

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **1 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

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

2018/0012/PV	A	80, Monmouth Way, Llantwit Major	Replace conservatory roof with Guardian solid roof system
2018/0013/PV	A	20, Beidr Iorwg, Barry	Replace conservatory roof with Guardian solid roof system
2018/0016/PO	AC	6 and 8, Clare Road, Cardiff	Refurbishment of both properties
2018/0145/BR	AC	Llaneinydd, School Lane, St. Nicholas	Barn Conversion
2018/0898/BN	A	Plots 1 and 2, Station Terrace, East Aberthaw	Construction of two 4 bedroom houses
2018/0945/BN	A	Ty Hensol, Hensol Park, Hensol.	Single storey utility unit
2018/0946/BR	AC	Welsh Rugby Union National Centre of Excellence, Vale Resort, Hensol	Two storey extension
2018/0958/BR	AC	34, Plymouth Road, Penarth,	Small single storey extension to rear of existing dwelling. New roof covering and balustrade of existing single storey extension and bathroom refurbishments
2018/0961/BR	AC	90a, Westbourne Road, Penarth	Minor refurbishment of three existing flats

2018/0964/BR	AC	Gwenfo Primary School, Old Port Road, Wenvoe	Year 1 classroom extension
2018/0966/BN	A	14, Manorbier Close, Dinas Powys	One new dwelling
2018/0967/BN	A	Woodridge, Cross Common Road, Penarth	Single storey extension
2018/0968/BN	A	5, Heol Y Pentir, Rhoose	Single storey rear extension to kitchen
2018/0969/BN	A	4 Ludlow Street, Penarth	Proposed first floor rear bathroom extension.
2018/0970/BN	A	16, Treharne Road, Barry	Fit new fire door and frame
2018/0972/BN	A	79, Colcot Road, Barry	Single storey extension to enlarge kitchen
2018/0973/BN	A	27, Baruc Way, Barry	Garage conversion with widening of existing driveway
2018/0974/BN	A	3, Trepit Road, Wick	Internal upgrade of existing lintels and removal of existing rear door and window to accommodate French doors
2018/0976/BN	A	14, Mill Park, Cowbridge	Knocking internal wall down two rooms into one and installing patio door
2018/0977/BN	A	24, King Street, Penarth	Extension to existing entrance porch to accommodate W.C.
2018/0978/BR	AC	Dan Y Coed, Church Road, Cowbridge	Single storey extension to enlarge living area
2018/0980/BN	A	27 Heol Merioneth, Boverton, Llantwit Major	Single storey rear extension
2018/0981/BN	A	31, Chantry Rise, Penarth	Replacement of existing conservatory with a new single storey extension
2018/0982/BN	A	11, McQuade Place, Barry Island	Basic loft conversion to convert to bedroom
2018/0983/BN	A	44, Kathleen Street, Barry	Two storey rear extension

2018/0984/BN	A	12, Matthew Road, Rhoose	Re-roof
2018/0985/BN	A	4, Paget Terrace, Penarth	Single storey side extension to enlarge kitchen area
2018/0987/BN	A	39, Heol Pilipala, Rhoose	Conversion of garage to habitable room
2018/0989/BR	AC	1, Millfield Drive, Cowbridge	Two storey extension with playroom/study, shower room and utility to ground floor with bedrooms to first floor
2018/0990/BR	AC	162, Westbourne Road, Penarth	Two storey rear corner infill extension with loft conversion
2018/0992/BN	A	13, Lougher Place, St. Athan	Re-render/EWI
2018/0993/BN	A	24, Glyndwr Avenue, St. Athan	Re-render/EWI
2018/0994/BN	A	1, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/0995/BN	A	3, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/0996/BN	A	5, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/0997/BN	A	7, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/0998/BN	A	17, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/0999/BN	A	21, Station Road, Rhoose	Re-render/EWI
2018/1000/BN	A	22, Station Road, Rhoose	Re-render/EWI
2018/1001/BN	A	23, Station Road, Rhoose	Re-render/EWI
2018/1002/BN	A	24, Station Road, Rhoose	Re-render/EWI
2018/1004/BN	A	26, Station Road, Rhoose	Re-render/EWI
2018/1005/BN	A	4, Barons Close, Llantwit Major	Re-render/EWI

2018/1006/BN	A	2, Maes Y Bryn, Colwinston	Re-render/EWI
2018/1007/BN	A	11, Borough Close, Cowbridge	Re-render/EWI
2018/1008/BN	A	12, Borough Close, Cowbridge	Re-render/EWI
2018/1009/BN	A	13, Borough Close, Cowbridge	Re-render/EWI
2018/1010/BN	A	4, Carne Terrace, Llysworney	Re-render/EWI
2018/1012/BN	A	22, Fferm Goch, Llangan	Re-render/EWI
2018/1013/BN	A	23, Fferm Goch, Llangan	Re-render/EWI
2018/1014/BN	A	6 West Acre, Llanmaes	Re-render/EWI
2018/1015/BN	A	23, Barons Close, Llantwit Major	Re-render/EWI
2018/1016/BN	A	24, Barons Close, Llantwit Major	Re-render/EWI
2018/1017/BN	A	32, Barons Close, Llantwit Major	Re-render/EWI
2018/1018/BN	A	40, Barons Close, Llantwit Major	Re-render/EWI
2018/1019/BN	A	1, Trebeferad, Boverton	Re-render/EWI
2018/1020/BN	A	56, Trebeferad, Boverton	Re-render/EWI
2018/1021/BN	A	1, Ceri Avenue, Rhoose	Re-render/EWI
2018/1022/BN	A	3, Ceri Avenue, Rhoose	Re-render/EWI
2018/1023/BN	A	12, Barons Close, Llantwit Major	Re-render/EWI
2018/1024/BN	A	19, Rhoose Road, Rhoose	Re-render/EWI
2018/1026/BN	A	5, Glebeland Place, St. Athan	Re-render/EWI
2018/1027/BN	A	11, Lougher Place, St. Athan	Re-render/EWI

2018/1029/BN	A	72, Lougher Place, St. Athan	Re-render/EWI
2018/1030/BN	A	80, Lougher Place, St. Athan	Re-render/EWI
2018/1032/BN	A	96, Lougher Place, St. Athan	Re-render/EWI
2018/1033/BN	A	94, Lougher Place, St. Athan	Re-render/EWI
2018/1036/BN	A	124, Lougher Place, St. Athan	Re-render/EWI
2018/1037/BN	A	2, Heol Cae Gwyn, St. Brides Major	Re-render/EWI
2018/1038/BN	A	9, Heol Cae Gwyn, St. Brides Major	Re-render/EWI
2018/1039/BN	A	Filco Supermarket, 19, Boverton Road, Llantwit Major	Replacement of existing roof
2018/1040/BN	A	6, Heol Cae Gwyn, St. Brides Major	Re-render/EWI
2018/1041/BN	A	3, Heol St. Bridget, St. Brides Major	Re-render/EWI
2018/1042/BN	A	11, Heol St. Bridget, St. Brides Major	Re-render/EWI
2018/1043/BN	A	16, Heol St. Bridget, St. Brides Major	Re-render/EWI
2018/1044/BN	A	6 Blaen Dewi, Wick	Re-render/EWI
2018/1047/BN	A	23, Wick Road, Ewenny	Re-render/EWI
2018/1049/BN	A	27, Wick Road, Ewenny	Re-render/EWI
2018/1050/BN	A	35, Wick Road, Ewenny	Re-render/EWI
2018/1051/BN	A	37, Wick Road, Ewenny	Re-render/EWI
2018/1052/BN	A	41, Wick Road, Ewenny	Re-render/EWI
2018/1053/BN	A	43, Wick Road, Ewenny	Re-render/EWI
2018/1055/BN	A	19 - 20, Station Road, Rhoose	Re-render/EWI

2018/1056/BN	A	5 - 8, Stewart Road, Rhoose	Re-render/EWI
2018/1057/BN	A	48 - 54, Castle Road, Rhoose	Re-render/EWI
2018/1058/BN	A	27 - 28 Station Road, Rhoose	RE-render/EWI
2018/1059/BN	A	56 - 62, Castle Road, Rhoose	Re-render/EWI
2018/1064/BN	A	2 - 8, Heol Llanbedr, Peterston Super Ely	Re-render/EWI
2018/1065/BN	A	40 - 46, Castle Road, Rhoose	Re-render/EWI
2018/1067/BN	A	7 - 13, Church Road, Rhoose	Re-render/EWI
2018/1068/BN	A	38, Rhoose Road, Rhoose	Re-render/EWI
2018/1072/BN	A	The Crooked Shoard, 2, High Street, Llantwit Major	Demolition of existing single storey side extension and proposed single storey side replacement extension
2018/1074/BR	AC	5, Vere Street, Barry	Proposed change of use from shop with flat over to 3 self-contained flats
2018/1075/BR	AC	2, Voss Park Drive, Llantwit Major	Single storey rear extension
2018/1077/BN	A	Rosedew, Bonvilston, Vale of Glamorgan CF5 6TR	Construction of a double storey contemporary glazed extension to the rear of an existing double storey residential property
2018/1078/BN	A	16, Westward Rise, Barry	Removal of load bearing walls to open up two rooms into one
2018/1080/BN	A	Barn at The Hawthorns, Penllyn Road, Llanharry	Barn conversion to holiday home
2018/1081/BN	A	23, Buckingham Place, Barry	Garage conversion to habitable space

2018/1082/BN	A	6, Ivy Street, Penarth	Two rooms into one and create doorway into downstairs toilet. Bi-fold doors in kitchen
2018/1083/BN	A	21, Channel Close, Rhose	First floor extension above garage
2018/1084/BN	A	1, Dannog Y Coed, Barry	Rear single storey extension to create bigger kitchen/diner
2018/1085/BN	A	81, Murlande Way, Rhose	First Floor extension to side of existing dwelling with balcony to rear
2018/1086/BN	A	14, Nordale Rise, Barry	Two storey extension for enlarged kitchen. Dining room and bedroom with en-suite
2018/1087/BN	A	4, Buckingham Place, Barry	Single storey extension for new bedroom and adapted bathroom
2018/1088/BN	A	17, Heol Miaren, Barry	Single storey extension to enlarge lounge and kitchen
2018/1089/BN	A	Settlers, Grange Avenue, Wenvoe	Renewal of roof covering with similar concrete tiles, felt and batten
2018/1090/BN	A	35, Baruc Way, Barry	Two rooms into one
2018/1091/BN	A	46, Porlock Drive, Sully	Loft conversion with dormer
2018/1093/BN	A	11, Merlin Close, Penarth	Extend Porch 2.8m x 1.6m
2018/1095/BN	A	41, Pontypridd Road, Barry	Log burner
2018/1096/BN	A	Flat 3, 4, Marine Parade, Penarth	Loft conversion, new roof covering, re-furbish of second floor flat
2018/1097/BN	A	23, Milton Road, Penarth	Dig up front living room floor, insulate and concrete
2018/1098/BN	A	293, Gladstone Road, Barry	Loft conversion with roof lights

2018/1100/BN	A	13, St. Peters Road, Penarth	Single storey rear and double storey side extension to create open plan kitchen/diner and bedroom and en-suite
2018/1101/BN	A	44-46, Glanmor Crescent, Barry	Resolve damp issues within ground floor. Extend DPM to concrete floors. Install steel lintel. Install IWI to all external walls
2018/1102/BN	A	1, Bedlington Terrace, Barry	WHQS works to kitchen, bathroom, rewire and external EWI
2018/1103/BN	A	3, Beach Road, Penarth	Remove chimney breast between ground and first floor to enlarge living room, insert new steel beam supports
2018/1104/BN	A	19, Westward Rise, Barry	Re-roof
2018/1105/BN	A	20, Borough Close, Cowbridge	Two storey side extension
2018/1107/BN	A	27, High Street, Penarth	Take down internal supporting wall and add supporting pier and insert steels
2018/1108/BN	A	3, Orchard Way, Gileston	Log Cabin
2018/1109/BN	A	27, Grove Place, Penarth	Single story timber-framed orangery (4m x 3m max) to side of kitchen
2018/1110/BN	A	6, Fonmon Road, Rhoose	Single storey rear extension
2018/1111/BN	A	Brynteg, Little Hill, Barry	Conversion of garage to toilet/shower/bath facility
2018/1112/BN	A	2, Percy Smith Road, Llantwit Major	Knock through into conservatory
2018/1114/BN	A	50, Grange Gardens, Llantwit Major	Front porch and single storey rear extension
2018/1116/BN	A	65, Redlands Road, Penarth	Install 2 No. Catnic lintels



2018/1117/BN	A	1, Nant Talwg Way, Barry	Single storey extension
2018/1118/BN	A	Meadow View, St. Brides Road, Wick	Single storey rear extension
2018/1119/BN	A	118, Morel Street, Barry	Single storey rear extension, including the provision of a WC and a raised deck area
2018/1121/BN	A	10, Britway Road, Dinas Powys	Single storey extension to rear of home
2018/1124/BN	A	Brynglas, Little Hill, Barry	Knock through - enlarging patio doors and balcony

(b) Building Regulation Applications - Reject

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

2018/0979/BN	R	23, Brookside, Dinas Powys	Entrance porch
2018/0988/BN	R	229, Barry Road, Barry	Single storey extension to new kitchen
2018/1094/BN	R	29, Greenacres, Barry	Single storey orangery to extend kitchen
2018/1125/BN	R	123, Wordsworth Avenue, Penarth	Two storey extension

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

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

2018/0141/AI	A	12, Millfield Drive, Cowbridge	Dormer extension, extension and alterations to ground floor
2018/0142/AI	A	Alun-Dale, Castle Upon Alun, St. Brides Major	Extension to first floor/loft, extension to existing dormer, construction of rear balcony
2018/0143/AI	A	39, Mountjoy Avenue, Penarth	New rear single storey extension (works to include material alterations to structure, controlled services, fittings and thermal elements)

2018/0144/AI	A	28, Cwm Barry Way, Barry	Single storey side/rear extension
2018/0145/AI	A	1, Grange Close, Wenvoe	Single storey side extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0146/AI	A	83, Lavernock Road, Penarth	Hip to gable loft conversion with dormer with Juliet balcony and single storey rear extension
2018/0147/AI	A	52, Crompton Way, Ogmore By Sea	Loft Conversion
2018/0148/AI	A	26, Dyserth Road, Penarth	Dormer Loft Conversion, hip to gable and associated works
2018/0149/AI	A	34, Dyserth Road, Penarth	Dormer Loft Conversion, hip to gable and associated works
2018/0150/AI	A	Meadowvale Nursery, Cowbridge Road, Llantwit Major	Proposed new build bungalow and associated works
2018/0151/AI	A	15, Lynmouth Drive, Sully	First floor front extension and major internal alterations to remodel the internal layout of the existing ground floor of the property
2018/0152/AI	A	16, Vale Street, Barry	Proposed loft conversion at 2nd floor level to create habitable room, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0153/AI	A	36, Plymouth Road, Penarth	Single storey rear side extension, internal alterations, steps to basement, erection of a summer house and associated works

2018/0154/AI	A	7, Park Road, Penarth	Partial demolition of a single storey garage and reconstruction of a smaller garage in the same location. Rear and side single storey extension. Alteration of windows in the stairwell. Replacement of a first floor rear window and addition of two new roof lights to the rear slope of existing roof
2018/0155/AI	A	Ruscombe House, Westgate, Cowbridge	Two storey front and single storey rear extensions and associated internal alterations
2018/0156/AI	A	26, Plassey Street, Penarth	Proposed loft conversion at second floor level to create one habitable room, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0157/AI	A	19, Lon Fferm Felin, Barry	Replace conservatory roof with Icotherm tiled roof

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2015/1560/BR  
2015/1617/BR  
2015/1597/BR  
2015/1589/BR  
2015/1554/BR  
2015/1460/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 NOVEMBER, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING 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

2009/00946/9/C D	A	Area known as East Quay, Barry Waterfront, Barry	Discharge of Conditions 24, 25, 31 & 49 of 2009/00946/OUT
2013/01279/1/C D	A	Land South of Cog Road, Sully	Discharge of Condition 13- Programme of archaeological work
2014/00088/1/N MA	A	Old Carriageway Stables, Hensol	Non-Material Amendment - Minor amendments to the floor plans, including omission of projecting bay from female WC, enlargement of plant room, realignment of external staircase and internal layout change to workshop to incorporate office, WC and store. Planning

			2014/00088/FUL : Construction of eco-centre visitors and educational building
2014/00460/12/N MA	A	Land at St. Josephs Primary School, Sully Road, Penarth	Non material amendment to Condition 6 trigger (Travel plan submission) of planning permission 2014/00460/FUL [Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works].
2014/00460/3/C D	A	Land at St. Josephs Primary School, Sully Road, Penarth	Discharge of Condition 6 - Travel Plan of planning permission ref. 2014/00460/FUL (Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works)
2014/00774/1/N MA	A	Pembrey, West Street, Llantwit Major	Non Material Amendment to planning permission 2014/00774/FUL. Change of external finishes to single storey kitchen extension to rear

2015/01196/1/N MA	A	The Mount, Tredogan Road, Penmark	Non Material Amendment : Wall repositioned 355mm towards garden. Planning Permission ref 2015/01196/FUL : Two storey extension to rear/side of the building
2016/00479/1/C D	A	Barry Dock Conservative Club, 17, Station Street, Barry	Clear site of all debris and level to clean and tidy condition to allow future development
2016/00869/1/C D	A	Meadowvale Nursery, Cowbridge Road, Llantwit Major	Discharge of Conditions 3 - Finished site levels, 4 - Great crested newt method statement, 9 - Proposed materials. Planning permission ref. 2016/00869/FUL : Proposed nursery worker's functional needs dwelling with annexe for aged relative
2016/00878/1/C D	A	Llwyn Nwydog Farm, Cowbridge Road, Talygarn	Discharge of Conditions 4- Garage details and 5- Enclosure - Change of use from tourist accommodation (Holly Cottage, Primrose Cottage and Heather Cottage) to single dwelling to be known as Primrose Cottage with proposed detached garage
2016/01142/2/C D	A	The Highlands, Old Barry Road, Penarth	Discharge of Conditions 12-Comprehensive drainage strategy and 13- CEMP of 2016/01142/FUL

2016/01142/2/N MA	A	The Highlands, Old Barry Road, Penarth	<p>Non-Material Amendment - To amend the wording of Condition 3-Highway works to vary timing of submission of details and implementation. Planning Permission ref. 2016/01142/FUL : Demolition of detached two storey dwelling house, two storey coach house and single storey garages, and replacement with 8 No. two storey, four bedroom detached houses with double garages, and 3 No. affordable units, served by extended adopted highway and new private driveway</p>
2016/01499/1/C D	A	Cherry Orchard Farm, Welsh St. Donats	<p>Discharge of Conditions 5 - Foul and surface water drainage, 6 - Lighting , 7 - Access amendments and surface details, 8 - landscaping and hedgerows and 9 - Nest box. Retention of agricultural building to accommodate the equine rehabilitation clinic and retention of association to highway</p>
2016/01499/1/N MA	A	Cherry Orchard Farm, Welsh St. Donats	<p>Non-Material Amendment - Amend condition trigger to 'within 1 month of the date of this decision' to enable condition discharge, relating to Conditions 5, 7, 8 and 9. Planning Permission ref. 2016/01499/1/NMA : Retention of agricultural building to accommodate the equine rehabilitation clinic &amp; retention of association to highway</p>

2016/01501/2/C D	A	Llanerch Vineyard, Hensol	Discharge of Condition 3 - Travel Plan and Condition 4- Landscaping Scheme - Planning Permission ref. 2016/01501/FUL : Retention and completion of guest accommodation block
2017/00564/6/C D	A	Land East of B4265 between Boverton and Eglwys Brewis, St. Athan	Discharge of Condition 7- CTMP
2017/00644/FUL	A	St. Brides Major C/W School, Heol Yr Ysgol, St. Brides Major	Variation of Conditions 2, 6 and 9 of planning permission 2015/00860/FUL to seek retention of additional windows and retrospective approval of details reserved by condition
2017/01157/FUL	A	Plot 4, Craig Yr Eos Avenue, Ogmore By Sea	New Build 2 semi-detached houses
2017/01203/2/C D	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Discharge of Condition 9 - Remediation scheme, Condition 12 - Importation of soil and Condition 13 - site won materials - Planning Permission ref. 2017/01203/FUL : Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys at Cog Moors Wastewater



			Treatment Works, Cardiff Road, Dinas Powys
2018/00041/FUL	A	Land adjoining Aberthin Lane, Aberthin, Cowbridge	Erection of a Rural Enterprise Worker's Dwelling
2018/00042/FUL	A	Land adjoining Aberthin Lane, Aberthin, Cowbridge	Farmstead relocation comprising erection of two livestock buildings and manure stores
2018/00200/LAW	A	59, Cae'r Odyn, Dinas Powys	Demolition of garage, construction of rear single storey rear domestic extension with side wrap around
2018/00228/FUL	A	Land South of Oakwood, Lane - Jct Froglands Farm to Llanmaes Village Via Caravan Park, Llanmaes	Newid defnydd unweithredol o dir cefn gwlad i ardd domestig / Change of use of countryside land to domestic garden
2018/00319/FUL	A	Former Jeff White Motors, Gileston Road, St. Athan	Variation of Condition 3 of Planning Permission ref. 2013/00018/FUL to amend opening times to 7.00 am to 23.00 pm
2018/00330/FUL	A	Land at The Stables, Redway Road, Bonvilston	Renew planning permission for the use of land for the stationing of caravan (with tourer) for residential purposes for one Gypsy pitch together with the formation of additional hard-standing and utility/dayroom
2018/00400/1/C D	A	New Aston Martin, MOD St Athan, St Athan	Installation of underground unleaded tank and interceptor. Installation of above ground pump, vents and fills-discharge condition 3

2018/00457/OUT	R	20, Longmeadow Drive, Dinas Powys	New detached bungalow at side of property
2018/00469/FUL	A	44, Amherst Crescent, Barry	Amended Plans - Decked area to front of property, for disability reasons
2018/00474/LAW	A	Woodview, Port Road, Wenvoe	Occupation of dwelling in compliance with the Rural enterprise condition, with the rural enterprise being a dog boarding business
2018/00486/FUL	A	Hendrescythan, Redway Road, Bonvilston	Proposed replacement dwelling
2018/00487/1/N MA	A	Court House, Flemingston Road, Flemingston	Change of material to the rear bi fold doors from white painted timber to white aluminium on the outside and timber on the inside: Planning Permission 2018/00487/FUL-External oak timber porch and stone masonry plinths to front elevation. Timber double doors to existing hallway. Timber bi fold doors to rear elevation to existing kitchen. Vaulted roof and ceiling to existing kitchen with conservation roof lights and circular timber gable window
2018/00527/FUL	R	Windsor Bank, 37, Main Road, Ogmore By Sea	Replacement of existing dwelling with new 2 storey dormer-style dwelling
2018/00537/FUL	A	Robert Thomas (Cowbridge) Ltd., 5, Westgate, Cowbridge	Proposed demolition of rear extension and change of use of No 5 Westgate, Cowbridge from Class A1 (retail) to Class C3 (dwelling), new rear extension, car parking and associated works

2018/00540/FUL	A	The Bungalow, 1, Factory Road, Llanblethian, Cowbridge	Proposed demolition and re-build of 2 bedroom replacement dwelling
2018/00543/FUL	A	32, Robert Street, Barry	2 storey side extension and detached rear garage
2018/00548/CAC	A	The Bungalow, 1, Factory Road, Llanblethian, Cowbridge	Proposed demolition and re-build of 2 bedroom replacement dwelling
2018/00618/FUL	A	190, Jenner Road, Barry	Widen the entrance on Pontypridd Road by 1 metre, which also includes the widening of the driveway outside the property boundary and alterations to the banking which runs alongside the boundary wall. Change the current outward opening manual gates to a single inward opening electric gate. Changes to garden to allow for more off road parking. Demolish outbuilding at the rear of the garden. Proposed new boundary wall to the rear of the garden
2018/00621/FUL	A	Shorkot Farmhouse, Leckwith	Proposed re-siting of granny annexe (approval No. 2016/00870/FUL) to be a further distance from existing electricity pylon
2018/00622/FUL	A	Shorkot Farmhouse, Leckwith	Proposed Stable Block
2018/00665/FUL	A	5, Fitzhamon Avenue, Llantwit Major	Double storey extension to the rear of the property
2018/00676/FUL	A	1, Victoria Square, Penarth	Installation/replacement of conservation style PVCU sash windows (no tilt and turn facility) and installation of conservation style roof lights

2018/00680/1/C D	A	Woodlands, Westgate, Cowbridge	Discharge of condition 3 of 2018/00680/FUL: Detached garage with attached garden shed in the grounds of Woodlands, Westgate, Cowbridge
2018/00732/FUL	A	2, Beryl Road, Barry	Subdivision and Change of Use to Form Three Self- Contained Two-Bedroom Apartments (Class C3 Dwellinghouses) and Associated Alterations
2018/00735/FUL	A	Land at Nant Rhydhalog, Cowbridge Road, Talygarn	To develop new cattery for commercial purposes, to construct new building for cattery and grooming parlour, with new specialist cat pens, adjustment of existing site access and provision of car parking
2018/00747/FUL	A	27, Eastgate, Cowbridge	A change of use from a vacant A1 retail unit to residential C3 use with external alterations and associated works
2018/00756/1/C D	A	Barn adjacent to The Hawthorns, Penllyn Road, Llanharry	Discharge of condition 4 [Window and door details] and 5 [Roof window] of planning permission 2018/00756/FUL [Refurbishment of stone built granary into a 3 bedroom holiday property with car parking and adjacent gardens]
2018/00766/FUL	A	23, Eastgate, Cowbridge	Refurbishment and extension to dwelling. Demolition of a series of poorly constructed and inferior rear extensions and replace with a new rear extension which is primarily single storey with a two storey element

2018/00773/FUL	A	Land to the west of plot nos. 38 to 53, The Grange, rear of plot nos. 38 - 53 Burdons Close, Wenvoe	Engineering operations comprising a new surface water land drain and associated works
2018/00779/FUL	A	4, Ludlow Street, Penarth	First floor rear extension
2018/00792/FUL	A	19, Borough Close, Cowbridge	Two storey rear extension
2018/00793/LAW	A	66, Grove Terrace, Penarth	Residential domestic property single storey kitchen extension.
2018/00794/FUL	A	Twyncyn House, St. Andrews Road, Dinas Powys	Proposed demolition of single storey kitchen, lift shaft and chimney. Construction of new single storey pitched roof extension to rear
2018/00796/LAW	A	15, Plassey Square, Penarth	Rear dormer plus 3 front skylights and rear single storey extension
2018/00800/OUT	R	The Stables at 142, Fontygary Road, Rhoose	Conversion - to include demolitions - of existing Stables to provide residential Cottage
2018/00802/FUL	A	40, Eastgate, Cowbridge	Conversion of first floor flat (ancillary to shop) to self contained flat with the erection of new access staircase to garden area with access directly to Aubrey Terrace and retention of new canopy to Eastgate frontage
2018/00809/FUL	A	3, Le Sor Hill, Peterston Super Ely	Addition of single storey extension to rear of house with mono pitched roof and alterations
2018/00810/FUL	A	83, Heol Collen, Culverhouse Cross, Wenvoe	Proposed single storey rear house extension and conversion of integral garage to habitable room

2018/00811/FUL	A	20, Timbers Green, Llangan	Proposed conservatory addition to existing extension
2018/00817/FUL	A	9, Porlock Close, Ogmore By Sea	Erection of metal shed in side garden
2018/00818/FUL	A	10, Stradling Close, Cowbridge	Single storey side extension and front and rear dormer extension with Juliet balconies to the rear
2018/00820/FUL	A	Haydock House, Holton Road, Barry	Variation of Condition 2 & 3 to planning permission 2013/01249/FUL to reposition retail, residential and communal lobby entrances, reduction in parking provision, increase in retail floorspace with mezzanine level, residential plots 3, 7 and 11 increased to 2 bedroom and the introduction of a roof pop access included
2018/00828/FUL	A	20, Borough Close, Cowbridge	Proposed two storey side extension and porch to front elevation.
2018/00830/FUL	A	3, Station Road, Dinas Powys	This is a proposal to change the use of The Old Post Office (A1) which is currently unused into a Chiropractic Clinic (D1)
2018/00831/FUL	A	Brynhyfryd, Llanmihangel Road, Llanblethian, Cowbridge	Detached garage
2018/00832/FUL	A	Land adjacent The Croft, Llangan, Cowbridge	Use of land as car park
2018/00833/FUL	A	Springfield House, Trerhyngyll	Rear single storey extension and replacement of existing garage/utility roof

