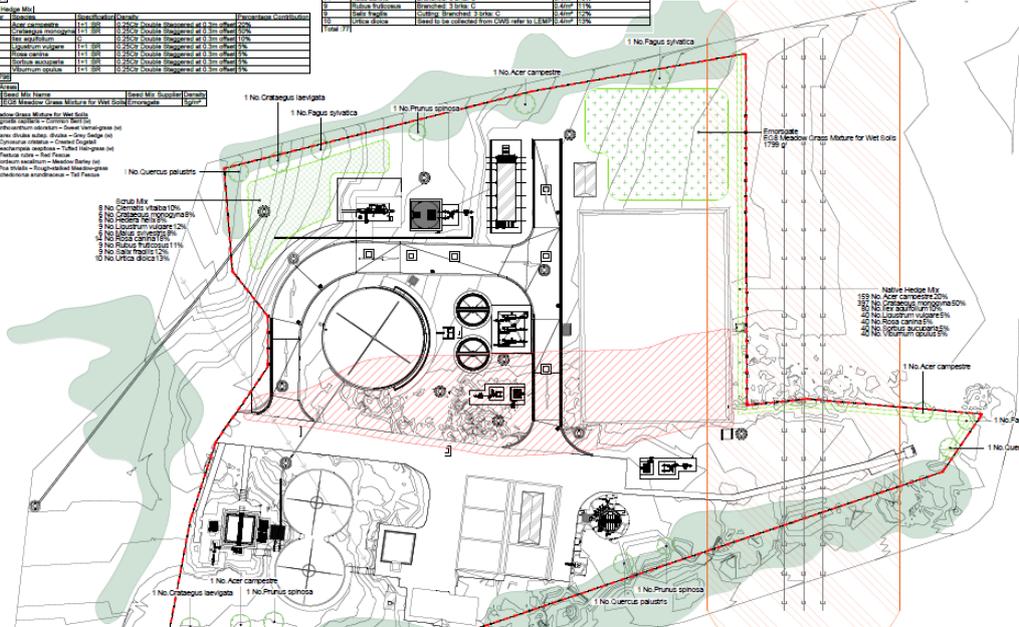
CROSS SECTION 4 - ALKALINITY DOSING KIOSK
1:50



PLAN VIEW - ALKALINITY DOSING KIOSK
1:50

Species	Quantity	Plant Code	Plant Name	Plant Code	Plant Name
Plant Code	Quantity	Plant Code	Plant Name	Plant Code	Plant Name
100%	100%	100%	100%	100%	100%

Species	Quantity	Plant Code	Plant Name	Plant Code	Plant Name
Plant Code	Quantity	Plant Code	Plant Name	Plant Code	Plant Name
100%	100%	100%	100%	100%	100%



NOTES:
• Do not scale from drawing

Key	Description
[Red Line]	Red Line Boundary
[Green Hatched]	Existing Vegetation to be retained
[Red Hatched]	Proposed Scarb Planting
[Green Hatched]	Proposed Scarb Planting
[Blue Hatched]	Proposed Trees
[Yellow Hatched]	Proposed Hedgerow
[Orange Hatched]	Power Line 12kV Exclusion Area

