

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 SEPTEMBER, 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:

2018/1256/BN	A W	Pen Onn Farm, Llancarfan	Proposed single storey rear extension
2022/0003/RV	A	5, Fitzhamon Avenue, Llantwit Major, CF61 1TN	Reversion from AI - Double storey extension with internal alteration. (no part sign off from Celtech)
2022/0021/PO	AC	12, St. Georges Road, Heath, Cardiff. CF14 4AQ	Proposed single storey rear extension
2022/0219/BN	A	4, Blyth Close, Barry. CF62 9HG	Dormer loft conversion with Juliette balcony, garage conversion and knock through with small rear extension to garage
2022/0348/BR	AC	4, Washington Buildings, Stanwell Road, Penarth, CF64 2AD	Internal structural alterations with replacement staircase to first floor and new floor to provide store and W/C facilities. With replacement fenestration to front elevation.
2022/0524/BR	AC	7, Walston Close, Wenvoe, CF5 6AS	Demolition of existing conservatory and construction of a single storey conservatory
2022/0551/BN	A	62, South Road, Sully, CF64 5SJ	Re-roof and enlarge existing dormers

2022/0559/BN	A	20, Meadowside, Penarth, CF64 3JX	Single storey extension, knock through between dining room and kitchen and bedroom to loft space.
2022/0560/BR	AC	1, Crossfield Road, Barry, CF62 7NL	Single storey rear kitchen extension and side single storey extension to provide ensuite bathroom
2022/0562/BN	A	Y Beudy, Brendon View Close, Rhoose, CF62 3ER	To replace existing artificial slate roof with real slate and upgrade insulation to create a warm roof system.
2022/0563/BN	A	Whitecroft, 58, Colcot Road, Barry, CF62 8HP	Single storey replacement conservatory
2022/0565/BN	A	The Coach House, St Mary Hill, CF35 5DT	Converting existing garage/storage area to form holiday let
2022/0566/BR	AC	Woodside, St Hilary, Cowbridge, CF71 7DP	Two storey extension
2022/0567/BR	AC	Goodsheds Phase 2 (Offices and Toads), Hood Road, Barry, CF62 5QT	Conversion and installation of 20 steel shipping containers to be used as 19 offices and 1 toilet block. Conversion and refurbishment of 3 'Toad' chassis with timber frame builds to be used as short term stay accommodation
2022/0568/BR	AC	29, White House, Barry, CF62 6FB	Demolish existing conservatory and construct new kitchen extension and enlarge rear window opening
2022/0569/BN	A	22, Cardiff Road, Dinas Powys. CF64 4JS	Re-felt, baton and slate roof adding in 4 Velux windows, convert current loft into room and bathroom, removal of internal chimney stacks, changing external windows and doors, changing kitchen on first floor to ensuite bathroom, removal of internal wall ground floor inserting steel and making opening for double doors

			or bi-folds from the kitchen to the rear out onto new decking area
2022/0570/BN	A	4, Eagle Road, St Athan, CF62 4NR	Single storey extension
2022/0572/BN	A	3, Maes Lloi, Aberthin, Cowbridge, CF71 7HA	Double storey extension
2022/0573/BN	A	73, The Verlands, Cowbridge. CF71 7BY	Extension above existing single storey garage (to 2 storey) and conversion / extension of conservatory to new pitched roof and timber clad element
2022/0574/BN	A	32, Fairfield Road, Penarth. CF64 2SL	Re roof
2022/0576/BN	A	Budleigh, Penarth Head Lane, Penarth. CF64 1BB	Loft conversion with dormer and single storey rear extension with associated works
2022/0577/BR	AC	Bryntirion, Colhugh Street, Llantwit Major. CF61 1RE	Single storey extension to the side, new flat roof dormer and internal alterations to accommodate the above
2022/0578/BR	AC	Glan-Y-Mor Farm, Wick. CF71 7QP	Single storey rear extension and minor alterations
2022/0579/BN	A	71, Coleridge Avenue, Penarth, CF64 2SR	Two storey side extension incorporating a garage and rear garden extension
2022/0580/BR	AC	141, Fontygary Road, Rhoose. CF62 3DU	Single storey side extension and internal modifications
2022/0581/BN	A	133, Lavernock Road, Penarth. CF64 3QG	Re roof
2022/0582/BN	A	Chestnut Lodge, Penyturmpike Road, Dinas Powys. CF64 4HG	First floor extension on top of existing property to create a 2 storey dwelling along with Ground floor extensions and internal alterations

2022/0583/BR	A	5, Beryl Road, Barry. CF62 8DN	Shower room adaptations and adjustment to staircase and bedroom to accommodate stair lift
2022/0584/BR	AC	Trinity Church Studio, Trinity Street, Barry. CF62 7EU	Change of use of photography studio to a live/work unit comprising part music studio and part residential dwelling.
2022/0586/BN	A	1, Brookside, Treoes. CF35 5DG	Enlarge opening in external wall to receive bi folds, knock down 2 internal walls to create open plan living space
2022/0587/BN	A W	17, Fairfield Crescent, Llantwit Major. CF61 2XJ	New porch construction to front elevation
2022/0588/BR	AC	10, Murch Crescent, Dinas Powys. CF64 4RF	Two storey side extension and single storey rear extension
2022/0591/BN	A	Green Lea, Church Close, Ogmore By Sea. CF32 0PZ	Internal Alterations to include knock throughs, sliding doors being installed, converting existing kitchen to a bedroom and existing bedroom to kitchen.
2022/0592/BR	AC	Ysgubor Ty To Maen, Llancafán. CF62 3AD	Demolition of existing conservatory and construction of rear single storey extension inc. replacement of all existing doors and windows.
2022/0594/BN	A W	23, Nightingale Place, Dinas Powys. CF64 4RB	Single storey extension
2022/0595/BR	AC	Barn adjacent to Hawthorns, Penllyn Road, Llanharry. CF72 9JX	Barn conversion to single dwelling
2022/0596/BN	A W	5, Rhodfa'r Mor, Rhoose. CF62 3LE	Installation of first floor balcony to front of property, first floor window replaced by door

2022/0597/BR	AC	50, Brookfield Avenue, Barry. CF63 1EQ	Rear single storey flat roof extension, single storey side extension to garage and first floor store extension to bedroom
2022/0598/BR	AC	Walterston Farm, Walterston, CF62 3AS	Barn conversion for agricultural student accommodation
2022/0601/BN	A W	127, Westbourne Road, Penarth, CF64 5BR	Single storey extension
2022/0604/BN	A	8, Wordsworth Avenue, Penarth, CF64 2RL	Dormer loft conversion to the rear of the property
2022/0605/BN	A	16, Sandringham Close, Barry, CF62 8BD	Conservatory roof replacement - Renewal of thermal element
2022/0609/BN	A	40, Pyke Street, Barry, CF63 4PF	Loft conversion with dormer
2022/0616/BN	A	41, Redlands Road, Penarth. CF64 2WD	Re roof
2022/0618/BN	A	The Stables, Castle Upon Alun House, Castle Upon Alun, St. Brides Major. CF32 0TN	Conversion of stable into holiday let accommodation
2022/0619/BN	A	14, Sandy Lane, Ystradowen, Cowbridge. CF71 7TZ	Garage Conversion to habitable room.
2022/0620/BN	A	5, Powys Place, Dinas Powys. CF64 4LB	Single storey extension to rear of property

(b) Building Regulation Applications - Reject

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

2022/0571/BN	R	Jalna, St. Nicholas. CF5 6SJ	Loft conversion with dormer roof extension
2022/0575/BN	R	83, Queens Road, Penarth. CF64 1DL	Conversion of dwelling into 4 bed HMO, first floor extension and dormer loft conversion
2022/0589/BN	R	13, Clive Place, Penarth. CF64 1AU	External alterations to rear elevation and internal re-configuration

2022/0590/BN	R	65, Windsor Road, Penarth. CF64 1JE	Loft conversion
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2022/0146/AI	A	Howdens Joinery, Cardiff Road Business Park, Barry, CF63 2PQ	Installation of mezzanine floor and associated works
2022/0147/AI	C	44, Dock View Road, Barry, CF63 4LQ	Conversion of dwelling into 3 No self-contained flats
2022/0148/AI	A	14, Parklands, Corntown. CF35 5BE	Construction of single storey rear extension (orangery) work to incorporate material alterations to structure, controlled services, fittings and thermal elements
2022/0149/AI	A	57, Byrd Crescent, Penarth, CF64 3QU	Internal structural alterations and vaulting to ceiling in existing extension
2022/0150/AI	A	53, Castle Avenue, Penarth, CF64 3QT	Single storey rear extension
2022/0151/AI	A	13, West Farm Road, Ogmore By Sea. CF32 0PU	Re roofing of property
2022/0152/AI	R	Walterston Farm, Walterston, Barry. CF62 3AS	Barn conversion to student accommodation (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0153/AI	A	Oakview, Leckwith Road, Llandough, Penarth. CF64 2LY	Formation of structural opening to accommodate installation of a lift
2022/0154/AI	A	7, River Walk, Llantwit Major, CF61 1SY	Single storey extension
2022/0155/AI	A	Unit 34, Atlantic Business Park, Hayes Lane, Sully, CF64 5AB	Construction of an independent first floor structure for storage purposes (Structure only)

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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

2019/01389/FUL	A	9, Gadlys Road East, Barry	Retrospective planning for rear kitchen extension
2020/01567/1/N MA	A	72, South Road, Sully, Penarth	Non Material Amendment - To change privacy screen on East elevation located to new veranda from 1800 high rendered blockwork to obscure glazed screen
2021/00938/FUL	A	Ty Broc Parc Farm, Parc Farm Lane, St Donats	Variation of Condition 1 (5yr time limit) of Planning Permission 2016/00645/FUL: Conversion of existing barns to 4 holiday lets with

			associated parking at Ty Broc Parc Farm, Parc Farm Lane, St. Donats
2021/01005/1/N MA	A	24, Wordsworth Avenue, Penarth	Non Material Amendment - Adjust the proposed pitch to the rear two storey pitched extension from 40 degrees to 37 degrees with the wall plate (rear soffit level) raised 300mm; - Adjustment to the rear gable glazing to suit proposed room layout; - Addition of window to front elevation to serve the proposed hallway. Planning approval Removal of existing rear two storey rear flat roof extension along with single storey side extensions and replacement with single storey and two storey rear and side extensions with a hip to gable loft conversion and associated works 2021/01005/FUL - Removal of existing rear two storey rear flat roof extension along with single storey side extensions and replacement with single storey and two storey rear and side extensions with a hip to gable loft conversion and associated works
2021/01213/FUL	A	19, Clos Cradog, Penarth	Combine 2 parcels of land into 1 garden space and erect log cabin in the new garden area. 2 TPO's in the proposed garden area
2021/01555/FUL	A	1, Argoed Cottages, Ton Breigam, Llanharry	Single storey rear extension and first floor side extension

2021/01715/FUL	A	5, Cornerswell Road, Penarth	Demolition of existing ground floor extension, construction of new single storey extension with link to coach house and change of use of the detached coach house to D1 dental use, alterations and new boundary wall.
2021/01725/FUL	A	The Granary, Castle Upon Alun	Proposed tourist accommodation (4 no. yurts) and associated barn conversion to provide reception / communal area along with holiday let accommodation
2021/01726/LBC	A	The Granary, Castle Upon Alun	Proposed tourist accommodation (4 no. yurts) and associated barn conversion to provide reception / communal area along with holiday let accommodation
2022/00006/FUL	A	Whips Bungalow, Llandough, Cowbridge	Proposed remodelling of Whips Bungalow, to include additional first floor accommodation.
2022/00050/1/N MA	A	22, Paget Road, Penarth	Non Material Amendment - Enlargement of window on the outhouse from planning approved drawings. Planning approval 2022/00050/FUL - Proposed erection of single storey annex to main building with confines of rear garden area
2022/00167/FUL	A	Unit 12F, Atlantic Trading Estate, Barry	New access road from public highway to industrial unit
2022/00230/FUL	A	Walterston Farm, Walterston	Conversion of a redundant stone barn to student worker accommodation

2022/00235/FUL	A	9, Heol Y Coed, Llantwit Major	Rear and side extension
2022/00280/FUL	A	The Haven, Bonvilston	Demolition of a 3 bedroom Woolaway concrete panel bungalow and the erection of a new 4 bedroom 1 1/2 storey house
2022/00281/FUL	R	12, Philadelphia Close, Barry	Demolition of existing rear extension. New side extension with double storey rear extension and loft conversion with dormer window. The proposed works also include internal remodelling
2022/00311/FUL	A	12, Tudor Place, Llantwit Major	Proposed 1st floor side extension, with Juliette balcony to rear, over existing dining room and kitchen and associated internal alterations
2022/00319/FUL	A	2, The Square, Dinas Powys	Replacement of all front facing windows with uPVC windows to the same proportions, style and beading
2022/00379/FUL	A	Marlborough Grange, Crossways, Cowbridge	Existing stone outbuilding at the rear of the house to be demolished and replaced with a new one and a half storey garden building. New ground floor side extension to the main house
2022/00391/FUL	A	Fonmon Castle, Fonmon	Erection of temporary seating and catering structures at Fonmon Castle
2022/00393/FUL	A	Sant Y Nyll Mill, Heol Sant Y Nyll, St. Brides Super Ely	Removal of Condition 4, external extraction, Condition 6, Foul and surface water drainage and Condition 8, Protection of

			nesting birds to 2017/01259/FUL - Change of use and conversion of existing barns to provide a residential dwelling and associated works
2022/00419/FUL	A	163, Plymouth Road, Penarth	Double and single storey rear extension, exterior alterations and garden room addition
2022/00473/FUL	A	Church Farm, Cowbridge Road, Ystradowen	Replacement of timber half round rail fence with new 1m high replacement timber half round rail fence, positioned above an existing stone wall on the eastern boundary, to a total combined height of 2m.
2022/00477/FUL	A	34A, Tynewydd Road, Barry	Existing storage garage, with retention of extension to accommodate B1 office use
2022/00488/FUL	A	5, The Parade, Barry	Proposed single storey side extension
2022/00530/FUL	A	Cornerways, Graig Penllyn, Cowbridge	First floor extension to side and front and a new roof
2022/00540/FUL	A	Llwynhelig House, Llwynhelig, Cowbridge, CF71 7FF	Retrospective application for the part conversion and extension of an existing garage/workshop to create tourist accommodation, the siting of a former railway carriageway for tourist accommodation, a log store, a hot tub enclosure, the change of use of agricultural land to land within the curtilage and associated works
2022/00546/FUL	A	30, Conway Drive, Barry	Replace roof and tiles, increasing height by 50mm. Replace 2 existing wood Velux windows to

			front elevation with upvc Velux windows. Replace 2 rear elevation Velux windows with larger balconette style Velux windows.
2022/00563/FUL	A	Porthdare, 1, Maes Lloi, Aberthin	Garage conversion and extension to the rear of the property with balcony above. New ground floor side bay. General alterations, including to dormer
2022/00589/FUL	A	The Mount, Groesfaen Lane, Peterston Super Ely	Replacement of existing redundant stable block into home office / garden room
2022/00590/LAW	R	The Wild Goose Inn, Llanbethery	Use of land for a residential use
2022/00593/ADV	A	8, Bradenham Place, Penarth	Erect a sign at the front of the building to market and promote the childcare setting
2022/00625/FUL	A	6, Borough Close, Cowbridge	Wrap around rear and side extension, rear patio and widening of existing vehicular access
2022/00644/FUL	A	4, Pardoe Crescent, Barry	Rear extension to property and change of use from C3 to C2
2022/00652/FUL	A	27, Westward Rise, Barry	Single storey extension to side of property to include extended kitchen and living area at ground floor. Demolition of existing prefabricated garage which is in poor condition
2022/00658/FUL	A	11, Porth Y Castell, Barry	Proposed conversion and rear extension to basement and alterations to ground floor

2022/00662/FUL	R	Wayside Cottage, Gileston Farm, Gileston	Conversion of garage and store to include habitable accommodation at ground and first floor. Balcony to principal elevation at first floor
2022/00666/FUL	A	14, St. Cyres Road, Penarth	Convert existing garage to utility and games room. Garage to be extended at front by approximately 1.1m. and existing alley way incorporated to link garage building to existing house. Rear window to existing kitchen to be replaced with new bi fold doors
2022/00670/FUL	A	Highbank, 3, Heol Ty Mawr, Pendoylan	Proposed dormer extension above garage to provide bedroom, new entrance porch plus external alterations to property including Juliette balconies to rear and side elevations and changes to fenestration
2022/00671/FUL	A	12, Peterswell Road, Barry	The erection of a single storey structure to the rear of the garden
2022/00676/FUL	A	Davimore House, Penllyn	Proposed new sun lounge and first floor extension above existing balcony
2022/00680/FUL	A	Coedhirion, 8, Walston Road, Wenvoe	Proposed replacement dwelling and extensions
2022/00685/FUL	A	Coed Emlyn House, A48, St. Hilary	Demolition of existing side sunroom and rear utility room, provision of new side utility room, side sunroom and rear family room
2022/00695/FUL	A	68, Clos Yr Wylan, Barry	Proposed external lift to the front. New balconies to the front at first and second floor

2022/00696/FUL	A	19, Clive Place, Penarth	Proposed new outhouse to the rear of garden. Proposed removal of 3 trees at rear. Repair works to boundary wall associated to the removal of the trees
2022/00698/LAW	A	5, Button Ride, St. Nicholas	Remove a hedge to front boundary of front garden to create a driveway with a drop kerb
2022/00704/FUL	A	Royal Bank Of Scotland Plc., 142-144, Holton Road, Barry	Change of use for A2 (Bank) to A1 (Retail Shop). Existing windows to be replaced with new timber double glazed units to front and sides and uPVC units to the rear
2022/00710/FUL	A	10, Marquis Close, Barry	Single storey flat roof granny annexe side extension. All finishes to match existing
2022/00712/LBC	A	Pwll Y Wrach, Colwinston, Cowbridge	External and internal works to east elevation to include a new doorway to replace existing storeroom window and removal of associated internal partition door, removal of existing UPVC rainwater goods to be replaced with black aluminium, existing cement pebbledash render to be removed and replaced with lime based equivalent, rationalisation and removal of redundant soil and waste pipes and removal of internal partition door.
2022/00719/FUL	A	17, Heol Y Sianel, Rhose	Four modifications to existing property: Single storey extension to full width of rear. Box bay window to front. Juliette

			balcony to South side on second floor. Access door to side of property
2022/00721/LAW	A	23, Hickman Road, Penarth	Demolition of existing conservatory and construction of single storey extension to rear of property
2022/00728/FUL	A	6, Vincent Close, Barry	Proposed garage conversion to form workshop / gym and extension to garage to form home office retaining off street parking
2022/00730/FUL	A	4, Eagle Road, St. Athan	Rear single storey flat roof extension with rooflight. Front existing store to be extended
2022/00732/FUL	A	Y Fedw Arian, 13, Church Hill Close, Llanblethian, Cowbridge	Ground and first floor extensions
2022/00734/FUL	A	Maindee, 49, Romilly Road, Barry	To demolish existing garage and side annex to rear of dwelling. To construct new coach house and side annex garage (subservient to the coach house) to provide adequate onsite parking
2022/00736/FUL	A	21, Trem Y Don, Barry	Remove existing defective flat roof structure to existing rear single storey extension and reinstate at an increased height. Proposed single storey rear extension with fenestration alterations and a detached garage structure, all with associated works
2022/00750/FUL	R	32, Cwm Barry Way, Barry	First floor dormer extension located on the rear of the property. The extension is

			then proposed to hip round to the side of the property forming a hip to gable roof design.
2022/00752/FUL	R	5, Coed Yr Odyn, Barry	Loft conversion with front and rear dormers and balcony to front
2022/00753/FUL	A	40, Badgers Brook Rise, Ystradowen	Proposed single storey rear extension and associated internal alterations
2022/00754/FUL	A	92, Redlands Road, Penarth	Hip to gable loft conversion works with rear pitched roof dormer. Single storey side/rear extension with associated alterations. Removal of the existing detached garage/store. Addition of air source heat pump apparatus and heating system
2022/00759/ADV	A	Thomas Motors Flair, Cardiff Road, Barry	Removal of two existing 48 sheet advertising billboard and replacement with two 48 sheet advert to support a digital poster (D-poster)
2022/00772/FUL	A	3, Cwrt Llanfleiddan, Llanblethian, Cowbridge	Velux to front elevation to gain addition natural light to Bathroom
2022/00777/FUL	A	10, Nyth Yr Eos, Rhoose	Extend boundary of residential garden to include recently purchased land adjacent to the property and change use of the land to form residential curtilage, to incorporate into our existing grassed/lawned garden
2022/00778/FUL	A	18, Penarth Portway, Penarth	Replace existing single door on rear elevation with a pair of bifold doors

2022/00781/FUL	A	Manor House Hotel, Sully Road, Penarth	Single storey extensions to eastern and southern facades, including replacement portico entrance
2022/00785/FUL	A	Stanford Cottage, A48, Bonvilston	Proposed conversion of an integral double garage into habitable accommodation (and associated alteration works)
2022/00790/ADV	R	Former Gas Works, North side of Cardiff Road, Barry	Display of 2 no. illuminated signboards
2022/00795/FUL	A	12, Seaview Drive, Ogmore By Sea	First floor front extension and ground floor rear extension. Amendment to approval 2019/00653/FUL
2022/00798/FUL	A	28, Westgate, Cowbridge	Re-roofing existing lean to extension, extending side extension with same roof type as existing. Levels of roofline not changing
2022/00800/FUL	A	9, Westbourne Road, Penarth	Demolish lean to extension, install new window/door units and associated internal remodelling. Finishes to match existing
2022/00806/FUL	A	Mariners Reach, 13, Lynmouth Drive, Sully	Proposed single storey rear annex extension with proposed first floor balcony area and associated works, including new raised decking area
2022/00810/FUL	R	Archway House, Westgate, Cowbridge	Proposed two Cabrio Velux rooflights
2022/00817/FUL	A	Duffryn Llof Farm, Tredodridge	Change of use from storage building to 2 no. Air BnB units with minor external works, formation of new opening in external envelope for access doors and windows

2022/00826/FUL	A	Vishwell Farmhouse, St. Andrews Road, Wenvoe	Detached triple garage, dormer to front of house and first floor side extension with Juliette balcony to rear
2022/00830/FUL	A	5, Lombard Street, Barry	Proposed single storey wrap around side and rear extension and second storey bedroom extension over existing. All finishes to match existing
2022/00832/OBS	B	Little Mill, St. Brides Road, St. Fagans, Cardiff	Retention of two timber frame temporary shed structures to aid a change of use for part of the property as a dog hotel (22/01323/MNR)
2022/00836/FUL	A	10, Cornerswell Place, Penarth	Proposed loft conversion comprising hip to gable and rear dormer
2022/00840/FUL	A	13, Romilly Road, Barry	Erection of a ground floor, single storey side return kitchen extension & a first floor winter garden extension. Both to the rear of the property
2022/00843/FUL	A	Quantara House, Graig Penllyn, Cowbridge	Single storey rear extension and alterations to fenestration of lower ground floor
2022/00849/FUL	A	2, Sheepcourt Cottages, Bonvilston	Single storey rear extension to provide open plan garden room, kitchen, utility and WC suite
2022/00870/FUL	A	22, Oakfield Road, Barry	Proposed loft conversion with gable end roof and rear dormer
2022/00885/FUL	A	Small Holdings, Port Road West, Barry	Single storey extension to side and rear of existing dwelling to create open plan kitchen / dining / living

			space with a seamless connection to the rear garden
2022/00892/FUL	A	3, Maes Y Gwenyn, Rhoose	Single storey rear extension
2022/00895/FUL	A	125, Ffordd Y Dociau, Barry	Erect a conservatory to the rear elevation
2022/00898/LAW	A	22, Coed Bach, Barry	Part time use of previously approved extension as a private hair salon
2022/00913/PNA	A	Land South West of Sealands Farm, Bridgend	New build of Fertiliser storage tank
2022/00985/PND	A	Travis Perkins, 21, Llandow Trading Estate, Llandow	Demolition of building

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **28 SEPTEMBER 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/01665/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01990-X9R8H5
Appellant: Mr S Howes
Location: Porthkerry House, Porthkerry
Proposal: Retention of pool house and enclosed terrace
Start Date: 26 August 2022

LPA Reference No: 2021/01628/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01893-G9R8B0
Appellant: Mr Ken Broad
Location: Land off Fairford Street, Barry
Proposal: Construction of 2 no. three bed houses on existing vacant site. Proposal includes provision of private gardens and amenity space and the provision of 5 no. off road parking bays at Land off Fairford Street, Barry (Resubmission of 2020/01090/FUL)
Start Date: 30 August 2022

LPA Reference No: 2022/00187/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02005-M7Q1K697
Appellant: Mr David O'Sullivan
Location: 97, Tynewydd Road, Barry
Proposal: Dropped kerb and off-street parking. Conversion of current front garden to a driveway to enable off street parking and access to a charging point for an electric motor vehicle. This will require the Kerb to be dropped to allow access to the proposed drive. The entire front garden will be converted into a driveway to allow the car to be parked parallel to the house
Start Date: 31 August 2022

LPA Reference No: 2015/00031/5/CD
Appeal Method: Public Inquiry
Appeal Reference No: CAS-01476-M1N1C0
Appellant: Biomass UK No.2 Limited
**Location: Barry Biomass Energy Centre, Barry Docks,
Woodham Road, Barry**
Proposal: Conditions 5, 11, 12, 13, 14, 15, 16, 17, 19, 20,
21, 25 & 29 of Planning Application
2015/00031/OUT: Outline application for a wood
fired renewable energy plant (non determination
appeal)
Start Date: 5 September 2022

(b) Enforcement Appeals Received

LPA Reference No: ENF/2020/0230/M
Appeal Method: Public Inquiry
Appeal Reference No: CAS-01341-N2Q5B8
Appellant: Biomass UK No.2 Limited
**Location: Land at Barry Biomass, Woodham Road,
Barry**
Proposal: Without planning permission, the carrying out of
operational development comprising the
construction of a wood fired renewable energy
plant together with associated structures on that
part of the Land edged green on the Plan, and
the material change of use of that part of the
Land edged blue on the Plan from unused land
having a nil use to the storage of containers and
as a vehicle turning space in association with
the use of the wood fired renewable energy
plant on that part of the Land edged green on
the Plan.
Start Date: 5 September 2022

(c) Planning Appeal Decisions

None.

(d) Enforcement Appeal Decisions

None.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	6	5	11	1
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		6 (55%)	5 (45%)	11	1
Committee Determination		1	2	3	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	2	-	2	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (100%)	-	2	-
All Appeals (excludes non validation appeals)	W	8	5	13	2
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		8 (62%)	5 (38%)	13	2

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 : **28 SEPTEMBER, 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
E Split Decision

R - Refused

2022/00177/TCA	A	The Court House, High Street, Llantwit Major	G1 - Removal of a group of Laurel trees. T1 - Crown lifting of one Cedar tree. T2 - Removal of one multi stem Hornbeam tree. T3 - Crown lifting of one Leylandi tree
2022/00803/TPO	A	Willowmere, Llandough, Penarth	Remedial works to trees covered by Tree Preservation Order No. 2 of 1951
2022/00812/TCA	A	85, Plymouth Road, Penarth	Work to tree in Penarth Conservation Area: Dismantling and removal of heavily pollarded Sycamore in rear garden
2022/00859/TCA	A	The Green, Llancarfan	Work to Tree(s) in a Conservation Area: Removal of one semi mature Eucalyptus tree (T1) with an open cavity near the basal structure. Removal of one dead Cherry tree (T2). Reduction of one mature Apple tree (T3) by approximately 1 metre

			overall, and reducing main leaders of the tree by approximately 2 metres
2022/00876/TPO	A	8, Chestnut Close, Dinas Powys	Work to Tree(s) covered by Tree Preservation Order No. 9 2012: To complete work on one tree originally given consent on 30 July, 2020 - 2020/00639/TPO
2022/00899/TPO	A	36, Fitzhamon Avenue, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order No. 3 1977: Crown lift the horse chestnut over the road and driveway to highway confirmative of 5.2m

THE VALE OF GLAMORGAN COUNCIL PLANNING

COMMITTEE : **28 SEPTEMBER, 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.

2021/00423/FUL Received on 6 December 2021

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr Luke Grattarola Geraint John Planning Ltd, Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee as the applicant has appealed to Planning and Environment Decisions Wales (PEDW) in respect of the non-determination of this application. PEDW has confirmed that this appeal is valid and, as such, started the appeal on 11th August, 2022.

The report sets out the policy background and issues relating to the proposed scheme, and will make a recommendation in respect of the Council's stance in the forthcoming appeal.

EXECUTIVE SUMMARY

This report considers an application, as amended, for demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end. The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

The applicant has appealed non determination of the application. Therefore, this stance report assesses the application based on the plans and information currently under consideration. It is concluded that the proposal fails to preserve or enhance the character of the Bonvilston Conservation Area and would fail to provide future residents with safe pedestrian and highway access to and from the site.

Therefore, this stance report makes a recommendation that the application would have been refused should an appeal for non-determination not have been submitted.

SITE AND CONTEXT

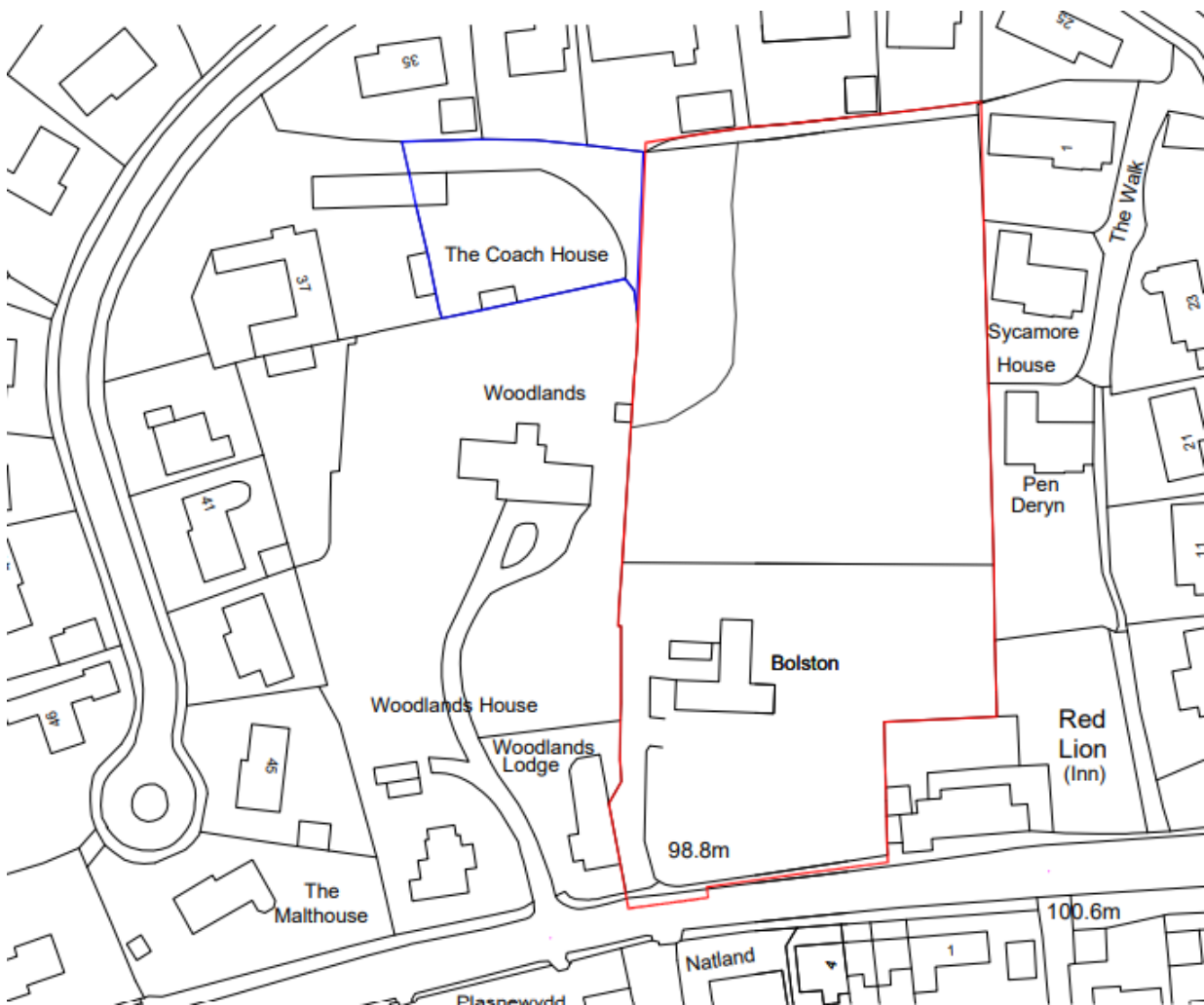
The site comprises the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The dwelling itself appears to have been vacant for some time. The property benefits from a single vehicular access from the A48 running to the south of the site and is enclosed along this elevation by an approximately 2-3 metre-high stone wall. The application sits within the Bonvilston Conservation Area and there is also an archaeological record on the site relating to a Supermarine Spitfire N3221 crash site.

The western boundary of the site is defined by the gardens of other detached dwellings. To the north, the site abuts the rear gardens of the dwellings in Village Farm and to the east are the dwellings at 1 The Walk, Sycamore House and Pen Derwyn. The Red Lion Public House abuts the south-east corner of the site.

There are a number of mature trees within the site, including a number that are covered by tree preservation orders including 2 sycamores to the north-western boundary (035-1973-08-A06) and 2 further sycamores to the eastern boundary (035-1973-08-G05).

An extract of the site location plan and an aerial photo can be viewed below:





DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposed dwellings vary in style, height and scale. The largest plot on site (Plot 1) would have a maximum ridge height of approximately 9.2 metres and an eaves height of approximately 6 metres. It would measure approximately 15.7 metres in width and 22.5 metres in depth.

Plots 11-14 would be constructed in the form of semi-detached units measuring 9.3 metres in height with accommodation in the roof space. These would measure approximately 9.3 metres to ridge, 6 metres to eaves, 14 metres in depth and 6.1 metres in width.