2018/00834/FUL	A	115, Wordsworth Avenue, Penarth	Proposed single storey side extension
2018/00836/FUL	A	4, Victoria Square, Penarth	Single storey side/rear extension with first floor balcony
2018/00837/FUL	A	The Stables, Church Road, Llanblethian, Cowbridge	Replacement of existing doors and windows to the stables and coach house with composite and double glazed uPVC units. Two new dormers to the front of the coach house and roof lights to the rear pitch and the inner courtyard stable roof
2018/00838/FUL	A	The Stables, Squire Street, Llysworney	Proposed ground floor and loft extension. Proposed conversion of garage into a garden storage and studio
2018/00839/FUL	A	Rosedew, A48, Bonvilston	Construction of a double storey contemporary glazed extension to the rear of an existing single occupancy double storey residential property
2018/00842/FUL	A	7, Royal Buildings, Victoria Road, Penarth	Removal of Condition 2 of Planning Permission 2010/00874/FUL - to remove personal consent
2018/00844/FUL	A	30, Chandlers Way, Penarth	1 No. new balcony to the front
2018/00845/FUL	A	44, Anchor Road, Penarth	1 new first floor balcony to the front of the property
2018/00850/FUL	A	Greystones, Church Street, Llysworney	Proposed rear single storey extension with shallow sloping roof to align with the existing Kitchen projection and proposed extension over the Kitchen to the second storey with gable roof

2018/00851/FUL	A	Britannia House, Penny Lane, Cowbridge	Alteration to boundary wall up to bridge (additional works to approval 2016/00808/FUL)
2018/00852/FUL	A	Finnegans Inn, 1-8, Station Approach Road, Barry Island, Barry	Change of use of ground floor storage to retail unit. Proposed sun terrace above retail unit, with associated external staircase. Existing boarded windows to be opened and glazed. Proposed signage boards to West elevation
2018/00853/FUL	A	Prezzo, 16, Windsor Road, Penarth	Change of use of second floor level and alterations to existing shopfront
2018/00857/FUL	A	Rookery Nook, Llangan	Proposed extension of existing kitchen to the side of the property
2018/00859/ADV	A	Santander Uk Plc, 140, Holton Road, Barry	Projecting sign
2018/00861/FUL	A	Crosslands Farm, Llandow	Development of multi span agricultural unit made up of 3 portal framed building to house cattle shed, workshop and storage barn
2018/00862/FUL	A	4, St. Quentins Hill, Llanblethian, Cowbridge	Increase size of rear dormer and alterations
2018/00863/FUL	A	Crosslands Farm, Llandow	Extension to existing pole barn
2018/00867/FUL	A	Pippins, Trerhyngyll	Single storey rear extension to provide kitchen / family space. New garden store in solid construction
2018/00873/FUL	A	36, Coldbrook Road East, Barry	Single storey rear extension and demolition of rear chimney stack



2018/00874/FUL	A	10, Lord Street, Penarth	Gable Front Conservatory to rear of first floor, set on upper patio area
2018/00875/FUL	A	Brynhill Golf Club, Port Road, Barry	Removal of Condition 2 from 1991/01270/FUL relating to restricted occupancy
2018/00876/FUL	A	British Airways Maintenance Cardiff (BAMC), Dragonfly Drive, Cardiff International Airport	Erection of new single storey extension to aerofoil and plant workshop and new build single storey mobile rig store
2018/00877/FUL	A	57, Murch Road, Dinas Powys	Single storey rear extension
2018/00878/FUL	A	15 Nant Canna, Treoes	Two storey rear extension with Juliet balcony
2018/00879/FUL	A	Allt Y Wennol, Groes Faen Road, Peterston Super Ely	2 Storey extension to side of existing house
2018/00880/FUL	A	Top Floor Flat, 3, Marine Parade, Penarth	Fitting of new Velux window in roof between two existing Velux windows
2018/00881/FUL	A	12, Royal Close, Penarth	Small single story extension to rear of house with roof terrace and installation of sliding patio doors on ground and first floor
2018/00882/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Proposed engineering works to provide extended therapeutic garden area including landscape works and retaining wall
2018/00883/FUL	A	55, Wordsworth Avenue, Penarth	Single storey side and rear extension plus associated works and demolition of existing garage
2018/00884/FUL	A	12, Vennwood Close, Wenvoe	Part garage conversion

2018/00885/FUL	A	11, Woodland Place, Penarth	Garden building and re-modelled rear opening
2018/00886/FUL	A	The Coach House, Beach Lane, Penarth	Re-render existing rendered areas, replace front casement PVCU windows with sliding sash PCVU windows. Replace wooden balustrade with stainless steel frame with wire rigging and hard wood hand rail
2018/00889/FUL	A	7, John Batchelor Way, Portway Marina, Penarth	Balcony extension and French doors to the front elevation of the property and a garage conversion.
2018/00890/FUL	A	1, 2 and 3, St. Michaels Close, Colwinston	Provision of air source heat pumps to 3nr general needs properties
2018/00891/FUL	A	Pensarn Farmhouse, Llanmaes	Replacement single storey side extension
2018/00892/FUL	R	Unit 3c, Ty Verlon Industrial Estate, Cardiff Road, Barry	Change of use from B8 (storage and distribution) to D2 (assembly and leisure)
2018/00895/FUL	A	10, Lucas Close, Barry	Conservatory on side of property
2018/00896/FUL	A	70, Bron Awelon, Barry	First floor rear bedroom extension over existing single storey rear extension
2018/00897/FUL	A	18, Fairfield Crescent, Llantwit Major	Proposed single storey porch / shower room extension
2018/00904/FUL	A	Heron House, Baker's Lane, Llantwit Major	To demolish the existing UPVC/glass conservatory and replace with a masonry built summer house with roof and walls to match main building

2018/00905/FUL	A	21, Marine Drive, Barry	New patio doors access from first floor bedrooms to new balcony. Alteration of side windows to become full height
2018/00906/FUL	A	20, Plas Taliesin, Penarth	Replace existing wrought iron balcony handrail with 'infinity' glass balcony screen
2018/00908/FUL	A	26, Ivy Street, Penarth	Demolish existing conservatory. Proposed single storey rear extension and dormer loft conversion with roof lights to front elevation
2018/00909/FUL	A	118, Morel Street, Barry	Single storey rear extension, including the provision of a WC and a raised deck area
2018/00910/FUL	A	7, Clare Drive, Cowbridge	Single storey kitchen extension and internal alterations
2018/00911/FUL	A	Spindrift, 61, Craig Yr Eos Road, Ogmore By Sea	First floor extension to existing bungalow with balconies and solar panels
2018/00912/FUL	A	Knottsberry, Old Rectory Drive, St Nicholas	External and internal works to property
2018/00914/FUL	A	Coach House adjacent to 37, Salop Place, Penarth	Conversion of existing Coach House adjacent to 37 Salop Place into studio/workshop with single bed sleeping accommodation at mezzanine level. Works to include replacement of existing garage door, new dormer and refurbishment of facade
2018/00915/FUL	A	77, Arosfa, Cog Road, Sully	Demolition of garage and construction of two storey extension

2018/00916/FUL	A	Orchard Leigh, Pen Y Turnpike Road, Dinas Powys	Demolition of existing utility room and WC and rear conservatory. Construction of a single storey rear extension to the existing dwelling house to enlarge the kitchen and living areas
2018/00924/FUL	A	Oakdale, Sully Road, Penarth	Proposed single storey rear extension with balcony over
2018/00931/FUL	A	Charlton, 25, Clevedon Avenue, Sully	Remove existing potting shed, extend garage storage area and open aspect seating area on end
2018/00932/FUL	A	5, Lord Street, Penarth	Single storey side rear extension and steps access to existing raised rear garden plus ancillary works
2018/00934/FUL	A	34, Dyserth Road, Penarth	Hip to gable roof extension
2018/00936/FUL	A	29, Countess Place, Penarth	A loft conversion to include a hip to gable dormer with two Velux windows to the front elevation. Dormer to be slated to match the existing roof
2018/00938/FUL	A	46, Cornerswell Road, Penarth	Conversion of loft into habitable space including the construction of a new dormer
2018/00945/FUL	A	25, Purcell Road, Penarth	Proposed two storey rear and side extensions, with part single storey rear extension. Formation of crossover to frontal driveway
2018/00960/FUL	A	79, South Road, Sully	Rear single storey flat roof kitchen extension and new storage side extension

2018/00961/FUL	A	4, Dunraven Close, Dinas Powys	Replacement of existing conservatory with single storey rear extension
2018/00964/FUL	A	73, St Davids Crescent, Penarth	Replace existing rear annexe with single storey extension to the rear of the property
2018/00991/FUL	A	22, Chandlers Way, Penarth	New balcony to front of property
2018/01002/PNA	F	New Breach Farm, Crossways, Cowbridge	Open fronted rendered block agricultural workshop and storage shed on a pre-existing concrete base

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 NOVEMBER, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2018/00654/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3210713  
Appellant: Mrs. Ida Kennedy  
**Location: 17, Borough Close, Cowbridge**  
Proposal: Removal of Condition 2 from Planning  
Permission ref. 2010/00485/FUL to allow granny  
annexe to be used as a separate dwelling  
Start Date: 10 September 2018

L.P.A. Reference No: 2018/00620/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/18/3212739  
Appellant: Mr. & Mrs. Osgood  
**Location: Fern Cottage, Llwyn Nwydog Farm,  
Cowbridge Road, Ystradowen**  
Proposal: Proposed alterations to 2 storey extension to  
existing property  
Start Date: 11 October 2018

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/00337/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/18/3208677  
Appellant: Ms. Jill Lewis  
**Location: 19, Portland Drive, Barry**  
Proposal: Metal fencing to front garden  
Decision: Appeal Dismissed  
Date: 13 September 2018  
Inspector: Mr. A. Thickett  
Council Determination: Delegated

## Summary

The main issue in this case was considered to be the impact of the proposed development on the character and appearance of the area.

The Inspector noted that the property is a corner plot on a new estate which is yet to be fully completed. The houses are set well back from the road. Front gardens and parking spaces are open, not divided or enclosed by fences or walls, creating a pleasing feeling of space. The inspector noted the trees planted in the front gardens and was of the view that these will create wide, attractive avenues. Permitted development rights relating to means of enclosure to the front of properties have been removed.

The appellant, tired of people cutting the corner across her garden and dogs doing worse, applied to erect a low metal fence around the boundary. The Inspector sympathised with this and noted that on other parts of the estate properties sit behind metal railings. However, he noted that that is part of the overall concept as is the open plan design for Portland Drive. The inspector agreed with the Council, that enclosing the garden, even with a low, open metal railing fence, would undermine the original design principles for this development. He was of the view that as the appellant's house sits on a prominent corner, the proposed enclosure would have a detrimental impact on the pleasing sense of space. Accordingly, he was of the view that the development would conflict with LDP policy.

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L.P.A. Reference No:	2018/00031/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3206929
Appellant:	Mr. Gareth Lucas
<b>Location:</b>	<b>Lower House Farm, Flanders Road, Llantwit Major</b>
Proposal:	Use of land for the siting of holiday cabins and shepherd's huts
Decision:	Appeal Dismissed
Date:	10 October 2018
Inspector:	Richard Duggan
Council Determination:	Delegated

## Summary

The Inspector considered the main issues to impact of the development on the character and appearance of the area having regard to local planning policies designed to protect the open countryside.

The Inspector noted the location of the site within the Glamorgan Heritage Coast where policy seeks to protect the special environmental qualities of the area and restricts new development to low impact tourism. The Inspector also noted the other relevant LDP policies that require the protection and enhancement of the natural and coastal environment; the preservation and, where appropriate, enhancement of the rich and diverse built and natural environment and heritage of the Vale of Glamorgan; new development to positively contribute to the context and character of the surrounding natural environment; and new or enhanced

tourism leisure facilities to be permitted where they involve sustainable low impact tourism in the countryside.

The inspector noted that the site is in an elevated position and detached from the Lower House farm complex. He also referred to the lawful use of the site and was of the view that, despite a historic holiday use, this use has not been active for some 15 years and, as such, the appeal site currently *“contributes more to the prevailing undeveloped rural agricultural character than any distinctive development pattern associated with the historical holiday use”*.

The Inspector stated that *“Whilst I have no doubt that additional holiday accommodation in this location would support national and local tourism objectives and contribute to the local economy, this must be balanced with other environmental and amenity considerations”*.

In terms of its relationship to its surroundings, the Inspector stated that *“the proposal would create new buildings that are physically unrelated to any settlement. It would not form part of any complex or comprise a farm diversification scheme where it would be related to an existing tourism use. As a consequence, the proposal would result in new isolated development that would intrude significantly into the rural landscape and the Glamorgan Heritage Coast”*. He was also concerned about the layout of the site, giving the visual impression of a cramped and overly contained site. This, he said, would be at odds with the open rural nature of its surroundings.

The Inspector accepted that, for the most part, the site is *“relatively well screened from existing public vantage points due to mature and dense hedgerows and vegetation along much of its boundaries, and that this would be strengthened as part of the landscaping plan for the site”*. Nonetheless, he was of the view that the operational development required and the tourism accommodation itself would cause visual harm. He stated that *“Although it could not be described as highly visible in its surroundings, it would nevertheless represent an unjustified encroachment into the open countryside which would have an adverse impact on the rural appearance of the locality”*.

In conclusion the Inspector considered the development to have a harmful impact on the character and appearance of the area, thus conflicting with a number of LDP policies.

The Inspector noted the Appellant’s contentions that the cabins and shepherd’s huts would be mobile and could be removed. He also noted that the site is located within a relatively sustainable location close to local amenities within Llantwit Major with good access to public transport. Nonetheless, these factors did not outweigh his concerns relating to the impact of the proposal on the area.

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L.P.A. Reference No:	2017/01183/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3205729
Appellant:	Mr Anthony Richards
<b>Location:</b>	<b>Tudor Lodge, A48, Bonvilston</b>
Proposal:	Retention of building as erected (Variation of Condition 2)
Decision:	Appeal Allowed



Date: 24 September 2018  
Inspector: Mr. A. Thickett  
Council Determination: Delegated

## Summary

The appellant sought approval of a mean of enclosure of the site that the condition, subject of this appeal, sought to prevent. As such, the main issue was considered by the Inspector to be the impact of the removal of condition 2 of planning permission 2017/01183/FUL on the character and appearance of the area.

This appeal related to a stone wall, piers and a gate which together form the southern boundary of a paddock and stables which sit to the rear of Tudor Lodge. The Inspector noted the Council's contention that the piers and gate exceed what is necessary to enclose a paddock and that it has a domestic rather than a rural appearance. However, the Inspector considered the question to be addressed is; *"is the development acceptable rather than has it been built to a specification one would not normally expect for the keeping of horses"*. Whilst the Inspector noted the Council's concerns with regard to the domestic appearance of the enclosure, he was of the view that, as site adjoins a group of dwellings at the edge of the village, *"it is in an area of transition between the village and the countryside where one might expect a mix of styles"*.

The Inspector was satisfied with the materials and, overall, considered the wall, piers and gate not to have an adverse impact on the character and appearance of the area, in accordance with LDP policy. It followed, that he determined the disputed condition as not being necessary and, therefore, its imposition conflicts with the advice in Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.

In conclusion in this case the Inspector stated; *"I note the long history of unauthorised development and associated enforcement proceedings. I have considered this proposal 'on its face' and although do not countenance the carrying out of development prior to permission being sought or granted, for the reasons given above see no reason to retain the disputed condition"*.

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L.P.A. Reference No:	2018/00209/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3205244
Appellant:	Mr. Lee Thomas
<b>Location:</b>	<b>Arcadia, Port Road West, Barry</b>
Proposal:	Proposed demolition of existing dwelling/outbuilding. Construction of pair of semi detached 3 storey houses with access and parking
Decision:	Appeal Dismissed
Date:	2 October 2018
Inspector:	Richard Duggan
Council Determination:	Delegated

## Summary

The Inspector considered the main issue to be the effect of the development on the character and appearance of the street scene.

The proposal was to replace a detached dormer bungalow with a pair of semi-detached properties. Whilst the Inspector noted a pair of semi-detached two-storey properties along the street, he thought the dwellings in the immediate vicinity of the appeal site are mostly detached bungalows of varying architectural styles and that the separation distances and spaces between properties are relatively constant and set a regular pattern of built development, which creates a strong uniform layout to this row of houses.

The Inspector considered the proposal would contrast with the neighbouring properties, having three storeys of accommodation and a maximum ridge height significantly higher when compared to the ridge height of the existing house and neighbouring properties. He said that the appeal proposal would, therefore, result in a significant and substantial increase in the height of built development on the appeal site when compared with the existing situation.

In assessing the mass and depth of the proposed dwellings, the Inspector noted that the new dwellings would have a bulky appearance given the depth of the houses relative to the comparatively narrow plot size. He said that *“The proposed depth would give the building considerable massing that would be disproportionate when viewed against others in the road including the properties either side”*.

The Inspector was satisfied with the elevational design and materials. He also noted that the site was within a sustainable location. Nonetheless, these factors did not outweigh his concerns relating the scale of the proposed development and the conflict with LDP policy.

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L.P.A. Reference No:	2017/01310/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3205169
Appellant:	Mrs. Vanessa Damiani
<b>Location:</b>	<b>Post Office, 3, Station Road, Dinas Powys</b>
Proposal:	Change of use of Ground Floor from A1 (Post Office) to C3 (2 bedroom flat)
Decision:	Appeal Allowed
Date:	18 September 2018
Inspector:	Mr. A. Thickett
Council Determination:	Delegated

## Summary

The Inspector considered the main issue to be the impact of the proposed development on the viability and vitality of Dinas Powys local centre.

In the first instance the Inspector noted the context to the site and the occupiers of this shopping centre.

The Inspector noted the provisions of LDP policy MG12 which identifies Dinas Powys Village Centre as a Local Centre; the appeal property is within a designated centre. He also noted Policy MG15 which recognises that local retail centres perform a valuable role in sustaining local communities, providing for the daily needs of local residents and reducing the need to travel. Policy MG15 permits the change of use from shops to other uses in local centres where the following criteria are met: 1) it would not result in an excess of 50% non A1 retail uses, 2) it is demonstrated through active and appropriate marketing that the existing use is no longer economically viable and 3) it would not result in an over concentration of non A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre. The Inspector noted the Council's case that the proposal would conflict with criterion 1 and 3

It was noted that retail uses are in the minority in the local centre (31.8%) and the proposal, therefore, conflicts with Policy MG15(1). The Inspector acknowledged the marketing of the premises and the lack of interest over the last 3 years. As such, his consideration turned to criteria 3 of policy MG15. In this regard he said that, other than the 50% threshold under criterion 1, what constitutes an over concentration or clustering of non retail premises is not defined and that the LDP states that proposals for non-A1 uses will be assessed on a case by case basis against the individual characteristics of each local centre.

With regard to the Council's concern that the proposal would result in a 'dead frontage', he said that *"it would be no more 'dead' than it is now"*. He was also of the view that the *"vacant unit detracts from the environment and contributes nothing to the vitality of the local centre"*.

The Inspector referred to the LDP in that it recognises that it is not always commercially viable to maintain a retail presence and that where it can be demonstrated that there will be no unacceptable impact on the viability and vitality of a centre, alternative uses will be permitted. The Inspector visited the centre mid-morning and found the centre to be lively; there was nothing to suggest that the centre is not successful or under threat.

He was of the view that the reuse of the unit will bring activity and life back to the frontage and stated that *"although it would generate far less activity than a shop it must be better, in my view, than leaving it vacant. A likely prospect given the lack of success marketing it as a shop over the last 3 years"*.

Consequently, whilst the Inspector acknowledged conflict with Policy MG15 (1), he was of the view that this was outweighed by the evidence of the marketing exercise and the benefit he considered would accrue from bringing the property back into beneficial use. He concluded that the proposed development would not have an adverse impact on the viability and vitality of Dinas Powys local centre.

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L.P.A. Reference No:	2017/00788/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3202656
Appellant:	CG81 Developments Ltd
Location:	<b>1st &amp; 2nd Floors, Stangate House, Stanwell Road, Penarth</b>

Proposal: Proposed change of use and conversion of 1st and 2nd floors from office suites to 4 self contained apartments  
Decision: Appeal Dismissed  
Date: 10 September 2018  
Inspector: Mr. A. Thickett  
Council Determination: Delegated

## **Summary**

The Inspector considered the issues to be:

- the impact of the proposed development on the supply of employment premises in the area
- whether prospective residents would enjoy satisfactory living conditions with regard to private amenity space

### *Employment:*

Policy MD16 of the LDP resists the loss of employment land and premises unless a number of criteria are met. These include, amongst other things, that it is demonstrated that the site or premises is no longer suitable or viable for employment purposes, the existing use has unacceptable adverse impacts on amenity or the environment and the proposed use would not prejudice existing or neighbouring employment uses. The Inspector noted the appellant's contentions that the policy is not material as Stangate House is not listed in Policy MD16 as one of the employment sites to which these restrictions apply. The inspector, however, pointed to the part of the policy which he said clearly states that it applies to '*existing employment sites and premises*'. Accordingly, he agreed with the Council that the protection offered by Policy MD16 is not limited to the sites listed.

The Inspector acknowledged the Employment Land and Premises background paper which supported the LDP, which refers to a modest office supply which currently meets demand. He concluded that this presumably includes the offices subject to this appeal.

Further, the Inspector noted that no evidence had been provided to satisfy the requirement of Policy MD16, i.e. a demonstration that these premises are no longer suitable or viable for employment purposes. He did not consider the office use of the building to be a non-conforming use, and he found the appellant's argument, i.e. that this would be a sustainable location for housing, is equally true for offices. He concluded that the proposed development would have an adverse impact on the supply of employment premises in the area and that it conflicts with Policy MD16 of the LDP.

### *Living conditions:*

With regard to the lack of amenity space to serve the new dwellings the Inspector was of the view that, whilst people who choose town and city centres to live do so as a lifestyle choice and are happy to forgo a garden for what they see as the benefits of urban living, these two and three bedroom flats would be able to accommodate families. He considered it important for families with children to be

able to enjoy a private and safe outdoor amenity space. As such, the Inspector found conflict with LDP Policy MD2 (9).

*Other matters:*

The Inspector noted the submission of a unilateral undertaking to provide for affordable housing, but did not consider that it outweighs the adverse consequences of the proposal he described.

**Costs application:**

The Council made an application for an award of costs relating to the appellant's late submission of the unilateral undertaking and the additional work the Council were required to undertake in view of this lack of discipline on the appellant's part. The Inspector made reference to the Welsh Government Development Management Manual (DMM) that, in short, requires reasons for refusal to stand up to scrutiny. He was of the view that, as the lack of affordable housing provision was not a reason for refusal of the application, it was not unreasonable for the appellant to conclude that this issue need not be addressed in his grounds of appeal. He stated that, *"as the appellant only became aware formally that the lack of affordable housing had been elevated to a reason for refusal and that the conflict could only be addressed through the submission of a planning obligation on receipt of the Council's statement, it was not unreasonable for a unilateral undertaking to be submitted at that stage in the proceedings"*. Accordingly, he dismissed the costs application.

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(d) Enforcement Appeal Decisions

None

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(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (inc. tree appeals and appeals for conservation area consent)	<b>W</b>	11	5	16	-
	<b>H</b>	2	-	2	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		13 (72%)	5 (28%)	18	-
<b>Committee Determination</b>		-	1 (100%)	1	
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	1	-
<b>All Appeals</b>	<b>W</b>	11	5	16	-
	<b>H</b>	3	-	3	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		14 (74%)	5 (26%)	19	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 NOVEMBER, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved  
 E Split Decision  
 R - Refused

2018/00291/TPO	R	St. Ives, 6, Greenway Close, Llandough, Penarth	Work to trees covered by TPO 2015 No 4 - T1 (Beech)
2018/00483/TPO	A	Bryn Hyfryd, Llanmihangel Lane, Llanblethian	Work to trees in TPO No. 07 1973
2018/00787/TCA	A	23, Church Avenue, Penarth	Work to tree in the Penarth conservation area - Reduce to 1/2 height, 1 evergreen tree on boundary at rear
2018/00835/TPO	A	42, Heol Collen, Wenvoe	Removal of tree covered by TPO No. 0 of 1993
2018/00843/TPO	A	Grange Lodge, Grange Avenue, Wenvoe	Works to TPO No 4, 1998
2018/00888/TCA	A	Rosewood Lodge, Colwinston Village, Colwinston	2 No. Cypress next to conservatory, dismantle, remove and replant
2018/00918/TCA	A	23, Church Avenue, Penarth	Work to a tree in the Penarth Conservation area - reduction in height to one pine to the rear of the back garden

2018/00919/TCA	A	Gileston Cottage, Gileston	Work to trees in Gileston Conservation Area - Reduce limbs on one Pine
2018/00928/TPO	A	24, Maillards Haven, Penarth	Work to trees covered by TPO number 1 of 1988 - Reduce 4 Lime trees
2018/00941/TPO	A	7, Chestnut Close, Dinas Powys	Work to trees covered by TPO number 9 of 2012 as varied on 28/2/2018 - remove limbs from Ash
2018/00971/TCA	A	The Old Dairy, Llandow	Removal of dead sycamore, rear of roadside cops
2018/00979/TPO	A	The Spinney, Brook Lane, St.Nicholas	Works to trees in TPO 1952-04-G06
2018/01030/TCA	A	Glan Ynys, Colwinston	Remove two multi stemmed Cypress trees located in rear garden of Glan Ynys



THE VALE OF GLAMORGAN COUNCIL

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9. 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.

**2016/01520/OUT** Received on 28 December 2016

Applicant: Taylor Wimpey Plc c/o Agent  
Agent: Paul Williams Savills, 12, Windsor Place, Cardiff, CF10 3BY

### **Land West of Swanbridge Road, Sully**

Residential development of up to 190 units with associated access and associated works

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

#### **EXECUTIVE SUMMARY**

The application is for the construction of 190 dwellings at land west of Swanbridge Road, Sully. It is an outline application with all matters reserved. The site forms part of a housing allocation listed in Policy MG2 of the Council's Local Development Plan; the other part of the allocation already has outline planning permission (application 2013/01279/OUT). Vehicular access into the site would be through the northern part of the allocation and there is no direct vehicular access from this site to Swanbridge Road. The application also includes provision for a new cycleway/footway along Swanbridge Road.

The main issues are the principle of the development, visual impact, highway/pedestrian safety and traffic, impact on residential amenity, ecology, archaeology, drainage, impacts on the tenant farm, agricultural land quality and trees/hedgerows.

Approximately 100 objections have been received, including strong objections from Sully Community Council on grounds relating to visual impact, loss of agricultural land, highways impacts, lack of infrastructure in the village, drainage concerns and landscape/biodiversity impacts. The application is recommended for approval, subject to conditions and a Section 106 legal agreement.

#### **SITE AND CONTEXT**

The application site is land to the west of Swanbridge Road, Sully, and lies adjacent to the eastern part of the village. The site measures approximately 400m wide x 160m deep and comprises agricultural fields (6.5 hectares in area). It is shown in red on the site plan below, in the context of the village:



The site is bounded by Swanbridge Road to the east, existing dwellings to the west, fields to the south, and fields to the north. The application site forms part of a housing allocation under policy MG2(37) of the Vale of Glamorgan Adopted Local Development Plan 1996-2011 (LDP). The fields to the north of this application site (outlined in blue) form the remainder of the housing allocation. The allocation as a whole is approximately 20 hectares in size, and this site comprises approximately 6.5 hectares (about one third of the whole allocation). Planning permission has been granted in outline for the residential development of the land to the north.

The land in blue to the south of the site is other land in the control/ownership of the applicant, but it does not form part of this application, or the LDP allocation. There is a further small cluster of dwellings to the east of the site on the other side of Swanbridge Road.

There is a group of protected sycamore trees at the site's south east corner (TPO (No. 14) 2013).