Client
St Nicholas WwTW

PROJECT:
St Nicholas WwTW

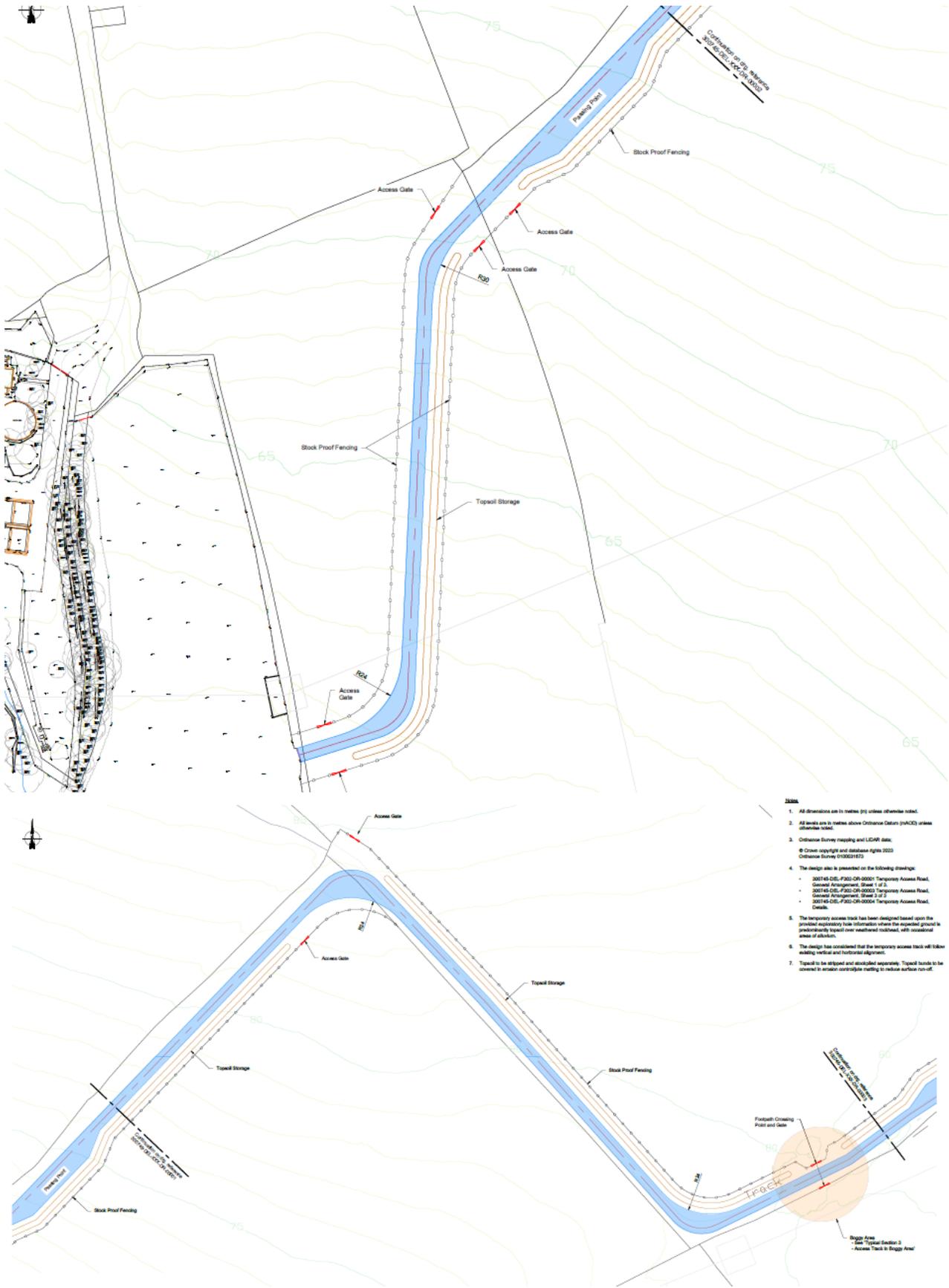
Site: Client

ARCADIS

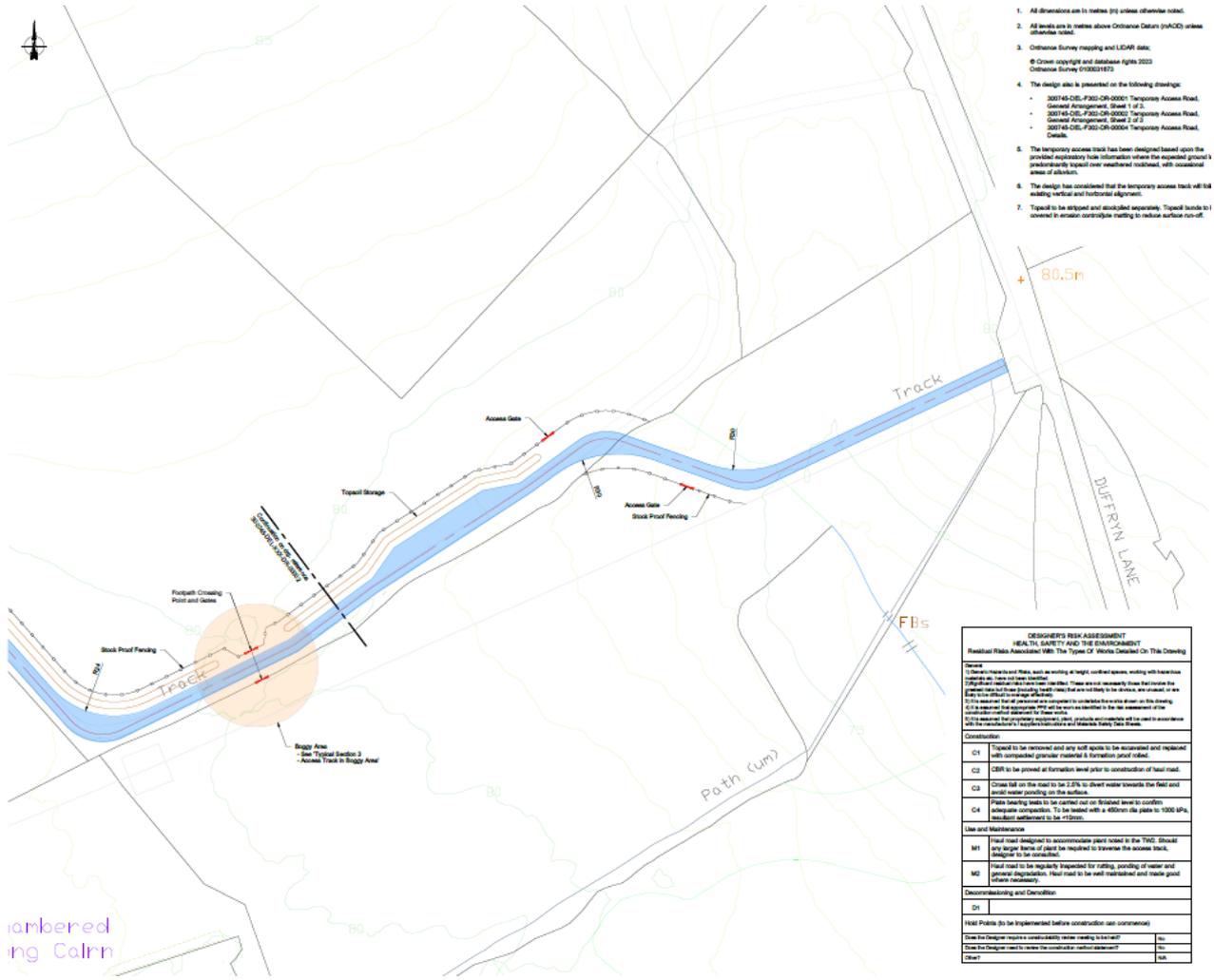
Registered office: 21 Colville Place, Edinburgh, EH10 5DQ, UK
 Consulting office: 50 Colville Place, Edinburgh, EH10 5DQ, UK
 Tel: +44 (0)131 528 8800
 www.arcadis.com

TITLE:
Landscape General Arrangement Plan

Design	CDR	Rev	By	On
1	CDR	1	CDR	08.11.20
2	CDR	1	CDR	08.11.20
3	CDR	1	CDR	08.11.20
4	CDR	1	CDR	08.11.20
5	CDR	1	CDR	08.11.20
6	CDR	1	CDR	08.11.20
7	CDR	1	CDR	08.11.20
8	CDR	1	CDR	08.11.20
9	CDR	1	CDR	08.11.20
10	CDR	1	CDR	08.11.20
11	CDR	1	CDR	08.11.20
12	CDR	1	CDR	08.11.20
13	CDR	1	CDR	08.11.20
14	CDR	1	CDR	08.11.20
15	CDR	1	CDR	08.11.20
16	CDR	1	CDR	08.11.20
17	CDR	1	CDR	08.11.20
18	CDR	1	CDR	08.11.20
19	CDR	1	CDR	08.11.20
20	CDR	1	CDR	08.11.20
21	CDR	1	CDR	08.11.20
22	CDR	1	CDR	08.11.20
23	CDR	1	CDR	08.11.20
24	CDR	1	CDR	08.11.20
25	CDR	1	CDR	08.11.20
26	CDR	1	CDR	08.11.20
27	CDR	1	CDR	08.11.20
28	CDR	1	CDR	08.11.20
29	CDR	1	CDR	08.11.20
30	CDR	1	CDR	08.11.20
31	CDR	1	CDR	08.11.20
32	CDR	1	CDR	08.11.20
33	CDR	1	CDR	08.11.20
34	CDR	1	CDR	08.11.20
35	CDR	1	CDR	08.11.20
36	CDR	1	CDR	08.11.20
37	CDR	1	CDR	08.11.20
38	CDR	1	CDR	08.11.20
39	CDR	1	CDR	08.11.20
40	CDR	1	CDR	08.11.20
41	CDR	1	CDR	08.11.20
42	CDR	1	CDR	08.11.20
43	CDR	1	CDR	08.11.20
44	CDR	1	CDR	08.11.20
45	CDR	1	CDR	08.11.20
46	CDR	1	CDR	08.11.20
47	CDR	1	CDR	08.11.20
48	CDR	1	CDR	08.11.20
49	CDR	1	CDR	08.11.20
50	CDR	1	CDR	08.11.20

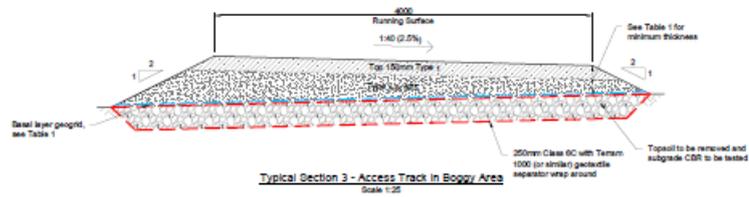
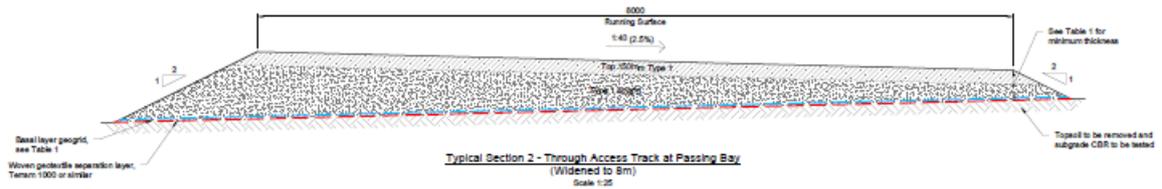
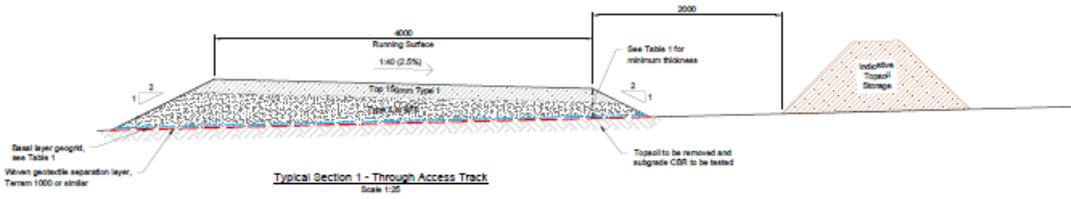


- Notes**
1. All dimensions are in metres (m) unless otherwise noted.
 2. All levels are in metres above Ordnance Datum (AOD) unless otherwise noted.
 3. Ordnance Survey mapping and LICAR data.
© Crown copyright and database rights 2023
Ordnance Survey 100029153
 4. The design plan is presented on the following drawings:
 - 2023-05-DLS-F202-04-0001 Temporary Access Road, General Arrangement, Sheet 1 of 3.
 - 2023-05-DLS-F202-04-0002 Temporary Access Road, General Arrangement, Sheet 2 of 3.
 - 2023-05-DLS-F202-04-0003 Temporary Access Road, Details.
 5. The temporary access track has been designed based upon the provided geotechnical data information unless the exposed ground is predominantly topsoil over weathered material, with occasional areas of debris.
 6. The design has considered that the temporary access track will follow existing vertical and horizontal alignments.
 7. Topsoil to be stripped and stockpiled separately. Topsoil funds to be covered in erosion control netting to reduce surface run-off.

