

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 2022**

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:

2021/0233/BN	A	2, Denys Close, Dinas Powys. CF64 4JR	Knocking wall between kitchen and dining room
2021/0498/BN	A	15, Oyster Bend, Sully. CF64 5LW	Extension wet room, alterations to internal doors and garage conversion
2021/0905/BN	A	Huntsmans Cottage, Llandough, Cowbridge, CF71 7LR	Single storey extension and renovation of linked garage
2021/0930/BN	A	39, Usk Way, Barry. CF62 7XL	Garage conversion, internal alterations, installation of patio doors and create new doorway between hall and garage
2022/0004/PO	AC	32, Brithdir Street, Cardiff CF24 4LG	Proposed single storey lean-to side extension, with alterations to internal layout and rear elevation fenestration design and associated external works
2022/0005/PO	AC	411, Western Avenue, Cardiff, CF5 2BD	Rear single storey lean-to, internal re-modelling a hip to gable rear dormer loft conversion
2022/0126/BN	A	2, Millbrook Road, Dinas Powys, CF64 4DA	Garage conversion, new roof, rear extension adjoined
2022/0129/BN	A	25, Peterswell Road, Barry. CF62 7NB	New single storey extension to side and rear

2022/0132/BR	AC	Powys Block, Atlantic College, East Drive, St. Donats. CF61 1WF	Proposed alterations to window openings and refurbishment of existing cladding, new canopy / outside covered area
2022/0141/BN	A	28, Romilly Park Road, Barry. CF62 6RQ	2 Rooms into 1
2022/0145/BR	AC	Great Hamston Farm, Duffryn. CF5 6SU	Single storey replacement garden room with associated works
2022/0150/BN	A	Hillside, Marcross, Llantwit Major, CF61 1ZG	Raising roof and rafter using timber frame and blockwork
2022/0152/BR	AC	5, Lewis Road, Llandough, Penarth, CF64 2LW	Loft conversion with dormer
2022/0155/BN	A	18, Archer Road, Penarth, CF64 3HW	Single storey rear extension
2022/0156/BN	A	Baruch, Fort Road, Lavernock, Penarth, CF64 5UL	Single storey extension above existing bungalow to create first floor
2022/0157/BR	AC	5, Glanymor, Boverton, CF61 1GZ	Single storey rear extension
2022/0160/BR	AC	24, Phyllis Street, Barry, CF62 5UW	Loft conversion with rear dormer
2022/0161/BN	A W	72 Fitzhamon Avenue, Llantwit Major, CF61 1TP	Semi-detached new dwelling excluding substructure from a 2015 application with AI
2022/0162/BR	AC	135, Westward Rise, Barry, CF62 6NR	Two storey side extension
2022/0163/BR	AC	Foxhollows, Slon Lane, Ogmore By Sea, CF32 0PN	Replacement dwelling
2022/0164/BN	A	20, Heol Pearetree, Rhoose, CF62 3LB	Knock through kitchen and diner
2022/0165/BN	A	20A, Forrest Road, Penarth, CF64 5BT	Detached outbuilding for office and toilet
2022/0166/BN	A	43, Porth-y-castell, Barry, CF62 6QB	Single storey extension under 10sqm

2022/0167/BN	A	23, St Andrews Road, Barry, CF62 8BR	First floor extension, knock through, new kitchen and bathroom
2022/0168/BN	A W	22, Maillards Haven, Penarth, CF64 5RF	Kitchen extension
2022/0169/BR	AC	Tresaith, Church Street, Llysworney, Cowbridge, CF71 7NQ	Single storey extension to utility room
2022/0170/BN	A	14, Guthrie Street, Barry, CF63 4PR	Replacement of timber lintel over window
2022/0171/BN	A	7, Ael y Coed, Barry, CF62 6LN	Garage conversion
2022/0172/BN	A	25, Millbrook Close. Dinas Powys. CF64 4DD	Garage conversion of an integral garage
2022/0173/BN	A	6, Mill Park, Cowbridge, CF71 7BG	Conversion of garage to habitable room, with glass sliding doors
2022/0175/BR	AC	49, Cornerswell Road, Penarth. CF64 2UX	New two-storey extension with associated structural and general alteration work including new mechanical and electrical services.
2022/0177/BR	AC	59, Byrd Crescent, Penarth, CF64 3QW	Proposed single storey front porch structure and internal alterations only
2022/0178/BN	A	12, Peterswell Road, Barry, CF62 7NA	New single storey extension and minor alterations to first floor
2022/0181/BN	A W	16, Norris Close, Penarth, CF64 2QW	Install a first floor balcony running along the entire exterior of the house
2022/0182/BN	A	4, Greenmeadow Close, Dinas Powys, CF64 4QX	Single storey side extension 2.8 x 3.1m
2022/0183/BR	AC	28, Cornerswell Road, Penarth, CF64 2WA	Single storey side extension
2022/0184/BN	A	205, Cardiff Road, Dinas Powys. CF64 4JW	Loft conversion
2022/0185/BN	A	4, Sir Ivor Place, Dinas Powys, CF64 4QZ	Knock through

2022/0186/BN	A	9, Kemeys Road, Rhoose. CF62 3DW	Re roof
2022/0187/BR	AC	Woodside, Park Road, Dinas Powys. CF64 4HJ	Single storey side extension
2022/0189/BN	A	8, Dulverton Drive, Sully. CF64 5EW	Garage conversion
2022/0190/BR	AC	14, Plover Way, Penarth, CF64 5FU	Proposed first floor dormer
2022/0191/BN	A	Whips Cottage, Llandough, Cowbridge, CF71 7LR	Double storey side extension to side of property
2022/0193/BN	A	10, Nant Talwg Way, Barry, CF62 6LZ	Conversion of garage into a kitchen and dining room.
2022/0194/BR	AC	Caia House, St Nicholas, CF5 6SG	Partial demolition of existing building with construction of new single and double storey extension. Remodelling and adaptations to existing house
2022/0196/BN	A	17, Cross Street, Barry. CF63 4LU	Replace existing roof
2022/0197/BN	A	53, Shakespeare Avenue, Penarth. CF64 2RW	Hip to gable with dormer loft conversion with 2x Velux windows to front
2022/0198/BN	A	113, St. Davids Crescent, Penarth. CF64 3NB	Rear dormer loft extension
2022/0199/BN	A	20, Lon Fferm Felin, Barry. CF62 6LY	Form pedestrian opening from house to integral garage, install lintel, fire door and appropriate hardware.
2022/0202/BN	A	The Old School, Llyswoerney, CF71 7NQ	Wooden stairs to attic room
2022/0203/BN	A	Church Hall House, Cowbridge Road, St Nicholas, CF5 6SH	Re roof
2022/0204/BN	A	30, Willow Close, Penarth, CF64 3NG	Re-roof

2022/0205/BN	A	20, Tarrws Close, Wenvoe, CF5 6BT	Extending an existing bedroom with en-suite above existing garage.
2022/0207/BN	A	17, Brockhill Way, Penarth, CF64 5QD	Removal of two internal walls
2022/0208/BN	A	14, Newgale Close, Barry, CF62 9EE	Single storey rear extension
2022/0210/BR	AC	St Brides Major Church In Wales Primary School, Heol Yr Ysgol, St Brides Major, CF32 0TB	Construction of a new staffroom block to replace existing demountable building.
2022/0211/BR	AC	58, Longmeadow Drive, Dinas Powys, CF64 4TB	First floor side and rear extension
2022/0212/BN	A	17, Caer Worgan, Llantwit Major, CF61 2SP	Single storey extension
2022/0213/BN	A	8, Le Pouliguen Close, Llantwit Major, CF61 1YJ	Minor internal alteration of doorway
2022/0216/BN	A	Holm View Cottage, Pen-y-turnstile Road, Dinas Powys, CF64 4HG	Single storey orangery to side of house
2022/0217/BR	AC	14, Sully Terrace, Penarth. CF64 3DS	Construction of single storey rear extension. Re routing of private drain
2022/0218/BR	AC	Carreg Llwyd, Llancafarn. CF62 3AD	First floor extension over previous ground floor extension, minor alterations to ground floor
2022/0220/BN	A	15, Gadlys Road East, Barry. CF62 7HW	Proposed single storey rear extension
2022/0221/BN	A	25, Heol Sant Bridget, St Brides Major, CF32 0SL	2 Single storey extensions and minor internal alterations
2022/0222/BR	AC	18, Forrest Road, Penarth. CF64 5BT	Two storey extension to the back of the lounge to create kitchen / lounge space and bedroom above

2022/0223/BN	A	17, Gibson Way, Penarth. CF64 1TA	Garage knocked through to study and converted to kitchen with removal of rear external wall to fit bi folds. Undercroft converted to utility and storeroom
2022/0224/BN	A	1, Earl Crescent, Barry. CF62 5TS	Re roof and replacement and replacement of 3 Velux windows
2022/0225/BR	AC	1A, Regent Street, Barry, CF62 8DS	Conversion of First floor to 4 flats, re roof and minor alterations to GF.
2022/0227/BN	A	Springfield House, 58, Heol St. Cattwg, Pendoylan, CF71 7UG	Two rooms into one
2022/0231/BN	A	7, Clos Glascoed, Dinas Powys, CF64 4RP	Garage conversion

(b) Building Regulation Applications - Reject

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

2022/0018/BN	R	39, Tan Y Fron, Barry. CF62 6QQ	Knock through
2022/0138/BN	R	24, Mill Road, Dinas Powys. CF64 4BU	Loft conversion and general refurbishment works internally
2022/0180/BN	R	Time House, 168B Regent Street, Barry, CF62 8DT	Minor internal refurbishment of an existing commercial property. A material change to the roof covering.
2022/0192/BN	R	73, Cedar Way, Penarth, CF64 3PW	Rear extension and garage rebuild
2022/0195/BN	R	48, Broadway, Llanblethian, Cowbridge, CF71 7EW	Re roof of flat roof dormers and pitched roof.
2022/0206/BN	R	20, Penlan Road, Llandough, CF64 2LT	Small single storey extension

2022/0214/BN	R	Orchard Lodge, Orchard Close, Boverton, Llantwit Major, CF61 1UZ	Installation of through floor lift in private dwelling
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2022/0044/AI	C	CANCELLED - The Larches, Caer Worgan, Llantwit Major. CF61 2SP	CANCELLED - Demolition of existing conservatory and erection of a single storey extension to the rear of the property
2022/0045/AI	A	13, Laburnum Way, Dinas Powys, CF64 4TH	Replacement Warm Roof to existing rear conservatory
2022/0046/AI	A	6, Cae Pella, Cowbridge, CF71 7FN	Single storey rear extension
2022/0047/AI	A	1, Rogersmoor Close, Penarth, CF64 3JL	New garage construction attached to existing dwelling to incorporate storage and office area
2022/0048/AI	A	Westwinds, The Trip, Ewenny, CF35 5BZ	Construction of single storey rear extension including a Warm Roof system
2022/0049/AI	A	1, Slade Close, Sully, CF64 5UU	Single storey rear extension
2022/0050/AI	A	21, Victoria Square, Penarth, CF64 3EJ	House refurbishment including installation of beams to support the first floor above new openings at ground, first and second floor levels
2022/0051/AI	R	Sealands Farm, Wick, Bridgend, CF32 0RR	Conversion of 3 existing barns into holiday lets
2022/0052/AI	A	42, Fairfield Road, Penarth. CF64 2SL	Single storey rear extension
2022/0053/AI	A	27, Cae Canol, Penarth. CF64 3RL	Single storey rear extension works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2022/0054/AI	A	Woodlands Cottage, Llandough, Cowbridge, CF71 7LR	Double storey side extension and remodelling works to existing dwelling
2022/0055/AI	A	29, Marine Drive, Barry, CF62 6QP	Two storey side extension, single storey rear extension and loft conversion with balcony and alterations to front elevation
2022/0056/AI	A	Franklen House, Llysworney, Cowbridge, CF71 7NQ	Single storey extension and alterations
2022/0057/AI	A	33, Crompton Way, Ogmore By Sea. CF32 0QF	Single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. 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

2014/00229/6/C D	A	Barry Waterfront East Quay parcel, piling details for Barratt Parcel	Discharge of Condition 44 (Penetrative Foundation Design). Planning approval 2014/00229/EAO - Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link
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			road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at Land at Barry Waterfront adjacent to Dock No. 1, Barry
2017/01171/1/N MA	A	13, Maillards Haven, Penarth	Non Material Amendment - Revision of sloping roof to sun room to flat roof. Planning approval 2017/01171/FUL - Proposed ground floor extension to form sun room
2018/00925/1/N MA	R	123-124, Hamilton House, Broad Street, Barry	Non Material Amendment - Riser added to rear of building. Site layout amendments. Planning approval 2018/00925/FUL - Change of use of existing offices premises into six affordable flats and associated works
2019/00111/2/C D	A	Land South of Cog Road, Sully	Discharge of Condition 1 (Materials Details). Planning approval 2019/00111/RES - The development of 325 new homes, new public open space, landscaping, ecological area, access points and highways infrastructure, pursuant to Outline Planning Permission 2013/01279/OUT
2019/00201/1/N MA	A	1, Percy Smith Road, Boverton, Llantwit Major	Non Material Amendment - Reduction in depth of extension with small increase in length and reconfiguration of fenestration. Planning Approval 2019/00201/FUL - Single storey rear

			extension providing new dining area and extended lounge
2019/00603/6/C D	A	Land at Hayes Road, Barry	Discharge of Condition 4 (Means of enclosure). Planning approval 2019/00603/FUL - The proposed development of 23 affordable homes and associated works at Land at Hayes Road, Barry
2019/01196/1/N MA	A	6, Bingle Lane, St. Athan	Non Material Amendment - Reconfigure the door and window positions to the rear and side elevations. Planning approval 2019/01196/FUL - Two storey extension to side of existing semi-detached dwelling, with single storey projection at the front of the property. Together with proposed new separate garage and new driveway, and timber perimeter fence
2019/01396/FUL	R	Llysworney Garage, Church Street, Llysworney	Proposed renewal of application no. 2012/01095/FUL. Proposed demolition of existing garage and proposed three dwellings
2019/01408/2/N MA	A	Land off Cowbridge Road, Northfields, St Athan	Non Material Amendment - Substitution of house types on Plots 114, 115, 161, 163, 169, 172, 173, 182 and associated reconfiguration of boundary alignments and parking layout. Planning approval 2019/01408/RES - All reserved matters including appearance, landscaping and layout of outline planning permission 2016/01427/OUT for a residential development of

			up to 253 units and associated works
2020/00277/2/C D	A	Southra Farm, Southra, Dinas Powys	Discharge of Conditions 3 (Materials Details) and 14 (Additional details of building elements). Planning approval 2020/00277/FUL - Construction of a bespoke single (low carbon and energy positive) residential dwelling, diversion of a footpath, landscape planting and associated works
2020/01154/FUL	A	3, Cwrt Llanfleiddan, Llanblethian, Cowbridge	Construction of 9.75 metre long footbridge for private use only within grounds of house, connecting isolated parcel of land on opposite site of River Thaw to main garden
2021/00065/FUL	A	Great House, High Street, Llantwit Major	Removal of Condition 3 (Parking) of Planning Permission 2018/01195/FUL: Change of use of dwellinghouse(C3) to Bed and Breakfast (C1)
2021/00296/FUL	R	16, Westward Rise, Barry	Safely remove remaining breast and chimney stack to make house safe
2021/00495/1/C D	A	Llanfair Primary School, St. Mary Church	Discharge of Condition 4 (Biodiversity). Planning approval 2021/00495/RG3 - Installation of a demountable unit to accommodate a childcare provision. Works to include erection of a canopy shelter, ramped access and all associated site preparation and external works

2021/00517/5/N MA	A	21, Westbourne Road, Penarth	Non Material Amendment - Height and wall amended to meet main extension. Planning approval 2021/00517/FUL - Repair and alteration of partially derelict structure to include reinstatement of missing elements and a single storey extension to rear.
2021/00814/FUL	A	2 and 2A, The Parade, Barry	Proposed loft conversion with roof alterations and additional timber sash window to loft front facade. Also as part of this application an additional identical timber sash window is proposed for No, 2 A in order to retain the symmetry of the 2 linked semi detached properties as viewed from The Parade
2021/01021/FUL	A	3, Orchard Way, Gileston	Change of use of annexe to holiday let
2021/01031/FUL	A	5, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit	Double storey side and rear extensions, with balcony to rear. Porch extension to front elevation.
2021/01075/FUL	R	The Barn, Greenway Farm, Bonvilston	Proposed single storey and two storey extensions with terrace to the rear and associated alterations to existing property
2021/01132/FUL	A	Charles Insurance, 29, Hickman Road, Penarth	Change of use from office to residential accommodation
2021/01164/1/N MA	A	1, Porlock Close, Ogmore By Sea	Non Material Amendment - replace approved window with exterior door to allow access to the utility/boot room from the front of the house. Planning approval

			2021/01164/FUL - Single storey extension to the rear of the property which will link the sitting room with the kitchen and also provide access to what is currently the garage. The garage will be half converted to a large utility/boot room. The other half will remain a garage at 1 Porlock Close, Ogmore by sea
2021/01223/RG3	A	Land to the rear of Nos. 2 to 4, School Houses, St. Cyres Road, Penarth	Variation of Condition 2 (Approved Plans and Documents) of Planning Permission 2020/01232/RG3: Construction of 14 affordable apartments for over 55 years old, and associated works at Land to the rear of Nos. 2 to 4, School Houses, St. Cyres Road, Penarth
2021/01260/FUL	A	Topstak, Adjacent to 42-42a Vale Business Park, Llandow	Construction of new Warehouse for storage for Topstak
2021/01278/FUL	R	The Old Orchard, Bridge Road, Llanblethian, Cowbridge	Rear and side extensions
2021/01338/FUL	A	Penllyn Estate Farm, Llwynhelig, Cowbridge	Application for 15,950 bird multi tier free range poultry building, associated feed silos and hard standings
2021/01392/FUL	A	3, Hawthorn Avenue, Penarth	Two storey and single storey extensions
2021/01404/1/C D	A	18, Lakeside, Barry	Rear dormer extension. alterations to porch, extend balcony with glass balustrade and changes to existing elevations including fenestration

2021/01439/FUL	R	Land to the West of Woodham Park, Barry	Development of 4 no. houses
2021/01455/LAW	R	Land at West Orchard Farm, Higher End, St. Athan	Storage of construction related goods including (but not limited to) building materials, fittings, fixtures, signage, ladders, paint, machinery, bricks, fencing, sheds, and some construction related waste materials such as rubble (prior to disposal), and also including (at times) the use of storage containers and sheds to keep the materials dry and secure.
2021/01457/1/N MA	A	20, Coleridge Avenue, Penarth	Non Material Amendment - Provision of lantern rooflight to the rear extension and alterations to side elevation WC window. Planning approval 2021/01457/FUL - Single storey rear extension and rear roof and dormer extension
2021/01459/1/N MA	A	1, Laburnum Way, Dinas Powys	Non Material Amendment - Single storey rear extension reduced in size from 6000mm to 4000mm off rear elevation. Planning approval 2021/01459/FUL - Single storey side and rear extensions
2021/01470/FUL	A	Goldslan Farm, Wenvoe	Outbuilding for private gym and summer house
2021/01472/FUL	A	Sausage Revolution, Unit 1, Atlantic Trading Estate, Barry	To retain all existing uses and to add "Conference and Community Use until 24:00 hours"

2021/01473/1/N MA	A	17, Cherwell Road, Penarth	Non Material Amendment - To alter roof apex height and design to rear extensions. Planning permission ref. 2021/01473/FUL: Demolish existing conservatory and single storey extension. Rebuild two storey extension and single storey side extension
2021/01474/LAW	A	31, Rhoose Way, Rhoose	Build single storey extension to rear of property
2021/01483/FUL	A	Land at Forest Wood Quarry, Cowbridge Road, Pontyclun	Change of use of land to incorporate the enlargement of existing internal access road, including alterations to levels and laying of hardstanding
2021/01530/LAW	A	12A, Paget Road, Penarth	Retention of shed/garden room built in 2015
2021/01543/1/N MA	A	33, Crompton Way, Ogmore By Sea	Non material Amendment - Alteration to traditional roof structure from lightweight composite roof and altering dimensions and style of bi folding doors. Planning approval 2021/01543/FUL - Single storey conservatory addition to rear elevation
2021/01593/FUL	A	Awbery House, Buttrills Walk, Barry	To fit a band III end-fed collinear antenna to the roof of Awbery House
2021/01626/FUL	A	Springfield Nursery, Sutton Road, Llandow	Installation of a 400 cubic capacity water tank (production of heat for use in the existing polytunnels and CO2 production).
2021/01628/FUL	R	Land off Fairford Street, Barry	Construction of 2 three bed houses on existing vacant site. Proposal includes

			provision of private gardens and amenity space and the provision of 5 off road parking bays (Resubmission of 2020/01090/FUL)
2021/01634/FUL	A	34, West Farm Road, Ogmore By Sea	Addition of new main entrance on principal elevation. Removal of existing chimney stack on side elevation. Addition of new flue on rear roof plane on rear elevation. Addition of new sliding door and raised deck on rear elevation. Replacing patio doors on front elevation with window and other changes to fenestration
2021/01660/LBC	A	Kingscombe, Llanmihangel Road, Llanblethian, Cowbridge	Rear boot room extension and new internal aperture in central wall to connect kitchen with dining room
2021/01667/FUL	A	Arvika, 2, Mount Road, Dinas Powys	Two storey side extension and single storey front, side and rear extensions
2021/01680/FUL	A	211, Holton Road, Barry	Change of use from residential to house of multiple occupation to house single persons in temporary accommodation working with Vale of Glamorgan Housing Solutions Department (Homeless)
2021/01690/FUL	A	St. Peters Church, Mill Road, Dinas Powys	Car port type covering over paved play area in the rear of the church hall within the playgroups garden
2021/01694/FUL	R	62, South Road, Sully	Proposed rear dormer loft conversion, new porch with integral dormer, larger front dormer bays

2021/01695/FUL	A	18, Archer Road, Penarth	Demolition of rear garden store and construction of rear single storey kitchen extension
2021/01709/1/N MA	A	Overway, Park Road, Penarth	Non Material Amendment - Seeking to increase the garden wall height from 575mm to 650 mm and reduce railing height from 1000mm to 750mm. Also to include two small columns in centre run for stability and safety of railings. Planning approval 2021/01709/FUL - New dwarf wall and railings to front boundary of house
2021/01718/FUL	A	19, Boverton Brook, Boverton	Outbuilding to rear garden
2021/01722/FUL	A	29, Channel View, Ogmore By Sea	Completion of raised terrace, outbuilding and associated external works
2021/01723/FUL	A	The site encompasses circa 0.3 hectares of land at the Western end of East Quay Park (the former site of a graving dock), Barry Waterfront	Proposed Water Activity Centre providing accommodation for existing/new office buildings and secure container storage facilities, parking spaces and dinghy storage spaces
2021/01729/FUL	A	Bridge Farm Bungalow, St. Brides Road, Ewenny	Removal of Condition 1 of planning permission 53/81/541
2021/01734/FUL	A	Barry ATE , Dock View Road, Barry	Removal of 3 no. antennas and 1 no. BTS cabinet and installation of 6 no. antennas, 1 no. anti slip walkway, 1 no. CSC cabinet, 1 no. outdoor ERS rack and 1 no. GPS module with all other ancillary apparatus

2021/01745/FUL	A	24, Plassey Street, Penarth	Bungalow annexe to the rear of the property for family member to live in
2021/01750/FUL	A	Bell House, Adjacent to Stone Cottage, Colwinston Village, Colwinston	Conversion of existing garage to lounge space and new build garage extension
2021/01754/FUL	R	The Royal India, 213, Cardiff Road, Dinas Powys	Conversion of part first floor to flat incorporating rear dormer.
2021/01756/FUL	A	14, Cambridge Street, Barry	Proposed loft conversion to provide additional bedroom
2021/01767/FUL	A	10, Love Lane, Llanblethian, Cowbridge	Creation of car port to shelter tractors
2021/01771/FUL	A	Tithe Barn, Upper Farm, Rhoose Road, Rhoose	Addition of front timber frame porch
2021/01775/FUL	A	The Extension, Lower Beaupre House, St. Hilary	Two new windows to the Northern elevation and conversion of car port / garage into kitchen
2021/01779/LBC	A	Town Hall, Cowbridge With Llanblethian Town Council, 21, High Street, Cowbridge	Replacement of the Mayors parlour roof and lesser hall roof with Spanish slate
2021/01781/FUL	A	Porthdare, 1, Maes Lloi, Aberthin	Garage conversion and extension to the rear of the property. Ground floor side extension. General alterations, including to dormer
2021/01782/FUL	A	43, Plas Taliesin, Penarth	Erection of first floor balcony with 1.8 metre high obscurely glazed side privacy screen
2021/01787/FUL	A	13, Eastgate, Cowbridge	Proposed orangery to rear elevation

2021/01788/FUL	R	21, Rectory Drive, St. Athan	Proposed new double garage with granny annex above
2021/01790/FUL	A	The Buck, 62-66, Holton Road, Barry	Proposed conversion of existing upper floors into 14 hotel rooms Use Class C1 (Hotel) with en suite bathrooms. Small lounge area, office and laundry room. New internal fire escape stair (from upper floor to first) and externally from first floor to ground floor.
2021/01798/FUL	A	36, Falcon Road, Barry	Proposed single storey mono pitched rear extension
2021/01801/FUL	A	Windrush, 21, Caynham Avenue, Penarth	Proposed single storey rear extension replacing existing carport, garage and greenhouse
2021/01805/FUL	A	Tir Abad, Dimlands Road, Llantwit Major	The proposed development is for the erection of an ancillary outbuilding within the residential grounds at Tir Abad, comprising a variety of uses including a garage, storage, studio room, office, gymnasium and guest suite
2021/01806/FUL	A	7, Clos Glascoed, Dinas Powys	Conversion of the external garage into a home office and storage
2022/00007/FUL	A	19, Birch Grove, Barry	Loft conversion with hip to gable extension and new flat roof rear dormer with Juliet balcony, and conversion of existing garage to habitable space
2022/00008/FUL	A	18, Maes Y Gwenyn, Rhoose	Rear single storey extension

2022/00011/LBC	A	Church Farm, Clemenstone	<p>1. Replace one second floor window, two French doors/windows on the first floor and one entrance gate to the rear courtyard. The replacements will be on a like-for-like basis, with the exception, that I am specifying Accoya hardwood timber rather than softwood, for extra durability. All joinery will have a painted finish, to match existing.</p> <p>2. Replace lime cement fillets around existing windows where these have cracked and fallen off.</p> <p>3. Renovate and redecorate all exterior joinery. I intend to change the paint colour from mid brown to a slate/lead grey</p> <p>4. Replace approx. 6 slate roof tiles which have slipped - to match existing tiles.</p>
2022/00012/FUL	A	11, Lettons Way, Dinas Powys	Single storey side extension. New entrance porch. Loft conversion to comprise: raising of existing ridge height, dormers to front and rear (complete with balcony)
2022/00016/FUL	A	16, Croffta, Dinas Powys	Outbuilding alteration
2022/00020/FUL	A	8, West Terrace, Penarth	Proposed loft conversion with dormer and Juliet balcony to rear of property.
2022/00021/FUL	A	1 Grayburn House, Jacksons Quay, Barry	Alteration of existing window / door opening and the construction of a new ramped access plus associated works
2022/00023/FUL	A	74, Clos Yr Wylan, Barry	Single storey side extension

2022/00027/FUL	A	39, Cae Leon, Barry	Demolition of existing rear single storey flat roof extension, conservatory and garage, construction of new single storey pitched roof extension, render external facades and re-roof
2022/00030/LAW	A	Goldstrand Farm, Wenvoe	Use of enclosed curtilage as garden area of farmhouse
2022/00031/FUL	A	Newton Cottage, Newton	Proposed demolition of rear garden storage, proposed side and rear double storey extension and detached double garage
2022/00034/RG3	A	Cowbridge Comprehensive School, Aberthin Road, Cowbridge	The construction of new first floor offices behind the existing Reception building
2022/00035/FUL	A	12, Peterswell Road, Barry	Porch replacement, single storey extension to side and rear, including material alterations
2022/00040/ADV	R	Dimes, 5 Paget Road, Barry Island	Shop sign to be erected on existing metal frame held up by ornate posts on pavement in front of arcade
2022/00042/LBC	A	Lloyds Bank, 1, Windsor Road, Penarth	Removal of external signage
2022/00044/FUL	A	Provincial House, Kendrick Road, Barry	Variation of of Condition 2 (Plan Specification) of Planning Permission Ref. 2018/00092/FUL to allow for the installation of brise soleil
2022/00053/FUL	A	73, The Verlands, Cowbridge	Extension above existing garage and conversion /extension of conservatory to new pitched roof and timber clad element as shown

2022/00054/FUL	A	8, Marine Walk, Ogmore By Sea	Lean to conservatory to the front of the property
2022/00057/FUL	A	35, Glebeland Place, St Athan	Porch to front of property for disabled access and storage of wheelchairs
2022/00058/LAW	A	East House, Maendy, Cowbridge	Non-compliance with Agricultural Occupancy Condition 2 of Planning Approval CORD/263/62 18314
2022/00061/FUL	A	Bank Cottage, Flemingston Road, Flemingston, Barry	Installation of new solar panel system integrated into depth of existing slated roof to garage adjacent Bank Cottage
2022/00068/FUL	A	51, Pill Street, Cogan, Penarth	Change of use, from a convenience store to a beauty salon. Ground floor from A1 to sui generis
2022/00069/FUL	A	130, Colcot Road, Barry	Demolition of existing garage and construction of single storey extension to the rear of the property.
2022/00070/FUL	A	Doghill Farm, Weycock Barn, Dyffryn	Reconstruction of dilapidated barn with modern outhouse of similar proportion accommodating home office and garage workshop
2022/00074/FUL	A	13, Badgers Brook Rise, Ystradowen	Garage conversion
2022/00082/FUL	A	Beudy'r Bwythyn, Llanquian Road, Aberthin	Proposed single storey extension to existing property
2022/00086/FUL	A	16, Arcot Street, Penarth	Third floor rear extension to create additional bedroom

2022/00093/FUL	A	10, White House, Barry	Proposed rear extension to replace existing conservatory, the existing footprint will be maintained so no increase in size. Changes to fenestration
2022/00098/RG3	A	Station Road Playing Fields, Station Road East, Wenvoe	Erection of a permanent netted cricket ball stop fence
2022/00106/HR	A	Coslech Sewage Treatment Works, Dwr Cymru Welsh Water, Peterston Road, Greoesfaen, Pontyclun	Additional hedgerow removal to facilitate temporary access to the fields. At 2 no. locations, a 6m section will be coppiced to ground level. The stumps be protected for the duration of the works. Hedgerows which are removed to facilitate access are to fully reinstated once works are completed to ensure no net loss of this habitat and to re-join the wildlife corridor.
2022/00107/FUL	A	5, Rhodfa Felin, Barry	Front porch extension
2022/00109/FUL	R	Land adjacent to shelter, 21m From 3 Picketston Close 5m From Unnamed Road. Eglwys Brewis Road, Eglwys Brewis	Plot 2 - Construction of detached two and a half storey five bedroom house and a detached double garage. The forming of a new vehicle and pedestrian access onto Eglwys Brewis Road, construction of 2.0m wide footway to frontage of site. Associated works including driveway, landscaping, boundary walls and fencing
2022/00113/FUL	A	Highfield, Love Lane, Llanblethian, Cowbridge	Front, rear and side extension and side garden store
2022/00114/FUL	A	11, Beechwood Drive, Penarth	Proposed single storey extension to rear and side

2022/00117/FUL	A	Windsor Lawn Tennis Club, Larkwood Avenue, Penarth	To erect a canopy over the existing padel court to provide protection from the weather
2022/00121/FUL	R	Land adjacent to shelter, 21m From 3 Picketston Close 5m From Unnamed Road, Eglwys Brewis Road, Eglwys Brewis	Plot 1 - Construction of detached two and a half storey five bedroom house and an attached double garage. The forming of a new vehicle and pedestrian access onto Eglwys Brewis Road, construction of 2.0m wide footway to frontage of site. Associated works including driveway, landscaping, boundary walls and fencing
2022/00127/LBC	A	Penllyn Castle, Penllyn	Convert internal courtyard to accommodation with glazed roof
2022/00129/FUL	R	65, Stanwell Road, Penarth	Rear chimney removal
2022/00138/FUL	A	66, Stanwell Road, Penarth	Single storey extension to rear of house. Replacement of existing windows. New parking area and access to rear
2022/00143/FUL	A	Stanwell Comprehensive School, Salisbury Avenue, Penarth	The construction of a 2 storey teaching and administration building
2022/00170/FUL	A	8, Mayflower Way, Rhoose, Barry	Erect a conservatory to the rear elevation
2022/00182/LAW	A	15, Fairfield Road, Penarth	Proposed single storey rear and side extension
2022/00188/FUL	A	23, Nightingale Place, Dinas Powys	Replacement of existing single storey side extensions with a single storey side and rear extension plus loft conversion with rear dormer and a new front entrance and porch.