## DESCRIPTION OF DEVELOPMENT

The application is in outline for up to 190 dwellings, with all matters reserved. Nevertheless, indicative details have been submitted which include the access point from the northern part of the allocation, and a potential layout:



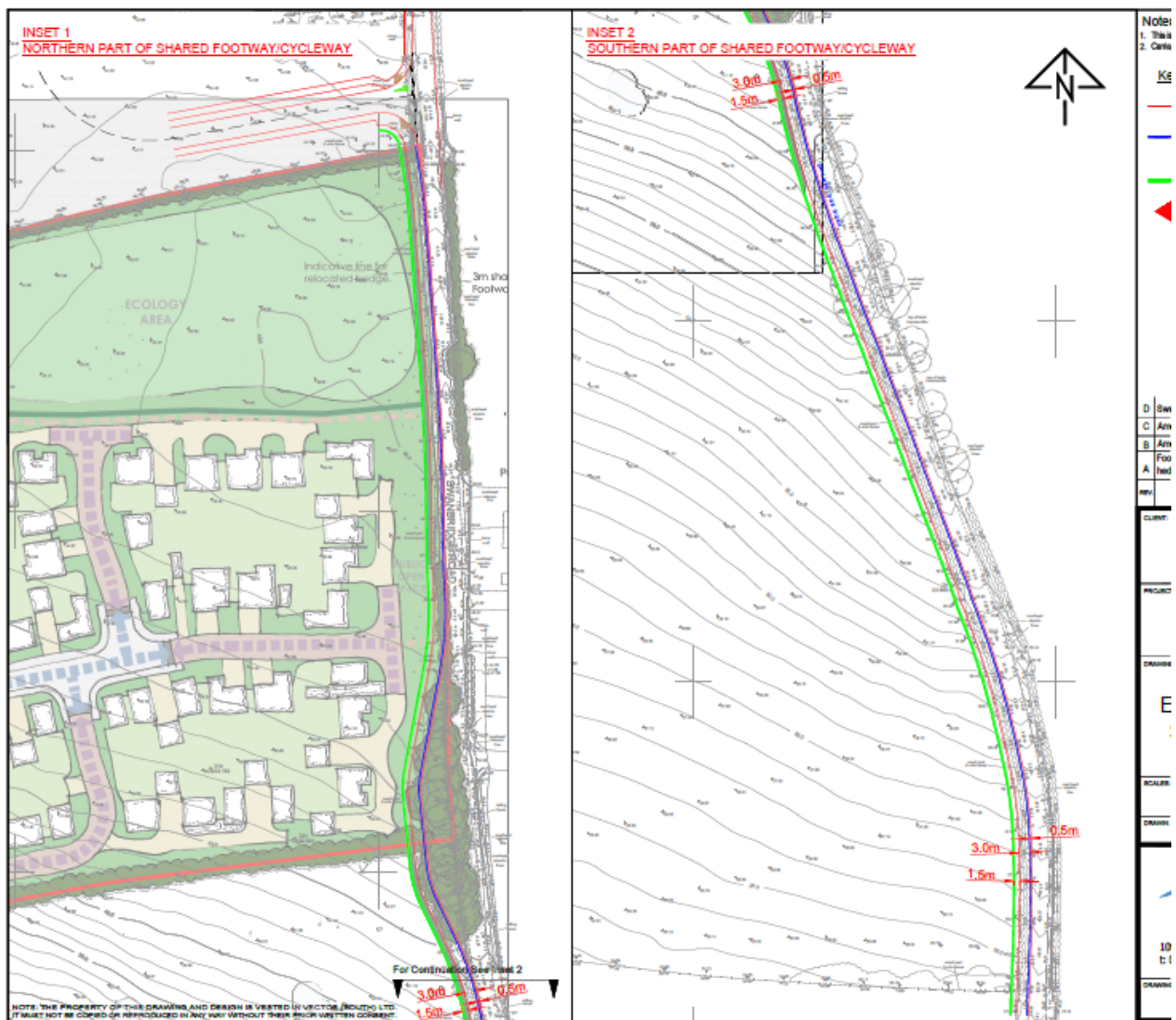
The site would only be accessed through the other part of the residential allocation and there would be no direct vehicular access to Swanbridge Road.

The Design and Access Statement includes scale parameters which propose two-three storey houses of between 4.5m and 6m wide, between 7m and 7.5m deep, with eaves heights of up to 7m and roof pitches of between 30 degrees and 50 degrees. The indicative layout shows areas of open space through the site, including an open area/buffer zone in the north eastern part of the site due to ecological constraints (see ecology section below).

The proposal also involves the provision of a cycleway/footway between the site and the railway bridge to the south, approximately 300m away. The cycleway/footway would also extend across the site's frontage with Swanbridge Road and connect to the vehicular site access into the northern part of the allocation. It would be 3m in width and a relocated/replanted hedge would then be located behind the footway.

The land to the south of the residential allocation lies outside of the allocation, but it is land within the applicant's control. The footway (that is the subject of this application) would terminate at the railway bridge, given that the applicant does not control the land further south between the railway bridge and South Road. The indicative footway plan is shown below:





## PLANNING HISTORY

Planning History: 2013/00489/SC1, Address: Land west of Swanbridge Road, Sully, Proposal: Residential development, Decision: Environmental Impact Assessment (Screening) - Required

2016/01086/SC1, Address: Land west of Swanbridge Road, Sully, Proposal: Screening opinion in respect of proposed residential development, Decision: Withdrawn,

2013/01279/OUT- Outline application for residential development- Approved.

Application 2013/01279/OUT adjoins this application site and comprises the other half of a Local Development Plan housing allocation.

## CONSULTATIONS

**Sully Community Council**- raised objections to the original plans and the grounds are summarised as follows:

- A detrimental impact on the hamlet of Cog and its listed buildings.
- Loss of agricultural land and impact on the tenant farmer.

- Inadequate highway infrastructure.
- Congestion on the roads.
- Inadequate infrastructure within Sully (public transport and employment opportunities).
- Inadequate capacity in schools.
- Overloading of the sewerage network.
- Adverse impact on protected species.
- Lack of medical facilities in the area.

Further strong objections have been received to the amended plans, on the following grounds:

- Loss of mature hedgerow which may be protected.
- Adverse impact on pedestrian safety.
- Adverse impact on landscaping features and biodiversity.

**Highway Development** - have provided advice and comments throughout the application, having considered highway safety and traffic impacts. There is no objection subject to conditions relating to matters including the provision of the cycleway/footway, a Construction Traffic Management Plan, a green travel plan, the carrying out of works to increase capacity at the Cog Road/South Road junction and a financial contribution towards works at the McDonalds roundabout.

**Public Rights of Way Officer** - No representations received.

**The Council's Education Section** - has provided advice in respect of capacity in local schools. They have advised that contributions will be required to mitigate the impacts of the development (see planning obligations section below).

**The Council's Drainage and Flood Risk Engineer** - has considered the drainage strategy and raises no objection subject to a condition relating to the detail of how surface water would be drained from the site.

**Shared Regulatory Services**- No objection subject to contaminated land conditions.

**Dwr Cymru Welsh Water** - have raised no objection subject to standard drainage conditions. They have also advised that a Hydraulic Modelling Assessment will need to be carried out in respect of water supply.

**The Council's Ecology Officer** – No objection subject to conditions relating to compliance with the reptile and bat recommendations contained in the submitted survey reports and mitigation strategy, and the submission of a plan for biodiversity conservation / enhancement.

**Waste Management** - No representations received.

**South Wales Police** have provided in respect of crime prevention and have recommended crime prevention features for the detailed development (relating to locks, windows, doors, overlooking of spaces etc).

**The Council's Affordable Housing Enabler** - has raised no objection subject to 40% affordable housing being provided.

**Local Ward Members** - Councillor Penrose has sought clarification regarding the application being considered by Planning Committee and objections have been received from Councillor Mahoney on the following grounds:

- Overdevelopment of the site.
- Too many additional houses for the village.
- Lack of adequate infrastructure (particularly highway infrastructure).
- Lack of social infrastructure- doctors, dentists, schools.
- Overloading of sewerage system.
- Loss of valuable farming land.

**Natural Resources Wales (NRW)** – No objection subject to a condition requiring an updated mitigation method statement for Great Crested Newts and a legal agreement which secures the long term monitoring and management of ecological areas.

**Glamorgan Gwent Archaeological Trust (GGAT)** – no objection subject to a condition which requires the approval of a written scheme of historic environment mitigation, and then the carrying out of that work.

**Wales and West Utilities** have responded to provide advice in respect of the location of their facilities. None appear to cross the site.

## REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. Approximately 100 letters of objection (approximately 50 from the initial consultation and approximately 50 from the amended plans re-consultation) have been received and the grounds are summarised as follows:

- Adverse impact on ecology and wildlife, including newts
- Inadequate mitigation for ecological impacts
- Loss of open space and adverse impact on the character of the area
- Additional traffic and road congestion
- Insufficient school places
- Incursion into the countryside
- Unsuitable and unsafe access
- The application is premature pending consideration of the LDP
- Exacerbation of flood risk
- Adverse impact on the condition of roads
- Loss of high quality agricultural land
- Inadequate local infrastructure, services and facilities- e.g. doctors.
- Inaccuracies in the submitted documents
- Adverse impact on the historic environment and archaeology
- The site is unsustainable
- Inadequate sewerage infrastructure in the area
- Adverse impact on the setting of local listed buildings
- Insufficient need for this amount of housing
- Poor public transport links

- Socio economic impacts
- Adverse impact on highway and pedestrian safety
- Pollution and noise
- Invasion of privacy
- Inadequate drainage facilities
- Wrong location for affordable housing
- Danger to pedestrians and school children
- Road network is inadequate
- Insufficient employment opportunities
- Loss of village character- excessive increase in size
- Adverse impact on air quality and the environment
- More dwellings proposed than allocated in the LDP.
- Adverse impact on hedgerows.
- New cycleway/footway would be unsafe
- Emissions
- Poor water pressure
- Loss of view
- Coalescence of Sully and Cog- loss of identity of Cog

A sample of 3 objection letters are attached as **Appendix A**.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
 POLICY 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 MG2 – Housing Allocations  
 POLICY MG4 – Affordable Housing  
 POLICY MG20 – Nationally Protected Sites 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

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

### **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 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical advice Note 15- Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing
- Biodiversity and Development
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plan
- Trees, Woodlands, hedgerows and Development

**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 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)

**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 primary issues to be considered with this application are considered to be the following:

- The principle of the development.
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impact on the character of the village.
- Impacts on the historic environment.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.

- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site.
- Drainage and flood risk.
- Ecology.
- Archaeology.
- Agricultural land quality.
- Impact of the development on the tenant farm.
- Trees and hedgerows.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

### Principle of the Development

When planning application 2013/01279/OUT (relating to the northern part of the allocation) was approved, the Local Development Plan (LDP) had not been adopted and consequently, the assessment of the principle of the development relied upon a careful balance of a number of issues relating to 'prematurity' and the status/stage of progression of the LDP. It was concluded in that case that the material considerations weighed in favour of approving the application.

Since that time the LDP has been adopted and the site lies within part of one of the policy MG2 allocations as well as the settlement boundary for the village. Consequently, a proposed residential development is considered acceptable in principle. The application proposes 190 dwellings which, in addition to the 350 proposed in the northern part of the allocation, would result in a total of 540. While that exceeds the 500 envisaged in the LDP, that does not automatically infer that the development is unacceptable, rather an assessment of the specific impacts associated with that number of dwellings is required, and carried out below.

### The density of the development

The application proposes up to 190 units over an area of approximately 6.5 hectares, and this equates to approximately 29.3 units per hectare, which is very slightly under the density of 30 units per hectare set out in policy MD6 for primary settlements. However, the policy refers to a 'net' density of 30 dwellings per hectare and, without the undevelopable ecology area, the density of the developable areas would exceed 30 per hectare. This density would therefore accord with policy MD6 and would ensure that the land is developed efficiently. As noted above, the allocation as a whole would potentially accommodate 540 units and it would be for the developer to demonstrate at reserved matters stage that an acceptable layout and design could be achieved while accommodating that number. Notwithstanding the ecology areas, it should be noted that 540 units across 20 hectares (the size of the whole allocation) amounts to 27 per hectare and it is considered that the total number would not be unduly dense or represent fundamental overdevelopment of the site in principle.

### Visual impact of the Development within the Wider Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies to the east of the existing settlement and would directly adjoin the existing residential area to the west and an approved residential development to the north (albeit not yet constructed). It is enclosed by Swanbridge Road to the east and it is considered that this highway and the adjacent developments represent logical, physical and defensible boundaries to the site. While the development and the remainder of the allocation extend this part of the village by some 400m to the east, the development would not extend the village any further to the east than the existing parts of the village further to the south, and it would not extend it materially further north (particularly given that the allocation is bounded by Cog Road). Consequently, it is considered that the site would appear as a logical extension/expansion of the existing village, in terms of the wider built form/shape of the settlement.

The fields between Cog Road and the railway line are approximately 750m in length and the allocation is about 500m in length, leaving approximately 250m between the southern boundary of the site. However, while the allocation would not extend as far as the existing residential development to the south (and save for the intervening railway), it would extend sufficiently close to it such that it would appear as a relatively logical extension of the village, with a consistent edge along the western side of Swanbridge Road. From the surrounding viewpoints it would largely be viewed against the backdrop of the existing dwellings and it would appear as a re-defined edge of the village, but integrally related to the existing built form that adjoins it.

It is considered that while local short distance views of the village would be altered, there would not be a significant impact within the wider landscape beyond a local level. The northern part of the allocation would have limited landscape views from Dinas Powys Common for example, however, the topography is such that this application site would be screened.

Therefore, given the relationship of the site to the existing pattern of development in the village and the fact that the site is closely related to existing/approved residential developments to the west, north and (to a lesser degree) the south, it is considered that the development would not have an unacceptable impact on the character of the wider area. Notwithstanding this and as noted above, the site is within the village settlement boundary (and not countryside) and this wider landscape impact was also assessed through the LDP site selection process.

#### Impact on the character/form of the village

Further to the above assessment in terms of wider landscape impact, objections have also been raised in respect of the impact of the character of the village. It is acknowledged that the allocation as a whole would result in a relatively large increase in the size of the village, however, it is considered that in itself does not necessarily infer the character of the village would be unacceptably affected. The shape of the village has grown over time and it is irregular in form. It is a relatively large village as it stands (compared to the majority of rural villages in the Vale) and it is considered that the north eastern part of the settlement, which comprises a sharp edge of relatively modern housing, is not of such character/historic value that there is a fundamental need to protect its alignment/form. The development is not closely related to a conservation area and it is considered that while the shape of the village would change, this would not result in the loss of a significant historic definition to any part of the village.

The visual impact of the proposed cycleway/footway works is considered below in the highways section of the report.

### Impact on the hamlet of Cog and the setting of the listed buildings/the historic environment

The appraisal of application 2013/01279/OUT involved a careful assessment of the impacts upon the setting of a number of listed buildings that lie close to the north eastern part of the allocation. This site is located some 150m south of the nearest listed building at Cog and it is considered that this part of the allocation would not be viewed in the same visual envelope as those listed buildings. Having regard to the distance between the site and the listed buildings, the topography and the intervening dwellings that would be sited in the northern part of the allocation, this development would not have an adverse impact on the character and setting of the listed buildings (and County Treasures). It is, therefore, considered that the development would not conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, given that the setting would not be adversely affected. For reference, Section 66(1) reads as follows:

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

The development would comply in this regard with policies SP10 and MD8 which seek to protect the historic environment.

### Design and Layout

#### Internal Road and Footpath Layout, and house design

As noted above, the application is in outline with all matters reserved and consequently, the only information relating to an internal layout is the indicative masterplan. This indicates a singular vehicular link to the northern part of the allocation, pedestrian links through to the existing development to the west, pedestrian links to Swanbridge Road, a grid form of layout and parcels of open space.

Scale parameters have been submitted, however, there are no definitive details of house design, size and materials. These would be issues for any reserved matters submission, if outline permission is granted. Issues relating to public open space are considered below in the planning obligations section.

#### Highway safety- the proposed access points

The only vehicular access into the site would be from the northern part of the allocation and there are no direct vehicular links to Swanbridge Road or to the west of the site. The detail of the link to the northern part of the site (as an internal layout matter) would be dealt with at reserved matters stage. The access points in to the remainder of the allocation were considered acceptable when that outline application was assessed and there are conditions (on that permission) to control the detail of those junctions. Highways issues associated with internal road layout and parking would also be assessed at reserved matters stage.

## Pedestrian/cycleway links

The indicative layout suggests at least two pedestrian links between this site and the northern part of the allocation, however, that would principally be a matter for the respective reserved matters applications.

The proposals include a cycleway/footway along the Swanbridge Road frontage and this would continue along the highway until the point of the railway bridge. The applicant has control of the land between the southern boundary of the site and the railway bridge, however, the land under the bridge and between the bridge and South Road lies outside of their control. Consequently the development cannot deliver a comprehensive link from the site to South Road, however, the proposed cycleway/footway would run for approximately 500m. There would be approximately 100m between the termination point of the cycleway/footway and South Road, and throughout that stretch there is intermittent highway verge.

When application 2013/01279/OUT was reported to Planning Committee it was not envisaged that a cycleway/footway would be provided along Swanbridge Road as part of the development. However, since the time of that application, Swanbridge Road has been identified as a potential Active Travel route and it forms part of the route on the Council's Integrated Network Map (INM) for the village. This means that the Council is working towards securing improved cycling and pedestrian facilities along this road and the provision of this cycleway/footway would significantly contribute towards those aspirations.

While the proposals would not result in a comprehensive link all the way to South Road, the 500m of new cycleway/footway would cover the majority of the route and it would represent a significant improvement to existing pedestrian and cycling facilities along Swanbridge Road. Presently there is no footway along this route and pedestrian journeys in particular would be unattractive, however, it is considered that this new provision would actively encourage walking and cycling journeys to and from the site, in support of sustainability objectives.

The cycleway/footway across the site frontage is considered to be a basic access requirement and this would be provided by the developer outside of Section 106 contributions, whereas the cost of the remainder between the site and the railway bridge would reasonably be funded from the sustainable transport contribution. The Highways Engineer has advised that the Council's Highways Section will work with Sustrans (a UK sustainable transport organisation) towards delivering a link south of the railway within the extent of the adopted highway. There is not presently a specific scheme designed, however, it appears that there is adequate width within the highway to accommodate a further footway link. Notwithstanding this, it is considered that the absence of a link for the first 100m would not be a significant deterrent to pedestrian and cycle movements, given the width of the carriageway, the degree to which it is overlooked by dwellings and the fact that it is less rural in character than the remainder of Swanbridge Road. It is possible that Section 106 contributions could assist with the delivery of this, however, the provision of this is not considered to be fundamentally essential to the acceptability of this application and consequently the Section 106 resolution does not contain a specific provision for this.

There is also an opportunity for a pedestrian link to be provided at the south west corner of the site, connecting through to the footpath at the rear of Kingsley Close. This route would take pedestrians through to the village centre and would represent an alternative to Swanbridge Road.

Having regard to the above, it is considered that the site would be served by strong and comprehensive pedestrian linkages to the existing footpath network and to services within the village, in accordance with the above policies.

#### Visual impact of the new cycleway/footway works

The provision of the new cycleway/footway would affect the rural character of Swanbridge Road, however, the character of this road will principally be altered by the housing allocation itself, which would adjoin most of its length between the site access and the railway bridge. While the cycleway/footway would further alter the existing character of the west side of this road, it is considered that in the context of the housing allocation that it would be serving, it would not have an unacceptable impact or appear at odds with its context (given that the road would no longer have the same appearance as a rural lane by virtue of the development as a whole).

The cycleway/footway would be adopted by the Council and consequently it will be lit. The hedge line will be re-located/re-planted at the back of the footway and that will serve to soften its impact (and that of the edge of the housing development). The section between the site and the railway would retain the traditional form of enclosure to the remaining fields. The cycleway/footway would take an alignment to the field side of the protected trees at the north eastern part of the site, and this would be a matter for detailed design to ensure that the surfacing does not adversely impact upon the health of the trees.

In summary, it is considered that subject to the re-planting of a hedgerow adjacent to the cycleway/footway and its appropriate lighting, this part of the development would not unacceptably impact upon the character of the area and any harm would be outweighed by the benefits in terms of pedestrian and cycle safety.

#### Traffic/Congestion and off site highway works

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development in the context of the existing road network, the number of dwellings and the likely number of car movements and trips by alternative modes. While the previous application (2013/01279/OUT) only proposed 350 units on part of the allocation, it was accompanied by a TA which modelled the traffic for 500 units.

The Council's Highways Traffic Officer in that case raised no objection subject to works to increase capacity at the Cog Road/South Road junction and a contribution towards works to increase capacity at the McDonalds roundabout at the junction with Cardiff Road. This application would potentially result in an increase from 500 units to 540 in total and, therefore, it is necessary to consider the impacts of those additional 40 units.

The traffic modelling concludes that the 40 additional units are likely to result in 20 additional vehicle movements leaving the site in the AM peak hour and 24 additional movements in the PM peak hour. For the Cog Rd/South Road junction, this is estimated to result in an additional 10 vehicles per hour on the Cog Road approach arm in the AM peak (an average of one extra every 6 minutes). For the PM peak, the increase is 6 additional vehicles, which equates to 1 vehicle every 10 minutes on average.

The Highways Engineer has considered the TA and accepts these findings, which conclude that there is no requirement for further works at the Cog Road/South Road junction, given the limited additional traffic that would occur across the peak hours. It should be noted that Condition 9 of planning permission 2013/01279/OUT requires the approval of the detail of the works at this junction and the approval of a phasing plan for their implementation.

In respect of the McDonalds roundabout, a scheme has preliminarily been identified by the Council to increase capacity. In the case of the last application, the development (of 350 units) would be responsible for a proportion of the 'over capacity' (12% in that case), and it was considered reasonable to require a financial contribution commensurate to that proportion. Having assessed the cost of the works and the proportion of traffic that the development would be responsible for, a contribution of £24,000 was considered commensurate and the Council's Highways Engineer agreed that this is was proportionate and reasonable. Based on 540 units, the contribution would equate to £37,000 and the applicant has agreed to this.

It should also be noted that the developer agreed to a sustainable transport contribution of £700,000 for application 2013/01279/OUT, and has agreed to a contribution of £418,000 for this development. The TA and modelling does not factor in a traffic reduction as a consequence of a modal shift and it is considered that this substantial contribution would significantly improve sustainable transport and pedestrian facilities serving the development and the village. Therefore, it would not be unreasonable to assume that there would be an impact in terms of modal choice. In the interests of robustness, this has not been taken into account, but it is relevant to note that any such shift would decrease the number of private vehicle trips and would also partially mitigate against capacity issues

Therefore, subject to the works being carried out to the Cog Road/South Road junction and a contribution being made towards the works at the McDonalds roundabout, it is considered that the impacts of the development would be mitigated and that junctions in the surrounding area would continue to operate satisfactorily. The Highways Traffic Engineer has raised no further concerns in respect of other congestion within the highway network, either through the village or at the access points into the site (as a consequence of vehicles turning in and out).

Accordingly, it is considered that the TA demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network.

#### Highway/pedestrian safety issues associated with the increase in traffic

Objections have been raised by local residents in respect of whether the development would be a danger to highway/pedestrian safety.



In response of the original TA with application 2013/01279/OUT, the Council's Highways Traffic Engineer requested further information on collision data, the speed and volume of traffic along South Road and pedestrian activity along South Road. This was addressed in the addendum to the TA with that application, which principally concluded that the majority of accidents along South Road were not attributable to excess speed. Observed 85<sup>th</sup> percentile and mean speeds were also not excessive. The submissions also referred to the scope for improvements to existing pedestrian crossings and pedestrian infrastructure generally, which would both encourage safe pedestrian use and calm traffic (to include the new cycleway/footway along Swanbridge Road).

A contribution of £1,118,000 towards sustainable transport facilities is proposed in total across the allocation and this can be used towards a number of the measures to improve pedestrian and other sustainable transport facilities.

While it is understandable that an increase in traffic would cause concern from residents in terms of vehicular and pedestrian safety, it is considered that the proposed development would not have an unacceptable impact in this respect.

### Public Transport

Objections have also been raised by residents in respect of the range and frequency of other transport modes/facilities in the village. It is asserted by residents that the site is insufficiently sustainable as a consequence of lacking good sustainable transport options.

Notwithstanding this, it is considered that the village is relatively well served. There are regular bus services to Cardiff, Penarth and Barry and a number of bus stops along South Road and through the village. It is accepted that these services are not as comprehensive as those that may be found in a larger settlement, however, Sully is a relatively large village and for a settlement of this size, it is considered that the transport options are not poor. Sully has two bus services, one that runs daily, twice per hour, between Cardiff and Barry, and another that runs Monday to Saturday, hourly. It is considered that this provides residents with good access to nearby settlements, and the facilities would be significantly improved by the sustainable transport contribution agreed to by the applicant.

It is acknowledged that the village does not have a train station, however, Sully is located close to a number of other settlements that are well served in terms of rail links. In addition to considering the range of options available in the settlement itself (transport and other services), it is also relevant to consider the proximity of other settlements and the transport options/services located there.

The road network is not prohibitive to cycling and there are good pedestrian links throughout the village. The planning obligations section of the report below considers how financial contributions would improve sustainable transport options within the village and mitigate the impacts of the development, however, it is considered that the existing settlement is sufficiently sustainable to accommodate additional residential development.

### Impact on residential amenity of existing residents

There are existing dwellings adjoining the site to the west, across Swanbridge Road to the east and adjacent to phase 1 to the north. Presently, the occupiers of these dwellings have views over open fields, whereas the development would fundamentally alter the nature of that outlook. However, while it is understandable that existing residents would be

concerned about a change of this nature to the rear of their properties, loss of view is not a planning matter and there is no statutory right to have such a view preserved. Rather it is necessary to consider whether the residential amenities and living conditions of those properties would be adequately protected.

The layout is reserved and, therefore, the detailed position and size of houses has not been determined. This will be a matter for any subsequent reserved matters application and the relationship of the new properties to those adjacent dwellings will be a key consideration, to ensure that they are not overbearing and would not unacceptably impact upon privacy. However, in principle, it is considered that a sensitive layout can be achieved.

The development would increase traffic through the village, however, it is considered that the increase in traffic, the bulk of which would be during the day time, would not demonstrably harm residential amenity. The Council's Environmental Health Officer has raised no objection and a Construction Environmental Management Plan condition is recommended (Condition 14), which would minimise impacts during the construction period. A Construction Traffic Management Plan (see condition 17) would also mitigate against impacts during the construction phase.

It is, therefore, considered that the development would in principle be able to adequately preserve the privacy and amenities of neighbouring residents, in accordance with Policy MD2 of the LDP.

#### Amenity of the future occupiers of the site

Details of the layout, including distances between dwellings and levels of amenity space would be considered at the reserved matters stage. It is, therefore, considered that subject to careful design, the occupiers of the development would benefit from an acceptable level of residential amenity.

#### Other neighbour objections

Many residents have raised concerns in respect of the lack of amenities in the village, including local services, employment opportunities and bus services. It is considered that the proposed development would support and sustain the existing local services (shop, pubs etc.) and while the full range of day to day services are not present in Sully, the LDP strategy nevertheless recognises the need for new housing in such settlements, as well as in the larger more urban areas of population. While, therefore, occupiers of the new houses would need to travel to other settlements to access some services (and potentially in respect of employment opportunities), it is considered that this does not render the settlement of Sully or the development itself as unsustainable, since there are regular bus services to other settlements and some basic local day to day services. There are also concentrations of potential employment opportunities in Barry and Penarth, a short distance, relatively, from the site.

In terms of buses specifically, the sustainable transport contribution discussed below can potentially be spent on upgrading existing bus services/facilities/provision in the local area.

It is considered that there is no evidence to suggest the development would result in crime or anti-social behaviour and noise/disturbance/vibration from the construction phase can be minimised through compliance with a Construction and Environmental Management Plan.

A number of objections have been raised regarding infrastructure and as noted above, the development would be likely to sustain a number of services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. The respective consultees have not raised objections in respect of drainage infrastructure.

There is no evidence submitted to demonstrate that the development would adversely impact health (noting also that the Council's Environmental Health section have not raised any objections in this respect) and it is considered that outside of the land that would be developed, the proposals would not fundamentally be harmful to crops. Loss of view is not a planning matter and there is no safeguarding objection due to the location.

It is considered that the remaining points of objection have been addressed within this report.

#### Drainage, flood risk and water supply

The application site does not lie within a zone that has a high risk of flooding and Natural Resources Wales have not raised any objections in respect of flooding. The Flood Maps from Natural Resources Wales show the site to be located within Flood Zone A, indicating a low level of flood risk from tidal or fluvial sources. The site is located at a relative high point (compared to much of its surroundings) and is some distance from watercourses.

Nevertheless, a Flood Consequence Assessment (FCA) has been submitted with this application and it concludes that the development would not be at unacceptable flood risk or result in unacceptable flood risk to other areas. It concludes that:

- There are no known historical flood incident records for the site.
- The site is located in DAM Zone A – little or no risk of fluvial or tidal flooding.
- All sources of flooding have been assessed to represent a negligible or low risk.
- No specific flood mitigation is required to protect the site from flood sources.