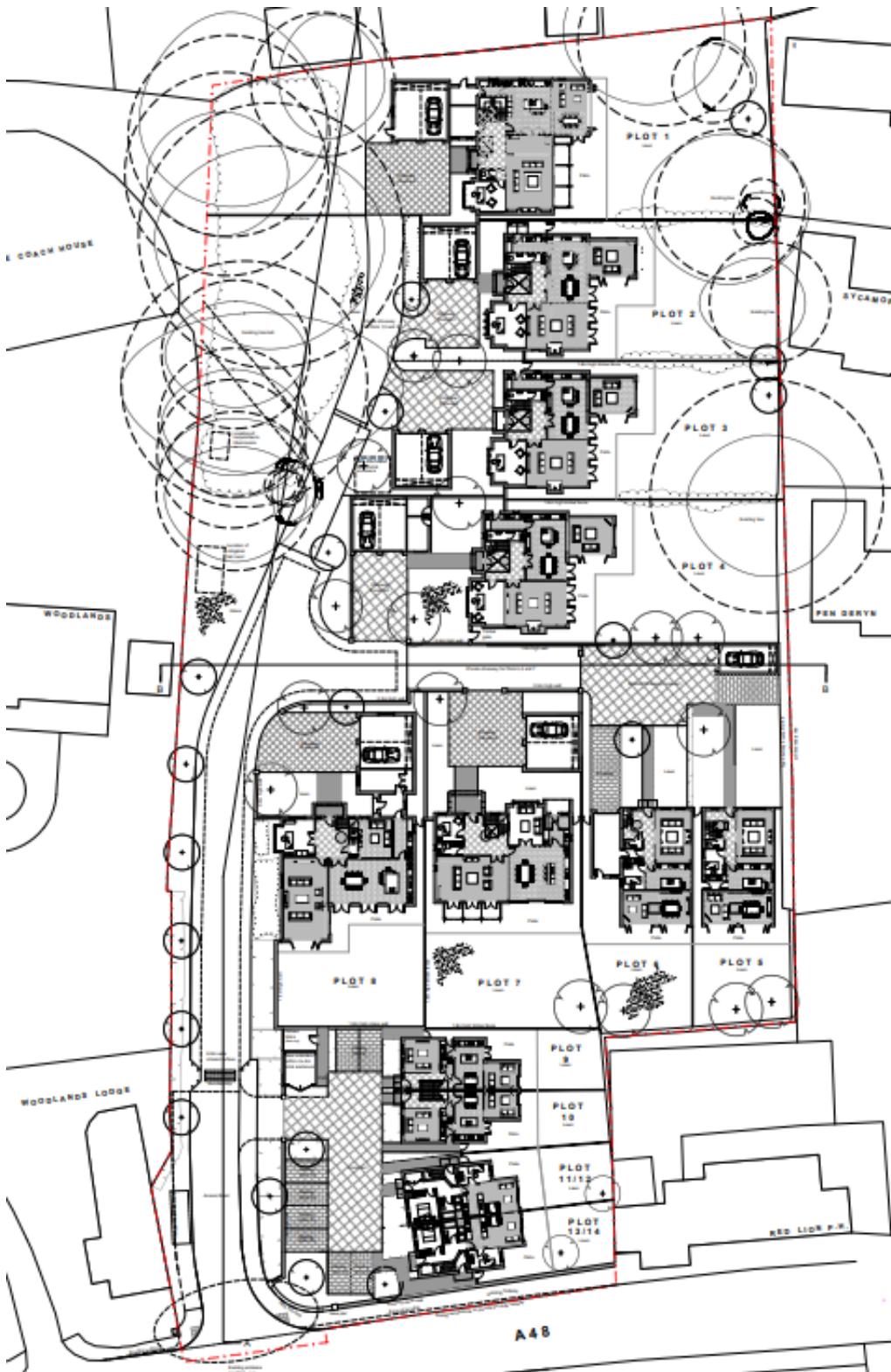
The dwellings would be finished in a mixture of stone, facing brickwork and painted render with quoin detailing. The roofs of the dwellings would be finished in an artificial slate with a riven finish. The windows would be dark colours and doors are to be timber construction.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end.

Each dwelling would be served by dedicated off road parking with many of the dwellings also being served with detached double garages.

The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

Extracts of the site plan and elevations can be viewed below:



Site layout



Example elevations of house type proposed for Plot 1



Example elevations of housetype proposed for Plots 11-14

PLANNING HISTORY

1978/01926/FUL, Address: Bolston, Bonvilston, Proposal: Double Private Garage, Decision: Approved;

2010/01289/TCA, Address: Bolston House, Bonvilston, Proposal: Felling of Lawson cypress on boundaries, Decision: Approved

2014/00491/TPO, Address: Bolston, Bonvilston, Proposal: Fell one Sycamore in rear paddock, Decision: Approved

2021/00424/CAC, Address: Land at Bolston House, Bonvilston, Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works, Decision: Being considered concurrently with this application

2022/00238/TCA, Address: Land at Bolston House, Bonvilston, Proposal: Work to trees in Bonvilston Conservation Area: Proposed felling of 3 Lawson Cypress in front garden area on boundary with Red Lion Public House. Decision: Approved.

CONSULTATIONS

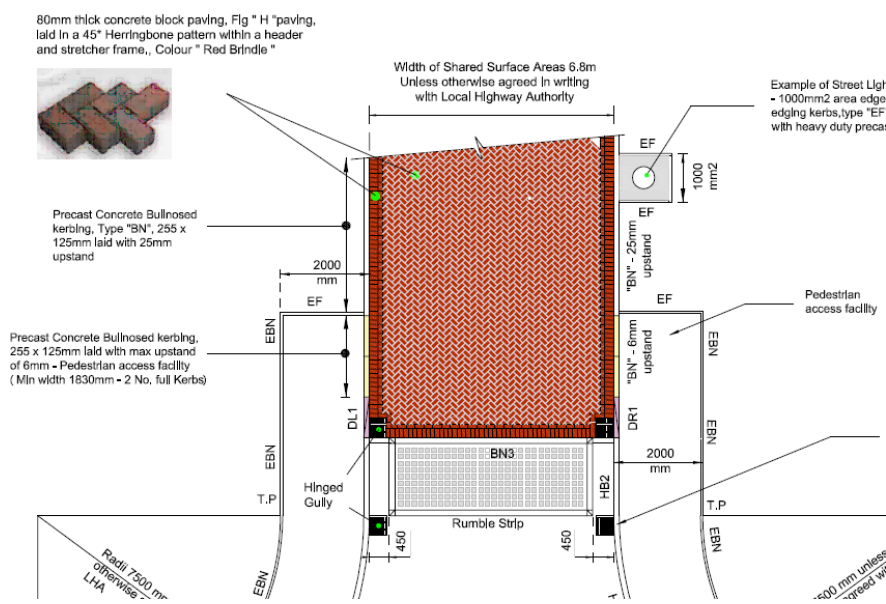
St. Nicholas and Bonvilston Community Council object to the proposals by virtue of road noise for future occupiers; lack of suitable access and connection to nearby facilities; loss of Bolston House; request that application be determined by Planning Committee; suggest use of S106 money for active travel infrastructure and consideration of revised speed limit.

An additional response was received from the Community Council re-emphasising the above concerns, but also raising the following objections query whether Bolston House could be retained within the development of the site and its demolition is at odds with Wellbeing and environmental objectives; the site should be developed to achieve a higher density perhaps including land to the north-west of the site.

The Council's Highway Development section were consulted with regard to the proposals and based on the most recent amended site layout plan formally submitted, have objected on the following grounds :

- The kerb radii for the proposed new junction at the site entrance do not mirror one another and kerb radii of 8m on the right hand side and 4m on the left hand side are proposed. This is not in accordance with highway design criteria or standards and as such junction radii should match on both sides unless specific criteria such as deceleration lanes or merging tapers dictate otherwise.
- The 4m radius could present issues for vehicles turning into the site and could potentially cause safety issues along the A48 for vehicles having to slow down more abruptly to negotiate the tight radius. The A48 is a de-trunked A class road with AADT flows in excess of 15,000 vehicles and greater than 5% of flows are HGV's and the speed limit is 40mph. The swept paths provided indicate that a larger HGV would need to use all the available width of the proposed access road to enable entry which could cause conflict with vehicles exiting the site and vehicles turning into the development site from the West.

- Swept paths have not been provided for large HGV's accessing and leaving the site via the Westbound Carriageway therefore the suitability of the new junction for this direction of traffic cannot be justified.
- The layout of the proposed shared surface appears to show narrow footways (1m) proposed on either side of the block paved shared surface. These footways are not deemed of a suitable width to enable a safe space for vulnerable pedestrians and as such could enable pedestrians to walk in the narrower carriageway to the detriment of highway and pedestrian safety.
- The site proposes the narrowing of the A48 carriageway to accommodate a wider 2m footway fronting the development which would prevent the existing wall being taken down. The narrowing of this section of carriageway is not deemed to be taken along the A48 on the approach far enough in terms of the kerb alignment. This will create a sharp narrowing rather than a gradual one over a longer distance which could potentially be detrimental to highway safety and possibly detrimental to cyclist safety.
- Entry onto and off the shared surface is not in accordance with our standards as shown in the below detail. As a result, this area could potentially be an impact/conflict zone.



The Councils Operational Manager Highways and Engineering (Drainage) was consulted and indicate that the site is not located in DAM Zone at risk of tidal or fluvial flooding and NRW maps indicated that there is a very low risk of surface water flooding to the development site. They indicate that the application is subject of SAB approval and as therefore indicate that no further planning conditions be attached to any consent granted although request an advisory be attached to any consent granted advising them of the requirement for SAB.

Shared Regulatory Services (Pollution Control) recommend construction hours be limited to Monday to Friday 8am to 6pm; Saturday 8am to 1pm, no work on Sunday or Public Holidays.

Glamorgan Gwent Archaeological Trust was consulted and identify that the proposal has an archaeological constraint. Their response notes that whilst it is unlikely that remains associated with the crash of Supermarine Spitfire N3221 would be encountered, they note that the site is located adjacent to the A48, which follows the line of the Roman Road from Cardiff to Neath and also in close proximity to the medieval core of Bonvilston. As such they recommend that a condition be attached to any consent given requiring an archaeological watching brief to be provided prior to commencement of development.

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

Dwr Cymru Welsh Water was consulted with regard to the application and advise that the site is crossed by a public sewer and recommend that no development should be allowed within 3 metres of the centreline of the sewer. As such they recommend that the developer carry out a survey to ascertain the location of the sewer and establish its relationship to the proposed development.

They advise that capacity exists within public sewerage network for foul only flows and request a condition be attached to any consent granted requiring further details of a foul water drainage scheme to be provided.

The Council's Ecology Officer was consulted with regard to the application and raised a holding objection to the proposals, with particular regard to the absence of bat surveys recommended within the applicants own ecological assessment. They also indicate that a lighting survey would be required; request clarification of details with regard to Great Crested Newts; breeding birds; reptiles; amphibians and hedgehog. No comments have been received in respect of further survey works completed on site.

The Councils Housing Strategy Section (Affordable Housing) was consulted and indicated that in line with the 40% affordable housing requirement of the SPG they would expect 5.2 units, rounded up to 6 to be provided on site and request that these units be provided as 3no 2 bedroom and 3no 1 bedroom and DQR compliant.

Natural Resources Wales (NRW) were consulted with regards to the application and originally objected due to insufficient information. Following the submission of further survey work they raised concerns in relation to overshadowing to the proposed mitigation bat house. Following the submission of amended plans they have advised that they continue to have concerns about the works. However, they are now satisfied that concerns can be overcome by attaching conditions. This would include the construction of a bat house to provide a compensatory roost and condition for a scheme of lighting.

The Councils Contaminated Land Officer was consulted with regards to the application and has requested conditions in relation to contaminated land assessment/verification and imported soil.

The Councils Conservation Officer was consulted with regards to the application and in summary objects to the proposal on the grounds of loss of trees, part of the front boundary wall and intensification of the site with a suburban highway layout.

REPRESENTATIONS

The neighbouring properties were consulted on 8 April 2021 and 04 July 2022. A site notice was also displayed on 12 April 2021 & 05 January 2022. The application was also advertised in the press on 16 April 2021 and 13 January 2021. To date 11 letters of representation have been received. The concerns raised can be summarised as:

- : Increase in traffic.
- : Concerns about poor access.
- : Concerns about extent of loss of wall.
- : Concerns about speed limit.
- : Concerns about the width of pavement.
- : Concerns for future residents about noise from adjacent pub.
- : Concerns about overlooking
- : Concerns about loss of trees and habitat

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
- POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

- POLICY MD1 – Location of New Development
- POLICY MD2 – Design of New Development
- POLICY MD3 – Provision for Open Space
- POLICY MD4 – Community Infrastructure and Planning Obligations
- POLICY MD5 – Development within Settlement Boundaries
- POLICY MD6 – Housing Densities
- POLICY MD7 – Environmental Protection
- POLICY MD8 – Historic Environment
- POLICY MD9 – Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Policy 1 – Where Wales will grow

- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

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
- Previously Developed Land

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity.

Chapter 4 – Active and Social Places

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

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)

The following extracts are considered to be 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.

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.

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)

- Technical Advice Note 11 – Noise (1997)

Paragraph 10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

- Technical Advice Note 12 – Design (2016)

TAN 12 provides the following advice:

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.”

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.”

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).”

- Technical advice note (TAN) 16: sport, recreation and open space

3.5 Outdoor facilities like playing fields, recreation grounds, play areas, footpaths and cycle routes and woodland can provide significant health, and environmental benefits for the community. In places, the loss of outdoor facilities and their replacement by indoor provision, the provision of facilities with secure access and admission charges and centralised, instead of localised provision, can have a significant effect on their role in meeting recreational and amenity needs, particularly those of young people.

3.7 Playing fields and green open spaces have special significance for their recreational and amenity value and, particularly in towns and cities, for their contribution to the urban environment and for supporting biodiversity. Playing fields and green spaces add interest and vitality to living and working environments. As a means of responding to climate change, they can help maintain reasonable local temperatures, improve local air quality in urban areas, and may be useful in reducing surface water run off. Tree planting may offer shade while areas, particularly those linked by pathways, can contribute to biodiversity, particularly where sensitive management practices are used. In addition to their environmental role they can also offer health and well-being benefits, and opportunities for

community engagement. When not required for their original purpose, they may be used to help meet the need for informal recreational or amenity land in the wider community. Only where it can be clearly shown that there is no deficiency, should the possibility of their use for alternative development be considered.

3.12 Open space, particularly that with a significant amenity, nature conservation or recreational value should be protected.

3.13 Standards for new open space and recreational provision should be based on robust evidence drawn, where available, from the Open Space Assessment. The aim should be that everyone has easy local access, by means other than the car, to formal and informal recreational facilities and open space. This can include linear green spaces or waterways, which connect into a wider open space network. In considering provision, local planning authorities should be mindful of the needs of disabled people and of people in deprived communities, and the more limited ability of people in disadvantaged groups to travel far from their local areas.

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Bonvilston Conservation Area Appraisal and Management Plan
- Conservation Areas in the Rural Vale
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

- Welsh Office Circular 13/97 – Planning Obligations
- Section 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 main issues are considered to be:

- The principle of the development;
- Density;
- The design and visual impact of the proposed development and its impact on the character of the conservation area;
- Impact on neighbours' amenity & privacy;
- Amenity of future occupants;
- Trees & Biodiversity;
- Highways;
- Affordable Housing and S106 matters;
- Drainage;

Principle of Development

The site falls within the settlement boundary of Bonvilston, which is identified as a 'Minor Rural 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, tother with National Development Plan Policies and guidance.

Impact on the character of the conservation area (including tree issues)

The existing site is well screened from public viewpoints along from the A48, given that it is enclosed by a prominent 2-3m high stone wall along the front of the site, with mature established vegetation adjacent to the wall inside the site. That stone wall is identified in the Bonvilston Conservation Area Appraisal and Management Plan as a Significant Stone Wall (referred to in more detail below. Together, the wall and the landscaping that make up this frontage contribute positively to both the built fabric and the verdant character of the conservation area. This is demonstrated in the photo extract of the site frontage below and as shown in the aerial photo above.



The plans indicate that approximately 10m of the wall to the front of the site would need to be demolished to provide the vehicular access, footways and associated visibility splays to serve the proposals. The section of wall that returns into the site would also be demolished, albeit that section is less visually prominent and its removal would not have such an appreciable impact on the character of the site and the conservation area.

Any development of the site, particularly towards the southern more publicly visible part of the site, must accord with Policy MD8, where proposals should preserve and enhance the character of the conservation area, in terms of the design and materials of dwellings and their orientation relative to the wider conservation area *unless other material considerations outweigh this).

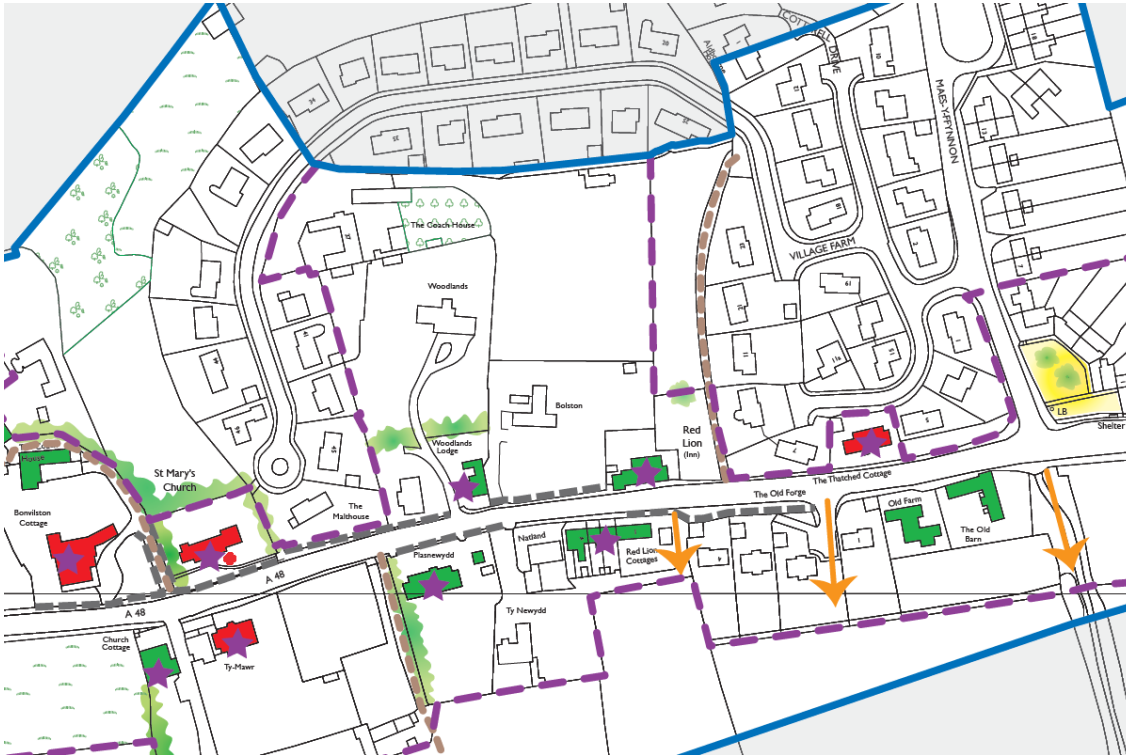
This is reinforced by national guidance in the form of Planning Policy Wales (PPW) sets out the Welsh Government's planning guidance on the conservation and enhancement of the historic environment. Chapter 6 is of particular relevance;

Paragraph 6.1.14 states: *"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 is to be preserved or enhanced and their heritage value is to be fully realised."*

Furthermore 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

Having regard to the guidance contained within policy MD8 'Historic Environment', PPW within the Council's adopted Bonvilston Conservation Area Appraisal and Management Plan, there is significant concern with regard to development that would require substantial works to this wall.

The wall itself is identified as a 'significant stone wall' within the Townscape Appraisal Map within the CAAMP (see below). Within the CAAMP there are a number of references to the importance of substantial stone walls indicating that 'Roadside walls built from the same grey limestone rubble blocks of varying sizes are a prominent feature of the Conservation Area and help to maintain a historic character to the village centre.' Indeed, the protection of existing front boundary walls is specifically listed within the issues section of the CAAMP and as such there is a general presumption against works to these walls.



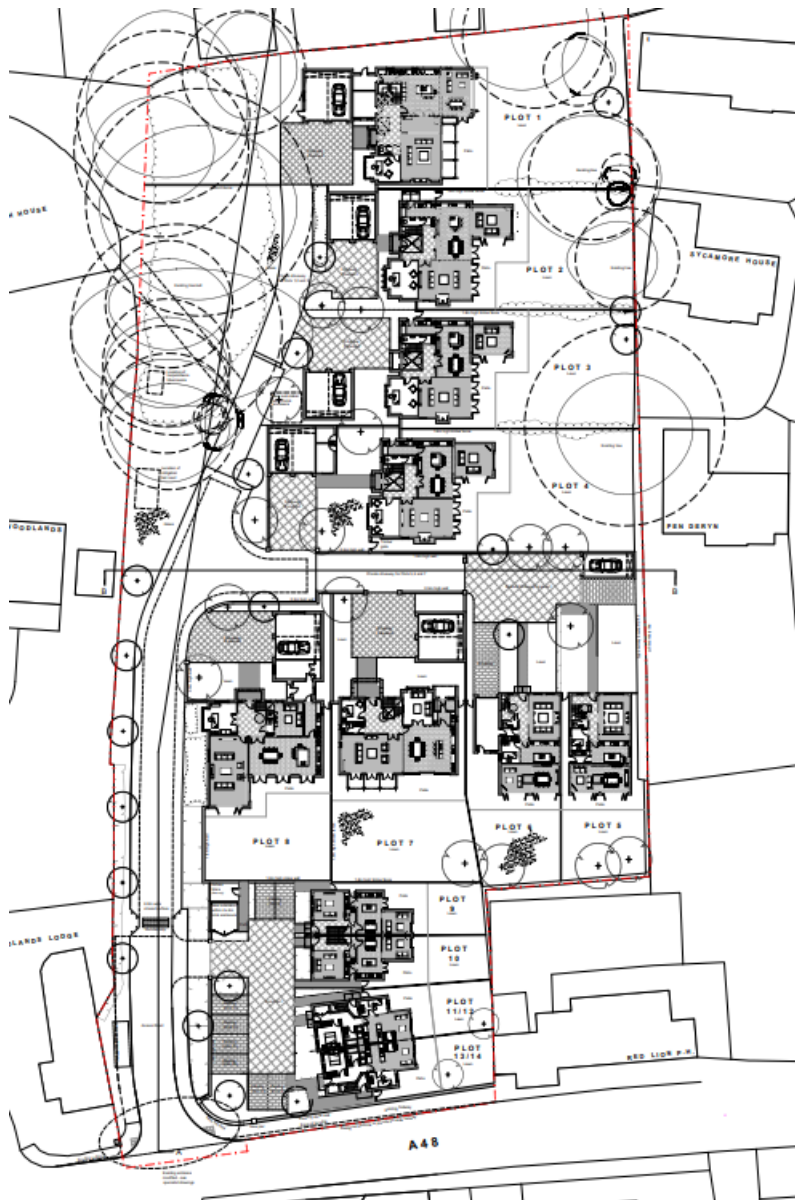
Extract from CAAMP

The provision of a vehicular access and removal of the wall/tree screening would fundamentally and harmfully alter the character of the frontage, both in terms of the loss such a large amount of the fabric of the wall, and the substantial reduction in tree cover. Both the wall and the mature tree cover are considered to contribute significantly and positively to the character of the conservation area, and their loss would fail to preserve the character of the area.

The Council's Conservation officer has objected to the loss of the wall and notes that the proposed development will, in his view, result in the loss of historic fabric and create a suburban highway layout which will result in harm being caused to the character and appearance of the conservation area. This is contrary to Section 72(1) of the Act.

Moreover, the proposed access would fail to achieve a safe access into the site. In order to achieve a scheme that would preserve highway safety, it is highly likely that even more of the wall would have to be demolished. As such, the removal of an even greater section of historic stone wall would further erode the character of site and the Conservation Area, over and above the scheme which is currently submitted.

Notwithstanding that, it is also necessary to consider the design, form and layout of the dwellings, and the impact that these parts of the development would have on the character of the area. The village as a whole has a somewhat organic form, albeit along the A48 there is a generally predominant character of dwellings/buildings fronting the road. It is noted that the dwelling to the west of the site is 'side on' to the road, however, that is not reflective or the more common pattern of development.



The shape of the site and the location of trees governs to a large degree how development can be achieved. The developable part of the rear portion of the site in particular is relatively linear (north to south) and the general layout/orientation of dwellings proposed there is not likely to be harmful. It is likely to be well screened from public view.

The front half of the site would naturally be more highly visible and the buildings at plots 7-14 would be clearly visible and open to view from the A48, given the nature and size of the proposed opening in the frontage. Plots 7 and 8 are orientated with the front elevations facing north into the site, with the rear elevations facing the A48. While these dwellings are set further into the site (than plots 9-14), it is nevertheless considered that this arrangement (which would be highly visible) would relate poorly to the road and would fail to provide an active frontage. Instead, the high enclosures around the rear gardens would be in prominent view. There appears to be no prohibitive reason why dwellings in this part of the site could not be orientated to face in a southerly direction, to relate positively to the road.

The buildings at plots 9-14 would be at ninety degrees to the road and while there is evidence of this kind of relationship in the neighbouring site, that building is relatively anomalous in the wider street scene. A positive and active frontage to the road would respect the surrounding pattern of development, whereas this form of layout is considered to relate poorly to the road and the predominant layout within the conservation area. The harm would be amplified by the layout to the front of units 9-14, which comprises a parking court in almost its entirety. This insensitively designed and sited parking court would be very prominent at the entrance to the site and would further erode the character of the conservation area.

In summary, it is considered that the layout is poorly conceived and has insufficient regard to the character and context of the conservation area, and the way that this site interacts with the surrounding built environment. The proposal comprises a relatively suburban layout that would be at odds with and harmful to the character of the Bonvilston Conservation Area.

The dwellings themselves are relative traditional in appearance and composition, notwithstanding the harm caused to the site frontage and the inherent problems with the layout, buildings of this general design and character could be acceptable in this context.

The tree assessment notes that approximately 17 individual trees and 6 groups of trees would be removed due to arboricultural reasons and approximately 9 individual trees and 11 groups of trees would be removed to allow the development to take place. It is unclear from the reports as to how many trees form each group but assuming there are a minimum of 2 trees forming each group, the proposal would see the removal of at least 60 trees.

Furthermore, it is also evident from the submissions that a number of trees would be removed from the frontage of the site. The application is accompanied by a tree survey and arboricultural impact assessment prepared by Treescene dated 13th August 2020. The assessment (based on the originally submitted layout) indicates that a significant number of trees would be removed as a result of the development, including a significant number within the southern half of the site, whilst indicating that a number of trees would be retained within the development. Out of the 9 individual trees being removed to allow the development to take place, 3 trees are categorised as category B (moderate quality) trees whilst the remaining are categorised as category C (low quality). Whilst category C quality are low quality, they nevertheless provide amenity value (particularly when in significant number) and the loss of the category B quality would be regrettable.

Firstly, the retention of the trees towards the eastern and western boundaries would be welcomed. However, there is significant concern with regard to the quantity of other trees that would be lost. Whilst a number of these trees are not recognised as being of particular consequence individually, cumulatively these trees are considered to make a significant contribution to the character of the conservation area, providing interest and a visual barrier between the road and the existing house. The submitted details indicate that the vast majority of the existing vegetation to the southern boundary would be removed and this would completely change the character of the site's frontage. Although a number of the other trees are individually characterised as being category C trees, these currently contribute significantly to the character of the Conservation Area in their groups and as a whole.

The tree assessment notes that approximately 35+ trees would be removed due to arboricultural reasons and approximately 30+ trees being removed to allow the development to take place.

The Bonvilston CAAMP notes the contribution that trees make to the Conservation Area, noting '*large plots, trees and high stone walls provide interest*' and in terms of general character, '*substantial stone walls and groups of mature trees are also important features, the heavy planting now seen in oblique views along the road having been encouraged by house owners to provide a visual barrier from the road*'. The 'negative factors' section of the CAAMP also specifically highlights the *need to protect and enhance the rural qualities of the conservation area, including the protection of trees*. It is evident therefore that collectively trees are a vital contributor to the wider character of the conservation area.

It is also considered that the introduction of large dwellings within such close proximity to those trees shown to be retained and garden areas largely falling beneath the canopy of trees, would likely result in pressure from future occupiers to undertake works to these trees. The loss of this many trees would be highly likely to have a significant biodiversity impact and development proposals should be designed to minimise the loss of trees as far as practicable, with compensation planting where appropriate. The application has been supported with a landscape mitigation strategy which indicates 22 new trees. These proposed trees would be largely within gardens and would take a significant time to mature and the planting would not adequately account for the trees that would be lost.

In summary, it is considered that individually and taken together the works to the significant front boundary wall, the loss of substantial areas of tree cover and the poorly conceived internal housing layout would have a detrimental impact upon the character of the site, and critically would fail to preserve the character of the Bonvilston Conservation Area. The development is therefore contrary to Policies SP10 (Build and Natural Environment) (criterion 1), MD2 (Design of New development) (criterion 1 and 2), MD5 (Development within Settlement Boundaries) (criteria 3 & 4) and MD8 (Historic Environment) (criterion 1) of the LDP, together with the guidance contained within the Bonvilston CAAMP, Paragraph 6.1.14 of PPW and Paragraphs 2.6 and 6.16 of TAN12.

Density

In terms of density, Policy MD5 requires new development to (inter alia) '*Make efficient use of land or buildings*'.

Policy MD6 'Housing Densities' of the Development Plan' requires that residential development proposals within Minor Rural Settlements such as Bonvilston should achieve

a minimum net density of 25 dwellings per hectare. This is to ensure the efficient use of land to meet identified housing needs and protecting land for future generations. It should also be noted since the adoption of the LDP, Future Wales has been adopted and that seeks increased densities.

Whilst such a density may not be possible in all instances where site constraints exist, it is evident that any proposal should still seek to make efficient use of land.

The application proposes 14 dwellings on a gross site of circa 0.9 hectares, resulting in a density of circa 15.5dph. The net developable area, discounting the area of dense and protected trees to the north-west of the site, results in a smaller developable area of circa 0.8 ha (resulting in 17.5 dph). On this basis, the proposals would develop the site in a manner which is significantly below that advocated by Policy MD6.

Policy MD6 does allow for lower density levels in certain instances, including where development of the prescribed densities may result in unacceptable impact upon character; where there are significant site constraints or mixed-use development where residential use is a subordinate element.

In this case, as noted above, there are fundamental concerns with the loss of trees and inevitably the retention of more trees would be likely to have an impact on the dwelling density. Consequently, if an acceptable scheme were to be designed in principle, a balance must be struck in this regard. While the Council can only assess the scheme before it, it is evident that the type and size of the dwellings proposed is a clear barrier to maximising the efficient use of the land. Whatever an 'acceptable developable area' is, the types of dwellings proposed would not enable efficient use of that area and even if it were accepted that 25 per hectare cannot be achieved, a more appropriate mix of smaller units would assist the density being as close to 25 per hectare as possible. In the current context of the climate and nature emergencies declared by the Council. It is imperative that land in sustainable locations, within settlements, is developed efficiently, to reduce the amount of greenfield land that may be required to meet housing targets going forward in the replacement Local Development Plan.

However, it is evident that the proposals, with the exception of plot 5, 6, 9, 10, 11-14 include dwellings of a significant size and scale within substantial plots.. As such notwithstanding the identified constraints, it is considered that although a degree of relaxation may be justified, the proposal still results in an inefficient use of the site.

Accordingly, the proposal is considered to be contrary to policy MD2 (Design of New development) (criterion 2), policy MD5 (Development within Settlement Boundaries) criterion 1 & policy MD6 (Housing Densities).

Impact on neighbours

Criterion 8 of Policy MD2 states 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.

The Residential & Householder Development SPG says that the windows of opposing habitable rooms should be at least 21 metres apart. To prevent harmful overlooking, the planning authority typically requires habitable-room windows to be at least 10 metres away from neighbours' back gardens.

The application site's boundary is formed by residential gardens to the north, east and west. The Red Lion Inn and its beer garden form part of the southern/eastern boundary.

Having considered the current layout, the proposal would meet the requirements of the SPG in respect of 21 metres from opposing first floor windows and 10 metres from neighbouring boundaries from first floor windows in most respects. However, the first floor furthestmost Juliet balcony within plot 2 would be set approximately 17 metres away from the opposing first floor window. Therefore, if the scheme were acceptable in all other respects, a condition would need to be imposed ensuring that these patio doors are non-opening and obscurely glazed to safeguard the neighbouring privacy/amenity, or officers would have negotiated a revision to this specific plot to address this concern.

It is noted that representations have requested additional screening toward neighbouring properties. However, notwithstanding the requirement of obscure glazing at plot 2, the windows and balconies would be at least 10.5 metres from neighbouring gardens and over 21 metres from opposing first floor window. As such, there would be no need for additional screening to satisfy the aims of the Council's policies and SPG. The proposed dwellings would be set sufficient distance from boundaries to not be considered overbearing and unneighbourly.

It is possible that existing residents would experience disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless, the Council's Pollution Control Officer has requested a condition to ensure working hours are restricted during any construction phase.

Therefore, the proposal could be considered acceptable in respect of impact on neighbours subject to conditions.

Impact on future residents

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

: Noise, vibration, odour nuisance and light pollution;

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

The application site is located adjacent to the A48 and the proposed dwellings would have residential gardens in close proximity to a public house and beer garden. The application is supported by a noise assessment, which has been considered against TAN 11 and suggests that the proposed noise levels could be acceptable subject to acoustic glazing.

The Council's Regulatory Services team have not commented on the noise assessment to date. Notwithstanding this, the noise report makes no reference to any noise associated with the public house that adjoins the site. The current layout seeks 6 residential gardens that would adjoin the beer garden. The owners of the public house have made representations stating that whilst they do not object to redevelopment of the site, they want to confirm that the site does hold events and does have a beer garden. They are concerned that should residential properties be constructed, noise from the site may cause concern for future residents.

This position is supported by paragraph 10 of TAN11 states:

Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Noise nuisance is a real concern given the orientation and size of the gardens to plots 5-6 and 9-12. Without the benefit of a noise assessment that fully assesses noise impact from the public house and beer garden adjoining the site, the amenities of future occupants could be harmfully affected by noise nuisance. Should the non-determination appeal not have been submitted, further noise assessments would have been requested to consider noise from the public house and any mitigation measures.

In the absence of this, the proposal has not demonstrated that noise impacts from the adjoining site have been reasonably considered or can be appropriately mitigated. The proposal is therefore considered to be contrary to policies MD2 (Design of New Development) criterion 8 and MD7 (Environmental Protection) criterion 4 of the LDP in this respect.

Ecology

Criterion 10 of Policy MD2 requires development to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscaping features and biodiversity interests.

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

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

Policy MG20 states that development proposals which are likely to affect protected species will only be permitted where it is demonstrated that the population range and

distribution of the species will not be adversely impacted; there is no suitable alternative to the proposed development; the benefits of the development clearly outweigh the adverse impacts on the protected species and appropriate avoidance, mitigation and compensation measures are provided.

Policy MD9 states that 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 an Ecological Assessment (EA) prepared by Celtic Ecology and Conservation Ltd dated May 2022 together with mitigation plans. The EA report concludes that the site is of a high ecological value in terms of bats and a moderate ecological value at a local level. It also recommends that site clearance should take into account reptiles and great crested newts within an appropriate method statement and that mitigation would be required.

NRW have considered the latest revision of the ecological assessment and the mitigation measures proposed. Whilst they have concerns in respect of the proposal, they have indicated that subject to conditions, the works could be acceptable. This would include the construction of a bat house to provide a compensatory roost and a condition for a scheme of lighting.

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

It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

The following points are noted in relation to the three tests for derogation.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

As noted above, the proposed development is considered to cause harm to the character of the conservation area. The report below details that the scheme no longer proposes an element of affordable housing. It is considered that the proposal fails planning policies in respect of design and other issues and consequently, there is not considered to be any imperative reason of overriding public interest why this development should proceed. Any benefits attributable to general housing provision or knock on benefits relating to the construction industry and not considered to be of overriding weight, or of such weight that they overcome the concerns listed above (and to follow later in this report). Consequently, the proposal would fail to meet Test i.