2022/00193/PNA	R	Splott Farm, St. Donats	Proposed building
2022/00203/FUL	A	14, St. Johns Close, Cowbridge	Single storey rear extension with internal remodelling. New porch to left side of property
2022/00215/FUL	A	12, Mill Road, Dinas Powys	Rear single storey extension
2022/00220/FUL	A	Frondeg, Love Lane, Llanblethian, Cowbridge	Extend the first floor and roof, a single storey rear extension and a front porch
2022/00226/FUL	A	74, Castle Avenue, Penarth	Proposed rear extensions (ground floor extension is mainly for disabled person) and front porch and dropped kerb
2022/00240/FUL	A	Cross House, Clawdd coch, Pendoylan	Proposed alterations and extensions to existing property
2022/00244/OBS	S	Land at Fonmon (CAS-01391-M3G6Q9)	Solar Farm with a capacity of approximately 35MW
2022/00249/FUL	A	3, Erw'r Delyn Close, Penarth	Two storey rear and side extension
2022/00259/FUL	A	80, Shakespeare Avenue, Penarth	Proposed single storey side extension in place of existing garage and outbuilding. Internal remodelling of existing property
2022/00274/FUL	A	12, Anchor Road, Penarth	Metal powder coated balcony with associated glass and stainless balustrade
2022/00275/FUL	A	11, Anchor Road, Penarth	Metal powder coated balcony with associated glass and stainless balustrade to front and rear elevation

2022/00282/FUL	A	16, Powys Place, Dinas Powys	Front porch and double storey rear extension
2022/00292/PNA	F	Land North of Sealands Farm, Bridgend	Fertiliser storage tank

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 27 APRIL 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/00418/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01699-F6T0B1
Appellant: Stuart Reid
Location: **4, Cliff Parade, Penarth**
Proposal: Construction of replacement house
Start Date: 22 March 2022

LPA Reference No: 2021/01693/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-01713-Q4Y0V6
Appellant: Alight Media
Location: **ETB Autocentre, Cardiff Road, Barry**
Proposal: Replacement of a previously removed existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display
Start Date: 28 March 2022

LPA Reference No: 2021/01605/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01717-H3S0N9
Appellant: Mrs Ann Hayward
Location: **28, Westgate, Cowbridge**
Proposal: Alterations/extension to existing dwelling - resubmission following refusal
Start Date: 5 April 2022

LPA Reference No: 2021/01086/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01740-H8D4Y3

Appellant:	Mr Will Vaulks
Location:	Ty'r Waun, Cross Common Road, Dinas Powys
Proposal:	Substantial demolition of existing dwelling and the creation of a replacement dwelling
Start Date:	12 April 2022

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No:	2021/00020/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-01460-H4F0F7
Appellant:	Mr and Mrs Markos and Markella Asprou
Location:	3, White House, Barry, CF62 6FB
Proposal:	Single and two storey extensions to the front and rear of property to include annex; single storey extension to the side, including material and other alterations. Rear terrace and alterations to front boundary treatments. Internal alterations.
Decision:	Appeal Dismissed
Date:	24 March 2022
Inspector:	Paul Selby
Council Determination:	Committee

Summary

The main issues were considered to be the effect of the proposal on the living conditions of adjacent properties and the appeal dwelling; whether the proposal would preserve or enhance the character or appearance of the Barry Marine Conservation Area, and the effect on the safety and convenience of users of the adjacent highway network.

The appeal site accommodated a two-storey detached dwelling located on the residential street of 'White House' within the Barry Marine Conservation Area (CA), with Nos 1 and 5 White House lying to the west and east of the property. The proposed front extension would extend the existing west-facing flank wall of the dwelling and would be situated in close proximity to the shared boundary with No 1 and readily visible from that property's front/side garden area and from south and east-facing windows in the adjacent dwelling. The Inspector identified that the most marked visual effect would be some reduction in sky views and there would also be a moderate enclosing effect on the front/side garden space.

The front/side and rear extensions would also be situated in close proximity to the boundary of No 5 White House, mirroring the line of the existing appeal dwelling's easternmost flank. As with the current dwelling, the low eaves of the extended roof slope would considerably lessen any impacts on the neighbouring property and, despite the proximity to the boundary, an acceptable outlook would be retained, including from west-facing windows and doors and that property's side passage.

The Inspector identified that the appeal scheme would introduce roof lights and windows at first floor or roof level which would face adjacent properties. The Council had suggested conditions to secure obscurely glazed and non-opening windows or roof lights to avoid harm to the privacy of occupants of adjacent properties. Whilst the Inspector considered that such conditions would be necessary, applying such a condition to the proposed 'bedroom 4' would limit the external outlook and natural ventilation of that room resulting in a reduction in the standard of living accommodation compared to the existing property and would constitute poor design. It was also noted that the provision of a fixed and non-openable window within a first floor bedroom may fall foul of current Building Regulations.

The proposed extensions would have some impact on light and daylight levels received within the neighbouring properties of Nos 1 and 5 White House, however having regard to the separation distances between the main bulk of the proposed extensions and neighbouring windows, the Inspector did not consider that the extent of reduced daylight or light would amount to an unacceptable interference with adjacent occupants' living conditions.

Whilst concerns had been raised about the effect of noise and disturbance during the construction phase, these impacts were considered temporary in nature and not harmful to nearby residents. The Inspector concluded however that there was an identified harm to the living conditions of No 1 White House, with regard to privacy; or, if a condition were to be applied to avoid this harm, to occupants of the appeal dwelling, with regard to outlook and ventilation. The proposal would therefore not accord with policy MD2 of the LDP or the 'Residential and Householder Development' SPG.

Conservation Area / character and appearance

The Barry Marine CA Appraisal and Management Plan 2009 (CAAMP) identified White House as an infill housing development dating from the 1980s and the Inspector identified that the prevalence of landscaped front boundary treatments and gaps in built form afforded White House a pleasant, suburban character.

He noted that there was little consistency in the design of dwellings, with various roof types, patterns of fenestration and design details evident within the streetscape and highlighted guidance provided in the SPG regarding the importance of carefully designed front extensions, particularly in terms of scale and massing and that established building lines should be respected.

The proposed two storey front extension would project around 4.2 metres forward of the dwelling's principal elevation. The Inspector noted that whilst it would be visible from White House, its limited width, hipped roof form and

subordinate ridge relative to the main roof would mitigate its prominence within the street scene and its siting to the rear of the garage would also assist in reducing its apparent bulk and mass from the street. He therefore concluded that the front extension's design details, materials and rooflines relative to the appeal property and/or others nearby would not appear incongruous and would not harm the character or appearance of the vicinity.

The single storey front and side extension to the south-eastern part of the property was considered to read as a complementary and subsidiary element of the dwelling as a whole and the rear extension would have a negligible impact on the street scene due to its modest height and position to the rear of the dwelling. The Inspector therefore concluded that subject to appropriate conditions, the proposal would accord with the design and conservation objectives of LDP policies MD2, MD5, MD8 and SP10 and with the general aims of the Council's CAAMP and 'Residential and Householder Development' SPG.

Safety and convenience of highway users

The Inspector identified that whilst the appeal scheme would increase the floorspace of the existing dwelling, it would remain a 4 bedroom property with 2 on-site parking spaces and there would consequently be no conflict with the advice included in the Council's Parking Standards SPG. Little compelling evidence had been provided of parking conditions occurring on White House and the proposal was considered to have a negligible effect on demand for on-street car parking and to accord with the objectives of LDP policy MD2.

Other Matters and Conclusion

Whilst the Inspector considered that the proposal was acceptable in terms of visual impacts, on the safety and convenience of highway users and that it would not detrimentally affect outlook, light or daylight within neighbouring properties, or give rise to unacceptable noise and disturbance, this did not outweigh the identified harm to the living conditions of occupants of No 1 White House, with regard to privacy, or to the appeal dwelling, with regard to outlook and ventilation. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2020/01370/FUL
Appeal Method:	Written Representations
Appeal Reference No:	APP/Z6950/A/21/3282767
Appellant:	Mr W Davies
Location:	Ty Dan Y Graig, Graig Penllyn
Proposal:	Erection of three residential dwellings
Decision:	Appeal Allowed
Date:	29 March 2022
Inspector:	Richard Duggan
Council Determination:	Delegated

Summary

The main issues were considered to be the impact of the development on the character and appearance of the surrounding area, and whether the

development would conflict with policy requirements relating to affordable housing provision.

Character and Appearance

The appeal site consisted of a derelict dwelling which was set back from the highway and sited on a raised plateau above the road, with the land below made up of a terraced garden area. The vast majority of the land proposed to accommodate the proposed development was located within the settlement boundary of Graig Penllyn and the site was also within the Upper and Lower Thaw Valley Special Landscape Area (SLA).

It was proposed that the replacement dwelling on the upper plateau would have a mono pitched roof design with the first-floor accommodation within the roof area and the two houses on the lower plateau were proposed as two-and-a-half storey split level dwellings with the rear gardens accessed at first floor level.

Whilst the existing derelict dwelling was sited at a higher level than the neighbouring properties, the Inspector noted that Graig Penllyn was characterised by linear development along the highway running through the village and there were a number of examples of backland or tandem development within close proximity to the site. Whilst the development would require ground re-profiling works, including the provision of retaining walls and sloping banks, it was considered that the extent of hard surfacing and retaining walls/structures would not be so different as to be construed as disharmonious and that the proposal would therefore generally accord with the established pattern of local development.

The siting of the proposed dwellings would relate to existing built development along the road and the Inspector did not therefore consider that the introduction of the three dwellings, in a position that did not extend much beyond the line of other buildings in the vicinity of the site or into the surrounding countryside, would appear harmful to the character and appearance of the area. The use of slate, render and stone, some of which would be reclaimed from the existing dwelling, would replicate characteristics found in the existing built form and enable the proposed dwellings to integrate well with the existing built vernacular. In this context, the Inspector was satisfied that the effect of the proposal, suitably controlled by conditions, would not harm the character or appearance of the surrounding area and there would be no conflict with LDP policies SP1, SP10, MD1 and MD2 or MG17.

Affordable Housing

The Council's second reason for refusal related to the appellant's failure to submit a Planning Obligation under Section 106 of the Act to provide a contribution towards affordable housing which had been calculated as £55,540.80. Whilst the Council had raised some concerns regarding the content of the Unilateral Undertaking (UU), the Inspector considered that it was fit for purpose in requiring the appellant to pay the Council the affordable housing contribution in line with LDP policies and the SPG.

Other Matters

Whilst concerns had been raised regarding car parking and highway safety issues including cars reversing out on to the road, the Council had not refused the development for these reasons and the Council's own highways officer did not object to the proposals. It was considered that there was no evidence to suggest that the development had a harmful effect on highway safety. Although neighbours had also raised concerns about the demolition of the existing dwelling, it was in poor condition and would be unviable to renovate.

A number of representations from residents had also raised concerns regarding surface water flooding, however the Inspector identified that the majority of new developments required SuDS approval by the local authority acting in its SuDS Approval Body role (SAB) prior to construction work and it was not therefore appropriate to duplicate controls secured by other legislation.

Conclusion

It was therefore concluded that the appeal should be allowed, subject to conditions and the financial contribution towards affordable housing set out in the appellant's UU.

(d) Enforcement Appeal Decisions

None.

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	21	5	26	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		21 (81%)	5 (19%)	26	
Committee Determination		5	1	6	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (50%)	1 (50%)	2	1
All Appeals (excludes non validation appeals)	W	22	7	29	1
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		22 (76%)	7 (24%)	29	1

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2021/01770/TPO	A	Brookside, 34 Mill Road, Dinas Powys	Ash Tag 1400 - Fell to pavement level. Stage 1 Ash dieback
2022/00048/TPO	A	The Mill, St Quentins Hill, Llanblethian, Cowbridge	Work to Trees covered by Tree Preservation Order 1973, No. 7: Removal of 1 x Ash Tree T.2. Height reduction of 5 x Leylandii T.3, T.4, G.1. Reduction to crown of willow up to 25% of available crown T.1
2022/00049/TCA	A	The Old Parsonage, Llancarfan	Work to Trees in a Conservation Area: Removal of: 1x Leylandii T.1. 2 x Ash T.5, T.6. 1 x Willow T.2. 1 x Sycamore T.3. Reduction to 1 x Willow T.4
2022/00083/TPO	A	1, Portland Close, Penarth	Work to Tree covered by TPO No.3 of 2013: Oak tree in rear garden - Slight overall crown reduction, deadwooding, removal of crossing and rubbing limbs and a light thin through the crown

2022/00091/TCA	A	Land to the North West of 17 Southesk Place, Barry	Work to trees in Barry Marine Conservation Area: T1 Ash - Fell and treat stump with eco plugs. TG1 Willow - Fell and treat stump with eco plugs. Removal of group
2022/00108/TCA	A	The Chase, Llandow	Works to trees in the Llandow Conservation Area: T1- ash, reduce by up to 30%; T2- lime; fell T3 - multi stem ash; fell individual stem
2022/00124/TPO	A	60, Burdons Close, Wenvoe	Work to Tree(s) covered by Tree Preservation Order 2015, No. 7. T1 - Sycamore - Reduce overhanging lateral branches by 2 metres to strong growth points. T2 - Ash and T3 - Oak - Reduce overhanging lateral branches by 2 metres
2022/00145/TCA	A	The Old Vicarage, Wick Road, St Brides Major	Work to Trees in a Conservation Area. T1 conifer - removal of suppressed conifer tree
2022/00159/TCA	A	1 Church Avenue, Penarth	Work to Trees in Penarth Conservation Area. Sycamore (T1) - Crown reduction of 3-4.5m to the original cutting / growing points and remove any unstable deadwood. Rowan (T2) - Shorten apical and lateral branches by 2-2.5m.
2022/00166/TCA	A	Bridgeman Court, Penarth	Work to Tree(s) in a Conservation Area: Removal of Ash tree
2022/00168/TPO	A	4, Glaslyn Close, Barry	1 X Oak. Prune away from the roof and guttering by 0.5m to a suitable growing point. Prune limb

			overhanging neighbouring drive by 0.5m. Crown raise epicormic growth on lower trunk to 2.5m to allow clear access to driveway
2022/00171/TCA	A	Barry Castle grounds, Side of 17, Park Road, Barry	Work to Trees in Barry Garden Suburb Conservation Area: Re-pollard Sycamore on a 4 / 5 year cycle
2022/00176/TCA	A	1, Cardiff Road, Dinas Powys	Work to Tree(s) in a Conservation Area: Reduction of 25% off one Magnolia tree (T1). Crown lifting of two mature Horse Chestnut trees (T2) and (T3)
2022/00189/TPO	A	Llandough Castle, Llandough, Cowbridge	T1 Oak- 30-40% of reduction to rebalance crown. G1 Ash- Removal due to Ash dieback and subsequent decline
2022/00201/TCA	A	Rose Cottage, Gileston	Works to trees in Gileston Conservation Area:
2022/00228/TCA	A	19 Archer Road, Penarth	Work to Trees in Penarth Conservation Area: Leyland Cypress - reduce sides by 3-3.5m back to fence line. Bays x2 - Reduce height by 2m and trim to shape. Small Yew Hedge - Reduce height by 2m down to old points. Bay - Pollard at 2m. Bay - Reduce height by 4m and sides by 2-3m. Holm Oak - Reduce height by 3m and sides by 1-2m
2022/00229/TCA	A	The Old Rectory, Llantrithyd	Work to Trees in Llantrithyd Conservation Area: G1 pear Trees- reduction to lower crown and re establish good form and shape. T1 Acer- reduction by 30% to re-

			establish lower canopy. T2 Portugese Laurel- Pollard to 6-7ft in order to re-establish place in boundary hedge
2022/00238/TCA	A	Bolston House, Bonvilston	Work to trees in Bonvilston Conservation Area: Proposed felling of 3 Lawson Cypress in front garden area on boundary with Red Lion Public House
2022/00251/TPO	A	Mena House, 78 Victoria Road, Penarth	Work to Trees covered by TPO No.03 of 1987: Completely remove Holly Tree T3 at ground level and grind stump, replace with 3x Black Cherry Plum (Prunus Cerasifera 'Nigra') trees in positions T4, T5 and T6
2022/00283/TPO	A	Plasnewydd, Bonvilston	Works to trees covered by Tree Preservation Order No. 8, 1973 - Three Lime Trees, 2 Trees canopy reduce by 30% and fell a third Tree
2022/00285/TCA	A	23, Church Avenue, Penarth	Work to Tree (s) in a Conservation Area: Trim tree by at least a third, removing dead branches and if necessary, remove tree all together and replace with something more appropriate

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(b) TO CONFIRM TREE PRESERVATION ORDER NO. 6, 2021 FOR TREES AT MARIE CURIE HOSPICE, BRIDGEMAN ROAD, PENARTH

REASON FOR COMMITTEE DETERMINATION

This matter is reported to Planning committee under the Council's approved scheme of delegation because objections have been received, following the serving of a Tree Preservation Order (TPO).

EXECUTIVE SUMMARY

The site relates to the Marie Curie Hospice, located on Bridgeman Road, Penarth. The tree in question is an Atlas Blue Cedar, located to the rear of the building along the northern boundary with Park Tower. The site falls within the Penarth Conservation Area and the site backs onto the Grade 2 Listed Windsor Gardens Historic Park.

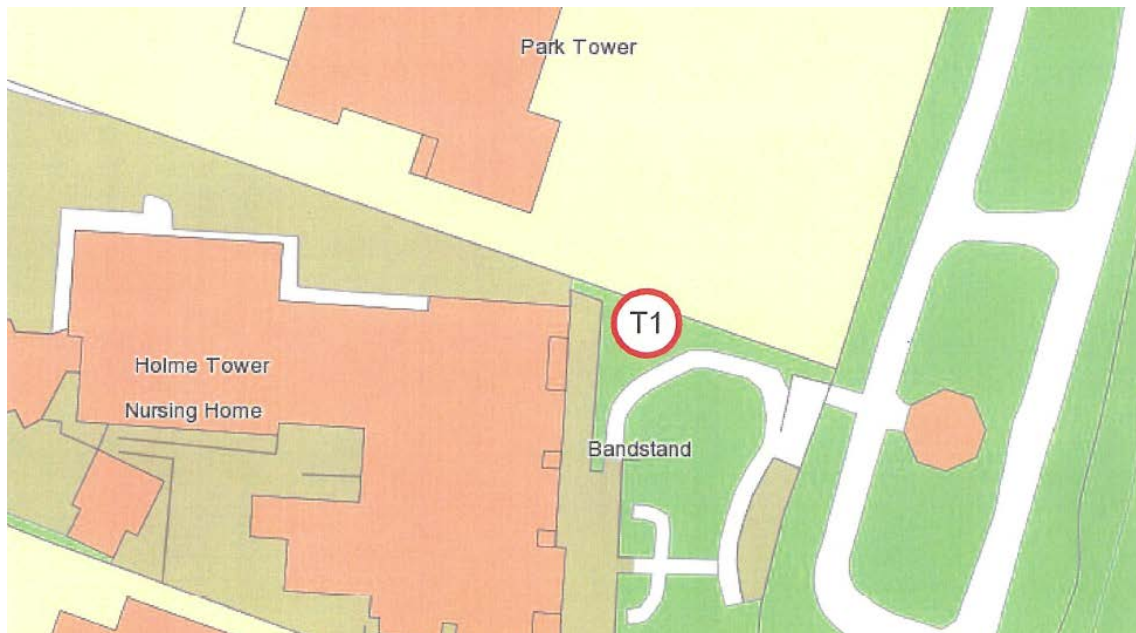
A Section 211 Notice was submitted to carry out a 1.5 to 2m reduction of lateral branches that overhang neighbouring property (under ref. 2021/01477/TCA). Officers considered that the works would result in significant changes to the shape, form and balance of the tree, where the significant cutting back of the main scaffold branches would unbalance and significantly impact on the form of the tree.

Due to the notable form of the Atlas Blue Cedar, its condition, life expectancy and the tree's visibility from the public park to the rear, and the contribution it makes to this part of the Conservation Area, a Tree Preservation Order (No. 6 of 2021) was served on the 10th November 2021.

Letters were sent to the owners and neighbours, who were given 28 days to comment on the TPO. The planning authority has received two letters of objection, which are considered in detail below. Whilst objections have been raised to the TPO, it is considered that none of the issues raised by the objectors provide sufficient justification to override the reasons in favour of confirmation of the TPO. Therefore, it is recommended that the TPO is confirmed without modification.

SITE AND CONTEXT

The site relates to the Marie Curie Hospice located on Bridgeman Road, Penarth. The tree in question is a Cedar, located to the rear of the building along the northern boundary with Park Tower. The site falls within the Penarth Conservation Area and the site backs onto Windsor Gardens Historic Park.



DESCRIPTION OF DEVELOPMENT

This application seeks consent to undertaken a 1.5 – 2m reduction of branches of a cedar tree, where they encroach over the neighbouring property.

PLANNING HISTORY

1995/00777/TCA, Address: Holme Tower, Bridgeman Road, Penarth - Marie Curie Centre, Proposal: To remove row of Cupressus Leylandii along southern boundary, Decision: Approved.

2016/00257/TCA, Address: Marie Curie Hospice, Bridgeman Road, Penarth, Proposal: Remove Eucalyptus, Decision: Approved.

2016/00853/TCA, Address: Marie Curie Hospice, Holme Tower, Bridgeman Road, Penarth, Proposal: Remove Cherry tree and crown lift Atlas Blue Cedar tree., Decision: Approved

2017/00326/TCA, Address: Marie Curie Hospice, Bridgeman Road, Penarth, Proposal: Fell Silver Birch within the Penarth Conservation Area, Decision: Approved.

2021/01477/TCA, Address: Marie Curie Hospice, Bridgeman Road, Penarth, Proposal: Work to tree in Penarth Conservation Area: T1 Cedar on northern boundary of rear garden - Carry out a 1.5 to 2m reduction of lateral branches that overhang neighbouring property (not height reduction), Decision: TPO served 10 November 2021.

CONSULTATIONS

The Councils NSO Arboriculture Officer, following a visual inspection of the tree, has stated in summary that the tree is close to the neighbouring boundary wall, but could see no obvious signs of damage / cracking to the wall and that the overall health of the Cedar is good.

REPRESENTATIONS

- Interested parties were given 28 days to comment and to date, two letters of representation have been received from two of the flats within Park Towers (attached in full as Appendix A and B). The objections raised to confirming the TPO are made on the following grounds (as summarised)
- The tree is usually found in large open landscapes, usually surrounded by extensive lawned areas. The tree is situated in a small amenity garden close to buildings and boundary walls which is not a good location and is alien to other trees in the vicinity.

- The tree has been planted very close to the boundary wall owned by Park Tower and the tree roots will eventually undermine and damage the boundary wall.
- The tree may become so large that it will need removal or severe pruning which for this species is not an option, as its form would be totally altered and unbalanced
- A Crown lift, while a temporary answer, would not stop the tree growing bigger and wider with the damage that would cause.
- The foundations may be damaged and the boundary wall (stone) may well have to be reconstructed along with replanting of an existing mature hedge in which substantial species of wildlife are living.
- A tree surgeon has advised that the tree should be removed.
- Should the Council decide to make the TPO and then not to agree to the complete removal then the Council and/or Marie Curie would be responsible for the cost of remedying any present or future damage to the boundary/retaining wall.

REPORT

Planning Policies and Guidance

Local Development Plan:

The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD8 - Historic Environment
In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is relevant.

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 10 – Tree Preservation Orders (1997)
- 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:

- Penarth Conservation Area
- Trees, Woodlands, Hedgerows and Development (2018)
- Penarth Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Town and Country Planning (Trees) Regulations 1999
- BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations
- Tree Preservation Orders: A Guide to the Law and Good Practice - Department for Communities and Local Government
- Tree Evaluation Method for Preservation Orders
- Section 198(1) of the Town and Country Planning Act 1990 empowers a local planning authority, where it appears to them that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the amenity value associated of the tree within the street scene/ public viewpoints and the wider character of the conservation area, and to take into account all duly made objections and representations before deciding whether to confirm the TPO.

Assessment

The Atlas Blue Cedar tree is located to the rear of the property and as such can only be glimpsed between the buildings when viewed from Bridgeman Road. However, the tree is highly visible from the Grade 2 Listed Windsor Gardens, an area of open space to the rear, where the rear boundary of the property is enclosed by low level and open railings which, in addition the elevated nature of the site above Windsor Gardens, results in the rear of the site being afforded open and clear views from the park. As such the tree is widely visible from nearby and more distant viewpoints from this public park. Windsor Gardens is situated on the cliff overlooking the Esplanade, and is attractively landscaped and grassed, with a bandstand creating a focal point. The trees within the Gardens and those within the rear gardens of the properties that back onto the Gardens all contribute to the amenity and character of this part of the Conservation Area.



View of tree from Windsor Gardens



View south from Windsor Gardens

In the consideration of application ref. 2021/01477/TCA, to carry out a 1.5 to 2m reduction of lateral branches that overhang neighbouring property, no evidence was submitted with that application in respect of any associated structural / long term impacts as a result on the tree's location and proximity to the boundary wall. The application was made on the grounds of removing overhanging branches.

It is not disputed that the tree is in close proximity to the boundary wall and the canopy does overhang the adjacent property (the flatted complex of Park Tower). However, the tree is some 11m from this property and was not considered to impact on this building, given that the overhanging branches of the tree largely overhang the boundary wall and hedge.

Given the size of the tree, such a reduction of the branches which overhang, would result in a significant cutting back of a number of scaffold branches and would awkwardly unbalance and significantly impact on the form of the tree. Given the prominence of the tree as set out above, these works were considered harmful to the character of the tree and its contribution to the amenity of the Conservation Area.

Having undertaken a TEMPO assessment, the condition of the tree was considered suitable for a TPO, with a medium to long term life expectancy, where the tree is widely visible from the public park to the rear and the Atlas Blue Cedar species is notable in its form and the contribution it makes to this part of the Conservation Area. On this basis a TPO was defensible.

A Tree Preservation Order No. 6 of 2021 was served on 10 November 2021 on the owner and occupier of the land affected by the TPO and any land adjoining the land on which the trees are situated.

Consideration of Objections

In light of the objections and to properly consider these representations, a further site visit was also undertaken with the Councils NSO Arboriculture Officer. These objections are considered below.

Having regard to the objections, it is not disputed that Atlas Blue Cedar trees are often found within large open landscaped areas. However, the location of this tree, based on its current growth is not necessarily problematic or inappropriate, on the basis of no evidence to demonstrate this current location is causing harm / damage to any property. The tree is not particularly close to the principal buildings within each plot and the wall has not inhibited its development into a relatively mature and high quality specimen.

Notably the steel blue foliage and pyramidal form are significant contributing factors to merit the protection of this tree within the TEMPO assessment and the weighting giving to the amenity of this tree.



View of tree in relation to boundary wall

The objections raise concerns in respect of the proximity of the tree to the wall, which is owned by Park Tower, stating that the tree roots will eventually undermine and damage the boundary wall.

The tree is not fully mature and officers do recognise that in time the tree may have an impact on the wall. However, currently, there are no obvious signs of damage / cracking to the wall and the Council's Tree Officer has stated that the overall health of the tree is good. No evidence, by way of structural survey or any arboricultural assessment, has been submitted with the representations made, to provide any evidence that the tree is currently causing damage to the wall or any associated structures. Even when the TPO is confirmed, the LPA can consider applications for works to such trees if at that point in time there is evidence that the tree is causing direct damage to walls or other structures. Any such application would be assessed having regard to the level and weight of supporting information submitted.

Having regard to the above, officers recommend that the individual TPO be confirmed, without modification, to protect the character and amenity of the site and the Penarth Conservation Area.

REASON FOR RECOMMENDATION

The decision to recommend the confirmation of a Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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.

RECOMMENDATION

That the Council's Planning Committee resolve to confirm the Tree Preservation Order relating to land at Marie Curie Hospice, Bridgeman Road, Penarth without modification

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **27 APRIL, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. 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.

APPLICANT: Mr A Collins c/o Agent, 39, Merthyr Mawr Rd, BRIDGEND, CF31 3NN

AGENT: Mr Robert Hathaway Plan R Ltd, 39, Merthyr Mawr Rd, Bridgend, CF31 3NN

Hillside, Pendoylan

Erection of three semi permanent Yurts and toilets (revised siting) and creation of new access into field

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 Morgan for the reason of grounds of public interest.

EXECUTIVE SUMMARY

Planning permission is sought for the erection of three yurts on an agricultural field, along with individual toilet/shower blocks for each yurt.

The yurts are proposed to be trellised structures covered with canvas. Each has a lockable door and window and a domed roof and a flue to accommodate a log burner. The toilet/shower blocks each measure 3 metres x 2.5 metres and are proposed to be finished in green corrugated metal cladding. The toilets are proposed as composting toilets.

A new access is proposed in the South West corner of the site with an access track, spaces and a turning area constructed from reinforced mesh for grass. The existing access is proposed to be stopped up.

A number of neighbour objections (from 16 properties) have been received, mainly raising concerns regarding highway safety, visual impact, sustainability, neighbour amenity, hedgerow removal, wildlife impacts, sanitation arrangements and waste disposal.

The key issues are considered to be whether the proposed development is an acceptable form of tourism development within the countryside in principle in accordance with Policies SP11 (Tourism and Leisure), MD1 (Location of New Development) and MD13 (Tourism and Leisure) of the Local Development Plan, the visual and landscape impact of the proposal, its impact on highway safety and the impact on neighbour amenity, through potential noise and disturbance.