The FCA suggests that the extent of surface water flooding is marginal across the site and notes that there is a drainage ditch the south western boundary of the site which discharges to a public sewer. The FCA assumes that rainfall that fails to infiltrate drains to this ditch. While infiltration tests have not yet been carried out, it is apparent that in this location there is insufficient capacity within the soils and the drainage ditch to take the volume of water generated by the site. The FCA assumes that infiltration is not a viable option for surface water disposal due to this being the outcome for Phase 1 of the development on land immediately north of this site. Nevertheless, in accordance with appropriate guidelines, infiltration should be considered as the primary method of surface water disposal prior to any other method being considered. Therefore, the Council's Drainage Engineer has stated that prior to a drainage strategy being approved, evidence of porosity testing needs to be submitted.

The surface water strategy submitted within the FCA indicates that surface water will ultimately drain via the existing drainage ditch at the south west corner of the site. The

Council's Drainage Engineer has also advised that prior to work commencing on site, consideration should be given to the capacity of the existing ditch to take flows into the existing public sewer, even at a restricted discharge rate.

The surface water strategy indicates that prior to draining to the existing ditch on the site, surface water shall be attenuated via a two-tier attenuation basin. This basin would either allow for infiltration, or allow for a 'transient environment' in the lower tier which is suitable for wetland flora and fauna. It is proposed that the attenuation basin would not be positioned at the lowest point of the development site to allow for natural gravity drainage to the existing ditch on site. This means that land to the south of the attenuation pond would be raised to allow for natural overland flows to drain towards the attenuation basin on the site.

Notwithstanding these points, the Council's Drainage Engineer has raised no objection to the drainage strategy in principle, subject to a condition which requires a detailed scheme to be approved, including details of infiltration testing and the future management of the system (Condition 18).

In terms of foul sewerage, Dwr Cymru Welsh Water (DCWW) has raised no objection on foul sewerage grounds, rather conditions are requested for full details of the drainage scheme to be agreed. While it is noted that representations have been received which question the capacity of the system, the Local Planning Authority must rely on the response provided by DCWW.

DCWW have also advised that a Hydraulic Modelling Assessment (HMA) will need to be undertaken to establish whether any work is required to ensure that the site can be served by an adequate water supply. It should be noted that DCWW do not object on these grounds.

### Ecology

The application was initially accompanied by a Bat and Great Crested Newt Survey Report and a Reptile Mitigation Strategy, Ecological Appraisal and a Great Crested Newt Mitigation Statement. The Reptile Mitigation Strategy and Great Crested Newt Mitigation Statement have been updated following the amendments to the proposals to include the new cycleway/footway.

The bat activity surveys demonstrated that the site is used by a variety of foraging and commuting bat species, dominated by Common Pipistrelle with a small number of other species also recorded. The majority of bat activity was associated with the boundary hedgerows and the reports recommend that any development should seek to retain hedgerows where practicable in view of their use as foraging and commuting habitat. The hedgerow that separates this site from the land to the north would be retained and supplemented to increase its depth (save for the links through between the two phases). The Council's Ecologist raised no objection to the original consultation and Natural Resources Wales similarly raised no issues in respect of bats. Both have been re-consulted in respect of the amended proposals (that involve re-locating/re-planting hedgerow adjacent to the new cycleway/footway) and there is no objection to these works, subject to conditions (which will include provision for dark vegetated corridors for bats).

The Council's Ecologist has advised that it is likely that a small population of reptiles are present on site, and a Reptile Mitigation Strategy has been developed to address this issue. The Ecologist has requested a condition (see condition 25) to require the Reptile Mitigation Strategy to be implemented.

A population of Great Crested Newts (GCN) has been recorded in 2013 and again in 2018 in the pond that lies in the phase of the allocation to the north of this site. The reports recommend the retention of the pond, an area around it and a connection to the hedgerow boundary to the south, to provide continued breeding and terrestrial habitat for Great Crested Newts.

NRW's initial response raised no objection and requested a condition for an updated Mitigation Method Statement for Great Crested Newts, to ensure specific mitigation measures are implemented, including: the size of the habitat area, details of additional areas of scrub planting, measures and/or alterations to the design of the retained habitat area to minimise the potential disturbance to the pond, and details of measures/commitments to monitor and manage the vegetation within the pond. NRW also requested that the Section 106 Legal Agreement contain provision to secure the long-term management of the retained habitat area as set out in the mitigation method statement.

NRW were re-consulted on the amended proposals, principally because the new cycleway/footway would break through the hedge at its eastern point. The amended proposal was also accompanied by an updated GCN mitigation method statement, which sought to provide the additional information listed by NRW in their first response.

NRW do not raise objection to the amendments in principle, however, the mitigation method statement will require updating further to include a revised drawing of the habitats to be created within the Ecological Areas. NRW have advised that this should include additional areas of scrub planting and/or habitat features that provide suitable resting places for great crested newts between the pond and scrub habitats on the boundary of the Ecological Area.

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

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

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

In terms of Test 2, the application site has been considered in the round in the context of a significant number of other candidate sites. Through that exercise and supported by background evidence, the Council has allocated the site for housing. In doing so, when balancing all of the relevant planning issues, it has been concluded that the site is appropriate for housing and necessary to meet housing need, whereas the alternative sites (not proposed in the Draft LDP as allocations) are not considered to be satisfactory alternatives.

In terms of Test 3, NRW have advised that subject to the measures in the mitigation statement being adhered to, there is no objection and that the development would not be detrimental to the maintenance of the favourable conservation status of Great Crested Newts

On this basis, there is no ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policies MG20 and MD9 of the LDP.

#### Trees and hedgerows

The application site contains protected sycamore trees at the south east corner. The proposals do not suggest removal of these trees and it is considered that the detailed site layout can be designed to ensure their retention. The proposed cycleway/footway would run past the group, however, this can be designed to ensure it does not adversely affect the health of the trees. The body of the site is generally devoid of trees.

The existing hedgerow that separates this site from the remainder of the allocation is to be supplemented (principally for ecology reasons) and while there would be breaks through for vehicular access between phases and for the cycleway/footway, it would remain a strong landscaping feature. The new hedgerow along Swanbridge Road would preserve the visual effect that this landscape feature has, albeit its new alignment would be set further back from the highway.

A condition to require details of new landscaping and all trees and hedgerows to be retained (along with details of measures to protect them during the course of development) is recommended (condition 9) and subject to this, it is considered that the development would not unacceptably impact upon trees and hedgerows.

#### Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) has been consulted and a Heritage Desk Based Assessment has been submitted with the application. GGAT have responded to advise that there is a long and rich history of human occupation in this area. A geophysical survey has been carried out, which shows little evidence of human activity, however, given the tangible evidence of prehistoric occupation, GGAT have advised that it would be unsafe to make assumptions based on one geophysical methodology alone, particularly in respect of a negative result. In addition, there is substantial evidence of Medieval and Post-Medieval activity in and around the immediate area of the property, as evidenced by a number of Listed buildings. Consequently, GGAT have advised that there is a

substantial likelihood that important archaeological remains from the prehistoric period may be present within the project area.

Consequently GGAT have requested a condition (see condition 12) to require the developer to submit a written scheme of historic environment mitigation and then carry out the approved scheme of work. It should be noted that GGAT have not requested further investigative work in advance of the application being determined.

#### Agricultural land quality

Policies MD1 and MD7 of the LDP require developments to ensure no unacceptable loss of the best and most versatile agricultural land (Grades 1, 2 and 3A).

The agricultural value of the land has been assessed in reports commissioned by the Welsh Government. The ADAS Agricultural Land Classification Report and the Kernon Countryside Consultants Ltd Agricultural Land Classification Report of October 2012 identifies the application site as being category 3B. The land is not therefore classified within the best and most versatile categories that are generally afforded protection.

It is, therefore, considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with the above policies. This is also reflected in the fact that the site has been allocated for residential development in the LDP.

#### Impact of Development on the Existing Agricultural Holding and Tenants

The land is part of an agricultural holding and objections have been submitted regarding the impact on the tenant farm if the scheme were to be approved.

The enterprise as a whole extends to some 1000 hectares (albeit not at/adjacent to this site) and it is considered that the application site affects a very small proportion of that (less than 1% of the land). It is considered that the impact upon workload/labour requirement will be relatively minor and the financial impact would not be considerable.

It is also considered that there are unlikely to be significant impacts on the business as a consequence of complaints due to smells. Potential occupiers of the dwellings would be aware of the semi-rural context that they are moving into and the site itself is not directly adjacent to farm buildings.

In summary, it is considered that the proposed development would not impact so significantly on a tenant's livelihood and farming operation to justify refusing planning permission. It is also considered that the significant benefits of the development, including meeting housing (and affordable housing) need outweigh any harm in respect of the tenant operation.

#### Planning Obligations

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2018) and Affordable Housing (February 2018) provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. They set thresholds for when obligations will be sought, and indicate how they may be calculated.

However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

Given that this application was received in November 2016 (well before the adoption of the current SPGs), the financial obligations have been assessed against the previous formulae values set within those SPG at the time that the amounts were agreed. This is considered appropriate given how advanced negotiations had progressed and given that the applicant had agreed to those contributions at that point in time.

The application seeks permission for the construction of a 190 dwellings and the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that planning obligations are required in respect of the following:

- Affordable Housing
- Education facilities
- Off-site Highway Improvements
- Sustainable Transport facilities
- Public Open Space and maintenance
- Community Facilities
- Public Art

### Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households or, where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

LDP Policy MG4 requires 40% of residential developments in Sully to be affordable. The Council's Affordable Housing Enabler has confirmed that the required tenure split is 70% social rented and 30% Low Cost Home Ownership (LCHO). That amounts to 76 dwellings out of the 190 being affordable, of which 54 would be social rented and 22 would be LCHO. The applicant has agreed to this requirement.

In terms of phasing, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. This will principally be a matter for the reserved matters application.

### Education Facilities:

LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in policy MD4. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions



should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's rationale for calculating pupil demand contained in the Planning Obligations SPG indicates that the development of 190 dwellings would generate the need for education facilities for 18 nursery school age children, 50 primary school age children, 39 secondary (aged 11-16) school age children and 7 secondary (aged post-16). Consequently, the Council has requested the following Section 106 contributions for education facilities, which the applicant has agreed to:

- Nursery - £314,028 (18 x £17,446)
- Primary - £872,300 (50 x £17,446)
- Secondary (11-16)- £1,025,271 (39 x £26,289)
- Secondary (16-18) - £199,577 (7 x £28,511)

Total            £2,411,176

### Sustainable Transport

Local and national policy supports, in principle, developments 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. These policies are supported by the Council's approved Supplementary Planning Guidance on Sustainable Development and the advice in Planning Policy Wales, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that would be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is driven to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is located adjacent to the existing settlement, linkages between the site and other parts of the village (principally the centre and services through the village) should be improved to support the development and encourage pedestrian/cycling movement.

Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £418,000 was sought (based on 190 dwellings), as the basic contribution required to off-set the impacts of the development.

This could be spent on (for example) part of the new cycleway/footway along Swanbridge Road, improving existing pedestrian routes between the site and the village centre, (and between the site and bus stops in the village), access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and the vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.

The applicant has agreed to this amount (£2,200 per unit) and it is considered that the improvements that would be implemented as a result would materially improve the degree to which the site and local services could be accessed by sustainable modes of transport, in accordance with local and national policy.

### Public Open Space

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

1. Outdoor sports provision at 1.6 hectares per 1,000 population
2. Children's equipped play space at 0.25 hectares per 1,000 population
3. Informal play space at 0.55 hectares per 1,000 population

Based on the Council's Planning Obligations SPG, the development of 190 dwellings creates the need for 10,579 sqm of open space, including 1102sqm of equipped children's play space and 2424sqm of other children's play space. The LDP Public Open Space Background Paper (2013) identifies an existing shortfall of children's play space in Sully and sets out that children's play space must be provided for on all new development sites. The LDP Open Space Background Paper (2013) also identifies an overprovision of outdoor sport space within Sully (in terms of quantity).

The illustrative layout does not include any provision for outdoor sport facilities; however, as part of the assessment of the need for outdoor sport facilities, it is relevant to consider the availability, usability and quantity of existing outdoor sport provision in the ward. In this case, given the availability of outdoor sport facilities within the ward in reasonable proximity of the site (as evidenced in the LDP Open Space Background Paper) it is considered that a further on-site provision is not critically necessary to render the development acceptable in planning terms.

The site can make provision for the required amount of public open space (children's play) required by the SPG and it is considered that this would therefore meet the requirements of the SPG and policies MD2 and MD3. The location and layout of the POS would be determined at reserved matters stage.

### Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has not advised definitively whether the land will be retained and managed privately or offered to the Council for adoption. The legal agreement should therefore contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

### Community Facilities

Policy MD5 of the LDP permits new residential development where, amongst other things, appropriate provision for community infrastructure is made to meet the needs of future occupiers.

The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council's SPG provides a basis to calculate reasonable levels of contributions for community facilities, derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. It requires community facilities to be provided at a ratio of 0.74m<sup>2</sup> per dwelling or alternatively a contribution of £1208 per dwelling towards the provision of community facilities.

Officers are aware that existing community facilities in the ward are potentially under threat, in terms of their long term viability. For example, the planning application at Sully Sports and Social Club has highlighted such problems and the Council's Library Review highlights issues regarding how this facility can function. Therefore, and having regard to the issues above relating to the LDP, it is considered that the most appropriate approach in this case would be to require a financial contribution, to the give the Council (in consultation with local ward members) maximum flexibility in determining what is the most appropriate way to support and develop communities facilities in the ward (as opposed to delivering a community facility on site). This approach would allow the Council and local members to appraise the situation 'on the ground' at the relevant point in time, to decide how to prioritise and allocate funds.

In this case, a contribution is sought towards the upgrade and provision of community facilities serving the development such as community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.

The applicant has agreed to the above and this would equate to amount of £229,520 based on 190 dwellings, and this would reflect the need that results from the development and accord with the guidance in the Council's SPG.

### Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required 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 proposal.

### S106 Administration

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 Section 106 Planning Obligations are deemed to be necessary to make the

development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £26,600.

## RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that at least 76 (40%) of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be Low Cost Home Ownership properties.
- Pay a contribution of £2200 per residential unit towards sustainable transport facilities in the vicinity of the site, minus the costs of providing a cycleway/footway between the south east corner of the site and the railway bridge to the south, where the construction costs shall be fully detailed and submitted to and approved by the Local Planning Authority. The contribution is to be used on items including one or more of the following: improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.
- The procurement/provision of the cycleway/footway (referred to in the bullet point immediately above) between the vehicular access point on Swanbridge Road into the housing allocation and the railway bridge to the south, on the west side of Swanbridge Road.
- Public open space to be provided on site to equate to at least 18.56m<sup>2</sup> of children's play space per dwelling, of which at least 5.8m<sup>2</sup> per dwelling will be equipped play space. The public open space is to be provided in accordance with a scheme to be approved by the Local Planning Authority. A Public Open Space contribution at a rate of £2551 per dwelling not provided for (based on a total requirement of 55.68m<sup>2</sup> of POS per dwelling).
- The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Pay a contribution of £2,411,176 for education purposes, for the provision or enhancement of educational facilities in schools serving the Sully catchment for Nursery, Primary and Secondary school children.
- Pay a contribution of £1208 per residential unit to provide new community facilities in Sully including one or more of the following: community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.

- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.
- To pay a contribution of £13,000 towards off site highway works at the roundabout junction at Cardiff Road/Sully Moors Road (in addition to the £24,000 secured by the Section 106 agreement associated with application 2013/01279/OUT).
- Provision to secure the management of habitats for Great Crested Newts and monitoring provisions, and details of management and monitoring of ecological areas.

APPROVE subject to the following conditions(s):

1. Approval of the access, layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a package of measures tailored to the needs of the site and its future users

to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies SP1 and MD2 of the Local Development Plan.

5. Prior to the commencement of the construction of any of the dwellings, a scheme, including details of the timing, for the provision and maintenance of the Public Open Space (including children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policy MD3 of the Local Development Plan.

6. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art strategy and the timing of its provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance, and to ensure compliance with Policy MD2 of the Local Development Plan.

7. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

8. No dwelling shall be occupied until such time as that dwelling is served by a vehicular access route to the adopted highway at either Swanbridge Road or Cog Road.

Reason:

In order to ensure that the dwellings can be accessed appropriately and to ensure compliance with Policy MD2 of the Local Development Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 and MD2 of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

11. The development shall be carried out in accordance with the following approved plans and documents:

Registered 24th December 2013:

- Site location plan.
- Transport Assessment.
- Design and Access Statement.
- Environmental Impact Assessment and Technical Appendices.
- Environmental Impact Assessment Non Technical Summary.
- Agricultural Assessment.
- Planning Statement.
- Statement of Community Involvement.
- Heritage Desk Based Assessment.

19th June 2014

- Hedgerow Compensation Plan
- Supplementary Planning Statement.
- Highways response to VOG Highways comments.

9th July 2015

- Great Crested Newt Mitigation Method Statement.
- Extended Phase 1 Habitat Survey.
- Reptile Mitigation Strategy.

- Bat and Great Crested Newt Survey Report.
- Transport Assessment Addendum.
- Heritage Advice Note.
- Cog Road and Swanbridge Road Access Plans.
- Outline Masterplan Rev B.
- Access strategy Rev B.
- Landscape and open Space Strategy Rev B.
- Phasing Plan Rev B.

15th February 2016

- Highways Sensitivity Analysis

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.

12. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

In order 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, SP10 and MD8 of the Local Development Plan.

13. 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:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) 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:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding;
- v) wheel washing facilities;



- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) any diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 and MD7 of the Local Development Plan.

15. 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 has been 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.

Reason:

In order to ensure that any contamination is appropriately dealt with and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

16. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation and sampling which shall be submitted to and approved in writing by the Local Planning Authority prior to 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.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

17. Prior to the commencement of development, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles and timings of construction and delivery traffic to and from the site, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:- In the interest of highway / public Safety and the free flow of traffic along the adopted highway network, and to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

18. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The details shall include details of infiltration testing and the future perpetual maintenance and management of the drainage system. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

19. Prior to the commencement of development, a hydraulic modelling assessment (HMA) shall be undertaken in liaison with Dwr Cymru Welsh Water, in order to assess the effect of the proposed development on the existing water supply network and the need for any associated infrastructure works. None of the dwellings hereby approved shall be occupied until such time that any necessary water infrastructure works, as required by the HMA, have been completed and approved in writing by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of their completion (and Dwr Cymru Welsh Water's approval).

Reason:

In order to ensure that the development is served by an adequate water supply, to ensure that the development does not adversely impact on existing water supply, and to ensure compliance with policies SP1 and MD2 of the LDP.

20. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the dwellings, full details of the lighting to be provided on the highways, footpaths and open space areas within the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

21. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated in writing (with approval in writing by the Local Planning Authority) that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy MD9 of the Local Development Plan.

22. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the part of the development that they relate to being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

24. Prior to the commencement of development, a plan for biodiversity conservation / enhancement shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include biodiversity enhancement measures, including but not exclusively limited to: dark, vegetated bat flight paths around/through the site

(provision of a lighting plan) gaps under fences and provision of bird nesting opportunities. The details approved shall thereafter be implemented and retained at all times.

Reason:

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

25. The development shall be carried out in accordance with the recommendations and measures set out in the Soltys Brewster Reptile Mitigation Strategy July 2018 and Soltys Brewster Bat and Great Crested Newt Survey Report.

Reason:

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

26. Prior to the commencement of development, an updated Great Crested Newt Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out and maintained in accordance with the approved Mitigation Method Statement.

Reason:

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

## CONCLUSION

In light of the significant amount of background information that has led to the site's inclusion within the Draft Local Development Plan, current housing land supply and the need to maintain adequate housing land at all times and the assessment of all other impacts and material considerations as set out above, it is considered that, on balance and subject to the mitigation as set out with regard to the proposed planning obligations and conditions, the development is acceptable in principle and outweighs the conflict with UDP policies relating to the location of new residential developments outlined above.

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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority has taken into account all environmental information submitted with this application

Having regard to policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP7– Transportation, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MG20 – Nationally Protected Sites and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations,

MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the advice with Planning Policy Wales, Technical Advice Notes 1, 2, 5, 12, 16, 18 and 24 and the advice in the Council's SPG on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, 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 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990, Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology and Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended), it is considered that the development is acceptable in respect of the principle of the use, visual impact, highway/pedestrian safety and traffic, impact on residential amenity, ecology, archaeology, drainage, impacts on the tenant farm, agricultural land quality and trees/hedgerows

**NOTE:**

1. **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>**
2. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
3. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
4. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

5. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
6. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
7. **The attention of the applicant is drawn to the fact that a public sewer may run through the site and may be affected by the development.**

**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.**

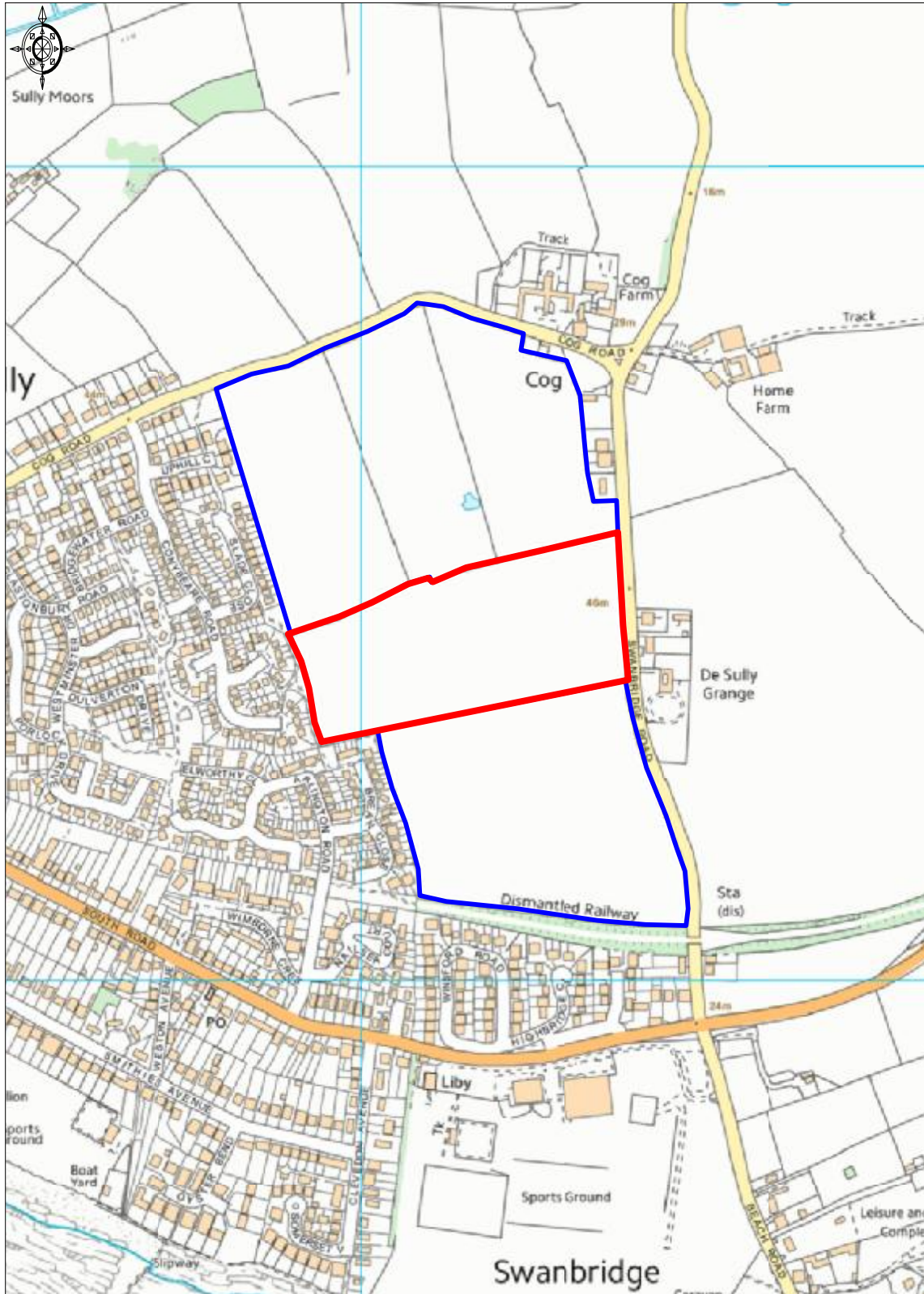
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**

# Land West of Swanbridge Road, Sully Site Location Plan

2016/01520/OUT



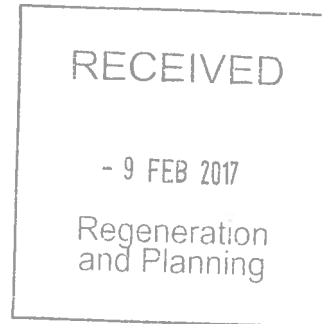
Ordnance Survey © Crown Copyright 2016. All rights reserved.  
Licence number 100022432. Plotted Scale - 1:7500



78 Minehead Avenue  
Sully  
Vale of Glamorgan  
CF64 5TL

9<sup>th</sup> February 2017

For the attention of Mr, I Robinson  
Planning Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Road  
Barry  
CF63 4RU



**Re planning application 2016/01520/OUT**

Dear Mr Robinson

I am writing to express my concerns over the above planning application for residential development of up to 190 units with associated access and associated works on Land West of Swan Bridge Road, Sully.

This site is already associated with planning application 2013/01279/OUT for 350 dwellings on the adjoining site which gives a total proposal of 540 units to be built.

One of the major objections to this application (and one that also applies to 2013/01279/OUT) is the consideration of the highways infrastructure. The transport assessment for the planning application 2016/01520/OUT refers to table 2.1 and figures taken from the 2011 census which indicates that at least 75% of the residents of the Sully Ward use their own vehicles to travel to work. The census also (by its own admission) does not consider non-employed road users who may be on the road at the same time. This can only mean an increase of road users which should have been considered in this census.

At point 3.16 of the **Wales National Transport Plan (March 2010)** one of the targeted aims is to **“To improve reliability, journey times and safety along the east-west road corridor in South Wales”**, and it beggars belief that an increase of a total of 540 dwellings on this site could result in this aim being achieved. Rather to the contrary it would be deemed to have a detrimental effect on primarily the safety of both road users and pedestrians, and secondly journey times will increase.

The site access to the total of the proposed 540 dwellings is by two new junctions, one on Cog Road and the other on Swan Bridge Road. Both new junctions will lead on to an already narrow road infrastructure, where vehicles are already having to travel with care.

This coupled with the proposed housing allocations in the Vale of Glamorgan’s Highways Impact Assessment of the LDP 2011-2026 showing proposed developments for Penarth of 380, Dinas Powis of 440, Llandough of 265 and Sully of 500 gives a total potential increase of 407.6% of vehicles emerging on to the Merrie Harriers junction at peak times, as shown in appendix C of your Highway Impact Assessment 2013.



(ii)

This will also give concern to the increase of our carbon footprint. The additional vehicles on the public highway (that is already struggling to cope) travelling in a congested traffic environment at peak times will mean more CO2 pollution at a time when we should be looking to reduce this.

I would therefore question why this additional housing has been given consideration in an area that is already under severe traffic as encountered by local residents.

Yours sincerely

Michael Shepperdson

D.E.E.R	
RECEIVED	
ACTION BY: IR	
NO:	
ACK:	

21 Clevedon Avenue,  
Sully  
Penarth,  
Vale of Glamorgan,  
CF64 5SX  
8 February 2017

Mr I Robinson,  
Planning Officer,  
Vale of Glamorgan Council,  
Dock Offices,  
Barry Docks,  
Barry,  
Vale of Glamorgan



RECEIVED
9 FEB 2017
Regeneration and Planning

Dear Sir,

**Re: Land South of Cog Road, Sully – 2916/012520/OUT**

I refer to the additional planning application recently submitted by Taylor Wimpey for consideration.

I wish to make the following objections.

1. The highway infrastructure cannot support an additional 190 units.
2. Vehicles accessing to and from the site from Swanbridge Road would have to travel beneath an existing railway bridge which has height and width restrictions.
3. There is no footpath under the railway bridge or along Swanbridge Road.
4. With the lack of public transport and employment opportunities in Sully the majority of residents on this application would work in Cardiff and travel by private car. The closest route to Cardiff from the site is along Sully Road which is a sub-standard rural lane and dangerous for current vehicular use let alone any proposed significant increase in traffic.
5. An additional 190 houses would have a further detrimental effect on the historic hamlet of Cog and its 5 listed building.