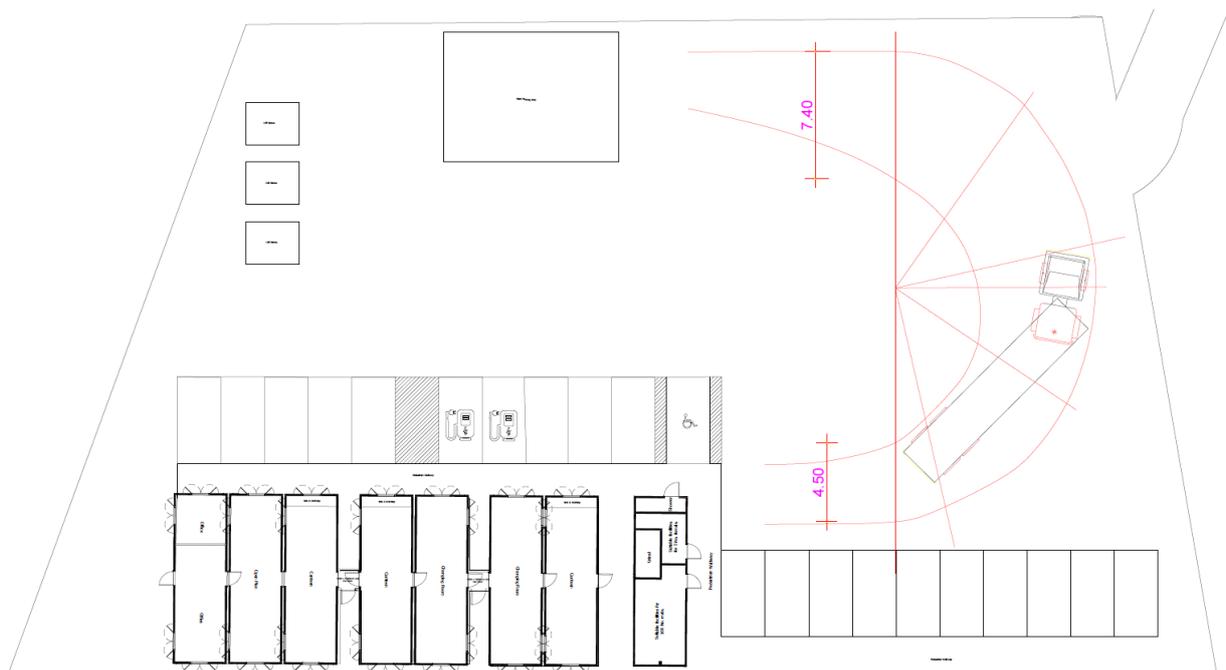
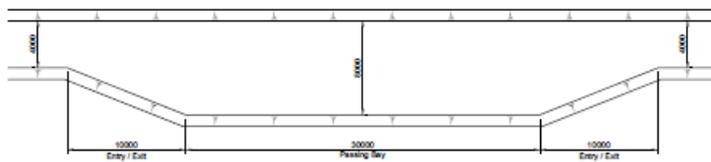


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DESIGNER'S RISK ASSESSMENT	
HEALTH, SAFETY AND THE ENVIRONMENT	
Residual Risk Associated With The Types Of Works Detailed On This Drawing	
Drawn	It is the responsibility of the designer to ensure that all works are designed to meet the requirements of the relevant standards and regulations. The designer shall ensure that the design is safe and sound and that it is fit for purpose. It is the responsibility of the contractor to ensure that the design is followed and that the work is carried out in accordance with the relevant standards and regulations. The designer shall not be responsible for any accidents or incidents that occur as a result of the work.
Construction	
C1	Topsoil to be removed and any soft spots to be excavated and replaced with compacted granular material to formation level.
C2	CBR to be proved at formation level prior to construction of haul road.
C3	Grade fall on the road to be 2.0% to divert water towards the field and avoid water ponding on the surface.
C4	Plate loading tests to be carried out on finished level to confirm adequate compaction. To be tested with a 400mm dia plate to 1000 kPa, modulus settlement to be 0.75mm.
Use and Maintenance	
M1	Haul road designed to accommodate plant used in the TREC. Should the higher levels of plant be required to traverse the access track, designer to be consulted.
M2	Haul road to be regularly inspected for rutting, ponding of water and general degradation. Haul road to be well maintained and made good where necessary.
Decommissioning and Demolition	
D1	
Hull Points (to be implemented before construction can commence)	
Does the Designer require construction safety training to be carried out?	Yes
Does the Designer need to review the construction control statement?	Yes
Drawn	Yes



- Key**
- Type 1
 - Type 1 or 6FS
 - Existing Ground
 - Geogrid (see Table 1)
 - Woven geotextile separator



PLANNING HISTORY

1990/00443/OUT, Address: Redlands Farm, Bonvilston, Proposal: Mixed leisure/residential/education/landscaping incorp., racecourse, ancillary buildings, new settlement, independent school, hotel, highway improvements, Decision: Withdrawn

2020/01342/TPO, Address: Tinkinswood Burial Chamber, Duffryn Lane, St. Nicholas, Proposal: Work to trees covered by Tree Preservation Order 1952, No. 4 - Work to G2 and G3, Fell Ash trees and post felling pruning of retained species as per Treecare Consulting report 09/2020, Decision: Approved

2022/01215/SC1, Address: St. Nicholas Waste Water Treatment Works, Proposal: Screening Opinion as to whether the construction and operation of the proposed Scheme, as described in this letter and enclosures, constitutes EIA Development, Decision: Environmental Impact Assessment (Screening) - Not Required

2023/00450/SC1, Address: St. Nicholas Waste Water Treatment Work, Proposal: Temporary access road, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

St. Nicholas and Bonvilston Community Council was consulted on 15 January 2024 and to date, no comments have been received.

Public Rights of Way Officer was consulted on 15 January 2024, and responded stating the following:

As noted in the Applicant's Design and Access Statement, the temporary construction access road crosses Public Footpath S11/7. The path must be kept open and available for safe use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

Please ensure construction traffic/delivery drivers are aware that members of the public might be crossing the access lane.

No adverse effect should result to the path, the applicant should ensure that any damage to the surface because of the development is made good at their own expense.

Plan 300745-DEL-XXX-DR-00002 indicates gates in the fence lines either side of the access track at the point where the footpath crosses. I'm aware of a 2-in1 field gate on the south side of the crossing point - will this gate remain or is it the Applicant's intention to change the structure. If a gate is to be installed on the north side of the track, the applicant must apply to the Public Rights of Way for Highways Act 1980 s.147 authorization.

Should the Public Right of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

Councils Drainage Section were consulted on 15 January 2024 and responded stating:

Most of the existing site and the southwest corner of the proposed site are located within DAM Zone within DAM Zone B which is considered to have been flooded in the past as evidenced by sedimentary deposits. However, the NRW Flood Map for Planning does not show these as being in Rivers Flood Zones 2 or 3. NRW flood maps (TAN15 2004) indicate that this site is mostly at a very low risk of surface water flooding. The west bounding watercourse is at a high risk of surface water flooding. The tree lined boundary between the existing site and the proposed site is at a low risk of surface water flooding.

This application is subject to SAB approval prior to any commencement of work. A SAB application has been submitted and is currently under review as SAB/FUL/2023/048.

An advisory noting that SAB approval is required where the area covered by construction exceeds 100sqm was also included.

Shared Regulatory Services (Pollution) were consulted on 15 January 2024 and responded stating the following:

Contamination is not known at this site, however the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested.