The proposed development subject of this application is not within a settlement boundary and does not appear to form part of an existing rural enterprise or farm diversification scheme. Therefore, in accordance with Policy MD13 (Tourism and Leisure) it would have to be considered as sustainable low impact tourism in order to be acceptable.

Having considered the attributes of Paragraph 7.11.3 of the Council's Tourism and Leisure Development SPG that "*sustainable low impact tourism and leisure proposals*" are expected to exhibit, the proposal is considered to be sustainable low impact tourism as required by Policy MD13 (Tourism and Leisure) of the Local Development Plan and in accordance with the Council's Tourism and Leisure Development Supplementary Planning

Guidance, and to accord with Policies SP11 (Tourism and Leisure) and MD1 (Location of New Development) of the Local Development Plan.

The development will be visible above the hedge from the road to the west and in the wider landscape, but its impact will be limited by the relatively small scale of the development, and the existing trees and hedgerows on and around the site. As such, it is not considered that the proposal will have a significant visual impact nor impact on landscape character, and it accords with Policy MD1 (Development on Unallocated Sites) and MD17 (Special Landscape Areas) in this respect.

In respect of impacts on neighbour amenity, the nearest residential property is approximately 130 metres from where the yurts are proposed to be located. Given this and the relatively small scale of the proposal, it is not considered that this would generate a level of noise, disturbance or odour that would have an adverse impact on neighbours, and that the development complies with Policy MD2 (Design of New Development) and Policy MD7 (Environmental Protection) of the Local Development Plan in this respect.

In respect of highway safety, it is considered a benefit of the scheme that the existing field access on to the crossroads is proposed to be stopped up. Regarding the proposed new site access, it is considered unlikely that a visibility splay of 2.4 metres x 43 metres requested by the Council's Highways Development Team could be achieved without significant loss of hedgerow, and it is not considered that the removal of such would be acceptable due to an adverse visual impact and loss of biodiversity.

However, this is a relatively lightly trafficked road and is a relatively narrow country lane, so is likely to result in relatively slow vehicle speeds. In addition, the use will generate a limited number of traffic movements, given the development proposed. As such it is not considered that the loss of hedgerow is justified nor required to accommodate this development, and that the development accords with Policy MD2 (Design of New Development) of the Local Development Plan in respect of highway safety.

Given the above, it is recommended that the proposed development is approved.

SITE AND CONTEXT

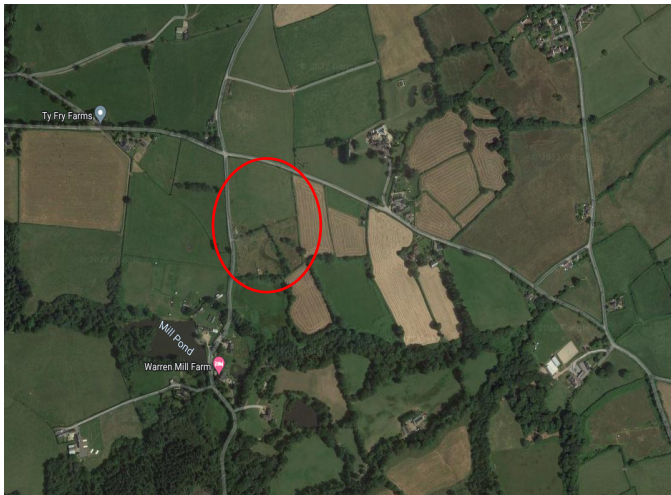
The site is approximately 2.7 hectares of agricultural land located to the south east of the cross roads where the road from Pendoylan to Welsh St Donats meets the road from Clawdd Coch to Bonvilston. The site slopes downwards from west to east, with a shallower slope downwards from north to south. It is currently accessed from a field gate at the crossroads. Part of the site in the south is separated off and used as allotments, with its own access. The site is surrounded by hedgerow.

The site is outside the settlement boundary and is within the Ely Valley and Ridge Slopes Special Landscape Area. The site is partially predicted to have an agricultural land classification of grade 2 (good quality agricultural land) and partially grade 4 (poor quality agricultural land). The majority of the site is within a safeguarding area for limestone resources.

Location Plan:



Site Location:



Site Photographs:



DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the erection of three yurts on the field, along with individual toilet/shower blocks for each yurt.

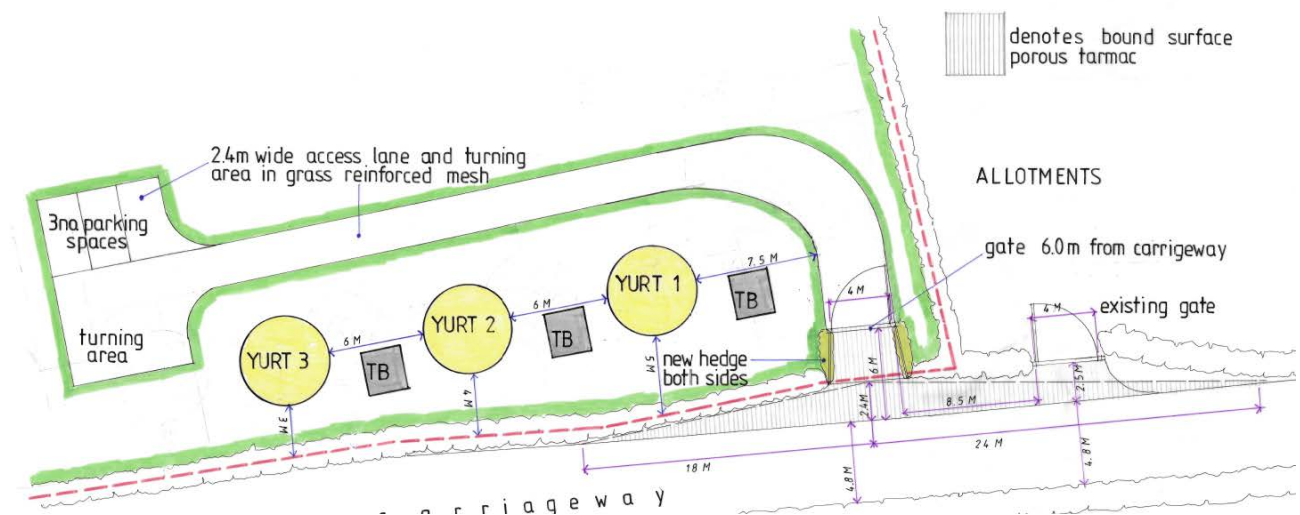
The yurts are proposed to be trellised structures covered with canvas. Each has a lockable door and window and a domed roof and a flue to accommodate a log burner. The yurts are circular in shape and are 5.8 metres in diameter. They are 3.4 metres in height to the top of the roof light. The yurts are proposed to be set on a timber boarded frame on a gravel base, and screwed to the frame using a sole plate.

The toilet/shower blocks each measure 3 metres x 2.5 metres in footprint and 2.8 metres in height to the ridge. They are proposed to be finished in green corrugated metal cladding. The toilets are proposed as composting toilets.

A new access is proposed in the South West corner of the site with an access track, spaces and a turning area constructed from reinforced mesh for grass. The existing access is proposed to be stopped up.

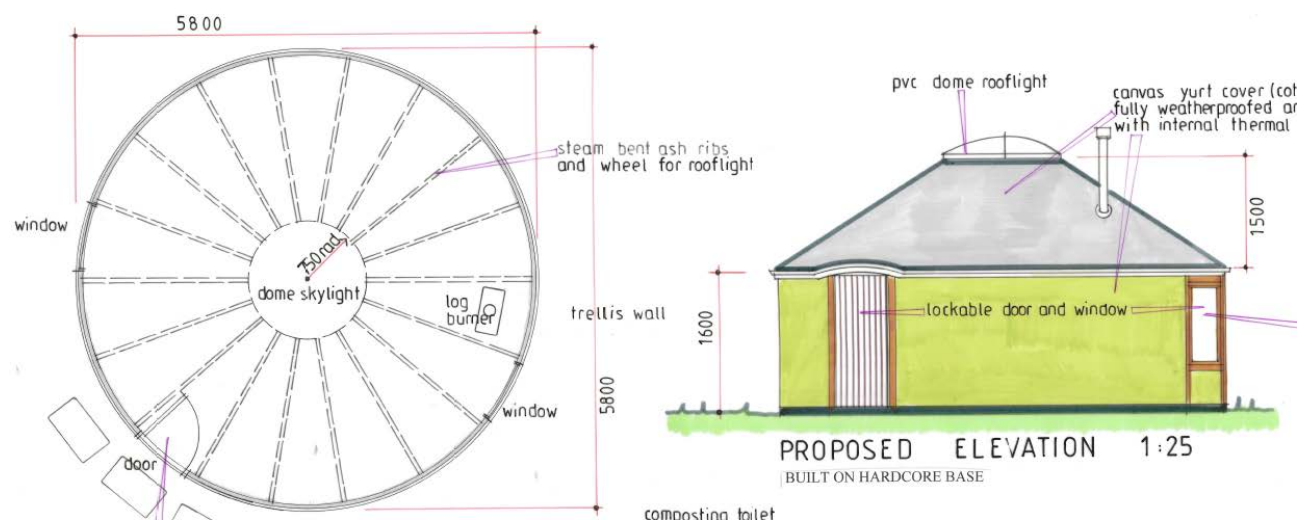
It is anticipated the site will require one part time member of staff.

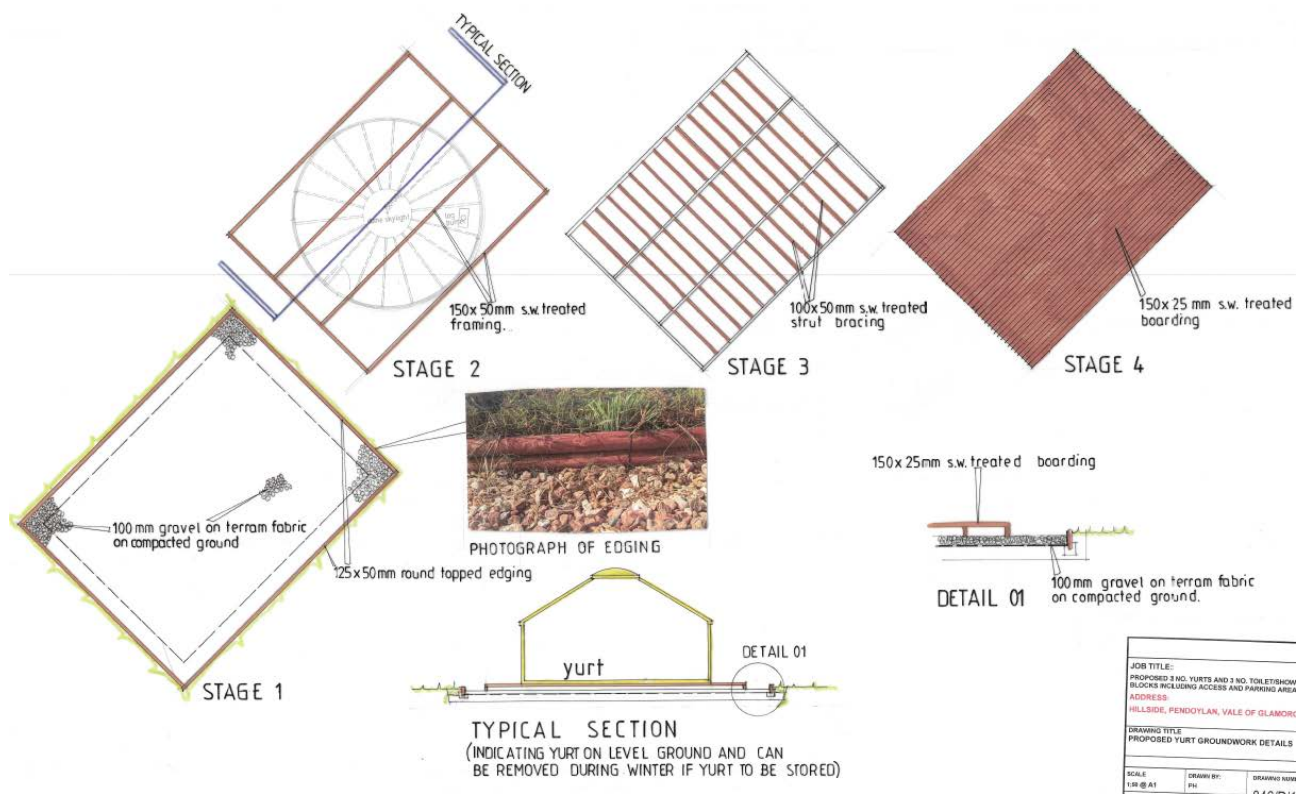
Proposed Site Layout:



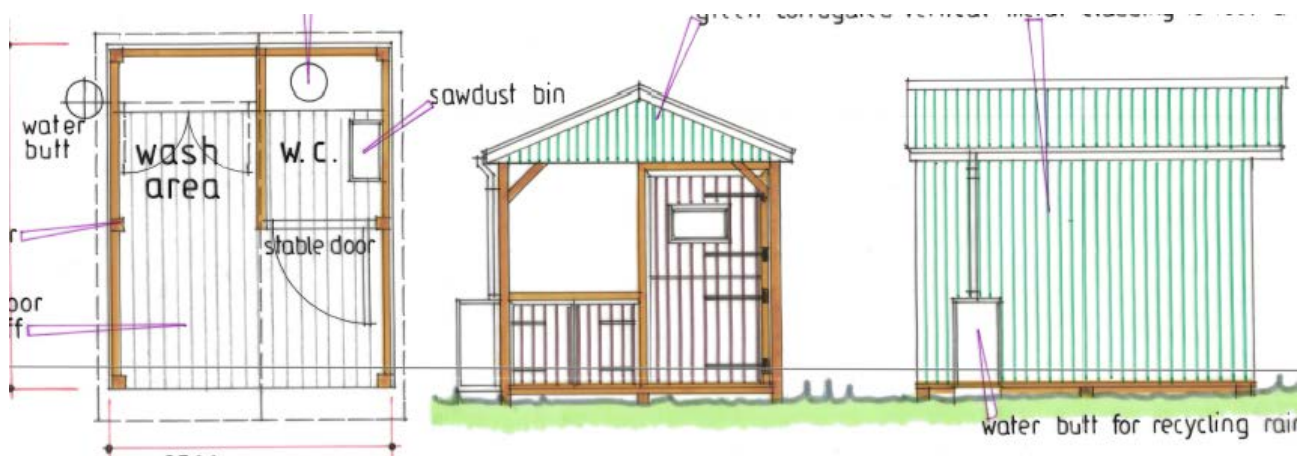
Proposed Plans and Elevations:

Yurts:





Toilet/Washing Blocks:



Images of Proposed Yurts:



PLANNING HISTORY

2014/01262/PNA, Address: Hillside, Pendoylan, Proposal: Agricultural barn, Decision: Refused 12th December 2014.

2015/00675/FUL, Address: Hillside, Pendoylan, Proposal: Proposed agricultural shed, Decision: Approved 4th November 2015.

2015/00675/1/CD, Address: Hillside, Pendoylan, Proposal: Discharge of Condition 4 of Planning Permission Ref. 2015/00675/FUL: Proposed Agricultural Barn, Decision: Approved 22nd September 2020.

2020/00080/FUL, Hillside, Pendoylan, Proposal: Agricultural barn, Decision: Withdrawn 17th June 2020.

CONSULTATIONS

The Ward Member for Peterston Super Ely was consulted on 1st April 2021. Councillor M Morgan responded on 4th May 2021 advising that having seen local responses to this application from the Community Council and from individuals, he would be pleased if this application could be called in for consideration by the Planning Committee on grounds of public interest.

The Ward Member was reconsulted on 2nd November 2021 following the receipt of revised plans, but no further comments have been received at the time of writing this report.

Pendoylan Community Council were consulted on 1st April 2021. They responded on 12th April 2021 advising that the proposed access onto the Smithy crossroads would be disastrous. This junction is already a traffic hazard and this proposal if granted would exacerbate the position as a result of the inevitable additional traffic from the said site. Granting permission would also set an unwelcome precedent for small field use in the area.

They forwarded a further response on 13th April 2021 objecting to the application which advises that the application is not for yurts. These are solid permanent buildings. The entrance to the site is on a crossroads where accidents are commonplace due to the surrounding single track country lanes being too narrow to accommodate traffic proceeding in four directions. There is also very poor visibility and blind spots for traffic exiting the site onto the already dangerous crossroads. The narrow lanes leading to the site are used as a rat run from A48 to M4 with frequent accidents. Tourist traffic accessing and exiting the site would make the situation worse.

They forwarded a further response on 15th April 2021 objecting to the application which advises that the access is dangerous, right on the crossroads. These buildings are not yurts, they are permanent structures. They are concreting 10 x 4.5 metres of agricultural land and tarmacking a turning and parking area (area not stated). What will they do with dirty water from washroom? Are there cooking facilities? Waste water from cooking/ food preparation? Sawdust composting toilets need close supervision and emptying, where will waste be put? Users will take rubbish home? It is not acceptable, there will be food waste, recyclable waste, feminine hygiene waste, possibly nappies etc. Site unsupervised-1 part time employee.

Pendoylan Community Council were re-consulted on 2nd November 2021 due to the receipt of revised plans. They responded on 25th November 2021 advising they had the same objections to the amended application. In their opinion the re-siting of the access will still be extremely dangerous as the road systems adjacent to the said field are very narrow which have become very busy due to traffic now cutting through to and from the A48. Also access onto these roads by traffic occasioned by this proposed development would only exacerbate the potential dangers. The Community Council also has concerns regarding the proposed toilet facilities which they feel are not adequate from a hygiene point of view and the provisions for removal of litter from the site are also unsatisfactory.

The Council's Highways Development Team were consulted on 1st April 2021. They responded on 23rd April 2021 advising that the proposed access is located slightly offset onto a crossroads onto country road which is subject to a national speed limit. There is poor visibility for vehicles exiting the site onto the highway, with vehicles approaching from four directions onto the crossroads. Considering the above they raise some concerns with the site access at this location directly off the crossroads due to poor visibility and require further information, including visibility splays and a speed survey.

The Council's Highways Development Team were re-consulted on 2nd November 2021 following the receipt of revised plans. They responded on 9th November 2021 advising that there are no objections to the proposals as submitted subject to the following conditions in the interest of highway / public safety:

- Visibility splays of 2.4m x 43.0m in both directions along the adjacent highway are required to be provided from the means of access, which shall be maintained at all times. Within the visibility envelope, no obstructions, inclusive of fencing and

boundary walls shall exceed 600mm in height and any planting shall be located at the rear of the visibility splays.

- Any gates across the access to the site shall be set back by a minimum distance of 6.0m from the boundary of the adjacent highway and any gates to open inwards towards the development and the first 6m of access road shall be constructed in a bound material

The Council's Highways Development Team provided some additional comments that the vision splays are approx. 18m and 24m with a set back of 2.4m. These vision splays are low and would be unacceptable considering this section of road is 60mph. Suggest a 7 day speed survey to ascertain the actual 85 percentile speed to determine the vision splay requirements, however unless the vision splays can be increased then the Highway Authority would raise an objection to the site access proposals. As per previous comments, the gates will need to be set back a minimum of 6m from the highway and shall be constructed of a bound material.

The Council's Shared Regulatory Service (Neighbourhood Services) were consulted on 1st April 2021. They responded on 4th May 2021 requesting an advisory note in respect of licensing. Shared Regulatory Services were re-consulted on 2nd November 2021 following the receipt of revised plans. They have not provided any further comments on the planning application, but have provided advice on licensing issues.

The Council's Tourism and Marketing Team were consulted on 1st April 2021 and were re-consulted on 2nd November 2021 following the receipt of revised plans. They responded on 9th November 2021 advising that from a tourism perspective, they support this application in principle. The overall nature of the proposed development is in keeping with the type of development that would complement the existing visitor facing industry in the Vale. They would however suggest that further research may be required to further understand the demands of the target audience to develop a business model that appeals to the ever quality seeking visitor. Self-catering accommodation is readily available in the Vale of Glamorgan, however purpose built accommodation of this nature is not; therefore believes a development such as this would support efforts in establishing the Vale as a quality destination offering a very wide variety of accommodation.

REPRESENTATIONS

The neighbouring properties were consulted on 12th, April 2021, 23rd April 2021, 26th April 2021 and 12th May 2021, and were re-consulted on 2nd November 2021 and 25th November 2021 following the submission of revised plans.

A site notice was also displayed on 26th April 2021.

Letters were received from 16 neighbouring property objecting to the application (1 Brynteg Cottages, 4 Gwern y Steeple, Corrwg, Flackwell Cottage, Hendre Plwcca, Pengelli Fach, Pengelli Farm, Plwcca Dafydd Farm, Plwcca Lodge, Pendoylan Nursery, Sutton Rise, The Old Vicarage, The Smithy, Ty Fry Lodge, Ty Plwcca, one unknown). These are summarised as follows:

- Loss of high quality agricultural land in the countryside;
- Development in an unsustainable car-dependent location;
- No provision is made for electric vehicles or cyclists

- Noise pollution;
- Nuisance from odour;
- Concern regarding lack of onsite supervision;
- Traffic pollution;
- Disturbance to wildlife;
- The access is in a dangerous location on a cross roads with poor visibility;
- Removal of hedgerows to accommodate visibility splays;
- Increase in traffic;
- Accidents due to the narrow roads and crossroads- this is already a problem;
- Concern regarding safety of pedestrians and cyclists;
- Concern regarding the potential for future development, including a full campsite or a house;
- Tarmacking of land for parking;
- Additional land will need to be surfaced to make the site usable;
- The agricultural land classification is unknown;
- Proposal is highly visible and out of character with the local area;
- Unacceptable visual impact, particularly as in Special Landscape Area and no Landscape and Visual Impact Assessment has been submitted, contrary to Policy MG17 of the Local Development Plan;
- Lack of screening or tree planting to reduce the visual impact;
- The structures cannot easily be taken down and packed away and the structures/buildings will permanently be on the land;
- There is no running water;
- Pollution and health risks due to lack of foul drainage and proposed composting of human waste from composting toilets;
- No surface water drainage is proposed and hard surfacing will increase run-off;
- This is not in a settlement, a building conversion, a rural enterprise or a proposal for farm diversification, nor low impact tourism so the application is contrary to Policy MD13 of the Local Development Plan;
- Lack of waste disposal/recycling facilities will lead to problems with litter;
- The application is not consistent with the a previous planning application for an agricultural shed;
- Disputing whether construction of the agricultural shed has taken commenced;
- The long term viability of the business has not been demonstrated;
- No site notice has been posted.

In respect of the revised plans submitted, the following additional comments have been made:

- The access is from a very narrow and from a busy country lane;
- Large vehicles will find it difficult to enter and leave the site due to the width of the lane;
- The amount of tarmac proposed is unnecessary;
- Concern regarding the removal of hedgerow and that this does not fall within the definition of low impact tourism;
- The proposal would still have an unacceptable visual impact.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.

- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Transport

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)

- Technical Advice Note 23 – Economic Development (2014)

Welsh National Marine Plan:

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

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:

- Biodiversity and Development (2018)
- Design in the Landscape (2006)
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide (2006)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

It should be noted that the yurts were originally intended to be located along the northern boundary of the site, utilising the existing access at the crossroads to the north west of the

site. The yurts were also originally proposed to be timber structures. However, during the course of the application, the proposal has been amended to its current form.

The key issues are considered to be whether the proposed development is an acceptable form of tourism development within the countryside in principle in accordance with Policies SP11 (Tourism and Leisure), MD1 (Location of New Development) and MD13 (Tourism and Leisure) of the Local Development Plan, the visual and landscape impact of the proposal, its impact on highway safety and the impact on neighbour amenity, through potential noise and disturbance.

Principle of Development

Policy SP11 (Tourism and Leisure) of the Local Development Plan states that proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. The policy goes on to say that favourable consideration will be given to proposals which enhance the range and choice of the Vale of Glamorgan's tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations; favour rural diversification and the local economy; and protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.

Policy MD1 (Location of New Development) also allows for development on unallocated sites that, where appropriate, promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan.

Policy MD13 (Tourism and Leisure) allows new or enhanced tourism proposals where the proposal is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or forms part of a rural enterprise or farm diversification scheme or involves the conversion of an existing rural building in accordance with Policy MD11; or involves sustainable low impact tourism and leisure proposals in the countryside.

The proposed development subject of this application is not within a settlement boundary and does not appear to form part of an existing rural enterprise or farm diversification scheme. Therefore, it would have to be considered as sustainable low impact tourism in order to be acceptable. The applicant has advised they intend this to be a low impact tourism development.

The Council's Tourism and Leisure Development Supplementary Planning Guidance provides further information regarding what is considered to be acceptable tourism development in the Vale of Glamorgan.

Paragraph 7.11.3 of the Council's Tourism and Leisure Development SPG advises the attributes that "*sustainable low impact tourism and leisure proposals*" are expected to exhibit:

- Are sensitively located and designed to minimise their impact on water, soil and existing landscape features;
- Utilise sustainable sources of water and energy, and provide servicing without significant modifications to existing infrastructure;
- Are of an appropriate scale sympathetic to their location and surrounding uses;

- Are compatible with surrounding land uses, and do not detract from existing agricultural activities where applicable;
- Utilise existing road infrastructure without the need for highway improvements or avoid causing adverse effects on the existing highway network;
- Are accessible to sustainable modes of transport e.g. train, bus, cycle tracks and walking routes;
- Require limited supporting infrastructure such as parking;
- Contribute directly to nature conservation objectives;
- Provide opportunities to promote greater understanding and enjoyment of the natural environment and local heritage; and
- Generate wider benefits to the local economy.

Paragraph 7.11.4 advises that *“examples of low impact tourism development include visitor accommodation in the form of semi-permanent structures such as yurts, tepees or bell tents which can be easily removed and have a minimal impact on the locality”*.

It is noted that the proposed yurts will require a timber frame, and include a lockable door, window and roof light. As such, they are not structures that are designed to be taken down and packed away on a regular basis, although it has been verbally indicated that the yurts will be taken down over the winter. However, the structures proposed are low key and it is accepted that this type of “glamping” accommodation is commonly found within the countryside.

In respect of the toilet/shower block proposed, paragraph 7.11.4 of the SPG does state that *“Where a proposal also requires some ancillary infrastructure such as amenity blocks, the preference is for such facilities to be provided in existing rural buildings.”* It is noted that three timber amenity blocks are proposed. However, there are no existing rural buildings on the site that could accommodate the amenity blocks and again these are low key and are relatively small in scale.

In terms of whether the details of the proposal meet the attributes set out in Paragraph 7.11.3 of the SPG for sustainable low impact tourism, it is noted that the yurts and their associated work will result in a relatively small scale site with a low level of accommodation units being provided.

The proposed development would promote the enjoyment of the natural environment through being within an existing field within the rural landscape. It is considered the proposal would have a minor benefit to the local economy though providing a small additional amount of tourist accommodation that would result in additional spending in the local area.

It is considered that the yurts and associated works can be removed from the land if no longer required and would not significant impact on water, soil resources or agriculture. The yurts are proposed to be located on the predicted grade 4 agricultural land. This does not fall within the definition of best and most versatile agricultural land and as such the loss of agricultural land is not considered to be a significant issue.

Shared Regulatory Services have advised that a water supply is likely to be required to the site for drinking and washing to obtain a licence for the use. However, it is noted that water butts are proposed for rain water recycling, which could supplement this, and compostable toilets are also proposed, which will limit water use at the site. The neighbour’s concerns regarding compostable toilets are acknowledged, however it is considered the use of

compostable toilets contributes to the development being more sustainable and low impact through less infrastructure having to be provided and the use of less water. In respect of the concerns raised regarding the disposal of waste from the toilets, the applicant's agent has advised that the compost generated from this will be spread on the orchard in the lower field. It is considered beyond the control of the planning application to ensure that the applicant is properly composting the waste for this purpose.

In respect of the provision of facilities for the disposal of site water, the submitted site rules advise that this will need to be taken to a disposal point and it is not considered that the proposal will generate enough waste water to raise significant concerns regarding pollution or flood risk. The surface water drainage may require separate approval from the Council as Sustainable Drainage Approving Body (SAB) and an informative note is recommended in respect of this.

It is not considered that the proposal would have an adverse landscape impact (see below).

Electricity will be provided using a generator and heating will be provided using log burners. While these are not renewable sources of energy, they will limit the amount of infrastructure required to operate the site.

The highway safety implications of the development are discussed below, but it is not considered that highway improvements are required to accommodate a development of this scale.

The Council's Tourism and Leisure Development SPG advises in paragraph 5.3.1 that *"Wherever possible, proposals for new tourism and leisure developments should be accessible by sustainable modes of transport including public transport, cycling and walking. Where new parking provision is to be provided, this will need to be sensitively integrated into the scheme to ensure that the visual impact is kept to a minimum"*. It is acknowledged that the site would be most likely to be accessed by the private car due to its countryside location. However, as set out above, the proposed accommodation is relatively small in scale and it would be expected that such a development would be found in the countryside. The number of traffic movements that the proposal generates are also likely to be relatively small.

While the lack of cycle parking is acknowledged, it is considered more appropriate to store any bicycles within the occupied yurts, the spare yurt or within vehicles brought to the site (if this can be achieved securely) rather than provide additional structures for them, which could result in the proposal having a greater visual impact. The lack of electric car parking spaces is also acknowledged, but no mains electricity supply is proposed and to do so would require additional infrastructure provision. Given the minor nature of the development and that it would be expected to be found in a countryside location, the lack of provision of electric vehicle parking spaces is considered acceptable in this case.

The new access requires the removal of approximately 4.5 metres of hedgerow. However, given this is a relatively small amount of hedgerow, it is not considered this would have an adverse visual impact or impact on biodiversity, subject to the provision of additional landscaping (condition 9 refers). It is not considered that the proposal will have other significant impacts on wildlife or biodiversity.

The proposal does not contribute directly to nature conservation, but it is considered that additional tree planting and landscaping should be provided to both mitigate for loss of hedgerow to create the new access and provide a biodiversity benefit. (Condition 9 refers).

Paragraph 7.8.1 of the Council's Tourism and Leisure Development SPG requires applicants to *"provide a business or management plan in support of proposals for an entirely new tourism / leisure facility in the countryside, in instances where the failure or cessation of the business would have an adverse impact on the local area."* Although it is noted that the Tourism and Marketing Team have recommended the applicant does further research to develop a business model, a business plan has not been required for the purposes of this planning application due to the relatively small scale of the proposal and because it is considered that the structures and surfacing works can be removed from the land relatively easily without having an adverse impact on the countryside, including the Special Landscape Area (see below for further discussion on visual impact). A condition has been recommended requiring the cessation of the use and removal of all operational development works associated with the use if the site is not used as tourism accommodation for a period of a year (condition 3 refers).

It is noted that the applicant only intends to rent out two of the three yurts at any one time, leaving the third free. The applicant has advised that this will be used as spare accommodation should there be an issue with any of the other yurts or when management and maintenance is taking place.

The applicant has submitted details for the management and security of the site advising that a member of staff will be present on site for 4 hours a day when the site is occupied, but will not use the third yurt for an office or management, or overnight accommodation.