Test ii) - There is no satisfactory alternative

The existing dwelling is in a relatively poor state of repair. Works to result in basic repair may still likely impact on the protected species at the site, however, that would amount to a much smaller intervention than the demolition of the building.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

NRW have accepted the findings of the submitted survey work and mitigation measures proposed subject to conditions including that no works should commence until a licence has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to proceed. NRW have requested that an informative is attached to any planning permission granted for this proposal in respect of a European protected species (EPS) Licence.

Policy MD9 requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan.

The application has not been supported with an ecological enhancement strategy. The proposal includes the removal of approximately 60+ trees and replacement with approximately 22 trees. The Council's Biodiversity and Development SPG (2018) requires a 2:1 replacement tree planting scheme. This would in theory require upwards of 120 trees being provided on site, and that evidently cannot be accommodated. Notwithstanding this, should the development have been considered acceptable in all other respects, there may have been appropriate opportunity to negotiate on additional tree planting off site (to be included in a legal agreement), to ensure the proposal is not harmful to biodiversity. However, in the absence of this, the development does not make adequate provision for tree planting and this is both contrary to the Council's SPG and Policies MD2 and MD9 of the LDP, in respect of the loss of biodiversity and habitat to support it.

Therefore, the proposals fails to meet all three tests for a derogation in addition to providing satisfactory mitigation for the loss of tree on the site. The proposal would therefore be contrary to policies MD2 (Design of New Development) criterion 10 and MD9 (Promoting Biodiversity) criterion 1&2

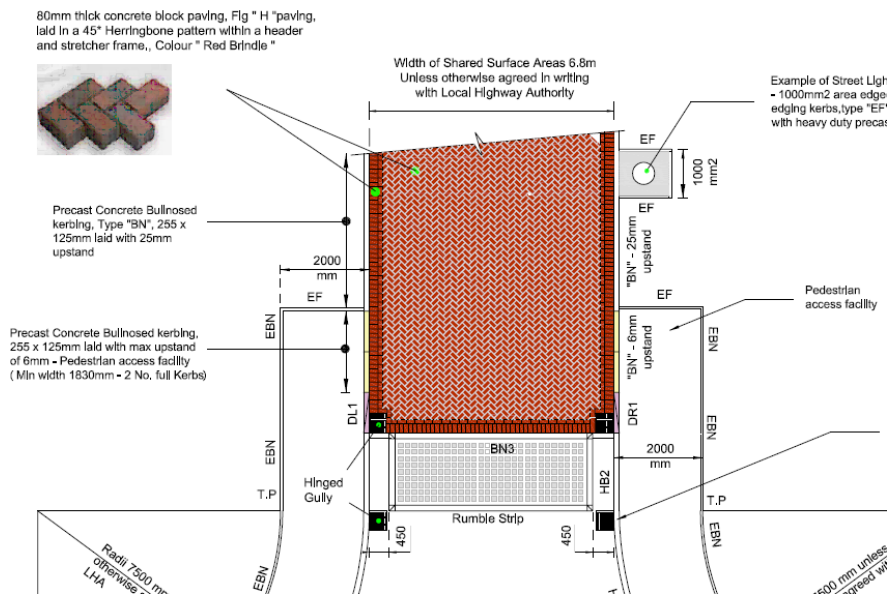
Parking and Highway Safety

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

The site would be accessed directly from the A48, a very highly trafficked classified A road, and as such any access must be built to a standard that preserves highway safety. The Council's Highway Officer has considered the latest set of plans and has raised an objection.

The objections can be summarised as:

- The kerb radii for the proposed new junction at the site entrance do not mirror one another and kerb radii of 8m on the right hand side and 4m on the left hand side are proposed. This is not in accordance with highway design criteria or standards and as such junction radii should match on both sides unless specific criteria such as deceleration lanes or merging tapers dictate otherwise.
- The 4m radius could present issues for vehicles turning into the site and could potentially cause safety issues along the A48 for vehicles having to slow down more abruptly to negotiate the tight radius. The A48 is a de-trunked A class road with AADT flows in excess of 15,000 vehicles and greater than 5% of flows are HGV's and the speed limit is 40mph. The swept paths provided indicate that a larger HGV would need to use all the available width of the proposed access road to enable entry which could cause conflict with vehicles exiting the site and vehicles turning into the development site from the West.
- Swept paths have not been provided for large HGV's accessing and leaving the site via the Westbound Carriageway therefore the suitability of the new junction for this direction of traffic cannot be justified.
- The layout of the proposed shared surface appears to show narrow footways (1m) proposed on either side of the block paved shared surface. These footways are not deemed of a suitable width to enable a safe space for vulnerable pedestrians and as such could enable pedestrians to walk in the narrower carriageway to the detriment of highway and pedestrian safety.
- The site proposes the narrowing of the A48 carriageway to accommodate a wider 2m footway fronting the development which would prevent the existing wall being taken down. The narrowing of this section of carriageway is not deemed to be taken along the A48 on the approach far enough in terms of the kerb alignment. This will create a sharp narrowing rather than a gradual one over a longer distance which could potentially be detrimental to highway safety and possibly detrimental to cyclist safety.
- Entry onto and off the shared surface is not in accordance with our standards as shown in the below detail. As a result, this area could potentially be an impact/conflict zone.



Noting these comments, in order to satisfy the highway concerns, ultimately the proposals would require further widening and standardisation of both sides of the access to enable an appropriate radii to be created. Given that this would result in the loss of even more of the wall, this is not likely to be acceptable in the context of this proposal for conservation area reasons. Any amendment would also need to overcome each of the reasons above, but in particular the concerns regarding the narrowing of the carriageway.

Consequently, it is considered that the proposed site access would adversely impact upon the free flow of traffic and highway safety, contrary to criterion 5 & 6 of Policy MD2 (Design of New Development) of the LDP as it would not provide a safe and accessible environment for all users of the site whilst also having an adverse impact on highway safety.

Planning Obligations

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- Affordable Housing; (6 units on site)
- Education; (**£109,743.**)
- Public Open Space; £34,684
- Sustainable Transport; £29,900
- Public Art. (1% project build cost).

The Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs) provides the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car. The applicant would be required to pay a contribution of £29,900 which accords with the rationale set out in the Council's SPG. This money could be spent on improving access for pedestrian and cyclists to and from the site and to improve access to shops and services etc.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that decisions should take account of social considerations relevant to land use issues, of which education provision is one. LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in Policy MD4.

Based on the information submitted the scheme will not be a 100% affordable housing scheme and it is being brought forward by a private developer, consequently the affordable housing exemption contained within the Planning Obligations SPG would not apply to the proposal. However, the proposal does include 2x 1 bed apartments. The Planning Obligation SPG excludes 1 bedroom units from the financial contribution calculations as they are considered unlikely to result in pupil yield due to the nature of the residential unit. Furthermore, the site accommodates an existing dwelling this means the net number of residential units being delivered on the site is 11. Consequently, 11 residential units will be considered in the calculations for the Education contribution arising from the development.

The 11 units available for S106 purposes, would generate the following pupil requirements:

- 11 units x 0.1 = 1 Nursery place.
- 11 units x 0.278 = 3 Primary places.
- 11 units x 0.208 = 2 Secondary places for ages 11-16.
- 11 units x 0.04 = 0 Secondary place for post 16 year olds.

There is no nursery provision within the local area. St Nicholas CiW Primary School has received planning consent to be redeveloped to include nursery provision which would serve the development. The proposal would provide 24 part time nursery places. As there is no existing capacity for nursery provision the Council would seek S106 contributions for 1 nursery age pupil at a cost of £18,249 per pupil totalling £18,249 to contribute towards the planned nursery provision in the area.

Regarding Primary provision, the development would be served by Ysgol Iolo Morganwg for Welsh medium (48%), St Nicholas C/W Primary and St Helen's R/C Primary Schools for denominational (48%) and Ysgol Y Deri for ALN (4%).

Based on the current capacity at the schools there is no projected capacity for Welsh Medium, Denominational or ALN schools. Consequently, the Council would seek S106 contributions for 3 primary age children in total, 1 (48%) for denominational, 1 (48%) for Welsh Medium and 1 (4%) for ALN, at a cost of £18,249 per pupil totalling £54,747.

Based on current capacity within the schools there no projected surplus capacity to accommodate the pupil yield from the development over the next 5 years. The Council would seek S106 contributions for 2 pupils aged 11 – 16 at a cost of £27,498 per pupil totalling £54,996. No contributions would be required for post 16 pupils. The total secondary contribution required would be £54,996.

Affordable Housing

LDP Policy MG4 requires residential developments to contribute to meeting the affordable housing need. There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units are required each year to meet housing need in the area.

Members will not that the site falls within the new Llancafarn and St. Nicholas Ward and formerly was within the Wenvoe Ward. However, there is no data available from within this Ward and those prospective tenants who have previously selected one of these 3 wards from which the new ward was formed, have now been given an opportunity to amend their first area of choice, so potentially all could select the new ward, however this is not yet known.

On the basis of the above, the need is further evidenced by the following figures from the Council's Homes4U waiting list in the Ward of Wenvoe, Peterston Super Ely and Rhooose:

	WENVOE	RHOOSE	PETERSTON SUPER ELY	%
1 bed	54	99	17	46
2 bed	48	62	20	35
3 bed	20	27	4	14
4 bed	7	4	3	4
5 BED	0	0	0	0
6 BED	0	2	0	1
	129	194	44	

The adopted Affordable Housing SPG sets out how affordable housing is calculated. The proposed development is within the minor rural settlement of 'Bonvilston' and as such 40% affordable housing would be requested on residential developments with a net gain of 1 or more.

This application is for 14 residential units, however given the existing dwelling at the site, the proposal will result in a net gain of 13 dwellings on the site. In line with the 40% Affordable Housing requirement of the SPG, the development would require 6 affordable

units to be provided on site (5.2 rounded up). Of the six units on site five would be social rented and one intermediate to comply with policy regarding tenure mix.

Public Open Space

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Residential developments are expected to make provision for Public Open Space and / or recreational facilities to meet the needs of the future population they will bring to the area, in accordance LDP Policy MD3 and MD4. The Council's adopted Planning Obligations SPG states that 55.68m² should be provided per dwelling. It is unclear from the submissions how useable the areas of landscaping would be within the submission and whether this would accord with this requirement, plus noting also that this is not included within the suggested developable area.

Policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

9. Provide public open space, private amenity space and car parking in accordance with the council's standards;

Where it is impractical to provide public open space on site, the Council requires a financial contribution to provide and/or enhance off-site public open space and recreational facilities in the vicinity of the development site, to meet the need not catered for on-site. In this regard, the Council would request a contribution of £34,684 (£2,668 per additional dwelling) if the provision cannot be adequately met on-site. This could be used to provide upgrades within the public open spaces within the immediate vicinity of the site.

According to the Councils Open Space Background Paper there is a no outdoor sports provision in Bonvilston and an under provision in children's open space provision. The site could theoretically be developed in a manner that could allow some meaningful POS to the north west of the site where there would be a tree buffer and there does not appear to be a reason why this could not be provided in principle on this site.

The Councils Open Space Background Paper notes an under provision of Children's Play Space. The application would therefore be contrary to Policies MD2 (Design of New Development) Criterion 9, MD3 (Provision of Open Space) & and Planning Policy Wales (Paragraph 3.3 and 3.8).

Public Art

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard.

Development Viability

The layout currently being considered was initially submitted on the basis that plots 1-8 would market dwellings and plots 9-14 would be smaller affordable units. Notwithstanding the length of time that the application has been under assessment and negotiation, in June 2022 the applicant submitted a viability assessment suggesting that that the site would not be viable to provide any affordable housing or s106 contributions and requested the application be determined at the next available planning committee.

The applicant's submission suggests that providing the on-site affordable housing and S106 contributions, the scheme would produce a 5.84% loss relative to the Gross Development Value (GDV). Whereas the removal of the need for contributions and affordable housing would produce a 7.92% profit on the GDV. The viability assessment has been reviewed and the consultant reviewing the work has not fundamentally disagreed (rather the review suggested viability would be poorer than the applicant's work suggests - in the region of 4-5% profit without contributions or affordable housing provision).

Having considered the viability submission further, it has become apparent that the applicant has submitted a viability assessment that does not consider education and sustainable transport contributions nor has it correctly considered the level of affordable housing. It is clear that had the correct S106 requirements sought from the LPA been factored in to the viability assessment, the viability would be further affected adversely.

As context to this, while the findings of the review are noted, it appears relatively unusual that the development of the site would be considered by the developer where profit may be in the region of 4-5%, given generally accepted industry standards regarding the level of profit that would be needed to incentivise a developer. While it be the case that slightly lower profit levels may be attractive where there is relatively low risk (relative absence of abnormalities, etc) that would still very likely need to be significantly higher than 4-5%.

In such circumstances, the LPA must consider whether the development is acceptable without the planning obligations and affordable housing (notwithstanding the other concerns/objections to the development explained above). In this case the development would fail to deliver any affordable housing or financial contributions to support improvements to infrastructure to mitigate the impacts of the development. The Council must also consider if there are other reasons which outweigh this and justify the development. As noted above, there is some weight to be afforded to market housing provision and the related economic benefits of construction. However, those benefits are considered to be decisively outweighed by the harm identified above in respect of impact on the conservation area, highway safety and biodiversity. It is similarly considered that these benefits do not outweigh the failure to provide critically needed affordable housing, for which there is universal policy support at local and national levels. In some cases it may be the case that planning permission can be justified without certain planning obligations, if the circumstances of the case merit it. For example, a strategic housing allocation that is critical to the delivery of the LDP Strategy, and where failure to deliver that site may have an adverse impact on strategic delivery. That is not the case here and while this windfall development would contribute towards housing supply, it's delivery is not considered so important that it should be permitted without mitigating it's infrastructure impacts In particular and in addition to not satisfying affordable housing policy, it would mean additional pressure for places in the local relevant schools without the means to provide that capacity. There is not considered to be any other fundamental reason why the development of the site is 'necessary' in planning terms.

Consequently, it is considered that even in a context where financial obligations are not viable, that does not infer that the development is acceptable. To the contrary, it is considered that the development would fail to adequately mitigate its impacts and its delivery is therefore not acceptable in planning terms. In this respect the development is contrary to Policies MG4 and MD4 of the LDP and the Council's SPG on Affordable Housing and Planning Obligations, and Planning Policy Wales and TAN 2- Planning and Affordable Housing.

Drainage

Policy MD7 - Environmental Protection requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The application has been supported with a flood risk assessment and drainage strategy that suggest that initial ground investigations have indicated that soakaways may not be appropriate. The report suggests further investigative measures would need to be undertaken. However no further details have been provided. Notwithstanding this, any 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), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to the SAB process in terms of surface water.

The application form states that the foul sewage would be disposed of via the public sewer. Dwr Cymru Welsh Water have confirmed capacity and raised no objection to this. However, they have requested further details of the drainage connection, and a condition to ensure no surface water is connected. Furthermore, they have confirmed that a public sewer crosses the site, and that no construction can take place 3 metres either side.

It is considered that at this position in time, the proposed development would comply with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk. On the basis of the above, the applicant would need to be advised of the need to submit an application to the SuDS Approval Body (SAB) by way of an informative.

Contamination

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

- : Land contamination
- : Hazardous substances

: Noise, vibration, odour nuisance and light pollution;

The Councils Contaminated Land Officer has not raised an objection to the proposal but has requested standard conditions in respect of contaminated land assessment, imported soil and unstable land.

RECOMMENDATION

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal for the reasons set out below:

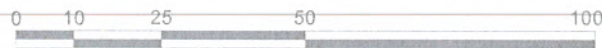
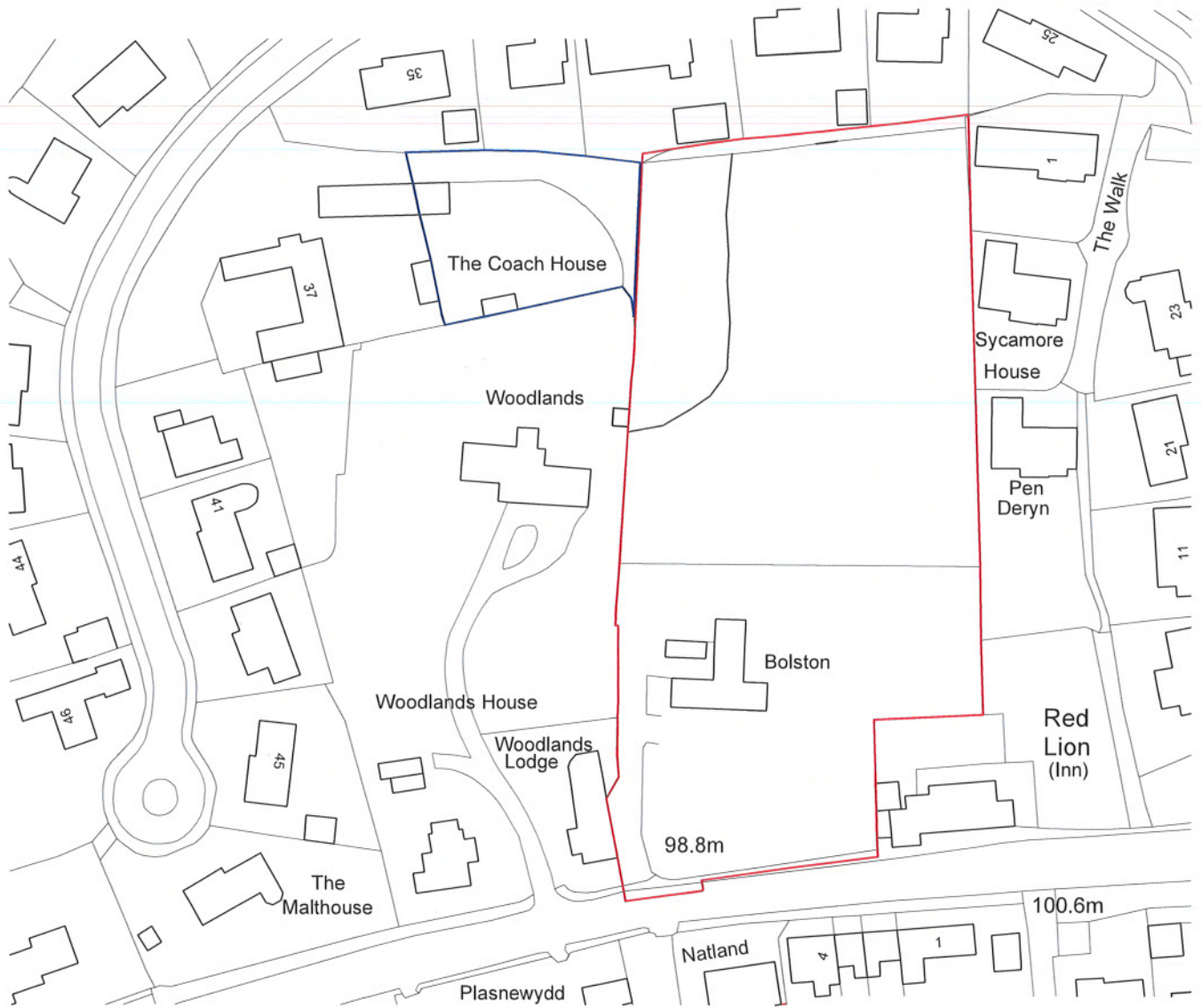
REFUSE (W.R.)

1. By reason of the loss of a large proportion of a Significant Stone Wall, the loss of substantial amounts of tree cover and the suburban and insensitively designed/orientated internal site layout, the proposed development would fail to have regard to and would fail to preserve the character of the the Bonsilton Conservation Area, contrary to policies SP10 - Built and Natural Environment, MD2 - Design of New Development, MD5- Development within Settlement Boundaries and MD8 – Historic Environment of the Vale of Glamorgan Local Development Plan 2011 - 2026 and the Bonvilston Conservation Area Appraisal and Management Plan and national guidance contained in Planning Policy Wales (Edition 11) and Technical Advice Note 12 - Design.
2. By reason of the size of the dwellings and plots, the proposed layout fails to make necessary, efficient use of the land, contrary to policy MD5 - Development within Settlement Boundaries & MD6 - Housing Densities of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.
3. By reason of the geometry and radii of the access, and the design of works to the carriageway/footway, the proposal would result in a substandard form of access into and out of the site, which would adversely impact upon highway safety. The proposal is therefore considered contrary to Policies MD2 (Design Of New Development) & MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.
4. In the absence of a noise assessment that considers potential noise nuisance from the Red Lion Inn and its garden, the proposal fails to provide adequate information to assess the impact of noise or demonstrate that the proposal would not be prejudicial to the amenity and living conditions of future residents at the site. In this respect the development is contrary to Policies MD2 (Design of Development) & MD7 (Environment Protection) of the Vale of Glamorgan Local Development Plan 2011-2026.
5. The proposal fails to satisfy the tests to justify a derogation for protected species and would result in inadequately mitigated loss of trees that would harm the biodiversity interests of the site. Therefore, the development is considered contrary to Policies MD2- Design of New Developments & MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the guidance contained within the Councils Biodiversity and Development Supplementary Planning Guidance.

6. The proposal fails to provide any affordable housing or the infrastructure necessary to mitigate the impacts of the development in respect of public open space, education and sustainable transport. In this respect the development is contrary to Policies MG4 and MD4 of the LDP and the Council's SPG on Affordable Housing and Planning Obligations, and Planning Policy Wales and TAN 2- Planning and Affordable Housing.



2021/00423/FUL



C. W. ARCHITECTS Ltd
Grosvenor House, 8 Park Grove, Cardiff CF10 3BN
Tel : +44 (0)2920 223123 Fax : +44 (0)2920 388367 E-Mail office@cwanarchitects.co.uk

Project Name :	Bolston House, Bonvilston
Project Ref :	SP612

Drawing Title :	Site Location Plan	Scale :
Drawing Number :	P100	1:1250 @ A4

Revision:	PLANNING	Drawn by: rb	Date: Mar 2021
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2021/00424/CAC Received on 6 December 2021

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr Luke Grattarola, Geraint John Planning Ltd, Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee as the applicant has appealed to Planning and Environment Decisions Wales (PEDW) in respect of the non-determination of this application. The PEDW has confirmed that this appeal is valid and, as such, started the appeal on 15th August, 2022.

The report sets out the policy background and issues relating to the proposed scheme and will make a recommendation in respect of the Council's stance in the forthcoming appeal.

EXECUTIVE SUMMARY

The site relates to the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The application sits within the Bonvilston Conservation Area.

The proposal is for the demolition of existing dwelling and part of the boundary wall adjacent to the A48. This CAC application has been submitted in conjunction with planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and redevelopment of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The applicant has appealed non determination of the application. Therefore, this stance report assesses the application based on the plans and information currently under consideration. It is concluded that the proposal fails to preserve or enhance the character of the Bonvilston Conservation Area.

Therefore, this stance report makes a recommendation that the application would have been refused should an appeal for non-determination not have been submitted.

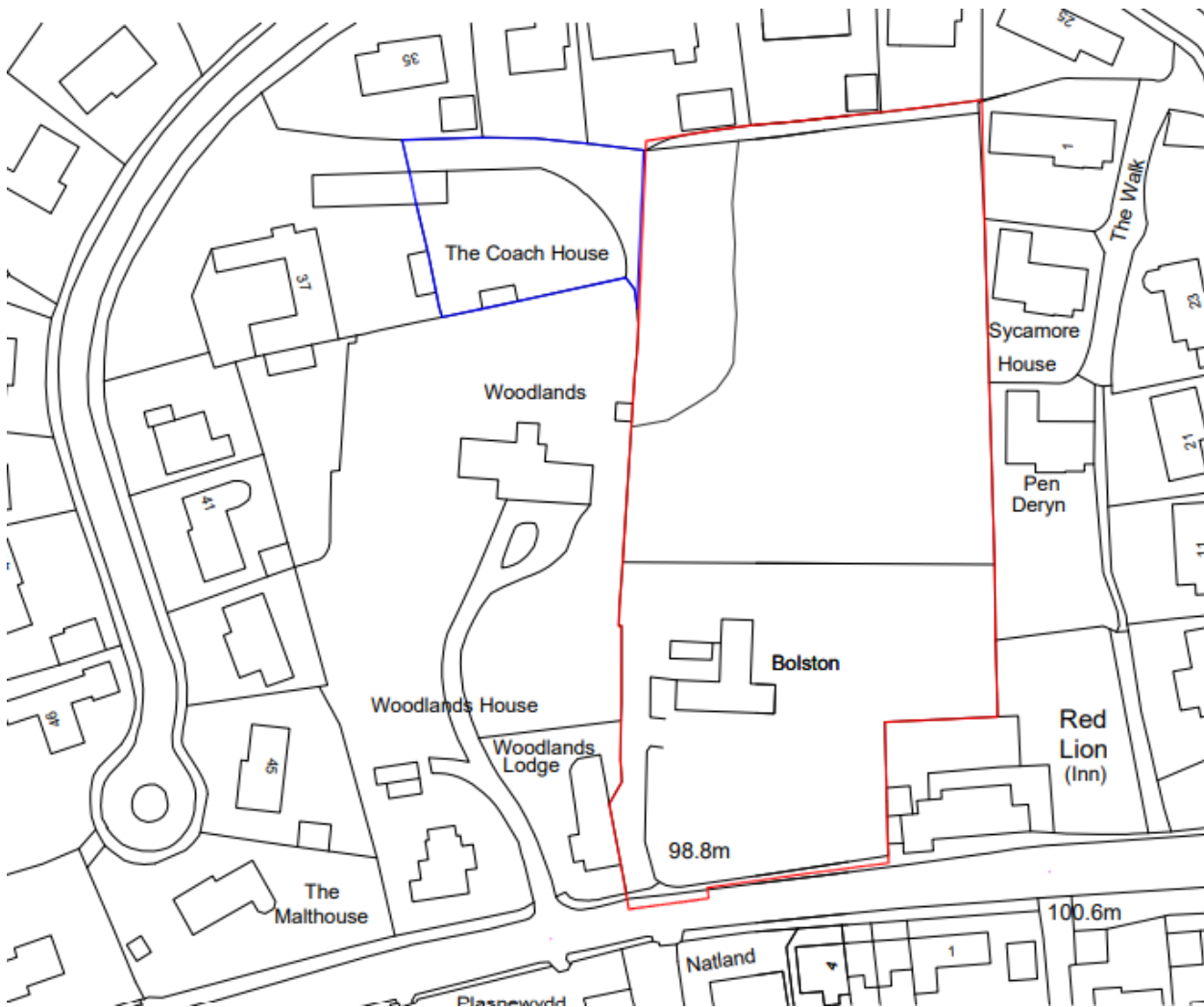
SITE AND CONTEXT

The site relates to the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The dwelling itself appears to have been vacant for some time. The property benefits from a single vehicular access from the A48 running to the south of the site and is enclosed along this elevation by a 3-metre-high stone wall. The application sits within the Bonvilston Conservation Area and there is also an archaeological record on the site relating to a Supermarine Spitfire N3221 crash site.

There are a number of mature trees including a number that are covered by tree preservation orders including 2 sycamores to the north-western boundary (035-1973-08-A06) and 2 further sycamores to the eastern boundary (035-1973-08-G05).

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



DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of existing dwelling and part of the boundary wall adjacent to the A48. This CAC application has been submitted in conjunction with planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end.

The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

Extract of photos of the existing dwelling and boundary wall and the proposed layout can be viewed below:



PHOTO OF EXISTING DWELLING



PHOTO OF EXISTING DWELLING



PHOTO OF EXISTING DWELLING



PHOTO OF BOUNDARY WALL



PHOTO OF BOUNDARY WALL



PROPOSED SITE LAYOUT

PLANNING HISTORY

1978/01926/FUL, Address: Bolston, Bonvilston, Proposal: Double Private Garage, Decision: Approved.

2010/01289/TCA, Address: Bolston House, Bonvilston, Proposal: Felling of Lawson cypress on boundaries, Decision: Approved.

2014/00491/TPO, Address: Bolston, Bonvilston, Proposal: Fell one Sycamore in rear paddock, Decision: Approved.

2021/00423/FUL, Address: Land at Bolston House, Bonvilston, Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works, Decision: Being considered concurrently with this application

2022/00238/TCA, Address: Land at Bolston House, Bonvilston, Proposal: Work to trees in Bonvilston Conservation Area: Proposed felling of 3 Lawson Cypress in front garden area on boundary with Red Lion Public House. Decision: Approved.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council object to the proposals by virtue of loss of Bolston House – on grounds of heritage and sustainability • and Access onto the A48 – particularly in relation to the 40mph speed limit.

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

The Councils Conservation Officer was consulted with regards to the application and a response states that the loss of this part of the wall will not, in his view, preserve or enhance the character or appearance of the conservation area. Without an acceptable replacement scheme there is not any overriding public benefits that will overcome this harm.

REPRESENTATIONS

The neighbouring properties were consulted on 8 April 2021 and 04 July 2022. A site notice was also displayed on 12 April 2021 & 05 January 2022. The application was also advertised in the press on 16 April 2021. To date 1 letter of representation has been received raising safety concerns in respect of traffic.

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. The following chapters and policies are of relevance in the assessment of this planning application:

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
- Previously Developed Land

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity.

Chapter 4 - Active and Social Places

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

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)

The following extracts are considered to be 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.

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)

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.”

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.”

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

1.23 Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains²¹, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.

1.29 The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.

6.13 “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.”

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:

- Bonvilston 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

The main issue to assess with regards to this application is the potential impacts to the character and appearance of the Bonvilston Conservation Area.

Policy SP10 of the Council's LDP states that development proposals "must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including the architectural and / or historic qualities of buildings or conservation areas". Similarly, policy MD8 states that:

- 1) Within conservation areas, development proposals must preserve or enhance the character or appearance of the area

The development must also comply with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. This requires the character of the conservation area to be protected and ensure the proposed development does not negatively impact this.

This is an application for conservation area consent (CAC) for the demolition of the existing dwelling known as Bolston House and part demolition of the front boundary wall.

This CAC application has been submitted in conjunction with a detailed planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and part of the front boundary wall and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats. 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

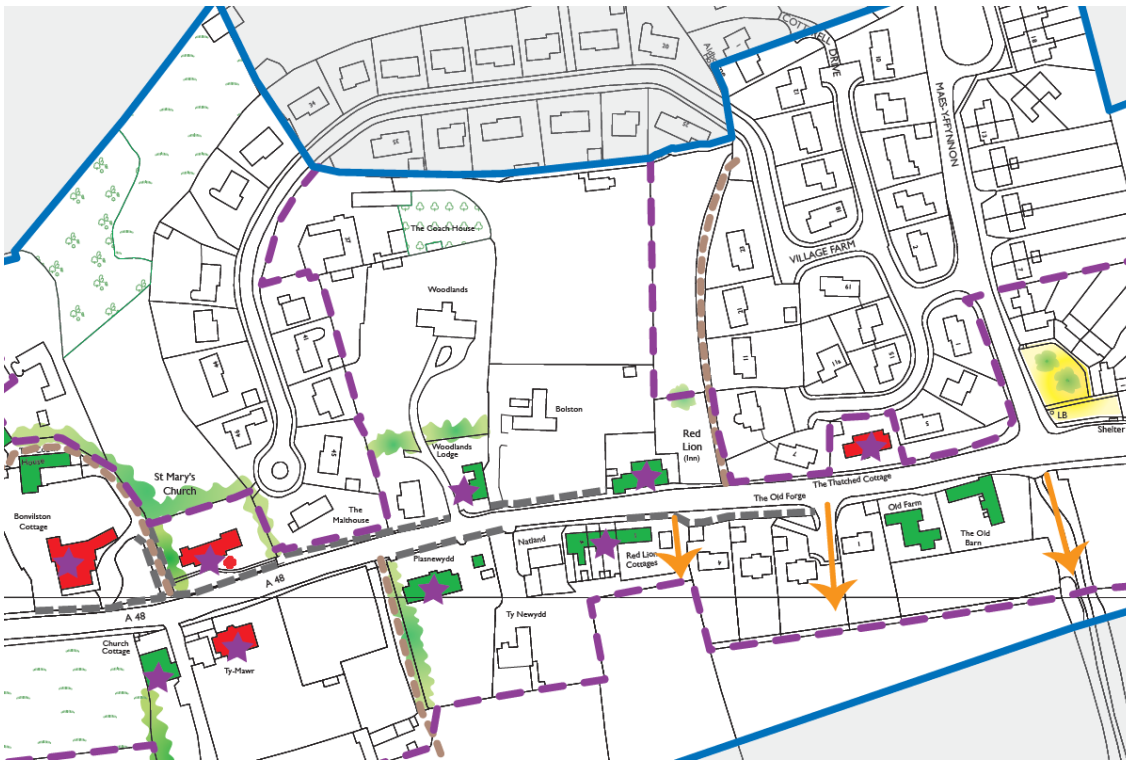
criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be 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.”

The existing dwelling is not identified in the CAAMP as making a positive contribution and it is not historically significant. It is considered that the existing dwelling does not make a positive contribution to the character or appearance of the conservation area. However on the basis that there is not an acceptable scheme to redevelop the site as detailed under planning application ref. 2021/00423/FUL for the replacement dwelling, there is an objection to the demolition of the house.

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

Having regard to the guidance contained within policy MD8 ‘Historic Environment’, PPW within the Council’s adopted Bonvilston Conservation Area Appraisal and Management Plan, there is significant concern with regard to development that would require substantial works to this wall.

The wall itself is identified as a ‘significant stone wall’ within the Townscape Appraisal Map within the CAAMP (see below). Within the CAAMP there are a number of references to the importance of substantial stone walls indicating that ‘*Roadside walls built from the same grey limestone rubble blocks of varying sizes are a prominent feature of the Conservation Area and help to maintain a historic character to the village centre.*’ Indeed, the protection of existing front boundary walls is specifically listed within the issues section of the CAAMP and as such there is a general presumption against works to these walls.



Extract from CAAMP

The provision of a vehicular access and removal of the wall would fundamentally and harmfully alter the character of the frontage, in terms of the loss such a large amount of the fabric of the wall. The wall is considered to contribute significantly and positively to the character of the conservation area, and the loss of this large proportion of it would fail to preserve the character of the area.

The Council's Conservation officer has objected to the loss of the wall and notes that the proposed development will, in his view, result in the loss of historic fabric and create a suburban highway layout which will result in harm being caused to the character and appearance of the conservation area. This is contrary to Section 72(1) of the Act.