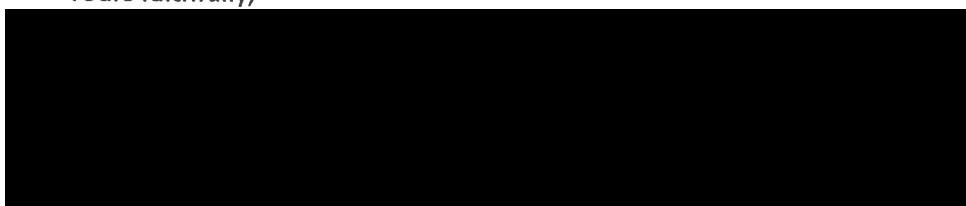
(iv)

6. The development of this additional land would mean the loss of quality agricultural land and put farmers' businesses at risk and thus job losses.
7. The developers' proposals for mitigation at Swanbridge Road/Cog Road/South Road junctions are at best contradictory and at worst confusing.
8. There is a need for the developers' consultants to provide transparent capacity analysis with a clear representation of any proposed mitigation.

Whilst we appreciate that this site has been allocated for up to 500 units, and part of the site has the benefit of planning consent for 350 a further 190 would give a total of 540 units which is almost 10% more than the site is allocated for.

I would urge the Council to refuse this planning application.

Yours faithfully,



S P and A Thomas



①

(v)

**From:** Planning  
**Sent:** 07 February 2017 12:10  
**To:** Planning  
**Subject:** New comments for application 2016/01520/OUT  
**Attachments:** Comments 2016-01520-OUT West of Swanbridge Road.pdf

New comments have been received for application 2016/01520/OUT at site address: Land West of Swanbridge Road, Sully

from Mr Michael Garland [REDACTED]

Address:  
3 Plover Way, Lavernock Park, Lavernock, CF64 5FU

Comments:  
Other type details: Councillor.  
Comment: See attachment

The following files have been uploaded:  
Comments 2016-01520-OUT West of Swanbridge Road.pdf

Case Officer:  
Mr. I. Robinson

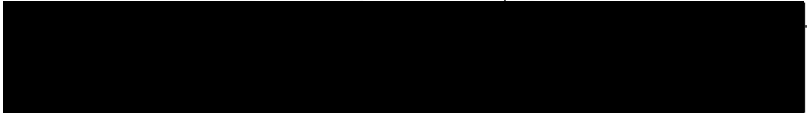
RECEIVED  
7 FEB 2017  
Regeneration  
and Planning

D.E.E.R
RECEIVED
ACTION BY: IR
NO: 28
ACK:

Mr Ian Robinson,  
Planning Officer,  
Vale of Glamorgan Council,  
Barry Docks,  
Barry CF63 4RT

Councillor Michael Garland  
3 Plover Way,  
Lavernock Park,  
Lavernock  
CF64 5FU

RECEIVED  
  
7 FEB 2017  
  
Regeneration  
and Planning



7<sup>th</sup> February 2016

Re: Planning Application No. 2016/01520/OUT  
Land west of Swanbridge Road, Sully  
Residential development of up to 190 units with associated access and  
associated works.

Dear Sir,

I wish to make the following objections in regard to the above Planning Application.

This additional number of 190 units, together with the previous application of 350 takes the development over and above the 500 units proposed in the Vale of Glamorgan Councils Local Development Plan 2011-2026.

The proposed development will have an adverse impact on the rural hamlet of Cog, providing coalescence between the village of Sully and the rural hamlet of Cog, which should not be permitted. Cog will not only lose its identity as a rural hamlet but also its historical background and agricultural heritage. There are five listed buildings and one County Treasure along with surrounding farmland, all of which have remained unaltered at Cog. This grouping evidences an agricultural history in Wales from the 17<sup>th</sup> to the 21<sup>st</sup> century and is unique to Sully and the Vale of Glamorgan and therefore special regard should be given to the desirability of preserving listed buildings or their settings or any features of special interest which they possess.

The proposed site will be developed on green field agricultural land and would not protect the area's unique natural countryside environment and would therefore have an unacceptable impact on the countryside. The development of this site will result in the further the loss of agricultural land, which is actively farmed at present and will have an adverse affect on the viability of farming by the tenant farmer and long term sustainable employment will be lost.

The proposed housing development is also unacceptable due to a lack of highway infrastructure to support the building of a further 190 houses, together with the planning application 2013/01279/OUT - Land south of Cog Road, Sully - Residential

(vii)

development with associated access and associated works (max 350 dwellings) which is adjacent to the proposed site, plus a development of a further 576 houses proposed at Upper Cosmeston Farm proposed within the Vale of Glamorgan Council's Local Development Plan 2011-2026.

Given the lack of public transport and employment opportunities in Sully, the majority of residents on this development would work in Cardiff, Barry or others areas of the Vale of Glamorgan, and therefore travel by private car escalating further the present highway problems.

There is a lack of shopping facilities (supermarkets) in Sully, the nearest being in Barry and Cardiff Bay, both areas being some distance away and therefore a preference to use private motor vehicles and exacerbate traffic congestion and pollution within the surrounding area(s).

The junctions at Cog Road/South Road and the junctions of Swanbridge Road/South Road currently suffer severe traffic congestion which will be exacerbated by the development of this site (190 units) and the adjacent site at Cog Road (500 units).

This will lead to longer queues and queuing times for vehicle trying to exit from these junctions and even the surrounding road network which has very limited capacity to absorb the traffic which would be generated by this residential development and the adjacent development.

Recent traffic surveys have noted that traffic travelling on South Road between Barry and Penarth/Cardiff is already at substantial levels which will also be exacerbated by these two developments at Cog and the proposed development at Cosmeston.

The Vale of Glamorgan Council's Highway Engineers have previously prepared reports in detailing the highway & traffic implications stemming from residential development on the site. Broadly they conclude that due to the inadequate road network geometry and vehicular access options, excessive speeds, poor accident records and the fact that the site would be heavily dependent on private car use, residential development is considered to be unacceptable in highway terms.

Swanbridge Road and Cog Road in the main have no footpaths which presents a main safety concern, with pedestrians having to walk on the narrow highways.

Nursery, primary and secondary educational facilities in Sully and Penarth are already oversubscribed and together with the extra 926 units at Cog (350) and Cosmeston (576) will create a 'meltdown' in educational facilities within the local area.

The local sewage treatment works at Cog Moors is already oversubscribed and these extra units together with the other proposed developments in the area will put an extra severe strain on this facility.

(viii)

The area is well known for containing habitats used by Great Crested Newts, foraging bats and for nesting birds of such protected species as lapwings, woodpeckers, jays, herring gulls and curlews and other wildlife habitats. These will be seriously disturbed if this development is allowed to proceed.

It can be foreseen that if this application is approved then a further development covering the lower fields will follow.

All in all this development is unacceptable and the application should be refused.

Yours Faithfully,

Councillor Michael Garland

**2018/00913/FUL** Received on 8 August 2018

Applicant: Newydd Housing Association c/o Agent  
Agent: Mr. Jon Hurley WYG Planning and Environment, 5th Floor, Longcross Court, 47,  
Newport Road, Cardiff, CF24 0AD

### **Corner plot on Merthyr Street and Belvedere Crescent, Barry**

The erection of 9 flatted residential dwellings over 3 storeys and associated works

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor M. Collins due to concerns with the size of the building.

#### **EXECUTIVE SUMMARY**

The application is for the construction of 9 affordable flats (3 x one bed and 6 x two bed) on land at the corner of Merthyr Street and Belvedere Crescent, Barry. The building would be three storeys in height, with frontages directly adjacent to the pavements on both streets. There is no vehicular access to the site and no parking proposed on site. The development would be served a small rear yard, bin store and bicycle store.

Approximately ten objections have been received, including a petition signed by approximately 50 names. Barry Town Council have raised a strong objection, that the development does not reflect the scale of the adjacent developments, inadequate amenity space, concerns regarding fire escape provisions, inadequate car parking, and lack of bin stores.

The main issues to consider are the principle of the use, impact on neighbours, scale and design, parking, traffic, highway safety, amenity space and drainage. The application is recommended for approval, subject to conditions.

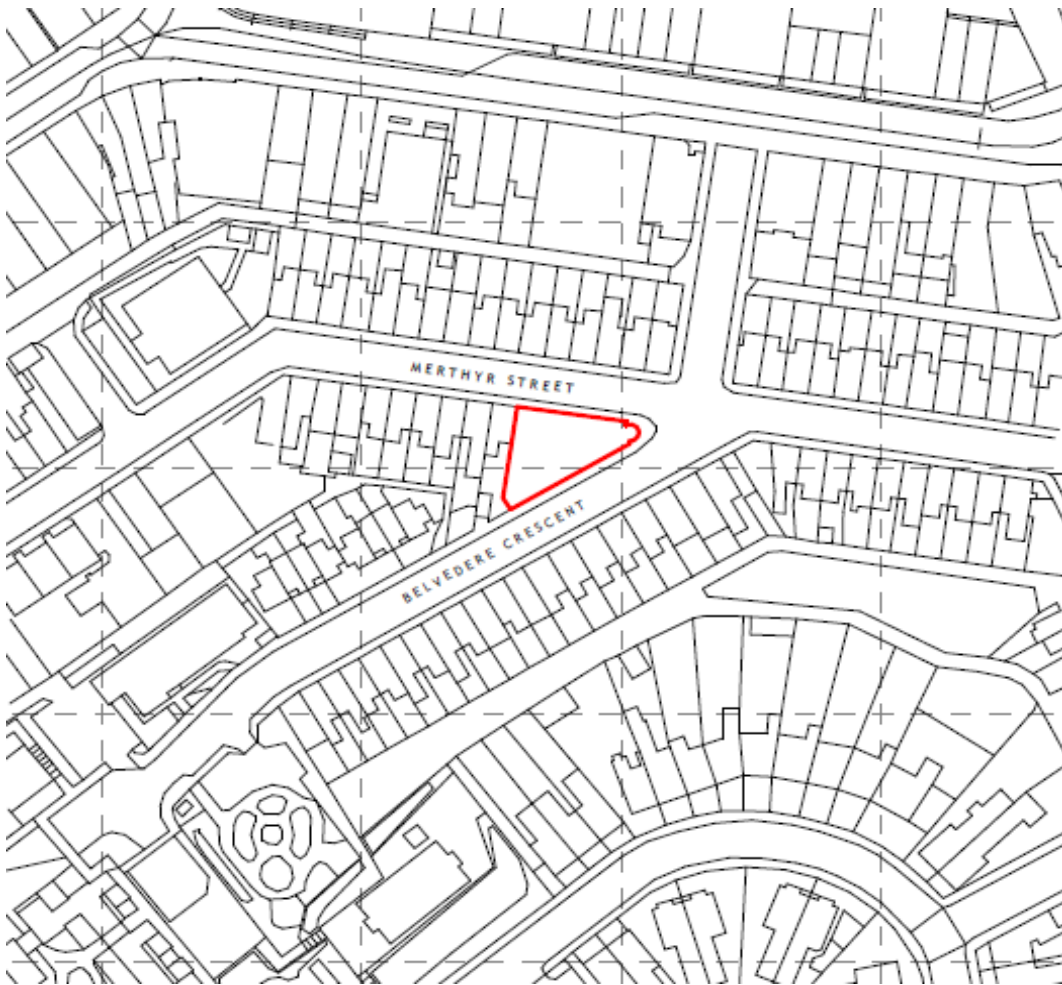
#### **SITE AND CONTEXT**

The application site is land at the corner of Merthyr Street and Belvedere Crescent, Barry. It is a now vacant plot of land, but formerly accommodated a building known as Dinham Hall. The former building is shown on the photograph below:





The street scene surrounding the site comprises traditional, two-storey, terraced dwellings. The site is 0.03 hectares in size, broadly triangular in shape and slopes down from Merthyr Street towards Belvedere Crescent.



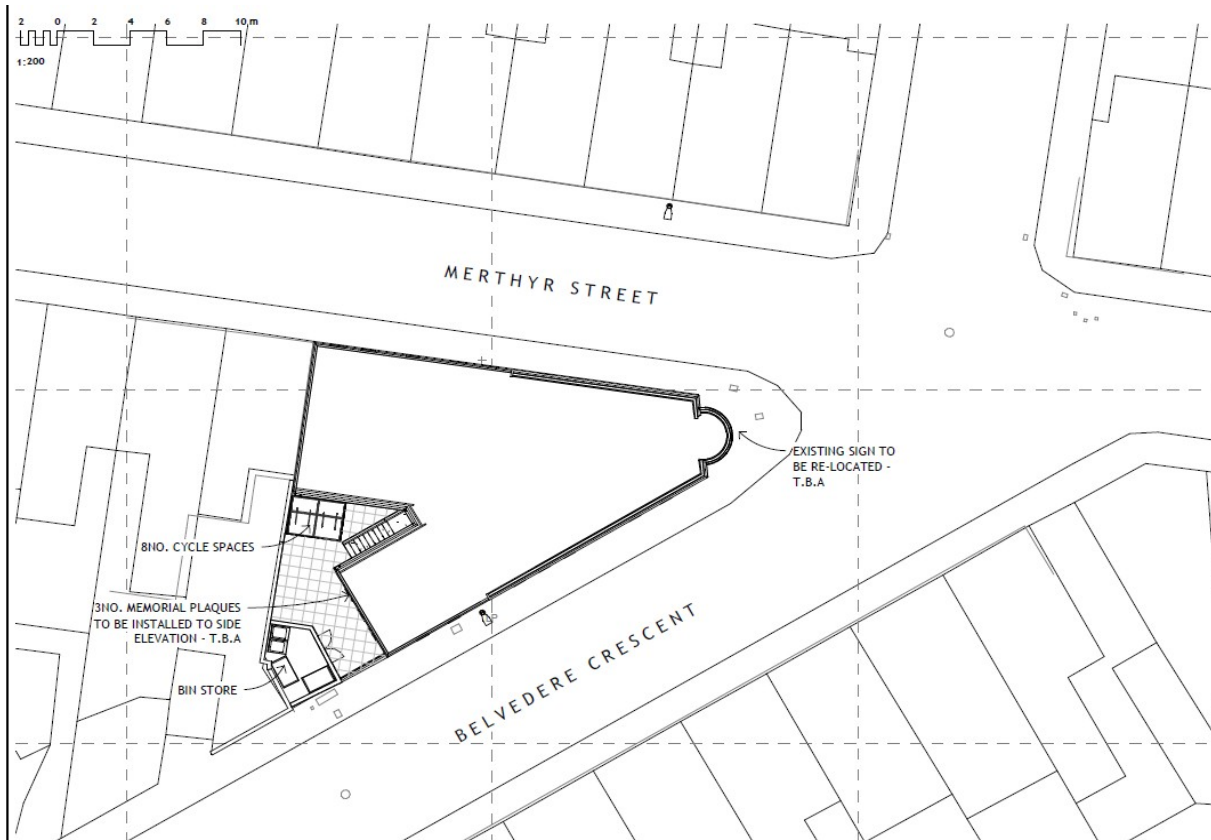
The site is currently subject to informal parking of vehicles and is in a poor general condition, as indicated on the photograph below



## DESCRIPTION OF DEVELOPMENT

The application proposes 9 affordable flats in a three storey block. The entrance to the building would be at the corner of the site and there would be two frontages directly adjacent to Merthyr Street and Belvedere Crescent. The schedule of accommodation would comprise 3 x one bed flats and 6 x 2 bed flats. The site layout would include a small rear yard, bin store and cycle store, and no off street parking.

The plans below illustrate the proposed development:



Merthyr Street elevation:



Corner elevation:





Belvedere Crescent elevation:



The following are 3D indicative images of the proposed development:





The proposed Belvedere Crescent elevation has been amended from the original submissions insofar as additional blue/black brick courses have been introduced towards the bottom (shown on plans but not 3D images above).

### PLANNING HISTORY

1981/01805/FUL, Address: Dinam Presbyterian Hall, corner of Merthyr Street and Belvedere Crescent, Barry, Proposal: Establishment of workshop for unemployed boys and girls mainly in age group 16 - 18 years, Decision: Approved

1990/00767/FUL, Address: Dinam Hall, 45, Merthyr Street, Barry, Proposal: Basement to be used for precision C.N.C. engineering workshop, Decision: Refused

2002/00373/OUT, Address: 45, Merthyr Street, Barry, Proposal: Erection of 5 Flats, Decision: Refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposal represents an overdevelopment of the site which would fail to complement or enhance the local character of the area, to the detriment of the residential amenities of existing and future occupiers and to the appearance and wider amenities of this part of Barry Town. The development would therefore fail to accord with the aims and objectives of Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998; Supplementary Planning Guidance on Amenity Space and Barry Development Guidelines; and Planning Policy Wales, March 2002.
2. The proposal, by reason of the inadequate car parking and access arrangements, would represent an unsatisfactory form of development that is likely to cause harm to the safety and free flow of traffic on the public highway contrary to Policies HOUS9 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

## CONSULTATIONS

**Barry Town Council:** Strong objection, and the grounds are summarised as follows:

- The development does not reflect the scale of the adjacent developments.
- Inadequate amenity space.
- Concerns regarding fire escape provisions.
- Inadequate car parking.
- Lack of bin stores.

The Town Council have also suggested that any future development should be named "Dinham Hall".

**Highway Development:** Concerns were initially raised regarding the absence of car parking, however, following parking surveys being carried out, there is now no objection to the absence of on-site parking provision.

**Highways and Engineering:** No objection subject to a condition to control how surface water is disposed of.

**Local ward members:**

**Councillor M. Collins** has advised that the size of the proposed building is inappropriate for the street scene on Merthyr Street and Belvedere Crescent.

**Councillor P. Drake** has cited 'no objection' and notes that the land has been subject to fly tipping and abandoned vehicles for many years. The Councillor further observes that the development would improve and enhance this area, and contribute towards regeneration.

**Dwr Cymru Welsh Water-** No objection subject to a condition to control how the development is drained.

**Housing Strategy-** The application is supported.

**South Wales Police** have provided advice in respect of crime prevention.

**Environmental Health (Pollution Control)-** No objections subject to contaminated land conditions.

## REPRESENTATIONS

The neighbouring properties were consulted and a site notice has been erected. Ten letters of objection have been received, including one petition that has been signed by approximately 50 residents in the area. The grounds of objection are summarised as follows:

- Lack of parking to serve the development and parking issues during the construction process.
- Adverse impact on the street scene.
- The development would block out light.

- Adverse impact on TV signal.
- The building is too high.
- Loss of privacy.
- Anti-social behaviour problems.
- Adverse impact on property values.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

#### **Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

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

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 MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

#### **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 – Affordable Housing (2006)



- Technical Advice Note 12 – Design (2016)
- 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). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Residential and Householder Development

### **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

### **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 use, impact on neighbours, scale and design, parking, traffic, highway safety, amenity space and drainage.

#### The principle of residential development

The site is located within a predominantly residential context, within the settlement boundary of Barry. Consequently, it is considered that the principle of the development is acceptable. Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Barry the policy

requires a minimum of 30 dwellings per hectare and based on this site area of 0.03 hectares, the density would be 300 dwellings per hectare, which complies with the policy. The development would represent particularly efficient use of land in a highly sustainable location and it would make a meaningful and positive contribution towards addressing affordable housing need.

The proposal is for 100% affordable housing being delivered by Newydd Housing Association, one of the Council's partner RSL. The need for the provision of affordable housing within the Vale is well evidenced by the Council's Local Housing Market Assessment which determined that 576 additional affordable housing units were required each year to meet housing need in the area, with the Barry being one of the areas in highest need. There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Castleland:

CASTLELAND	
1 BED	214
2 BED	101
3 BED	44
4 BED	8
5 BED	2
6 BED+	1
	370

The application would make a meaningful and positive contribution to meeting the established need for affordable accommodation within this area and this represents a material consideration in favour of the proposed development.

#### Design, layout and visual impact

The proposed building broadly replicates the alignment and footprint of the former hall, following the triangular shape of the site and tapering to a point at the junction of Merthyr Street and Belvedere Crescent. The proposed building comprises strong frontages to both of those streets and this continues the general pattern of development, relative to the highways.

The street scene along both Merthyr Street and Belvedere Crescent is principally made up of traditional, two-storey, terraced properties directly adjacent to the pavement edge. There are examples of more modern dwellings on Belvedere Crescent, albeit these also have a relatively traditional and conventional form.

In comparison, the proposed development would be three storeys in height and of a more contemporary form. It would have a flat roof in contrast to the pitched roofs of the adjacent houses and the cladding at second floor would contribute further to the relatively modern design. The building would appear markedly larger than the neighbouring houses, however, the former building was of a similar size and bore a comparable relationship to the houses. Notwithstanding that, it is considered that a taller 'landmark' building at a prominent junction is an acceptable design approach in principle, and this would contribute to the strength of the built form along the street. While it would be taller than the existing houses, the flat roof would not sit significantly above the ridge line of the adjacent terrace and it is considered that the building would not appear as over scaled in this

context. The cladding at second floor would assist in breaking up the apparent massing of the elevations.

The compositions of the frontages are relatively simple and they are not highly detailed. Nevertheless this design approach is compatible with the neighbouring houses, which also have a simple form and (as a group) display a repetitive pattern of windows. The proposed buff brick would offer a further element of continuity with the traditional terraces and additional banding has been added to the Belvedere Crescent elevation to break up what would otherwise have been a relatively large and unrelieved area of buff brick.

The curved section at the front corner of the building is effectively a modern interpretation of the corresponding part of the former hall and this is considered to be an interesting design feature. The proposals also involve re-using the commemorative plaques which have been salvaged from the former building. The plans suggest siting these on the Belvedere Crescent elevation, however, this would be above eye level and not in the most public visible location. Discussions are on-going regarding where the plaques will be sited but it is considered this can be left to the discretion of the developer.

As a whole, it is considered that the new building would contribute positively to the street scene and would result in a significant improvement to the appearance and condition of the site. Having regard to the above, it is considered that the proposal is of a scale, design and layout that would be compatible with the surrounding pattern of development, and would not adversely impact upon the character of the area, in compliance with policies MD2 and MD5 of the LDP.

#### Highways issues and parking

There is no vehicular access to the site and consequently no parking within its confines. The principle issue is, therefore, whether the development is acceptable without any designated on-site parking, and whether on street capacity can adequately deal with demand arising from the development.

The application is accompanied by a parking note which includes a comparative assessment between the proposed development and the former use, and an appraisal of on street capacity. The proposed development comprises 3 x one bed flats and 6 x two bed flats and on that basis, the maximum parking provision as defined by the Council's SPG would be 15 spaces plus 2 for visitors. However, these are maximum standards and this approach aligns with Planning Policy Wales, which states that minimum standards are no longer appropriate. The SPG contains a provision to reduce the required level of parking depending on how sustainable the site is and in this case, the development would score highly due to its proximity to the town centre, sustainable transport opportunities and a wide range of day to day services. As a consequence, the maximum requirements would be 9 spaces for the proposed residents (and two for visitors), based on a ratio of 1:1.

Notwithstanding this, these remain maximum standards and it is necessary to consider whether the nature of the former use, on street capacity and the sustainability of the location warrant less or zero parking. As noted above, the applicant's agent has submitted a comparative assessment of the proposed development and former use (which was also served by no off street parking). Whilst that building has been demolished and there is no active use on the site, it remains relevant to consider the likely parking demand associated with that use, particularly given that a replacement development in the same use class

(similarly without parking) is likely to be considered favourably having regard to the former use of the site.

The applicant's submissions estimate that the former building would have had a floor space of approximately 630m<sup>2</sup> (210m<sup>2</sup> per floor), which equates to 65 spaces when considered against the Council's parking guidelines. A reduction for sustainability would result in a maximum requirement of 45 spaces, compared with 11 (nine plus two) for the proposed use. Consequently, it is evident that the maximum requirement for the previous use would have been significantly higher than for the proposed use.

The applicant has also investigated likely parking demand as a consequence of the location and the tenure type. 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car, which would infer that approximately 4 parking spaces would meet the demand from this development. Alongside this, the applicant (Newydd Housing Association) has surveyed four of its other development sites in The Vale of Glamorgan and found that across the sites, an average of 0.43 parking spaces per unit were being used. This would also suggest a demand of 4 spaces from this development and the survey is consistent with the census data.

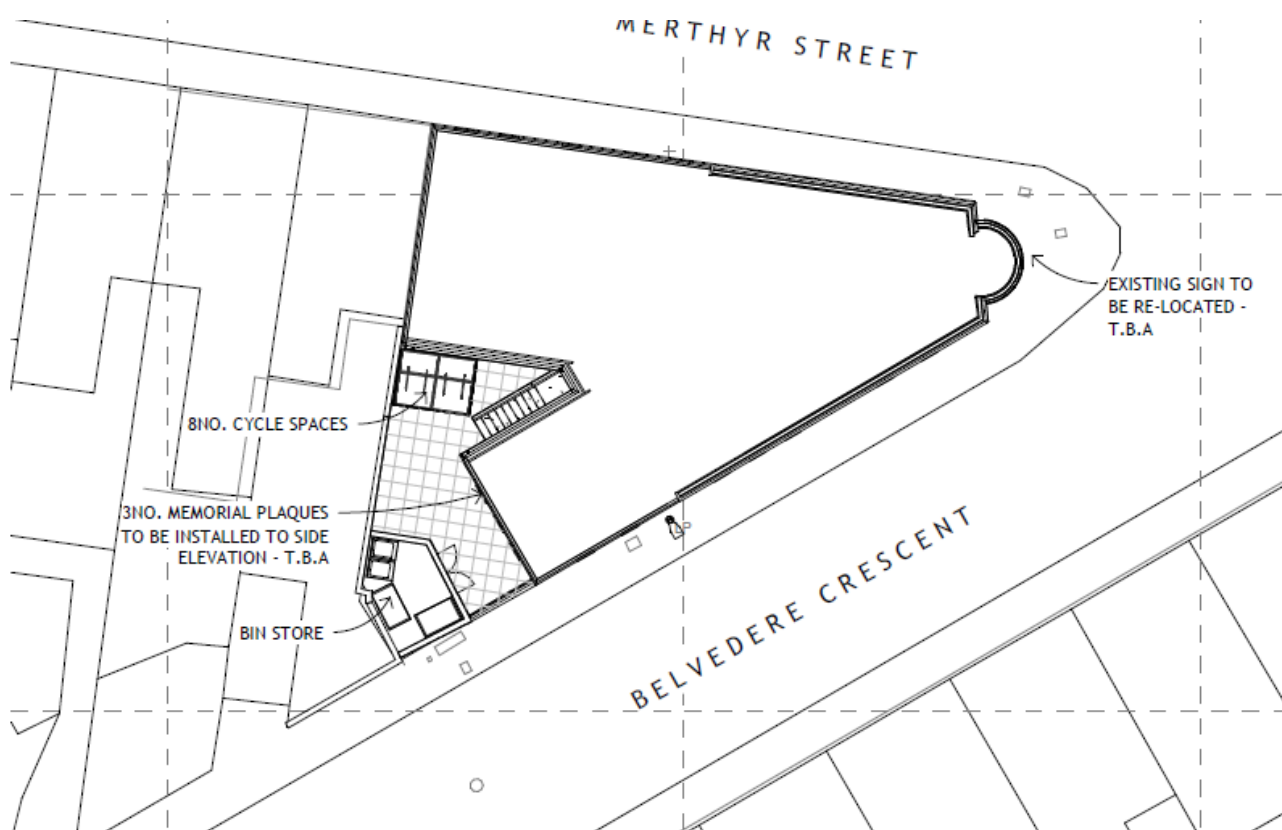
The Council's Highways Engineer does not contest these findings and (notwithstanding the comparative assessment) requested parking surveys to demonstrate whether there is capacity on street. The applicant has surveyed Belvedere Crescent and Merthyr Street (between Crawshay House and the junction with Station Street) and found 27 spaces at approximately 8.45am on a Monday morning and 23 spaces on a Friday lunchtime. A further survey taken on a Monday evening at 6pm showed in excess of 20 spaces.

The case officer has also visited the site on two weekdays at approximately 6pm and there was significantly more than 4 spaces available within the same part of the highway. As a consequence of this, the Highways Engineer now raises no objection to the absence of on-site parking. Having regard to the on-street capacity, the comparative assessment between the proposed and former uses, and the highly sustainable location, it is considered that the development is acceptable in terms of parking. In particular, this is a site where occupants could realistically exist without a car, given the very close proximity to bus and train links, and a very wide range of day to day services. It is also considered that the development would not result in any problems in terms of highway safety, the free flow of traffic or traffic generation, given the modest number of units and likely level of car use.