However, given there will be a need for staffing of the site, a condition is recommended to ensure the third yurt is not used for staff accommodation (condition 6 refers). Paragraph 7.9.1 of the Council's Tourism and Leisure Development SPG advises that *"where proposals include the provision of permanent on site staff accommodation, applicants will be required to provide evidence to satisfy the functional and financial tests for the accommodation."* As no details have been submitted to demonstrate a case for staff accommodation, the provision of this on site would not be considered acceptable.

Given the above, the proposal is considered to be sustainable low impact tourism as required by Policy MD13 (Tourism and Leisure) of the Local Development Plan and in accordance with the Council's Tourism and Leisure Development Supplementary Planning Guidance. In order to ensure that the proposal remains low impact and to avoid any ambiguity about what has been approved, a condition is recommended limiting the site to the provision of accommodation in three yurts, with no further accommodation or pitches being provided for visitors (condition 4 refers).

Visual and Landscape Impact

In respect of visual and landscape impact, the site is within a Special Landscape Area, and therefore should accord with Policy MG17 (Special Landscape Areas) of the Local Development Plan. The Council's Tourism and Leisure Development SPG advises in paragraph 5.7.1 that *"In sensitive coastal and rural locations such as the Glamorgan Heritage Coast and Special Landscape Areas, it is important that developments are well integrated into the landscape."*

The Council's Tourism and Leisure Development SPG also advises in paragraph 7.4.1 that *“new camping and caravan sites, should be sited unobtrusively to minimise the visual impact on the countryside or coast.”*

The hedgerow field boundary to the west of the yurts will provide some screening for the yurts and toilet/shower blocks, although they will be visible above the hedgerow. The development will be visible in the wider landscape, but its impact will be limited by the relatively small scale of the development, and the existing trees and hedgerows on and around the site. As such, it is not considered that the proposal will have a significant visual impact nor impact on landscape character, nor that a landscape and visual impact assessment is required, and it accords with Policy MD1 (Development on Unallocated Sites) and MD17 (Special Landscape Areas) in this respect.

The access and parking arrangements have been revised during the course of the application. The currently proposed access track and parking/turning area are proposed to be finished in reinforced mesh for grass, and it is not considered that this will have a significant visual impact. The surfacing proposed includes this, a small amount of additional tarmacking at the site entrance and surfacing to accommodate the yurts. Due to the relatively small size of the development and short distance between the parking area/reinforced mesh track and the yurts, it is not considered that any further surfacing is likely to be required. A condition is recommended that details of the reinforced mesh are provided (condition 11 refers).

Neighbour Amenity

In respect of impacts on neighbour amenity, particularly through potential for disturbance of neighbours and odours, the nearest residential property is approximately 130 metres from where the yurts are proposed to be located. Given this and the small scale of the proposal, it is not considered that this would generate a level of noise, disturbance or odour that would have a significantly adverse impact on neighbours, and that the development complies with Policy MD2 (Design of New Development) and Policy MD7 (Environmental Protection) of the Local Development Plan in this respect.

A list of rules for use of the site has been submitted to ensure appropriate site management. These include only two people being allowed to stay in a yurt, not operating generators at night, not disturbing other guests after 9pm. It is considered these will assist in minimising disturbance. While it would be considered unrealistic to enforce these rules through the planning process, a condition is recommended for the submission of a final set of site rules and confirmation that these will be provided to visitors of the site (condition 7 refers).

Highway Safety

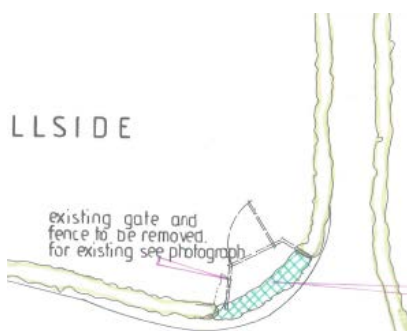
In respect of highway safety, it is welcomed that the existing field access on to the crossroads will not be used and that this is proposed to be stopped up, as this will avoid conflict between the use of the access and the use of the cross roads by passing traffic. The access to the rest of the field that is not being used for tourism accommodation will also be via the new access to be created. That the access to the field will moved away from the crossroads is considered to be a benefit of the proposed scheme, due to its location at a junction where traffic is approaching from four directions and poor visibility when existing onto this junction.

Existing Site Access:



The stopping up relies on the planting of a hedge, and as the planting season is finishing and the hedge will require time to grow to provide a suitable barrier, it would be beneficial to also have some fencing here to block access into the site from this point. A condition is therefore recommended for the details of a scheme to stop up the access (condition 8 refers).

Proposed Stopping up of Access:



In respect of the Council's Highways Team's comments of 9th November 2021, it should be noted that these were based on a version of the plan where the access was proposed further to the north than is shown on the currently proposed layout plan. The visibility splays of 2.4 metres x 43 metres that were requested would have required the removal of a significant section of hedgerow and the planting of a replacement one. This would not have been considered acceptable due to the visual impact and loss of biodiversity.

The proposed access has now been moved to its current position to avoid having to locate a telegraph pole. However, again, a visibility splay of 2.4 metres x 43 metres could not be fully achieved here without significant loss of hedgerow, and it is not considered that the removal of such would be acceptable due to an adverse visual impact and loss of biodiversity. The submitted plans suggest visibility splays of 2.4 metres x 18 metres to the north could be achieved and 2.4 metres x 24 metres to the south. The Council's Highways Development Team have raised concerns regarding the length of these visibility splays as set out in their further comments above.

However, this is a lightly trafficked road and is a relatively narrow country lane, so is likely to result in vehicle speeds much less than the 60 mile an hour speed limit. In addition, the use will generate a limited number of traffic movements, given the development proposed, and will mainly be used by smaller vehicles rather than large ones having to manoeuvre in and out of the access.

Given the above and the benefit of stopping up the existing field access on the crossroads as described above, it is not considered that the loss of hedgerow is justified nor required to accommodate this development, and that the development accords with Policy MD2 (Design of New Development) of the Local Development Plan in respect of highway safety.

The Highways Development Team's request to set back the gate and surface the first 6 metres of the access in a bound material is considered reasonable to allow vehicles to pull off the highway when the gate is closed. These details have now been shown on a revised plan that has been submitted.

Other Issues

The informative note requested by Shared Regulatory Services has been recommended.

Given the type of development proposed and its relatively minor scale, the proposed development is not considered to have a significant impact on the availability of mineral resources.

In respect of the concerns raised that have not been discussed above:

- The applicant's agent has advised that bins will be provided for storage of rubbish/recycling and a contractor will be appointed to collect these.
- The agricultural shed that has previously been granted on the site is a proposal of a different nature, being a proposal for agricultural development on agricultural land. Regardless of whether it has commenced or not, it has not been constructed and there is no guarantee it will be. It therefore is considered this matter has very limited weight in the determination of this current planning application.

RECOMMENDATION

APPROVE

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:

846/P/10 Proposed Detail B (closing existing access) only (received 21st September 2021)

846/P/11 Proposed Yurt & Toilet/Shower Block (received 9th July 2021)

846/P/11 Proposed Yurt Groundwork Details (received 21st September 2021)

846/P/50 A Proposed Part Site Plan (received 13th April 2022)

Location Plan (received 16th March 2022)

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. In the event that the site is not used for the tourism accommodation hereby approved for a continuous twelve month period, this use shall permanently cease and all structures, surfacing works and other operational development associated with the use shall be removed and the ground returned to its condition as agricultural grazing land within a further six months of the cessation of the use.

Reason:

To safeguard the use of the site and protect the character and appearance of the rural area to accord with Policy MD1 (Location of New Development) of the Local Development Plan.

4. The accommodation on the site shall be restricted to the three yurts shown on plan 846/P/50 A and no further accommodation nor pitches for tents or caravans shall be provided on the site.

Reason:

To ensure the development remains a sustainable low impact tourism development, in accordance with Policy MD13 (Tourism and Leisure Development) of the Local Development Plan.

5. The development shall be occupied as tourism accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site which is located in the countryside and to comply with the terms of Policies SP1 (Delivering the Strategy, MD2 (Design of New Developments) and MD13 (Tourism and Leisure) of the Local Development Plan.

6. None of the yurts hereby approved shall be used as overnight or residential staff accommodation and no other such accommodation shall be provided on the site.

Reason:

To prevent inappropriate residential development in the countryside, in accordance with Policy MD1 (Location of New Development) of the Local Development Plan.

7. Prior to the beneficial use of the site as the tourism accommodation hereby approved a final set of site rules shall be submitted to and approved in writing by the Local Planning Authority and confirmation shall be provided that a set of site rules will be provided to all visitors.

Reason:

In order to safeguard residential amenity, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

8. Prior to the beneficial use of the site as the tourism accommodation hereby approved, the existing site access onto the crossroads in the North West corner of the site shall be stopped up in accordance with details to be first submitted to and approved in writing by the local planning authority. The access shall remain stopped up for as long as the site is in uses as tourism accommodation.

Reason

In the interests of highway safety, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

9. Prior to the beneficial use of the site as the tourism accommodation hereby approved a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority, including hedgerow planting where the existing access is proposed to be stopped up, additional planting around the proposed new access and tree planting on the site.

Reason:

To safeguard local visual amenities, secure a biodiversity enhancement and to ensure compliance with the terms of Policies MG17 (Special Landscape Areas), MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure) 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 safeguard local visual amenities, secure a biodiversity enhancement and to ensure compliance with the terms of Policies MG17 (Special Landscape Areas), MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure) of the Local Development Plan.

11. Prior to the beneficial use of the site as the tourism accommodation hereby approved, the access track, parking and turning area shall be provided as shown on plan 846/P/50 A in reinforced mesh for grass, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure adequate provision for access, parking and turning on the site, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), SP11 Tourism and Leisure, SP17 (Special Landscape Areas), MG22 (Development in Minerals Safeguarding Areas), MG29 (Tourism and Leisure Facilities), Policy MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection) MD9 (Promoting Biodiversity) and MD13 (Tourism and Leisure) of the Local Development Plan, Future Wales – the National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposal is considered acceptable as low impact tourism in the countryside, and in respect of visual impacts, highway safety impacts, neighbour amenity impacts and in other respects.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

- 1. The site will require a site licence under the Public Health Act 1936 or the Caravan Sites and Control of Development Act 1960 depending on the yurt structure. The applicant is therefore required to consult with Shared Regulatory Services <https://www.srs.wales/en/Environmental-Health/Caravan-Mobile-Home-Sites/Holiday-Caravan-Camping-Sites.aspx>**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction. Further information of the SAB process can be found on the Council's website or by contacting the SAB team: sab@valeofglamorgan.gov.uk**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

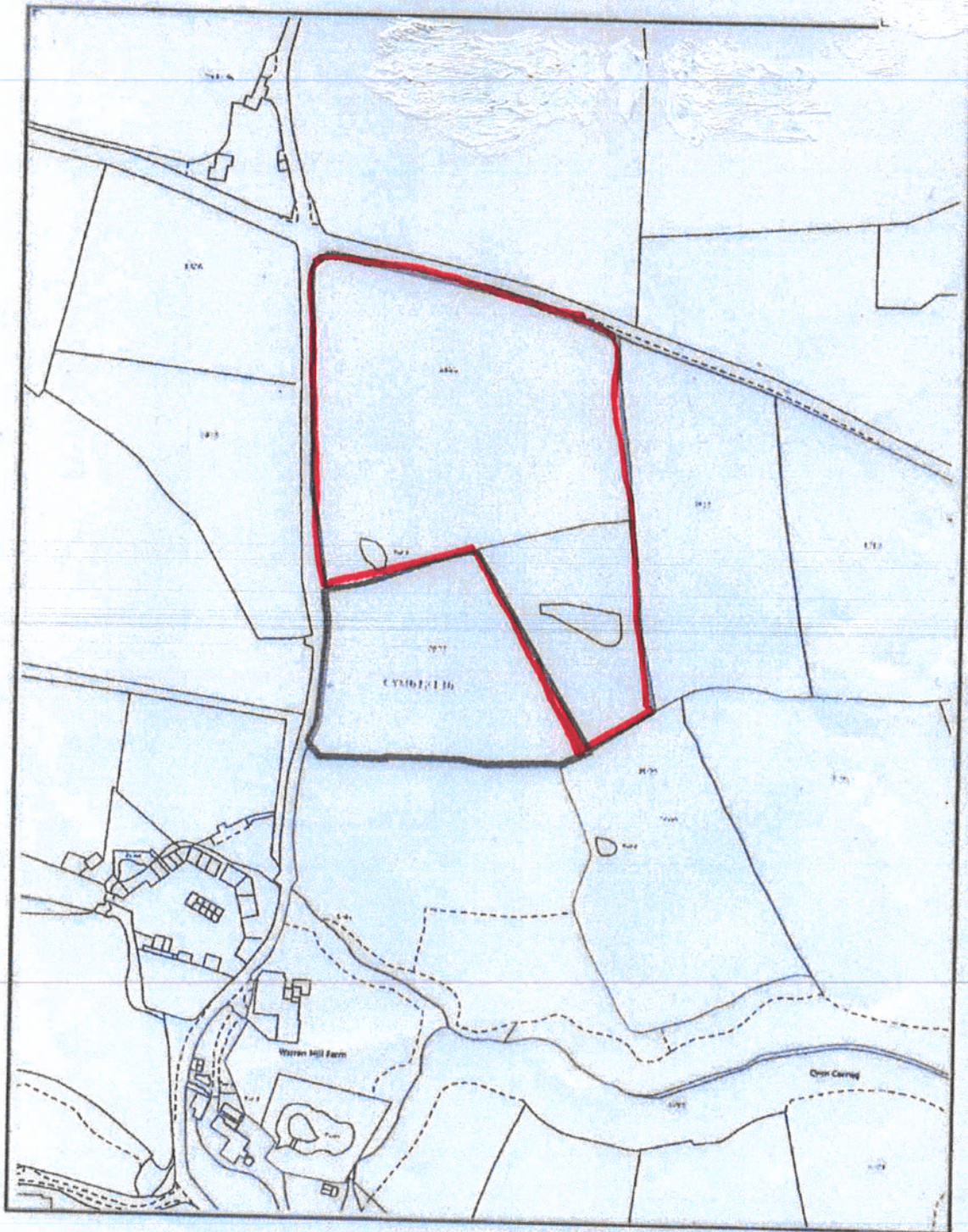
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Hillside, Pendoylan, Vale of Glamorgan

Site Plan – Scale 1 : 2,500



APPLICANT: DS Properties (Good Shed) Ltd c/o Agent

AGENT: Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land to the South and West of The Goodsheds, Hood Road, Barry

Proposed development of tourist accommodation, employment spaces, relocation of outdoor gym 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 was of a scale that is not covered by the scheme of delegation when originally submitted.

EXECUTIVE SUMMARY

The application site is land at the Goodsheds, Hood Road, Barry. Specifically, the application relates to part of the land to the south and east of the main site, around the railway line.

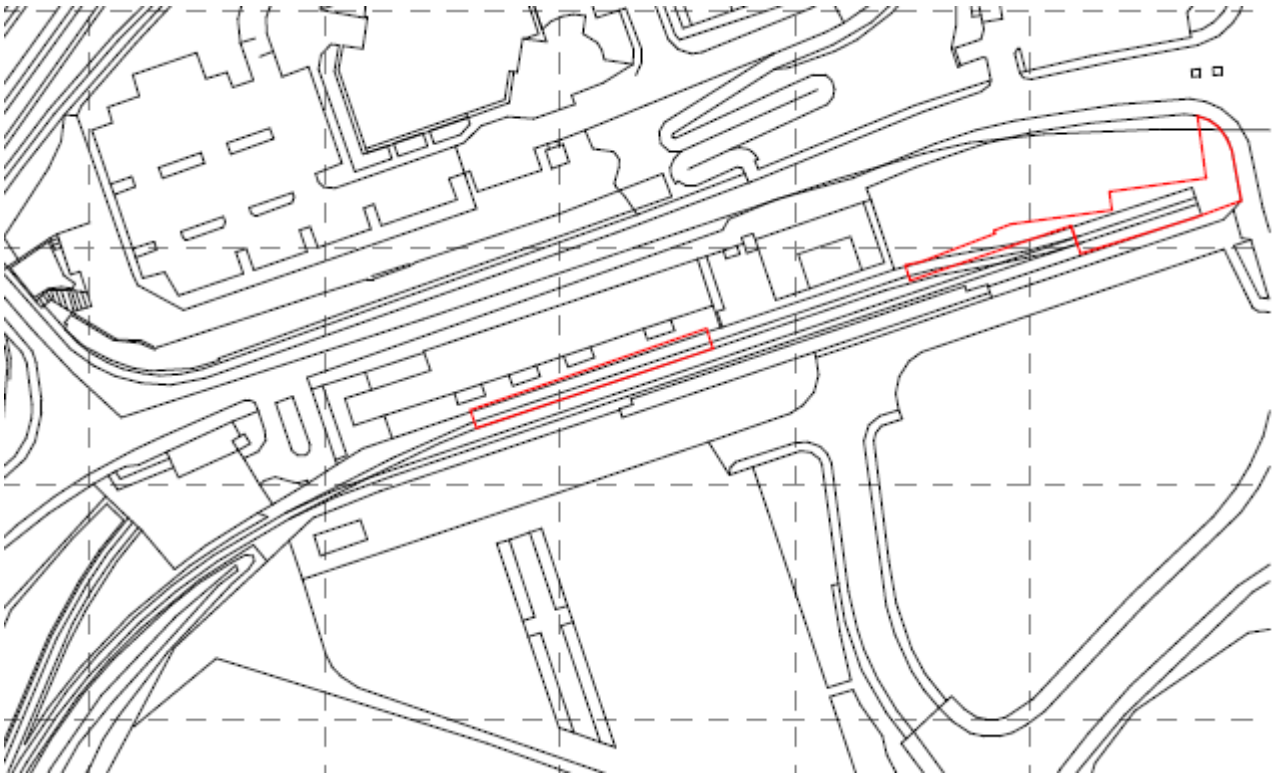
The proposal is for the development of 5.no rail carriages for tourist accommodation, 10.no containers for employment spaces, and the relocation of an outdoor gym. There was originally a block of flats proposed but this has now been omitted.

Barry Town Council objected because of noise, disturbance, a lack of off-street parking and loading bays, lack of a landscaping scheme, overdevelopment, and poor design. There was also one public representation which stated the development pressure may negatively impact on healthcare services and resources.

The main issues considered in the assessment are the principle of the use, design and visual impact, impact on the setting of the listed Pumphouse, impact on residential amenity, parking and highway safety, and drainage. Having regard to these and other material considerations the application is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

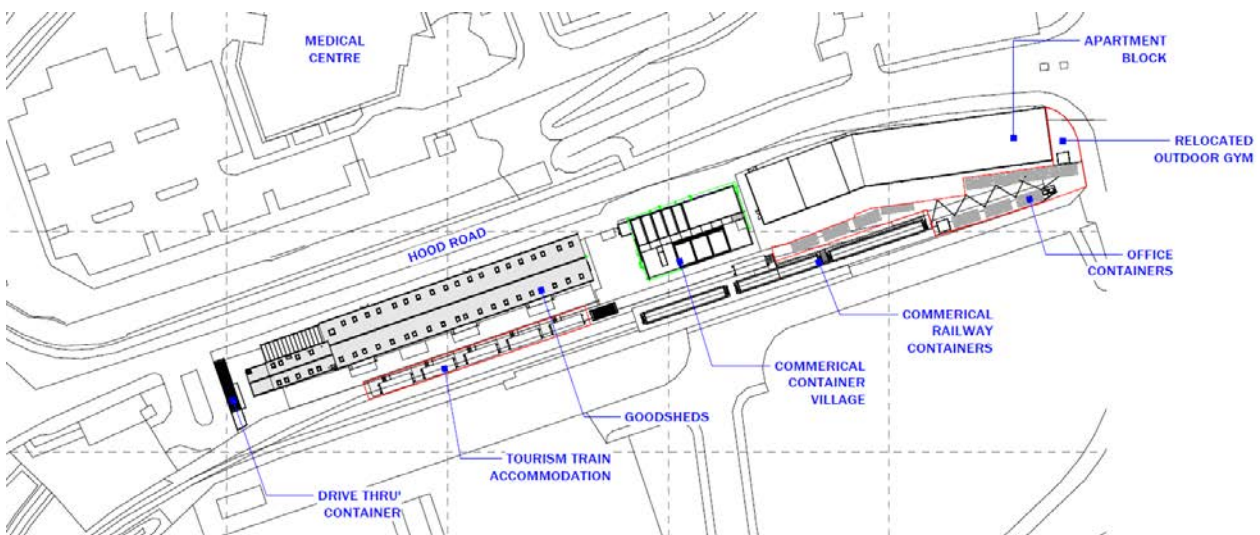
The application site is land at the Goodsheds, Hood Road, Barry. Specifically, the application relates to part of the land to the south and east of the main site, around the railway line, as shown on the location plan extract below:



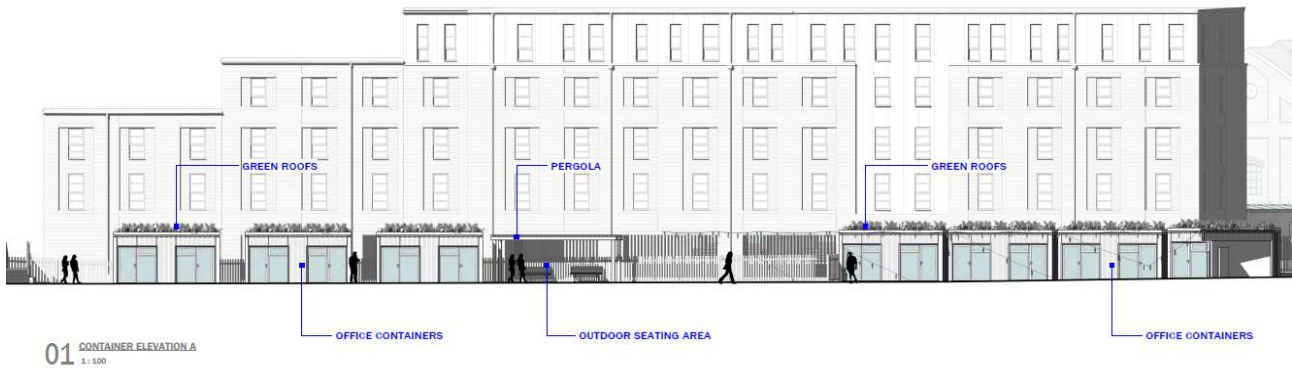
The Pumphouse to the northeast of the site is a Grade II listed building.

DESCRIPTION OF DEVELOPMENT

The proposal is for the development of tourist accommodation, employment spaces, relocation of an outdoor gym and associated works. The employment spaces comprise 10.no office containers (providing 19 units and a w/c) and the tourism accommodation 5.no rail carriages. These would, together with the relocated gym, be laid out as shown below:



The office container elevations are shown below in context of the existing apartment building:



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The rail carriage plans are shown below, partly in context of the existing Goodsheds building:



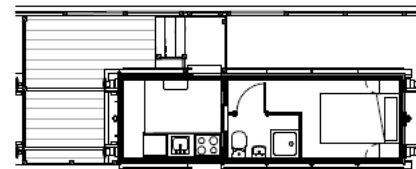
02 TOALD CARRIAGES - ELEVATION B
1:100



03 TOALD CARRIAGES - ELEVATION C
1:100



04 TOALD CARRIAGES - ELEVATION D
1:100



05 TOALD CARRIAGES - TYPICAL LAYOUT
1:80

There was also a block of 34 no flats originally proposed as part of this application but this element has now been omitted in its entirety.

PLANNING HISTORY

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed

1991/00496/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved

1994/00144/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Comprehensive redevelopment, Decision: Approved

1994/00207/FUL, Address: Dock No. 1, Barry Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved

1998/01005/FUL, Address: Railway works as part of Phase II to Barry Heritage Steam Railway, adjacent to Powell Duffryn Way, Proposal: Progression of railway line across Powell Duffryn Way - including running line and siding line, Decision: Approved

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved

2000/01299/REG3, Address: Hood Road goods shed and yard, The Waterfront, Barry, Proposal: Stage one extension of railway track, erect platform, temp. new road and car/coach parking forming part of Phase II of Barry Island Railway Heritage Centre/Steam Railway project, Decision: Approved

2001/01373/REG3, Address: Hood Road goods shed site, The Waterfront, Barry, Proposal: Stage two extension of railway track, erection of rail platform, extension of car/coach parking, demolition of tin shed (part of Barry Steam Railway Project), Decision: Approved

2007/00172/RG3, Address: Site W3, The Waterfront, Barry Docks, Proposal: Outline planning application for the site to be used for an education facility, Decision: Approved

2018/01358/1/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Conditions 6- CEMP, 10 - Contamination 1, 11 - Contamination 2 and 15 - Foul, Land and Surface Drainage. Details Of Planning Permission

2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/1/NMA, Address: The Goods Shed, The Innovation Quarter, Hood Road, Barry, Proposal: Non-material Amendment-Amend wording of Condition 5 of Planning Application 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping

containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works, Decision: Approved

2018/01358/2/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Conditions 3 - Materials Details, 7- hours of use, 14 - Means of Enclosure, 17 -window/door/glazing detail and 23 - parking. Planning Reference 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Conditions Partially Determined (Approved only)

2018/01358/3/CD, Address: The Goods Shed, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Condition 22 - Access. Planning reference 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works, Decision: Approved

2018/01358/4/CD, Address: The Goods Shed, Hood Road Innovation Quarter, Barry, Proposal: Discharge of Condition 8-Fume Extraction 1 Planning Application 2018/01358/FUL: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/5/CD, Address: The Goods Shed Innovation Quarter, Hood Road, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground

(Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/6/CD, Address: Good Sheds, Hood Road, Barry , Proposal: Discharge of conditions 8, 18,19,20 & 28 of Planning Permission 2018/01358/FU:L-Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: Approved

2018/01358/7/CD, Address: The Goods Shed, Hood Road, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works. at The Goods Shed, Hood Road, The Innovation Quarter, Barry, Decision: not yet determined

2018/01358/FUL, Address: The Goods Shed, Hood Road, The Innovation Quarter, Barry, Proposal: Change of use, conversion and alterations to the Goods Sheds to provide a mixed use scheme comprising 11 live-work units (sui generis/ Class C3 use), restaurant (Class A3 use), technology hub/community workshop (Class A1, A2, B1 and/or D1 use) and flexible events space (Class A1, A2, A3 and/or D1 use), erection of entrepreneurial incubator business units not exceeding 68 units (converted shipping containers) (Class A1, A3, B1, D1 and/or D2 use), drive-thru coffee shop (Class A3), outdoor cinema (Class D2), farmers market/pop-up street food area (Class A1 and/or Class A3), children's playground (Class D2), access and servicing arrangements, car parking and associated works., Decision: Approved

2018/01359/1/CD, Address: Land east of the Goodsheds, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of conditions 3, 6, 7, 8 and 12 - Condition 3 - Existing and proposed ground levels, Condition 6 - CEMP, Condition 7 - contamination report, Condition 8 - Remediation scheme and Condition 12 - Drainage, Planning Permission 18/01359/FUL: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/2/CD, Address: Land East of the Goodsheds, Hood Road, Innovation Quarter, Barry, Proposal: Discharge of Condition 5 - Materials/samples. Planning Permission ref. 2018/01359/FUL : Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/3/CD, Address: Land East of the Goodsheds, Innovation Quarter, Hood Road, Barry, Proposal: Discharge of Conditions 4 - Scheme for affordable housing and 18 - Travel plan. Planning permission ref. 2018/01359/FUL: Erection of a five storey residential

block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved

2018/01359/4/CD, Address: Land east of the Goods Shed, Hood Road, The Innovation Quarter, Barry, Proposal: Discharge of Condition 17-TRO of Planning Application
2018/01359/FUL: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: not yet determined

2018/01359/5/CD, Address: Land East of the Goods Shed, Hood Road, Barry, Proposal: Discharge Conditions 11,14,15,16 of Planning Permission 2018/01359/FUL-Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Case Officer: Approved

2018/01359/FUL, Address: Land East of the Goodsheds, Hood Road, The Innovation Quarter, Barry, Proposal: Erection of a five storey residential block to comprise 23 affordable and 19 market units with undercroft car parking and associated works, Decision: Approved,

2020/00392/1/CD, Address: Railway carriages laying to the South of Hood Road, Barry, Proposal: Siting and conversion of railway carriages for mixed use (A1, A3, D1 and D2), and associated works at Railway carriages laying to the South of Hood Road, Barry, Decision: Approved

2020/00392/FUL, Address: Railway carriages laying to the South of Hood Road, Barry, Proposal: Siting and conversion of railway carriages for mixed use (A3, B1a, D1 and D2), and associated works, Decision: Approved.

CONSULTATIONS

Barry Town Council objected, in summary, because of noise and disturbance, lack of off-street parking and loading bays, lack of landscaping scheme, overdevelopment, and poor design.

Highway Development – did not object in relation to vehicular parking provision but consider a loading bay for the proposed and the existing businesses should be provided on Hood Road, via a Traffic Regulation Order. It was also stated that the issues of sustainable transport facilities (Covered Cycle/ E Bikes areas, EV charging for vehicles (for businesses, residents, and visitors) and a signage strategy have not been addressed.

Council's Drainage Section – no response received to date.

Tourism & Marketing – no response received to date.

Shared Regulatory Services (Pollution) – no response received to date.

Cllr I Johnson queried the nature of the impact on residents from the relocation of the gym and any impact on Cabinet's decision to dispose of the railway to TfW.

Other Baruc and Buttrills Ward Members – no response received to date.

Dwr Cymru / Welsh Water stated no problems are envisaged for the treatment of domestic foul discharges, capacity exists to accommodate foul only flows and a water supply can be made available. It was advised that the site is crossed by both a 200mm live and an abandoned water main and recommended that it either be diverted or a protection zone provided for 4m to either side of its centreline. Advice was also provided in relation to surface water (SAB) regulations, new sewer connections and asset protection.

Network Rail stated no objection in principle. It was advised that engagement would be required in relation to asset protection, consideration given to the amenity of the occupiers in relation to rail noise, lighting must not interfere with signalling apparatus and advised that applications that are likely to generate an increase in trips under railway bridges may be of concern.

Council's Estates Section – no response received to date.

Housing Strategy (Affordable Housing) provided comments relating to the (now omitted) residential proposal and the local housing need.

Council's Transport and Road Safety – no response received to date.

South Wales Police – no response received to date.

Council's Education Section – no response received to date.

Cardiff & Vale University Health Board provided comments relating to the (now omitted) residential proposal, which related to the demand and absorption capacity of healthcare provision and services in the local area.

REPRESENTATIONS

The neighbouring properties were consulted on 19 August 2021.

A site notice was also displayed on 21 September 2021.

The application was also advertised in the press on 1 October 2021.

One representation was received from West Quay Medical Centre which stated, in summary, that whilst the ethos of providing affordable quality homes was supported the development pressure may negatively impact on healthcare services and resources.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD5 - Development within Settlement Boundaries
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)

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
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

Principle of the development

The application proposes a mix of employment and tourism uses within containers and carriages, and these are intended to complement the range of uses approved within the wider Goodsheds site. This is an established mixed commercial/ residential area, and it is considered that the uses are complementary to the character of the site and wider area. The provision of new employment and tourism development is also acceptable in principle in this urban 'in-settlement' location, with reference to the criteria of LDP policies MD13

(Tourism and Leisure) and MD14 (New Employment Proposals). The proposed development is, therefore, considered acceptable in principle.