Considering the above, the proposed works are deemed to have an unacceptable impact to the character of the conservation area and would result in the unwarranted loss of heritage assets from the site as well. The proposal fails to comply with criterion 1 of SP10 and criterion 1 and 3 of Policy MD8, in addition to paragraphs 2.6 and 6.16 of TAN 12, paragraph 1.29 & 6.13 of TAN24, the aims and objectives of the Bonvilston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

REFUSE

1. The loss of part of the historical stone boundary wall would be damaging to the intrinsic character of the site and the conservation area. The proposal would therefore fail to preserve or enhance the character of the Conservation Area and would be in conflict with Policies SP10 and MD8 of the Adopted Local Development Plan, in addition to TANs 12 and 24, the aims and objectives of the Bonvilston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

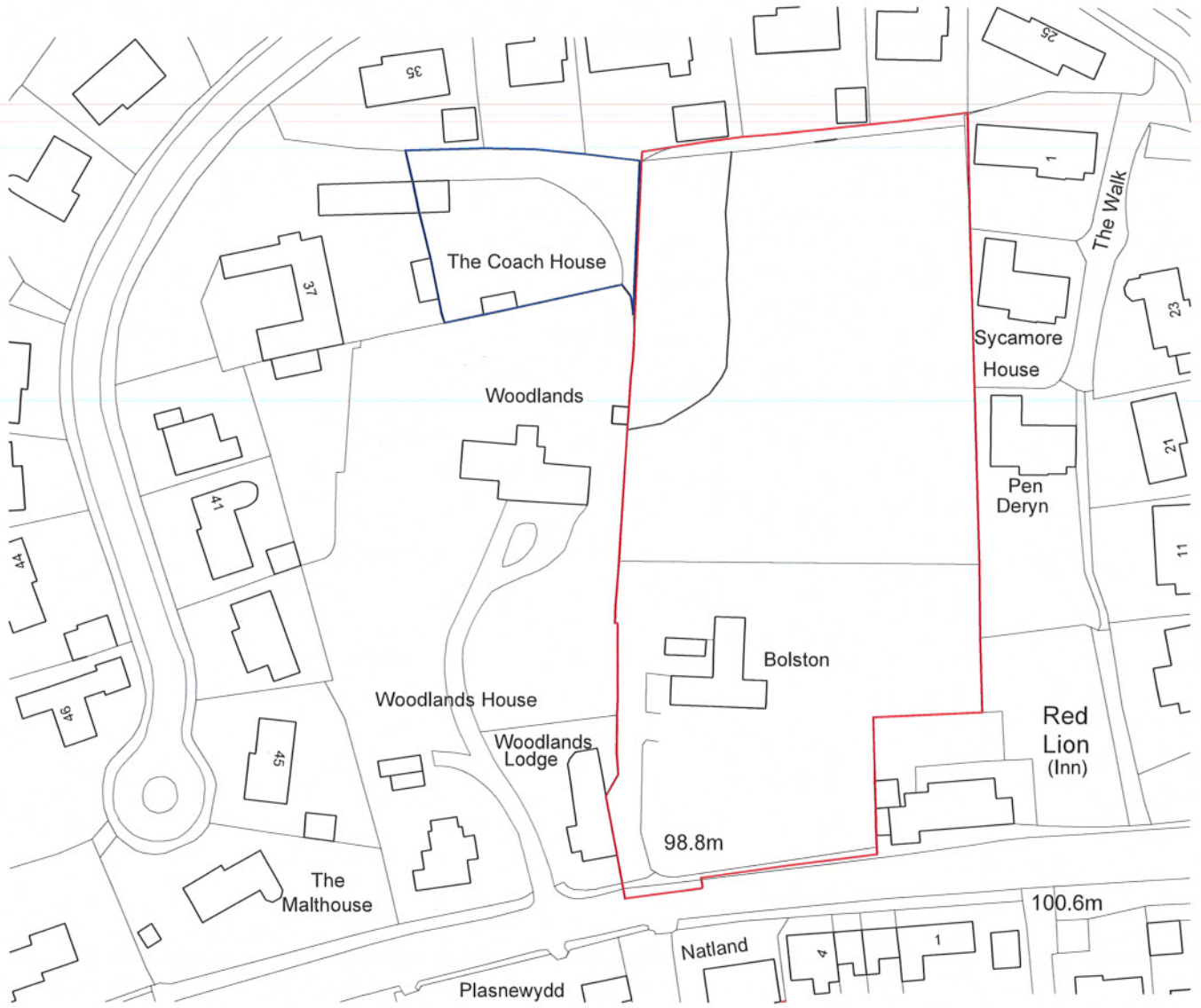
REASON FOR RECOMMENDATION

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal for the reason set out below:

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.



2021/00424/CAC



C. W. ARCHITECTS Ltd
Grosvenor House, 8 Park Grove, Cardiff CF10 3BN
Tel : +44 (0)2920 223123 Fax : +44 (0)2920 388367 E-Mail office@cwarchitects.co.uk

Project Name :	Bolston House, Bonvilston		
Project Ref :	SP612		
Drawing Title :	Site Location Plan	Scale :	
Drawing Number :	P100	1:1250 @ A4	
Revision:	PLANNING	Drawn by: rb	Date: Mar 2021

2021/01379/FUL Received on 23 September 2021

APPLICANT: Mr C Holder Earthmovers House, Llantrisant Business Park, Llantrisant, CF72 8LF

AGENT: Mr R Hunt 20a The Wharfage, Ironbridge, Telford, Swadlincote, TF8 7NH

The Quarries, Bonvilston

The winning and working of limestone, importation / recovery of inert waste and restoration to agriculture/amenity

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 former Cllr G Kemp due to high public interest.

EXECUTIVE SUMMARY

The site relates to the active carboniferous limestone quarries off Pant-y-Ffynon Lane, south of the A48 near Bonvilston. The quarries are intersected by a highway and cover a combined area of approx. 8.8.ha. Mineral extraction is presently taking place on the southern side and the processing plant and offices are situated on the north side.

The proposal has three main constituent parts which are new extraction in the northern quarry for the winning and working of limestone, the establishment of a construction and demolition waste recycling and processing facility (in the southern quarry), and site restoration through the infilling of northern quarry void with inert waste material. The proposals also include the establishment of a new access to the northern quarry and enabling works to the highway at Pant-y-Ffynon Lane, as well as the continued working of the reserves in the southern quarry.

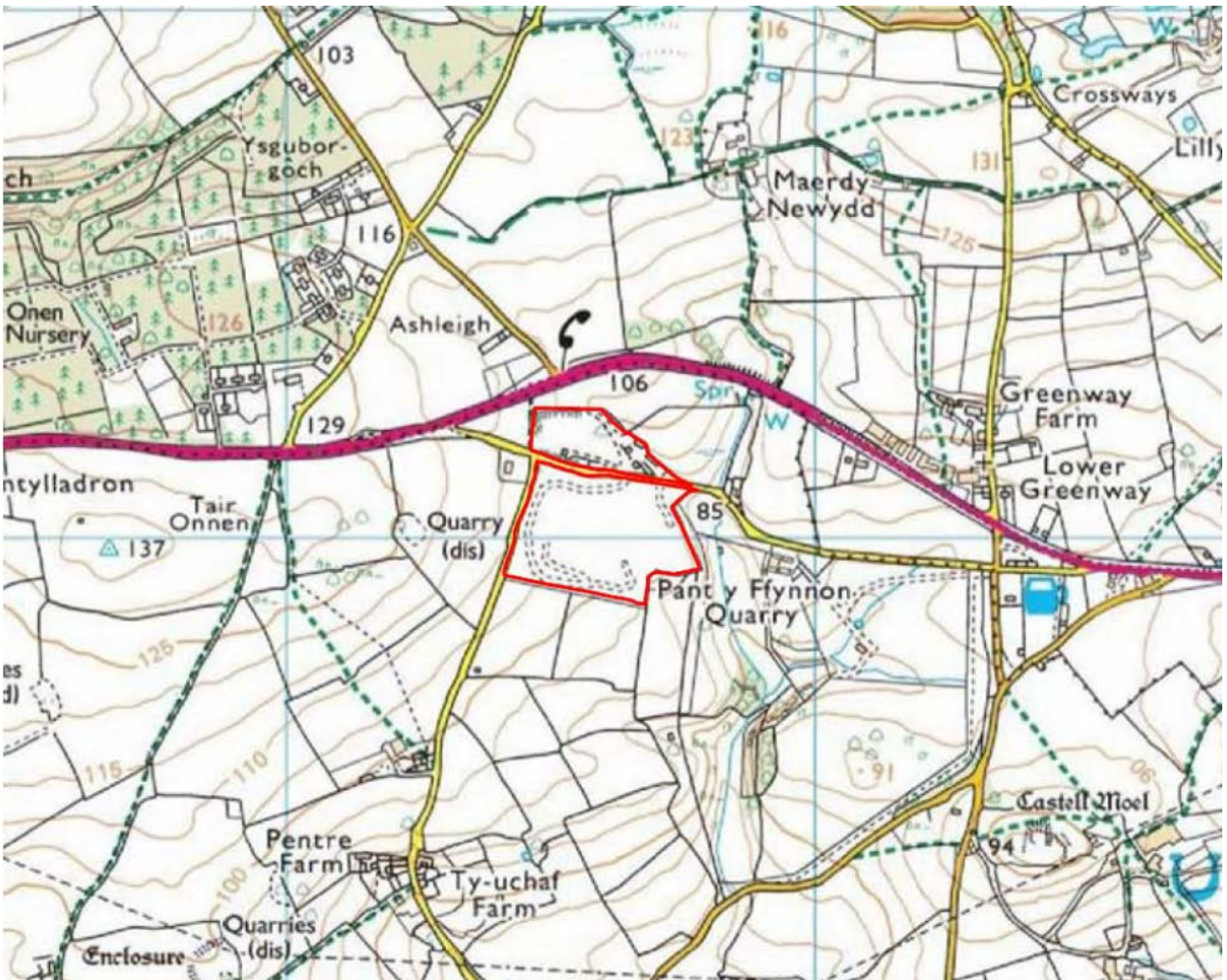
Fourteen representations have been received and a more detailed summary of the consultation results is included within the main body of this report. The main areas of concern, raised by several parties, relate to traffic congestion and highway safety, neighbouring impacts (inc. noise, vibration, and dust), flood risk, contamination, and a lack of justification in its favour. St Donats Community Council objected and Llancarfan Community Council raised concerns on similar grounds. Former Cllr G Kemp stated that there was considerable local concern and called the application in to Planning Committee.

Having considered the above, and having appraised the principle of development, ecological, hydrological, neighbouring, and highways impacts (among others) it is considered that the proposed additional extraction is acceptable, however the recycling operation in tandem with the infilling of the quarry void was unjustified and unacceptable due to waste policy conflict, uncertainties regarding its delivery and completion, and the protracted environmental impacts of the infilling operation which would go well beyond the useful life of the quarry. Insufficient ecological information has also been submitted due to the absence of a bat survey. The application is recommended for REFUSAL.

SITE AND CONTEXT

The site relates to the active carboniferous limestone quarries off Pant-y-Ffynon Lane, south of the A48 near Bonvilston. The quarry is split between two parts, one north (“The North Quarry”) and the other south (“The South Quarry”) of the intersecting highway and covers a combined area of approx. 8.8.ha. Mineral extraction is taking place in The South Quarry and the processing plant and offices are in The North Quarry.

The site area is shown below:



The South Quarry borders on to the grade II* registered Llantrithyd Place Historic Park and Garden.

DESCRIPTION OF DEVELOPMENT

Background

Mineral extraction is long established at the site and is understood to predate the planning system. The site has been the subject of planning permissions and associated mineral review applications which govern the present day site activity. The site is split between planning ref: 1997/01084/FUL (“The 1998 Permission”) and ref: 2009/00814/ENV (“The 2009 Permission”). The 1998 Permission requires the discontinuance of operations by 31st December 2025, whereas The 2009 Permission requires discontinuance of

operations by 21st February 2042. The 2009 permission currently prohibits extraction in The North Quarry (Condition 6 refers) and the extent of the application site is shown in the planning history section below.

The current planning situation is shown on plan M20.114.D.002 and the current site situation on plan M20.114.D.005 (extract below):



The proposal would consolidate the existing consents under a single planning application.

Proposals

The proposal has three main constituent parts referred to as phases 1, 2 and 3 in the application documents, as described below. The main components are:

- Working out of the current reserve in the South Quarry
- Additional extraction in The North Quarry for the winning and working of limestone
- Establishment of a recycling and processing facility for construction and demolition waste.
- Site restoration through the infilling of The North Quarry void with the residual inert waste material arising from the recycling operation.

- Establishment of a new vehicular access to The North Quarry and enabling works to the highway at Pant-y-Ffynnon Lane.

The working hours are proposed to be in line with The 2009 Permission - which are 7am and 7pm on Mondays to Fridays and 7am to 1pm on Saturdays.

Preliminaries

The preliminary works proposed relate to the closure of the existing access into the North Quarry, opening of a new site access, and improvement to the junction of Pant-y-Ffynnon Lane with the A48. The works include provision of a pair of passing bays on Pant-y-Ffynnon Lane for HGVs. The remaining reserve in The South Quarry would continue to be worked and processed in The North Quarry, while the existing fixed plant would be removed, and a mobile concrete batching plant provided in its place.

These works are shown on plan M20.114.d.006.

Phase 1

Initially, a new access ramp would be created to allow the rock reserve to be accessed, alongside the installation of a weighbridge and reception building at the entrance to the South Quarry. The processing would remain at The North Quarry using mobile plant initially, before transferring to the South Quarry as the reserve there was worked out. The additional extraction in The North Quarry would deepen it from 89m AOD to 61m AOD through drill and blast. It is proposed to increase the upper output limit of the quarry from the present 250,000 tonnes per annum, to 300,000 tonnes per annum, as part of this process.

In addition to the above, a recycling facility would also be established in The South Quarry. This facility would be used for the processing of onsite waste materials and the processing and compacting of up to 300,000 tonnes of imported inert material per annum. It is intended that inert waste be imported at a maximum rate of 75 loads per day. The material would ostensibly be processed into 80% recyclable material, with the remaining 20% initially stockpiled nearby in The South Quarry. It is approximated that at full capacity the volume of waste retained on site would be 46,800 cubic meters per annum.

The applicant/ site operator is understood to have an extensive background in construction and demolition industry and the proposed import waste type is inert waste (i.e. will not change physically or chemically) but may include soils and soil-making material. Whilst most of the imported material would be concrete and brick, it may include clays and stone that are not suitable for bulk fill or sub-base uses. The exact location of where the recycled product would be used is not specified but, the application documents state it would be "well within the source distance of 50 miles".

These works are shown on plan M20.114.d.007.

Phase 2

Phase 2 would see further mineral extraction at The North Quarry, benched down to a new level of 54m AOD upon completion. The mobile concrete batching plant would be removed at this point, with the recycling facility continuing to operate in The South Quarry. It is

anticipated that the quarrying activity in The North Quarry would be complete within four years of commencement.

These works are shown on plan M20.114.d.008.

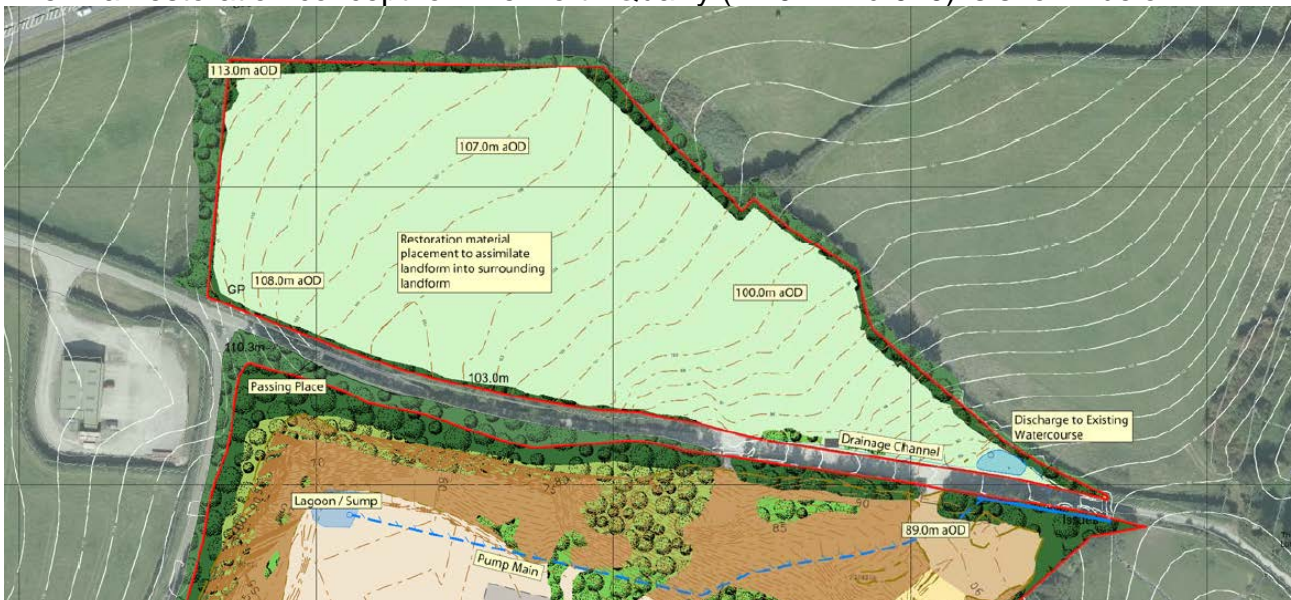
Phase 3

The third phase is to begin infilling The North Quarry void using the residual non-recyclable material from the recycling operations to infill the void. It is proposed that surface water is collected at the base of the quarry during infilling and pumped into a settlement pond, before being discharged at Greenfield rates.

The North Quarry is proposed to finally be restored to agriculture/ amenity and assimilate to surrounding site levels of 100 – 108 AOD. The infilling of the quarry void is calculated to require 712,000 cubic meters, taking a minimum of 15 years to complete the works at full operational capacity. There would first be a platform created at 90 AOD, with the final top layer being made up of undefined restoration material. The final completion of these restoration works is anticipated to be complete by 2042, which ties in with the final date of 2009 permission, allowing for flexibility as to the progress of the restoration.

The final restoration scheme shows The South Quarry void retained with areas such as the recycling, stocking and processing area still highlighted. The application documents refer to the recycling activity coming to an end in 2042. Therefore, the plan content appears to reflect a lack of concept proposals for the restoration of The South Quarry, rather than the retention of the recycling facility as its permanent after-use.

The final restoration concept for The North Quarry (M20.114.d.010) is shown below:



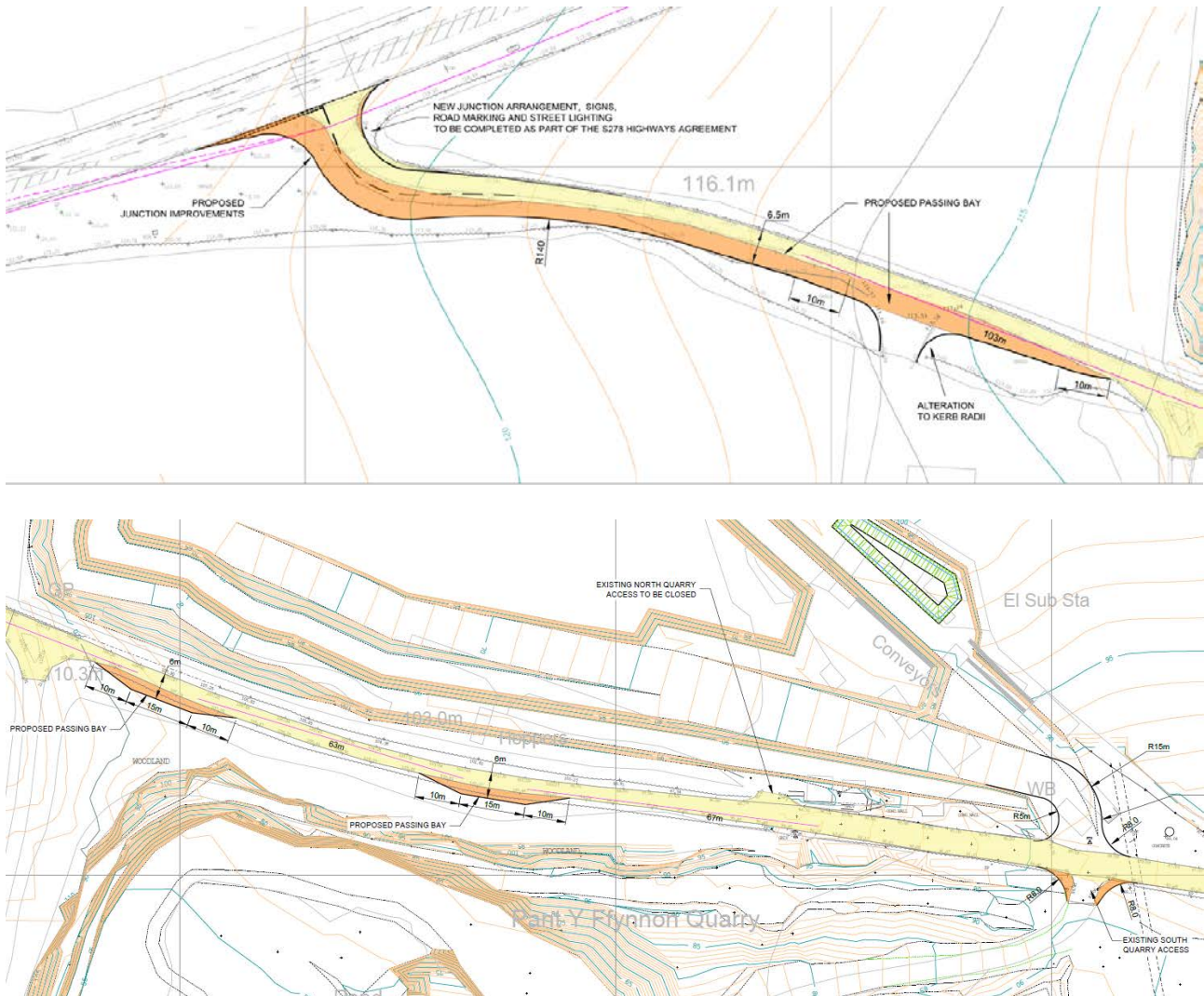
Highway works

In order to facilitate the import and export of increased tonnages of material the entrance to the quarry is proposed to be re-located to the east. There are also other highway improvements proposed to Pant-y-Ffynnon Lane, which is proposed to be upgraded. The works include :-

- widening of the western junction of the lane with the A48

- widening of the carriageway for an approx. 170m distance
- provision of two 6.5m wide passing bays
- relocation and widening of The North Quarry access
- widening of The South Quarry access

The works are shown on the below plan (H02-C) extract:



PLANNING HISTORY

CRPS 3 - CRDC Interim Development Order permission for quarrying. Approved 10 February 1947.

3338 - Registration of IDO permission. Registered 14 April 1992.

3504 - Determination of conditions to be attached to IDO permission. Approved 29 June 1993.

P5/Z/431 - Extension of quarry to create a safety fence. Approved 8 August 1956.

CR.6172 - Extension of quarry. Approved 4 March 1960.

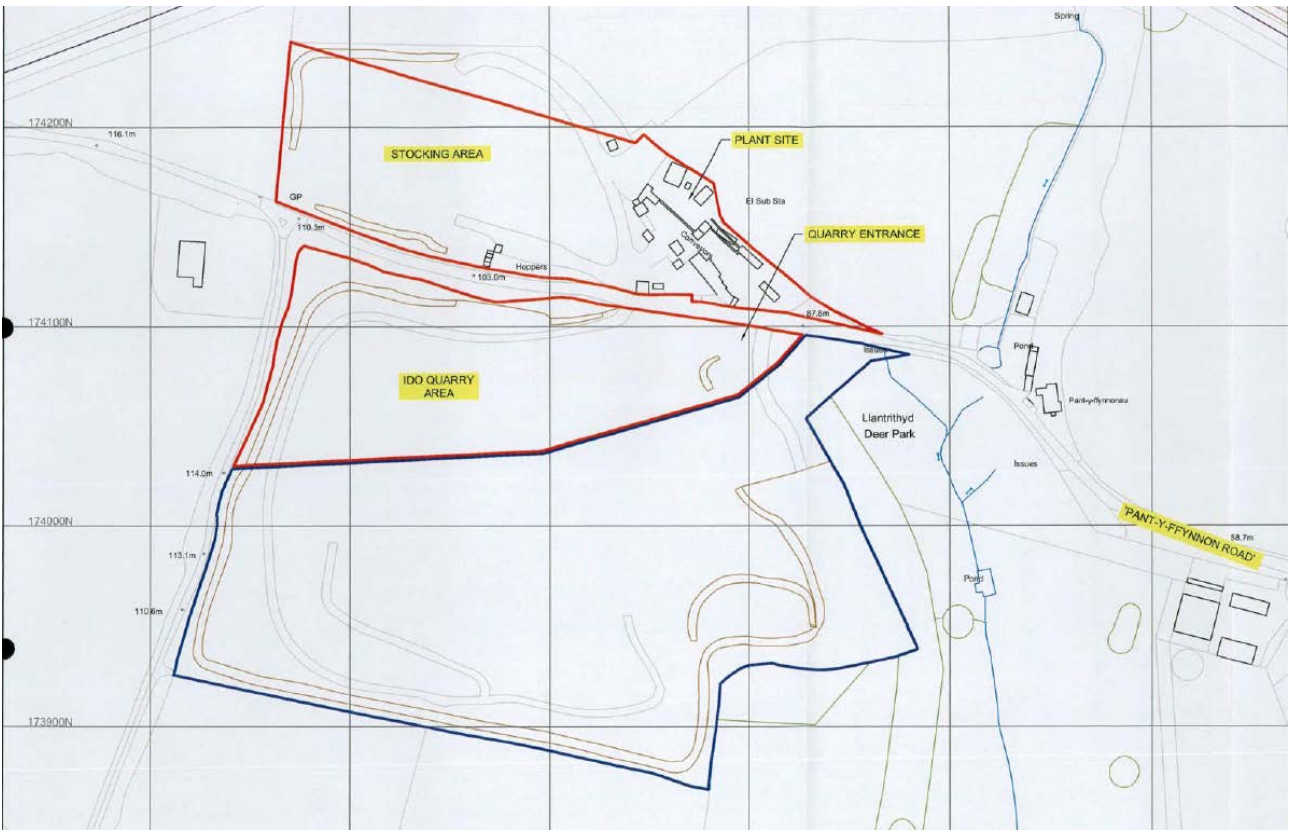
1997/01084/FUL, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Scheme of new working conditions, Decision: Approved

This permission covers most of The South Quarry. The plan extract below shows the approved interim restoration scheme agreed in 2017.



2009/00814/ENV, Address: Pantyffynnon Quarry, Bonvilston, Proposal: First periodic review of interim development order permission - Submission for the determination of new planning conditions, Decision: Variation of Conditions

The area of this permission is shown edged red on the layout plan below:



The associated working scheme below shows how mineral extraction is currently limited to The South Quarry (Condition 6 refers):



The outline restoration scheme is shown below. It shows landforms between 85 and 95 AOD in The North Quarry and a water body in The South Quarry.



2018/00171/SC1, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Not Required

2018/00759/SC1, Address: Pantyffynnon Quarry, Bonvilston, Proposal: Request for Screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

CONSULTATIONS

VoGC Highway Authority – stated no objection subject to conditions that require:

- submission of full engineering details for the access and highway improvements
- a Section 278 agreement be entered into
- no materials being deposited in the highway limits
- provision of wheel cleansing facilities
- access to the quarry be from the A48 west only
- provision of a Construction Traffic Management Plan
- the Highway Maintenance team be contacted prior to carrying out works

Public Rights of Way Officer stated that Public Right of Way No.6 Llantrithyd must be kept open and available for safe use by the public and should temporary closure be required an order should be sought under the Road Traffic Regulation Act 1984.

VoGC Drainage Section stated no objection. It was also stated that the proposed drainage strategy of initial infiltration to ground as per the existing situation, before later captured runoff being pumped to a settlement lagoon prior to discharge into the Nant Llantrithyd watercourse under environmental permit (attenuated to below calculated greenfield QBAR runoff rates of 11.18l/s), then on completion of restoration a basin being used to attenuate flows, was acceptable in principle.

Shared Regulatory Services (Environment – Noise Pollution) did not object, but stated that all blasting and breaking activities should be carried out within the current planning conditions, as per MTAN1 guidance, and an agreed documented plan, periodic noise monitoring should be carried out in accordance with an agreed noise management plan and existing conditions, the dust management plan must be implemented, and separate and detailed plans for the management of noise, dust, and air quality be agreed for the restoration phase.

Shared Regulatory Services (Environment – Air Quality) – stated that impacts on local air quality as a result of operational traffic emissions would be negligible and that the moderate risk of dust emissions impacting amenity could be mitigated, and providing the mitigation measures were implemented, no further concerns were held.

Gwent Glamorgan Archaeological Trust stated no objection because it is unlikely that significant archaeological remains would be encountered.

CADW stated no objection because the proposed development will have no impact on the settings of neither scheduled monuments within a 3km radius nor the registered Llantrithyd Place historic park and garden.

VoGC Ecology Officer recommended that a bat survey was undertaken to provide an understanding of which species were present and how the site was being used. This would inform both the restoration through provision of hedged dark corridors and any necessary bat mitigation measures. It was also recommended that a clearer picture of what nature conservation be included as part of restoration and a methodology of how this might be achieved. It was also stated that a Biodiversity Enhancement Scheme was required.

Welsh Government were notified and no response has been received to date.

Natural Resources Wales stated they had concerns with the proposals because inadequate information has been provided in support and that, without it, they would object.

Protected species

NRW stated there was inadequate information to determine the likely impacts of the proposals on Bats – a European Protected Species. They referred to Section 5.2 of the applicant's ecological appraisal which states that: *'A survey will be required to determine whether any bat roosts are present in buildings, structures or any other features that it is proposed to disturb or demolish'* and advised the surveys were undertaken prior to determination of the planning application. They also stated the documentation should include details of the long-term management of the retained and enhanced habitats and a masterplan for the development should clearly delineate land and habitat features that are to be retained, created, and managed as nature conservation areas.

Groundwater / drainage

After a request for further information, NRW stated they were in agreement with the majority of the applicant's Hydrological Impact Assessment Technical Note provided in response. However, they did not agree that the probability of intersecting a conduit was low to none as this is not possible to accurately predict. It was therefore requested that an Environmental Management Plan was provided by condition which would detail strategies for the management and mitigation for the control of any unsuspected groundwater inflow features which may be encountered during works. A condition was also requested for a scheme covering the disposal of contaminated surface water.

Waste

NRW stated that they cannot make a full assessment on whether they consider this proposal to constitute a recovery activity until an application for an Environmental Permit was submitted or Waste Recovery Plan was received from the applicant. They also stated that the apparent absence of a compelling planning reason to infill the void may suggest that proving this activity is genuine recovery becomes more difficult.

Shared Regulatory Services (Environment – Contamination) stated the Environmental Statement proposes appropriate pollution prevention mitigation and strategies and acknowledged that the use of site won and imported materials would be controlled by NRW requirements and environmental permitting. A planning condition was requested relating to unforeseen contamination.

Cllr G Kemp stated that there was considerable local concern echoed by the Community Council and requested the application be called in to Planning Committee.

Open Spaces Society stated that they were unable to see any reference to the maintenance of a public right of way running adjacent to the east side of the northern quarry and requested it be protected during re-development and after.

Dwr Cymru / Welsh Water stated no objection.

Llancarfan Community Council did not object, but stated that they had concerns with the proposals. The concerns are summarised below:

- Traffic congestion
- Adequacy of junction design and turning arrangements off the A48
- The speed limit for the A48 should be lowered
- Double yellow lines should be provided
- The use of the western junction to the A48 should be conditioned
- Tracking exercise should consider larger articulated vehicles
- Quarry traffic should not be permitted to pass through Llantrithyd
- No commitment to CO2 reduction
- Water discharge from the Quarry contributes to flooding of Nant Llantrithyd downstream and this should be addressed
- Drainage installations should comply with SuDS regulations
- Controls should be put in place to ensure no contaminants enter the watercourse
- No detail provided as to the monitoring and testing of the fill material
- Type of material and allowable contamination levels need to be identified
- Dust nuisance presently occurs and needs to be addressed
- Noise levels will increase and working hours should not be extended

- No details are provided of quarry enclosures and vehicle restraint systems

St. Nicholas and Bonvilston CC – no response received to date

Wenvoe Community Council – no response received to date

Ward Councillors – no comments have been received to date from other ward councillors.

Welsh St. Donats Community Council objected for the following summarised reasons:

- Noise pollution
- Vibration
- Traffic congestion and associated air pollution, health risk, and noise
- Highway safety from increased usage of dangerous junctions & mud deposit
- Pedestrian safety inc. accessibility of local bus stops

REPRESENTATIONS

The neighbouring properties were consulted between 7 October and 1 November 2021.

A site notice was also displayed on 29 November 2021.

The application was also advertised in the press on 4 November 2021.

14. no representations have been received and the representations all raised objections to and/ or raised concerns with the proposals. These are summarised below:

- Increased traffic congestion
- Detriment to highway and pedestrian safety
- Not sustainable, HGV increase would discourage use of bus and cycle facilities
- Quarry infill requires monitoring and checking
- Increased flood risk and drainage concerns
- Harm to ecological interests
- Potential for contamination
- Noise pollution
- Air pollution
- Vibration
- Flyrock
- Failure to adhere to existing conditions and limitations
- The nuisances have increased in magnitude in recent years
- No demonstrable need for the additional extraction (landbank sufficient)
- No demonstrable need for the recycling facility
- Supporting documentation inaccurate and unrepresentative

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG23 – Buffer Zones
POLICY MG25 – Mineral Working (Including Oil and Gas Extraction)
POLICY MG26 – Specific Sites for Mineral Working

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD20 - Assessment of Waste Management Proposals

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Policy 19 – Strategic Policies for Regional Planning

Strategic Development Plans should embed placemaking as an overarching principle and should establish for the region (and where required constituent Local Development Plans):

9. a framework for the sustainable management of natural resources and cultural assets;
10. ecological networks and opportunities for protecting or enhancing the connectivity of these networks and the provision of green infrastructure; and
11. a co-ordinated framework for minerals extraction and the circular economy, including waste treatment and disposal.

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

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
- Supporting Infrastructure

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Waste policy

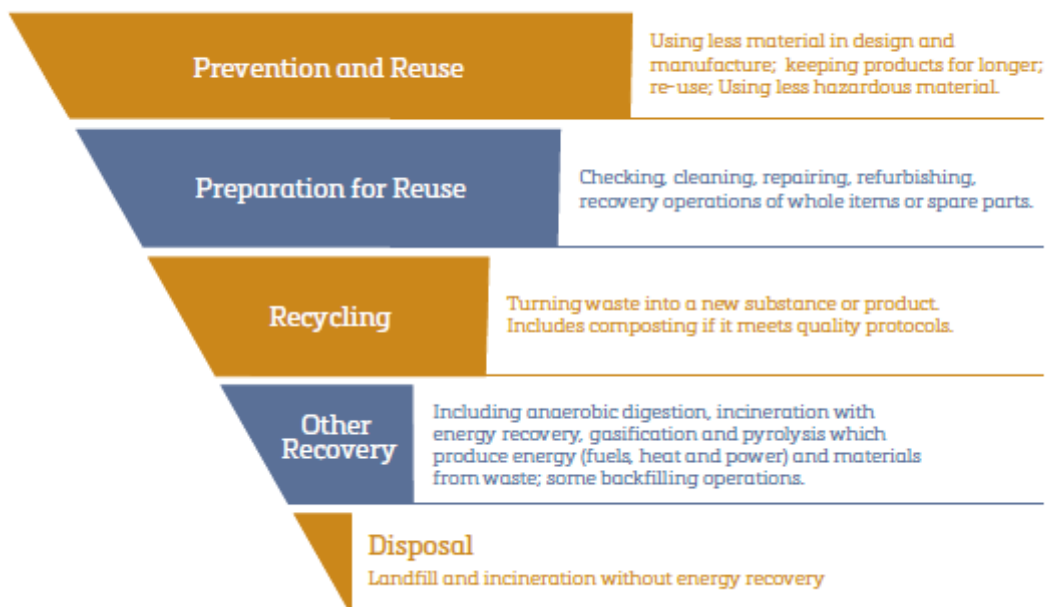
Section 5.11 highlights the environmental, social and economic benefits of sustainable resource management in respect of waste. Including making best use of resources and promoting the circular economy.