Should there be any materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Conditions in relations to unforeseen asontamination and imported aggregates were also noted, along with a contamination and unstable land advisory notice.

Following discussions, a briefing note was provided which details the use of recycled materials for the construction of the temporary access track construction.

A response was received from SRS requesting the inclusion of a condition in regards to unforeseen contamination.

Shared Regulatory Services (Neighbourhood Services Officer) was consulted, and responded stating that the submitted CEMP is appropriate, and would adequately control noise and emissions from the site. No further observations are made.

St Nicholas and Llancafarn Ward Member was consulted on 15 January 2024 and to date, no comments have been received.

Glamorgan Gwent Archaeological Trust were consulted on 8 February 2024 and responded stating:

The information in the Historic Environment Record curated by this Trust indicates that the proposal is located in an area of archaeological potential. There are numerous important archaeological sites in the vicinity, including prehistoric and Roman remains. As such we previously recommended an archaeological desk-based assessment be carried out (Arcadis B10181-0AG964-ZZ-ZZ-RP-NB-AH0234, dated May 2023), which was followed by an archaeological evaluation (CFA Archaeology Report no. 4366, dated

October 2023). A total of three 30m trenches were excavated, but encountered no archaeological features or structures. Therefore it is unlikely that significant archaeological remains will be affected during the course of the application.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, any features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Councils Ecology Officer was consulted on 8 February 2024 and to date, no comments have been received.

Natural Resources Wales were consulted on 8 February 2024 and responded stating:

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

- *Condition 1: Submission and approval of a final Site Specific Environmental Management Plan*
- *Condition 2: Landscape Scheme*

Highway Development was consulted and raised concerns as to the proposed trip generation and number of HGVs, however following discussions and the submission of further information, the Highways Development Department have responded stating the following:

The CTMP indicates that an 18month construction period is proposed and approximately 80 trips will be undertaken by HGV's during a peak period day and on average this will equate to 20 per day and although the type of vehicle has not been confirmed the Swept paths provided in appendix D indicate that articulated vehicles could be needed. This is quite a high frequency of HGV trips per day with 136 trips in total for other vehicle types and there is a likelihood that two articulated vehicles could pass each other at different locations along Dyffryn Lane.

The section of Dyffryn Lane leading up to the site is national speed limit however it is unlikely that vehicles will be travelling close to those speeds due to the width and geometry of the lane.

A highway condition survey has been undertaken by the highway authority and a second will be undertaken upon completion of the development and any damage to Dyffryn Lane will need to be rectified to the satisfaction of the highway authority.

The highway authority has no objection subject to the following:-

1. *Swept paths will need to be provided along Dyffryn Lane for two HGV's/articulated vehicles in both directions. Any conflict zones should be identified and then suitable areas for passing should be highlighted. Subject to good forward visibility vehicles should be able to judge however on more narrow sections and on bends it may prove more difficult. Additional permanent passing places should be provided along Dyffryn Lane where conflict is identified. This has been satisfied in a technical note provided by the applicants consultants and passing places and areas of verge protection have been identified.*

2. *At the point of access into the site from Dyffryn Lane, there should be a passing space provided for two vehicles to pass on the new access track close to the access with Dyffryn Lane. Lack of such could create safety and congestion issues on Dyffryn Lane with Larger vehicles needing to wait on the highway.*

3. *The area at the proposed construction access along Dyffryn Lane Should be maintained as a passing bay for the benefit of Dyffryn Lane traffic and not coned off or signage placed which could obstruct its use. Parking should not occur if sufficient space has been provided within the site.*

CADW were consulted on 1 March 2024 and responded stating: *Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens listed in our assessment of the application below.*

REPRESENTATIONS

The neighbouring properties were consulted on 15 January 2024 and a site notice was also displayed on 21 January 2024. The application was also advertised in the press on 22 February 2024.

To date, no letters of representation have been received.

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 SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
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 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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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
- Placemaking in Rural Areas
- Development in the Countryside (including new housing)
- Supporting Infrastructure

Chapter 5 - Productive and Enterprising Places

- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

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 12 – Design (2016)
- Technical Advice Note 21 – Waste (2014)

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)
- Minerals Safeguarding (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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 key issues to consider in the determination of this planning application against the above policies and guidance includes the principle of development, the visual impact of the development on the countryside and special landscape area, impact upon agricultural land, impact upon neighbouring amenities, ecology, mineral safeguarding, highway safety, flood risk, heritage and archaeology, and green infrastructure and biodiversity enhancement provision.

Principle of Development

The proposed development comprises of an extension to the existing St Nicholas Waste Water Treatment Works (WwTWs), where it is proposed to receive and treat waste water on site through systems to filter out sewage sludge into a holding tank, before removing this waste by tanker, with the remaining waste water treated on site through reed bed systems.

The proposal is an upgrade and expansion to the treatment works to deal with existing waste streams from development within the settlement catchment and to accommodate further planned population growth.

With regards to planning policy, the proposed development would not constitute an exception to development in the open countryside, as set-out within Policy MD1 – Location of New Development, however it is recognised that the open countryside is an appropriate location for WwTWs, where they are commonly found. In addition, improvements and extensions to existing facilities can only take place where the existing facilities are located. Notwithstanding this, national guidance contained in PPW emphasises the need to encourage the use of sites where existing sewage and drainage provision problems can be solved, which in this case is where the existing WwTW is located.

Consequently, an expansion and upgrade to the existing WwTWs system aligns with local and national planning policy, as noted within the adopted LDP and PPW, and would upgrade key infrastructure which would support economic, social and environmental sustainability. The upgraded WwTWs would increase capacity in line with population growth and would meet the future infrastructure needs.

Visual and Landscape Impacts

The application site is located within the countryside and within the Dyffryn Basin & Ridge Slopes Special Landscape Area (SLA) as identified within the Adopted LDP. Policy MD1

(Location of New Development) states proposals must not have an unacceptable impact on the countryside and Policy MG17 (Special Landscape Areas) states that proposals must not have an unacceptable impact on the important landscape character of the SLA.

The existing WwTWs are largely obscured from public vantage points due to the separation distance from public footpaths, and whilst the WwTWs is visible from the adopted highway of Brook Lane, due to Brook Lane terminating at the WwTWs and being very lightly trafficked, the existing treatment works have limited visibility, and as such, no discernible impact upon the character of the countryside and wider SLA. Whilst the proposed works and extension of the facility would increase the scale of the WwTWs, the proposed development has been limited to that which is functionally necessary for the operation of the WwTW. It is acknowledged that this would result in an intensification of the existing treatment works, however, the additional visible features would be read in conjunction with the existing WwTWs, and the features required within the development would be of a minor scale, which would not have an undue impact upon the wider countryside and SLA. In addition, a detailed scheme of landscaping has been submitted in support of the application, which would, in combination with existing vegetation, aid in screening the extended WwTWs, and is discussed in further detail below.

The proposed temporary access track would have a length of 815m and width of approx 4m. The access road would utilise four existing field gates, and would be composed of a type 1 granular aggregate on top of a protective geotextile fabric. The track would follow the hedgerows of the fields it interjects, and would have limited visibility from public vantage points. In addition, given its temporary nature, it is not considered that the proposed track would have any long term impact upon the wider countryside and SLA. Notwithstanding this, its removal following completion of the works will be conditioned (**Condition 4**) to ensure the land is returned back to its original state and to preserve the visual amenity of the countryside and SLA.

Consequently, the expansion of the existing WwTWs would not have a materially greater degree of visual impact than the existing site and the proposal has been designed appropriately to limit the visual impact, and the expansion of the site is not to a degree which would have an unacceptable impact upon the character of the countryside and wider landscape, and would preserve the character of the SLA. Consequently, the proposal would be compliant with Policy MD1, MD2 and MG17 of the Adopted LDP.

Impact on Historic Environment

The application site is located within 3km of a number of registered parks and gardens, including Dyffryn Wenvoe Castle and Tinkinswood Chambered Tomb. Resultantly, Cadw have been consulted on the proposed scheme, and have stated that they have no objection to the proposed development in regards to the scheduled monuments or registered historic parks and gardens.