Visual impact

The containers and railway carriages would be visible from the surrounding public highway network; however, they are well designed and modest in the context of the surrounding buildings and would not be prominent or visually obtrusive. Notwithstanding that, they are structures that would complement the overall character context the site and the overall Goodsheds development. The new location of the gym would be somewhat more prominent, but the visual impact of the associated equipment and chattels would remain very modest.

Consequently, it is considered that the development would appear as an interesting feature (within this wider commercial development) and, having regard to Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990, would preserve the setting of the nearby listed Pumphouse.

Parking and highways issues

The proposed development would not be served by any specifically set aside off-street parking and users would be reliant on the parking already provided at the site, on-street parking, local car parks or sustainable public transport options. The site is in an extremely sustainable location, and it is very close to regular bus and train links.

The Parking Standards SPG would result in a **maximum** of 28 spaces, equating to 1.no space per unit and 4.no visitor spaces. A parking survey provided in support of this application identified that, even at its peak, there were 17 spaces vacant between the provision at the Goodsheds and Junction House. It is also important to note that these standards within the SPG are maximum standards and, in a sustainable location such as this, lower parking levels are often appropriate to discourage car use and promote a shift to more sustainable means of travel.

The development would increase the overall parking demand arising from land as a whole, but in the context of the wider site, as well as the level of existing parking provided for it (including, currently, at BSC2), it is considered that there would not be a significant or unacceptable impact on parking demand or traffic. It should also be noted that Hood Road has also already been subject of a Traffic Regulation Order (TRO) to prohibit on-street parking in locations that would be dangerous and/or impede the flow of traffic. Moreover, the Highways Engineer did not object in relation to parking provision.

There is, however, no current provision for a loading bay on-street or within the Goodsheds site and, given the intensification of development, it is considered necessary for a new bay to be provided on Hood Road. The exact location of the bay would need to be subject of further approval by the Highway Authority via a new TRO, but its provision prior to first occupation can be secured by condition (see condition 3).

The development should provide for two cycle stands and this can be secured by condition (see condition 4). The development does not meet the size threshold for provision of new electric vehicle charging points as specified in the Parking Standards SPG. A highway signage scheme for this development (i.e., distinct from the existing Goodsheds development) is also not considered necessary.

Having regard to the above, the development is considered acceptable in terms of parking and highway safety.

Residential amenity

The buildings are small enough and far enough away from the neighbouring residents to ensure that there would be no overbearing or privacy impacts and consequently, the principal issues to consider are noise and disturbance. The proposed employment (being complementary, within Class B1) and tourist uses are not inherently noisy and would not result in any material increase in noise and disturbance to occupiers of the residential units on the site.

The development of Junction House (condition 9, permission 2018/01358/FUL) was also subject to a scheme of noise attenuation, albeit this was principally concerned with protection of the first-floor flats from noise within the A3 units on the ground floor. The re-location of the gym would bring it closer to residential properties, however other than potential for amplified music and/or sounds, the potential for disturbances from this use is relatively low. The gym is presently subject of operational hours of 8am- 10pm, which can be reiterated (see condition 5). No response has been received from Shared Regulatory Services, however given the closer proximity of the gym to residential properties, amplified sounds can also be restricted unless in accordance with an approved scheme (see condition 6) which would be subject of further review, if so required.

The proposed uses are considered compatible in principle with the surrounding area (which is itself a mix of commercial and residential) and, subject to the above conditions, are considered acceptable and accord with Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the LDP.

Drainage

Dwr Cymru / Welsh Water advised that a 4m zone either side of their water main be kept free of development, or a diversion be agreed. The operational main is located on Hood Road and, with the omission of the proposed apartment block, the remainder of the development by nature and/or distance from the main is unlikely to cause any significant impacts in relation to asset management.

Part of the site (at the eastern end) is located within Flood Zone B, which suggests that there is some evidence of past flooding in sedimentary deposits, however, TAN 15 does not advise against new development in Zone B. This site has previously been considered acceptable for mixed commercial and residential development of a similar nature.

The proposed drainage scheme would discharge foul to the main sewer and comprise green roofs and SuDS planters (dissipating to the ground) to deal with surface water. No response has been received from the Council's Drainage team; however, the proposed arrangement is considered acceptable in principle, noting separate SAB approval would be required for the surface water scheme.

Other matters

There are no adverse implications relating to the recent Cabinet decision to dispose of the railway land to TfW. The proposed TfW land transaction would see the freehold of the

land, on which the all the tourist and employment accommodation is sited, being transferred to TfW but the sale contract would include a provision that the land is then transferred back to the Council once the existing Headlease to Cambrian Transport is surrendered. This would result in the Council ending up owning the freehold of the strip of land on which the all the tourist accommodation and part of the proposed employment would be located. The other employment containers would be located on the original Goods Sheds site area, which is not part of the sale of land to TfW.

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:

N280 - A020 A – Site Location Plan
N280 - A022 A – Proposed Site Layout
N280 - A023 – Ground floor plan – Office Containers
N280 - A024 – Roof Floor Plan – Office Containers
N280 - A025 – Container Elevations
N280 - A026 – Toad Carriages – Site Layout
N280 - A027 – Toad Carriages - Elevations
21.4832 05 A - Drainage Construction Details
21.4832 07 - Green and Blue Roof details
21.4832 02 A - Office Pods Drainage Layout
21.4832 06 A - Raingarden and Planter Details
21.4832 03 - Toad Carriages Drainage Layout

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. Further details for the provision of a loading bay on Hood Road shall be submitted to and approved by the Local Planning Authority. The development shall not be put into beneficial use until the loading bay has been implemented in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the LDP.

4. Notwithstanding the submitted plans, further details of cycle storage provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be put into beneficial use until the cycle storage has been implemented in accordance with the approved details and it shall thereafter remain available for its designated use so long as the development exists.

Reason:

To ensure the provision on site of cycle parking facilities in the interests of sustainability and 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.

5. Customers are not permitted to use the gym outside the hours of 8am to 10pm.

Reason:

To ensure that residential amenity is protected and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

6. No amplified music or other sounds shall be played at the at the gym unless in accordance with a scheme (including details of sound equipment, decibel levels, and hours of operation) which has first been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of residential amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

7. The holiday lets shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site, in the interest of amenity and local infrastructure and to comply with the terms of Policies MD2 (Design of New Developments), MD4 (Community Infrastructure and Planning Obligations) and MD13 (Tourism and Leisure) of the Local Development Plan.

8. The approved containers shall only be used for Class B1 (Business) as defined by the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments), MD5 (Development Within Settlement Boundaries) and MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD5 – Development within Settlement Boundaries, MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD13 (Tourism and Leisure), and MD14 (New Employment Proposals), Planning Policy Wales (11th Ed), Future Wales, TAN11, TAN12, TAN13, TAN15, TAN18, TAN23 and TAN24, as well as the Biodiversity and Development, Parking Standards, Tourism and Leisure Development SPG's, it is considered that the proposals are favoured in principle and would have no unacceptable impact on visual amenity, neighbouring amenity, highway safety, biodiversity, heritage, flood risk, drainage and would preserve the setting of the nearby listed Pumphouse.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

- 1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact DCWW on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.

This is based on the information provided by your application. Should the proposal alter DCWW kindly request that they are re-consulted and reserve the right to make new representation. If you have any queries please contact DCWW on 0800 917 2652 or email at developer.services@dwrcymru.com

2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

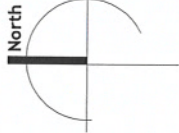
Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.

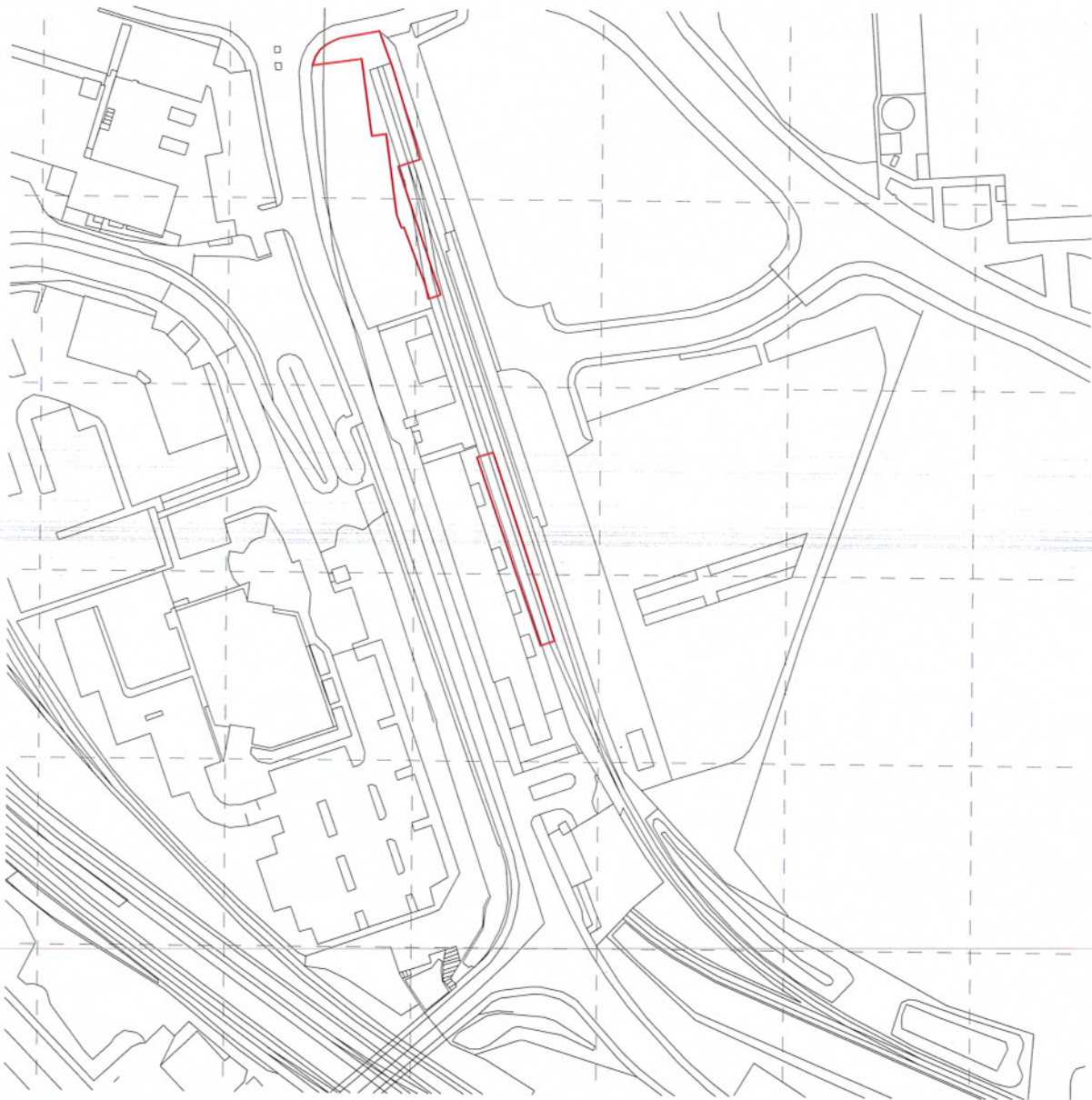


Notes
This drawing is for planning purposes only. It is not to be used for construction purposes. All dimensions shown are approximate and should be verified by the client. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided. The client is responsible for the accuracy of the information provided.

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Project	GOODSHEDS, PHASE 2
Project number	N280
Client	DS PROPERTIES LTD
Title	SITE LOCATION PLAN
Drawing number	A020
Scale	1:1250 A3
Revision	A
Status	PLANNING
Drawn	PC
Date	11.10.21

2021/01123/FUL



01 SITE LOCATION PLAN
1:1250



APPLICANT: Miss Sarah Jenkins 5 Ffordd Y Mileniwm, Barry, CF62 5BD

AGENT: Miss Sarah Jenkins 5 Ffordd Y Mileniwm, Barry, CF62 5BD

5, Ffordd Y Mileniwm, Barry

Erect a fence around front garden

REASON FOR COMMITTEE DETERMINATION

This application is reported to Planning Committee under the Council's approved scheme of delegation because the report contains a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice.

EXECUTIVE SUMMARY

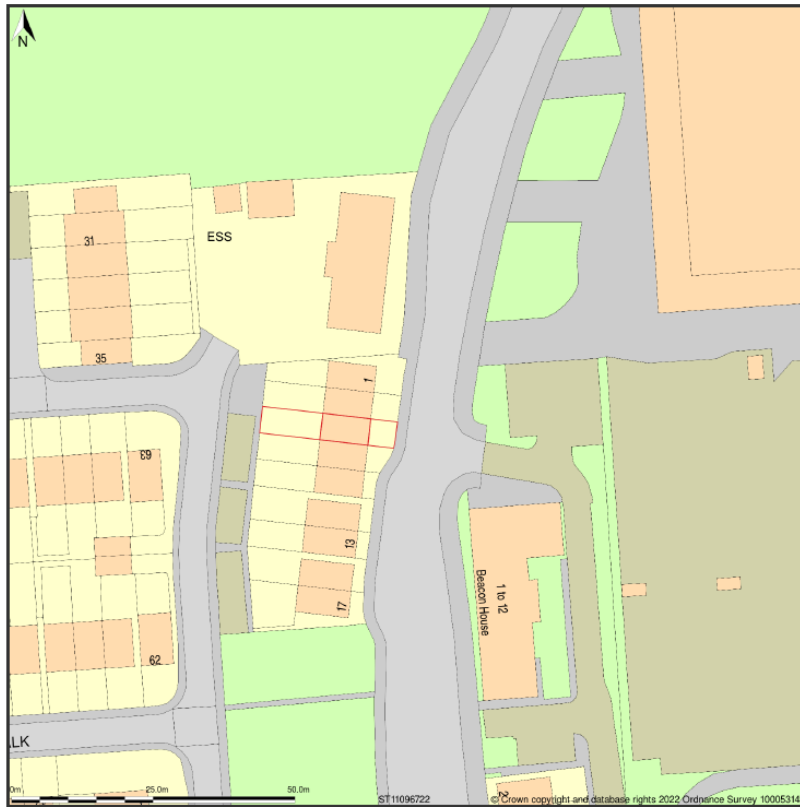
The application retrospectively seeks to retain an approximately 0.7m high wooden fence that encloses the front garden of 5 Ffordd Y Mileniwm. Planning permission is required as condition 11 of application ref: 2012/00806/EAR removed the right to erect gates, fences, walls, or other means of enclosure within the curtilage of any dwelling, where such enclosures would be sited between the dwelling and the adopted highway. This condition is consistent of all other developments that make up the West Pond phase of Barry Waterfront and was imposed to maintain the open-plan street scenes that were a key design principle for the wider development.

Despite being less than 1m high, such enclosures to the front of dwellings are considered to erode the pleasant and consistent sense of openness which in turn, is considered to harm the quality and character of the street scene along Ffordd Y Mileniwm.

Consequently, it is recommended that this application is refused, and an enforcement notice is served on the owner of the property, to require the fence to be removed in its entirety.

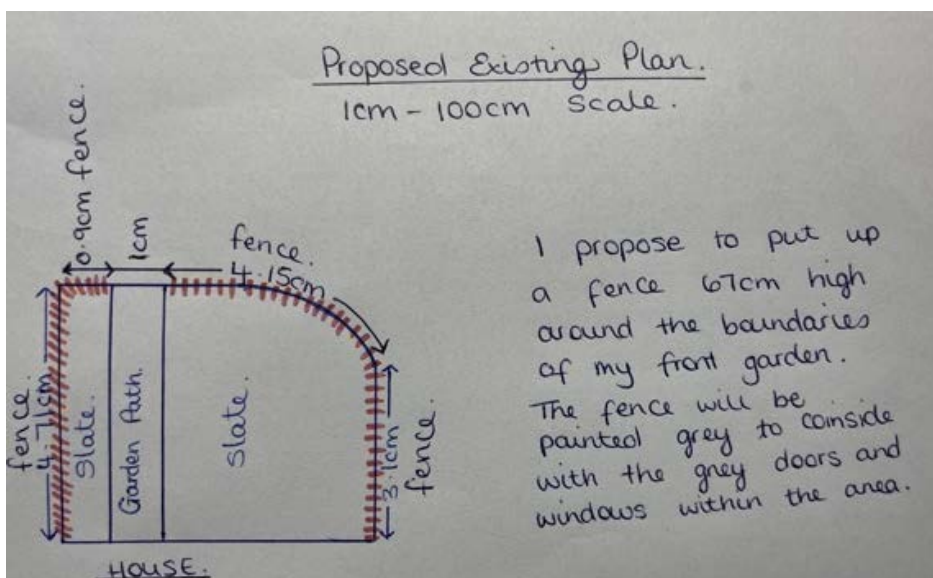
SITE AND CONTEXT

The application relates to 5, Ffordd Y Mileniwm. The property is a two storey, mid-terrace house within the Barry Waterfront Development, in the settlement of Barry. A fence has been erected to enclose the front garden whereas previously this was open to the highway, similar to neighbouring properties within the street scene. A site location plan is included below.



DESCRIPTION OF DEVELOPMENT

The application seeks retrospective planning permission to erect an approximately 0.7m high wooden fence around the front garden of number 5, Ffordd Y Mileniwm. The fence would be painted grey to match the colour of the windows and doors. A plan and photograph of the fence are included below.





Photograph of fence viewed from Ffordd Y Mileniwm



Photographs of the fence in the context of the wider street scene.

PLANNING HISTORY

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed, Decision Date: 1988-07-13

1991/00496/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved, Decision Date: 1991-09-03

1994/00144/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Comprehensive redevelopment, Decision: Approved, Decision Date: 1997-05-29

1994/00207/FUL, Address: Dock No. 1, Barry Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved, Decision Date: 1994-06-21

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved, Decision Date: 2000-04-28

2006/01440/RG3, Address: Brown field site between steam railway and west pond area of the waterfront (O/S ref: 1066 NE), Proposal: landscaped bund utilising surplus spoil from the nearby innovation quarter, Decision: Approved, Decision Date: 2006-11-16

2007/01682/SC2, Address: Sites C and D - West Pond & South Quay, Barry Waterfront, Proposal: Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use, Decision: EIA (Scoping) - No Further Information Required, Decision Date: 2008-02-08

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved, Decision Date: 2012-03-02

2009/00947/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Finally Disposed

2010/00397/SC1, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Regrading of site and remediation of contamination, Decision: Environmental Impact Assessment (Screening) - Not Required, Decision Date: 2010-05-19

2010/00696/FUL, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved, Decision Date: 2011-09-05

2020/00717/FUL, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved, Decision Date: 2020-10-22

CONSULTATIONS

Barry Town Council – objected on 18th February 2022 on the basis that the proposed fence would be a visually intrusive feature in the street scene and sets an unacceptable precedent for the waterfront development.

Local Ward Members – no responses received to date.

Highway Authority – responded on 31st January 2022 with no objection.

REPRESENTATIONS

The neighbouring properties were consulted on 28th January 2021. However, no responses have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

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.

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.9 *“The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”*

Para 3.10 *“In areas recognised for their particular landscape, townscape, cultural or historic character and value it can be appropriate to seek to promote or reinforce local distinctiveness. In those areas, the impact of development on the existing character, the scale and siting of new development, and the use of appropriate building materials (including where possible sustainably produced materials from local sources), will be particularly important.”*

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)

Para 2.6 *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*

Para 4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*

Para 4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses*

and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements)."

Para 6.16 *"The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted."*

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

Residential and Householder Development (2018)

- 7.3.1. *"It is then important to establish the character of the buildings (i.e. other buildings, houses and outbuildings) that are within the context of your property. The context of your property is the area within which your new development will sit and within which it will be viewed. The 'street scene' is often an important element of the context to your property"*
- 8.1.1. *"Once the character of your property and its context has been established, your development should be designed so as to complement and positively contribute the existing character."*

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 main issue to assess in this case is the design and visual impact of the fence and whether it responds to the context and character of the wider street scene. Given the fence is under 1m high and encloses the front garden, there are no impacts to consider in terms of neighbouring amenity, parking provision or loss of outdoor amenity space.

Design & Visual Impact

The following criterion have been taken from Policy MD2 (Design of New Development) of the LDP. To ensure new development creates high quality, healthy, sustainable and locally distinct places, development should:

Criterion 1 “Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest”

Criterion 2 “Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density”

In addition, the property lies within the settlement of Barry and, therefore, the following criterion taken from Policy MD5 (Development Within Settlement Boundaries) of the LDP should be complied with. Development will be permitted whereby:

Criterion 3 It “is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality”

Criterion 4 “The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting”

The application site is in a highly prominent position, facing Ffordd Y Mileniwm in the West Pond phase of Barry Waterfront. The fence encloses the front garden of the property and is a highly visible and prominent feature in a street scene that is characterised by an appreciable sense of openness at the front of properties. This sense of openness is particularly apparent throughout the Waterfront development as a whole. Permitted development rights to erect new enclosures were removed at reserved matters stage from each of the developments on this phase (3 applications from three different house builders) and each of the developments has maintained this open-plan approach. In this case, condition 11 of application ref: 2012/00806/EAR removed the right to erect gates, fences, walls, or other means of enclosure within the curtilage of any dwelling hereby approved, where such enclosures would be sited between the dwelling and the adopted highway.

The fence encloses the front garden of No.5, Ffordd Y Mileniwm and while it is approximately 0.7m high, it is a physical enclosure that has fundamentally altered the character and visual openness of that front garden. It is considered that the consistent open plan nature of the frontages contributes positively to the character of the street scene as well as the wider development and the proposed fence is considered to dilute that consistency of open-plan layout. It is considered that this in turn detracts from the character of the street scene and the visual amenity of the surroundings. While it is acknowledged that the fence is, in itself, a relatively low enclosure that is not uncommon in some residential settings, nevertheless the appreciable sense of openness at the Waterfront is a feature that warrants preserving and defending.

Whilst each case must be treated on its own merits, it would be very difficult for the Local Planning Authority (LPA) to resist further applications for enclosures on other properties and this could eventually lead to the open-plan character of the estate being eroded in an ad hoc and piecemeal way. For that reason, the LPA has previously resisted proposals for such enclosures around front gardens at the Waterfront.

In 2018, planning permission was refused for railings enclosing the front garden at 19, Portland Drive, Barry for similar reasons (application ref: 2018/00337/FUL). In that case, the railings were under 1m high and in dismissing the appeal (ref: APP/Z6950/D/18/3208677), the Inspector highlighted that the front of plots are not divided or marked by enclosures, resulting in a pleasant open-plan street scene. Having acknowledged this, the Inspector went on to state that “I agree with the Council that enclosing the garden, even with a low, open metal railing fence, would undermine the original design principles for this development”.

In conclusion, a key design principle for this development was to deliver an open-plan estate with open frontages to properties and an open street-scene. Due to the prominent location of the property fronting Ffordd Y Mileniwm, the addition of such fencing around the front garden is considered to conflict with the design and nature of the development. It is considered that the fence does not sympathetically contribute to the layout of the development, and it is, therefore, considered to be contrary to Policies MD2 (criteria 1 and 2) and MD5 (criteria 3 and 4) of the Local Development Plan, Technical Advice Note 12- Design (Paragraphs 2.6, 4.5, 4.8 and 6.16) and Planning Policy Wales (Paragraphs 3.9 and 3.10). Consequently, while the Council sympathises with the applicant in that pedestrians may walk across the front garden and occasionally drop litter/allow dog to foul, this is not considered to outweigh the identified harm to the pleasant open-plan character of the street and the wider estate and detriment to public visual amenity. This impact and the precedent set by this development is, therefore, considered unacceptable.

ENFORCEMENT ACTION

In view of the above assessment, it is recommended that an enforcement notice be issued under Section 172 of the Town and Country Planning Act 1990 in respect of the of the unauthorised fence currently on site. It is not known exactly when the fence was erected, however, it is since 2019 and within the last 4 years. The only way for the identified harm to the character of the street scene to be remedied would be to require the removal of the fence in its entirety. Therefore, the service of an enforcement notice is recommended for the removal of the fence in its entirety.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

REASON FOR ISSUING ENFORCEMENT NOTICE

1. It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.
2. By reason of its siting, design, and the distinctly open-plan appearance of the street, the fence at this prominent plot fronting Ffordd Y Mileniwm adversely impacts the visual amenity of the street scene and harmfully dilutes the consistent open character, which is a key design feature of the Barry Waterfront development. The development is, therefore, contrary to Policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 12 and Planning Policy Wales 11th Edition.
3. 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.

RECOMMENDATION

- (1) It is recommended that the application be refused.
 - i. By reason of its siting, design, and the distinctly open-plan appearance of the street, the fence at this prominent plot fronting Ffordd Y Mileniwm adversely impacts the visual amenity of the street scene and harmfully dilutes the consistent open character, which is a key design feature of the Barry Waterfront development. The development is, therefore, contrary to Policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 12 and Planning Policy Wales 11th Edition.
- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- i. The removal of the fence and resulting materials from the land.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASON FOR RECOMMENDATION

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

The appropriate marine policy documents have been considered in the determination of this application and the consideration of the building currently on site, in accordance with Section 59 of the Marine and Coastal Access Act 2009.

It is considered that the decision to refuse planning permission and issue an enforcement notice 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.

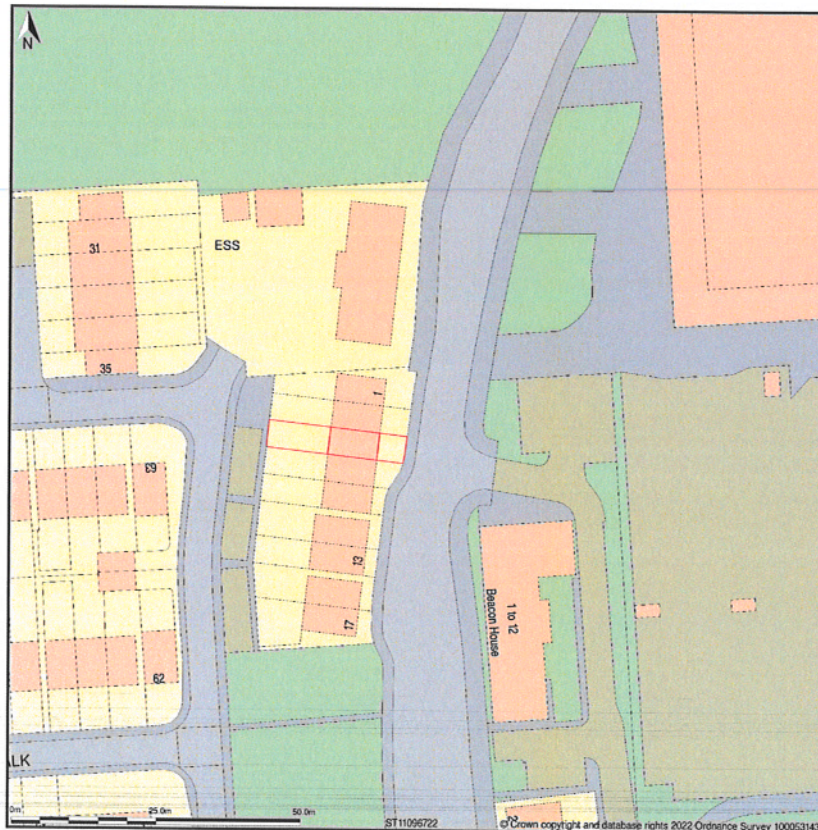
RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

For the following reason:

1. By reason of its siting, design, and the distinctly open-plan appearance of the street, the fence at this prominent plot fronting Ffordd Y Mileniwm adversely impacts the visual amenity of the street scene and harmfully dilutes the consistent open character, which is a key design feature of the Barry Waterfront development. The development is, therefore, contrary to Policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 12 and Planning Policy Wales 11th Edition.

5. Ffordd Y Mileniwm, Barry, Vale Of Glamorgan, CF62 5BD



Location Plan shows area bounded by: 311028.6, 167149.39 311170.02, 167290.81 (at a scale of 1:1250), OSGridRef: ST11096722. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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APPLICANT: Pegasus Developments (Glamorgan) Ltd c/o agent ,
AGENT: Ms. Kate Coventry 22 Cathedral Road, Cardiff, CF119LJ

Land at Coldbrook Road East, Cadoxton

Erection of 20 walk up units with associated car parking and 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 that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site relates to 0.35ha of land that was historically used as a quarry, with its last use being a car repair garage. The site has been cleared although it still retains a large concrete slab and engineered land form arising from historical levelling during the quarrying operations. The site is bounded by Coldbrook Road East to the north and Church Road to the west. Immediately east is dense vegetation with further residential development located along Powis View. The site is not situated within a designated Conservation Area but is located opposite the southern part of the Cadoxton Conservation Area and a Grade II listed building, which is separated by the adopted highway.

The application is for the development of twenty one-bed 'walk up' units with associated works and car parking. The development is for affordable housing on behalf of the Vale of Glamorgan Council Housing Services. Access will be served directly from Coldbrook Road East and this will lead to a parking area providing twelve spaces, including one disabled space.

The main issues relate to the principle of the development, the design and visual impact, highway safety and parking, drainage, impact on residential amenity, ecology, ground investigations and land stability.

There have been two objections to the scheme. The grounds of objection include increase in traffic, noise disturbance from construction, not enough parking to accommodate the proposals and the retention of the informal walkway to the west. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site relates to a parcel of land located on the southern extent of the junction of Church Road and Coldbrook Road East, Cadoxton, Barry.

The site measures approximately 0.35 hectares in size and was historically used as a quarry, with its last use being a vehicle repair garage. The site has been cleared although it still retains a large concrete slab (from the partial implementation of a former planning permission) and engineered land form arising from historical levelling during the quarrying operations. The site is enclosed by a security hoarding along the frontage of the western

part of the site. The eastern part of the site is fronted by a steeply sloping tree lined bank. The southern extent comprises a cliff face with and sporadic areas of shrubbery.

The site lies within a predominantly residential area and is located opposite the southern part of the Cadoxton Conservation Area with a small traditional residential terraced block located immediately opposite the application site. To the south of the application site is a terraced residential street (St. Oswalds Road) located in a significantly elevated position above the application site. To the east, the site abuts the rear of the three storey flats located in Powys View. A Public Right of Way is located to the North Eastern extent of the site, across the adopted highway, together with a Grade Listed Building (The Old School House).

The site location is shown below:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the development of twenty one-bed 'walk up' units with associated works and car parking. The development is for affordable housing on behalf of the Vale of Glamorgan Council Housing Services. The flats each would have one bedroom, a kitchen dining / living area and bathroom. The proposed units meet the current DQR Standards set by Welsh Government within the 'Beautiful Homes & Places' (July 2021).