Section 5.13 highlights that the planning system has an important role to play in facilitating the provision of sustainable waste management facilities, whilst also ensuring that the any adverse environmental impacts and avoiding risks to human health are minimised, including protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

It is stated at paragraph 5.13.4:

“The Welsh Government’s policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 11) as far as possible.”

Figure 11: Waste Hierarchy



5.13.10 Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.

5.13.11 The 'Nearest Appropriate Installation' concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.

5.12.8 Planning authorities should encourage innovative approaches to recycling, particularly those which bring multiple benefits such as reducing energy costs and associated emissions. This may include encouraging the practice of on-site recycling on minerals sites, taking proper account of all likely costs and benefits, support for 'urban quarries' and the recycling of construction and demolition waste in conjunction with other suitable uses, such as within builder's merchant yards.

5.13.3 Planning authorities, other relevant local authority departments and Natural Resources Wales (NRW) must work closely together to ensure that conditions attached to planning permissions and those attached to Environmental Permits are complementary and do not duplicate one another. Sufficient information should accompany development proposals in order for planning authorities to be satisfied that proposals are capable of effective regulation. NRW should assist the planning authority in establishing this position through the provision of appropriate advice. The parallel tracking of planning and environmental permitting applications should be the preferred approach, particularly where proposals are complex, so as to assist in mitigating delays, refusal of applications or conditions which may duplicate the permit/licence.

5.13.6 NRW has a statutory role in relation to the management and regulation of waste and the collection of waste production and management data. It has a key role in providing expert advice to planning authorities as part of development plan preparation and as a consultee on certain planning applications. This role is important in assisting planning authorities in evaluating complex waste information and making technical judgments, where necessary.

Minerals policy:

Section 5.14 of PPW provides the following key principles in relation to minerals development:

- *Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;*
- *protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;*
- *reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and*
- *achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.*

The following advice is also provided in relation to extraction:

5.14.11 *The contribution that a resource could make to UK demand where the mineral is of limited or restricted supply or regional demand must be taken into account when taking planning decisions. Seeking to meet only local needs or ruling out all forms of mineral working within an area will only rarely be acceptable on the basis of significant adverse environmental impacts. As far as practicable, areas of future working should be identified in development plans, where this can be undertaken in a sustainable way. There will be locally realised benefits from minerals development, such as employment in rural areas, which will also need to be balanced against the other key principles outlined in paragraph 5.14.2.*

5.14.12 *The contribution of recycled waste materials and secondary aggregates should be taken into account where these can be used satisfactorily and realistically instead of primary land-won minerals, as well as the use of marine-dredged materials where this can be obtained in a sustainable way. However, these sources must not be relied upon to justify failing to adequately assess the potential supply of land-based resources and to safeguard potential primary land-won mineral resources for future generations.*

5.14.35 Minerals development should not take place in National Parks and AONB except in very exceptional circumstances. All mineral applications must therefore be subject to the most rigorous examination and all major mineral developments demonstrated to be in the public interest before being allowed to proceed. Consideration will include an assessment of:

- the need for the development in terms of UK considerations of mineral supply;*
- the impact on the local economy of permitting the development or refusing it;*
- whether alternative supplies can be made available at reasonable cost, and the scope for meeting the need in some other way;*
- the detrimental effect of the proposals on the natural and historic environment and local community and landscape and the extent to which that can be moderated, and/or the detrimental effect of the proposals on the nature conservation interest of the site in terms of habitat, protected species and biodiversity; and*
- in the case of extensions to existing quarries and other mineral extraction sites, the extent to which the proposal would achieve an enhancement to the local landscape and provide for nature conservation and biodiversity*

5.14.47 Extensions to existing mineral working, whether they be time, lateral or depth extensions should be considered in the same manner as applications for new sites. Each application will need to consider the impact on the site as a whole and the wider surroundings and will need to be considered on its own merits.

5.14.48 The presence of an existing quarry should be a material consideration when considering a proposal for an extension. There may be benefits to extending a site in terms of shared infrastructure, for instance, as opposed to working a new greenfield site.

The following advice is also provided in relation to site restoration and after use:

5.14.4 when operations cease land needs to be reclaimed to a high standard and to a beneficial and sustainable after-use so as to avoid dereliction and to bring discernible benefits to communities and/or wildlife.

5.14.50 Unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused. Planning conditions should ensure that land affected by mineral extraction is restored to a high standard suitable for its agreed after-use at the earliest opportunity, and work begun within six months of cessation of working wherever this is practicable, except where progressive restoration has already commenced. Restoration and aftercare should provide the means to at least maintain, and preferably enhance, the long-term quality of land and landscapes taken for mineral extraction. The statutory five year aftercare period should be extended as appropriate for the intended end-use. End uses such as nature conservation will normally require a minimum of 15 years and commuted sums may be required to cover long term maintenance costs. This will be to the benefit of local communities and ensure that a valuable natural asset will be passed on to future generations.

5.14.51 Reclamation can provide opportunities for creating or enhancing sites for nature conservation and contribute to the targets in the UK Biodiversity Action Plan, or equivalent, and those adopted in local Biodiversity Action Plans throughout Wales. Reclamation can also provide opportunities for the conservation of historic assets and their settings. Capturing the potential of these opportunities should be explored at a strategic level

through green infrastructure assessments, which may also result in further benefits such as the protection of geological exposures and public access.

5.14.52 In view of the long life of many mineral working sites, it is essential that progressive restoration is introduced at the earliest opportunity where appropriate and practicable. The increased use of phased restoration reduces the visual impact of mineral activities at any one time and provides continuity of restoration works throughout the active operations, so reducing the potential environmental damage left by any failure to restore.

5.14.53 After-uses may include agriculture, forestry/woodland, nature conservation, heritage, public open space, recreation or other development. A separate planning permission is likely to be required for any after-use except agriculture, forestry, nature conservation or informal recreation which is normally permitted development.

5.14.54 The guiding principles determining the potential after-use of a site should form part of the application submission for proposed mineral extraction or the review of mineral planning permissions, although flexibility and review will often be necessary during the life of the mineral operations. Using the guiding principles as a framework, and even for long term working sites, there must be a defined and acceptable minimum standard of restoration outlined at the application stage. To maximise the opportunities provided by the reclamation operation, it is essential that consultation is undertaken with the mineral planning authority prior to the submission of the application for mineral extraction, to determine the most appropriate guiding principles and thus the most suitable after-use of the restored land.

Chapter 6 - Distinctive and Natural Places

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

In relation to protected species, the following is stated:

6.4.22: The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

6.4.23: Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. Proposals for which development works would contravene the protection afforded to

European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'. Derogations are granted by a licence issued by NRW who should notify planning authorities when a licence application has been granted. Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)

4.2.1 PPW recommends pre-application discussions (paragraph 5.5.1) and consultations (paragraph 5.5.4) between developers, local planning authorities and the statutory agencies. It is essential that all potentially important nature conservation issues (including effects on international, national and local sites, European and other protected species, organisms and habitats listed under section 42 of the Natural Environment and Rural Communities Act, UK BAP habitats and species, and coastal and inland waters and other wetlands) are identified and fully addressed at the earliest stages of preparing a planning application.

6.2.2 It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.

6.3.6 Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive's provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive's requirements... The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a

licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. The requirement for a licence and the application of the three licensing tests is equally a material consideration in planning appeals. Local planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements and this may potentially justify a refusal of planning permission.

6.3.7 It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no regulation 44 licence would be forthcoming.

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)

4.23 The application of the waste hierarchy demonstrates that the disposal of inert waste is not acceptable in most circumstances and without exceptional justification planning applications for the disposal of inert waste should be refused. Exceptional circumstances may be demonstrated where the use of inert waste is necessary to address issues of instability, landscape, flood risk, matters relating to safety, or to enable the land to be used for an appropriate end use (for example, industry, agriculture). In each case, the level of inert waste to be used should be the minimum necessary to achieve the desired outcome.

4.24 Public concern often centres around landfills, predominantly due to the perceived health and environmental hazards posed by this form of waste management. The likelihood of a need arising for new landfill should reduce over time as the new waste prevention, recycling and other recovery activities develop in accordance with waste policy targets and actions. However, should a need for further landfill capacity arise in the future clear and robust consideration should be given to the impact on adjacent communities and the natural and built environment and the mitigation any potential negative impacts.

- Technical Advice Note 24 – The Historic Environment (2017)
- Minerals Technical Advice Note 1: Aggregates

94. Abandoned and closed quarries can become visually acceptable through natural restoration and no further works may be necessary. Old quarries provide opportunities for biodiversity with the development of natural or semi-natural habitats. Geotourism is becoming increasingly important and Wales is a significant base for educational visits partly because of its special legacy of abandoned

mineral workings. Botanical interest is provided in limestone quarries where calcicolous species-rich grassland develops. Cliffs and caves provide niches for birds and mammals. The views of local residents and conservation bodies on restoration strategies should be taken into account in considering the visual and landscape impact of quarry landforms.

97. Reclamation means the treatment of land affected by mineral workings in such a way as to restore the land to a satisfactory state and is defined in the Town and Country Planning Act 1990 to include both restoration and aftercare. Restoration and aftercare must provide the means to maintain or, wherever possible, enhance at the earliest opportunity the long-term quality of land that has been used for mineral extraction, so that it may become suitable for a beneficial use. If there is any significant doubt about whether satisfactory reclamation can be achieved at a site, planning permission should be refused. It is the responsibility of the mineral operator to design and implement a high quality restoration and aftercare scheme that must be an integral part of any mineral extraction application. The scheme should be reviewed regularly in consultation with the MPA during the course of extraction. For sites of 5 years duration or less full restoration and after-use proposals should be established and approved as part of the approval of the mineral development. For sites likely to work for longer duration, an initial restoration scheme should be submitted for approval at the outset with regular review of the restoration scheme during site operations. Reclamation includes both restoration and aftercare including events that take place before, during and after extraction, including soil and overburden stripping and storage, and advance screening and landscaping.

Paragraph 100 defines the level of restoration detail required at application stage and reads as follows:

For new quarries and quarry extensions and for the future development of sites subject to mineral review applications, a quarry restoration design in a working plan (see paragraphs 97 and 106) must be submitted and approved by the MPA, before any work commences on site. This can form part of the planning application for the quarry development or a subsequent scheme required by a planning condition or Section 106 Agreement. The restoration design must include where appropriate:

- Existing, phased and final landforms;*
- Quarry floors, faces and spoil tips;*
- Soil storage areas including an assessment of volumes and quality;*
- Phasing of progressive restoration;*
- Location of proposed bunds and screening to mitigate environmental impact;*
- Landscape strategy – areas of existing planting for retention and proposed planting;*
- Where applicable, proposals for on or off site drainage, water storage, or new or diverted water features or water courses;*
- Where applicable, proposals for reinstatement of footpaths;*
- Mechanisms for protecting or recording existing site features such as interesting geological exposures or historic structures;*
- Strategy for aftercare including timing of restoration proposals;*
- Strategy for the after-use of the quarry area.*

For operational quarries of long standing, opportunities to modify methods of working to achieve these restoration objectives should be considered as soon as possible in conjunction with the MPA. These modifications could include re-location of quarry operations, bunding and screening to mitigate environmental impacts, and progressive restoration using techniques such as advance screen planting and restoration blasting

103. In granting planning permission for mineral working, MPAs should always carefully consider the applicant's proposals for reclamation of the site, how and whether the proposals are likely to achieve the intended results and, therefore, how requirements to ensure satisfactory reclamation can be incorporated into appropriate planning conditions. It is equally important that the applicant should thoroughly understand, and make financial provision for, the responsibilities he will be taking on under the reclamation conditions likely to be imposed on a planning permission.

107. Applicants may wish to call attention to, and authorities will wish to consider, any evidence as to how the applicant's proposed methods of site management, restoration and aftercare are likely to work out in practice. This might be done by providing evidence about the way a similar site is currently being managed, or how restoration and aftercare have been achieved on a similar site. MPAs should thus have regard to the practicality of the proposal before them. The possibility that reclamation techniques may have improved in the intervening time must also be borne in mind.

After-use

130. Notwithstanding the longevity of most minerals permissions, the future use of land taken for aggregates must be considered before planning permission is granted so that the mineral extraction and restoration scheme can be designed accordingly. Development plans should provide guidance on the after-uses that are likely to be acceptable for existing sites that may be reclaimed during the plan period. Restoration of mineral sites provides an opportunity to influence future land-uses. The choice of after-use should be guided by a consideration of what is likely to be both beneficial and sustainable over the longer term, the interests of the landowner, any landscape assessments, local bio-diversity action plans and countryside strategies that may be relevant. Early consultation with local authorities is therefore paramount. For operational quarries of long standing, opportunities to modify after-use may now exist in the light of these assessments, plans and strategies. After-use of such sites must be regularly reviewed in the light of these and future initiatives.

148. Research undertaken into the effects of the landfill tax supports the view that the tax has had a major effect upon the way in which inert waste is managed. There has been a significant fall in disposal of inert waste to landfill and this is partly as a result of increased recycling. However, there is also a significant quantity of material received at exempt sites; primarily because exempt sites are not subject to the landfill tax rather than being put to a more beneficial use for the material. Recovery activities at exempt sites are less well regulated than licensed sites and this has led to the potential for environmental harm from pollution and other issues caused by poorly managed operations. There is a need for improved auditing of such waste and all exempt sites should be required to provide information concerning the extent

of recovery activities. The Welsh Assembly Government is consulting about proposals to introduce new controls on exempt sites⁷⁸. The RAWPs should monitor the management of inert waste arisings with potential for use as aggregates in liaison with the Environment Agency.

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)
- Design in the Landscape

Policy DG9 (Quarries)

Aims:

- *To ensure that after use of quarries adds to overall landscape value*

Design Principles:

- *Undertake ecological survey to identify impacts where appropriate and incorporate appropriate mitigation measures into scheme design.*
- *Afteruse and restoration plans should consider the potential of the workings for recreation, e.g. rock climbing, biking and habitat creation, particularly limestone cliffs, screes and wetlands.*

- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)
- Waste Management Background Paper (2013) (Also see LDP Hearing Session 13, Action Point 16 response)

The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 2nd Review (Sept 2020)

The purpose of the RTS is to provide a strategy for the future supply of construction aggregates within each Region, taking account of the latest available information regarding the balance of supply and demand, and current notions of sustainability, as enshrined in Planning Policy Wales. The overarching objective of the RTS is to ensure supply is managed in a sustainable way so that the best balance between environmental, economic and social considerations is struck, while making sure that the environmental and amenity impacts of any necessary extraction are kept to a level that avoids causing demonstrable harm to interests of acknowledged importance.

The RTS provides recommendations on the quantity of aggregates which should be supplied by Authority areas, or sometimes by groups of Authorities; and the total tonnages required from existing production sites and new allocations made by Local Development Plans. This is to maintain minerals supplies throughout and to the end of the Plan period.

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- 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.
- Clarification Letter of the Policies in Minerals Technical Advice Note 1: Aggregates (MTAN 1) - CL-05-14.
- Land-Use Planning & Development Control: Planning For Air Quality (2017)
- Institute of Air Quality Management: Guidance on the Assessment of Mineral Dust Impacts for Planning (2016)
- Mineral Planning Guidance 7: The Reclamation of Mineral Workings (1998)
- Mineral Planning Guidance 11: the control of noise at surface mineral workings (1993)

- Welsh Assembly Government Guidance: Towards Zero Waste – One Wales: One Planet. The Overarching Waste Strategy Document for Wales (June 2010)
- The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012
- South East Wales Regional Plan (March 2004)
- Review of the South East Regional Waste Plan (September 2008)
- The Waste (England & Wales) Regulations 2011(as amended)
- EU Directive 2008/98/EC
- Waste Planning Monitoring Report: South East Wales (2013 to 2014)

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues are considered to be:

- The principle of the proposal in this location
- Restoration principles
- Impact on residential amenity
- Highway Safety
- Ecology/Biodiversity
- Heritage Impact
- Hydrology and Geology
- Flood Risk/ Surface Water Drainage

The application has been supported with an Environmental Statement.

Planning Policy

Mineral extraction policy

Planning Policy Wales (PPW) states that the key role of the planning authority in relation to minerals extraction is to balance the fundamental requirement to ensure the adequate supply of minerals, with the issues of sustainability, protection of amenity, and the environment. The key principles are described in the planning policy section of this report.

Policy SP9 of the LDP states:

“The local and regional need for the provision of a continuous supply of minerals will be achieved through:

- 1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;*
- 2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;*

The policy requirement for a minimum of 10 years land bank of hard rock throughout the plan period stems from the Regional Technical Statement (RTS), a requirement of Minerals Technical Advice Note 1: Aggregates (MTAN12). This statement recommends that the future quantities of aggregate which need to be provided for, from each Local Planning Authority, is calculated over 25 years for crushed rock (LDP period plus 10 years).

The LDP identifies the following active mineral working sites in the Vale of Glamorgan (or inactive sites where future working is considered likely to occur):

1. Aberthaw - Liassic
2. Ewenny - Carboniferous
3. Forest Wood - Carboniferous (Shared with Rhondda Cynon Taf)
4. Pant - Carboniferous
5. Pantyffynnon - Carboniferous
6. Longlands - Carboniferous
7. Lithalun - Carboniferous
8. Wenvoe - Carboniferous
9. Garwa Farm * - Carboniferous
10. Ruthin *- Carboniferous

**currently inactive but held in reserve*

Policies MG22 (Development in Minerals Safeguarding Areas) and MG23 (Buffer Zones) of the LDP seek to safeguard known mineral resources and the aims of these policies are to avoid sterilisation of mineral reserves. The proposed development seeks permission to extract the mineral and therefore, the development would not conflict with the aims of these policies.

Policy MG25 (Mineral Working) states the extraction of new primary minerals will only be permitted where there is a proven national, regional or local need for the mineral, and sets out the following criteria:-

- 1. Any adverse impacts on the natural environment are avoided or mitigated to an acceptable level, and proposals include, where appropriate, measures to enhance the natural environment;*
- 2. Impacts on built and cultural heritage are mitigated to an acceptable level and enhanced wherever possible;*
- 3. Impacts on the amenity of local residents and local communities are not unacceptable, in particular with regard to noise, health, air quality, vibration, visual impact, access provision, and traffic generation;*

4. *Impacts on geology, hydrology and hydrogeology, including land stability and water supplies, are acceptable;*
5. *There is clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2, and 3a;*
6. *Minerals are transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed;*
7. *There is provision for the land to be progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management; and*
8. *Where opportunities for the re-use and recycling of mineral waste have been considered and where there are no practicable substitute materials that can be provided at less environmental costs.”*

Waste development policy

At national level, Planning Policy Wales (PPW), TAN 21- Waste and documents such as 'Towards Zero Waste' set out the Welsh Government waste strategy and policy framework, which is geared toward reducing the amount of waste being taken to landfill, through means such as waste prevention, reuse, recycling, and energy recovery. The guidance and context provided by Planning Policy Wales in this area is detailed within the Planning Policies and Guidance section above. Facilities which support reuse, recycling, or recovery of items otherwise destined for landfill are typically favoured in principle, subject to being appropriately sustainably located and compliant with the terms of Policy SP8 (Sustainable Waste Management) and MD20 (Assessment of Waste Management Proposals).

The overarching waste strategy set out in 'Towards Zero Waste' and, for development management, Technical Advice Note (TAN) 21, are of particular relevance. The strategy is also informed by the Collections, Infrastructure and Markets (CIM) Sector Plan (July 2012).

- Towards Zero Waste (June 2010):

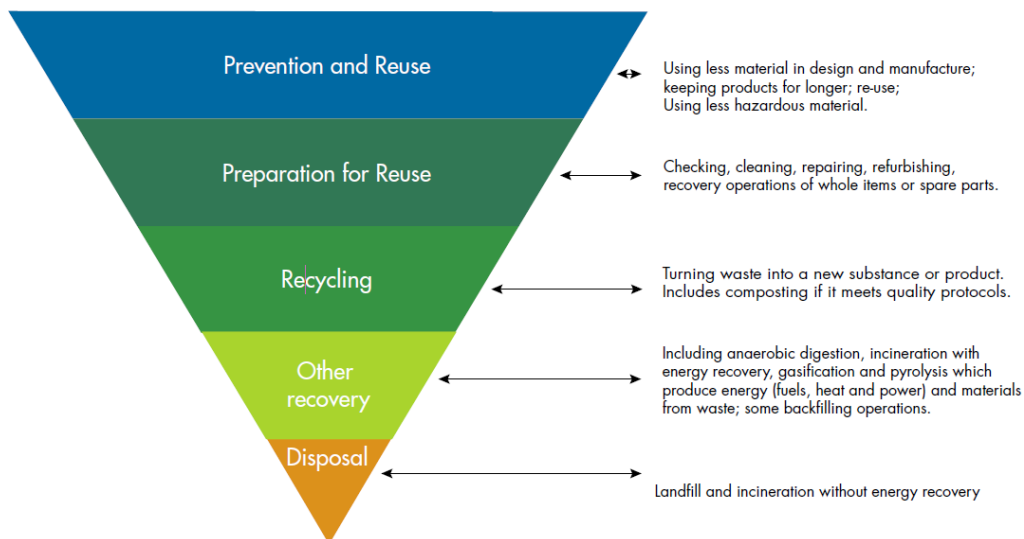
The Welsh Government's general policy for waste management is contained in its overarching waste strategy Towards Zero Waste (paragraph 12.5.1 PPW). Planning Authorities should, in principle, be supportive of facilities which fit with these priorities, and in doing so reflect the priority order of the Waste Hierarchy (Figure 11 PPW), as far as possible.

- Technical Advice Note 21 – Waste

Part 2 of TAN 21 sets out the 'Planning Principles' for waste management which correspond to a number of the Articles in the Waste Directive Framework. Part 4 sets out how to apply these principles in development management decisions. With this in mind, the planning principles of waste management are considered as follows:

The Waste Hierarchy:

The first part of this process is to apply the waste hierarchy, which is set out in TAN 21, as below:



Paragraph 2.6 states that *‘The objective of the waste hierarchy is to ensure that wastes are managed in a sustainable way. The options for waste management appear in the waste hierarchy as a priority order in waste prevention and management’*. Paragraph 2.7 of TAN 21 also states that *‘When taking planning decisions it is expected that the waste hierarchy be applied as a priority order’*.

In addition to the above, Paragraph 4.7 of TAN21 suggests that *‘In applying the waste hierarchy to proposals falling within the ambit of Article 16 of the Waste Framework Directive (disposal of waste or recovery of mixed municipal waste) it will be appropriate to consider how the proposal contributes towards the provision of an integrated and adequate network of facilities’*. Paragraph 2.9 of TAN 21 refers to the requirements of Article 16 of the Waste Framework Directive which requires that waste should be *‘disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health’*.

- Local Policy

Policy SP8 – Sustainable Waste Management of the LDP identifies suitable locations for Waste Management Facilities based on the guidance set out in TAN 21. Operational quarries are identified as one of these suitable locations for recycling construction and demolition waste.

LDP Policy MD20 Assessment of Waste Management Proposals states that *“Proposals for waste management facilities that accord with the locations set out in Policy SP8 will be favoured”* subject to the following criteria:-

1. *The proposal is supported by an appropriate waste planning assessment;*
2. *The proposal has regard to the waste hierarchy, proximity principle and the requirements of the waste framework directive;*
3. *It is demonstrated that the development would not result in unacceptable harm to health, the environment or to the amenity of neighbouring land uses; and*

- 4. Where the principal road network has adequate capacity, or improvements to ensure adequate capacity can be readily and economically provided, to accommodate the transport movements associated with the proposal.*

There is no evidenced need for additional landfill sites identified in the LDP.

Principle of the Development

Mineral extraction

The reserve figures (including the existing reserve at Pant-y-Ffynnon) identified in the Vale of Glamorgan landbank was sufficient at the time of the LDP adoption in 2017 to satisfy the requirements of the Regional Technical Statement, which is confirmed by subsequent monitoring and the 2nd RTS Review report in September 2020. The quarry is within an outcrop of Category 1 Limestone, but the application documents do not specify that any material of national importance is produced at the site. The justification put forward relates to crushed rock aggregate and, in line with Policy MG25 of the LDP, the acceptability of additional extraction at this site rests upon there being a proven national, regional or local need for the mineral.

The applicant has stated that the proposal is acceptable because of an insufficient regional landbank and that it would help to reduce the reliance of other Authorities on mineral workings in the Brecon Beacons National Park, where minerals workings are usually discouraged. The 2nd RTS Review report identifies landbank shortfalls in several authorities and while (on the whole) these 'cancel out one another' on a regional basis, there are shortfalls in the neighbouring Rhondda Cynon Taf and Cardiff Authority Areas, as well as Newport and Torfaen which are also within economical distance.

In the Brecon Beacons National Park, Penderyn quarry is currently a major supplier of limestone in the area and a recent planning decision for a reserves swap (approved Jan 2021) has actually reduced the reserves there by some 7.4 million tonnes. There is a presumption against new workings in the National Park and so reserves there appear at this time unlikely to be increased. This application relates to additional mineral extraction on an existing site by deepening the quarry void, where the material can likely be extracted in a less environmentally damaging way than on new greenfield sites.

Having regard to the above, the proposed mineral extraction could help to fill the above shortfall when it occurs, in the long term. Alternatively, in the shorter to medium term, it could provide limestone locally and to other Authorities in the region where there is a shortfall. This would assist with meeting the demand of these authorities and reduce the pressure on Penderyn quarry as a major supplier in providing to Authorities in the region with shortfalls, helping to reduce potential future negative impacts in this more sensitive area. It would also ensure the steady and adequate supply of minerals are both economically supplied from a range of operators in the region and near to the sources of demand.

The continued use of the site for mineral extraction would ensure the Vale of Glamorgan meets the aims of the Regional Technical Statement and given this, it is considered that the proposed development would support the aims of Policy SP9 of the LDP to ensure that the necessary reserves are maintained going forward and the continued use would ensure the most sustainable way of extraction in line with the advice in PPW.

The compliance of the proposals with the criteria of Policy MG25 is considered in further detail later in this report. However, the principle of the proposed mineral extraction is considered acceptable, in the interests of maintaining a secure landbank of mineral reserves in the region.

The recycling operation

The site is an operational quarry and Policy SP8 of the LDP identifies that the site, as an operational mineral working site, is a suitable location for recycling construction and demolition waste. There is often a benefit to providing such facilities in operational quarries owing to their location, typically served by existing transport infrastructure, by making best use of operational brownfield land by working in tandem with the extraction activity and turning waste into various products that can in turn be used in substitution for primary won aggregates. This has the potential double benefit of reducing the amount of waste that requires disposal and the amount of primary won aggregate that needs to be quarried to fulfil demand for aggregate products.

The construction and demolition waste recycling facility at the operational quarry is, in itself, therefore considered acceptable in principle.

In the applicant's Waste Planning Assessment it is stated that the *"waste will be derived from construction and demolition projects that occur in the South Wales area, principally from the area bound to the east by Cardiff and Bridgend to the west, but may be as far afield as Bristol and Haverfordwest, a 50 mile radius, if that site is operated by a company within the same group."*

It is recognised that the transportation economics generally dictate how far such wastes and the recycled products would likely travel. The RTS 2nd review for example states the economic radius for crushed aggregates is typically up to 50km. The transportation (even for recycling) from as far as Bristol and Haverfordwest would however not likely be identifiable as being particularly sustainable, given the strong likelihood of other recycling facilities being available in these regions. There is however still likely to be local demand for this type of facility.

However, more pertinently, criterion 2 of Policy MD20 of the LDP requires that the proposal has regard to the waste hierarchy, proximity principle and the requirements of the waste framework directive. This includes the consideration of the recycling operation alongside the residual waste produced. The considerations and how they relate to infilling of the quarry are considered in more detail below.

Restoration and Aftercare

The winning and working of limestone is essential in maintaining the supply of a valuable resource upon which the construction trade and wider economy is reliant, as outlined above in this report. The granting of planning permission for new extraction is equally contingent on the requirement to deliver a beneficial land restoration and after care. This requirement is explicit within national policy guidance (outlined in the Planning Policy section of this report, above). Paragraph 5.14.50 of PPW states explicitly that *'unless new mineral extraction provides satisfactory and suitable restoration, planning permission should be refused'*. Criterion 7 of Policy MG25 of the LDP requires the land to be *'progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management'*.

The purpose of the planning permission (and the subsequent restoration) is to ensure extraction of minerals is done in an environmentally responsible way, not to create a large hole for the future disposal of inert waste. The proposed method of restoration to The North Quarry would see the void infilled gradually with the residual element of inert waste arising from the waste recycling operations, eventually to assimilate it with surrounding land levels (100m – 108m AOD). Although the waste would by then be conveniently nearby (following being brought to site), in order to ascertain the acceptability of this approach it is first necessary to consider whether there is any compelling need or reason to do so to fulfil the restoration and aftercare requirements for this site, with particular emphasis on landscape, ecology, hydrology, and geology. In turn, doing so will inform whether the activity is considered a disposal or recovery operation with reference to TAN 21 guidance and the waste hierarchy (for the purposes of this planning assessment).

As background, concept restoration schemes are in place for the existing quarry. These are shown in the Planning History section of this report above. It is acknowledged that past restoration schemes may have included infilling the voids with inert waste, with correspondence from the Council indicating this was acceptable in principle (although it must be emphasised that this was in 1998, predating current policy and guidance). The quarry restoration schemes have evolved since and the concept scheme attached to The 2009 Permission shows landforms between 85m and 95m AOD in The North Quarry and a water body in The South Quarry created by the cessation of the dewatering.

The North Quarry levels currently are between 89m – 96m AOD. It is therefore apparent that, even taking the existing concept scheme as a fallback position, it would not require the importation of a significant quantity of material to achieve those restoration levels. Moreover, the 2009 Permission does not show any additional extraction to be undertaken in The North Quarry, whereas these proposals would excavate it much deeper to 54m AOD. The restoration proposals are significantly different, as is this planning proposal, and consequently it is necessary to revisit any previously proposed concepts as part of this planning assessment.

In respect of the restoration concept; it is recognised that there are no features of significant geological or ecological value that require retention that would dictate the restoration requirements. However, beyond its siting in the countryside, neither is the site in an area of recognised high landscape value and it is well screened by vegetation in the wider landscape. It is therefore not considered necessary to fill the entirety of the quarry void to effect a solution that is fundamentally required in the interests of the landscape.

It is apparent in the previously agreed restoration concepts that the quarry would not be completely infilled. Past schemes have included a water feature in the southern void and grassland to the north, with scrub at the toe of the faces, and scree and rock slopes to enable opportunities for natural regeneration of the site and habitat creation. This approach is comparable to other limestone quarry sites, which typically include restoration to agriculture /grassland at lower levels (2019/00405/FUL Longlands Quarry, for example). Such restoration, depending on site characteristics, using selective placement of soils or other soils forming material, selective planting, and the creations of scree slopes through restoration blasting, followed by periods of relatively minimal management, would allow for predominantly natural and progressive regeneration of the quarry.

Whilst there is likely some scope to use inert waste to create restoration landforms and this activity can be classified as 'recovery' under certain circumstances, the infilling of the

entire quarry void is wholly unnecessary to achieve an acceptable, or even optimal, solution in this case. Paragraph 94 of MTAN1 states that “*abandoned and closed quarries can become visually acceptable through natural restoration and... provide opportunities for biodiversity with the development of natural or semi-natural habitats... Botanical interest is provided in limestone quarries where calcicolous species-rich grassland develops. Cliffs and caves provide niches for birds and mammals.*”

Limestone material could theoretically be retained to then create calcicolous topsoil above the waste material, though it need not be infilled to the proposed degree to achieve this outcome. The planning report for the 2009 Permission stated the quarry was known to support a breeding pair of peregrine falcon, with a possible nest site identified within the quarry. There are no recent reports of bird of prey on the site, but they remain in the area and a more natural regeneration could theoretically support suitable habitat.

Paragraph 97 of MTAN1 also states that “*restoration and aftercare must provide the means to maintain or, wherever possible, enhance **at the earliest opportunity** (my emphasis) the long-term quality of land that has been used for mineral extraction, so that it may become suitable for a beneficial use... It is the responsibility of the mineral operator to design and implement a high quality restoration and aftercare scheme that must be an integral part of any mineral extraction application.*” It is clear that in granting planning permission for mineral working, the Authority should consider how and whether the proposals are likely to achieve the intended results.

The proposed restoration scheme, issues of waste classification taken aside, requires a significant and prolonged engineered solution to deposit circa 712,000 cubic metres of waste into the void. The applicant estimates this operation would take at least 15 years to complete with the recycling operation at full capacity, with an end date for all operations proposed in 2042. The applicant estimates that the mineral extraction would be complete within four years of commencement. Assuming the operations were completed in this timeframe, it would then take further time for vegetation and habitat to establish and mature. The proposed restoration significantly and harmfully delays the acceptable restoration of the site, contrary to policy aims, even in the best-case scenario. It is entirely uncertain the mineral would be extracted in this timeframe in any case, and it would be unreasonable to condition the activity cease by 2027 to allow the infilling to begin (based on the quantities, past extraction rates, and that these are typically driven by prevailing economic circumstances).

Members are also asked to note Officers’ have concerns over the viability and deliverability of these proposals. It is noted that the infilling of the quarry in tandem with recycling operations would potentially be convenient, both practically and economically, for the applicant. However, there can be no assurance that the availability of locally sourced waste material can be maintained over the proposed 15-year period to allow for operation at full capacity. There are likely to be fluctuations in market demand over such a long period which bring a high degree of uncertainty as to its deliverability.

A waste disposal operation is also subject to far more restrictive planning, permitting, and (for landfill) taxation requirements than recovery operations. Recovery is defined as any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function. Waste disposal should be a last resort, being positioned at the bottom of the waste hierarchy. NRW regulate waste management, although have declined to provide any substantive comment in relation to the classification of the proposed activity. Policy guidance within

PPW recommends permit applications are twin tracked and considered together, but no such application appears to have been made. The classification is also a material consideration for the planning application, where the policy guidance of TAN 21 directs waste away from landfill and toward more productive re-use, recycling, and failing that, recovery.

It is understood that to establish this activity as a recovery operation, as well as the test of necessity (such as a planning condition), it would need to be demonstrated that the proposal was viable and funding secured to use non-waste materials instead, known as the substitution test. In this case, it is highly unlikely that 712,000 cubic metres of virgin soils, or other non-waste derived soils materials, would ever be used in the restoration due to the highly prohibitive costs involved. Firstly, and foremost, this amount of material is not required to fulfil the planning requirement of beneficial restoration, but in any case is cannot be reasonably concluded that the substitution test would be satisfied in any case.

As noted above, there is likely some scope to use inert waste to create restoration landforms and this activity can be classified as 'recovery' under certain circumstances, where that deposition is **required** to enable an acceptable restoration scheme. E.g. to avoid significant sheer faces, or to assist subsequent natural regeneration and habitat creation. However, those scenarios are distinctly different to the wholesale disposal of waste which goes far beyond the amounts that would be necessary and required to achieve an acceptable restoration scheme. The infilling of the entire quarry void is wholly unnecessary to achieve an acceptable, or even optimal, solution in this case.