Whilst the application site is within relatively close proximity to designated historic assets, the intervening topography, buildings and vegetation block all views between them, except for the Tinkinswood Burial Chamber scheduled monument and Dyffryn.

The proposed access road would be located to the north of the Tinkinswood Burial Chamber, a scheduled ancient monument which consists of the remains of a chambered long cairn, dating to the early Neolithic period. The access road would be sited approximately 40m to the north of the burial chamber, and would be located adjacent to the restored ancient woodland surrounding the burial chamber, however the submitted SSEMP outlines that the construction traffic movements would be located outside of the root protection zone of this ancient woodland. As such, given the temporary nature of the proposed track, it is not considered to unacceptably impact upon the scheduled ancient monument and the ancient woodland. Nevertheless, the SSEMP will be secured by condition. **(Condition 5)**

With regards to the proposed WwTWs, given the separation distance from the burial chamber and ancient woodland, of approximately 300m, the works would have no impact on these assets.

Trees and Landscaping

The proposed expansion of the WwTWs would require the removal of a section of hedgerow to the east of the existing WwTWs in order to facilitate the proposed development. In addition, a section of hedgerow to the eastern boundary is necessary to provide an access from the proposed temporary access track to the temporary compound.

An Arboricultural Report, Tree Survey, Tree Constraints Plan, Arboricultural Impact Assessment and Method Statement has been prepared in support of the application, which has informed the proposed site layout, design and landscape scheme. The trees to be removed form a parallel line of scattered trees, mainly comprising of Hazel and Hawthorn trees, and are the remains of two hedgerows. The tree survey has identified that all trees to be removed are Category C (low quality).

The loss of established trees, albeit of low quality, would have a detrimental impact upon the character of the countryside, however the removal of the trees is justified due to the necessity of the expansion of the WwTWs in order to safeguard the infrastructure from population growth. In addition, given that the trees are not protected, consent is not required for their removal, and the hedgerow does not offer such amenity value that would warrant protection with a Tree Preservation Order.

Nevertheless, a landscaping planting strategy has been submitted, which proposes the planting of 14 trees, around the proposed perimeter of the site, together with a native hedge mix on the southern border of the site. Further enhancement planting is also proposed, by means of native planting to the north east and south east of the development site.

The proposed planting scheme is considered appropriate, and would, once established and in conjunction with the existing, retained vegetation, reduce the visual impact of the WwTWs. However as set out within the ecology section below, an amended scheme is required in order to ensure the scheme satisfies the requirements of Natural Resources Wales, which will be secured by condition **(Condition 7)**.

A condition will also be added requiring the protection of the existing trees and hedgerows, as outlined within Appendix 4 of the Arboriculture report, to ensure their protection during the construction phase. **(Condition 9)**

Impact upon Neighbouring Amenity

Criterion 8 of Policy MD2 states that new development should safeguard the existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The proposed development is located within a rural setting, with the closest residential dwellings located approximately 130m north of the proposed temporary construction access road along Duffryn Lane (Winchpit) and approximately 200m north of the site along Brook Lane (Cherry Tree Cottages).

Consequently, given the separation distance from neighbouring dwellings, it is not considered that the proposed development would have materially greater impact to neighbouring amenity than that of the existing WwTWs.

In terms of construction noise and disturbance, a Site Specific Environment Management Plan (SSEMP) has been submitted in support of the application, which sets out a series of measures to mitigate any impacts. Shared Regulatory Services have been consulted on the application, and have confirmed that the submitted SSEMP is appropriate, and would ensure the amenity of neighbouring occupiers is preserved in regards to noise and pollution. As such, this will be conditioned (**Condition 5**), to ensure that the construction of the development will not have an unacceptable impact upon neighbouring amenities. A Construction Traffic Management Plan (CTMP) has also been submitted, which details how traffic is to be dealt with during the construction period, and will be secured by condition to ensure its implementation (**Condition 6**)

In light of the above, the proposal is considered compliant with criterion 8 of Policy MD2, and Policy MD7 of the adopted LDP.

Access and Highway Safety

Criterion 3 of Policy MD2 requires proposed developments to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

The site is located approximately 1km to the south of St Nicholas, and accessed off Brook Lane, a single track no-through road that routes south from the A48. Brook Lane is however considered inappropriate to deal with increased trip generations resulting from the construction phase of development and would not accord with the guidelines set out within Manual for Streets in regards to the passing of cars and HGVs. As such, a temporary construction access road is proposed between Duffryn Lane to the east and the development site to the west.

The application has been supported by a transport statement, dated December 2023, which outlines the proposed development, trip generation and the transport implementation strategy.

As aforementioned, access would be provided via Duffryn Lane, utilising a temporary access road, in which all construction traffic would be routed via. In addition, to prevent parking on/around the hard standing area of Duffryn lane where the temporary construction access road connects with the highway, signage, warning notices and physical barriers would be utilised.

In terms of trip generation, due to the nature of the development, a short-term increase in trip generation is necessary, with a peak of 136 arrivals and departures per day, and an average of 56 arrivals and departures per day. However, following completion of the construction phase, it is not expected that there will be any additional trips associated with the operation of the WwTWs once the site is fully operational. Therefore operation trip generation will remain as existing.

The Councils Highways Development department was consulted on the proposal, and raised concerns as to the high frequency of HGV trips per day, with approximately 80 trips proposed to be undertaken by HGVs during a peak period day, and on average, would equate to 20 per day.

As such, further clarification as to the type of HGVs which will be required was sought. It has been confirmed that the number of articulated HGVs required throughout the whole construction phase would total eight, with four articulated movements during the mobilisation of the scheme, and four at the end for heavy plant. All other HGV movements would utilise rigid body HGVs.

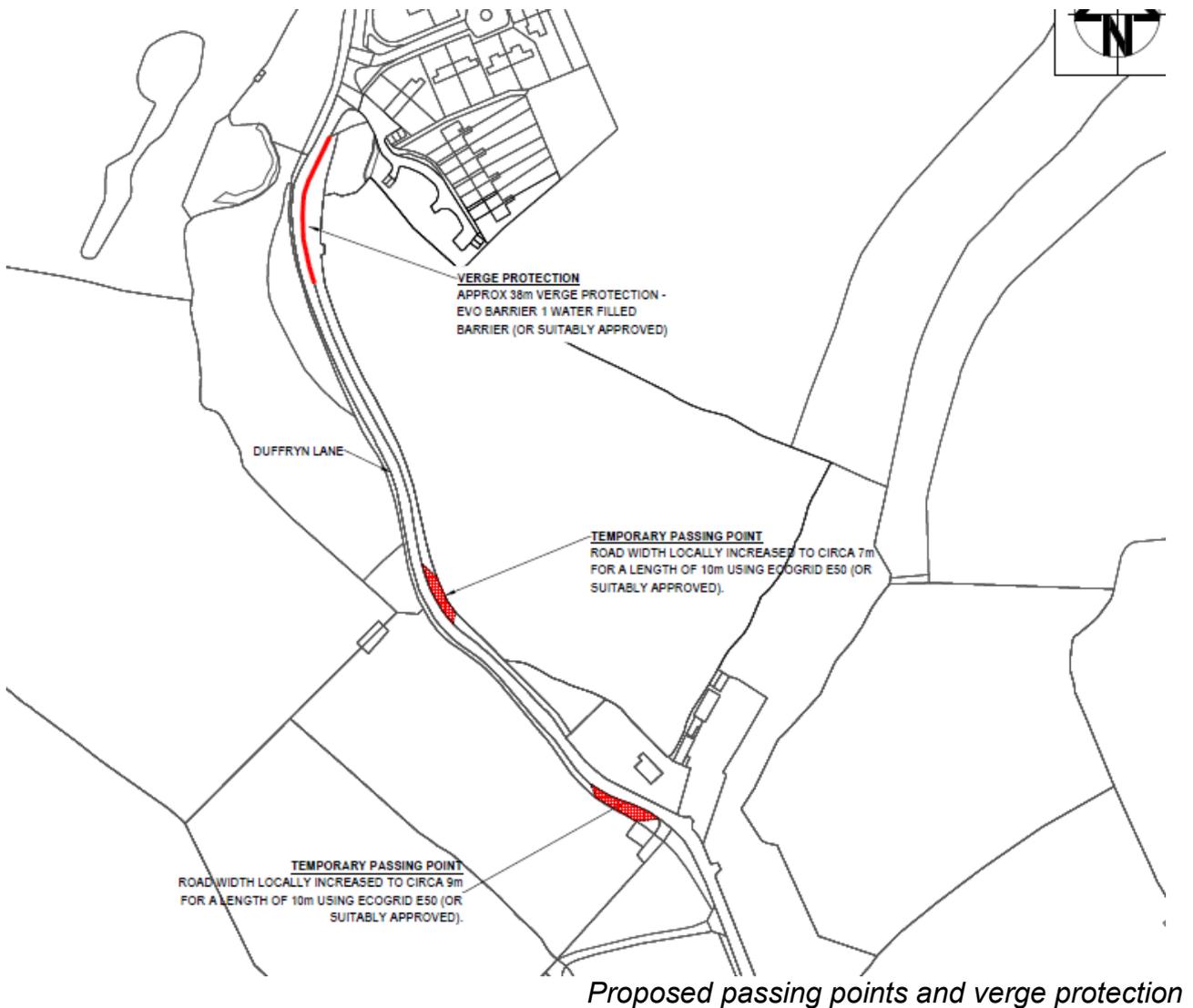
The Highways Department has been notified of this, and confirms that this would alleviate concerns, and whilst the overall number of trips is high, they will be easier to manage, and will be able to navigate Duffryn Lane as the swept paths shown for articulated vehicles are a worst case scenario. Swept path analysis of a 16.5m HGV has been undertaken for Duffryn Lane and the proposed temporary access, which has found that sufficient passing places are available along Duffryn Lane for a 16.5m articulated HGV to pass a 7.5t box van, with this representing a worst-case scenario.