### Impact on neighbours

The building would be situated approximately 11m from the frontage of properties opposite on Merthyr Street and a similar distance from those opposite on Belvedere Crescent. It is considered that the development would not appear unneighbourly or overbearing at those distances and while there may be an impact at certain times of the day in terms of overshadowing, this would not be so significant to warrant the refusal of the application. There would be habitable room windows on those external elevations and, while they would sit opposite existing properties less than 21m away, this would continue the same relationship that exists along the streets and is typical of that which exists in a residential context such as this. It is considered that any overlooking towards these existing windows (which are currently open to view from the public highway) would not be demonstrably harmful to the occupiers of the existing houses and the development itself.

The development would have the closest physical relationship with the neighbour at number 47 Merthyr Street, as shown on the plan below:



The section of the building that fronts Merthyr Street would not project significantly past the rear of number 47 and notwithstanding its height, the modest depth of projection relative to this neighbouring dwelling (the rear windows and garden) is such that it would not be overbearing or unneighbourly. The section of the development fronting Belvedere Crescent would be approximately 3m from the garden of number 47 at the closest point, but angled away to give more space to the boundary. This part of the development would be clearly visible from the rear of number 47 (and other neighbouring properties), however, it is considered that it would maintain sufficient space to the boundary to ensure that it would also not be unduly overbearing. The orientation of the building relative to number 47 (and the row in general) is such that there may be limited overshadowing early in the day, however, it is considered that these impacts would not be acute. The bin store would be adjacent to the boundary, however, it would be single storey and therefore not overbearing (details are required by Condition 11).

Kitchen windows on the rear would have some angled views towards the neighbouring garden, however, these would not be unacceptably direct. There are no windows on the rear/side of the Belvedere Crescent section of the building.

A condition is recommended to require the developer to submit a Construction Environmental Management Plan, which would minimise amenity impacts during the construction phase (including any impacts on parking around the site) (see condition 7). Further objections have been raised in respect of impact on television signal, however, it is considered that this does not amount to an impact on residential amenity so significant that the development should be refused planning permission. Impact on property value is not a planning matter and it is considered that the development of the site would be

positive in terms of reducing the likelihood of anti-social behaviour problems on and around the site.

Having regard to the above, it is considered that the development would preserve an acceptable level of residential amenity for those living around and within the site.

#### Amenity space and public open space

The flats would not be served by any individual private amenity space, given the physical constraints of the site. It is often the case that flatted developments cannot practically be served by private amenity space and in this case the units would be served by a small rear yard that would provide access to the bin and bicycle stores. A nominal outdoor space could be used for sitting out or a BBQ (for example), however, the development does not include a substantial area that would accord with the Council's SPG. In these circumstances, it is necessary to consider whether there are material considerations in support of the development which would justify it with the level of outdoor space proposed.

Residents would, therefore, mainly be reliant upon nearby public open space to meet their amenity needs. The site is very well located for access to public open space; in particular it is approximately 75m from a play area at the end of Belvedere Crescent (including play equipment and a sports court) and 150m walk from Central Square and Central Park. While public open space does not serve exactly the same purpose as private amenity space, the two issues are linked, insofar as public space can, if sufficiently proximate to the site, meet outdoor relaxation/amenity needs of the occupiers.

The limited on site space must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. In light of this (the significant weight to be given to the affordable housing provision) and given the extremely close relationship the site has with nearby public open space, it is considered that the outdoor amenity needs of the occupiers can acceptably be met in this way. Public open space cannot be practically accommodated on site and in light of the Council's resolution regarding affordable schemes of under 25 units (see below), no contribution is sought in respect of improvements to public open space in the area.

#### Ecology

A preliminary Ecological Appraisal has been carried out and this concluded that the onsite scrub is suitable for nesting birds. The appraisal recommends the removal of suitable nesting bird habitats outside of the bird breeding season and subject to this, it is considered that there would be no adverse ecological impacts.

#### Drainage

The application is not accompanied by detailed drainage proposals, however, the Council's Drainage Engineer has advised that this site is not located in DAM zones at risk of tidal or fluvial flooding and Natural Resources Wales maps indicate that there is a very low risk of surface water flooding to the site. The submitted application form indicates that surface water shall be disposed of via the mains sewer and the Engineer has advised that for all new developments, infiltration should be the primary method of surface water disposal, prior to any other method being considered. Consequently, a condition is requested to enable the proposed means of surface water drainage to be assessed and

agreed. Similarly, Dwr Cymru Welsh Water has requested a condition to control the means of foul sewerage disposal.

A single condition is recommended to deal with the drainage scheme as a whole (foul and surface water) (see condition 5).

### Section 106 issues

At the Council's Cabinet meeting of the 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. This is also set out in the approved Planning Obligations SPG. Accordingly, there is no requirement for Section 106 financial contributions with this application.

### Barry Town Council comments

The development would be served by a bin store and an external fire escape is not a fundamental requirement for the building to pass fire safety. The remainder of the issues raised by the Town Council are discussed above. The Town Council's suggestion regarding the plaques has been passed on to the applicant.

### RECOMMENDATION

#### APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall only relate to the following plans:

A107, A108, A109, A110, A111, A112A, A113C, A114B, A115C.

The development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. 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:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

4. All means of enclosure associated with the development hereby approved shall be in accordance with the schedule and details contained on plan A113 C, or an alternative schedule of enclosures, details of which shall be submitted to and agreed in writing by the Local Planning Authority prior to their erection.

Reason:

To safeguard local visual amenities, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

5. Full details of a scheme for the drainage of the site (foul sewerage and surface water and including details of the perpetual management of the drainage system) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented and maintained at all times thereafter in accordance with the approved details. The details shall include an assessment of the potential to dispose of surface and land water by sustainable means.

Reason:

To ensure the adequate drainage of the site, and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

6. Notwithstanding the submitted plans and prior to their use in the construction of the dwellings hereby approved, further details and samples of the external materials to be used (including details of the mortar colour to be used on the brickwork) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies MD2 and MD5 of the Local Development Plan.

7. No Development shall take place until there has been submitted to, approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include construction working hours, and details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.



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 the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

8. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

9. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation and sampling which shall be submitted to and approved in writing by the Local Planning Authority prior to 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.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

10. The development shall be carried out in accordance with the conclusions and recommendations contained in the Wildowod Ecology Preliminary Ecological Appraisal Ref: WWE18124 PEA REV A.

Reason:

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

11. Prior to the commencement of the construction of the bin or bicycle stores, further details and elevations of the structures shall be submitted to and approved in writing by the Local Planning Authority. The bin and bicycle stores shall be completed prior to the first beneficial use of any of the flats hereby approved, and so retained at all times thereafter.

Reason:

In order to ensure that adequate refuse, recycling and bicycle storage provision is made, and to ensure compliance with policies MD2 and MD7 of the LDP.

## CONCLUSION

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.

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.

Having regard to policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection and MD9 - Promoting Biodiversity, the advice within Planning Policy Wales 9th Edition, Technical Advice Notes 12 and 16 and the Council's Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards (Interactive Parking Standards Zones Map) and Planning Obligations, the proposal is considered acceptable in principle and in respect of design, residential amenity, highway safety, traffic, parking and drainage.

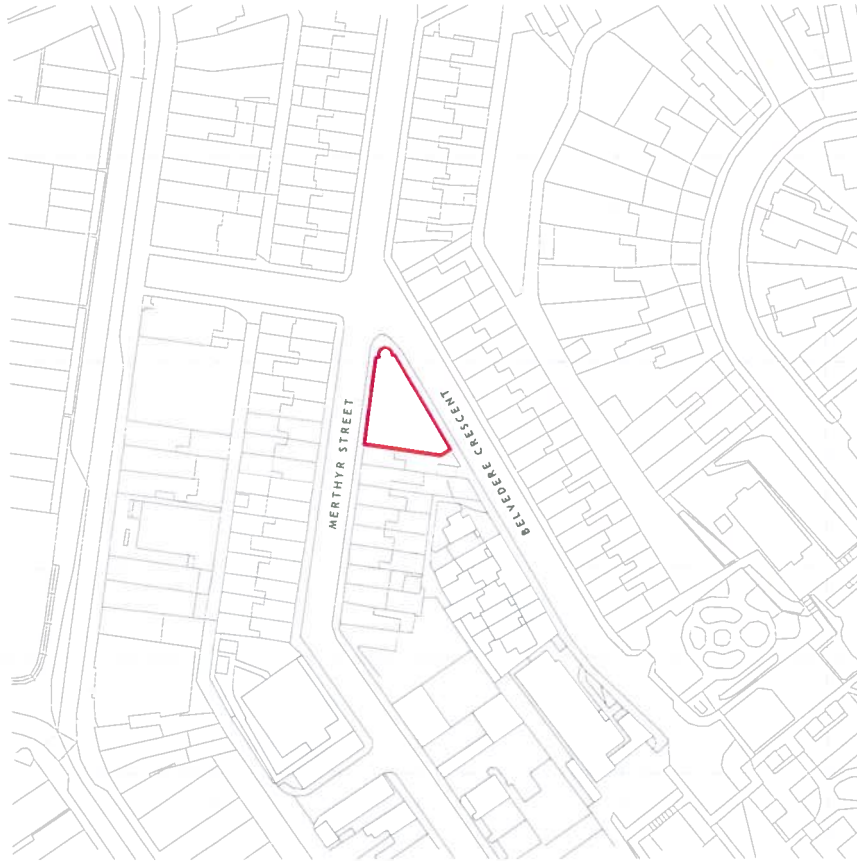
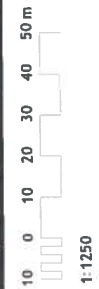
## NOTE:

**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.**



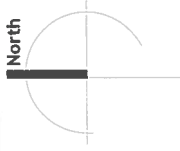
2018/00913/FUL

01 SITE LOCATION PLAN  
1 : 1250

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Notes:  
Do not scale this drawing. Check all dimensions on site. Any discrepancies to be reported back to the Architect for clarity.

North



Client: **newydd**

Project: **MERTHYR STREET, BARRY**

Job Number: **L711**

Date: **26.07.18**

Drawn by: **PC**

Dwg No: **A105**

SITE LOCATION PLAN

Revision:

Scale: **1 : 1250 @ A3**

Drawing Status:

**PLANNING**



**TONY KING  
ARCHITECTS LTD**  
97a Glebe Street, Penarth  
Vale of Glamorgan CF64 1EE  
T: 02920 306400  
www.tonykingarchitects.co.uk

**2015/01152/OUT** Received on 22 August 2018

Applicant: ABA Holdings Limited C/o Agent  
Agent: Miss Louise Darch WYG Planning and Environment, 5th Floor Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

### **Land at Higher End, Llantwit Road, St. Athan**

Erection of eight detached dwellings, new access and associated works (including demolition of existing garage)

### **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 John Thomas due to concerns over highway safety.

### **EXECUTIVE SUMMARY**

The application is an outline proposal for the demolition of an existing outbuilding and the erection of 8 dwellings with a new vehicular access. All matters have been reserved other than access. The site would be accessed from Llantwit Road, Higher End, in between the dwellings known as Fair oak and Greentop. The site comprises a small section of a LDP housing allocation in St. Athan.

The most recently amended plans have attracted thirteen objections from local residents (in excess of 60 have been received since the outset of the application). The objections have been submitted on grounds that include parking, highway safety, flood risk, drainage and impact upon the character of the area.

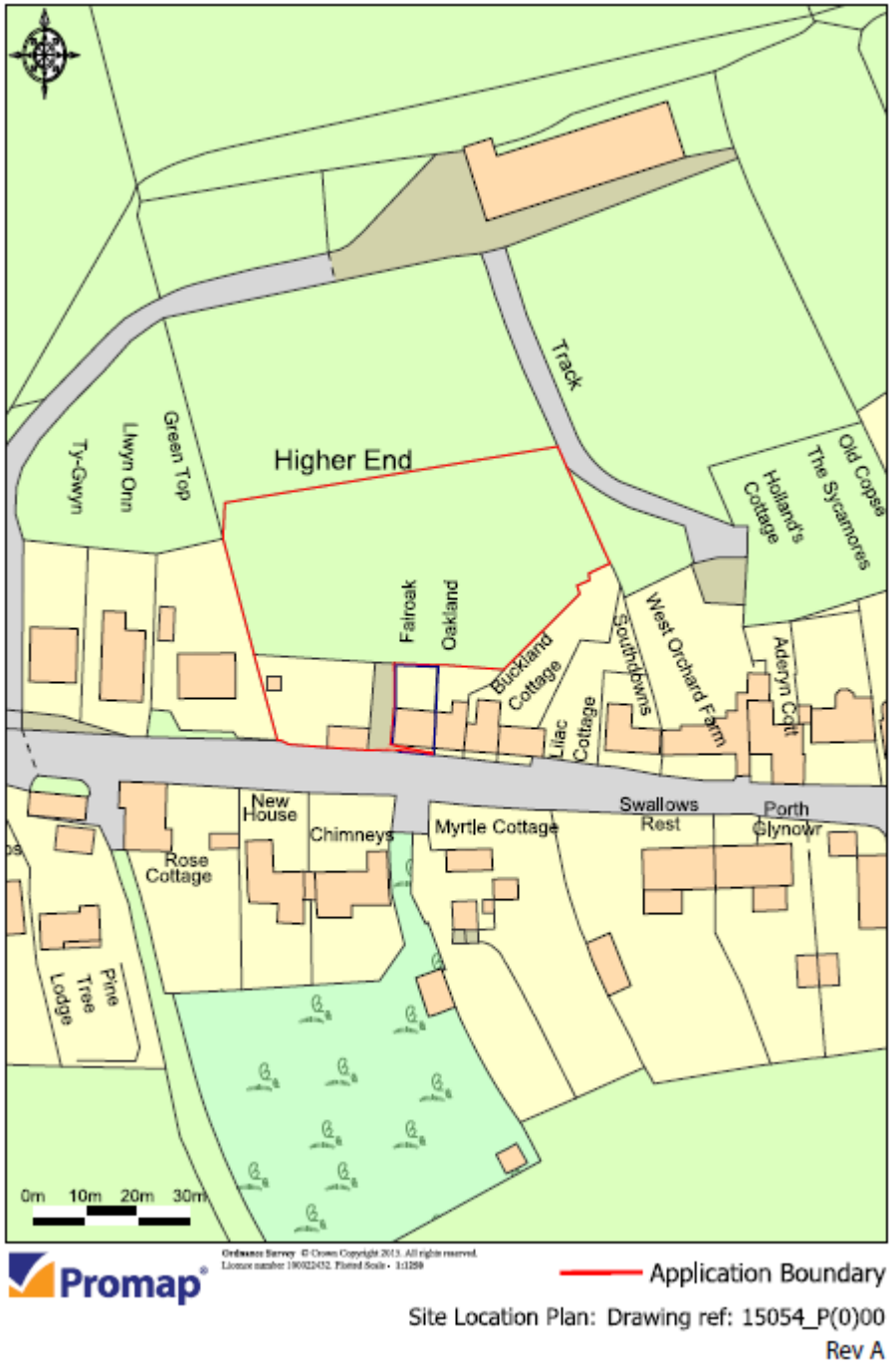
The main issues involved in the assessment of the application are the principle of the residential development in this location, visual impact of the proposal, highways safety implications of the proposed new access, impact upon neighbouring amenity, noise, ecology as well as flooding and drainage.

The application is recommended for approval, subject to conditions and a section 106 agreement.

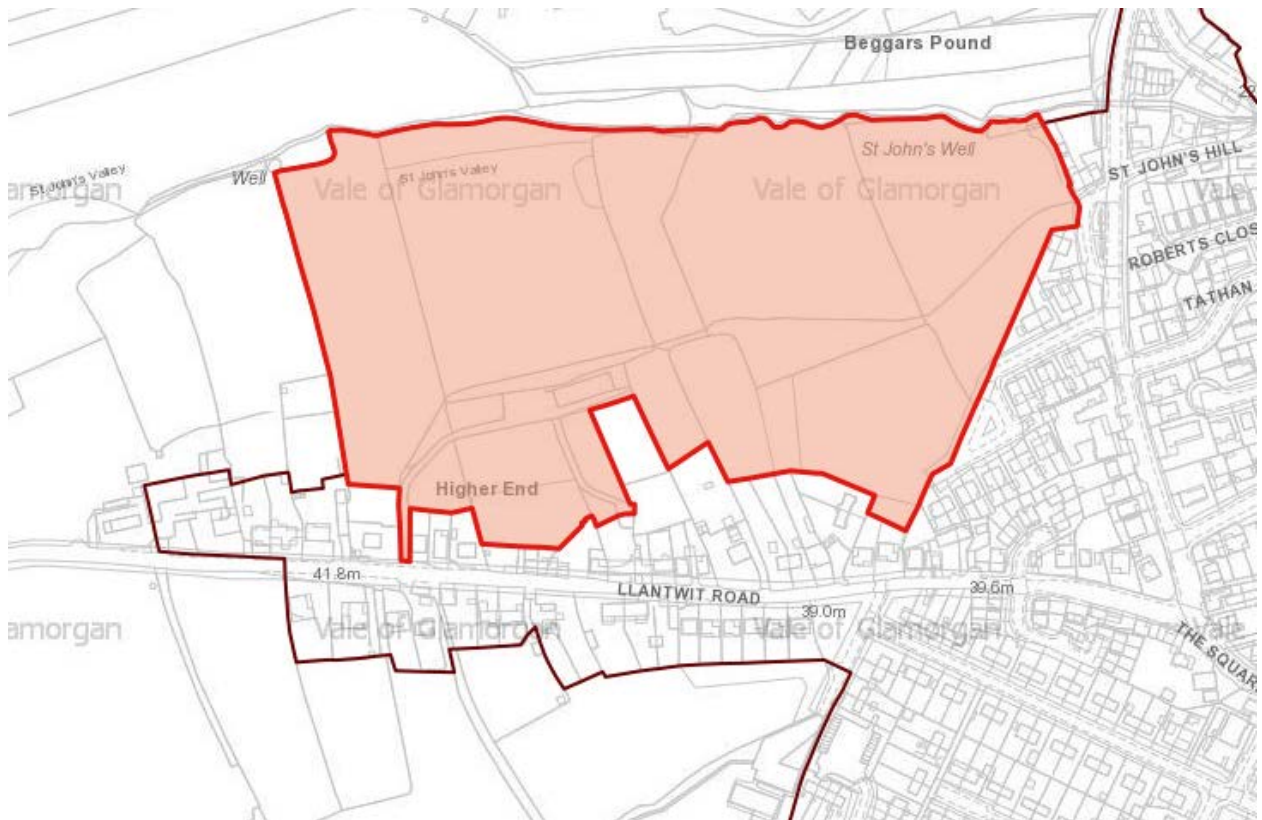
### **SITE AND CONTEXT**

The site comprises a field to the north of existing dwellings on Llantwit Road and the side garden of a dwelling known as Fair oak. The site is located within the settlement boundary of St. Athan. Currently there is a pedestrian access to the land to the side of the existing dwelling at Fair oak, while the remaining space is filled by an existing outbuilding positioned at 90 degrees to the road.

This section of Llantwit Road has dwellings on either side in a linear pattern. This section of the road has no adopted footways and appears relatively rural in character.



The site includes part of the Land at Higher End housing allocation as identified within Policy MG2(2) of the Councils Adopted Local Development Plan 2011-2026 (shown on plan below). This Higher end allocation as a whole is a 9.78 hectare greenfield site that lies to the south of MOD St Athan. This site forms 0.27ha of the overall 9.78ha site.



Housing Allocation LDP Policy MG2(2)

### DESCRIPTION OF DEVELOPMENT

This is an outline planning application for 8 dwellings, with all matters except access reserved..

An illustrative layout has been submitted indicating the footprint of 5 detached dwellings and 3 terraced properties. It shows that the new vehicular access would be constructed off Llantwit Road involving the demolition of an existing outbuilding that currently serves Fair oak. The indicative detached dwellings are 5.5m wide by 8.2m in length and the terraced dwellings are 4.8m wide by 8.5m in length with an anticipated height of 8m (5.5m to eaves)

Full details of the proposed access have been submitted indicating 2.4m by 43m visibility splays to the east and to the west of the access. The indicative road is shown at 4.8m wide with a 1m footway (on the right hand side) and a 1.5m footway on the other, for distances of approximately 12m and 15 from the highway respectively. After that, the layout suggests a shared surface. The plan below is of the indicative layout.



## PLANNING HISTORY

**2005/01143/OUT** : Land at Higher End, St. Athan - Residential development - Refused

1. The proposal does not constitute 'rounding off' but constitutes development in the countryside, which would have a detrimental impact on the rural character and setting of this part of St. Athan. The proposal is, therefore, contrary to Policies ENV1 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which seek to resist housing development in the countryside, unless in the interests of agriculture or forestry. No such justification has been submitted with this application.
2. The site is considered inappropriate for residential development as it would provide a poor living environment for future residents, by virtue of noise from aircraft operating at the nearby RAF base at St. Athan. It would, therefore, be contrary to the advice contained within Planning Policy Wales (March 2002) and Planning Guidance (Wales) Technical Advice Note (Wales) 11(W) Noise, October, 1997.
3. Insufficient information has been submitted to allow full and proper consideration by the Local Planning Authority of the highway safety implications of the proposed development.

**2004/00857/FUL** : Land at Higher End, Llantwit Road, St. Athan - Residential development comprising five detached dwellinghouses with associated garaging - Refused



1. The proposal does not constitute an acceptable form of 'rounding off', being inconsistent with the requirements of Policy HOUS9 of the emerging Unitary Development Plan. Instead it constitutes unjustified new residential development in the countryside, which would have a detrimental impact on the rural character and setting of this part of St. Athan. The proposal is therefore contrary to Policies H10 and EV3 of the South Glamorgan Structure Plan 1989 and Policies ENV1 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (1998) (as amended 2003), which seek to resist housing development in the countryside, unless in the interests of agriculture or forestry.
2. The proposed development would result in the irreversible loss of Grade 3a Agricultural Land. No exceptional overriding need for the development has been demonstrated and the proposal is therefore considered contrary to Policy EV2 of the South Glamorgan Structure Plan 1989 and Policy ENV2 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).
3. The site is considered inappropriate for residential development as it would provide a poor living environment for future residents, by virtue of noise from aircraft operating at the nearby RAF base at St. Athan. It would therefore be contrary to the advice contained within Planning Policy Wales (March 2002) and Planning Guidance (Wales) Technical Advice Note (Wales) 11(W) Noise October 1997.
4. The proposal is considered contrary to the aims and objectives of Policy ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and the Council's adopted 'amenity standards' Supplementary Planning Guidance for the following reasons:
  - (a) The proposed development would result in the loss of all parking facilities currently serving the property known as Fair oak, resulting in increased demand for parking on the highway, to the detriment of highway safety.
  - (b) The proposed dwelling at Plot 5, by virtue of its siting in close proximity to neighbouring properties, would have an overbearing impact on neighbouring occupiers, to the detriment of their amenities

**2002/01538/OUT** : Fair oak, Higher End, St. Athan - Detached dwelling in garden - Approved

**2002/00043/OUT** : Fair Oak, Higher End, St. Athan - Detached bungalow and garage - Refused

1. The proposed development would result in no parking provision and insufficient amenity space to serve the existing dwelling of Fair oak, which would not accord with the Council's approved amenity standards and parking guidelines and would be contrary to Policy HOUS 9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

## CONSULTATIONS

**St. Athan Community Council-** Objection to the proposals. The Community Council opposed the proposal originally (December 2015) on the following grounds:

- Access to the proposed site would entail a junction onto a minor road, which is considered by the Highways Authority to be inadequate.
- Lines of sight do not take into account the high incidences of on street parking to the east of the site.
- The development is an intrusion into the countryside vs the linear form of Higher End.
- Concerns with the proposal for a future link to the possible development to allocation MG2(2) of the LDP
- The Community Council has made representations during the consultation period for the LDP challenging the numbers of housing allocated, and have further made representations to the Inspector relating to this.
- The site is located within the western end of allocation MG2(2), which is also subject to a deletion/amendment within the Amended Sites Register of the LDP. As this has yet to be determined by the Inspector this application seeks to pre-empt the decision.
- The site has a history of applications, which have all been rejected.

Following Consultation on 23 August, 2018- **The Community Council** outlined that they wish to reiterate their objections to the proposal as nothing has intrinsically changed with the application. There are concerns that the development would result in further access to the housing allocation, which could mean that 100 dwellings would use this access. The traffic survey taken in 2016 makes no allowances for the traffic from the MOD and Aerospace Business Park developments and the road access was considered unsuitable by the Highways Authority when candidate sites were being assessed for the LDP.

**Ministry of Defence-** No comments have been received to date.

**Highway Development-** The Council's Highways officer is satisfied with the length of visibility from the means of access along the adjacent highway, however, it is noted that the visibility envelope crosses land, which is not under the control of the applicant and does not form part of the adopted highway. It is noted from the revised plan that should the visibility splay not go over third party land then there would be more limited visibility, which would not in accord with the appropriate standards. As such, the highways section has raised an objection on the length of the proposed visibility from the access in a westerly direction.

Notwithstanding this, the Highways Officer has indicated that if Planning Committee members are minded to grant consent then conditions will be required regarding engineering details of the access, internal road, visibility splays and parking areas.

**Highways and Engineering-** No objection subject to a condition requiring a scheme for foul and surface water drainage and its adoption and maintenance to be submitted to the Council

**Environmental Health (Pollution)-** No objection subject to a Construction and Environmental Management Plan.

**Councillor John Thomas-** Objection- Councillor Thomas has concerns regarding the extra traffic from the development as well as regarding visibility and access to the development from Higher End. Councillor Thomas has requested that Planning Committee visit site prior to consideration of this matter.

**Dwr Cymru Welsh Water-** No objections subject to a drainage scheme and no development occurring within 3.5m of the mains sewer on Llantwit Road.

**Ecology Officer-** No objection subject to conditions relating to the mitigation measures set out in the ecology appraisals submitted with the application and a lighting strategy scheme being submitted.

**Glamorgan Gwent Archaeological Trust-** “No objection” to the proposals.

**Natural Resources Wales-** “No objection” to the proposals

**Housing Strategy-** As the proposal constitutes a net gain of 8 homes, 35% of the development should be affordable housing, 2 for rent and 1LCHO.

## REPRESENTATIONS

The neighbouring properties were consulted on 20 October 2015, 20 October 2016 and 24 July 2017 and 24 August 2018. A site notice was displayed on 20<sup>th</sup> October 2016 and 31 July 2017, 18 September 2018. The application was advertised in the press on 3 November 2015.

18 representations were submitted following the 20 October 2015 consultation.  
25 representations were submitted following the 20 October 2016 consultation.  
9 representations were submitted following the 24 July 2017 consultation.  
13 representations were submitted following the 24 August 2018 consultation.

The main reasons outlined by residents in the four consultations are as follows: -

- Impact upon Highway Safety.
- Loss of Parking on the street.
- Access is located on the narrowest part of the road (Llantwit Road).
- Access appraisal does not take account of cars parked in road.
- Pedestrian safety with limited pavements.
- No demand for housing in the area.
- Light pollution to the dwellings opposite from vehicles exiting the site at night time.
- Concerns over great crested newts in the area and wildlife.
- Busy road at commuter times and also includes large farm vehicles at certain points of the day.
- Visual impact upon character of area and nearby listed buildings as well as the loss of the historic 19<sup>th</sup> Century forge building to be demolished to form the access.
- Impact upon the linear pattern of development along the rural road.

- The application site could be considered 'greenbelt' land.
- Unjustified new development in the Countryside and the loss of Grade 3 agricultural land.
- Capacity of main sewer cannot accommodate additional dwellings.
- Concerns over flooding.
- Concerns over access to remaining allocation of housing (100 dwellings)
- As new gates installed at the end of Higher End, the road will be used for traffic going to D1, D2 hangars and Helicopter pads on top of increased use by new build development.
- Traffic from Tathanas Court development has not been taken into account with traffic assessment.
- Outline planning applications from the early 2000's were refused and dismissed at appeal and therefore this application should be refused.
- Highways Authority assessment of the candidate site indicates that the access would not be suitable.
- Loss of value of properties in the area.