While the above are considerations for the permitting process (and for NRW as regulator), they demonstrate the high unlikelihood of the proposed restoration scheme being classified as a recovery operation. In turn the failure to obtain such a permit would have severe impacts on the deliverability of the restoration scheme and, if approved, result in undeliverable planning conditions.

Policy MD20 of the LDP sets out the detailed assessment criteria for waste development, which (among other criteria) require the application be supported by a Waste Planning Assessment (WPA, criterion 1) and the proposal to have regard to the waste hierarchy, proximity principle and the requirements of the waste framework directive (criterion 2).

Waste disposal is not strictly prohibited in all cases, only where it is not possible to deal with the waste using a method higher up in the hierarchy and it is the appropriate method. It is nonetheless heavily discouraged, given the emphasis on moving material up the hierarchy and toward achieving future aims for zero waste to landfill. It must also always be dealt with at the nearest appropriate installation to where it arises. The approval of landfilling for waste disposal would therefore require very strong justification.

Whilst a WPA has been submitted, it fails to properly address, or provide any substantive justification for a new construction and demolition/ inert waste landfill in the Vale of Glamorgan, which would need to be considered in light of its contribution to an integrated network of facilities (opposed to recycling operations). Moreover, the WPA states the waste may originate from as far afield as Bristol or Haverfordwest, if the site is operated by a company in the same group. Waste disposal at the site with material sourced so far afield would clearly conflict with the proximity principles contained in paragraph 2.9 of TAN 21 and enshrined in waste policy. The TAN states waste should be disposed of in one of the nearest appropriate installations, noting this is important to reduce the detrimental environmental impacts associated with waste transportation, as well as to retain its

intrinsic value, and ensure greater resource efficiency. In this case, the scale of disposal would both incentivise the recycling of waste at the site from beyond the local area and region, and in turn, discourage the residual waste from being beneficially used elsewhere in genuine recovery operations.

The applicant has cited the Interim Progress Report: Waste Planning Monitoring – South East Wales 2013/4 (the most recent available), which refers to the two inert landfill sites open in the Vale at the time, being Aberthaw (restricted to wastes from Aberthaw Power Station) and Whitehall which had its' permission extended to 2017. However, inert waste can also be managed at non-hazardous landfill sites and used in the region, as well as recovered in **necessary** land engineering. The monitoring report did not identify any need for new inert waste disposal sites at the time of writing and, moreover, the LDP does not identify a need or allocation for new waste disposal sites here. TAN 21 states at paragraph 4.23 that *“disposal of inert waste is not acceptable in most circumstances and without exceptional justification planning applications for the disposal of inert waste should be refused.”*

Whitehall Landfill, near Wenvoe, was previously operated by Cemex who also operated Wenvoe Quarry nearby where mineral extraction and construction and demolition waste recycling takes place. The restoration of this quarry through inert landfill was approved initially in 1984, with operations expected to be completed within 10 years. The permission to landfill was subsequently extended several times and it has recently shut, despite permission being in place for further importation. An amended and shallower restoration scheme is now under consideration there instead. The site-specific circumstances including void size are of course relevant here, as are the changes in regulatory practices relating to landfill that have taken place, and final restoration schemes can be amended. However it demonstrates how a landfill approach can perpetuate the environmental impacts of a quarry site for an unnecessarily or unexpectedly long period after mineral extraction has ceased.

While the report does not raise fundamental concerns in respect of issues such as noise, dust or highway safety, there is nevertheless a clear rationale for operations relating to the working and restoration of quarries to be concluded in a timely way, to avoid environmental impacts being perpetuated. In this case, the unnecessary and unjustified disposal/restoration works would significantly prolong the environmental impacts. They would result in excessive numbers of heavy vehicle trips which, while not likely to be prejudicial to highway safety, would in themselves have an environmental impact due to the resources and emissions linked to the trips.

There would be a substantially prolonged visual impact. Quarrying of land in the countryside can be justified in principle, and there is an inevitable visual impact associated with these workings. However, that visual impact can be accepted where the purpose of the works is to provide an essential resource. Such visual impact in the countryside would not be acceptable without that kind of critical justification. Once quarry workings have ceased and restoration is required, it is imperative that restoration is carried out at the earliest opportunity, as stated in MTAN1. This ensures that the visual impact perpetuates for as short a time as possible, and that subsequent beneficial use can occur. This proposal would perpetuate the visual harm arising from the worked quarry area and would delay the beneficial use of the land, and all the ecological and habitat benefits that this should bring.

Moreover, as the application seeks to combine the planning permissions for both quarries the restoration of The South Quarry must also be considered. It is stated within the application documents that recycling operations would cease by 2042. The final restoration plan however makes no provision for the restoration of The South Quarry, which is shown as a retained void without any beneficial restoration measures shown. Albeit not specified to be retained, the permanent retention of a recycling facility in the (currently dewatered) quarry void would not necessarily be considered acceptable as a sustainable after use. The concept restoration plan therefore requires further development and consideration before any amended or new application in this area was approved, especially as it has been largely worked out and this process can be relatively well informed by current site conditions and recent investigations. Whilst a less intrusive restoration than The North Quarry would be favoured, a basic restoration design or concept would still be required for The South Quarry in accordance with MTAN1 guidance.

In considering the above, there is weight to be afforded in favour of the development contribution toward the regional landbank and the potential contribution of a recycling operation to the circular economy. However, as explained above, the mineral extraction is not contingent upon the entire or substantial infilling of the quarry with inert waste. The approval of an unjustified infilling operation, which would encourage waste disposal contrary to the principles of the waste hierarchy, is considered a material harm that is compounded by its failure to provide a beneficial, sustainable, and high-quality restoration and after care solution.

The restoration proposal would provide approx. 2. ha of agricultural land. The surrounding area is predicted to be Grade 3a, but the existing topsoil of the quarry area is long removed and not known to be retained. Although technically possible, there is no detail as to how the proposed use would be achieved, to what grade, and the likelihood of suitable material (a valuable resource) being available to create conditions conducive to a beneficial agricultural use. The site area is fairly limited in an agricultural context and most likely best suited for small scale grazing or silage production. Although of some potential benefit, this is likely to be very limited and so is not afforded significant weight.

PPW is explicit that mineral extraction that does not provide satisfactory and suitable restoration should be refused, as noted above. MTAN1 also advises at paragraph 97 that *“if there is any significant doubt about whether satisfactory reclamation can be achieved at a site, planning permission should be refused.”* Furthermore, having regard to the guidance contained within Paragraph 100 of MTAN1 it is considered that the proposed restoration scheme is substandard and has not provided adequate indicative details to date.

Having regard to the above, the proposal is considered to be contrary to the policy and guidance relating to waste management contained in TAN 21 paragraphs 2.9 and 4.23, and criterion 2 of Policy MD20 of the LDP. In addition, the proposal is contrary to planning policy and guidance relating to quarry restoration and after care contained in PPW paragraphs 5.14.4, 5.14.50, and 5.14.54, MTAN1 paragraphs 94, 97, 100, 103, and 130, and criterion 7 of Policy MG25 of the LDP.

Heritage and Archaeology

The application site has several Scheduled Ancient Monuments and Registered Parks and Gardens within a 3km radius. CADW have assessed the application and have raised no objection to the impact of the proposed development on the scheduled monuments or the

Llantrithyd Place registered park and garden. There are no listed buildings or conservation areas nearby whose settings would be adversely affected by the proposal.

Glamorgan Gwent Archaeological Trust have not raised an objection to the proposal as it was considered unlikely that significant archaeological remains would be encountered.

Given the above, the proposal is considered acceptable in respect of built and cultural heritage, in accordance with Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the LDP.

Noise and Vibration

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

The proposed extraction would take place within an existing quarry, albeit current permissions do not show further extraction in the northern area. The proposal must nevertheless be considered on its own merits in relation to the anticipated noise impacts. The nearest residential properties are The Longhouse and Pant-y-Ffynonau (to the east off Pant-y-Ffynnon Lane) and Ashleigh (to the north-west on the opposite side of the A48) and are all within 200m of the quarry.

The applicant proposes to retain the existing conditions associated with the current consent, although they propose to amalgamate the operating hours of the existing consents to allow working from 7am across the whole site area (part of The South Quarry is subject to a 7.30am start).

The application is accompanied by a Noise and Vibration Assessment. This has considered the predicted noise associated with the quarrying against the noise standards outlined in MTAN1 and assessed these in relation to the closest neighbours to the site. It is based upon environmental noise measurements undertaken at the site, a subsequent noise modelling exercise, and predictions of likely blasting impacts, taking into account current planning conditions. The prevailing noise environment was said to be mainly influenced by the road traffic at Ashleigh and the quarrying activity around Pant y Ffynnonau.

Blasting:

The 2009 Permission sets a Peak Particle Velocity (PPV, a ground vibration limit) limit of 6mms⁻¹ for 95% of blasts at nearby sensitive receptors and reflects the guidance within MTAN1 (para. 83) to avoid unreasonable nuisance vibration levels. Whilst The 1997 Permission sets a charge weight limit, their use is no longer encouraged, to avoid unreasonable restrictions on blast design achieving end results beneath the upper threshold. This is reflected in the 2009 Permission which does not restrict charge weight. The proposed mineral extraction is considered acceptable subject to similar imposition of

PPV limits and monitoring. It is appreciated that the quarry may have operated in a lower key manner in years gone by, however, recent monitoring has confirmed that blasting at the site has not exceeded the 2009 condition limit.

MTAN1 (para. 81) advises that due to the unpredictability of air overpressure (the sonic boom effect) due to atmospheric conditions, planning conditions to control it are unlikely to be enforceable. Nevertheless, the quarry operator should pay particular attention to blast design to minimise possible impact and the 2009 Permission requires it be monitored.

It is not proposed to deviate from the requirements of the 2009 Permission, which reflect the most up to date MTAN1 guidance.

Operational noise:

The operational noise assessment concluded that the predicted noise levels from operational activity would not exceed the 55 dB LAeq, 1h criterion, referred to within MTAN1 (para. 88) as the maximum permissible where background noise levels exceed 45 dB (as is the case here without the quarrying activity). The assessment has been reviewed by the Council’s Shared Regulatory Services. They did not raise concerns with the assessment scope and methodology, but stated that *“importation and recycling operations from 07:00 until 19:00 five days a week, especially at surface level as the reclamation works near ground level have the potential to cause disturbance and detriment to residential amenity.”*

The assessment predicts that there would not be a material increase in noise experienced at the nearest receptors (1- Longhouse, 2- Ashleigh) during the majority of the phases of works. It does however, predict that the final restoration phase would increase the noise experienced at Ashleigh as the site level rises. It does not identify an unacceptable impact, as it remains below (audible, but not above) background levels and within the MTAN1 maximum threshold. However, it would represent an appreciable change in the noise environment that would warrant further mitigation measures, such as adherence to agreed construction management measures and curtailment of site operational hours for the last phase of the works.

The predictions are shown in Table 7 of the assessment but shown below for ease of reference:

NSR	Predicted Specific Noise Level – LAeq,1-hour – dB	Adopted Noise Level Limit – LAeq,1-hour – dB	Excess over Adopted Noise Level Limit – dB
Preliminary Phase			
1	54	55	-1
2	44	55	-11
Final Restoration			
1	54	55	-1
2	53	55	-2

In conclusion, the noise and vibration impacts of the proposed development are considered broadly acceptable, subject to implementation of mitigation measures in the form of planning conditions, including measures to protect residential amenity as part of the final restoration phase. These matters could be dealt with by manner of planning condition if the proposals were considered acceptable in all other regards.

The proposed increase in the upper output limit of the quarry from 250,000 to 300,000 tonnes per annum has been taken into account in this assessment, alongside the recycling and infilling proposals.

Dust and Air Quality

The application is supported by an Air Quality Assessment (AQA). The assessment details the expected impact of the proposed development in relation to air quality from both the quarry related activities and traffic generation, along with dust control and other measures that could be employed as mitigation (Section 7).

The operational impact of traffic generated by the proposal has been screened against criteria set out within the Institute of Air Quality Management air quality planning guidance, whereby the increase in vehicle movements falls below the screening criteria. The impacts on local air quality as a result of operational traffic emissions were considered to be negligible.

The impact of dust emissions from the site have also been assessed in the AQA and a moderate adverse risk of disamenity effects occurring at the nearest sensitive receptors was identified. The AQA and DMP includes a list of mitigation measures to be used at the site to reduce the moderate adverse risk.

The assessment has been reviewed by Shared Regulatory Services who agreed with the conclusions of the AQA, approved of the mitigation measures, and so held no further concerns.

Highway Safety

The site is served by an existing unclassified road that connects to the A48 in two locations. The principal route to the site would be via a junction with the A48 to the west although the land also connects with the A48 near the Aubrey Arms to the east. The western junction with the A48 is a priority junction with a ghost island right-turn facility.

A junction assessment accompanies the application. It is not based on an ATC (traffic) survey due to complications and possible unreliability of results during the pandemic. However, it uses observed data for the A48 from 2015 adjusted for growth and estimates use of the junction based on it being used by quarry traffic rising from approx. 120 daily movements to 300 (28 per hour). It is noted more dwellings around Llantrithyd might use this junction, as might lighter traffic to the quarry, but the assessment is precautionary in a number of other respects and demonstrates the junction would be easily within its capacity and result in negligible increase to flows on the A48.

It is acknowledged that the development would increase the frequency of HGV movements between the A48 and the quarry and highway improvements are proposed which comprise of widening the bell mouth of the junction and a section of the carriageway, before

providing 2.no passing bays on Pant-y-Ffynnon Lane, as well as a vehicle restraint system.

The Highway Authority (VoGC) stated no objection to the proposal following review of the arrangement and provision of requested plan changes, subject to several conditions relating to engineering/ further detail for the proposed highway improvements, and agreement of construction and traffic management related details for these works.

Having regard to the above, the proposed highway arrangements are considered acceptable and reasonable to provide safe HGV access to the site. The supporting documents demonstrate that there would not be any significant adverse impacts on traffic or congestion or the wider highway network.

Impacts on Geology, Hydrology and Hydrogeology

The application has been supported by a Hydrology & Hydrogeology Impact Assessment (HIA) with the ES and a further Technical Note (TN) which details the impact of the proposal on the sites hydrology and hydrogeology. The site is not within a Source Protection Zone (catchment areas of public drinking water sources).

The supporting documents outline that the quarry is in a limestone strata of up to 260m depth, proven to be at least 35m (to 20m AOD) below the base of The South Quarry. Investigations conclude limestone deposit exist to the proposed base of The North Quarry and there do not appear to be any significant geological constraints to the proposed development.

The TN was provided following a request for further information by NRW to assess the impact on groundwater and the possible saturation of the fill material. It states that data suggests most local groundwater is held within discrete pockets, and the site is therefore unlikely to form part of a continuous water table. The water levels in Pant y Lladron (groundwater level monitoring borehole) are higher than in the quarry, but despite being deeper, The South Quarry is mostly dry with a sump that is dewatered. It is stated that there is no significant seepage of groundwater into the site and no conduits have been encountered during the southern quarry activities and dewatering here is not significant or sustained.

NRW stated that they were in agreement with the majority of this assessment, apart from assumptions made regarding the low likelihood of encountering a water filled conduit, as it is not possible to accurately predict. A condition was recommended for an Environmental Management Plan to be submitted, detailing how unsuspected groundwater inflow would be dealt with if encountered during the works. NRW also advised that when restoration plans and a regulation approach is confirmed, it would be necessary to consider the proposal with respect to the groundwater level (if encountered), and if material be deposited in the saturated zone. Dewatering may be required, and discharges over 20 cubic meters a day is a permitted activity. They did not object or request any further information in this regard, however.

The supporting information and review concludes that there are no over-riding hydrogeological or hydrological based reasons to refuse the application.

Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences.

The supporting HIA states that conditions in The North Quarry mean most if not all surface water percolates into the bedrock and this situation is highly likely to be maintained during the extraction works. If groundwater was intercepted during the operation it will be channelled via a ditching system and controlled by water storage systems to be established in The North Quarry, prior to discharge into the Nant Llantrithyd watercourse under environmental permit. Discharge rates would be attenuated to below calculated Greenfield QBAR runoff rates. There was concern raised in representation of the consequences of discharge to a field ditch north of Pant-y-Ffynnon Lane, however the Preliminary Water Management Plan shows the discharge point is to the southern side, at the existing point of discharge for The South Quarry.

Instances of flooding to Nant Llantrithyd have been reported in representations, and although the pumping of the quarry will naturally coincide with periods of heavy rain, there is no evidence that water from the quarry is a material contributory factor. Notwithstanding this, the proposal is to achieve Greenfield discharge rates, and would be subject to detailed design and SAB/ permit requirements, in this regard.

This site is not located in Development Advice Map (DAM) zones at risk of tidal or fluvial flooding. The Council's Drainage Engineer has assessed the supporting information and drainage submissions and considers the proposed strategy acceptable in principle. On this basis, the proposal is considered acceptable in respect of drainage.

Contamination

Concerns have been raised in representations regarding the nature of the infill material and contamination from the quarry. The proposal has been reviewed by Shared Regulatory services, who noted that the pollution prevention mitigation and strategies were appropriate. It is proposed to import only inert construction and demolition waste. The day to day operations, including the use of site won and imported materials would be controlled by NRW requirements, environmental permitting and associated monitoring. The drainage strategy and hydrological assessments have also been reviewed by NRW and the Council's Drainage Engineer and are considered acceptable. The proposal is therefore considered acceptable in relation to risk of contamination, noting that the planning system should not duplicate other regulatory controls in this area.

Ecology and Biodiversity

The application is supported by a Preliminary Ecological Appraisal which did not find vegetation or plant species of high importance in the quarries and the open water did not contain significant aquatic plant colonisation, albeit the report recommends that a Greater Knapweed plant is translocated prior to works due to its local significance.

The PEA identifies that although some of the habitat on the site peripheries could support reptiles and amphibians, their presence was unlikely due to site characteristics and none

were recorded during the survey. The surrounding habitat has potential to support a number of species, however notable species present in the quarry are likely to be restricted to bats and birds. The site is also not subject of any ecological or geological designations.

Birds:

No designated birds were observed, apart from House Sparrow which is a section 7 Species of Principal Importance and a Red List Species of Conservation Concern. However, mitigation via biodiversity enhancement measures could be provided for any lost nesting opportunities in the plant buildings.

The documentation associated with 2009 permission states Peregrine Falcon may have been breeding in The South Quarry at the time. Condition 18 refers to measures to enhance nesting possibilities (the site area covers both The North Quarry and part of the South). Whilst peregrines are protected under the Wildlife & Countryside Act 1991, they are not known to have been present at the site for several years and were not recorded in this survey.

Bats:

All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed. These requirements are translated into planning policy through Planning Policy Wales (PPW) and TAN 5 (Nature Conservation and Planning). The national policy related to this area is outlined in the Planning Policy Section of this report above, and is also reflected by the requirements of Policy MG19 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the LDP.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Mineral Planning Authority (MLPA) must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6). In order to comply with its duty under the Habitats Regulations, the LPA need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

The undertaking of ecological surveys to establish whether protected species are present on the site is a fundamental first step in this process. This advice is clear within PPW at paragraph 6.4.22 and TAN 5 at paragraphs 6.2.2, 6.3.6 and 6.3.7. The applicant's PEA identifies a requirement for further surveys for bats and, without this information, it is not possible to accurately assess the implications of the development upon bats and so these tests cannot be satisfied.

Section 5.2 of the PEA states that the trees within the site are likely insufficiently mature to have any more than minimal roost potential. It also states the existing buildings proposed to be demolished probably have similar low potential, but states that a survey will be required to determine whether any bat roosts are present in buildings, structures or any other features that it is proposed to disturb or demolish. It also states:

“The impact on roosting bats that the proposed quarry development work might impose cannot be precisely determined before the results of a targeted bat-activity and roost survey are known. The survey is likely to require both a visual examination of the buildings and structures and a bat-activity survey.”

NRW have also been consulted and stated in response.

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

No further information has been provided by the applicant’s agent to date despite several requests and having been informed of this requirement by NRW in pre-application consultations in 2021. The applicant’s agent has contended the buildings and structures could be removed under permitted development and the current quarrying consents. Whilst this may be the case, there are many activities that could be undertaken harmful to ecology interests without planning permission and it is no excuse for inaction. The demolition of the buildings in The North Quarry is necessary to implement these proposals and would likely be hastened by the granting of permission for additional extraction in this area. It is therefore considered reasonable and necessary to require the bat survey be carried out prior to determination.

The proposals therefore fail to demonstrate that there would not be adverse impacts on a protected species (where the onus lies with the applicant to demonstrate this would not occur) and they are therefore contrary to Policies MG19 – Sites and Species of European Importance and Policy MD9- Promoting Biodiversity (in that it would not conserve biodiversity interests) of the LDP, as well as national guidance contained at paragraphs 6.3.6 & 6.3.7 of TAN 5 – Nature Conservation and Planning and paragraph 6.4.22 of Planning Policy Wales. It is also contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

RECOMMENDATION

REFUSE

1. By reason of the excessive unjustified infilling operation, which is not fundamentally required to create an acceptable restored site, the proposal would amount to (and would encourage) unjustified waste disposal that is contrary to the principles of the waste hierarchy, would result in unnecessarily and harmful perpetuated environmental impacts, and would fail to provide a beneficial, sustainable, and high-quality restoration and after care solution for the quarry, at the earliest opportunity. The proposal is therefore contrary to the policy and guidance relating to waste management contained in TAN 21 paragraph 4.23, and criterion 2 of Policy MD20 of the LDP. In addition, the proposal is contrary to planning policy and guidance relating to quarry restoration and after care contained in PPW paragraphs 5.14.4, 5.14.50, and 5.14.54, MTAN1 paragraphs 94, 97, 100, 103, and 130, and criterion 7 of Policy MG25 of the LDP.
2. It has not been demonstrated, through submission of a bat survey, that the development would not be detrimental to the maintenance of the population of bats

- a European Protected Species. The development is therefore contrary to Policies MG19 – Sites and Species of European Importance and Policy MD9- Promoting Biodiversity, of the Local Development Plan, as well as national guidance contained at paragraphs 6.3.6 & 6.3.7 of TAN 5 – Nature Conservation and Planning and paragraph 6.4.22 of Planning Policy Wales. It is also contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

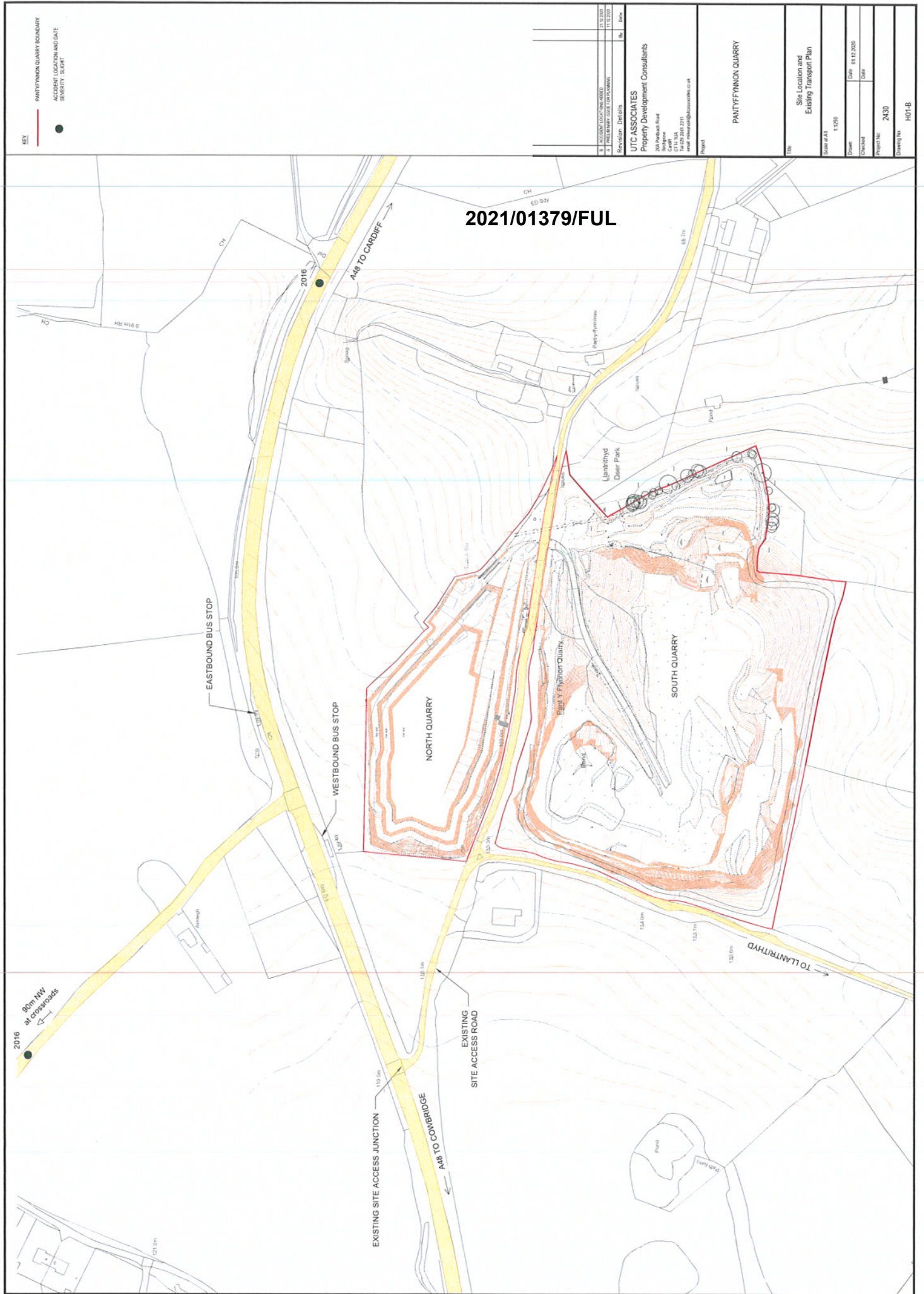
REASON FOR RECOMMENDATION

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

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.

In reaching the recommendation below, the content of the submitted Environmental Impact Assessment has been taken into account, in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.



KEY

- PANTYFFYNNON QUARRY BOUNDARY
- ACCIDENT LOCATION AND DATE SEVERITY: S, M, HT

Rev	Description	Date	By
1	ISSUED FOR TENDER	21.10.2020	
2	FOR CONSULTATION	21.10.2020	
3	FOR APPROVAL	21.10.2020	

UTC ASSOCIATES
 Property Development Consultants
 268 Industrial Road
 Harrogate
 WF18 1UA
 Tel: 01924 201271
 Email: info@utcconsultants.co.uk

Project	
Site Name	PANTYFFYNNON QUARRY
Scale	1:1250
Drawn	Date: 01.12.2020
Checked	Date:
Project No.	2430
Quarry No.	H01-B

Site Location and Existing Transport Plan	
Scale	1:1250
Drawn	Date: 01.12.2020
Checked	Date:
Project No.	2430
Quarry No.	H01-B

2022/00397/RG3 Received on 28 March 2022

APPLICANT: Mr Andrew Freegard, Vale of Glamorgan Council, The Alps, Alps Quarry Road, Wenvoe, CF5 6AA

AGENT: Miss Georgia Peters, Vale of Glamorgan Council, Dock Offices, Subway Road, Barry, CF63 4RT

Land North of Holm View Leisure Centre, Barry

Phase Two of the residential development of 31 no. affordable housing units and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale that is required to be determined at Planning Committee (Major Reg3 application).

EXECUTIVE SUMMARY

The application is for the development of 31 residential units, comprising houses and flats, with associated works and car parking. Access will be directly from Clos Holm View, on the eastern extent of the application site. The development is for affordable housing on behalf of the Vale of Glamorgan Council Housing Services.

The site is part of a housing allocation in the adopted Vale of Glamorgan Local Development Plan under Policy MG2(15) Holm View. It forms Phase 2, and the remainder of the allocation is located to the east (already developed).

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

One representation has been submitted to the application, querying whether there will be a Local Area of Play within the proposals. No objections have been raised at the time of writing this report. Having considered the above issues, the proposed development is recommended for approval, subject to conditions and a Section 106 agreement securing planning obligations.

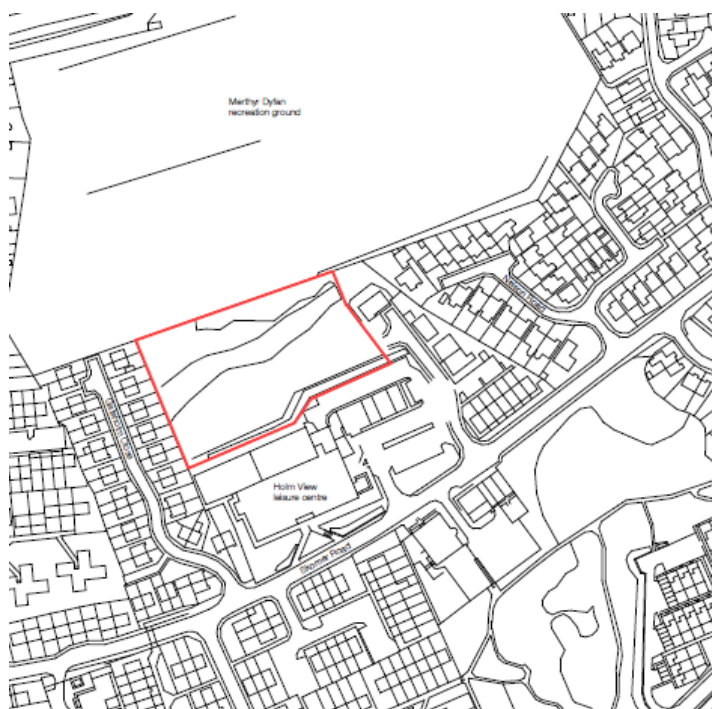
SITE AND CONTEXT

The application relates to a parcel of land located to the north of Holm View Leisure Centre, Barry, measuring approximately 0.85ha in size. The site is located within the settlement boundary of Barry as defined in the Local Development Plan (LDP).

The site is bound by Phase 1 of the wider allocation development to the east, Holm View Leisure Centre to the south and Merthyr Dyfan Recreation Ground to the north. To the west are dwellings along Gateholm Close. Further surroundings include Barry Rugby and Football Club, Pencoedre High School north of the site, several food and take-away establishments on Skomer Road to the south of the site and further residential areas. The site is accessible to the local highway network with access to the A4050 from Merthyr Dyfan Road via Skomer Road.

The site is also allocated for housing under Policy MG2(15) of the LDP. The site does not lie within a Conservation Area, nor are there any listed buildings, scheduled ancient monuments or public rights of way within the site vicinity.

The site location plan is shown below:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the development of thirty-one residential units along with associated parking, highway and ancillary works. The development is for affordable housing on behalf of the Vale of Glamorgan Council Housing Services. The proposed units meet the current DQR Standards set by Welsh Government within the 'Beautiful Homes & Places' (July 2021). The accommodation would comprise of the following:

- 15 x 2B4P Houses;
- 6 x 3B5P Houses;
- 8 x 1B2P Apartments
- 2 x 3B5P Bungalows.

In addition to the new homes, various associated works are proposed including the provision of the new internal road to serve the development, car parking provision, cycle storage, planting, and other landscaping works including play space and a SUDS detention basin.

The proposed houses would vary in size and scale from the 2 bedroom properties (Type 1 & Type 4) which have an eaves height of some 5.2m and ridges of 8.2m. The 3 bed dwellings (Type 2) have a circa 5.3m eaves and 8.7m ridge heights. The proposed Bungalows (Type 3) will measure approximately 2.9m to the proposed eaves and 6m to the proposed ridge. The proposed flats (Type 5) will approximately 5.3m to the eaves and 8.4m to the proposed ridge.

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



The proposal would take a fairly conventional form with the use of Kempley antique brick and white render external walls, with uPVC fenestration and black rainwater goods, together with Thrutone blue/black fibre cement slate roofs. The buildings would have a generally traditional form, with gable ends, pitched roofs and dual frontages to make the streetscene more active. Certain key elevations are lifted by the contemporary window surrounds, cladding, aluminium framed glazed Juliet balconies and porch canopies. However, a fairly consistent approach is taken to the design and materials proposed across the development site, together with those dwellings delivered under Phase 1.

Vehicular access would be achieved via the existing access point from Clos Holm View, with improvements and upgrades included as part of the proposals. This will involve providing a 5.5m wide carriageway and 2m footways at the site entrance on both sides. The proposal will provide 52 car parking spaces, as well as 4 visitor spaces, cycle storage and bin storage.