The proposal in context is illustrated in the extracts, below:



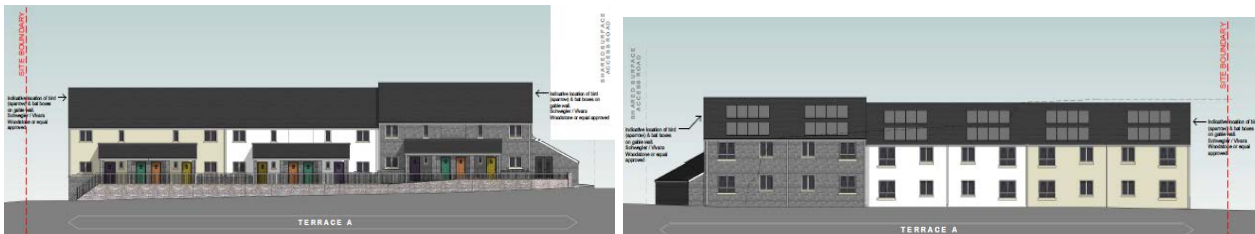


The proposal takes a fairly conventional form with grey brick and render external walls, with uPVC fenestration and rainwater goods, and slate effect grey tile roofs, with roof mounted solar panels. It has a broadly conventional form, with a gable end and pitched roofs. The proposal is split into two block of terraces with a variation in height, owing to the gradient of the land falling to the east. However, a fairly consistent approach is taken to the design and materials proposed across the development which form a linear approach, fronting the adopted highway. The proposed wall enclosing the site will be finished in lias limestone with metal balustrade guarding.

Despite the variant in height owing to the land form across the proposals, the dwellings will measure approximately 5.4m in height to the proposed eaves and 8.8m to the proposed ridge.

The proposed elevations for each terrace is illustrated below:

Terrace A

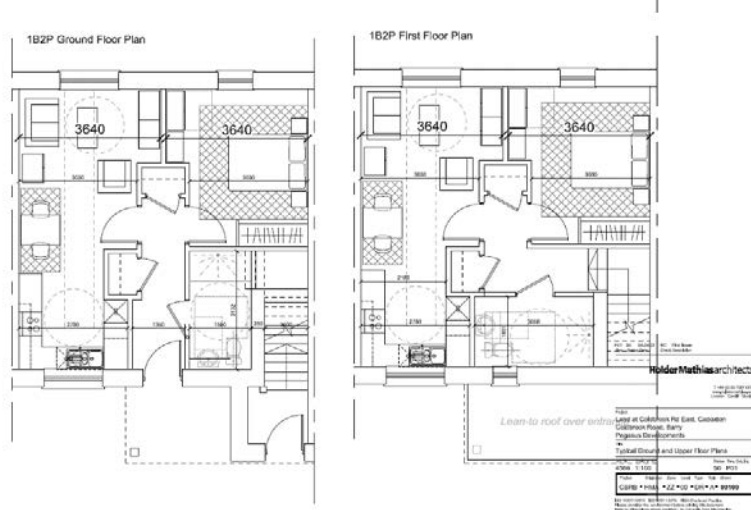


Terrace B



The proposed floor plans are shown below:

Ground & First Floor Plan:



Vehicular access would be achieved via the existing access point from Coldbrook Road East with improvements and upgrades included as part of the proposals. This will involve improving the access to form a T-Junction and widening the site frontage, together with improvements to the north of the site to accommodate a 2.5m footway. The proposal will provide twelve car parking spaces (including one disabled), cycle and bin storage.

The units would be served by approximately 308m² of amenity space at the rear, including the smaller incidental areas around the sides of the building, whilst utilising the existing bedrock to the rear of the site.

The plan below shows the proposed site layout:



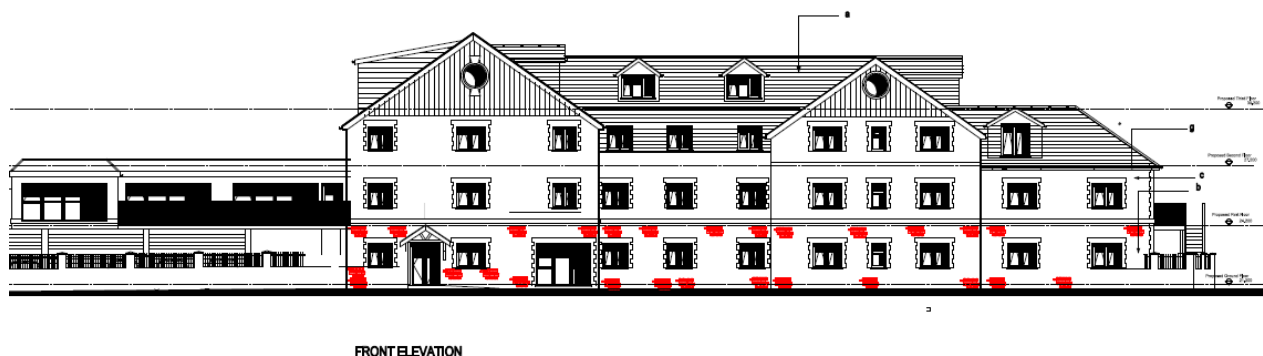
Surface water generated by the development would be treated / attenuated by SuDS features in the form of raingardens and permeable paving, prior to discharge to an existing sewer, with conveyance swales introduced.

PLANNING HISTORY

2011/00555/FUL, Address: Crystal Springs, Coldbrook Road East, Barry, Proposal: Construction of Nursing Home - 50 beds, Decision: Approved;



2016/00355/FUL, Address: Crystal Springs, Coldbrook Road East, Barry, Proposal: Construction of nursing home - revised design and car parking, Decision: Refused – no s106 Signed;



CONSULTATIONS

Barry Town Council were consulted on 14 January 2022. A response was received confirming no objection subject to the satisfaction of the Highways Engineer and Ecology Officer.

Highway Development were consulted on 14 January 2022. A response was received confirming the access proposals are acceptable and no objection subject to the attachment of a condition to provide a scheme for the extension of double yellow lines (TRO) from Coldbrook Road East and for the provision of a new uncontrolled pedestrian crossing point complete with dropped kerbs and tactile paving at Church Road (**Conditions 26, 27, and 28** refer).

Council's Drainage Section were consulted on 14 January 2022. No response was received at the time of writing this report.

Shared Regulatory Services (Pollution) were consulted on 14 January 2022. No response was received at the time of writing this report.

GGAT were consulted on 14 January 2022. A response was received confirming no objection to the proposals.

Ward Members were consulted on 14 January 2022. No response was received at the time of writing this report.

Dwr Cymru / Welsh Water were consulted on 14 January 2022. A response was received confirming no problems were envisaged with the Waste Water Treatment Works for treatment of domestic discharges. However, it was stated that water supply is limited and that the developer will be required to contribute toward this provision under the Water

Industry Act 1991 through a HMA, which the applicant has agreed to. In light of these matters, Welsh Water raise no objection subject to the attachment of conditions and advisory notes (**Conditions 11, 12 and 13 refer**).

Ecology Officer was consulted on 14 January 2022. A response was received stating there were no grounds for objection in relation to the loss of biodiversity. There was concern expressed over a lack of detail for proposed ecological enhancements, and a number of suggestions were made on how this could be accommodated. These included:

- Wall-Mounted Bat Roost
- House Sparrow Nest Box
- Increased planting
- Permeable fencing to allow gaps for hedgehogs

The applicant has made the amendments sought above. The Ecology Officer raises no objection subject to further details required as part of lighting (**Condition 10** refers).

Housing Strategy were consulted on 14 January 2022. A response was received stating their support for the development, noting that there is a need for additional affordable housing in the Vale of Glamorgan. In evidence, they provided the following figures from the Council's Homes4U waiting list the Cadoc ward of Barry:

CADOC	
1 Bed	258
2 Bed	114
3 Bed	50
4 Bed	9
5+ Bed	6
Total	437

It was also requested the units have walk in showers rather than baths and that the ground floor units are fully accessible.

Natural Resources Wales were consulted on 14 January 2022. A response was initially received objecting on the grounds of inadequate information being provided to support the proposal regarding European Protected Species and land contamination. Further information was provided to NRW. An updated response was received confirming that they are satisfied these concerns can be overcome by attaching conditions (**Conditions 10 and 21** refer).

Contaminated Land, Air & Water Quality were consulted on 14 January 2022. A response was received confirming no objection subject to conditions on ground gas protection and contaminated land measures and advisory notes (**Conditions 14 - 20** refer).

REPRESENTATIONS

The neighbouring properties were consulted on 14 January 2022. A site notice was also displayed on 19 January 2022. To date two letters of representations have been received objecting on the grounds of:

- Noise and disturbance associated with the construction of the development;
- Increase in traffic;
- Concerns surrounding the stone being quarried;
- Lack of parking;
- Noise and pollution as a result of the development;
- Retention of an informal green pathway.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 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.

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

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

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- **Cadoxton** Conservation Area Appraisal and Management Plan

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 Development Quality Requirements 2021: Creating Beautiful Homes and Places
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty

and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Principle of Development and requirement for Affordable Housing

The site falls within the settlement boundary of Barry, which is identified as a ‘key settlement’ in the adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant policies in the Plan. The site is within easy walking distance of a range of local facilities, such as local convenience stores along Main Street and Barry Road, regular bus routes and Cadoxton Train Station. It is, therefore, considered that the site is highly sustainable and a residential development of the site is acceptable in principle.

Policy MD6 – Housing Density of the Local Development Plan, in recognition that land is a finite resource, seeks to ensure that all new residential development makes efficient use of land. The policy states that a minimum net residential density of 30 dwellings per hectare should be achieved for primary settlements, unless a lower density can be justified due to site constraints.

The site measures to be approx. 0.35ha and to ensure compliance with the aforementioned policy, would be expected to provide at least 11 new dwellings. The development is therefore compliant with this policy and would amount to efficient use of the land.

The development is therefore considered acceptable in principle and compliant with Policies MD1 and MD6 of the LDP.

Design, Layout, Visual Impact and Heritage

Policy MD5 - Development within Settlement Boundaries and the general design criteria set out in Policy MD2 - Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 11) and TAN12- Design (2016).

Furthermore, the local planning authority must under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, pay special attention to the desirability of preserving or enhancing the character for appearance of a conservation area. Policy MD8 Historic Environment of the adopted Development Plan supports these requirements and specifies that development proposals within conservation areas must protect the qualities of the built and historic environment of the Vale of Glamorgan. Whilst the site is not located within a conservation area, regard must be had to the setting of any neighbouring conservation area.

The surrounding context is relatively mixed in terms of the design, materials and scale of the individual buildings, with the Cadoxton Conservation Area being sited to the north. The

overarching character of the street is of fairly traditional early 20th Century terraced linear development of two storeys, abutting the highway with the use of sandstone quoins around windows and doors. However, further afield there is a wider mix and styles including detached, semi-detached and three storey apartment blocks.

The proposal is for twenty walk up flats that would occupy a prominent plot of land fronting onto the adopted highway of Coldbrook Road East. The proposed dwellings are two-storey in height and are of a fairly traditional design, shown to have a pitched slate roof and rendered/brick elevations. The overall layout of the proposed dwellings follows the pattern of existing development along the highway, in a linear form that mimics the existing arrangement and local vernacular, resulting in a proposal that assimilates well with the character of the immediate street scene.

The proposed dwellings will be slightly elevated from the highway accommodating the natural fall in ground level, thus providing a stepped terraced view gradually increasing in height to the west when viewed from the highway. The proposed eastern block (Terrace A) would be in the region of 10m tall from ground level and the proposed western block (Terrace B) would be approximately 9m tall from ground level. It is considered that the proposed dwellings would be of a height that are visually compatible with the surrounding buildings and are not considered to be out of character with the wider context. Furthermore, it is considered the proposals fit well within the site, respecting the elevated backdrop to the rear. As such, it is considered that the proposed row of terraces would be of an appropriate mass and scale for the application site and are in keeping within the wider area.

The proposed units would be finished in a relatively conventional palette of materials, comprising principally grey brick and render to the external walls with uPVC fenestration and rainwater goods and slate effect grey tile roofs. These materials do not directly match the locally prevalent terraced brick, but rather but this somewhat more contemporary palette would nevertheless complement its surroundings. Furthermore, within the wider area, there is a varied mix of materials used and in light of this the proposed materials are considered appropriate. However, to ensure appropriate materials and means of enclosure given the close proximity to the neighbouring historic assets, a condition requiring samples of all materials to be agreed is recommended (**Condition 3** refers).

The car park serving the development is located at the southern end of the site (to the rear). The hard and soft landscaped areas would be located mainly to the rear of the site, adjacent to the swales abutting each development block. There would be grassed areas which would soften the overall appearance of the development. Cycle parking is also provided to the rear, together with a bin store located on the western edge of Terrace A.

The site is shown to be enclosed along the main frontage by a low level wall finished in lias limestone with metal balustrade guarding. This together with planting (the proposed rain gardens) along the frontage of the site will assist in providing an appropriately designed means of enclosure to the site, which would complement the different forms of enclosure found elsewhere along what is a varied street scene. Full details of which shall be submitted by condition (**Condition 6** refers).

Overall, given the topography of the site and the elevated backdrop, the general layout, scale and character of the surrounding area, it is considered that the siting, scale, design and materials of the proposed building will respond positively to the constraints and context of the site and would not unacceptably harm the street scene of Coldbrook Road

East, or negatively impact on the character and setting of the adjacent Cadoxton Conservation Area or the setting of the nearby Listed Buildings in accordance with Policies SP1, MD2, MD5 and MD8 of the adopted LDP. The development would also comply with Sections 66 and 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, in that the character and setting of the Conservation Area and Listed building would be preserved.

Impact on Neighbours

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development (2018).

The site lies within a predominantly residential area and is located opposite the southern part of Cadoxton Conservation Area with a small traditional residential terraced block located immediately opposite the application site. To the south of the application site is a terraced residential street (St. Oswalds Road) located in a significantly elevated position above the application site. To the east, the site abuts the rear of the three storey flats located in Powys View. To the west are the terraced dwellings of Church Road.

The nearest opposing terraced dwellings on Coldbrook Road East would be in excess of 21 metres from the proposed building and there would be a similar distance to the nearest dwellings in Church Road. The proposed buildings would be in excess of 30m away from the nearest flats to the east (along Powys View), together with being separated by dense hedgerow and mature vegetation. It would be approximately 26m away from the dwellings' gardens to the southern extent of (St. Oswalds Road) and furthermore, is at a significantly lower position owing to the adjoining cliff face. Consequently, there is sufficient space with the surrounding dwellings to ensure that the proposal would not appear as overbearing or unneighbourly.

In respect of privacy, the distances between windows on the proposed flats and neighbouring windows/gardens to the north, east, south and west would comfortably exceed the 21m that is recommended in the Council's Residential and Householder Development SPG.

With regards to privacy and overlooking of the proposed development, the proposal includes side elevation windows at the end of each terrace. The separation between the two opposing windows between Terrace A and Terrace B will measure approximately 12m. The side elevation windows are not principal windows for each flat proposed given the fenestration to both the front and rear elevations. Therefore, and given their location adjacent to the vehicular entrance, it is considered unnecessary to attach a condition to obscurely glaze these windows. Consequently, the proposed development is therefore considered to comply with the Council's standards.

A Construction Environmental Management Plan (see **Condition 5**) would minimise the temporary construction impacts and would ensure that construction activities are only undertaken during appropriate hours.

Having regard to the above, it is considered that the development would not adversely impact upon residential amenity, both of existing residents around the site and of those that would occupy the development (in accordance with policies MD2 and MD7 of the LDP, and the Council's SPG).

Amenity Space / Public Open Space

In terms of amenity space, the Council's adopted Supplementary Planning Guidance Residential and Householder Development (2018) indicates a need for between 12.5-20 sqm per person for flatted developments, whereby all units should be provided with direct access within/through the site. The SPG also requires that generally amenity areas should be of a 'useable' shape, form and topography.

The proposal is for one bedroom units, and therefore this would equate to approx. 200-400sq.m in total. There is an open area provided to the rear of the proposed development site, which would be indicatively landscaped and furnished with items such as benches and the provision of outdoor drying areas. This measures area is approx. 217sq.m in size, but the site also has additional space allocated to the rear which (utilising the bedrock plateau) would contribute toward amenity provision. This area makes the total amenity space approx. 308sq.m. The proposed amenity provision is therefore considered acceptable in size, form and layout, with regard to the Council's SPG.

In relation to Public Open Space, there is an identified shortfall of children's play space in the ward. In accordance with the Planning Obligations, it would normally be expected for a Local Area of Play to be provided on site. However, in view of this development being for one bedroom units (i.e. being unsuitable for families), it would not be reasonable to require on site provision in this case.

The development is considered acceptable in relation to on site amenity and Public Open Space provision (and the requirements of Policies MD2 and MD3 – Public Open Space of the LDP). The situation in regard to financial planning obligations is discussed further below.

Highway Safety and Parking

The proposed site access and parking layout is shown on the plan below:



The development site would be accessed at essentially the same point as the existing, to the northern extent of the site via an existing vehicular crossover. However, the proposals

seek to upgrade the existing access to provide a formal priority T-junction, complete with dropped kerbs and tactile paving, which would be delivered as part of a S278 Agreement. Off-site highway works are also being provided to accommodate safe means of pedestrian access.

A Transport Statement has been prepared in respect of the proposed development and submitted as part of this application. The proposed development would be likely to result in the following traffic generation within the highway network:

- AM Peak (08:00-09:00) = 11 two-way vehicle movements
- PM Peak (17:00 – 18:00) = 8 two-way vehicle movements

The survey concluded that the proposed development is predicted to generate just 11 two-way vehicular trips during the typical weekday AM peak hour, and just 8 two-way vehicular trips during the PM peak hour. The level of trips expected from the proposed development would have a minimal effect on the surrounding highway network and would not be likely to result in congestion or have an adverse effect on the free flow of traffic. The Highways Engineer has reviewed the statement and has concluded that the proposal is acceptable in this regard.

Concerns were raised regarding the potential for vehicles waiting directly outside the site on Coldbrook Road East. Consequently **Condition 27** requires a Traffic Regulation Order to be implemented to prevent vehicles waiting, to ensure highway safety and the free flow of traffic is maintained. In addition, the footway fronting the site is to be widened to 2.5m, which the applicant has agreed to, and amended plans have been received to reflect these requirements. Further details will be secured by condition (**Condition 26** refers).

The development also includes the provision of an uncontrolled pedestrian crossing point, complete with dropped kerbs and tactile paving, across Church Road. This will enable pedestrians to access the nearby bus stop from the proposed development. Such improvements are welcomed, and the applicant has agreed to this provision (**Condition 28** refers).

The proposed development would provide 12 parking spaces (including 1 disabled space), which is below the 'maximum' standards of the SPG. In view of the proposed tenure of the properties, the sustainable location with access to local facilities such as shops, community buildings, schools and public transport, the proposed provision is considered acceptable and it would cater for the demand associated with the development. The Highways Engineer accepts this level of parking.

The plans also suggest the provision of cycle parking located to the rear which will provide 4 Sheffield type cycle stands. Consequently the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel.

Due to the proximity to neighbouring residents as highlighted above and the concerns raised, a Construction Traffic Management Plan (CTMP) shall be submitted, to be secured by condition (see **Condition 21**) to ensure that all aspect of the construction phase minimise impacts on neighbouring residents. This was also requested by the Highways Engineer by way of condition.

Subject to the above conditions, it is considered that the development would not adversely impact upon highway safety matters, in accordance with Policies MD2 and MD7 of the LDP.

Ecology and Trees

Policy MD9 'Promoting Biodiversity' of the Council's LDP requires new development to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

A Preliminary Ecological Appraisal (PEA) and a Tree Roost Assessment (TRA) for Bats have been submitted as part of the planning application. The PEA was commissioned to identify whether there are known or potential ecological receptors (nature conservation designations and protected and notable habitats and species) that may constrain or influence the design and implementation of the proposed development. The PEA concludes that the site is of limited potential to support common invertebrates, reptiles, breeding birds and bat habitats of principal importance within the site. However, appropriate means of mitigation is advised. The survey has also identified Japanese knotweed along the south-east corner of the site. The report concludes the treatment and removal of Japanese knotweed is required and that the development presents an opportunity for ecological enhancement and mitigation measures such as bird and bat boxes, together with the provision of log piles.

The application has also been supported by an Arboricultural Impact Assessment (AIA). The findings of the report demonstrate that the proposals will result in the loss of a number of trees located in the site, all of which are identified as being Category C or U. This includes the removal of Sycamores, a group of Elm and Ash. The survey recommends their removal or some of which require monitoring. Those requiring removal are considered to not contribute significantly to amenity. Furthermore, those lost can be all adequately replaced by robust landscaping, details of which can be secured by condition (see **Condition 8**).

The reports have been reviewed by the Council's Ecologist, who raised no objection in relation to the loss of vegetation. However, further information was sought from both NRW and the Council's Ecologist to identify which trees and groups of trees are to be removed, to ensure no adverse impacts on bats. The aforementioned TRA was prepared on this basis to support the application submission and concluded that the trees on site have negligible potential to support roosting bats. Both the Council's Ecologist and NRW have reviewed the supporting material and have made no objection to the findings, albeit a request to the applicant has been made for details such as a lighting plan (**Condition 10**).

There was also some concern expressed by the Council's Ecologist over a lack of detail for proposed ecological enhancements, however, a number of suggestions (roost/ nest boxes, new planting) on how this could be accommodated were made. The applicant has since provided a suitable scheme of ecological mitigation and biodiversity enhancements through the provision of bird and bat boxes and fencing that has been made permeable to allow hedgehogs access through the provision of suitable gaps.

Subject to compliance with the enhancement recommendations in the PEA and the TRA and the provision of details as required by the conditions above, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Drainage

A Drainage Strategy has been prepared to inform the proposed development.

Whilst a scheme has been agreed in principle with the drainage authority, SAB approval will be required for the development. The submitted conceptual design indicates surface water generated by the development would be treated / attenuated by SuDS features in the form of raingardens and permeable paving, prior to discharge to an existing surface water sewer, with conveyance swales introduced. A condition is requested by Welsh Water prohibiting the disposal of surface water via the public sewerage system, however this aspect of the development is regulated separately by the SAB.

It is proposed to dispose of foul discharges via the main sewer and Welsh Water stated no objection in this regard, adding that no problems were envisaged with the treatment works for domestic discharges. However, Welsh Water have advised that the applicant will need to fund the undertaking of a hydraulic modelling assessment on the water supply network to establish what would be required to serve the site with adequate water supply, which the applicant has informally agreed to. A condition requiring approval of a potable water scheme will be attached to the permission (**Condition12** refers).

Subject to those advisory notes, and subject to the site being drained in accordance with an approved 'SAB' design, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD7 of the LDP.

Contamination

The application has been supported by a desk study and ground investigation report prepared by TEC. The report has identified that there are some contaminants of concern on the site made in representations.

A desk study and site investigation report has been submitted and no contaminants of concern were identified on the site. It was recommended that further analysis be made post demolition, in areas currently inaccessible. **Conditions 14 – 20** refer to these, and other, contamination/ land quality requirements.

The Council's Shared Regulatory Services section provide specialist advice in relation to land contamination (among other matters) and have advised that conditions relating to ground gas monitoring and protection, a land contamination assessment and remedial measures should be attached to any planning permission. They also recommended conditions relating to imported soil, aggregate and site won materials and provided advisory notes relating to unstable land.

Therefore, the aforementioned conditions would ensure that contamination assessments are carried out, and if contamination is found or confirmed, remedial and verification measures are agreed prior to the commencement of development. The development is considered acceptable in relation to land contamination hazard, and risk to neighbouring and future occupiers, subject to these conditions (**Conditions 14- 21**).

Geotechnical and Land Stability

Policy MD7 (Environmental Protection) encourages developers to assess any impact at the earliest stage so that development proposals reduce any impact present to an acceptable level. It requires proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from matters including land stability.

The policy goes on to state that the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Furthermore, planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

The southern extent of the application site abuts a cliff face and the proposals also seek to utilise the existing bedrock plateau for amenity space. In light of this, the application has been supported by an initial Land Stability Assessment undertaken by TEC (July 2021), together with a Method Statement prepared by RMG Groundworks (April 2022). The reports provide preliminary geotechnical information to inform an initial stability assessment of the existing rock face and neighbouring cliff. The initial findings of the assessment conclude the following:

- The limestone on site was generally observed as strong to very strong;
- The western boundary includes mercia mudstone outcrop which may require some fascia works, particularly where the rocks appear loose;
- The area to the south-eastern extent has potentially been backfilled with excavated material during the quarry operations, together with bedding planes – the large majority of which will need to be excavated to create the development area;
- Further survey work and testing is required however, it is considered that a sufficient Factor of Safety (>1.5) against sliding, wedge and toppling failure can be determined for the slope.

It would appear that there is no significant or immediate threat to the stability of the rockface, albeit further survey works and testing is required as recognised within the assessment. In addition, the recommendations set out within the accompanying Method Statement highlight that the site can be safely developed through the provision of suitable boundary treatments for the excavation and level reduction works. The Council's Structural Engineer has reviewed the supporting material and raises no opposition to the initial findings. However, it is strongly recommended that a condition is attached requiring further geotechnical ground investigations, stability assessment and a method statement to be

carried out and agreed prior to any development taking place, to ensure the development can be delivered in a safe manner.

In view of the above information, it is considered that the Council have satisfied their duty to investigate, as far as is practically possible with the preliminary information before the authority to date, the land stability conditions of the application site, in accordance with the requirements of Policy MD7. However, ultimately, the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer and further survey work is required to competently demonstrate this. In light of this, **Condition 13** seeks further survey work to ensure the necessary mitigation and monitoring processes are undertaken to ensure the site can be safely developed.

Subject to those conditions, and subject to the findings of the further survey work and works being undertaken in accordance with an approved Method Statement, the proposed development is considered acceptable in respect of geotechnical and land stability, as required by Policy MD7 of the LDP.

Japanese Knotweed

Given the identified presence of Japanese Knotweed along the south-east corner of the site as highlighted in the Preliminary Ecological Appraisal, it is reasonable to impose a condition seeking further survey work to be undertaken, and appropriate disposal/mitigation if necessary (**Condition 23**).

Section 106

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations. The Planning Obligations and Affordable Housing (most recently adopted version, February 2018) provide more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.

On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. This reflects a policy decision to prioritise the delivery of affordable housing due to an identified critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment. This also means that the applicant is not required to demonstrate the viability position in respect of those contributions.

Other Matters

Whilst not a planning matter, the informal walkway/track raised within a local representation to the planning application is not included within the red line boundary of this application. All other neighbouring comments have been addressed throughout the content of this report.

RECOMMENDATION

APPROVE:

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 – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00090-P1_
- Existing Site Plan – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00091-P1_
- Proposed Site Plan – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00092-P4_
- Proposed Site Plan Roof – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00093-P4_
- Terrace A Proposed Elevations – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00201-P4-
- Terrace A Proposed Long Elevations – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00200-P4-
- Terrace B Proposed Elevations – DWG Ref: CBRB-HMA-ZZ-00-DR-A-00203-P3-
- Statement of DQR2021 Compliance – Concept Stage (December 2021)

Reason:

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

3. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved (including the colour of windows) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved materials.

Reason:

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

4. No development shall commence until details of proposed finished ground levels 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 visual amenity 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.

5. 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;
 - xii) diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiv) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

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

Reason:

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

7. The development shall be carried out in accordance with the measures and recommendations contained in the document ref: 866 Crystal Springs PEA 080721v2 December 2021.

Reason:

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

8. The development shall be carried out in accordance with the tree protection measures set out in the Arboricultural Impact Assessment (Treescene May 21) and associated Tree Protection Plan. Notwithstanding the submitted plans, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a proposed landscaping plan, planting schedule and details of benches/furniture, and indications of all existing trees to be retained.

Reason:

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

9. 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. All provision for on site amenity provision, such as minor artefacts and furniture, shall be provided on site prior to the first beneficial occupation of the development.

Reason:

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

10. Prior to the installation/erection of any lighting, a lighting plan and strategy, including measures to reduce light spillage in key sensitive areas, in particular retained vegetation, together with details of lighting used in both construction and operation of the development as well as measures to monitor light spillage once operational, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall only be installed and retained as approved during construction and operation.

Reason:

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

11. 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 Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

12. No development shall take place until a point of connection for potable water has been identified by a hydraulic modelling assessment, which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the water supply system, as may be identified by the hydraulic modelling assessment.

Reason:

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

13. Prior to commencement of any development, a geotechnical report, land stability assessment and method statement shall be submitted to, and agreed in writing by, the Local Planning Authority. The geotechnical ground investigation and stability assessment should provide information on the following in order to inform the method statement:

- The distribution, thickness and geotechnical properties of the ground.
- The rock quality and assessment of rock strength for both the cliff face and bedrock plateau.
- Evaluate site specific rock mass characteristics.
- Record if groundwater is present at shallow depth across the site generally.

The method statement shall incorporate any mitigation measures set out in the stability assessment. It shall also require all foundation excavations to be inspected by a competent engineering geologist or geotechnical engineer. The method statement shall set out measures to deal with the outcome of the stability assessment, and these safety measures shall be implemented thereafter. The stability assessment shall also consider foundation and infrastructure design. The development shall at all times be carried out in accordance with the findings and recommendations contained within the approved method statement.

Reason:

To ensure the amenities of nearby occupiers is safeguarded and to ensure compliance with the terms of Policy MD7 of the Local Development Plan.

14. No development apart from demolition shall take place until an assessment of the nature and extent of contamination, affecting those areas previously inaccessible, has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person *in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwater and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

15. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

16. The remediation scheme as approved by the LPA must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) & MD7 (Environmental Protection) of the Local Development Plan.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

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

Reason:

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

19. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that 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.

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

Reason:

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

21. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

22. The affordable residential units hereby approved shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) or the Vale of Glamorgan Council and shall only be occupied as affordable housing that meets 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.

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 SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

23. Prior to the commencement of development, including any site clearance, full details of a scheme to address the issue of Japanese Knotweed identified in the Preliminary Ecology Survey, which shall include measures to ensure this species is not propagated or allowed to spread as a result of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To prevent the spread of Japanese Knotweed, and protect the natural environment, in accordance with Policy MD7 of the Local Development Plan (2011-2026).

24. Notwithstanding the plans and details submitted, no development shall commence on construction of the site access until full design and engineering details of the proposed primary vehicular accesses off Coldbrook Road East, have been submitted to and approved in writing by the Local Planning Authority. The details shall include provisions for site access, footway widening, vision splays, street lighting, highway drainage, alternations to the zebra crossing and any associated highway retaining structures. The highway works shall thereafter be implemented in accordance with the submitted details prior to the first beneficial occupation of the development.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

25. The 12 no parking spaces shall be laid out in accordance with plan CBRB-HMA-ZZ-00-DR-A-00092-P04_ Site layout prior to the first beneficial occupation of the development, and they shall be retained at all times thereafter to serve the development.

Reason:

In the interests of parking and highway safety and to ensure compliance with policy MD2 - Design of New Development of the Local Development Plan.

26. Prior to the commencement of the construction of the development, and notwithstanding the submitted plans, details of a 2.5m wide footway along the site frontage on Coldbrook Road East shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

In the interests of ensuring appropriate pedestrian/cycling infrastructure and to ensure compliance with Policy MD2 of the LDP.

27. Prior to the commencement of development, a scheme for the extension of a Traffic Regulation Order along Coldbrook Road East which will provide further no waiting restrictions around the junction of Coldbrook Road East shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of no waiting at any time along the Frontage from the Eastern end of the zig zag markings to the existing crossing point and refuge island to the East. The scheme shall then be implemented prior to beneficial occupation of the development.