However, the Highways Department consider it necessary for temporary passing places and verge protection to be installed along Duffryn Lane due to the rural nature of this road in the event that two articulated HGVs meet. Verge protection in the form of *Evo 1 Water Filled Barriers* is proposed to the grass verge below to ensure the verge is not used as an informal passing place / over run, due to the high visual amenity provided by this verge.



Grass Verge adjacent Duffryn Lane

The Highways Department have identified two potential passing points where visibility is limited, and to allow articulated vehicles to pass, the identified passing areas will be supplemented / improved by the use of *Ecogrid E50* tile grids, which would be installed in the passing points identified below during the construction phase of the development.



The plan above identifies passing places and the means to provide appropriate surfacing together with the means to safeguard the identified grass verges all fall with the addendum report submitted by the agent referenced as *Briefing Note - Verge Protection and Temporary Passing Points - P02*. These measures will be secured in addition to the submitted Construction Traffic Management Plan (CTMP), which proposes mitigation measures to control traffic impacts, and this will be conditioned (**Condition 6**) to ensure its implementation, and to ensure there are no unacceptable impacts upon highway safety and traffic during the construction phase.

Consequently, whilst the proposal would result in a materially greater impact upon Duffryn Lane in terms of traffic generation, given the temporary nature of the increased trip generation, the limited articulated HGV movements, the suitability of Duffryn Lane to accommodate the limited articulated HGVs movements and the implementation of the submitted CTMP and additional addendum notes, as well as the aforementioned verge protection and passing points, the proposal is considered acceptable in terms of its impact upon highway safety, and would be compliant with criterion 3 of Policy MD2.

As a result, Duffryn Lane, subject to the compliance with conditions set out above is suitable for the short-term temporary use by HGV's during the construction phase of the proposed development.

Impact on Best and Most Versatile Agricultural Land

Paragraphs 3.58 and 3.59 of PPW delineate the overarching national policy with regards to the preservation of the finest and most adaptable agricultural land in Wales, commonly referred to as Best and Most Versatile (BMV) agricultural land. In support of the above, Policy MD 7 Criterion 7 of the adopted LDP highlights that development proposals must demonstrate they will not result in an unacceptable impact upon BMV. The Proposed Development requires a permanent land take of approximately 0.45 ha of agricultural land to the south of the existing operational site.

Grades 1 to 3a are defined as 'Best and Most Versatile' agricultural land. The Predictive Agricultural Land Classification (ALC) Map indicates that the permanent land take of the extended site area is Grade 3b (moderate quality) and 4 (poor quality) agricultural land. Grade 3a (good to moderate quality) land is found within the surrounding area, including the temporary construction compound and temporary construction access. However, these areas would be returned to their original (pre development) condition following completion of the works, and will be secured by condition. Access to the field is available via a southern access point, which will not be impacted as part of the Proposed Scheme.

Given the large majority of the permanent land take is sited on Grades 3b and 4 and the temporary use of land of Grade 3a that will be restored, the proposed development is therefore considered to meet the requirements set by Criterion 9 of Policy MD1 and Criterion 7 of MD7 of the adopted LDP and guidance contained within PPW as having no unacceptable impact on the best and most versatile agricultural land.

Flood Risk and Drainage

The Welsh Government Development Advice Map (DAM) indicates that the application site is located within Flood Zone B, described as areas known to have flooded in the past. As such, a Flood Consequences Assessment (FCA) has been submitted in support of the proposed development. The FCA is required to review the potential risk of flooding to the site, identify any development constraints and, where applicable, advise on potential flood mitigation measures. The FCA has been undertaken in accordance with Planning Policy Wales (PPW) Technical Advice Note 15 – Development and Flood Risk (TAN15).

The FCA has concluded that small areas of the site are predicted to be at risk of surface water flooding, however the planning statement notes that no existing or proposed buildings/structures will be located within the extents of the surface water flooding following completion of the proposed development. In addition, whilst small areas of the site are predicated to be at risk of fluvial flooding, the affected areas do not contain any proposed or existing infrastructure.

The FCA further concludes that the proposed development would result in a small increase in impermeable land cover, which has the potential to increase surface water runoff, however this would be covered under the SAB application, and the Councils Drainage Department have confirmed that a SAB application has been submitted and is currently under review at the time of writing this report.

Consequently, the proposal is considered acceptable in terms of it flooding and drainage risk, and would be compliant with TAN15 and PPW Ed.12.

Ecology

The application has been supported by a Preliminary Ecological Appraisal for the extended WwTWs dated June 2022, and a Preliminary Ecological Appraisal for the temporary access track, dated June 2023. Additional surveys, comprising of a Bat Tree Climbing report, Dormouse Survey Report and Bat Survey report have also been submitted in support of the application, along with a technical note outlining the responses to concerns raised by Natural Resources Wales (NRW) during the statutory pre-application consultation. The technical note details an Otter habitat suitability assessment and details that a desk based assessment regarding Great Crested Newts was carried out.

The PEA for the WwTWs stated that a number of constraints with 'high' and 'moderate' risks to the project were identified. It concluded that if habitat losses, including trees/hedgerows are required, then compensation would be required in the form of new planting, along with the requirement of dormouse and bat activity surveys. Breeding bird checks would also be necessary.

The NRW technical note states that no evidence of otters has been found at the time of writing in any hedgerow or woodland habitat within 30m of the site, including the ditch to the west of the existing WwTWs. The main area of vegetation clearance is a grown-out hedgerow, with no sheltering opportunities for otter. Notwithstanding this, the technical note states that the Site Specific Environmental Management Plan (SSEMP) will include no open excavations/and or means of egress from excavations and slow speeds along the access track to ensure no harm to any mammal crossing the construction area.

Having regards to Great Crested Newts, the technical note states that there is a pond within 250m of the site, and a desktop risk assessment has been performed on the basis that this pond supports GCN, which concluded that the presence of GCN to the pond located 190m to the north is assumed, however no significant impacts have been identified to the GCN population from the development. An ecological working method statement is considered sufficient to prevent harm to GCN.

As per the recommendations contained within the PEA, the application has been supported by additional surveys, comprising of a dormouse survey, bat tree climbing report, and a bat survey.