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

The proposed site layout is depicted below:

Proposed Site Layout



Type 1 (2 Bed) – Elevations and Floorplans



Type 1 - Ground floor

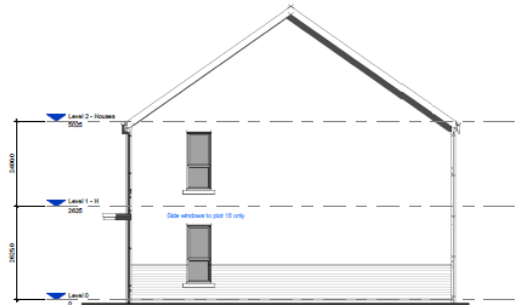
Steel Section house - 83m² GFA



Type 1 - Front elevation

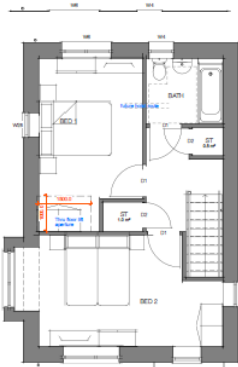
1: 50

- Schedule of materials**
1. ThruStone Blue / Black fibre cement roof slates to pitched roofs
 2. UPVC soffits / Fascia RAL 7035
 3. Black UPVC Rainwater goods
 4. Facing Brickwork pattern - Kempley Antique
 5. White colour 'sib' render
 6. UPVC Casement windows - RAL 7035
 7. G1 'TRIGRID' front door with glazed side panels (if indicated); Non-standard RAL colours to be agreed
 8. Aluminium framed glazed Juliet balconies
 9. Steps finished in tarmac cladding
 10. Treated timber door canopy
- (*) Where noted on the architectural plans
11. Steps finished in tarmac cladding
 12. Treated timber door canopy



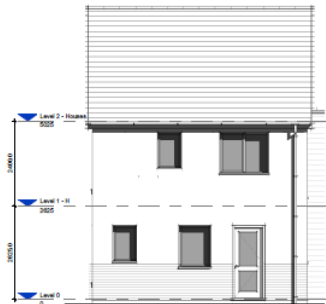
Type 1 - Side elevation 1

1: 50



Type 1 - First floor

1: 50



Type 1 - Rear elevation

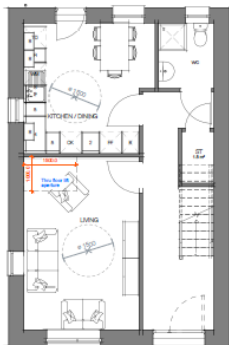
1: 50



Type 1 - Side elevation 2

1: 50

Type 2 (3 Bed) – Elevations and Floorplans



Type 2 - Ground floor

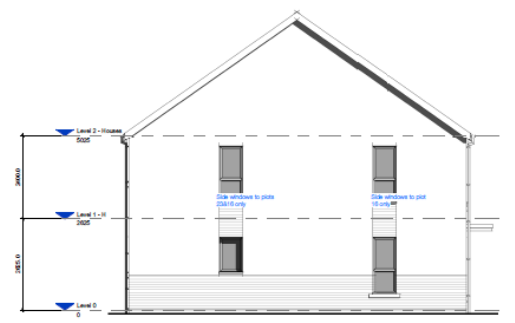
Steel Section house - 83m² GFA



Type 2 - Front elevation

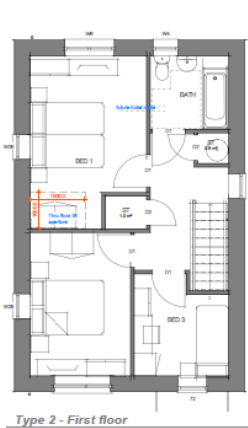
1: 50

Schedule of materials



Type 2 - Side elevation 1

1: 50

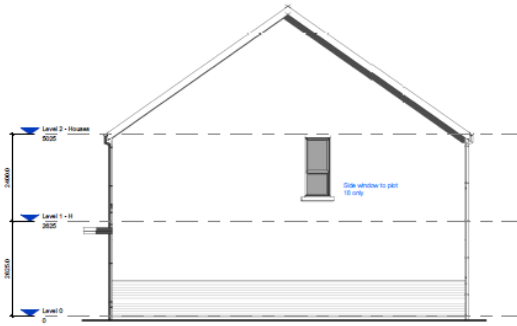


Type 2 - First floor
1:50

- 5. White colour 'sis' render
- 6. UPVC Casement windows - RAL 7006
- 7. 10 'HUGBO' front doors with glazed side panels (if indicated); Non-standard RAL colours to be agreed
- 8. Aluminium framed glazed Juliet balconies
- 9. Rays finished in larch cladding
- 10. Treated timber door oversteps



Type 2 - Rear elevation
1:50



Type 2 - Side elevation 2
1:50

Type 3 (Bungalows) – Elevations and Floorplans

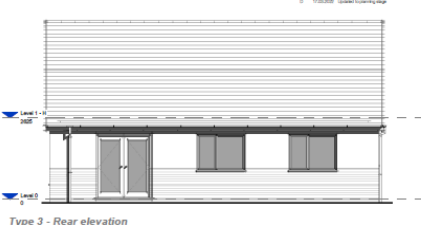


Type 3 - Ground floor
1:50

3Bed 5Person WC Bungalow - 107m² GIA, (Accrout)



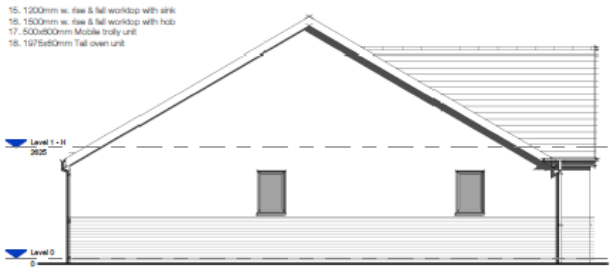
Type 3 - Front elevation
1:50



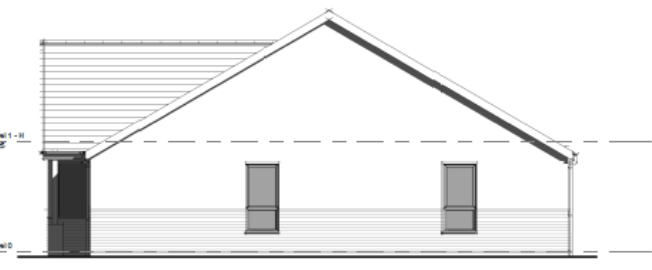
Type 3 - Rear elevation
1:50

- Schedule of materials**
1. Trudora blue / Black Bone cement roof slates to pitched roof
 2. UPVC Surface Finish RAL 7006
 3. Black UPVC Halfwater goods
 4. Framing (indicated) - Kersley Artisan
 5. White colour 'sis' render
 6. UPVC Casement windows - RAL 7006
 7. 10 'HUGBO' front doors with glazed side panels (if indicated); Non-standard RAL colours to be agreed
 8. Aluminium framed glazed Juliet balconies
 9. Rays finished in larch cladding
 10. Treated timber door oversteps
- Specialist kitchen equipment (to be with occupational therapist)**

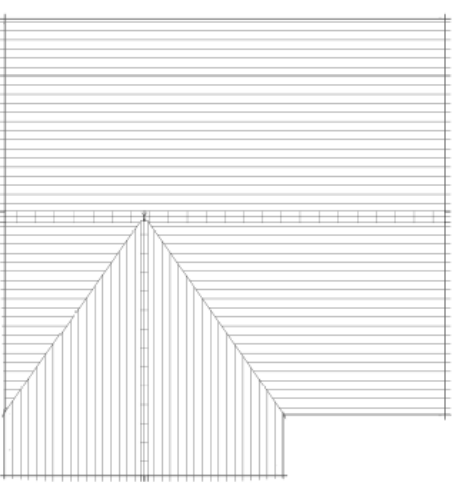
15. 1200mm w. base & full worktop with sink
16. 1500mm w. base & full worktop with hob
17. 500x900mm Mobile trolley unit
18. 1075x500mm Tall oven unit



Type 3 - Side elevation 1
1:50

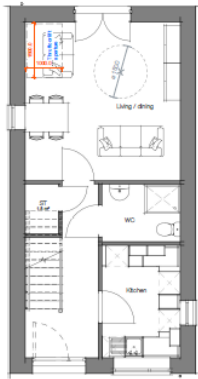


Type 3 - Side elevation 2
1:50



Type 3 - Roof plan
1:50

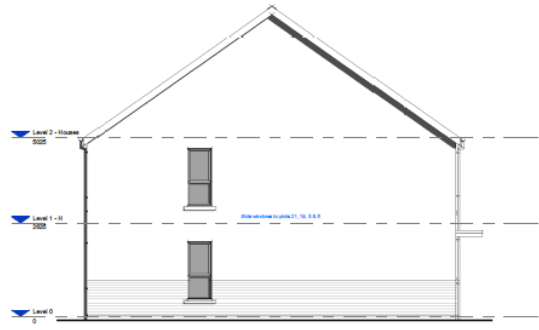
Type 4 (2 Bed) – Elevations and Floorplans



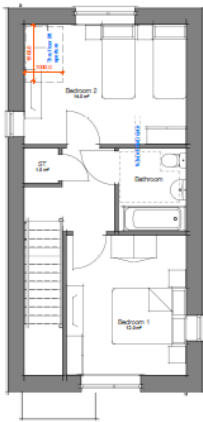
Type 4 - Ground floor
1:50
Best season house - 83m² GFA



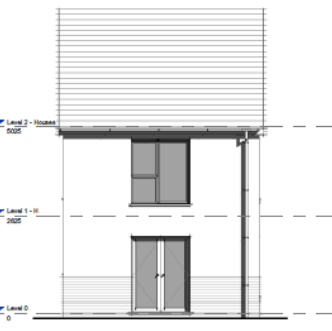
Type 4 - Front elevation
1:50



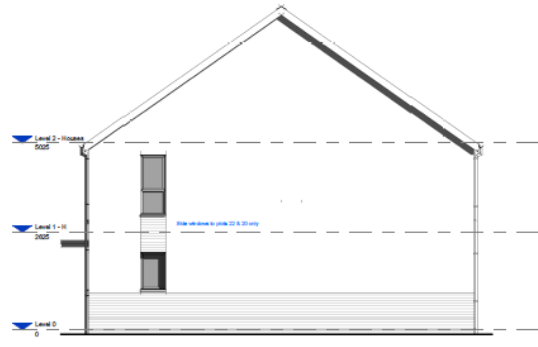
Type 4 - Side elevation 1
1:50



Type 4 - First floor
1:50



Type 4 - Rear elevation
1:50



Type 4 - Side elevation 2
1:50

- 4. Facing brickwork finish - Kempley Antique
- 5. White colour 'soft' render
- 6. UPVC Casement windows - RAL 7006
- 7. 12. HINGED Front doors with glazed side panels (if included); Non-standard RAL colours to be agreed
- 8. Aluminium framed glazed lateral balconies
- 9. Bays finished in larch cladding
- 10. Treated timber door canopy

Type 5 (Flats) – Elevations and Floorplans



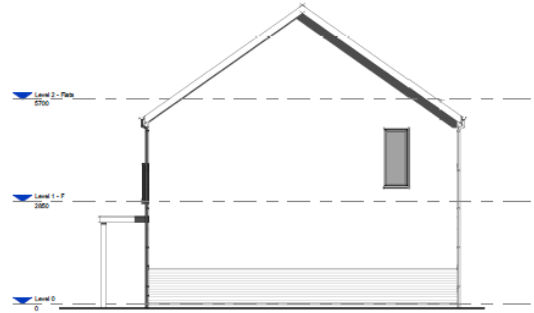
Type 5 - Front elevation
1:50



Type 5 - Side elevation 1
1:50



Type 5 - Rear elevation
1:50

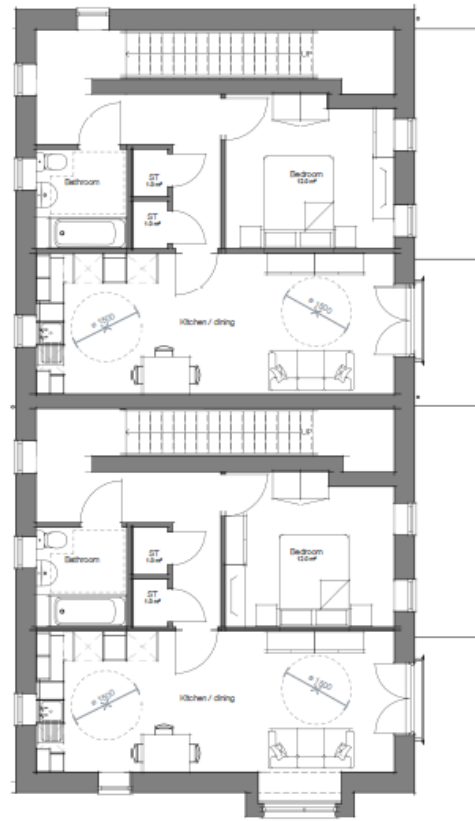


Type 5 - Side elevation 2
1:50



Type 5 - Ground floor
1:50

11000 Apartment 530x2 av.



Type 5 - First floor
1:50

Site Sections



Site section 1
1:100



Site section 2
1 : 100



Site section 4
1 : 100



Site section 3
1 : 100

PLANNING HISTORY

2002/00802/REG3, Address: Holm View Leisure Centre, Skomer Road, Barry, Proposal: Refurbishment of existing tennis courts, to provide new synthetic surfacing, fencing and floodlights (Minute No. 1241), Decision: Approved;

2009/00184/FUL, Address: Holm View Leisure Centre, Skomer Road, Barry, Proposal: Erection of an FM broadcast radio aerial, Decision: Approved;

2017/00260/RG3, Address: Land to the East of Holm View Leisure Centre, Skomer Road, Barry, Proposal: Proposed residential development comprising 11 affordable dwellings along with associated parking, highway and ancillary works, including a new vehicular access/egress for Holm View Leisure Centre, Decision: Approved;

2017/01197/RG3, Address: Land to the East of Holm View Leisure Centre, Skomer Road, Barry, Proposal: Variation of Condition 2 of Planning Permission 2017/00260/RG3 - Revision to design of dwelling at Plot 8, Decision: Approved;

CONSULTATIONS

Barry Town Council were consulted on 13 April 2022. A response was received on 12 May 2022 confirming no objection.

Highway Development were consulted on 13 April 2022. A final response was received on 6 September 2022 confirming no objection to the development subject to the attachment of conditions relating to the provision of a Construction Traffic Management Plan, full engineering details and submission of pre-construction surveys (**Condition 12 - 15 refer**).

Councils Drainage Section were consulted on 13 April 2022 and have provided advice regarding surface water drainage.

Shared Regulatory Services (Pollution) were consulted on 13 April 2022. No response was received at the time of writing this report.

Dwr Cymru / Welsh Water were consulted on 13 April 2022. A response was received on 4 May 2022 confirming no problems were envisaged with the Waste Water Treatment Works for treatment of domestic discharges. In light of these matters, Welsh Water raise no objection subject to the attachment of conditions and advisory notes (**Condition 10 refers**).

Ecology Officer was consulted on 13 April 2022. A response was received on 30 August 2022 confirming no objection subject to the attachment of a condition relating to landscaping plans demonstrating biodiversity enhancement (**Conditions 5 - 8 refer**).

Natural Resources Wales were consulted on 13 April 2022. A response was received on 29 April 2022 confirming 'concerns' with the application, albeit these can be overcome by conditions relating to land contamination (**Condition 20 refers**).

Contaminated Land, Air & Water Quality were consulted on 13 April 2022. A response was received confirming no objection subject to conditions on unforeseen contaminated land measures, imported soil, aggregate and site won materials and advisory notes relating to unstable land (**Conditions 20 - 23 refer**).

South Wales Police were consulted on 13 April 2022. A response was received on 20 April 2022 confirming two issues of concern with the proposed site layout, which related to the rain gardens provided within the middle of the site which makes the parking spaces vulnerable and the connectivity to the wider playing field to the north. These issues have been addressed within the most up to date site layout.

Ward Members were consulted on 13 April 2022. No response was received at the time of writing this report.

Cardiff & Vale University Health Board were consulted on 13 April 2022. A response was received on 3 May 2022 confirming no objection to the proposals, subject to the provision of off-site contributions to public open space, provision of adequate cycle storage facilities for future residents and the provision of a Health Impact Assessment.

South Wales Fire and Rescue Service were consulted on 13 April 2022. A response was received on 12 July 2022 confirming no objection to the proposals.

VoGC Housing Strategy stated 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:

GIBBONSDOWN	
1 bed	168
2 bed	68
3 bed	40
4 bed	8
5 bed	2
	286

REPRESENTATIONS

The neighbouring properties were consulted on 13 April 2022. Three site notices were also displayed on 5 May 2022. The application was also advertised in the press on 19 April 2022. To date, one letter of representation has been received querying as to whether the proposed development will include a Local Area of Play. No further representations have been received at the time of writing this report.

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

Managing Growth Policies:

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

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 – Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY 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)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)

(LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)

- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places

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 also identified as a Housing Allocation under Policy MG2(15) Holm View, Barry for 50 residential units. The site forms Phase 2, the final phase of the allocation identified in the plan. Phase 1, adjoining the site to the east, was delivered under App Ref: 2017/00260/FUL providing 11 affordable dwellings, a new access and associated works. Consequently, it is considered that the principle of residential development has been established through the allocation of the site within the adopted Local Development Plan.

Policy MD6 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 approximately 0.85ha and therefore complies with the requirements of Policy MD6 for the provision of 30 dwellings per hectare. However, with regards to the entire allocation of MG2(15), the site would fall slightly short of the allocated density of the site, owing to the partially constrained nature of the site (including the topography of the land), meeting the appropriate separation distances to existing residential properties, the provision of ample Public Open Space on site, and the tenure being provided on the wider site to meet housing needs (namely some bungalows) which requires a larger area of land take for such dwellings. In this regard, LDP Policy MD6 highlights that lower densities will be permitted as a result of such constraints. This applies in this case given the aforementioned constraints. The development is therefore considered on balance compliant with this policy and would amount to efficient use of the land.

On this basis, the development is therefore considered acceptable in principle and compliant with Policies MD1, MG2 and MD6 of the LDP.

Affordable Housing

The delivery of affordable housing is a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan's housing market over the last 10 years having resulted in many local people experiencing difficulties purchasing suitable housing on the open market.

There is a target for 3,252 affordable residential units to be provided over the plan period as identified by policy SP4 of the Local Development Plan. As part of the LDP Annual Monitoring Framework, there was a target for the provision of 1,646 additional affordable homes by 2021, to be delivered through anticipated affordable housing contributions from Policy MG2 housing allocations, secured through policy MD4, alongside windfall housing developments. Between 2011 and 2021 an additional 1,622 affordable dwellings have been delivered. This is a shortfall against the target, although it is within the 10% flexibility allowance.

The proposal is for 100% affordable housing (social rented) on an allocated residential site, and therefore the proposed use of the allocated site for affordable housing is acceptable in principle.

The latest Local Housing Market Assessment (LHMA) 2021 was approved by Cabinet on 14th February 2022. The results show a net need for an additional 1205 units of affordable housing per annum for the next five year period 2021-2026 (4450 over the full period), comprising 917 units for social rent, 79 for low-cost home ownership and 211 units of intermediate rented accommodation. This is an increase in the need for social rented units of 116 units per year from the LHMA 2019, with the greatest need being within Barry. The changes are due to a number of factors, not least the increase in the number of applicants on the Homes4U register.

There is still a significant affordable housing need that must be met in Barry for social rented units as evidenced by the following figures from the Council's Homes4U waiting list in the Ward of Gibbonsdown, Barry:

GIBBONSDOWN	
1 bed	168
2 bed	68
3 bed	40
4 bed	8
5 bed	2
	286

This table shows registered affordable housing need in the Gibbonsdown Ward. The proposal would provide additional affordable housing, although the demand for affordable units would still far outstrip supply in the Ward. Existing need would not be met by other approved developments in the ward. Consequently, there is an identified need for these units, and the development would assist the Council in meeting local affordable housing demand in the locality. It is, therefore, considered that development of the site for affordable housing is acceptable in principle and meets the requirements of Policies SP4 and MG4.

Layout, Design and Visual Impact

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).

There is a relatively mixed architectural style present in the vicinity of the site, with several two storey dwellings located off Skomer Road. Nevertheless, the street scene principally comprises bungalows and two storey accommodation, and there is no discernible uniformity to how the wider buildings address the principal route of Skomer Road. There are examples of the sides of dwelling houses at the entrances to other residential streets, the rear of dwellings with the boundary to Skomer Road delineated by close board fencing, and active frontages to only the commercial units and the immediately neighbouring leisure centre. Cumulatively this does not create a particularly engaging street scene, however, the recently developed adjoining site (Phase 1), provides active frontages onto Skomer Road and Clos Holm View.

The application proposes the development of a broadly rectangular parcel of land for 31 residential units, with a central 'U-shaped' internal road layout where the units enjoy direct access. In light of this, the layout of the site therefore ensures that all of the units are orientated towards the roads serving the development, with the addition of a number of dual frontage house types which are utilised on prominent corner plots fronting onto the public open space and internal road layout. This provides a significant degree of active frontage onto the main road which is considered to sensitively respect its context and provide a more visually pleasing form of development.

In terms of parking, the dwellings would be served by driveways within their curtilages, whilst the flats would largely be served by parking spaces to the front of the blocks. There is a series of visitor spaces proposed on the southern periphery of the site within a short walking distance. Visually, it is considered that this is an appropriate form of layout and would avoid large communal parking areas.

A change in materials on the main road is proposed between plots 2-10 to the south-east of the site. It is considered that the block paved areas would appear as attractively designed, less formal/engineered parts of the site, and would contribute towards a sense of place. To the south eastern extent, a turning head is provided to meet the highways standards. The distinction between 'formal and informal' parts of the site has been appropriately designed within the site layout.

The hard and soft landscaped areas would be located to front of the site, adjacent to the detention basin/LAP abutting the apartment block. There would be grassed areas throughout the development site which would soften the overall appearance of the layout. The layout has undergone revision since the original submission, whereby the proposed 'terraced' raingardens were provided at the rear between Plots 6 -18 and defined as Public Open Space. However, concerns were raised with regard to the lack of natural surveillance of this space. The layout has since then been amended to incorporate the 'terraced' gardens within the rear gardens of Plots 6 -18, albeit this has resulted in the reduction of the overall Public Open Space provided on site.

Nevertheless, the layout shows a meaningful and usable area of open space with peripheral areas of landscaping that can be accessed by the residents of the flats and dwelling houses. In addition, as aforementioned, there are also other smaller pocket areas of landscaping around the site which would also provide a significant degree of visual amenity for future occupiers of the development.

Cycle parking is also provided to serve each dwelling and the apartment blocks, together with a bin store located on the western edge of Plots 28 – 31.

With regards to the overall scale of the proposals, the house types and flat development blocks are considered as a group to be acceptable with varying heights (including single storey and two storey houses and flats), that would result in a sufficiently interesting and varied built environment that would not unacceptably detract from the site's context. The roof line also has been visually 'broken up' via the use of different storeys and this adds further design interest to the rows of units, given the natural gradient of the land. In light of this, the units are considered comparable in their general scale, massing and height to the existing neighbouring residential developments and in this respect is in keeping with the surrounding built environment.

Turning to detailed design matters, the dwellings are of a relatively conventional general form, with gable ends, pitched roofs and predominantly rendered and brick elevations. However, as aforementioned, the elevations are lifted by the contemporary detailing utilised, including window surrounds, cladding, Juliet balconies and porch canopies. Whilst these materials match Phase 1, they do not directly match the locally prevalent palette evident along Gateholm Close (immediately to the west), but this somewhat more contemporary palette would nevertheless complement its surroundings. However, to ensure appropriate materials, a condition requiring samples of all materials to be agreed is recommended (**Condition 3** refers).

Overall, it is considered that the siting, scale, design and materials of the proposed buildings will respond positively to the constraints and context of the site and would not harm the character of the area, in accordance with Policies SP1, MD2 and MD5 of the adopted LDP.

Highway Safety and Parking

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



The development site would be accessed via the access point completed under Phase 1, off Clos Holm View, to the east of the application site as depicted above. The proposals would provide a 5.5m wide carriageway and 2m pedestrian footways at the site entrance on both sides. The footways would lead into the site and then terminate to give way to shared surfaces. This approach is considered appropriate in that it would enable safe, segregated access into the site and then more informal use of the shared spaces when away from the primary highway. The geometry and layout of the threshold and internal junctions are accepted and they would afford drivers, cyclists and pedestrians the necessary visibility to ensure safe access and egress.

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

- AM Peak (08:00-09:00) = 13 two-way vehicle movements
- PM Peak (17:00 – 18:00) = 10 two-way vehicle movements

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.

The proposed development would provide 52 parking spaces and 4 visitor spaces, which is below the 'maximum' standards of the SPG (which would require 78). In view of the proposed social rented tenure of the properties, the sustainable location with access to local facilities such as shops, community buildings, schools and public transport where occupants could realistically live without a car, and given the very close proximity to transport links, 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 of each dwelling and cycle storage for the proposed flats. Consequently, the Highways Engineer has raised no objection to this arrangement, which will be likely to encourage and facilitate sustainable patterns of travel. This also satisfies the requirements set by the Cardiff & Vale University Health Board in that regard.

The layout initially included a pedestrian link in the Northwest corner, to link the development with Merthyr Dyfan Recreation Ground, however, this has now been omitted at the request of the Police Crime Prevention Officer, in order to ensure that the development satisfies the requirements of Secure By Design. While this link would have been beneficial, the additional distance that a pedestrian would have to walk to the recreational area is highly unlikely to influence modal choice and consequently, and the development remains acceptable in terms of the scope of pedestrian movements/links. Issues related to sustainable transport are discussed below in the Planning Obligations section of the report.

Significant consultation and negotiation was undertaken with regard to the internal road layout during the course of the application process, whereby the Highways Engineer had sought an additional turning head in the eastern part of the site (that would have resulted in the loss of one affordable housing unit). In addition, this would have resulted in additional hardstanding, thus creating an overly engineered layout, which would have been overly dominated by the highway. It was concluded that given that the traffic flows from the western part of the site will be very low and combined with the inevitably low speeds and the infrequency of vehicles reversing out of the first cul-de-sac, the absence of the turning head would be unlikely to cause highway safety issues. Noting this, the Highways Officer confirms that *'an objection in relation to the highway and transportation aspect of the development is unable to be sustained and not raised in this instance.'* They do however request a number of conditions be attached to any consent relating to provision of full engineering details of proposed access, the internal road and the submission of pre-construction condition surveys (**Conditions 12, 13, 14, and 15 refer**).

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

Impact on Neighbours

Criterion 8 of policy MD2 requires that new developments 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).

There are no dwellings opposite the site (Merthyr Dyfan Recreation Ground), and it is considered that the dwellings would not have any adverse impacts on the uses in the community centre to the south (Holm View). The main issues to consider in this respect are therefore those relating to the dwellings to the east of the site on Clos Holm View and those to the west, along Gateholm Close.

Clos Holm View

Those dwellings closest to No. 11 Clos Holm View include Plots 1-5 located on the eastern extent of the development site. Whilst it is accepted that these new dwellings would alter the outlook the neighbouring occupiers experience across their rear boundaries, since currently the site is vacant land and open in character, the dwellings in closest proximity (Plots 1 & 2) are relatively low lying bungalows and single storey in scale. However, whilst the submitted site sections indicate that the ground levels would be generally higher than No. 11, owing to the fact that Plots 1 & 2 are single storey, the separation distance to the boundary with the aforementioned properties (measuring approximately 8.5m) and the means of enclosure proposed (a 1.8m close boarded fence) would mitigate any unacceptable overlooking impacts. With regards to Plots 3-5, similarly, this would alter No.11s outlook, however, given the separation distance and the orientation of the dwellings to one another, it is considered the proposal will not have any appreciable overlooking impacts in this regard. The development is therefore considered acceptable in relation to overlooking and privacy in this regard.

With regard to overbearing and overshadowing impacts, given the separation distances proposed to the neighbouring boundaries and more specifically, the single storey nature of the closest dwellings (Plots 1 & 2), it is considered that they would not be fundamentally overbearing or unneighbourly, and shadowing impacts would not be significant.

Gateholm Close

In terms of neighbouring amenity impacts to those of Gateholm Close, Plots 19 – 31 are the closest situated along the western boundary of the development site. Plots 19-23 would measure approximately 21.5m from those neighbouring dwellings of Gateholm close and in this respect, whilst it is accepted that the development would alter the outlook, the proposals would have no significant impact on neighbouring amenity, in terms of shading, loss of light or being overbearing. There would also not be any unacceptable overlooking impacts to those properties given the separation distances proposed.

With regards to Plots 24 – 31 (the flats), the development will measure approximately 8m to the boundary and approximately 17.5m to the neighbouring dwellings themselves. Equally, the proposals will inevitably alter the outlook of these properties, albeit they are located a sufficient distance away and it is considered there would be no unacceptable impacts on the amenity of neighbouring residential occupiers by virtue of overbearing and overshadowing impacts.

In terms of the potential for overlooking and a resultant loss of privacy of neighbouring residential occupiers, it is noted that Plots 24 – 27 (the flats) include obscurely glazed non-opening windows at first floor level given the shorter separation distance. These openings are indicated as serving non-habitable rooms or secondary windows. A condition will be attached (**Condition 9 refers**) ensuring that the first floor westerly facing windows of Plots 24-27 would be fitted and maintained with obscure glazing to mitigate any possible overlooking impacts and as such there would be no appreciable impact upon the privacy of the neighbours.

Finally, with regards to privacy and overlooking of the proposed development itself, it is considered that the siting of the dwellings, relative to one another, are such that each dwelling would not be unreasonably overlooked and would not experience overbearing impacts from another and meet the standards applied in the adopted SPG.

A Construction Environmental Management Plan (see **Condition 11**) would minimise the temporary construction impacts and would ensure that construction activities are only undertaken during appropriate hours.

Having regard to the above, subject to the attachment of appropriate conditions, 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 Residential and Householder Development SPG).

Amenity Space

In terms of amenity space, the Council's adopted Supplementary Planning Guidance Residential and Householder Development (2018) indicates a need for between 20 sqm per person for developments, whereby all units should be provided with direct access within/through the site. The guidance contained within this policy also notes that for flats between 12.5 sq. m and 20 sq.m of amenity space per person for flatted development should be provided, depending on the size of development. Moreover, the guidance requires that generally amenity areas should be of a 'useable' shape, form and topography and must be directly accessible for all occupiers.

In relation to the proposed dwellings, there is mixture of two three-bedroom bungalows, six three-bedroom houses and fifteen two-bedroom homes. All of the dwellings are shown to be served by a private amenity space to the rear and front of the properties, meeting the standards set by the adopted Residential and Household SPG.

Turning to the amenity space provision for the proposed flats, the development will provide eight one-bedroom apartments. The flats would be mainly served by an area of amenity space located to the rear and front, which measures approximately 200 sq.m. The overall provision of amenity space to serve the flats is considered acceptable and satisfies the SPG standards.

Public Open Space

LDP policies MD2 'Design of New Development' and MD3 'Provision for Open Space' require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice.

Residential developments are therefore expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also acts as a visual amenity. Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings are required to provide public open space, in accordance with LDP Policy MD3 'Provision for Public Open Space'. The Planning Obligations SPG requires 55.68sqm per dwelling, comprising 5.8sqm of children's equipped play space, 12.76sqm of other children's play space, and 37.12sqm of outdoor sports space.

TAN 16: Sport, Recreation and Open Space (2009) states "*Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management*".

The Council's Open Space Background Paper identifies a surplus of outdoor sports provision, thereby resulting in no on site requirement, albeit there is an existing deficiency of Children's Play Space within the Gibbonsdown Ward. Taking the above into consideration, the development (inclusive of the previous phase) would therefore be expected to provide 779.52 sq.m of children's play space.

As aforementioned, the layout has undergone amendments during the consultation process, which resulted in the reduction in the overall public open space provided on the development site. This was as a result of concerns not only raised by the Planning Department, but also the Police Crime Prevention Officer. These concerns related to the central rain garden located at the rear of Plots 6 -18, which resulted in a poor design and lack of surveillance had to this space. This has now been omitted from the scheme and included within the rear gardens of Plots 6-- 18, which has therefore reduced the overall amount of POS provided on site. Furthermore, this was an essential omission to ensure that the development satisfies the requirements of Secure By Design.

The submitted layout, as amended, now only indicates the provision of POS/Local Area of Play within the confines of the detention basin located on the southern periphery of the site. The total layout suggests the provision of 528.31m² is provided in this area and circa 708 m² of POS (inclusive of the incidental areas) on the development site. The submitted landscaping plan suggests the detention basin will include areas of bark mulch at the entrance, together with areas of seating and boulders and timber logs for play.

The Council's Planning Obligations SPG states that '*generally drainage basins will not be considered appropriate as a usable area of public open space, and such spaces will not contribute to satisfying the necessary public open space requirements, unless the applicant can demonstrate via a detailed drainage assessment that the drainage basin area will not be impacted by flooding.*' The applicant has confirmed that this area would be usable for the vast majority of the time and as such this area and the associated landscaped buffers located throughout is considered to contribute a more informal area of POS within the site. Having discussed matters with the drainage authority, the design of the area would provide useable amenity space, however, further details of this area (in terms of drainage and amenity) are required by way of condition and throughout the formal SAB submission process. It is therefore considered reasonable to require further details of the proposed POS/LAP area and its future management and a condition is proposed to require these details (**Condition 19 refers**).

In light of the above, whilst the layout would result in a nominal shortfall in POS and provision of equipped playspace, it is considered that this must be weighed against the positive impacts of the development; in this case principally the provision of much needed affordable units. The provision of a larger area of public open space or private shared amenity space would impact on the number of affordable units that can be provided and the viability of the scheme. In light of the importance to be placed upon affordable housing provision and given the close relationship the site has with the onsite provision, together with the proximity to the significant amount of nearby public open space (particularly Merthyr Dyfan Recreation Ground, as well as Pencoedtre Splash Pool in 0.96km walking distance to the application site), it is considered that the outdoor amenity needs of the

occupiers can, on balance, be reasonably met in this way. Lastly, whilst the comments raised by Cardiff & Vale University Health Board are noted, as set out above, the development is considered to provide sufficient amenity space to meet the needs of future occupiers of the development and whilst there is a slight shortfall in POS being provided on site, it is not considered necessary of the authority to seek further POS contributions, in light of the benefit of the scheme as a whole.

Therefore, on balance it is considered that the layout makes sufficient provision for the necessary amount of public open space, together with the fact that the site is located in close proximity to equipped public open space, to meet the on-site needs of the occupiers.

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 Preliminary Roost Assessment (PRA) 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 of Phase 2. The PEA and PRA concludes that the site is of limited potential to support common invertebrates, hedgehogs, breeding birds and bat habitats of principal importance within the site. However, appropriate means of mitigation is advised including vegetation clearance outside of bird nesting season, installation of bat and bird boxes, gaps to be left in fencing and a series of landscaping using native species to offer enhancements for invertebrates.

The application has also been supported by Tree Survey. 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 Hawthorn, 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 5**).

The reports have been reviewed by the Council's Ecologist, who raised no objection to the proposals, subject to the development being carried out in accordance with the recommendations outlined in the Ecological Impact Assessment produced by Wildwood Ecology are implemented in full (including suggested enhancement) and that works are taking outside of bird nesting season (**Conditions 7 & 8 refer**). Furthermore, a request has been made for the attached of a condition to allow for the agreement of species used in the Landscaping Plan in order that the maximum biodiversity and landscaping benefit is achieved (**Condition 5 refers**).

Subject to compliance with the enhancement recommendations in the PEA, PRA and the Tree Survey 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, 'terraced' raingardens and permeable paving, prior to discharge to an existing surface water sewer, adopted by SAB. 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.

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 Ian Farmer Associates.

These conclude that the site has some contamination that is of possible concern. It was recommended that further analysis be carried out to confirm the presence, nature or extent of those hazards anticipated to impact on the site.

The Council's Shared Regulatory Services section provide specialist advice in relation to land contamination (among other matters) and have advised that a condition relating to unforeseen contaminated land 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.

In addition, NRW have also raised some concerns and comments in relation to further survey work sought, although are satisfied that these can be addressed through the use of conditions.

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 20- 23**).

Other Matters

Cardiff & Vale University Health Board were consulted on as part of the proposals who raised no objection, subject to the provision of off-site contributions to public open space, the proposal it to provide adequate cycle storage facilities for future residents and the provision of a Health Impact Assessment (HIA). The majority of the comments raised by the Health Board have been dealt with in the content of the Committee Report, however during the course of the application determination, the submission of a Health Impact Assessment was made. The report concluded that:

“This development will contribute towards the evident need for affordable housing in the area and will have many positive health impacts for future residents. This report has confirmed that there are more positive health impacts resulting from the proposed development than negative impacts. Any identified negative impacts have been assessed on their potential nature, size, likelihood and distribution; subsequent recommendations have been made based on the outcome of the assessment. If the recommendations stated in this report are actioned any negative health impacts can be minimised”.

The Health Board have reviewed the supporting documentation (HIA) and are satisfied with the recommendations set out. However, whilst many of the recommendations have either been addressed or secured by way of condition (namely public open space, shared surfacing, traffic calming measures and landscaping), many of the recommendations the Local Planning Authority are unable to enforce/regulate. This includes matters such as improving education on healthy lifestyles for children in schools, introducing nearby healthy food options, as well as ensuring that there are nearby facilities that provide support for people struggling with addiction. The recommendations also suggest ensuring that new residents from ethnic minority backgrounds are provided with the appropriate support and services to prevent social exclusion, encourage community cohesion and lastly for the Council’s Housing Development team to liaise with the Highways team to ensure that safe crossings are installed near the site.

Whilst the recommendations are welcomed and are noted by the Planning Authority, as previously relayed, these do not form part of the planning application and is not possible for the planning authority to regulate these recommendations as part of any forthcoming permission.