Reason:

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

28. A scheme shall be submitted for approval for the provision of a new desire line pedestrian crossing point across the junction of Church Road complete with dropped kerbs and tactile paving. The scheme shall be agreed by the Local Planning Authority in writing and implemented prior to first beneficial occupation of the development.

Reason:

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

29. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1– Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 – Historic Environment and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales, National planning policy in the form of Planning Policy Wales (Edition 11), Technical Advice Notes 2 – Affordable Housing, 12 - Design, and the Council's Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of design, visual impact

and layout, residential amenity, parking, highway safety, amenity/open space, drainage, land quality and ecology.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

1. **New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

2. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

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

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

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

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

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

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.

Rev.	Status	Date	Check Description
P01	S0	11.11.2021	RC Boundary Revised

Holder Mathias architects

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Project

Land at Coldbrook Road East, Cadouxton
Coldbrook Road, Barry
Pegasus Developments Ltd.

Title

Site Location Plan

Job No Scale at A3

4586 1:100

Status Rev. Etc. Inc.

S0 P01

Project Originator Zone Level Type Role Sheet

CBRB - HMA - ZZ - 00 - DR - A - 00090

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2021/01743/FUL



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

AGENT: Mr Nathan Slater Civic Offices, Holton Road, Barry, CF63 4RU

St. Nicholas Church In Wales Primary School, St. Nicholas

Proposed replacement primary school for 126 pupils plus additional capacity for 24 part-time nursery places, including associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

This is a full planning application for a new primary school at the site of the existing school in St Nicholas. St Nicholas has been included as part of the Council's 21st Century Schools Programme to construct a new school building on the existing site. This would ensure that the school is able to meet demand and would address the poor condition and suitability of the existing buildings.

The application proposes the erection of a new single storey primary school, associated parking and landscape facilities including a multi-use games area to the east of the proposed school building (following demolition of the existing school buildings- application 2022/00067/CAC refers). The capacity of the proposed new school would be 126 primary pupils with an associated 24 part time nursery places (within a 12 place full time equivalent nursery).

The proposal has raised several concerns from residents of St Nicholas and at the time of writing in excess of 20 objections have been received. The main issues for objectors are in respect of highways matters (given the existing problems with school related traffic in St Nicholas) and broader concerns relating visual impact including to the Conservation Area; loss of open space and potential impacts upon neighbouring properties.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is land at St Nicholas Church in Wales Primary School, St Nicholas, as shown edged red on the site plan below.



The site is bordered on three sides (south, east, and west) by dwellings that front onto School Lane. The application site lies partially within the settlement boundary of St Nicholas with the settlement boundary dissecting the site as shown on the plan below:



Plan showing site (edged in light red) and position of the settlement boundary (dark red).

The school building currently sits at the southern end of the site, adjacent to School Lane. There is currently a single vehicular entrance point in the south-eastern corner, which provides access to the car park, located on the eastern side of the school building used for staff and visitor parking (providing 15 spaces in total).

Capacity of the existing school is for 126 pupils.

The main hard play area is on the western side of the school building, extending round to the north. Further to the north is an enclosed grass play area with external furniture and beyond the northern fence line are sports pitches and an established habitat area. There are smaller enclosed external play areas to the south of the school buildings.

The school buildings and enclosed play space currently sit wholly within the defined settlement boundary for St Nicholas, although the extended playing fields fall outside of the settlement boundary. The southern part of the site, where the existing school is located, also falls within the St Nicholas Conservation Area. The area to the north of the application site is open fields and is designated as part of the Ely Valley and Ridge Slopes Special Landscape Area (SLA). The playing fields are also identified as falling within a Category 1 Mineral Safeguarding Area for Limestone. Public Right of Way No.2 St Nicholas (status – Footpath) runs parallel to the eastern boundary of the site.

DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing school and the erection of a new single storey primary school, associated parking and landscape facilities, including a multi-use games area to the east of the proposed school building. The capacity of the proposed new school would be 126 primary pupils with an associated 24 part time nursery places (within a 12 place full time equivalent nursery).

The proposed building would be located to the north of the existing school building with the intention to retain the existing building during the course of construction. The sports pitches would be maintained towards the north of the building. The proposed site layout of the school is shown below:



The proposals would be served by an 'in and out' one way vehicular access arrangement, drop off facilities for parents and a minibus, in addition to 20 car staff parking spaces (including 2 EV charging spaces), as shown on the plan extract below:



Pedestrian access to the site would be provided from both the east and west of the frontage to School Lane.

Informal hard play areas are located around the site and relate to the classrooms of the age group they serve. There would also be a smaller nursery and reception yard to the western side of the site, to allow easier drop off/pick up through the school day.

The proposed school building would have a maximum depth of circa 48 metres and maximum width of approximately 22.7 metres with a gross internal floor area of circa 980 square metres. The building would have a split level roof with a maximum height of approximately 9.5 metres above the double height hall. Elevations of the proposed building are shown below:





North Elevation
1:100



South Elevation
1:100

The building would be finished in a mixed palette of materials including facing brickwork, render and metal composite cladding panels (including inset coloured spandrel panels) beneath a standing seam metal roof. A large bank of solar panels are also proposed to the western elevation. Doors, windows and curtain walling would be finished in aluminium with brushed aluminium school signage to the eastern elevation.

A floor layout of the proposed school is also shown below:



1995/00921/TCA, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Fell three silver birch trees as indicated on the plan included with letter of application dated 4th October, 1995, Decision: Approved

2001/01435/REG3, Address: St. Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Site a steel container in playing fields, Decision: Approved

2004/01248/REG3, Address: St. Nicholas Church of Wales Primary School, St. Nicholas, Proposal: Provision of an external boiler room to house the new heating system equipment, Decision: Approved

2004/01807/REG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Infill extensions in 2 No. separate locations to increase classroom areas. Existing external screens to be re-used thus overall appearance to elevations unchanged., Decision: Approved

2005/01996/REG3, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Metal storage container (6.00 x 2.4m) to store outdoor PE equipment on playing field to rear of St. Nicholas Primary School, Decision: Approved

2008/00243/RG3, Address: Playing field to rear of St. Nicholas Primary School, Proposal: Retention of metal storage container (6.0 x 2.4m) to store outdoor P.E. equipment, Decision: Approved

2016/00431/RG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Proposed canopy to the front/south elevation, Decision: Approved

2020/00874/RG3, Address: St Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Proposed replacement primary school including additional nursery provision and associated works, Decision: Refused 22 January 2021 for the following reason :

- 1. The increase in capacity of the school would exacerbate traffic congestion in the vicinity of the school to the detriment of highway safety contrary to LDP Policy MD2 (Design of New Development) criterion 6.*

2020/00954/CAC, Address: St. Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Proposed replacement primary school including additional nursery provision and associated works, Decision: Withdrawn

2022/00067/CAC, Address: St Nicholas Church In Wales Primary School, St Nicholas Village, St Nicholas, Proposal: Proposed replacement primary school for 126 pupils plus additional capacity for 24 part-time nursery places, including associated works., Decision: Under consideration

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were consulted and advise that their comments would be provided following their meeting of 20th April.

These will be reported to members as a Matters Arising Note should they be received.

The Council's Highway Development section was consulted and initially provided comments with regard to layout issues including those relating to the alignment and width of the footway to the front of the site; comments with regard to the CEMP submitted including delivery hours; condition surveys of the road and also further details of minibuss swept paths.

Pursuant to this, and following the receipt of amended plans, further comments were received as follows :

'Given the existing situation currently in place for the school, including an informal staff parking area, this is seen as betterment for the school and the surrounding area.'

There is likely to be slight increases in vehicular trips as mentioned in the TA for the nursery provision and increase in staff, however as the places are part time there should be 12 nursery pupil trips in the AM & PM peak with the remainder being lunchtime trips and it is likely that not all pupils will arrive by private car. The proposed new pick up and drop off area will likely mitigate the increase in trips and aid in reducing the traffic and congestion issues currently faced along School Lane and the surrounding area. An informal one way system is promoted currently and this should continue to be the case of the new school going forward.

The area fronting the school is being widened with an increased length of zig zag markings which should aid in reducing congestion. A new wide footway is being proposed along the school frontage to allow pedestrians to wait or congregate off the carriageway in an effort to further reduce conflict.

In Summary, the highway authority is aware of the current issues and concerns in the village of St Nicholas in relation to traffic, congestion, indiscriminate parking and concerns relating to vehicle/pedestrian conflict. The proposed new drop off and pick up area, new formal staff parking area and improved school frontage potentially will improve the situation in the village during AM and PM Peak times.

In conclusion the Highway authority state that they have no objection, subject to conditions requiring further details of the minibuss bay within the drop off and pick up area and also a condition requiring the provision of a Travel Plan to be provided prior to the beneficial occupation of the proposed school building.

Vale of Glamorgan Conservation and Design Officer states that they have 'no objection' to the proposals and they 'are satisfied that the building will cause no more harm to the setting of the conservation area than the current building'.

Public Rights of Way Officer notes the location of Public Right of Way (PROW) 2 St Nicholas running to the eastern boundary of the site and has advised that there should be no adverse effect on the PROW and the applicant should ensure that materials are not stored on the PROW and that any damage to the surface as a result of the development is made good at their own expense.

The Council's Education Section was consulted although no comments had been received at the time of writing this report.

The Council's Operational Manager for Environment and Engineering (Drainage) was consulted and advises that the site is located within DAM Zone A at little or no risk from fluvial/tidal flooding and at a very low risk of surface water flooding. Noting that the site is proposed to be treated/attenuated by the use of SuDS features they advised that detailed drainage design will need to be submitted and approved under the SAB process.

Shared Regulatory Services (Pollution Control) were consulted and provide comment with regard to construction site noise; control over timing of working hours and also note that they 'cannot see any issues with the level of noise disturbing residents in the area.'

Cadw (Ancient Monuments) note that there will be an adverse impact on the setting of the scheduled monument GM096 Cottrell Ringwork. With reference to the proposed provision of information panels proposed adjacent to the end of the path next to the school grounds, they note that this will provide additional public benefit to the proposed development and will mitigate the slight adverse impact caused to setting of the ancient monument by the proposed school. As such they request a condition be attached requiring the panel to be provided.

Wenvoe Ward member was consulted although no comments had been received at the time of writing this report.

Dwr Cymru Welsh Water was consulted and note that a water supply can be made available and capacity exists in the public sewerage network for foul flows. No problems are envisaged with the Waste Water Treatment Works for treatment of domestic discharges.

The Council's Ecology Officer was consulted and requested further information with regard to the location of the new ponds; a greater species mix of trees; use of local seed mixes and the requirement for a lighting plan (although notes that this could be secured by condition). Following the receipt of amended plans, including a revised scheme of landscaping they indicate that outstanding issues remain in terms of replacement ponds; whether lighting bollards are to be used; hedgehog access and egress; and that as part of the CEMP condition a requirement is added with regard to toolbox talks on species that may be encountered.

The Council's Landscape Architect has provided a number of comments with regard to the proposals, including that the new footway should be omitted and hedgerow provided; limited external play space to be provided; use of native species for main structural planting; comments on proposed drainage strategy; use of no dig construction/mechanical cultivation in RPAs of certain trees and suggest amendment to types and position of trees.

The Council's Transport and Road Safety section was consulted and states that their comments are included within Highway Development response.

Fields in Trust Cymru state that *'On behalf of Sport Wales, it is always disappointing to see the loss of any green space in a new development, however small the amount. However, given that there is no reduction in the playing pitches for the new school, Sport Wales has no objection to this application.'*

Sport Wales were consulted and comments were received on their behalf from Fields in Trust Cymru as above.

Open Spaces Society were consulted although no comments had been received at the time of writing this report.

Comments were also received from **Play Wales** who note their disappointment with the loss of green/open space and question the siting of the MUGA and concern that it would be used largely by older children and boys. Noting this they recommend that further thought is given as how this space is allocated and designed.

Natural Resources Wales state that they have 'no objection to the proposed development as submitted' and note that the bat report submitted in support of the application (St Nicholas CIW Primary School – Building Bat Roost Report dated August 2019) has identified that bats were not using the application site.

Shared Regulatory Services (Contaminated Land, Air & Water Quality Team) were consulted and have stated that contamination is not known at this site, however the potential for this cannot be ruled out. Conditions are requested in respect of unforeseen contamination; imported soil/aggregates and with regard to the use of site won materials.

Glamorgan Gwent Archaeological Trust were consulted and provided comments indicating that the proposals require archaeological mitigation. Whilst noting nearby heritage assets, they state whilst it is possible that there may be medieval remain, the existing structures on the site are likely to have add an adverse impact. As such they recommend a condition be attached to any consent given required the application to submit a written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

South Wales Police were consulted although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 1 March 2022 and 31 March 2022, 4 site notices were displayed near and around the site on 7 March 2022 and 31 March 2022 and the application was also advertised in the press on 10 March 2022. At the time of writing this report over 20 letters of representation had been received raising the following points:

- Unsuitable local road infrastructure including roads too narrow; lack of footways creating conflicts between pedestrians and cars; blind junctions/poor visibility and lack of adequate parking facilities
- Queuing on highway including tailbacks onto A48
- Request for local highway improvements and control over construction traffic times
- Lack of suitable access for larger commercial and emergency vehicles
- Inadequacy of existing pick up and drop-off arrangement
- Pupils travelling from outside of catchment to attend school indicates not sustainable in this location
- Under-estimation of pupil-generated trips in Transport Assessment
- Queries over modal shift and travel plan as condition
- Loss of playing fields/public amenity space and resulting inadequate sport provision at the site and wider ward
- Need for a Community Use Agreement to be in place prior to determination of the application

- Concerns with regard to the noise and proximity of MUGA to neighbouring properties
- Development in the countryside and detriment to Ely Valley Special Landscape Area including suggested need for a Landscape and Visual Impact Assessment
- Development out of character including height of proposed hall; proposed design and proposed material palette
- Loss of trees and hedgerow
- Intensification of the use of the site
- Suggest that alternative sites should have been considered noting emerging LDP and potential for additional houses
- Lack of adequate consultation prior to planning application
- Poor use of public money
- Request for additional planting adjacent to neighbouring properties and along site frontage
- Noise pollution including potential need for acoustic barriers
- Redevelopment of site represents poor value for money
- History of sinkholes at the site
- Lack of engagement from Council since previous planning refusal
- Inadequacy of pre-application consultation

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP7 - Transportation
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG6 – Provision of Educational Facilities
 POLICY MG17 – Special Landscape Areas
 POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD5 - Development within Settlement Boundaries
 POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

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

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Transport
- Community Facilities
- Recreational Spaces

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 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)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan (CAAMP)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background

The existing St. Nicholas CIW Primary School is an English-medium voluntary controlled school serving 4 to 11 year olds in St. Nicholas and Bonvilston. There are 18 pupils per year group with a total capacity of 126 pupils. The school does not currently provide nursery places.

The school consists of two buildings: the 'Old School' built in the 1850s and the flat-roofed main building built in the 1960s. The main building is timber clad and is in a generally poor condition. The school is split over two sites with reception pupils having to walk to the nearby 'Old School' following morning assembly.

To address projected demand arising from housing developments within the area a previous planning application (2020/00874/RG3) was submitted for a replacement school to increase the capacity of the school from 126 places to 210 places including an increase in the age range. Following consideration by the Vale of Glamorgan Council Planning Committee on 21 January 2021, planning permission was refused for the following reason:

The increase in capacity of the school would exacerbate traffic congestion in the vicinity of the school to the detriment of highway safety contrary to LDP Policy MD2 (Design of New Development) criterion 6.

Following this, the Council has reviewed the need for pupil places within the replacement school, including the removal of feeder schools from secondary oversubscription criteria and population analysis. As a result, the number of primary aged pupils resident within the catchment area for the school is not projected to exceed 100 over the next 15 years, and as such the preferred option is to provide a new building on the existing site to accommodate 126 primary places and 24 part-time nursery places. The DAS states that this would address both the poor condition of the existing school building and provide nursery provision in the area.

The Principle of Development

As aforementioned, the site lies partially within the existing settlement boundary, although the north of the site falls outside of this area and as such within the countryside. The site already accommodates the St Nicholas CIW Primary School and since the proposed land use is the same and the site is located partially within and adjacent to the settlement boundary, the redevelopment of the site for its continued use as a school is considered acceptable in principle.

The settlement boundary follows a logical boundary behind the neighbouring residential properties in St Nicholas and behind the existing school building, excluding the area to the north of the school i.e. the existing school playing fields. Furthermore, the boundary of the Special Landscape Area (SLA) cuts across the existing school site and to the rear of existing residential properties, such that part of the application site extends into the designated SLA (Policy MG 17 of the LDP refers).

The proposed location of the new school and associated playing fields will result in part of the proposed development being outside of the defined settlement boundary and within an area of designated SLA. LDP Policy MD1 (Location of New Development) requires that new development on unallocated sites should: (inter alia) have no unacceptable impact on the countryside; reinforce the role and function of [...] the minor rural settlements as key providers of [community] facilities; where appropriate promote new [community facilities] in the Vale of Glamorgan.

The existing site is a school and associated playing fields, and its development, including the new buildings extending outside the line of the settlement boundary, would satisfy this policy as the development clearly visually relates to and supports the role and function of the St. Nicholas settlement. Any future review of settlement boundaries in an LDP review would address this issue.

With regard to the SLA, this is a strategic landscape designation and one that considers wider landscape impacts. The part of the proposal which extends into the SLA will be viewed in the context of the existing settlement of St Nicholas and will not fundamentally or cause a significantly harmful impact upon the wider landscape value of the SLA. To this

end, for the purpose of Policy MG17 of the LDP it is considered that a Landscape and Visual Impact Assessment is not required in support of the application.

Therefore, the re-development of this site for this use is considered to be acceptable in principle, subject to the other policy considerations set out below.

Design, layout and visual impact

As with the previously refused application, the proposals would introduce a new, single storey building located more centrally within the site, served by a car parking area adjacent to the southern boundary of the site, following the demolition of the existing school building. As a result, the proposals would be set further back from the street frontage owing to the location of the proposed in and out access and associated parking and servicing facilities. As such, the principal building would be set approximately 41 metres from the boundary with School Lane.

As with the previous submission, the proposed school is contemporary in terms of its form and materials and would be significantly different to the existing building. That structure is functional in its appearance and not of any particular architectural merit, and it does not contribute positively to the street scene. Although the proposals would introduce a new, larger form of development than found on neighbouring plots, its general form, massing and design would reflect the function of the building. The design of the building would introduce an interesting composition of elevations that would reflect the purpose and use of the site. Whilst noting the more traditional form evident within the street scene, it is considered that the proposals are appropriate, and would not appear incongruous in its context, particularly noting the existing form of development and use of the site as a school.

The submitted palette of materials reflect that the building has been designed to meet the needs of the 21st Century school programme and also to achieve a BREEAM 'Excellent' rating. The proposed material palette, whilst not strictly matching the immediate street scene, in combination with the building's design, represents an interesting composition of elevations that are considered to be appropriate in their context. A condition should be attached to any consent granted however, requiring the submission of further details and samples (**Condition 3 refers**).

Whilst some trees and hedgerows would be removed to accommodate the development (discussed in more detail later in the report) the existing lines of dense vegetation along the western and eastern boundaries would be retained with additional planting proposed, to help soften some aspects of the development.

Overall, whilst the proposed building is larger and of a more contemporary design than the existing building on the site, it is considered to be of an appropriate size, siting and design for its setting and proposed function. The proposed setback from the School Lane frontage assists in mitigating the increased massing of the building and would result in the proposed building not appearing visually intrusive or incongruous, in accordance with policies SP10 and MD2 of the LDP.

Historic Environment

The building and approximately 40 metres of the southern end of the site fall within the St Nicholas Conservation Area. However, the grassed and playing field areas to the north fall outside of the Conservation Area.

The planning application has been accompanied by a 'Conservation Area – Demolition Impact Assessment' prepared by VOG 21st Century School Teams; a Historic Environment Desk-Based Assessment prepared by Dyfed Archaeological Trust and a Heritage Impact Assessment (HIA) prepared by Archaeology Collective.

The St Nicholas Conservation Area Appraisal and Management Plan (CAAMP) identifies qualities of the conservation area. Whilst the conservation area is an area of special architectural and/or historic interest, the character or appearance of which it is desirable to preserve or enhance, this does not mean that it is automatically of high sensitivity to all forms or scales of development or that parts of it are uniformly of the same value and sensitivity. The CAAMP is not prescriptive in which areas may be suitable for development but provides guidance on general principles.

The proposal includes the demolition of the building which is located within the conservation area; the demolition requires conservation area consent and is considered under application 2022/00067/CAC.

The existing school building is not identified in the CAAMP as making a positive contribution. It is understood that the building dates from the late 1960s. It is considered that the existing building does not make a positive contribution to the character or appearance of the conservation area.

The proposed school building, as with the previous application, would be located outside but immediately adjacent to the conservation area. Relevant policies within the LDP, including Policies MD8, are limited to development within conservation areas rather than their setting. However, it is acknowledged that PPW (11th edition) places greater emphasis upon the preservation and enhancement of conservations areas and their settings (including paragraph 6.1.14) and that there is a presumption against the grant of planning permission where development would damage the character or appearance of a conservation area or its setting to an unacceptable level (paragraph 6.1.15).

It is acknowledged that the proposed building has a contemporary design and proposed palette of materials. As such it has few common attributes with adjacent vernacular architecture adjacent to the site. Similarly, the introduction of a car parking area with landscaping adjacent to School Lane would introduce a different form of development to that currently in situ. However, the existing building sits in much closer proximity to School Lane to the south than the proposed building, is of little architectural merit and as aforementioned does not provide a positive contribution to the character of the conservation area. Overall, therefore, it is considered on balance that the proposal would not cause harm and would preserve the character and setting of the conservation area.

The submitted HIA provides an analysis of the Heritage Impacts of the proposals upon heritage assets within close proximity of the site.

There are several listed buildings within the centre of St Nicholas in relatively close proximity to the site although only one with suggested intervisibility identified as the Grade II* Listed St Nicholas Church. However, owing to the existing form of development at the

site and the increased separation with built form that would result from the proposals, it is considered that the proposal would not unacceptably detract from the setting of this building.

Although identifying 11 ancient monuments within the 3km study area, following the Stage 3 assessment of the HIA, it was identified that the proposals may potentially change the significance of 1 No. Scheduled Monument, GM096 Cottrell Ringwork to the north of the site, owing to intervisibility with the site, albeit predominantly with the playing fields.

The assessment identified that of the two Registered Historic Parks and Gardens within 3km of the Site, only that of Coedarhydyglyn has any intervisibility with the wider site. However, the HIA states that the proposal will not actually be visible from the gardens and thus there will be no change to its significance and therefore no mitigation is proposed.

Following consultation with Cadw, they raise concern with regard to potential impact upon scheduled ancient monuments and registered historic parks and gardens, with explicit reference to Cottrell Ringwork. Whilst they acknowledge that mitigation works cannot be included within the design of the development, they consider that additional public benefit arising from information panels suggested by the applicant with regard to Ringwork would mitigate the slight adverse impact caused by the development. As such they request a condition requiring provision of the information panels identified within the submissions to be attached to any consent granted (**Condition 11 refers**).

The Council's archaeological advisors Glamorgan Gwent Archaeological Trust, whilst acknowledging there is an archaeological constraint at the site, are satisfied owing to the level of previous disturbance at the site, that any harm to the archaeological resource could be adequately mitigated by way of condition to secure a written scheme of historic environment mitigation (**Condition 4 refers**).

Subject to the above conditions securing appropriate mitigation it is considered that the development would not adversely affect the identified historic assets, in accordance with Policies SP10 and MD8 of the LDP and section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Transport and Access

The school site is located on the north-western side of the village of St Nicholas and is accessed via School Lane, which is directly linked to the A48. School Lane feeds into Well Lane to the northeast of the site and Church Row which runs through the middle of the village. The existing vehicular access to the school via School Lane leads to a school car park accommodating 15 parking spaces, which is only used by staff and visitors and not parent drop off / pick up. Pedestrian access is via the school gates at the south-western boundary of the school. There are currently no formal facilities for drop-off or collection of pupils on site. The school operates a mini-bus service to collect/drop off pupils from near to their home locations.

The existing school caters for Reception through to Year 6 pupil and currently has a consented capacity of 126 pupils with 19 Full Time Equivalent (FTE) staff based on-site (and no pre-school / nursery provision). As aforementioned there would remain capacity for 126 primary pupils within the school but overall capacity would increase to provide 24 part time nursery places (12 place full time equivalent). This would result in an increased

total full time capacity of 138 pupils, with an increased FTE staffing level of 23.5, comprising 7.5 FTE teaching staff and 16 FTE ancillary staff.

It is recognised that the previous application at the site 2020/00874/RG3 was refused due to concerns that the increased capacity of 210 places school would exacerbate traffic congestion in the vicinity of the school to the detriment of highway safety.

However, when compared to the current proposal, the previous application would have resulted in significantly higher increases in movements to and from the school with the previously submitted TA anticipating that the previously proposed development would have resulted in circa 71 additional movements in the AM peak hour period (07:45-8:45) and an increase of 68 during the school PM peak hour period (15:00-16:00) on School Lane. As such a broad range of measures were proposed and detailed as part of the planning application including a one-way system, formalised active travel routes and potential pedestrianisation of the A48/School Lane junction.

It is acknowledged that a significant numbers of letters of representation have been received in respect of the current application raising concern with regard to highway safety matters associated with the replacement school. Principally these relate to the exacerbation of an existing situation within St Nicholas, owing to congestion caused as a result of school drop off and pick up. In particular public concern has been raised because of the proposed increase in the school's capacity with asserted likely increase in traffic; parking within the local (often narrow) highway that is stated to pose a risk to highway and pedestrian safety and access by emergency vehicles.

The current application has been supported by a Transport Assessment (TA) prepared by Aecom dated January 2022. This indicates that the existing school currently generates circa 133 two-way movements during the AM peak hour of 7:45-8:45 (76 arrivals, 57 departures), 94, two-way movements during the School PM peak hour 15:00-16:00 (47 arrivals, 47 departures) and 19 departures during the network peak hour.

The TA indicates as a result of the proposed development, owing to the introduction of additional staff and nursery pupils, that the traffic generation would likely increase to approximately 158 two-way movements (91 arrivals, 67 departures) during the AM peak hour, 115 two-way movements during the School PM peak hour (57 arrivals, 57 departures) and 24 departures during the network PM peak hour.

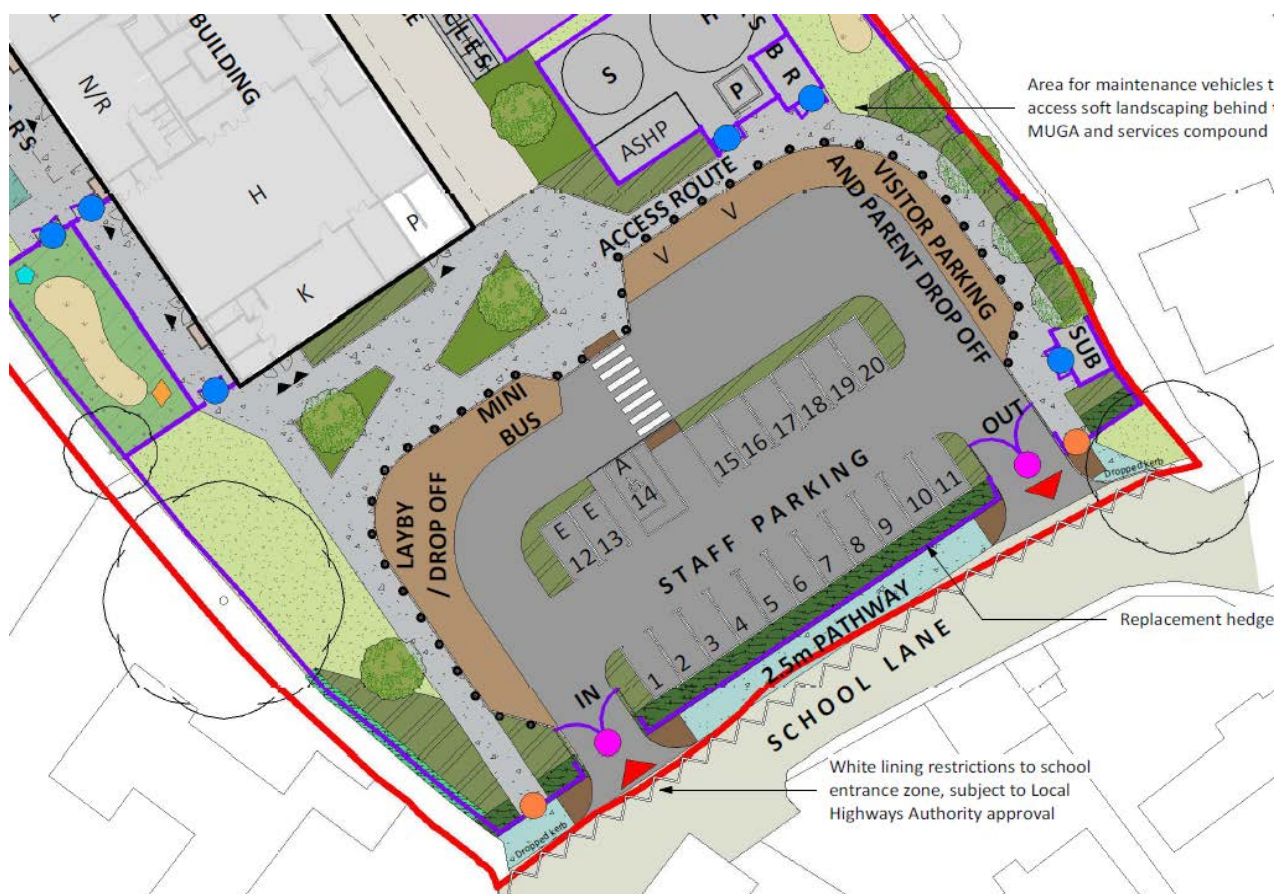
Following consultation with the Council's Highway Development Section, it is considered that given the nursery places are part time, split between the AM and PM school periods, a number of trips would be made outside of the peak hours identified, during the middle of the school day. The TA states that this represents a 'minor increase in traffic compared to the existing situation and is not considered to result in unacceptable levels of highway impact local to the development site'. They indicate that these figures have not taken account of any scope for car sharing or of existing or proposed after school club participation, which if considered would likely reduce the number of movements within the peak hour periods.

Having considered the impacts of the development, through a Transport Implementation Strategy, the TA recommends that measures to assist with a modal shift related to school traffic, including greater walking, cycling, use of public transport and use of minibus to key areas of pupil residency, could be included within a Travel Plan (recommended to be secured by way of planning condition). Additional to the Travel Plan, the TA recommends

that other physical measures are implemented to encourage journeys to/from the school including suitable access and internal movement arrangements, including a zebra crossing within the school car park, cycle parking and a footway along the frontage to school lane.

To reflect this, the internal layout has been designed to include the introduction of an area for the drop off and pick up of pupils, a 2.5 metre footway along the site frontage and zigzag markings, to reduce potential for pedestrian/vehicular conflict. The school would also benefit from a separate entry and exit, to allow for one-way movement of traffic through the site, working to reduce the likelihood of vehicular conflict between those accessing and egressing. Specific drop off spaces and minibus parking spaces have been formally allocated, with a layby also available during school start and finish for additional parent drop off / pick up.