The dormouse survey concluded that, whilst the removal of approximately 100m of hedgerow between the existing WwTWs and the proposed extension to the east has the potential risk to individual dormouse, loss of resting and foraging habitat, the survey has demonstrated the likely absence of Hazel dormouse, and therefore the risk is considered negligible.

With regards to the bat tree climbing report, inspections were undertaken on trees identified offering bat roosting potential, and the results confirmed that no bat roosts were identified during the survey, however the features in trees 7, 10 and 11 were considered to have potential to support bats and individuals may on occasion use these features as a day roost. As such, it was recommended that a further emergence survey is undertaken in regards to Tree 5, 7, 10 and 11. A Bat survey undertaken in July 2023 found that a

summer day roost for a small number of common pipistrelle bats were recorded in a building within the WwTW, however, the bat survey identified that the proposed works will not directly impact upon the roost, as the building is to remain. The survey stated that no roosts were identified within trees 20m of the proposed works, and as such, works can therefore be undertaken without the requirement of a bat licence.

The PEA for the temporary access road stated that the habitats identified have the potential to support nesting birds, roosting, foraging and commuting bats, hazel dormouse, badger, reptile's amphibians and hedgehogs. Subsequent surveys were undertaken which confirmed that likely absence of hazel dormouse and no bat roost in trees likely to be impacted by the proposals.

NRW have been consulted on the proposal, and have responded noting the presence of a bat roost in the existing Welfare unit, however minor works are proposed as part of this development to connect services to the building, and do not object to the proposal, subject to measures to avoid an offence under Regulation 43 of the Conservation of Species and Habitats Regulations 2017 (as amended) being included in an updated SSEMP, and the plan is implemented as approved during construction. The measures set out in the response document and reflected in the submitted SSEMP are welcomed, and advise that the updated SSEMP includes these measures, and is implemented as approved.

With regards to dormice, NRW have confirmed the outcomes of the dormouse survey is acceptable and note that dormice are unlikely to be affected by the proposal.

In respect of Great Crested Newts, NRW welcomed the further information provided in the technical note, however note that pond P1 would not be in isolation, and welcome that the assumption of presence of GCN is welcomed. Whilst NRW acknowledge that P1 would not be directly impacted by the works, due to the development including the removal of 20m of grown out hedgerow and clearance of 93m² grazed grassland, a precautionary approach should be taken for clearance of all habitats within 250m of pond P1. NRW have advised that risk avoidance measures are provided by condition (**Condition 11**) to minimise risk to GCN during site clearance of all areas within 250m of P1. NRW have confirmed no objection to the implementation of the scheme without an EPS licence, however state that, in the unlikely event of one or more great crested news being found, all work must immediately stop and must only resume on receipt of the appropriate licence.

NRW welcome the proposed landscaping and creation of habitat piles and are of the view that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of the local population of GCN. However, an updated landscaping scheme is required to ensure the necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the sites landscape and environment features are adequately managed long term for the conservation and protection of protected species. The submission of this landscaping scheme shall be secured by condition. (**Condition 7**)

With regards to biosecurity, the EIA and PEA states that no invasive or non-native species were observed during surveys, however NRW have advised that a biodiversity risk assessment is included in an updated version of the SSEMP, and in the landscape management proposals to set out contingency measures if non-native species are detected, and to avoid introduction of such species.

Consequently, subject to the conditioning of a final Site Specific Environmental Management Plan (**Condition 11**), and Landscaping scheme (**Condition 7**), NRW raise no objection to the proposed development, and the proposal is considered acceptable in terms of its impact on ecology.

Public Rights of Way

The proposed temporary access track would intersect Public Right of Ways (PRoWs) s11/7/1 and S11/7/2 for the duration of the construction works, however gates are proposed at these points where the temporary access road crosses the pathways.

The Councils Public Rights of Way Officer has been consulted on the proposal, and stated that the path must be kept open and available for safe use by the public at all times. No barriers structures or any other obstructions should be placed across the legal alignment of the path. Construction traffic should be made aware of members of the public crossing the access lane. No adverse effect should result to the path, and the application should ensure that any damage to the surface because of the development is made good at their own expense.

The officer also requested clarification as to the 2 in 1 field gate on the south side of the crossing point and whether this gate would remain, or whether it is the applicant's intention to change the structure. If a gate is to be installed on the north side of the track, the applicant must apply to the Public Rights of Way for Highways Act s.147 authorisation. In addition, should the public right of way require temporary closure to assist in facilitating works, an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

The applicant has confirmed that the gate to the south of the PRoW will remain, and a s.147 application has been submitted to the Public Rights of Way department for the installation of a gate to the north side of the PRoW.

Consequently, the scheme is considered acceptable in terms of its impact upon the public right of way.

Archaeology

The application is supported by an archaeological evaluation project design document, which detailed the design phase of evaluative archaeological trial trenching, and an archaeological evaluation report, which presents the results of the archaeological evaluation.

Three trial trenches measuring 30m x 2m, representing a 5% sample of the accessible area of the proposed development site were excavated to assess the potential for surviving archaeological remains and depths of overburden. The results of the trial trenches concluded that no archaeological features or deposits were observed, and all three trenches were backfilled.

Notwithstanding this, GGAT (Glamorgan Gwent Archaeological Trust) were consulted, and responded stating that due no archaeological features or structures being encountered during the excavation, it is unlikely that significant archaeological remains will be affecting during the course of the application. Consequently, there is unlikely to be an archaeological restraint to thus proposed development, and as such, there are no

objections to a positive determination of the application. Nevertheless, GGAT stated that the record is not definitive, and features may be disturbed during the course of the work, and in this event, the developer must contact GGAT.

Green Infrastructure and Biodiversity Enhancement

Chapter 6 of Planning Policy Wales relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

The application has been supported by a comprehensive Green Infrastructure Statement which outlines the proposed development, includes an overview of green infrastructure and its role, how green infrastructure has been incorporated into the design of the proposal and outlines how the proposals add value to the existing green infrastructure networks.

The statement has undertaken a desktop assessment to assess the development and its impact on the surrounding context, which utilised a number of sources including the following:

- Multi Agency Geographical Information for the Countryside (MAGIC) website for statutory designated Sites
- LANDMAP Wales
- Natural Resources Wales (NRW) for criteria of designated sites
- Ancient Woodland Inventory 2011
- The relevant 1:25,000 scale Ordnance Survey (OS) sheet and aerial photography

The development has also been fully considered alongside the twelve requirements of the Building with Nature (BnW) standards, which support cross-disciplinary decision making about green infrastructure design and delivery, implementation, construction, management and maintenance of green infrastructure in development.

The green infrastructure statement concludes by stating that the proposed development identifies important local character features as a starting point for the green infrastructure proposals and incorporates them into the development to reference, reflect and enhance the local environment. The proposals ensure that the retained habitats continue to be well connected to adjacent habitats to provide connectivity for key species and ensuring that the favourable conservation status of local species populations is maintained. As such, it is considered that the existing green infrastructure within the site and the surrounding area has been fully considered within the design of the development, and a balanced coexistence between the proposed development the environmental aspects of the site has been proposed.