S106 Matters

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, July 2022) 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.

In 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.

Accordingly, Section 106 contributions for this development, inclusive of the wider allocation (Phase 1) in total are sought on the basis of 17 units (42 minus 25).

For Members' information, the full Section 106 contributions (in line with the guidance in the Council's Supplementary Planning Guidance) would be:

- Sustainable Transport - **£39,100**
- Public Art - to the value of **1%** of the build costs
- Community Facilities - **£21,420**
- Education- **£37,652.50**

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car. The applicant has agreed to a request of **£39,100** which accords with the rationale set out in the Council's SPG for 17 units. This money would be spent on improving access for pedestrian and cyclists to and from the site, and to improve access to shops and services etc.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that decisions should take account of social considerations relevant to land use issues, of which education provision is one. LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in Policy MD4.

This calculation is based on the provision of 17 units, having deducted the one-bedroom flats on the basis these are not likely to house school aged children.

The Council's Education Department were consulted and confirmed there is projected local capacity at nursery and primary level to accommodate this development. However, denominational education provision does not have surplus capacity in the area when accounting for the uplift in pupil numbers from the development. 11% of pupils in the Barry area attend denominational education with both schools serving the wider Barry area. The Council would not seek the full amount of the applicable education contributions due to the surplus capacity at English and Welsh Medium schools serving the development. Consequently, a total of £14,051.73 will be sought from the developer which accounts for 11% of the total applicable contribution

Turning to requirements at Secondary level, again, there is no surplus capacity for denominational education to accommodate the uplift in pupil yield from the development. 16.88% of pupils in the area attend denominational education and a contribution would be sought at a cost of £23,600.77 and is therefore required, in accordance with the formula contained in the SPG. This would be to provide and enhance educational facilities to meet the needs of future occupiers of this development. This equates to a total contribution of **£37,652.50**.

Community Facilities

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

The Council has developed a formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. The applicant has agreed to an amount of **£21,420** which reflects the need that results from the development (based on 17 units) and accords with the guidance in the Council's SPG.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "*individuality and distinctiveness*" within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

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

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 legal agreement to include the following necessary planning obligations:

- The pay a sum of **£37,652.50** to contribute towards the provision or enhancement of educational facilities.
- To pay a sum of **£39,100** to contribute towards the provision of sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council
- To pay a sum a sum **£21,420** to contribute towards the provision of new, or enhancement of existing, community facilities in the area.

In addition to a clause requiring the payment of a fee to monitor and implement the legal agreement.

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:

- Site layout A003 Rev U
- Type 1 A003 Rev C
- Type 2 A005 Rev C
- Type 3 A006 Rev D
- Type 4 A007 Rev C
- Type 5 Floorplans A008 Rev D
- Type 5 Elevations A009 Rev D
- Site Sections A010 Rev F
- Site Sections A011 Rev E
- CGI A012 Rev C
- CGI A013 Rev C
- Boundary Plan A015 Rev B
- Pre application Consultation Report
- Preliminary Investigation Report 2021
- Ground Investigation Report
- Ecological impact assessment
- Holm View Phase 2 Planning, Design And Access Statement
- Transport Statement-0970 Holm View Ph2 Ts
- 15.11.21 Tree Survey Phase 2 Holm View Skomer Road Barry
- 21051 P1a Holm View Phs 2 Drainage Strategy
- 21051 P2 Retaining Wall Section Rear Of Plots 1&2
- TC22025 LA1 Landscape Strategy [Rev C].pdf

- DQR Compliance Email Received 08/09/2022

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 in the construction of the units hereby approved a schedule of materials to be used in the construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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. The means of enclosure associated with the development hereby approved shall be in accordance with Dwg Ref: A015 - Boundary plan Rev C.pdf, or in accordance with an alternative scheme of enclosures, the details of which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the buildings. The means of enclosure shall be erected in full prior to the first beneficial occupation of the development, and so retained at all times thereafter.

Reason:

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

5. Notwithstanding the details submitted, prior to the first beneficial occupation of any of the residential units, a scheme of landscaping (including details of the perpetual management and maintenance of the landscaped areas) together with the provision of which shall include: planting plans; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme, shall be submitted to and approved in writing the Local Planning Authority.

Reason:

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

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

7. The development shall be carried out in accordance with the measures and recommendations contained in the document ref: WWE21186 Ecological Impact Assessment prepared by Wildwood Ecology January 2022.

Reason:

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

8. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

9. The first floor windows in the westerly facing rear elevations of the flats serving Plots 24 - 27 shall be non-opening and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration at the time of installation of the window and shall be retained as such at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. No surface water and/or land drainage run-off shall 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.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

12. 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 haulage routes for heavy construction vehicles, measures to control mud and debris including wheel washing, 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.

13. Notwithstanding the submitted details, no works whatsoever shall commence on the development until full Engineering details and associated calculations where applicable of the proposed access / internal road arrangement have been submitted incorporating vision splays, Street lighting, road signs, street lighting, road restraint systems, surface water drainage strategy and any retaining structures retaining or adjacent to the highway / public open space have been submitted to and approved in writing by the Local Planning/Local Highway Authority. The development shall be carried out in accordance with the details approved thereafter.

Reason:

In the interests of highway safety in accord with Policy MD5 of the Local Development Plan.

14. Prior to commencement of development, details including design calculations, duly certified by a Professional Engineer, full Engineering details of any structures,

barriers, drainage systems and Highways abutting or within close proximity to the existing embankment along the Southern Boundary of the site have been submitted to and approved by the Local Planning Authority. The proposals shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

In the interests of highway safety in accord with Policy MD5 of the Local Development Plan.

15. No development shall take place until a condition survey of the local highway network of the Phase 1 development highway and the frontage along Skomer Road, has been carried out by an independent highway maintenance consultant and has been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

16. Within 1 month following the completion of the development, a Second Condition Survey along the route approved under Condition 15, 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.

17. The parking and turning facilities shall be laid out in accordance with plan A003 - Site layout rev.U.pdf 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.

18. 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.

19. Notwithstanding the submitted details, no development shall take place until a scheme for the provision and maintenance of the Public Open Space/Local Area of Play has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any equipment, the timing of its provision together with details of the maximum depth of water within the basin for the highest frequency 1 in 1 year rainfall event. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policy MD2 of the Local Development Plan.

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

Reason:

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

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

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

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

Reason:

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

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

- 2. 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 3. 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.

2022/00642/FUL Received on 19 May 2022

APPLICANT: Mrs. Penny Knight, 8, Mountjoy Close, Penarth, CF64 2TA

AGENT: Susan Rosser, RIBA., 20, Duffryn Road, Cyncoed, Cardiff. CF23 6NP

8, Mountjoy Close, Penarth

Single storey side and rear extension with new porch and roof conversion

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Rhiannon Birch due to the number of objections that have been received.

EXECUTIVE SUMMARY

The application site relates to 8, Mountjoy Close, Penarth a semi- detached property located within the Penarth Settlement Boundary. This is a full application for the addition of a front porch, side extension, rear extension, gabling of the roof form as well as the addition of a rear dormer, along with associated windows and doors.

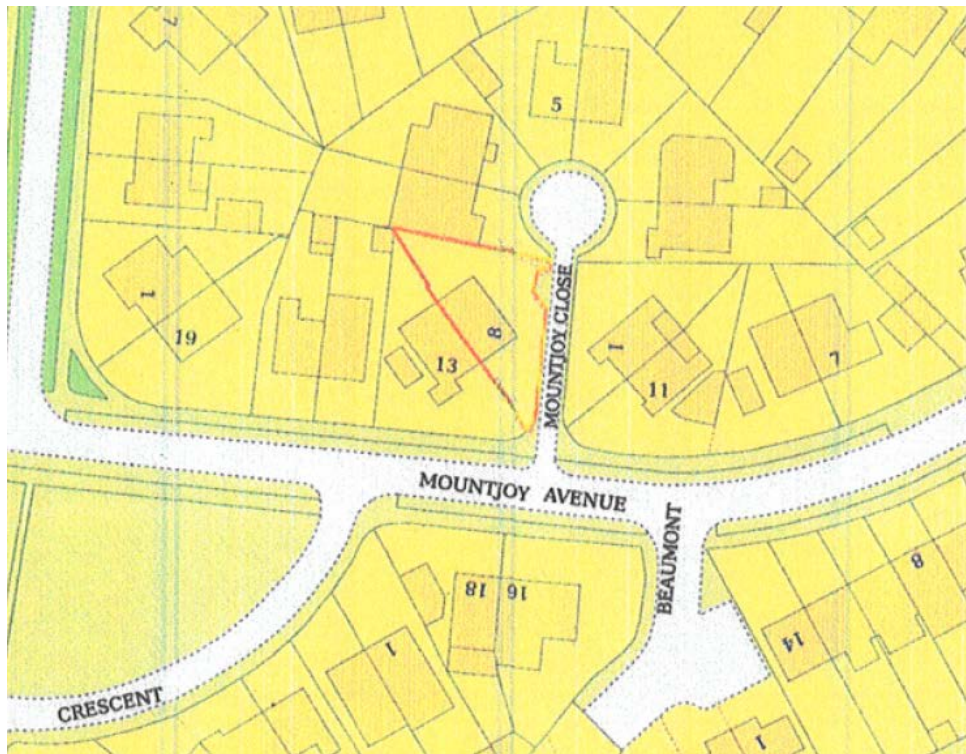
The main issues involved in the assessment of the planning application are the design/visual impact, and the impact on residential amenity.

Three letters of representations have been received objecting on the grounds of visual impact, the proposal's impact upon Mountjoy Close's character, concerns over overlooking into neighbouring dwellings, the potential overbearing impact of the side and rear extension as well as the gabling of the roof form.

Whilst having considered the letters of representations received and taking the matters into consideration, the development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site relates to 8, Mountjoy Close, Penarth a semi- detached property located on a corner position, near its junction with Mountjoy Avenue, within the Penarth Settlement Boundary. This site is not within a conservation area. A site location map is attached below.



DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for a single storey side and rear extension with new porch, roof conversion including a dormer and hip to gable alteration.

The proposed rear extension measures approximately 2.7m deep, 6.05m wide, with an eaves height of 2.5m and a maximum height of 3.5m. The side extension matches the eaves and ridge height of the rear extension, 2.2 m deep with a width of 10.5m.

The proposed porch approximately measures 1.4m deep, 4.3m wide with matching eaves and maximum height. The proposed rear dormer measures approximately 3.1m deep (max), 5.4m wide, and is set 10cm below the extended ridge and 45cm above the eaves. The proposal includes increasing the ridge height of the dwelling by some 0.15m.

Materials and finishes have been specified as hanging tiles to the dormer cheeks, and the extension will be finished in a slate roof and render to match the existing house.

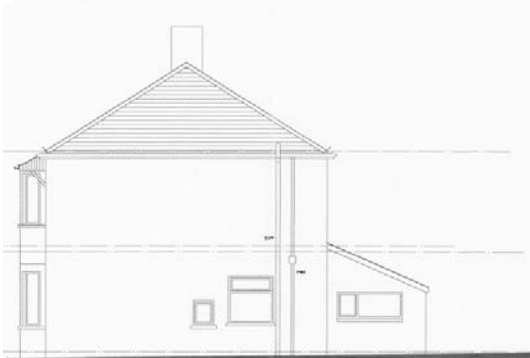
Existing:



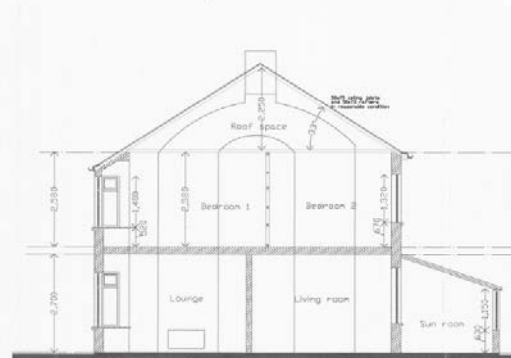
Existing Elevation to the Main Road



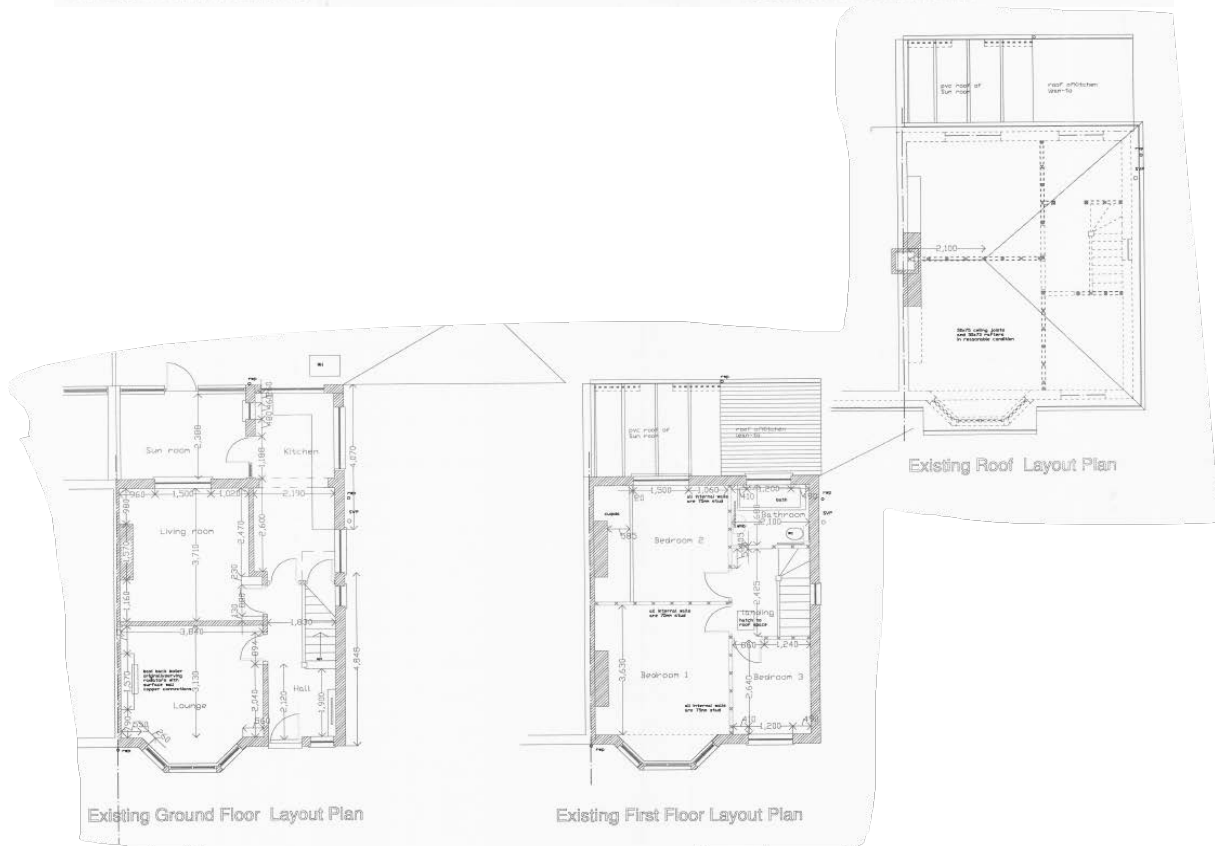
Existing Elevation to the Rear Garden



Existing Elevation to the Drive



Existing Cross Section A - A



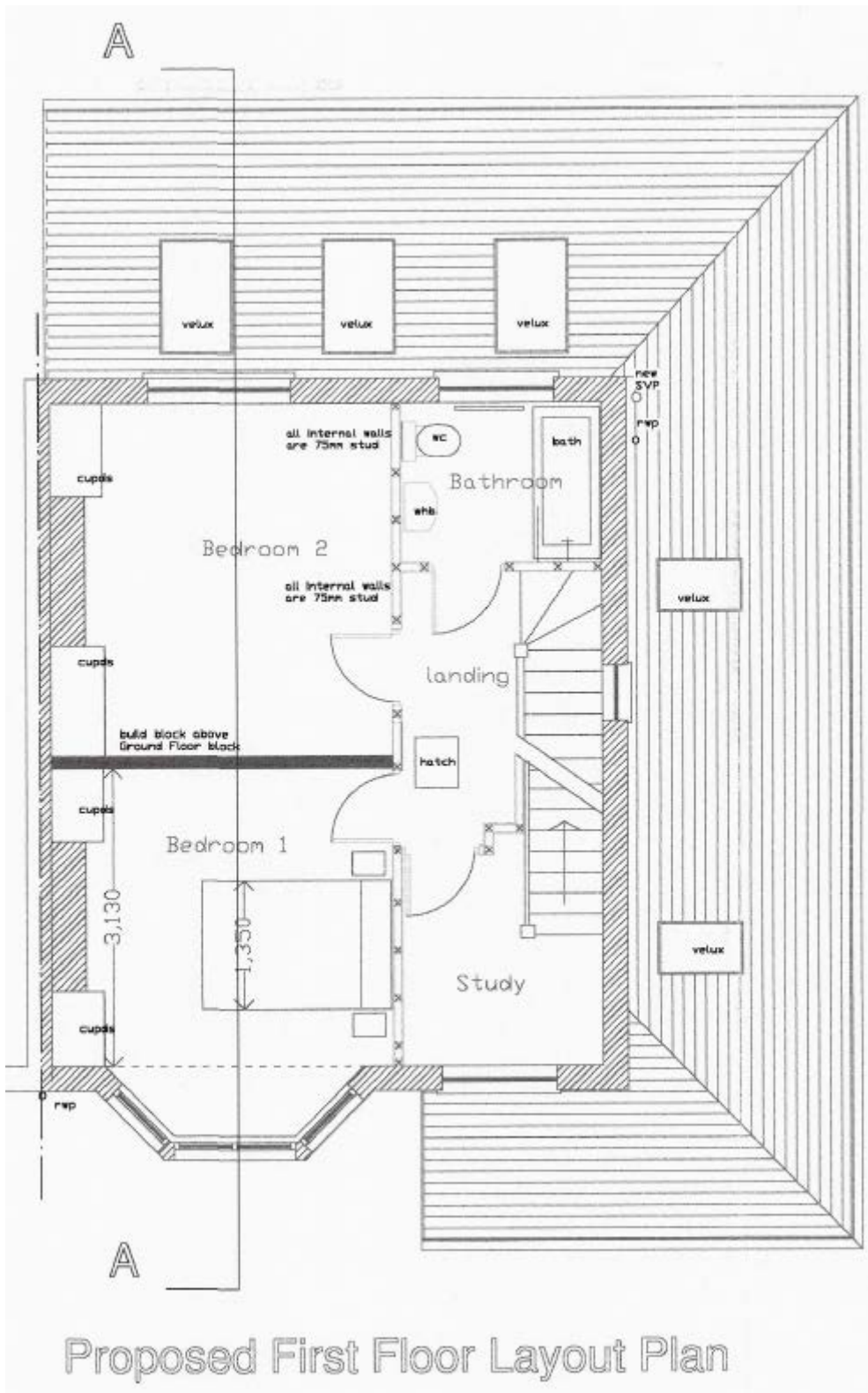
Existing Ground Floor Layout Plan

Existing First Floor Layout Plan

Existing Roof Layout Plan

Proposed:



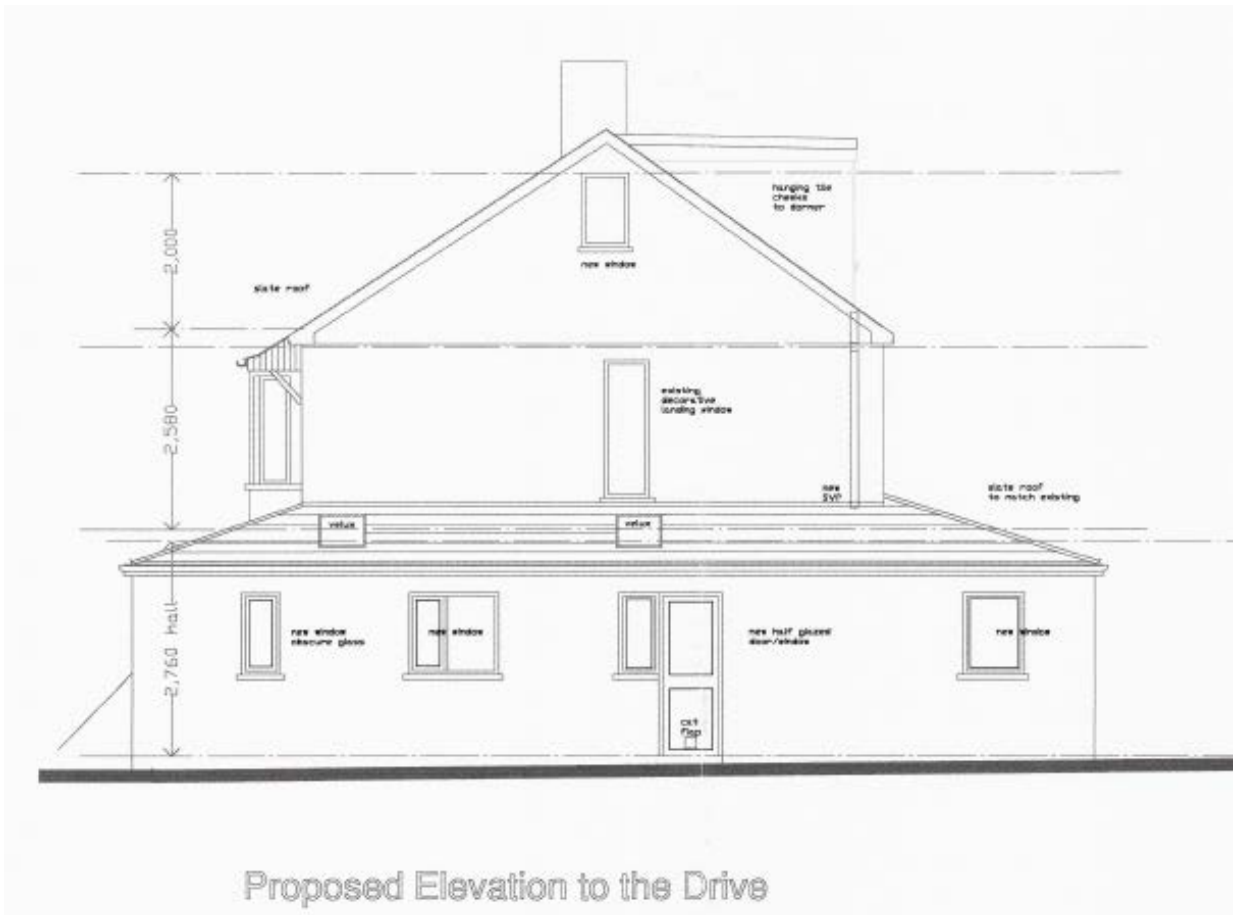




Proposed Elevation to the Main Road



Proposed Elevation to the Rear Garden



Proposed Elevation to the Drive

PLANNING HISTORY

No relevant planning history

CONSULTATIONS

Penarth Town Council were consulted on 7 June 2022, who responded on 14.06.2022 stating: No objection

Cornerswell Ward members were consulted on 7 June 2022. Cllr Buckley responded on 20.06.2022 stating: He had been to the address, spoken with the planning officer and one of the neighbours and sees no reason at present as to why he would object to the application. Cllr Birch contacted the planning department on 31.08.2022 requesting the application be called into planning committee due to the number of objections received.

Councils Highways Development Team were consulted on 12 September 2022, and responded stating:

Further to reviewing the above, it is considered that the proposals would not have a material impact along the adjacent highway. Therefore, no objection is raised in relation to the development.

To alter the driveway, the applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works adjacent to or within the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense.

REPRESENTATIONS

The neighbouring properties were consulted on 7 June 2022.

To date, representations from three neighbours have been received, they are summarised below:

- Objection to the proposed loft conversion: The other loft conversions in the close (numbers 2 & 7 Mountjoy Close) have maintained their original 1930's hipped structure, as appropriate to the era of the houses. The proposed gable ended loft conversion would be out of character, having a negative visual impact & changing the character of the building. It would also be detrimental to the street scene of the close, which currently is balanced, causing it to lose its symmetrical appearance and visual sense of space.
- The gabled roof form will be overbearing and is out of scale with other loft extensions in the close and would encroach, having a detrimental impact on the environment. The conversion to a gable end would mean a loss of daylight to the front of number 7, Mountjoy Close.
- The additional window on the second storey of the side elevation would be overlooking other properties, causing lack of privacy.
- The large dormer extension on the rear of the roof is much bigger and out of scale with others in the close.
- In general, this overdevelopment would lead to a lack of privacy, overlooking other houses.
- Objection to the proposed single storey side & rear extension with new porch: This is an over development of the property, inappropriate to the size of the site. It would be overbearing & out of scale in comparison with other houses in Mountjoy Close.
- It will have a detrimental visual impact on the street scene. Mountjoy Close is open & symmetrical and this will be out of character with the close as a whole, negatively affecting its appearance from multiple angles, particularly from Mountjoy Avenue, the opening to the close.

- The proposed porch & side elevation would be a visual infringement on the access to the close, with health and safety implications for drivers, with the external wall being too near to the roadway up the close, leading to an obscured view when exiting the driveway of No7. It would overcrowd the site and roadway, being detrimental to both residents and the appearance of the close as a whole.
- The proposed changes to the side and rear walls would mean that the corner of the side & rear walls would come in front of our house, effectively meaning that our property would be behind it, as opposed to adjacent. This would close off our property from the rest of the close, obscuring our house with a loss of daylight. It is also too close to our house.
- The proposed numerous windows as well as an external door on the side elevation mean a loss of privacy.
- Would create a blind spot when driving into the close due to the proposal of the front rap around extension.
- Car spaces would be very tight and could cause problems on encroaching on to my drive for them to get in and out of their drive.
- Neighbour who lives diagonally opposite, did not receive any notification from the LPA about the application
- The proposal represents a considerable expansion of the size of the dwelling in a relatively small plot

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. 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.

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

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)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include, the design and visual impact, impact upon the amenity and privacy of neighbouring properties and the impact on parking and amenity space.

Design and visual Impact

The proposal includes the addition of a front porch and cloakroom to the side. It is noted that there are various examples of front porches within Mountjoy Close as well as along Mountjoy Avenue. Additionally, the adjoining semi (No13 Mountjoy Avenue) has a porch. Given this and its compatible design and form, the front porch is not considered to be visually harmful to the street scene and would not have a determinantal impact upon the character of the dwelling. In terms of scale, the porch is deemed to be subservient to the house and is of a similar scale to others within the street scene. Consequently, this element of the proposal is deemed to be acceptable and would have no unacceptably adverse impacts upon the amenity of the street.

The proposal seeks to remove an existing 2.7m deep rear extension and conservatory and replace it with a mono-pitch 2.7m deep extension which includes a set of folding doors and a new window. Although the proposal is an increase in height compared to existing, the scale would remain modest and wholly subservient to the house. Although visible from within Mountjoy Close, the proposed rear extension does not represent a visually incongruous addition to the dwelling or the wider street scene.

The proposed side extension would be widely visible from within Mountjoy Close and would be visible from Mountjoy Avenue. The extension runs the full depth of the dwelling and links the rear extension to the porch. The side elevation of the extension includes four windows as well as a doorway. In terms of visual impact upon the character of the house, although the extension runs the full depth of the dwelling as well as linking the porch and rear extension, given the modest 2.45m width, the side would appear subservient to the existing dwelling and its design is compatible with it. The side extension would, at its closest, be some 1.3m away from the road and it would extend approximately 1.5m past 7 Mountjoy Close's principal elevation. However, given the siting of the existing dwelling in this corner location and its angled relationship to the road, the forward projecting element of this single storey extension would not be considered harmful to the street scene.

The proposal includes, as part roof alteration, an increase in the ridge height of the dwelling, by some 0.15m. Given the dwelling is situated at the entrance to the close, it is visible from within Mountjoy Close and Mountjoy Avenue, where the close is characterised by hipped roof semi-detached properties. However, it is noted that No's 2 and 7 Mountjoy Close both have dormers located on the hipped roof plane, which alters the uniform appearance of the close. The proposed change from a hip to a gable would result in additional massing to the roof form, however this additional massing will not create an unacceptable level of unbalancing upon the adjoining semi and in most cases this alteration is permitted development. The proposed materials include a slate roof and rendered gable to match existing. There are other examples within relatively close proximity along Mountjoy Crescent of similar altered roof forms.

Given that the chimney separates the ridge of the roof planes of the adjoining semi detached property, the limited (0.15m) increase in ridge height will be not readily apparent and would not unacceptably impact on the character of the street. Taking into account the high sight line of the ridge and given that there are examples of different roof extensions in the area, it is considered the gabling off and the associated increase in ridge height would not harmfully impact on the wider street scene.

The proposed dormer is shown to be sited just below the extended ridge of the dwelling and would be clad in a hanging tiles. The dormer, as set out above, is considered to be of an overall acceptable scale and design, set in from the extremities of the roof so that it does not harmfully subsume the roof plane. Whilst it would be visible from the rear gardens of neighbouring properties as well as from within Mountjoy Close and as you travel westwards along Mountjoy Avenue, it would be a visually subservient addition to the dwelling.

Impact upon Neighbours

Criteria 8 of Policy MD2 of the Local Development Plan states proposals should safeguard public and residential amenity, particularly with regard to privacy, overlooking, security, noise, and disturbance. This is reinforced by the guidance contained within the adopted SPG on Residential and Householder Development.

The proposed front porch is situated approximately 4.1m off the boundary with No13 Mountjoy Avenue and given its modest size and siting, there are no overbearing concerns. In terms of impact upon privacy, the porch is situated circa 30m away from the nearest dwelling opposite, and this distance sufficiently mitigates any potential concerns surrounding a loss of privacy for neighbouring dwellings.

The construction of the dormer would result in rear facing views at a higher level, although these views (towards the surrounding gardens to the sides and rear) are not considered to result in any materially greater overlooking than those which currently exist from first floor level. Rear dormer extensions constitute permitted development in most cases with no control over the nature of room that is served by windows, or requirements for obscure glazing. Number 7 Mountjoy Close is located within relatively close proximity to the rear and at an angle with the application dwelling. Given the existing views from first floor rear elevation, the additional windows (slightly further set back than the first floor existing windows) are not considered to unacceptably increase the impact felt by No7, given that the existing first floor windows provide views towards No7's rear garden.

The gabling of the roof (and associated nominal increase in ridge height) would introduce additional roof massing and at the closest point, the application dwelling and No7 (nearest property) are approximately 4.1m away from each other. Comments received have stated that this change will lead to an increase in loss of light and be overbearing. It is noted that due to the orientation of the dwellings, the gabling of the roof is at the closest point circa 4.1m away from No.7. Due to the offset from No7, the increase in roof massing is not considered to unreasonably affect the outlook from this neighbouring property, or result in an overbearing impacts or unacceptable overshadowing.

The addition of a window at second floor within the proposed gable, which serves the proposed stairway, is situated approximately 13m away from 1, Mountjoy Close and circa 21.5m away from 2 Mountjoy Close and 8m away from 7 Mountjoy Close. These distances meet the standards laid out within the Councils Residential and Householder SPG, given the orientation of the dwellings and the angles between windows. It should also be noted that this window serves a stairway which is classed as a non-habitable space and this proposed second-floor window would not result in an unacceptable increase in overlooking.

The rear extension is situated opposite 7 Mountjoy Close's side elevation, and this elevation has a limited number of windows (dormer window and first floor landing window). Additionally, the existing rear extension of the application property and conservatory (to be demolished) allow for similar views from ground floor level as to what is proposed. Consequently, this element would not have an unacceptable increase in overlooking upon this neighbour. The adjoining semi has a similarly scaled flat roof rear extension. Given the single storey nature, and similar extension to the adjoining semi, the proposal is not considered to unacceptably increase views into the adjoining semis rear private amenity space. Additionally, in terms of overbearing impacts, given the adjoining semi's flat roof rear extension, and the proposal's similar depth, and modest eaves height, there are no overbearing impacts. There are also no overbearing concerns associated with the impact upon No7, this is due to the distance from the neighbouring dwelling as well as the modest eaves height and depth.

The proposed side extension would introduce additional windows and doors to the side which face on to the applicant's parking area. The window which serves the downstairs bathroom is situated approximately 7m from the opposing dwelling at 1 Mountjoy Close. Although this would result in additional views in closer proximity, given the proposed addition is at ground floor level and due to the orientation of the applicants and No1's dwellings, the development is not considered to result in a harmful level of overlooking. The study/bedroom and utility windows and doors would similarly not be invasive and would look out towards the public highway.. With regard to the proposed window serving the kitchen, this is situated approximately 3.45m away from No7 front extension/porch, and although this is within relatively close proximity, this area is utilised as an entranceway with parking situated in front of the porch. Although the close proximity and increase in views have been considered, they are not considered to cause harm given that this is already a semi-public aspect.

Amenity Space

The proposal would increase the number of bedrooms from three with the likely utilisation of the downstairs study as a bedroom, to four. The proposed rear and side extension would remove an area of private amenity space, although the area to the side of the dwelling and the driveway in reality offers little in the way of private and usable amenity

space. The dwelling would benefit from approximately 55 square metres of private amenity space to the rear with additional non private amenity space to the front garden. Whilst the proposal would not meet the amenity space standards laid out within the Council's Residential and Householder SPG, these standards are guidance and it is considered that the remaining area of amenity space, particularly to the rear is of a sufficient size to serve the extended dwelling and the occupants.

Highway Safety

The Council's Highways Department were consulted on the application and raised no concerns surrounding the development's impact upon highway safety, given that the development would not appreciably affect visibility for users of the street. Given this, the local planning authority are satisfied that the proposal would not result in an unacceptable impact when vehicles or pedestrians are entering or leaving the site.

The proposed works would increase the number of bedrooms from three to four. Given this, and as per the standards laid out within the Council's Parking Standards SPG, the **maximum** number of parking spaces required would be three. The proposal includes two parking spaces. Whilst this is one less than the maximum standards, the number of spaces provided is acceptable, particularly given the sustainable location of the site within the settlement of Penarth.

It is additionally noted that the proposed parking spaces meet the standards laid out within the Parking Standards SPG.

Other Matters

Whilst conducting the site visit, the case officer spoke to multiple neighbours and visited No7, assessing the proposal from both inside the dwelling and the rear garden. In respect of the comment received regarding a lack of notification of the application, the LPA consulted adjoining neighbours and whilst No 3 (located on the other side of the close) did not receive any written notification, this neighbour submitted comments, and these were considered.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

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

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

Site Location Plan

P03 Proposed Ground First and Roof Plan

P04 Proposed Elevations and Cross Section

Reason:

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

3. The materials to be used in the construction of the external surfaces of the dormer, gable and extensions shall match those used in the equivalent element of the existing dwelling that exist at the time of this approval.

Reason:

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

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 MD2 - Design of New Development, policy MD5 - Development within Settlement Boundaries, SP1 Delivering the Strategy of the Vale of Glamorgan Adopted local Development Plan 2011-2026 and Future Wales – the National Plan 2040, and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development and Parking Standards (2019), Planning Policy Wales 11th Edition, Technical Advice Note 12 – Design, overall the proposal is considered acceptable in terms of the impact on visual amenity, and would not unacceptably impact upon neighbours privacy, additionally the proposal is acceptable in terms of parking standards and amenity space.

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

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

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

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

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