The plan below shows the proposed access arrangements and Pick Up-Drop Off facility within the school site:



The provision of on-site drop off / pick up locations is considered to be a significant improvement to the existing conditions at the school where all escorting adult parking is currently accommodated off-site within the local highway network. The TA also indicates that the school may implement measures to limit number of vehicles by staggering class start/end times and monitoring on-street parking that could further assist in mitigating any associated impact. Whilst such an arrangement may not fully address existing issues relating to highway congestion owing to queuing traffic, it is considered that this on-site provision would reduce on-street parking impact (including from indiscriminate parking) and represent a marked improvement in terms of on-site facilities for parking, pick up and drop off and servicing compared with the existing situation. Indeed, the Highway Authority

consider that the provision of such facilities could potentially improve the situation in the village during AM and PM Peak Times.

Unlike the previous application, owing to the reduction in the size of the proposed school, the promotion of a one-way system through the planning process is no longer considered necessary. Furthermore, no formalised proposals for pedestrianisation of School Lane/A48 junction are proposed nor is a formalised active travel route. Whilst no Travel Plan has been submitted in support of the application, it is considered that a range of measures could be secured through an appropriate. Such a condition has been recommended which seeks to secure the provision of a Travel Plan, in order that appropriate measures outlined can be given further consideration and to secure their implementation and review their effectiveness. The trigger point for the provision and implementation of the Travel Plan measures is prior to the beneficial use of the new school building (**Condition 7 refers**). It should be noted that the Condition will include a requirement for a timetable for monitoring and review of the Travel Plan for a period of not less than 5 years from the date of occupation in order to ensure that the measures proposed are effective.

In conclusion, the TA states that 'it can be concluded that there are no transport reasons why the proposed development should not be granted planning permission'. Following consultation with the Council's Highway Development Section they advise that they have no objection to the proposals subject to the specified conditions in relation to the provision of a Travel Plan and amended details of minibus facilities within the pick up and drop off area (**Condition 10 refers**)

Construction Traffic

Representations received have raised concerns regarding construction traffic, during the development of the new school. A condition has been recommended for the submission of a Construction Traffic Management Plan (CTMP) (**Condition 8 refers**) which outlines the detail that is expected to be submitted and agreed prior to any construction works commencing on site so that all potential impacts on the highway can be addressed and adequately mitigated. To reflect comments raised within representations and within highways officer comments, the CEMP submitted in support of the application states that construction vehicles would not undertake deliveries to/from the site during the AM and PM peaks, to ensure congestion and conflicts between construction vehicles and pedestrians during these times are avoided (**Conditions 8 and 9 refer**).

Highways Conclusions

As aforementioned, it is noted that a previous application for the redevelopment of the site was refused on highways grounds and many representations received in relation to this application have raised concerns in this regard. The current proposals also propose the redevelopment of the established and lawful use of the site as a school, albeit of a significantly reduced scale when compared to the previous application.

The highways impacts of the proposals have been re-assessed with a revised transport assessment, including of the potential impacts of the increased traffic generation that would result from the proposals.

It is considered that the increase in traffic movements associated with the school would not be so significant to be unacceptable in planning terms. Any increase in movements would be offset to a significant degree (and in all likelihood outweighed) by the provision of improved pedestrian facilities to the site frontage, enhanced staff parking and pick up and drop off facilities within the confines of the site. Furthermore, the TA submitted indicates a number of potential measures that could be incorporated within a Travel Plan, including but not strictly limited to, staggered start times and potential for parents using an “informal” one-way system when accessing the school. Following consultation with the Council’s Highway Development section it is considered that the development would not cause any unacceptable impacts upon the local highway network or highway safety and would comply with relevant Policies within the adopted LDP including SP1 and MD2.

Impact on neighbouring residential properties

The school site sits close to the heart of the village and has existing residential development to the west, east and south. Directly adjoining the school boundary to the west is a detached property ‘Tregwyn’ with direct access to a front drive from School Lane. Directly adjoining the PROW which runs along the eastern school boundary to the east is ‘Twynbach’ a detached property. To the south of the site, on the opposite side of School Lane, are ‘Orchard Cottage’, ‘Ty-to-Gwellt’ and ‘Llaneinydd’.

As aforementioned, the proposed school building would be single storey in height albeit with a ‘double height’ element. Therefore, although the school would be set further back from the street frontage it would have a larger footprint and be higher than the existing school building. The proposed building would be set circa 41 metres from the southern boundary with School Lane, approximately 13 metres and 33 metres from the western and eastern boundaries respectively. The building would in turn be set circa 22 metres from the dwelling of Tregwynt to the south-west and 49 metres from the dwelling of Twynbach. Owing to the separation of the proposed building from the boundaries and neighbouring properties, it is considered despite the additional mass and bulk and revised position of the building, that the proposed replacement building would not result in any unacceptable impact upon the amenity enjoyed by neighbouring residents in terms of overbearing or loss of light. Furthermore, noting that openings within the proposed building would serve facilities at ground floor level and their separation from boundaries, coupled with the retention of existing vegetated boundaries, it is considered that the proposal would not result in any unacceptable loss of privacy for the properties mentioned.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport. The Multi-Use Games Area (MUGA) has been positioned near the eastern boundary, adjacent to the garden of Twyn Bach. It is noted that there is an extant planning permission for a dwelling within the grounds of the dwelling of Twynbach, originally approved under application 2016/00717/FUL and subsequently renewed under application 2021/00465/FUL. No pre-commencement conditions have currently been discharged at the site, and it does not appear that associated works have commenced at the site. However, regard must be given to the impacts on this dwelling, should it be built. The use of the site as a school is long established, within an established residential area. Whilst the MUGA may formalise and intensify the use of this particular part of the existing school grounds, it is considered that owing to the general operational hours of the use of the facility and the extant use, that any potential noise or disturbance arising from the introduction of the MUGA and its associated use would not be so significant to warrant refusal of planning permission.

Following consultation with the Council's Shared Regulatory Services section, they have requested that construction activities should be restricted to between the times 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays. They also indicate that they do not perceive any impacts from noise associated with plant associated with the operational use of the site, and state that in any event any potential nuisance could be dealt with under their own statutory powers. They have not requested any additional acoustic fencing or noise mitigation measures in consideration of the application.

It is considered that any disturbance associated with the construction of the development and the demolition of the existing school can be adequately controlled through a Construction Environmental Management Plan (CEMP), to ensure that all aspects of the construction and demolition phase minimise impacts on neighbouring residents. Notwithstanding the CEMP submitted, a revised CEMP is required by way of condition attached to any consent given (**Condition 9 refers**).

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

Ecology

Policy MD9 of the LDP states:

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site; and
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

The application has been supported by a Bat Report, Preliminary Ecological Appraisal (PEA) and BREEAM Ecology Report (both prepared by AECOM dated August 2019), in addition to an Ecology Update Statement by prepared by Just Mammals LTD dated November 2021.

The PEA was commissioned to identify whether there are known or potential ecological receptors (nature conservation designations and protected and notable habitats and species) that may constrain or influence the design and implementation of the proposed development. In formulation of the PEA, a desk study and an extended Phase 1 Habitat Survey were undertaken, in addition to recommended survey work including that for bats and great crested newts. Recommendations for mitigation are included within the document. The BREEAM assessment is focussed towards specific BREEAM Land use and Ecology Issues.

The Bat Report confirms that emergence/re-entry roost surveys were undertaken in June and July 2019. No bats were recorded emerging or re-entering any buildings on site. Moderate to Low levels of foraging and commuting were recorded at the site. The report states that 'the proposed demolition of the buildings will have no impact on roosting bats' and therefore no further survey or European Protected Species License would be required. The Bat Report recommends lighting should avoid commuting/foraging bats and that boxes should be incorporated into the building design or erected in suitable trees as an enhancement.

The Ecology Update Statement provided confirms that following a walkover of the site, that the original survey reports still provide an accurate representation of the use of the site.

NRW have considered the details submitted and not requested any further details or recommended conditions.

The Council's Ecologist indicates that the submitted assessments are thorough and comprehensive, although initially requested that additional detail with regard to the position of new pond(s); altered tree mix; use of local seed mixes and that a lighting plan be provided. Following the receipt of amended plans (including a lighting plan) the Council's Ecologist has advised that further details are required with regard to lighting, the location of replacement ponds and hedgehog gaps within enclosures. Noting this and the recommendations of the PEA (that include the need for provision of a lighting plan and Landscape Ecological Management Plan (LEMP)), it is considered that this detail could be secured by appropriate planning conditions (**Conditions 6, 14 and 15 refer**).

Subject to compliance with the recommendations in the PEA and the Bat Report and the provision of details as required by conditions, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Trees

The application is supported by an Arboricultural Report prepared by Arboricultural Technician Services LTD dated 29th November 2021 in addition to a soft landscape plan. The submitted details indicate that 4 trees would be removed to facilitate the development, namely 2 No Field Maples adjacent to the southern boundary with School Lane (identified as category B2 – desirable for retention) in addition 1 No Silver Birch and 1 No Hawthorn in the position of the proposed compound area adjacent to the eastern boundary of the site (both classified as C2 – optional for retention). Three parts of existing hedgerow fronting School Lane would also be removed to facilitate the development (all identified as C2).

The landscaping plan indicates that a number of trees and hedgerows would be retained as part of the development including the hedgerow and Category B2 Ash on the south-western boundary of the site and a category B2 Silver Maple to the south-eastern corner adjacent to the PROW. The submitted soft landscape plan, as amended, also shows the provision of a new hornbeam hedgerow adjacent to School Lane, and the planting of 19 trees including those located within the landscaping areas around the proposed pick up and drop off area to the front of the site.

As noted previously, the site falls within the St Nicholas Conservation Area and it is noted that trees and hedges provide a positive contribution to the Conservation Area within St Nicholas CAAMP. The loss of trees and hedgerow associated with the proposed development would be regrettable, although these are not identified as being exemplar specimens or of significant consequence, to outweigh the fundamental design approach of the school layout and to mitigate any associated highways implications. Any such loss would also be offset by the proposed provision of replacement trees and new hedgerow to the southern boundary with School Lane as shown on the soft landscaping plans. The principle of the proposed landscaping is considered to be robust and acceptable, although a condition requiring some minor refinement to the proposals could be secured through the

LEMP . Ongoing initial maintenance and aftercare can also be secured by way of planning condition attached to any permission granted (**Conditions 6 and 15 refer**).

Drainage

The application has been supported by a Flood Consequence Assessment and Surface Water Drainage Strategy prepared by RVW Consulting.

This site is located within DAM Zone A considered to be at little or no risk to fluvial or coastal / tidal flooding. NRW flood mapping indicates that in general there is a very low risk of surface water flooding to the site. A small area at the northern boundary has been identified as low risk of surface water flooding.

It is indicated from the submitted details that surface water generated by the proposed development will be treated and attenuated by the use of SuDS features in the form of permeable surfaces, rain gardens and infiltration blankets. Discharge will be made into the existing highway drainage network prior to outfall at the River Weycock.

No objections with regard to drainage constraints at the site have been received from the Council's Drainage Engineers, Dwr Cymru Welsh Water (DCWW) or Natural Resources Wales. The drainage of the site would be subject of SAB approval from the Council under the appropriate regime, whilst DCWW acknowledge that there is sufficient capacity within the public sewerage network to cater for foul flows.

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

Open Space

Owing to the location of the proposed school building, there would be a reduction in open space at the site.

The submitted site layout indicates that that following development there would be a total of circa 0.71 of school playing fields comprising of 0.36ha grass pitch, 0.09ha of habitat site, 0.2ha informal play space and a 0.07ha MUGA (approximate measurements), with additional peripheral areas culminating in a provision of circa 0.77ha.

The Councils' Open Space Background Paper (2013) identifies school playing fields as outdoor sports provision. The existing playing fields (including areas of playground/space) serving the school equate to circa 1.01 hectares, and therefore the proposals would result in a loss of approximately 0.24ha. However, within the Wenvoe Ward, the Open Space Background Paper identifies an over provision of outdoor sports space of 1.89ha. As such according to this figure despite the further loss of 0.24ha there would remain an overprovision at ward level of 1.65ha.

Concerns have been raised regarding the loss of open space at the local level in St Nicholas. Whilst at ward level there is over provision, some further work has been carried out to calculate this at the local level. It is acknowledged that since the background paper was published that there has been further development within the area, resulting in an increased population within the village from the population of 417 identified within the 2011 Census. The submitted Planning Statement provides an analysis using the latest mid-year

estimate from 2020, based on lower super output area geography and weighting the population distribution by dwellings, to estimate a population in St Nicholas of 542 people.

Based upon the standard of 1.6ha per 1000 population based upon Field in Trust Benchmark standard and referred to within the Council's Open Space Background Paper (2013) and Planning Obligations SPG (with regard to open space provision) the population would require outdoor sports space 0.87ha. Noting the proposed level of open space, the proposals would therefore potentially result in a local shortfall of 0.1 ha.

Concerns are noted with regard to the provision of play space for the new school. A representation was received from Play Wales, a national charity for children's play. Play Wales advise that further thought should be given to how the space is allocated and designed referring the applicant to a number of best practice guidance documents.

The FiT guidelines also sets out the recommended size for Multi Use Games Area (MUGA) at 40m x 20m. The proposed MUGA would measure 37m x 18.5m and would allow for a variety of activities and sports, depending on the equipment that the school chooses to purchase. Whilst the proposed MUGA is smaller than the guidelines, it is considered appropriate for the proposed primary school and the age range within the school. It is acknowledged that FiT guidance indicates that generally MUGAs should be located in excess of 30 metres from boundaries with neighbouring residential properties. The proposal would not meet this requirement sitting within circa 7 metres of the boundary of the garden of Twyn Bach at its closest point. However, with regard to the dwellings themselves this separation would be in excess of 35 metres from Twyn Bach and Hellas to the east. As noted previously it is considered that any noise and disturbance associated with the use of this facility must be considered in lieu of the existing established use of the site and to this it is considered that this does not represent a reason to refuse planning permission.

The design of the proposal has been informed by the Welsh Government endorsed Building Bulletin 99. This is not planning policy or guidance but is relevant to school developments which are being brought forward as part of the 21st Century School Programme. The proposal meets the minimum area requirements for internal and external areas. With regard to assessing a MUGA's contribution to outdoor facilities, it can be counted twice when considering how much recreational space is available. Once for hard surface PE and again for Hard Surface informal recreation due to a MUGA being able to accommodate multiple different activities.

The applicant was also asked to clarify the use of the school and its facilities by the wider community and whether a community use agreement should be required by way of condition attached to any consent granted. They have confirmed that the open space will be managed by the school and governing body, which is the current situation at the existing school. It will be up to the school governing body as to how the school is accessed by the local community and whether facilities require booking, or they remain open to the general public outside of school hours. To this end, it is not considered necessary to require a more formal agreement by way of planning condition.

Overall, while the loss of a small amount of open space on the site is regrettable, this is considered to be justified and acceptable when balanced against the significant improvements in the on-site facilities provided by the new school, including outdoor play space enhancements.

Mineral safeguarding

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

1 *“Any reserves of minerals can be economically extracted prior to the commencement of the development”*

2 *“Or extraction would have an unacceptable impact on environmental or amenity considerations”*

3 *“The development would have no significant impact on the possible working of the resource by reason of its nature or size”*

4 *“The resource in question is of poor quality / quantity”*

Having regard to the above, it is considered that owing to the position within an SLA, near to a number of residential properties, that the proposal would meet criterion 2 of this policy.

Other issues

Concerns with regard to the expense associated with the replacement of the school and consideration to alternative school sites are noted. The proposals relate to the redevelopment of an existing school and the planning issues have been considered within the body of the report above, including the principle of such development. The cost associated and whether consideration has been given to alternative sites is not a material planning consideration and there are no national and local planning policies in respect of educational developments that require an applicant to consider other sites.

Matters with regard to consultation undertaken by the Council's Education Section have been raised. The application is accompanied by a Pre-Application Consultation Report that is considered to satisfy the relevant mandatory planning application requirements in terms of development of this form.

Concerns are also noted with regard to the presence of sinkholes at the site. The application is supported by a Ground Investigation Report that considers matters and makes recommendations with regard to ground stability. This would form part of the approved plans, although the nature of foundations and structural stability of any building on the site would be considered fully under the Building Regulations.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

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

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

SNPS-STL-XX-01-DR-A-0102 PL_PL11 'Proposed Roof Plan'; SNPS-STL-XX-01-DR-A-0101 PL_PL12 'Proposed Floor Plan'; SNPS-STL-XX-XX-DR-A-021 PL_PL11 'Proposed Elevations'; SNPS-STL-XX-XX-DR-A-0001 PL_PL11 'Site Location Plan'; Planning, Design & Access Statement; Letter dated 26 November 2021 from Just Mammals LTD; St Nicholas CIW Primary School – Building Bat Roost Report prepared by AECOM dated August 2019; St Nicholas Church in Wales Primary School Preliminary Ecological Appraisal (PEA) and BREEAM Ecology Report prepared by AECOM dated August 2019; Flood Consequence Assessment SNPS-RVW-XX-XX-RP-C-00001 PO1 prepared by RVW Consulting; Acoustic Design Report SNPS-MAC-XX-XX-RP-Y-0002 prepared by Mach Group; Transport Statement dated January 2022 prepared by AECOM; Surface Water Drainage Strategy SNPS-RVW-XX-RP-C-00002 P01 prepared by RVW Consulting; SNPS-RVW-ZZ-00-DR-C-2000 Drainage Strategy; SNPS-RVW-XX-XX-DR-C-0002 'Highway Drainage Route'; 'Planning Statement for Replacement St Nicholas CIW Primary School' dated January 2022; Historic Environment Desk-Based Assessment prepared by Dyfed Archaeological Trust; 12858-HYD-XX-XX-RP-G-1002_S2_P1 Geo-Environmental Report; Heritage Impact Assessment ref 06474A dated November 2020 prepared HCUK Group; Arboricultural Report prepared by ArbTS dated 29 November 2021; conservation Area – Demolition Impact Assessment dated January 2022 received 24 January 2022

SNPS-STL-XX-XX-DR-L-9001 PL_PL12 'General Arrangement Plan'; SNPS-STL-XX-XX-DR-L-9002 PL_PL13 'Hard Landscape and External Furniture Plan'; SNPS-STL-XX-DR-L-9003 PL_PL13 'Soft Landscape Plan'; SNPS-STL-XX-XX-DR-L-9401 PL_PL13 'Cycle Shelter and Stands'; SNPS-STL-XX-XX-DR-L-9402 PL_PL13 'Bin Enclosure, Sprinkler Tank Enclosure and Plant Store'; SNPS-STL-XX-XX-DR-L-9403 PL_PL13 'Typical Tree Pit in Soft Landscape' received 30 March 2022

SNPS-STL-XX-DR-A-1701 PL_PL13 'Proposed Site Strategy' received 1 April 2022

Reason:

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

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

Reason:

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

4. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. The construction and operation phase of the development shall at all times be carried out in accordance with the recommendations contained within the Aecom Preliminary Ecology Appraisal and BREEAM Ecology Report August 2019 and Ecology Update Statement by prepared by Just Mammals LTD dated November 2021.

Reason:

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

6. Prior to the commencement of development, a Landscape and Ecological Management Plan (LEMP) based on the measures set out in the Aecom Preliminary Ecology Appraisal and BREEAM Ecology Report August 2019 and Ecology Update Statement by prepared by Just Mammals LTD dated November 2021, to include confirmation of a scheme of lighting and replacement ponds, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme and it shall be implanted and delivered be delivered in accordance with the approved timescales and retained at all times thereafter.

Reason:

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

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

- Measures to encourage and educate a modal shift away from the private car to travel to school and minimise highway conflicts not only for staff but for all pupils and parents of the proposed primary school and nursery provision.
- A travel survey to be undertaken not more than six months upon opening of the new primary school/nursery and the results to be provided to the council's

transport/highways departments. This should then be carried out on an annual basis.

- A report to be provided to the Council annually reviewing the effectiveness of the travel plan and shall include any necessary amendments to the travel plan or additional measures to be implemented.
- Measures to ensure appropriate and effective management of pedestrian and vehicular traffic
- A timetable for monitoring and review of the travel plan for a period of not less than 5 years from the date of occupation and shall include any new measures as a result of monitoring
- Measures for how the school will liaise with the Community regarding and traffic and transport issues.

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

Reason:

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

8. Notwithstanding the submitted details, prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction/demolition traffic, the proposed routes for heavy vehicles, timings of all construction/demolition traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

9. Notwithstanding the submitted details, 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 and demolition;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) Hours of operation for all works and ancillary operations in relation to construction / demolition / delivery activity;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
- xv) toolbox talks advice around birds' nests, reptiles, amphibians and bats especially for contractors involved in demolition and landscaping.

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

Reason:

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

10. Notwithstanding the submitted plans and details, prior to the beneficial occupation of the proposed school building, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to indicate the location and suitability of the proposed minibus bay within the pick up and drop off area of the new school. The scheme shall include submission of a plan and minibus swept paths/tracking to ensure that a typical minibus can enter the bay and leave in forward gear. The development shall be completed in accordance with the approved details prior to the occupation of the new school building and the spaces shall remain available for their designated use in perpetuity.

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.

11. Prior to the first beneficial use of the development hereby approved, full details including the siting, design, content and size of the proposed information board relating to the Cottrell Ringwork (and timescales for their delivery), as described in section 6.9 Mitigation of the Heritage Impact Assessment (HCUK Group, November 2020) shall be submitted to and approved in writing by the Local Planning Authority. The information board shall thereafter be delivered, installed, retained and maintained in accordance with the approved details.

Reason:

In order to mitigate the impact of the works on an identified designated historic asset and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

12. No development shall take place (including investigation work, demolition, siting of site compound/welfare facilities) until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic as agreed in the Construction Management Plan under Condition 8
 - A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey
- No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason:

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

13. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 12 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

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

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion

of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

15. Notwithstanding the submitted details, full details of enclosures and details (including the provision of suitable hedgehog gaps within boundary fence) shall be submitted to and approved in writing by the Local Planning Authority, prior to any construction/erection of the enclosures and the agreed means of enclosures shall be erected on site prior to the first beneficial occupation of the relevant part of the development and thereafter retained.

Reason:

In the interests of visual amenity and to meet the objectives of Policies MD2 (Design of New Development) of the Local Development Plan.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

17. Any topsoil, subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to

approval of the above, sampling of the material received at the development site to verify that the imported soil, aggregate or recycled aggregate material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 (Delivering the Strategy), SP7 (Transportation), SP10 (Built and Natural Environment), MG6 (Provision of Educational Facilities), MG17 (Special Landscape Areas), MG22 (Development in Mineral Safeguarding Areas) MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Councils SPG on Biodiversity and Development, Parking Standards, Sustainable Development – A Developers Guide and Travel Plans, the proposed development, subject to compliance with conditions, is considered acceptable in principle and in respect of design, residential amenity, highway safety, parking, historic assets, ecology and drainage.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

3. Pollution Prevention During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and PPG 6 at the following link:
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>
4. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

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

- 5. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

Responsibility is not accepted for errors made by others in scaling from this drawing.
All construction information should be taken from figured dimensions only.



Site Location Plan
1 : 1250

PL	PL11	10/01/2022	Planning application issue
PL	PL09	02/12/2021	Planning pre-application consultation issue
PL	PL08	26/12/2021	Draft POC issue
PL	PL03	26/12/2021	Pre-application consultation issue
PL	PL01	11/06/2020	Pre-application consultation issue

STATUS	REV	DATE	DESCRIPTION
CLIENT			
REVISED BY			
CHECKED BY			
ORIGINATOR NO			
			152853

Vale of Glamorgan Council

CONSULTANT
STRIDE TREGLOWN
www.stridetreglown.com

PROJECT
St Nicholas Church In Wales Primary School
St. Nicholas, Vale of Glamorgan

DRAWING TITLE
Site Location Plan

SUPPLY STATUS	SCALE
PL : Authorized and accepted	1 : 1250@A3
DRAWING USAGE	
PROJECT - ORIGINATOR - VOLUME - LEVEL - TYPE - ROLE - CLASS - NUMBER	STATUS - REVISION
SNPS-STL-XX-XX-DR-A-0001	PL_PL11

2022/00066/RG3

2022/00067/CAC Received on 21 February 2022

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

AGENT: Mr Nathan Slater Civic Offices, Holton Road, Barry, CF63 4RU

St. Nicholas Church In Wales Primary School, St. Nicholas

Demolition of existing school building following completion of proposed replacement school to accommodate on site parking provision and parent drop-off /pick-up area.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and nature that is not covered by the scheme of delegation and is being considered in conjunction with planning application 2022/00066/RG3.

EXECUTIVE SUMMARY

The application site is land at St Nicholas Church in Wales Primary School, St Nicholas, which falls within the St Nicholas Conservation Area. The school is not identified as a positive building within the adopted St Nicholas Conservation Area Appraisal and Management Plan.

The proposal is the demolition of the existing school building. This CAC application has been submitted in conjunction with planning application 2022/00066/RG3 which proposes the replacement of the existing school, including additional nursery provision and associated works.

It is understood that the existing school building dates from the late 1960s. The school building is not identified in the CAAMP as making a positive contribution and it is not historically significant. It is considered that the existing school building does not make a positive contribution to the character or appearance of the conservation area and subject to the approval of the detailed planning application ref. 2022/00066/RG3 for the replacement school, there is no objection to its demolition.

SITE AND CONTEXT

The application site is land at St Nicholas Church in Wales Primary School, St Nicholas, as shown edged red on the site plan below.



The site falls within the St Nicholas Conservation Area but is not identified as a positive building within the adopted St Nicholas Conservation Area Appraisal and Management Plan.

DESCRIPTION OF DEVELOPMENT

The proposal is the demolition of the existing school building. This CAC application has been submitted in conjunction with planning application 2022/00066/RG3 which proposes the replacement of the existing school, including additional nursery provision and associated works.



PLANNING HISTORY

1995/00591/TCA, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Crown lift and crown thin two Acers at the front of school, Decision: Approved

1995/00921/TCA, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Fell three silver birch trees as indicated on the plan included with letter of application dated 4th October, 1995, Decision: Approved

2001/01435/REG3, Address: St. Nicholas Church In Wales Primary School, St. Nicholas, Proposal: Site a steel container in playing fields, Decision: Approved

2004/01248/REG3, Address: St. Nicholas Church of Wales Primary School, St. Nicholas, Proposal: Provision of an external boiler room to house the new heating system equipment, Decision: Approved

2004/01807/REG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Infill extensions in 2 No. separate locations to increase classroom areas. Existing external screens to be re-used thus overall appearance to elevations unchanged., Decision: Approved

2005/01996/REG3, Address: St. Nicholas Primary School, St. Nicholas, Proposal: Metal storage container (6.00 x 2.4m) to store outdoor PE equipment on playing field to rear of St. Nicholas Primary School, Decision: Approved

2008/00243/RG3, Address: Playing field to rear of St. Nicholas Primary School, Proposal: Retention of metal storage container (6.0 x 2.4m) to store outdoor P.E. equipment, Decision: Approved

2016/00431/RG3, Address: St. Nicholas Church in Wales Primary School, St. Nicholas, Proposal: Proposed canopy to the front/south elevation, Decision: Approved

2020/00874/FUL, Address: St Nicholas Church In Wales Primary School, St. Nicholas,
Proposal: Proposed replacement primary school including additional nursery provision and
associated works, Decision: Refused

2020/00954/CAC, Address: St. Nicholas Church In Wales Primary School, St. Nicholas,
Proposal: Proposed replacement primary school including additional nursery provision and
associated works, Decision: Withdrawn

2022/00066/RG3, Address: St. Nicholas Church In Wales Primary School, St. Nicholas,
Proposal: Proposed replacement primary school for 126 pupils plus additional capacity for
24 part-time nursery places, including associated works, Decision: Application also being
reported to 27 April 2022 Planning Committee

CONSULTATIONS

St. Nicholas and Bonvilston Community Council was consulted although no comments
had been received at the time of writing this report.

The Council's Planning Conservation Officer was consulted and states that 'the
proposal involves the demolition of the building which is located within the conservation
area. The building is not identified in the CAAMP as making a positive contribution. It is
understood the building dates from the late 1960s. I have assessed the building and can
confirm that my view is that the building does not make a positive contribution to the
character or appearance of the conservation area. As a result, there is no objection to the
demolition of the building subject to an acceptable scheme being in place to replace it.

Wenvoe Ward member was consulted although no comments had been received at the
time of writing this report

Building Control Section were consulted although no comments had been received at
the time of writing this report.

Glamorgan Gwent Archaeological Trust provided comments identifying a possible
archaeological constraint and requesting a condition be attached to any consent granted
requiring a written scheme of historic environment mitigation to be provided.

REPRESENTATIONS

A site notice was also displayed on 4 April 2022 and the application was also advertised
in the press on 10 March 2022. At the time of writing this report no representations had
been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local
authority level tier of the development plan framework. The LDP was formally adopted by
the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment) with the following paragraphs being of particular relevance:

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.1.17 Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

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)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- St Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

This is an application for conservation area consent (CAC) for the demolition of the existing school building at St Nicholas Church in Wales Primary School, in St Nicholas.

This CAC application has been submitted in conjunction with a detailed planning application 2022/00066/RG3 which proposes the demolition of the existing school building and redevelopment for a new school. The corresponding planning application is on this Planning Committee agenda for consideration.

Paragraph 6.13 of TAN 24 provides additional guidance relating to the demolition of unlisted buildings in conservation areas:

"There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area."

It is understood that the existing school building dates from the late 1960s. The school building is not identified in the CAAMP as making a positive contribution and it is not historically significant. It is considered that the existing school building does not make a positive contribution to the character or appearance of the conservation area and subject to the approval of the detailed planning application ref. 2022/00066/RG3 for the replacement school, there is no objection to its demolition.

RECOMMENDATION

APPROVE

1. The works hereby permitted shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

REASON FOR RECOMMENDATION

The recommendation to approve conservation area consent is made having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. In consideration of whether to grant listed building consent, this requires the local planning authority to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

NOTE:

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2022/00067/CAC

Site Location Plan
1 : 1250

PL	PL11	10/01/2022	Planning application issue
PL	PL9	02/12/2021	Planning pre-application consultation issue
SI	SI4	20/12/2021	Draft PAC issue
PL	PL3	20/09/2020	Planning issue
PL	PL2	02/09/2020	Planning pre-application consultation issue
PL	PL1	02/09/2020	Planning pre-application consultation issue
STATUS	REV	DATE	DESCRIPTION
CURT			
CLIENT	Vale of Glamorgan Council		
DESIGNED BY	JP		
CHECKED BY	JP		
ORIGINATOR NO	152853		

CONSULTANT
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PROJECT
St Nicholas Church In Wales Primary School
St. Nicholas, Vale of Glamorgan

DRAWING TITLE
Site Location Plan

SUITABILITY STATUS	SCALE
PL : Authorized and accepted	1 : 1250@A3
DRAWING USAGE:	
PROJECT - ORIGINATOR - VOLUME - LEVEL - TYPE - ISSUE - CLASS - NUMBER	STATUS - REVISION
SNPS-STL-XX-XX-DR-A-0001	PL_PL11