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

Policy SP1 – Delivering the Strategy  
 Policy SP3 – Residential Requirement  
 Policy SP4 – Affordable Housing Provision

#### **Managing Growth Policies:**

Policy MG1 – Housing Supply in the Vale of Glamorgan  
 Policy MG2 – Housing Allocations  
 Policy MG4 – Affordable Housing

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

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 MD9 - Promoting Biodiversity

## **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

## **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 – Affordable Housing
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

## **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Residential and Householder Development
- Affordable Housing
- Biodiversity and Development

- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Sustainable Development - A Developer's Guide

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

**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 involved in the assessment of the application are the principle of the residential development in this location, visual impact of the proposal, highways safety implications of the proposed new access, impact upon neighbouring amenity, noise, ecology as well as flooding and drainage.

Principle of the Development

Strategic policies SP1, SP3 and SP4 of the Adopted Local Development Plan 2011-2026 outline the need for 9,460 additional residential units including 3252 affordable residential units over the plan period. Policy MG1- Housing Supply, set outs that in order to meet the housing land requirement of 9,460 new dwellings, provision will be made for the development of up to 10,408 new dwellings during the plan period and this will be met, amongst other criteria, through allocations within the plan.

The site includes part of the Land at Higher End as identified within Policy MG2- of the Council's Adopted Local Development Plan 2011-2026. This Higher end allocation is a 9.78 hectare greenfield site that lies to the south of MOD St Athan. The eastern part of the site (approx. 4.5Ha) has planning permission for 100 dwellings and they are currently under construction (2009/01368/OUT, 2012/00066/RES, 2013/01148/FUL and 2015/00335/RES refer) and they are accessed from St John's View. The development of the remaining part of the site (approximately 5.3 hectares) is expected to deliver 120 dwellings.

This application site includes part of the remaining allocation (0.23ha of the overall 9.78ha site) and is proposed to be accessed from Llantwit Road.

Since the adoption of the Local Development Plan, the whole of the site is also included within the settlement boundary of St. Athan making Policies MD5-

Development within Settlement Boundaries, MD-6- Housing Densities and MG4- Affordable Housing particularly relevant in this instance.

Proposals within the key, service centre and primary settlements will be permitted in principle where the net residential density is a minimum of 30 dwellings per hectare. As the proposal sits within a primary settlement under the adopted LDP, and a housing allocation seeking to provide 120 dwellings, the initial proposal of 5 dwellings would not have satisfied the required density for the remaining allocation. Consequently, the proposal was amended to 8 dwellings, ensuring the density on the site which as a whole is 0.27 (ha) would comply with the 30 dwellings per hectare required by this policy.

Policy MG4 – Affordable Housing indicates that any development resulting in a net gain of 5 dwellings or more in the area of St. Athan must include 35% affordable housing provision. The Council's Housing Strategy section have been consulted and have advised that three of the eight units should be affordable (two social rented and one low cost home ownership). The applicant has agreed to this provision.

Accordingly, given that the land is located within a primary settlement and a designated housing allocation (with an appropriate density and level of affordable housing provision), the scheme complies in principle with Strategic Policies 1, 3 and 4 as well as managing growth policy MG4 and managing development policies MD5 and MD6 of the Adopted Local Development Plan 2011-2026.

The report below will consider the visual impact, parking and highway safety implications of the proposal, impact upon neighbouring amenity, noise issues, amenity standards, ecology, flooding, drainage and Section 106 Obligations.

### Visual impact

Llantwit Road links St. Athan to the B4265 and can be accessed either directly off the B4265 through a rural lane or from the centre of St. Athan, off Rectory Road. The road becomes more rural in character and appearance to the west of St.. Athan e.g. grass verges and no footways around 100-150m from the centre of the St. Athan.

The proposed access would be situated around 200m from the nearest adopted footway to the east and adjoined by a detached dwelling one side and terrace row of four on the other. The dwellings along Llantwit Road are a mix of modern detached and semidetached properties along with more historical dwellings on either side of the road. There is variation to the scale, design and finishes of the properties and there is no distinct building line. Eg some of the older buildings are situated at 90 degrees to and adjoining the road while some modern detached and older properties are set back around 10-15 from the highway edge. To the rear of the northern side of Llantwit Road is the housing allocation, which is bounded to the north by the MOD site.

The land on which the housing would be sited has the appearance of unspoilt grassland/agricultural fields, however, due to its surrounding context it is not recognised as being of a particular landscape value and accordingly it is not statutorily protected. It is accepted that the proposed development would fundamentally alter the character of the land, however, it is considered that this does not necessarily render the development unacceptable, rather an assessment of the visual impact is required

in the context of the surrounding landscape and how the development relates to the existing village.

Under the Adopted Local Development Plan the site is included within settlement boundary of St. Athan and it would not extend significantly further into the undeveloped area of land than the existing development on Llantwit Road. Its northern boundary would be appreciably further south than the northern boundary of the modern estate recently approved to the east and notwithstanding this, the site is likely to be adjoined to the north by the remainder of the allocation (subject to an acceptable planning application being submitted for that).

Therefore, it is considered that the proposed dwellings would be viewed within the context of and closely physically related to an existing residential development, from public viewpoints to the west, south and north of the site. As such, it is considered that proposal would appear as an acceptable and logical extension to the village, which has regard to the existing pattern of development. Notwithstanding the above, the site forms part of an allocation whose visual impact has been found acceptable at the time of the Local Development Plan examination.

The access proposed into the site would be from Llantwit Road and would be formed by the demolition of an outbuilding that adjoins the highway verge. Representations have been raised regarding the historical significance of the outbuilding as a 19<sup>th</sup> Century forge, however, the building is not situated within a conservation area and has not been listed locally or nationally for its importance.

In general, it is considered that while the building could still be used for storage purposes it appears to be deteriorating and it is surrounded by overgrown vegetation. The building is only visible when in close proximity to the site, from localised viewpoints on the road and along the public right of way to the North. In view of its scale and prominence and the fact that it is not statutorily protected it is considered that the loss of the building would not have a significant or detrimental impact upon the character or visual amenities of the existing street scene.

The access at the entrance to the site would be 4.8m wide, with a 1.5m wide footway to the left and 1m footway to the right. The total space within which the access would be formed is approximately 17m between Fair oak and the adjoining residential dwelling at Greentop. The access would sit opposite the two properties known as New Chimneys and Myrtle Cottage (Listed Building).

The existing dwellings at Fair oak and Greentop are already separated by the space filled by the outbuilding, and as such, the creation of the new access would not appear alien within the existing street scene. It is considered that the formation of the access in the space between the two properties would not be at odds with the existing spacing of dwellings or harmful to the character and appearance of the wider street scene.

While the layout is indicative, the initial access road, at 5.5m wide with 2m footways either side, was considered likely to lead to an overly highway dominated scheme at odds with the semi rural character of this end of Llantwit Road. As a consequence, the road width has been reduced and shared surfaces are now proposed while the design of the road has been amended to a more amorphous and less engineered shape. These changes are considered to improve the appearance of the road so that it would appear more appropriate in this context.



The layout is indicative, however, it is likely that a reserved matters layout would take a broadly similar form to this, given the shape of the site. The layout does not follow the linear form that exists along much of Llantwit Road, however, there is a somewhat irregular wider pattern of development and it is considered that a layout of this general type would not be harmful to the character of the wider area. It should be noted that if this site were planned as part of the wider allocation (with access from the north), it would still be likely to comprise a layout that does not directly replicate what exists along Llantwit Road. The indicative maximum height has been reduced to ensure that the dwellings do not appear over scaled in this context and the indicative widths and lengths are also not excessive relative to existing dwellings around the site.

Issues have also been raised regarding the close proximity of the access to the nearby Listed Buildings and Country Treasures such as The Chimneys and Myrtle Cottage. Notwithstanding the concerns raised, the Council's Conservation Officer has indicated that there are no heritage assets directly or adversely affected by the proposal and it is considered that the setting of nearby heritage assets will not be adversely affected.

In summary, while the development would be visible from short and mid-range views around the site, it is considered that it would be viewed as a logical extension to the village while the formation of the access and the loss of the existing outbuilding would not cause demonstrable harm to the rural character of the site fronting Llantwit Road.

Having regard to the above, it is considered that the development of the site would comply with Policies MD2 and MD5 of the Adopted Local Development Plan 2011-2026 and would be acceptable in respect to visual impact subject to any subsequent reserved matters application being submitted..

#### The impact of the proposed dwellings on residential amenity

The illustrative layout plan indicates a scheme where dwellings would be sited relatively close to the boundaries which adjoin the rear gardens of the existing terraced dwellings and side boundary of the adjoining residential property at Greentop.

All matters other than access are reserved and the layout outlined on the site plan is indicative. There is sufficient space for the dwellings to be accommodated in a layout which maintains sufficient space to the existing neighbours (and the remainder of the allocation to the north) to ensure that a development would not be overbearing, unneighbourly or demonstrably harmful to privacy.

As such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings has regard to the criteria of Policies MD2 and MD5 of the LDP as well as the Council's SPG on Residential and Householder Development.

Objections have been received in respect of nuisance that would be caused by the additional traffic that would use Llantwit Road. While it is accepted that there is likely to be a material increase in traffic, it is considered that the increase in movements associated with 8 dwellings would not be significant and would not fundamentally or unacceptably impact upon the living conditions of the existing dwellings on Llantwit Road.

It is possible that existing residents would experience disturbance during the course of construction works, however, such impacts are in many cases an unavoidable consequence of a development but it would not be reasonable to withhold planning permission on that basis. An appropriate Construction Environmental Management Plan condition would ensure that these matters are mitigated as far as possible through the construction period (see Condition 15).

Accordingly, it is considered that the residential development in principle would not unacceptably impact upon residential amenity, complying with policies MD2 and MD5 of the Local Development Plan.

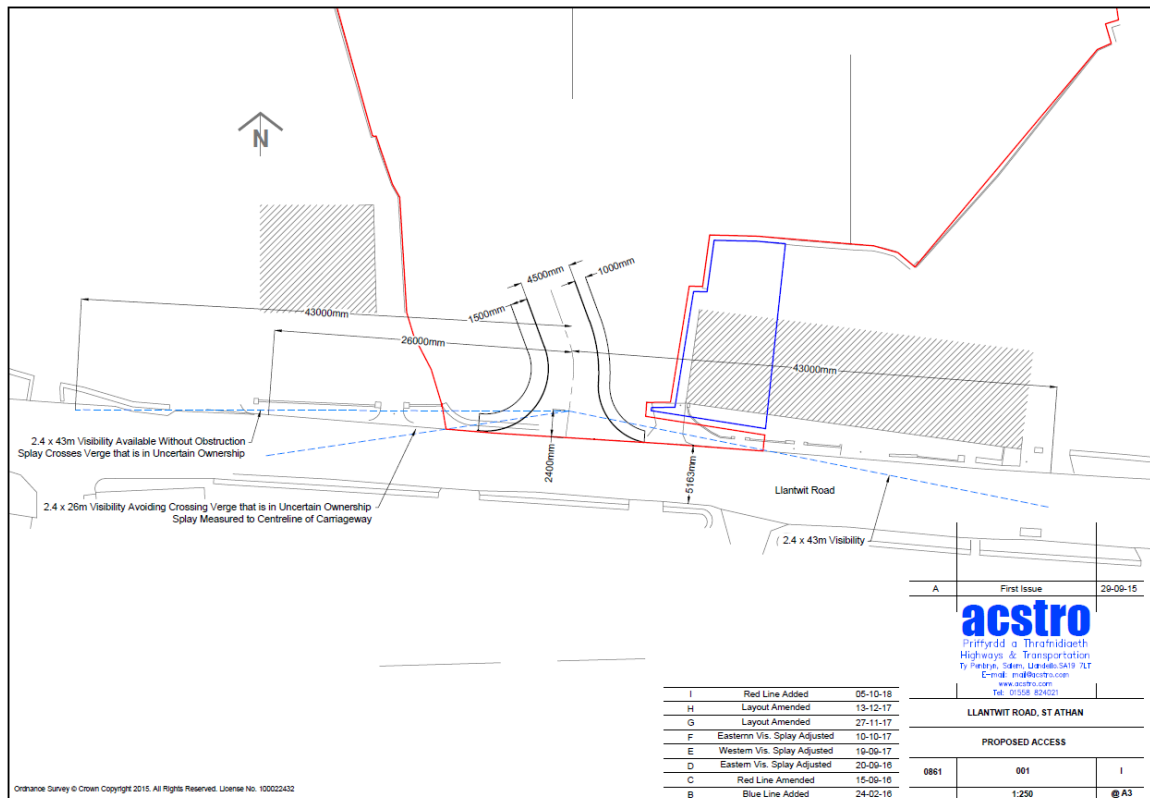
### Highway Safety

Residents have raised concerns over the safety of the access and the possible impact of the increased traffic on the road at busier periods of the day. The objections assert that the road is narrow at this location with no adopted footways resulting in potential highway and pedestrian safety issues resulting from the increased traffic at the access. In addition, residents at the nearest terrace dwellings have no allocated off street parking and as a consequence they park on the road, which in residents' view would restrict visibility from the proposed access to the east.

An access appraisal was submitted with the application, which shows that a speed survey in the location of the proposed access was undertaken. The appraisal sets out that there are around 100 movements a day (each way) along this part of the road and that the 85<sup>th</sup> percentile speed of traffic at the point of the access is 30mph.

For a speed of 30mph, the access should provide adequate visibility splays of 2.4m (back from edge of the carriageway) by 43m. TAN 18 indicates that visibility splays are formed from two right-angled triangles of X and Y dimensions. The X distance represents a 2.4m distance back from the edge of the carriageway (distance from the front of the car to the driver) whereas the Y-distance represents the distance that a driver who is about to exit from the minor arm can see to the left and right along the main alignment. For simplicity the Y distance is normally measured along the nearside kerb line of the main arm. TAN18 suggests that in some circumstances, where it is unlikely that vehicles approaching from the left on the main arm will cross the centreline of the main arm, the visibility splay to the left can be measured to the centreline of the main arm.

A plan has been submitted which indicates that visibility splays of 2.4m x 43m could be achieved to the east and west of the proposed access. The visibility to the west would cross a grass verge to the front of the neighbour's curtilage at Greentop (unregistered third party land) and to the east the splay would be towards the middle of the carriageway rather than the edge (see below map extract of access and visibility splays).



Although there is no physical segregation of lanes along the road, it is considered that it is sufficiently wide at this point to allow two cars to pass comfortably and, as such, it is unlikely that vehicles moving west along the highway would be travelling beyond the middle of the road. Furthermore, the adjoining terrace properties do not have off street parking and therefore cars regularly park outside the terrace to the east of the proposed access. This makes it more likely that drivers travelling west on Llantwit Road would be on the left hand side to avoid the parked cars. Consequently, the Highways Engineer has raised no objection to the splay to the east being measured to the centreline and this can be achieved without relying on land outside of the applicant's control.

With the respect to the visibility splay to the west, the Highways Authority have concerns if the visibility envelope relies on land which is not under the control of the applicant and does not form part of the adopted highway.

The applicant's agent has contended that the visibility splay to the west would be acceptable for a number of reasons. Firstly, the applicant has made efforts to locate an owner of the small strip of land to the west (between the front boundary fence of Greentop and the carriageway) but nobody has laid claim to the land. Land registry details do not indicate that the land is registered and it appears very unlikely that it forms a 'ransom strip' where a third party land owner could benefit. The owner of Greentop has not advised that they believe they own the land and the recent erection of a fence behind the strip of land would suggest the owner does not intend to enclose this as part of their garden. The land has the appearance of a highway verge and it is considered highly unlikely that anything would ever be built on the land (only a permitted development height enclosure of 1m could be constructed without consent and this would be low lying).

It is also set out in the access appraisal submitted that there are sufficient safeguards in place to ensure that the visibility splay could be maintained. For instance, the Council's Highways Authority have powers under Section 228 of the Highways Act (Notice of adoption) to adopt the land if it is in the public interest to do so. The approval of the access to a housing site would arguably represent public interest which would justify the adoption of the land, if necessary.

It is also suggested that under Section 79 of the Highway Act the Council could potentially serve notice on any structure that would be an obstruction to visibility. Notwithstanding this, for the reasons above it is considered highly unlikely that there would ever be an obstruction to visibility on this land, noting that any building or enclosure over 1m would require planning permission..

In this instance it is considered that the applicant has carried out all reasonable steps to determine the owner of the land and it appears that there is no registered owner. It is also relevant to note, as above, that the neighbour at Greentops has recently erected a new fence along the front boundary but has excluded this grass verge area.. Furthermore, while the Highways Authority are of the view that the land does not form part of the adopted highway, the land clearly has the character and appearance of a grass verge.

As such, it is considered that the 2.4m x 43m visibility splay could be provided to the west without obstruction, which accords with the splay required by the Highways Engineer.

Having regard to the above, it is considered that a safe access benefitting from the necessary visibility splays can be achieved, and this requirement is also the subject of Condition 9. On this basis, and having regard to the relatively low levels of traffic that would be using the junction, it is considered that it would not be harmful to highway safety. The overall level of traffic associated with the development is also such that it would not unduly cause congestion within the wider highway network.

### Parking

The formation of the access would reduce some parking capacity on the street, however, sufficient on-site parking would be provided for the proposed 8 dwellings (subject to reserved matters approval at a later date) and there are no parking restrictions on this part of Llantwit Road. The outbuilding is also located opposite two vehicle accesses and it does not appear that the space where the access would be located is significantly utilised for the parking of cars on the street.

As such, the loss of parking on the road is minimal and any demand could be accommodated within the proposed development or on Llantwit Road.

### Noise

The planning history shows that previous planning applications at this site have been refused in 2002, 2004 and 2005. One of the reasons for refusal, amongst other matters, was the potential impact of noise from the nearby MOD base on the future occupiers of the residential properties.

The application site is located approximately 300m from the nearest buildings within the military base and approximately 400m from the main runway. In this context it is,

therefore, essential to consider both the amenities of prospective occupiers of the development and the impact that potential complaints may have on activities within the base.

No noise survey has been submitted as part of the application, however, it is relevant to make reference to the recently approved application at St. John's well (ref 2009/01368/OUT) for 100 dwellings, which was approved in 2011. In comparison, the nearest building on that site was 150m to the MOD base and 250m from the main runway, considerably closer than the proposed site. A noise survey was submitted as part of the St. Johns Well application and it made reference to noise modelling submitted in support of the Defence Technical College and Aerospace Business Park in 2009.

Ultimately, it was concluded that the dwellings at St. Johns Well would fall within Noise Exposure Category B ( $L_{Aeq, 16HRS}$ ) as identified in TAN11 and the proposed dwellings would not experience an unacceptable level of noise from existing activities. The Council's Environmental Health Officer was also consulted and raised no objections to the proposals on these grounds and only requested a Construction Environmental Management Plan (CEMP) to be attached to any approval.

Accordingly, and given that the proposed development would be a greater distance from the MOD camp than the recent development at St. Johns Well, it is considered that future occupiers would not be unacceptably affected by noise and that activities within the base are not likely to be fettered by complaints. The Council's Environmental Health Officer has raised no objections in this respect.

In respect of the above, the development is considered to be in accordance with Policies MD2 and MD7 of the Adopted Local Development Plan, as well as the advice within TAN11.

### Amenity Standards

In terms of amenity space the Council's approved Supplementary Planning Guidance: Residential and Householder Development (2018) indicates a need for 20 sq.m. per person. The SPG also requires that garden areas of the dwellings should be of a useable shape, form and topography.

While this is an outline application, it is clear from the layout plan that each dwelling could have an appropriate level of amenity space, sufficient for leisure purposes for occupants and for more functional requirements such as bin storage and drying clothes.

As such, the proposed amenity space included on the layout plan is considered acceptable, complying with MD2 and MD5 of the Adopted LDP as well as the advice and guidance set out within the Council 'Amenity Standards' SPG.

### Ecology

A Preliminary Ecology Appraisal and Bat Survey accompanied the planning application indicating that no statutory sites or non-statutory designated sites lie within 2km of the proposed development site. The report indicates a desk and field study of

the site and area was carried out to consider a number of protected species, such as Birds, Bats, Dormice, Great Crested Newts and badgers.

The majority of the existing grassland, vegetation, hardstanding and building would be lost to the development. Portions of the dense scrub around the periphery of the site may be retained but any habitats on site have no more than local value. The appraisal indicates that the development could have varying degrees of impact on some protected species including nesting birds, foraging bats, common reptiles and hedgehogs. Mitigation and biodiversity enhancement measures have been set out within the appraisal indicating that the following measures would be appropriate: -

- Retention of some peripheral scrub and a tree on site
- A lighting plan
- Avoiding nesting seasons of bats and birds
- Sensitive site clearance
- Possible badger survey
- Bird and bat boxes
- Pond creation
- Hedgehog habitat management

National Resource Wales and the Council's Ecologist have raised no objections. The Council's Ecologist requested that conditions are attached to ensure the mitigation measures set out in Section 5 of the appraisal are carried out, especially a bird box on each of the properties, the lighting plan and gaps in fences (see conditions 12 and 13).

As such, the development complies with the requirements of Policies MD9- 'Biodiversity' and MD2- Design of New Developments as the proposals seek to conserve and appropriately enhance biodiversity interests on the site.

### Flooding and Drainage

While a number of representations have indicated that the site is liable to flood, this site is not located in DAM zones at risk of tidal or fluvial flooding, and NRW maps indicate there is a very low risk of flooding across the site.

No drainage strategy has been included with this application but the forms indicate that that surface water will be discharged via the mains sewer.

Welsh Water were consulted and have not raised an objection to the proposal but indicated that any drainage of foul and surface water should be drained separately from the site. Welsh Water has also indicated that the development of the site is in close proximity to a water main that is located on Llantwit Road and crosses the front of the site. Welsh water have not objected but indicated that the protection of the main pipe would be required. These measures are recommended as an informative.

The Council's Drainage engineer has also not objected to the proposal but indicated that infiltration should be the preferred method of surface water disposal prior to any other method being considered. As such, Condition 11 requires a full drainage plan for foul and surface water to be approved, including evidence of porosity testing and hydraulic calculations demonstrating that the standard of service for the site is to the 1 in 100 year design event plus 30% for climate change. In addition, the applicant will be

required to submit details of the management and maintenance for the drainage at the site.

Accordingly, it is considered that, subject to the appropriate conditions, the proposal would not result in an increased likelihood of flooding on the site or towards adjoining neighbours, complying with the requirements of MD7 of the Adopted Local Development Plan 2011-2026 and TAN15.

#### S106 Obligations

Following consideration of the proposed development and potential impacts and needs arising from the development, the Council have sought planning obligations for the following:

- Affordable housing;
- Sustainable Transport;
- Education;
- Community Facilities;
- Public Open Space;
- Public Art; and

While this is a smaller proposal of 8 dwellings, as it forms part of the remaining housing allocation it must be considered as if the development had been subdivided and all of the relevant obligations attached to 120 dwellings are attributed to this scheme. These matters have been considered below: -

#### Affordable Housing

In light of the evidence contained within the Local Housing Market Assessment and to comply with the requirement of Policy MG 4 of the Adopted LDP and Council's Affordable Housing SPG, the site should deliver 35% affordable housing. Based upon a net gain of 8 dwellings, the site should deliver 3 affordable dwellings.

As the proposal sets out the provision of three affordable units, the proposal meets the requirements of the Adopted LDP and associated SPG for 35% affordable housing contribution. In addition, the housing section have agreed that the mix and position of the dwellings is acceptable, requesting that 2 are for rent and one for sale.

#### Sustainable Transport

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

The Council thus request an off-site contribution to enhance sustainable transport facilities. At the time of the agreement the contribution equated to £2,200 per residential unit. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

In accordance with the SPG on Planning Obligations, the Council requires a financial contribution to provide or enhance sustainable transport facilities serving the site, which in this case equates to £17,600 (on the basis of 8 dwellings). At this stage, it is likely that this contribution would be used for upgrading footways and possible bus stop provision along Llantwit Road, however, ultimately this is a Member decision in accordance with the adopted S106 protocol for implementation.

### Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's formula for calculating pupil demand is contained within the Planning Obligations SPG, and indicates that based on the construction of 8 dwellings, it is anticipated to yield the following number of children:

Pre-school = 1 children  
Primary = 2 children  
Secondary = 2 children  
Secondary (post 16) = 0 young adults

The primary school serving the development is St. Athan County Junior Primary School and the secondary school serving the development is Llantwit Major Comprehensive School.

Having consulted with the Councils Education department, there is no spare capacity for nursery, primary or secondary schools within the locality. The following section 106 contribution would be required for the additional provision of nursery, primary and secondary education: Consequently, the Council has requested a total contribution of £104,916 to provide and enhance educational facilities to meet the needs of future occupiers.

### Community Facilities

The SPG on Planning Obligations acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the Deposit Local Development Plan. There is currently a need for updating of community building provision and library provision as well as a deficit within this ward of indoor and outdoor sport provision within the ward of St. Athan

The community facilities contribution for the scale of development indicated would be based on the SPG formula of 0.74sqm of community floor space per dwelling or



£1,208 per dwelling if not provided on site. Given the scale of development proposed, it is not considered appropriate to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £9664 is considered appropriate to provide enhancements to existing community facilities off site.

This contribution could be used to make enhancements at the St. Athan Library and the community buildings.

### 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 act 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". LDP Policies require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice.

The site falls within the local ward of St. Athan. The LDP Open Space Background Paper (2013) outlines that within the St. Athan Ward, there is an overprovision of natural and semi-natural greenspace; an under-provision of outdoor sports; overprovision of amenity greenspace and under-provision of all children's play space. Consequently, the development of this site is expected to contribute towards the provision of open space within the ward.

However, in view of the confined nature of the site, the Council appreciates that it would be impractical to deliver the level of open space required on site. As it is impractical to provide public open space on site, the Council requires a financial contribution to provide and/or enhance off-site public open space and recreational facilities in the vicinity of the development site, to meet the need not catered for on-site. This financial contribution is calculated on the basis of £2,552 per dwelling. In view of this, the contribution has been calculated on the basis of 8 units and this equates to £20,416.

This contribution could be used to make enhancements at Children's play facilities and outdoor sports facilities to the south of the site near to the Pavillion and community centre.

### 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.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

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.

#### Planning obligations administration fee:

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. In this instance the fee would be based on 2% of the contributions sought, which equates to £3051.92.

The applicant has agreed to the all of the S106 contributions set out above and no part of the obligations have been reduced. However, Committee should be aware that the contributions are lower than indicated in the adopted SPG as these contributions were agreed prior to the adoption of the guidance and on the basis of the figures set out in the previous SPG, which were marginally lower.

#### RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that at least 3 (35%) of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be Low Cost Home Ownership properties.
- Pay a contribution of £2200 per residential unit (£17,600) towards sustainable transport facilities in the vicinity of the site. The contribution is to be used on items including one or more of the following: improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving signage and lighting of routes.
- A Public Open Space contribution at a rate of £2,552 per dwelling (£20,416) . This contribution could be used on items including one or more of the following: to make enhancements at Children's play facilities and outdoor sports facilities to the south of the site near to the Pavillion and community centre.

- Pay a contribution of £104,916 for education purposes, for the provision or enhancement of educational facilities in schools serving the site for Nursery, Primary and Secondary school children.
- Pay a contribution of £1,208 (£9664) per dwelling to provide appropriate to provide enhancements to existing community facilities off site. This contribution could be used to make enhancements at the St. Athan Library and the community building.
- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

APPROVE subject to the following conditions(s):

1. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the scale parameters of ridge and eaves heights specified in the document entitled Planning Statement and the email submitted on 18 October 2018 :

- Maximum ridge height 8 metres
- Maximum eaves height 5.5 metres

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

5. The development shall be carried out in accordance with the following approved plans and documents:

Site Location Plan Rev A received 15/11/2017  
Layout Plan Ref F received 29/11/2017

Updated Planning and access Statement  
Access Appraisal by Acstro  
Proposed Access with Visibility Splay 0861-001-H  
received 22/08/2018

Proposed Access with Visibility Splay 0861-001-H (site edged red overlay)  
received 10/10/2018

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.

6. Prior to their use, a schedule of external materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason:

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

7. 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 thereafter be carried out in accordance with the approved details.

Reason:

To ensure that neighbouring and visual amenity are safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

8. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 35% of housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

9. Notwithstanding the submitted plans, full engineering details of the vehicular access to the site, all internal roads and footways, parking areas, turning areas and vision splays of at least 2.4m x 43m, and including sections, lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works to create the access to the site. The access shall be implemented and maintained thereafter in accordance with the agreed details and the access shall be completed prior to the first beneficial use of any of the approved dwellings and the respective parking areas shall be provided prior to the first occupation of the dwelling that they relate to.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

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

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD1 (Location of New Development) of the Local Development Plan.