In addition, Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site;
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

Para. 6.4.5 of Planning Policy Wales (Edition 12, 2024) states that :

“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity “

The proposal includes the planting of fourteen trees, along with a native hedge mix and scrub mix, both within and surrounding the periphery of the site. In addition, bird and bat boxes will also be provided, along with onsite hibernaculum/habitat piles. Consequently, whilst an existing parallel line of scattered trees are to be removed, the replacement trees, hedge mix and scrub mix, along with the installation of bird/bat boxes and habitat piles are considered to represent a net biodiversity gain, and would be compliant with Policy MD9 and PPW Ed.12. Notwithstanding this, the implementation of the planting and the installation of the bird/bat boxes will be secured by condition (**Condition 3**)

RECOMMENDATION

APPROVE 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, other than where amended by conditions below:

B10181 0ag964 Zz Zz Dr Ta Pn0235 Site Location Plan

300745 Del Xxx Dr 00001 P01 General Arrangement Sheet 1 of 3

300745 Del Xxx Dr 00002 P01 General Arrangement Sheet 2 of 3

300745 Del Xxx Dr 00003 P01 General Arrangement Sheet 3 of 3

300745 Del Xxx Dr 00004 P01 Temporary Access Road Details

B10181 Oag964 Zz Zz Dr Ta Pn0237 Elevation View Through Northern Eastern Side

B10181 Oag964 Zz Zz Dr Ta Pn0238 Elevation View Through Southern Western Side

B10181 Oag964 Zz Zz Dr Ta Pn0295 Planning General Arrangement Site Layout

B10181 Oag964 Zz Zz Dr Ce Di0340 Proposed Elevations And Floorplans Of Above Ground Structures

AMENDED St Nicholas WwTW Landscape Planting Plan-SITE GA

Proposed Site Compound Layout

B10181 0ag964 Zz Zz Me Nb Ed0286 St Nicholas Wwtw Bat Tree Climbing Report

B10181 0ag964 Zz Zz Rp Ca Al0241 St Nicholas Wwtw Archaeological Evaluation Project Design (1)

B10181 0ag964 Zz Zz Rp Nb Ed0245 St Nicholas Wwtw Dormouse Survey Report

B101810ag964zzzzrpfcafd0240 St Nicholas Wwtw Flood Consequence Assessment Fca

Design Access Statement Final

B10181 0ag964 Zz Zz Rp Nb Ed0052 St Nicholas Wwtw Site Ecological Constraints Memo

Planning Statement Final

B10181 0ag964 Zz Zz Rp Na Dh0343 Nrw Technical Note
 St Nicholas Wastewater Treatment Works Preliminary Ecological Appraisal Report
 Rev1 Operationl (1) Compressed
 Cda Ecological Impact Assessment Report St Nicholas 2023 V2 Final
 B10181 0ag964 Zz Zz Rp Nb Ed0246 St Nicholas Wwtw Bat Survey Report
 B10181 0ag964 Zz Zz Rp Wb Cj0321 St Nicholas Wwtw Site Specific
 Environmental Management Plan
 B10181 0ag964 Zz Zz Rp Wb Cj0327 P01 Transport Statement
 REDACTED - B101810ag964zzzzrpgagc0197 St Nicholas Wwtw Ground
 Investigation Report Gir
 B101810ag964zzzzrpnad0132 Tempp Access Track St Nicholas Wwtw
 Preliminary Ecological Appraisal Pea
 Cda Ecological Impact Assessment Report St Nicholas 2023 V2 Final(1) Redacted
 Report 4366 St Nicholas Wwtw Archaeological Evaluation Report Cfa
 REDACTED - St. Nicholas Wastewater Treatment Pac Report Final
 B10181 0ag964 Zz Zz Rp Ce Dh0332 P01 Ctmp
 B10181 0ag964 Zz Zz Rp Na Ei0323 231122 St Nicholas Green Infrastructure
 Statement
 AMENDED B10181-0AG964-ZZ-ZZ-RP-NB-ED0285 Arboricultural Report
 St Nicholas WWTW Response to Highway Authority Comments v2
 Briefing Note- Use of Recycled Aggregate for Access Track.pdf
 Highways HGV addendum
 Briefing Note - Verge Protection and Temporary Passing Points - P02

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. The biodiversity enhancement measures set out in plan ref: AMENDED St Nicholas Wwtw Landscape Planting Plan-SITE GA and document ref: St Nicholas Wastewater Treatment Works PEA and Bat Survey Report and shall be carried out in full prior to the first beneficial use of the development and thereafter retained in accordance with the approved details whilst the development remains in existence.

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.

4. The temporary access track and constructors compound associated with the construction of the proposed development shall be removed from the land in its entirety and the land shall be restored to its former condition following completion of the wider works which form part of this planning permission, or no later than October 2025, whichever is the sooner.

Reason:

To ensure that local amenities are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) MD1 (Location of New Development) & MD2 (Design of New Development) of the Local Development Plan.

5. Prior to the commencement of development or any site clearance, all measures set out within the Site Specific Environmental Management Plan shall be in place and shall be adhered to during the construction phase of the development, with the exception of construction traffic management which shall be in accordance with the requirements of Condition 6.

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.

6. Prior to the commencement of development or any site clearance all measures set out within the Construction Traffic Management Plan P01 dated December 2023, the Highways Addendum Note dated 5 March 2024 and the Briefing Note - Verge Protection and Temporary Passing Points - P02 dated 25 March 2024 shall be adhered to.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

7. Notwithstanding the submitted scheme of landscaping, no development (other than the construction of the access track) shall commence until a revised landscape scheme for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site
- Defined aims and objectives for each identified habitat and ecological feature (present and to be created) at the site
- Details of short and long-term management prescriptions, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the defined aims and objectives
- Details of monitoring of landscape and ecological features
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within years of completion of development
- Details of who will be responsible for commissioning and undertaking management, maintenance and monitoring of habitats and features, together with required skills and competencies

- Biosecurity Risk Assessment and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid). The risk assessment shall include measures to prevent the introduction of invasive species, and measure to follow if species are detected on site during operation.
- Reporting requirements and proposed dates for updating or revising the management plan

Reason:

In the interests of the visual amenity of this rural location and ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) MD1 (Location of New Development), MD2 (Design of New Development), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

8. All planting, seeding or turfing comprised in the approved details of landscaping and all the requirements set out within condition 7 shall be carried out in the first planting and seeding seasons following the completion of the development, 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.

The development shall comply with the approved terms for the provision, management and maintenance of the landscape and ecological features at the site.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

9. Prior to the commencement of development or any site clearance, all tree and hedgerow protection measures set out within the Arnicultural Report shall be in place and shall be adhered to during the construction phase of the development.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy) MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. 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) & MD7 (Environmental Protection) of the Local Development Plan.

11. Notwithstanding the submitted SSEMP, St Nicholas WWTW, Doc: 1W7000 F5 – 1220, ref: E+W-PM-TMP803b, Rev 19, Date: October 2023, by Morgan Sindall, no development shall commence until an updated and final Site Specific Environmental Management Plan (SSEMP) has been submitted to and approved by the Local Planning Authority which shall include the following additional information:

- Submission of great crested newt/amphibian avoidance and mitigation measures. The details to include identified Reasonable Avoidance Measures (RAMS) to be carried out that ensure working areas are clear of newts prior to the commencement of construction and related works
- A Biosecurity Risk Assessment, and Method Statement that considers invasive non-native species and specific diseases (e.g. Chytrid). The risk assessment shall include measures to prevent the introduction of invasive species, and measure to follow if species are detected on site during construction
- Measure to avoid impacts on bats during works to the existing Welfare Buildings, and actions to be taken if bat(s) are found during works

The SSEMP hereby approved shall be implemented as approved during the site preparation and construction phases of the development.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) MD9 (Promoting Biodiversity) MG19 (Sites and Species of European Importance) MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

12. Within 1 month following the completion of the development, a road condition Survey between the site and the A48 shall be submitted to and approved in writing by the Local Planning Authority. The 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, having regard to the Council's own record undertaken March 2024.

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.

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.

Having regard to Policy SP1 – Delivering The Strategy, Policy SP8 – Sustainable Waste Management, Policy SP9 – Minerals, Policy SP10 – Built And Natural Environment, Policy MG17 – Special Landscape Areas, 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, Policy MD1 - Location Of New Development, Policy MD2 - Design Of New Development, Policy MD7 - Environmental Protection, Policy MD8 - Historic Environment, Policy MD9 - Promoting Biodiversity of the Adopted LDP, Future Wales: The Nation Plan 2040, PPW Ed.12, TAN 5, 12 & 24, and the Councils SPGs on Biodiversity and Development, Mineral Safeguarding, Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in terms of the principle, visual impact, impact on neighbouring amenity, ecology, mineral safeguarding, highway safety, flood risk, heritage, archaeology and green infrastructure and biodiversity enhancement provision.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

NOTE:

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.