11. No development shall commence until details of a scheme of foul, land and surface water drainage have been submitted to and agreed in writing by the Local Planning Authority. The details shall include an assessment of the site's potential for disposing of surface water by means of a sustainable drainage system and where such a system is being provided, the details shall:
  - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - ii) include a period for its implementation; and
  - iii) provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy MD1 (Location of New Development) of the Local Development Plan.

12. Prior to the commencement of the development, a lighting strategy shall be submitted to and approved by the Local Planning Authority. The scheme shall demonstrate dark, vegetated flight corridors for bats around the site. The works shall subsequently be carried out in accordance with the approved lighting scheme.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

13. The development shall be carried out in accordance with the mitigation and biodiversity enhancements set out within Section 5 of the Preliminary Ecological Appraisal and Bat Survey; by Acer Ecology, including 1(no) bird box on each property and at least 1(no) 150mm x 150mm gap under all fences (internal fences and boundary fences).

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

14. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

15. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

## CONCLUSION

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.

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.

Having regard to policies MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental protection and MD9 - Promoting biodiversity as well as strategic policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4– Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026; The Council's Supplementary Planning Guidance on Residential and Householder Development, Biodiversity and Development, Design in the Landscape, Planning Obligations and Affordable Housing as well as national guidance contained in Planning Policy Wales 9<sup>th</sup> Edition (Jan 2016) and Technical Advice Notes 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 11-Noise, 12-Design, 15-Development and Flood Risk, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings and Manual for Streets is acceptable in regard of the principle of the proposed outline residential development, visual impact, highways issues, noise, drainage and flood risk, impact on residential amenity, ecology and S106 obligations.

## NOTE:

- 1. The applicant should be aware that the site is within close proximity to a Welsh Water water main on Llantwit Road. As such, the applicant should contact Welsh Water as the proximity of the development to the water main will involve certain conditions which must be strictly adhered to. For details of the safety zone and conditions please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**



- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

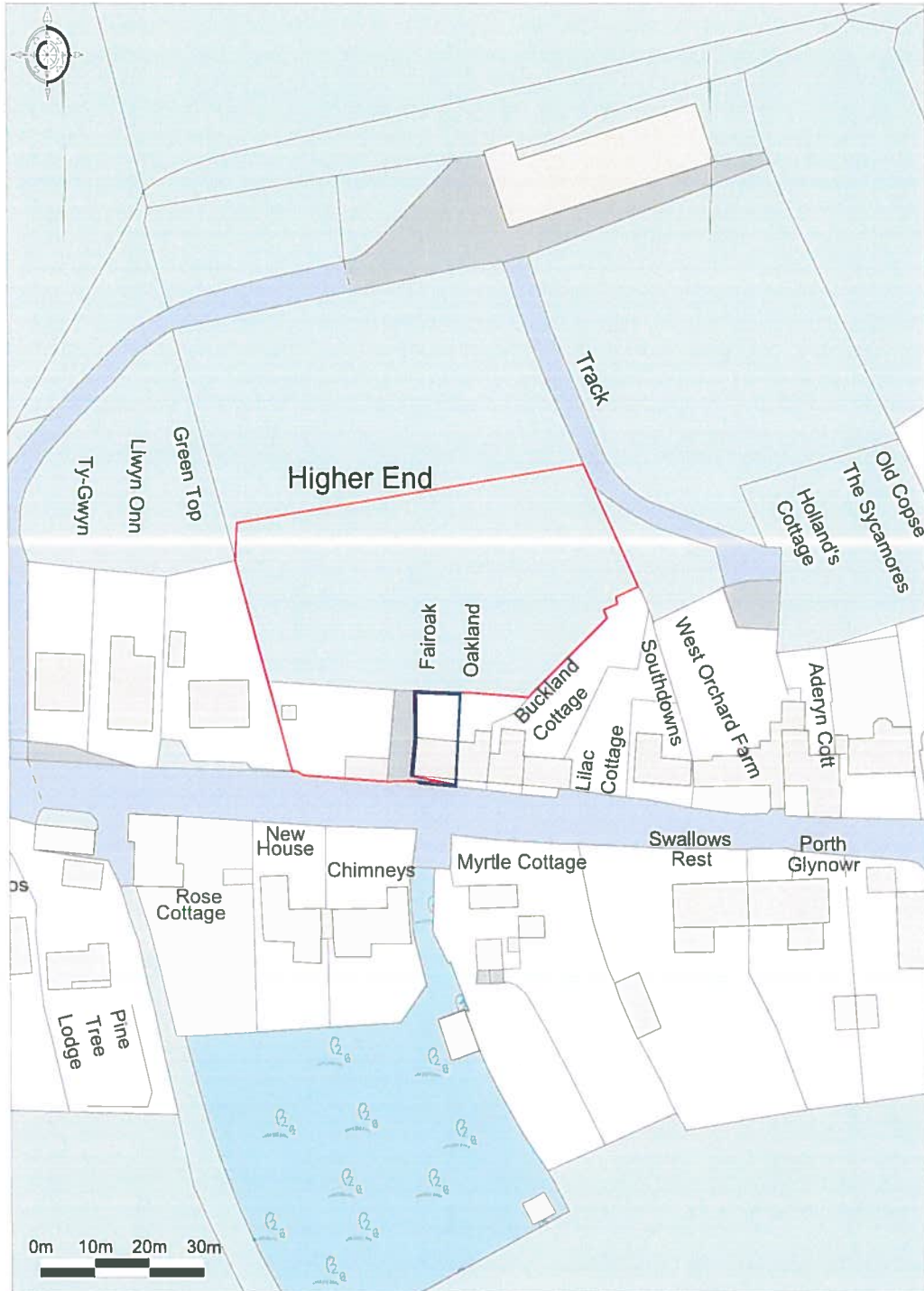
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.**

2015/01152/OUT



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Application Boundary

Site Location Plan: Drawing ref: 15054\_P(0)00

Rev A

Applicant: Mr. Alex Valvo 22, Porthkerry Road, Rhoose, Vale of Glamorgan, CF62 3HD

Agent: Mr. Graham Parry gjpdesign, 72, Conybeare Road, Sully, Vale of Glamorgan, CF64 5US

**22, Porthkerry Road, Rhoose**

Alterations to existing ground floor, including front and rear extensions and the heightening of the existing roof. First floor bedroom accommodation with front and rear dormers. Rear roof terrace with privacy screening provision with adjacent neighbours

**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 Cllr. Gordon Kemp for the following reasons:

1. Proposal would have an unacceptable adverse impact on residential amenities of occupants of neighbouring properties, including their privacy.
2. Size and form would have an unneighbourly impact, including an unreasonable loss of light to adjoining property.
3. An over development of the site.

**EXECUTIVE SUMMARY**

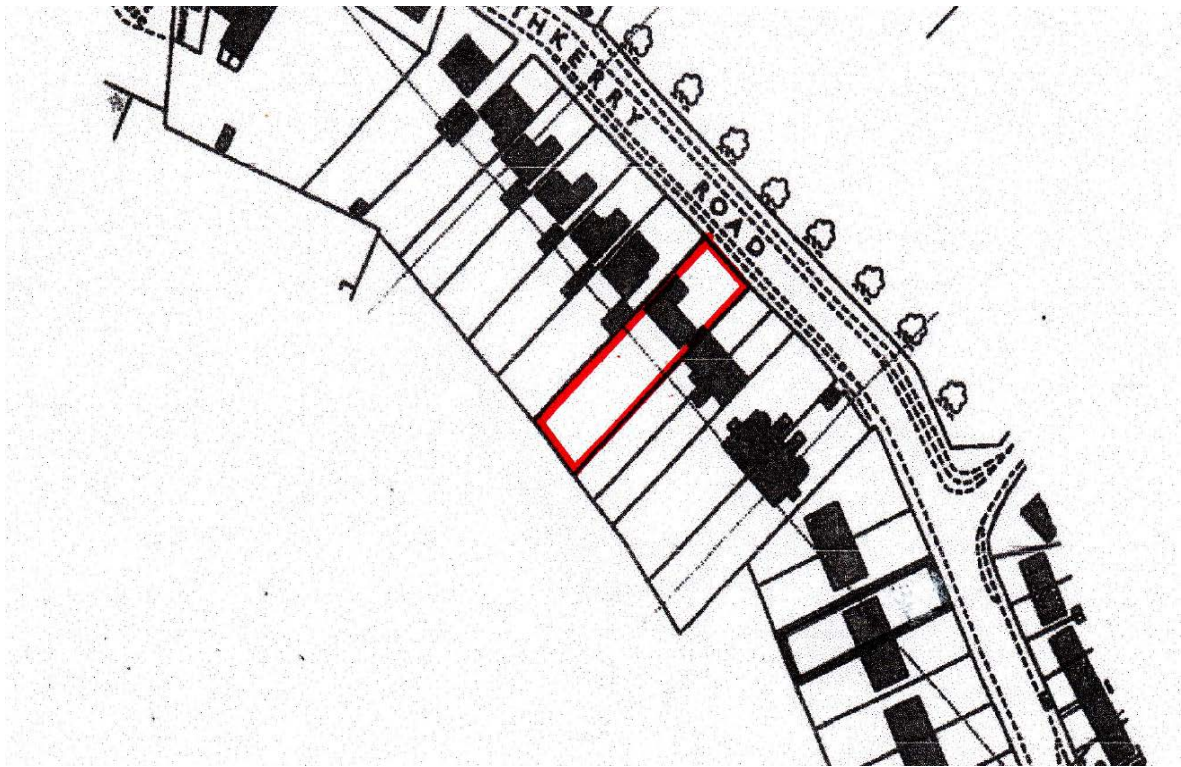
The application site relates to 22, Porthkerry Road, a detached bungalow located within the Rhoose settlement boundary. The application seeks planning permission for alterations to the property, to include a front and rear extension; the heightening of the existing roof, the addition of dormers to the front and rear; and a roof terrace.

To date, objections have been received from Cllr. Gordon Kemp regarding the adverse impact the proposals would have on the residential amenities of neighbouring properties, the size and form and the subsequent un-neighbourly impact and the over development of the site. Objections have also been received from the neighbour at number 24, Porthkerry Road on similar grounds.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application are the design and visual impact, the effect on residential amenity and parking. It is recommended that the application be APPROVED subject to conditions.

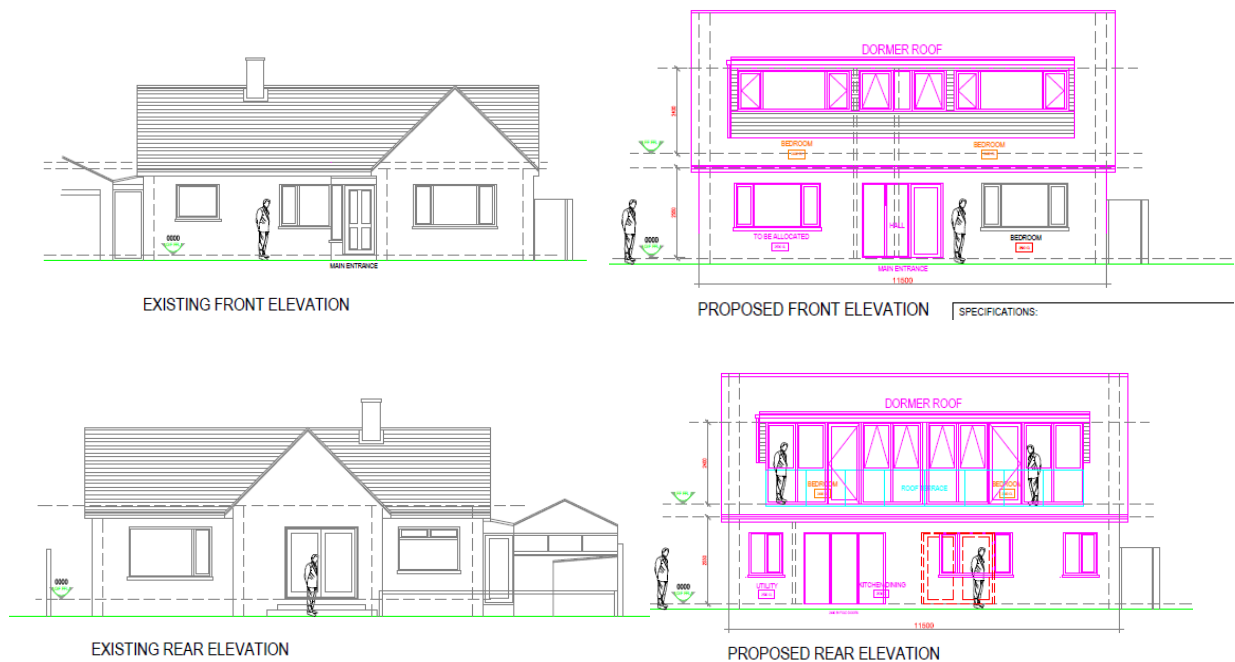
**SITE AND CONTEXT**

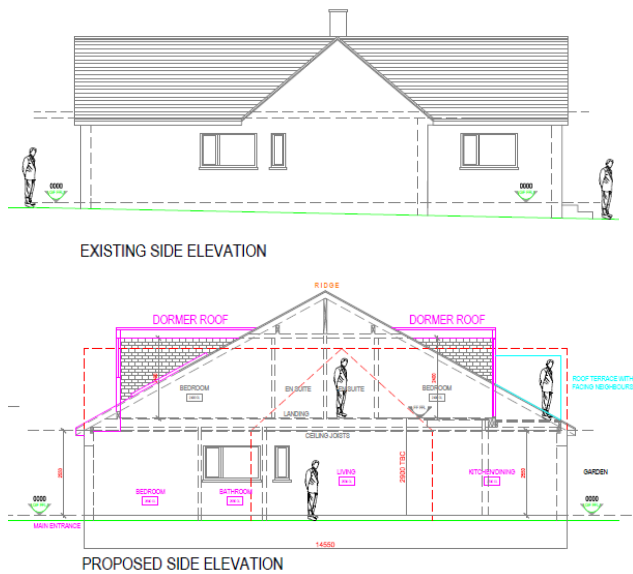
The application relates to 22, Porthkerry Road, Rhoose, a detached bungalow located within the Rhoose settlement boundary. The streetscene consists of a mix of detached and semi-detached bungalows and two storey properties. The site's location is shown on the plan below:



**DESCRIPTION OF DEVELOPMENT**

The application proposes alterations to the existing ground floor, including front and rear extensions, and the heightening of the existing roof. The application also seeks to add first floor bedroom accommodation, with front and rear dormers and a rear roof terrace with privacy screens. The proposed plans (not to scale) are shown for illustrative purposes below:





## PLANNING HISTORY

The application site/property has the following relevant planning history:

1986/00185/FUL, 22, Porthkerry Road, Rhoose; New sun lounge, porch and garage conversion; Refused, due to the unneighbourly impact of the proposed extension. Subsequently allowed at appeal.

1982/00570/FUL, 22, Porthkerry Road, Rhoose; Extend lounge and kitchen, loft conversion, one room, to be used for extra dwelling space; Refused due to the impact of the proposed extension on the character of the area.

## CONSULTATIONS

**Rhoose Ward members** were consulted and to date, comments have been received from Cllr Gordon Kemp to call the application into committee due to an over development of the site, un-neighbourly impacts in terms of loss of light and a general adverse impact on neighbouring amenities.

## REPRESENTATIONS

The neighbouring properties were consulted.

To date, comments have been received from one neighbour. A summary of those comments is as follows:

- Plans are unacceptable and would be to the detriment of the neighbour's quality of life
- Height of the proposed extension would be overbearing
- Loss of light and an overshadowing effect
- Extensions have been refused in the past

## REPORT

### Planning Policies and Guidance

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

#### **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 12 – Design (2016)

#### **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 (Interactive Parking Standards Zones Map)
- Residential and Householder Development (2018)

#### **Other relevant evidence or policy guidance:**

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

## **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 primary issues to consider are the potential impact upon the character of the property and wider visual amenities, the potential impact upon the amenity of neighbouring residential properties, parking and amenity space provision.

### Design and Visual impact

The proposed extensions would be located to the front and rear of the property and would also result in the roof being heightened. Therefore, the proposals would be highly visible from Porthkerry Road.

The bungalow at present has a gable which projects from the front elevation of the property and also another which projects from the rear. The row of bungalows to the west of the site along Porthkerry Road are of a similar design, however, the neighbouring properties to the east are two storeys in height. As a whole, there is a discernible mix to the scale, design and character of the dwellings within the wider street scene.. The proposed extensions would in effect 'square off' of the property and thus result in the loss of both gables, resulting in a width of approximately 11.5m and a depth of approximately 14.5m. The proposals would result in an increase in height for the property from approximately 5.2-5.5m to approximately 7-7.1m. There is not a particularly consistent building line along the row and, therefore, whilst the proposal would result in the main front elevation of the building being brought forward, it would not project further than the existing front elevation of the gable or significantly further forward than the neighbouring dwellings.

The height of the dwelling would remain below those dwellings to the east and while the dwelling would no longer display a similar character to the other bungalows in the row, this would not be visually harmful in this street scene.

In addition to the increased height and ground floor extensions, the proposals also include a dormer to the front and rear of the property. Whilst both dormers are relatively wide, they are modest in scale and they would not dominate the respective roof slopes. Consequently their impact on the character of the property and the wider streetscene is considered acceptable (noting that there are other dormers evident further along the street).

The proposed extensions would be finished with materials matching that of the existing property. The proposed dormers would be finished with a single ply membrane roof and a vertical tile hanging to match the existing roof. There are examples of dormers further along the street which have used a hanging tile finish and therefore, it is considered that the addition of hanging tiles on the dormers would not



be detrimental to the appearance of the property or the wider streetscene. It is therefore considered that the proposed materials would comply with policies SP1 and MD2 of the Council's LDP.

An application was refused in 1982 due to its scale and design. That proposal included a single storey extension and a two storey flat roof extension to the rear which would have projected above the existing roof of the bungalow by approximately 0.6m. Whilst it is therefore noted that an extension has previously been refused on the property, the design of the current proposal would differ significantly from that of the previously refused application.

### Parking

The existing property has a large driveway to the front of the property which provides parking for approximately 3-4 cars. The property also has a single garage which provides parking for a further car. The proposed extensions would result in an increased number of bedrooms at the property – rising from two bedrooms to five, and would also result in the loss of a section of the driveway (approximately one space). The Council's Supplementary Planning Guidance states that a maximum number of three spaces are required for a three (or more) bedroom dwelling. It is considered that the three spaces can be provided on the remaining driveway and single garage and therefore the parking provision would be sufficient to meet the demands of the property as extended.

### Amenity space

The proposals would result in the loss of amenity space to the front and rear of the property. However, the property sits within a large plot and it is therefore considered that the remaining amenity space would be sufficient to meet the demands of the property as extended.

### Impact on neighbours

The proposals would result in built development closer to some of the neighbours located along Railway Road to the rear. However, given the large plot there would be approximately 33m between the proposed extensions and the neighbouring boundaries. Given the distance to the boundary, it is therefore considered that the proposals would not have a detrimental impact on these neighbour's amenities.

The dormer to the front of the property would result in first floor windows which would provide angled views towards the neighbouring front gardens. However, these windows would overlook areas that are already highly visible from within the public realm and therefore it is considered that any angled overlooking to these areas would not be unacceptable.

The proposals would not result in any new windows on the side elevation of the property, however there would be windows to the first floor at the rear, in addition to a balcony. The proposed balcony to the rear would be approximately 2m in depth, allowing sufficient space for the occupiers of the property to sit out. The plans make reference to a screen on either side of the balcony. There would be some angled views towards the neighbouring gardens, however, the balcony would be set away from the boundaries and the screens would reduce any overlooking to an acceptable



level. A condition is recommended to require the erection of screens prior to the first use of the balcony.

#### 24, Porthkerry Road

A previous application (1986/00185/FUL) for a new sun lounge, porch and garage conversion was refused by the Council on the basis that the proposed sun lounge would be an unneighbourly form of development that would be likely to detract from the amenities of the occupiers of the adjoining property. However, this application was allowed at a later appeal, although it was not fully implemented. The inspector stated in his report that the ground floor side elevation window served a sitting area at the rear of the kitchen, which is *"itself in a single storey extension of later construction at the rear of No. 24, with windows and door at the south end. By way of a borrowed light, this window also gives some illumination to the adjoining rear sitting room."* Whilst the inspector did agree that the extension would reduce the light and outlook to the inner end of No. 24's room, he did not consider that the impact would be so great that it would warrant the refusal of the application. It was also noted that the light to the end of the room had already been reduced by the length of the extension built on it and the Inspector considered it difficult to *"refuse planning permission for one single storey extension to protect light on the flank of a room which itself has been extended, and now takes its main light from the end"*. The proposed extension would have been located on the boundary and would have been approximately 3m in height.

The proposed extension to the front of the property would project past the neighbour's front elevation by approximately 3.5-4m. Similarly, the proposed rear extension would project past the neighbour's first floor rear elevation by approximately 0.5m. Whilst the proposed extension would alter the outlook from the front, side and rear elevation windows, given the distance of approximately 3.6-3.7m from the proposed extensions to the neighbouring boundary, it is considered that the proposed projections to the front and rear of the property would not result in an overbearing impact on this neighbour.

The neighbour has also raised concerns with regards to the loss of light and overshadowing to their property. The first floor window on the neighbour's side elevation is a bathroom window, however the ground floor side elevation window is used as a living/dining area by the neighbour and therefore is considered to be a habitable room window. The property is located to the west of this neighbour and therefore a degree of overshadowing and a loss of light may occur as a result of the proposed extensions and the raising of the roof height. However, given the location and orientation of the proposed extension, it is considered that there would not be significant impacts in these respects.

There would be no side elevation windows on the proposed extensions and therefore there are no concerns with regards to overlooking to this neighbour's property (in addition to the assessment above regarding the balcony).

#### 20, Porthkerry Road

To the front, the property would be located approximately 1.1m away from the boundary whilst it would be located approximately 1.7m away from the boundary to the rear. The neighbour has two side elevation windows as well as an obscurely glazed porch and door. It was not possible to determine the use of these windows

during the officer's site visit, however an assumption has been made that these windows serve habitable room windows. Whilst the proposals would not result in development closer to this neighbour, the overall height of the proposed property next to this boundary would be heightened to approximately 7-7.1m. The outlook from these side elevation windows would be altered as a result of the proposals, however given the distance to the boundary, it is considered that the proposals would not have an overbearing impact on these windows.

The proposed extension would result in the dwelling projecting past the neighbour's rear elevation by approximately 1.5-2m. At present, this neighbour has a detached garage which runs alongside the boundary to the property, however this cannot be relied upon to remain in perpetuity. The proposed extensions would be visible from this neighbour's rear elevation, however given the distance to the boundary it is considered that it would not have an overbearing impact on the neighbour's rear elevation windows or garden.

The proposed extensions / heightening of the roof would be located to the east / south-east of the neighbour and therefore a degree of overshadowing / loss of light may occur to the neighbour's side and rear elevation. However, it is considered that the neighbour's garden and property would retain a generous degree of openness and therefore, given the distance to the boundary it is considered that the proposals would not result in an unacceptable degree of overshadowing or loss of light.

## 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:

Site Location Plan

Design L (0) 01 - Existing Ground Floor Plan Rev A received 2 August 2018

Design L (0) 02 - Proposed Ground Floor Plan Rev A received 2 August 2018

Design L (0) 04 - Proposed Ground Floor Plan & Side Elevation Rev A received 2 August

Additional drawing - Design L (0) 06 - Existing and Proposed side elevation received 21 August

Amended plan - DESIGN L (0) 03C Proposed First Floor Plan & Front & Rear elevation received 11 August

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 materials to be used in the construction of the external surfaces of the extensions and dormers shall match those used in the existing dwelling that exist at the time of this approval.

Reason:

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

4. The balcony hereby approved shall not be brought into beneficial use until one or other of the following requirements has been complied with:
  - a) 1.8m high obscurely glazed privacy screens using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration are erected along both sides of the balcony.

Or

- b) 1.8m high privacy screens are erected along both sides of the balcony, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Once erected, the privacy screens erected in compliance with either a) or b) shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

## CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policy SP1 –Delivering The Strategy, Policy MD 2 – Design of new development and Policy MD 5 – Development within settlement boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Residential and

Householder Development and Parking Guidelines, Planning Policy Wales 9th Edition and Technical Advice Note 12- Design, the development is considered acceptable in terms of its scale, design, impact on neighbours, parking and impact on amenity space provision.

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.

**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).**

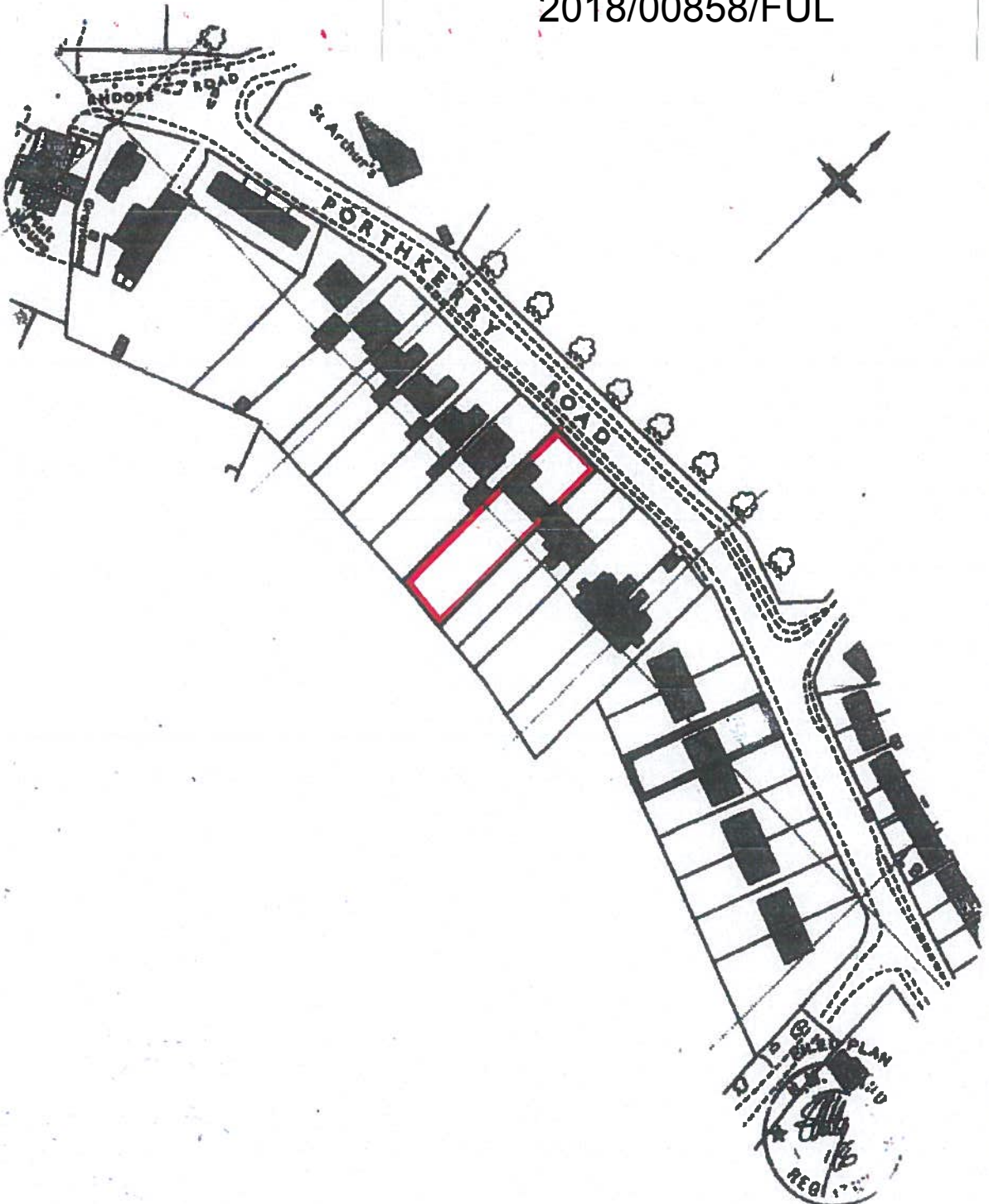
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised 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.**

<b>H.M. LAND REGISTRY</b>		TITLE NUMBER	
		<b>WA 321035</b>	
ORDNANCE SURVEY PLAN REFERENCE	ST 0666	SECTION F	Scale 1/1250 Enlarged from 1/2500
COUNTY SOUTH GLAMORGAN		DISTRICT VALE OF GLAMORGAN	
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ADMINISTRATIVE AREA  
THE VALE OF GLAMORGAN  
BRO MORGANWIG

2018/00858/FUL



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