

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **19 OCTOBER, 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:

2022/0022/PO	AC	9 - 22, Moira Terrace, Cardiff. CF24 0NJ	Refurbishment of the Grade II listed Moira Terrace building, to include putting back what was originally intended to be there, a terrace of commercial premises with domestic accommodation above, connected by the shared green infrastructure to the rear
2022/0023/PO	AC	27, Hurford Place, Cardiff. CF23 6QZ	Bungalow single storey rear extension and rear dormer loft conversion
2022/0024/PO	AC	5, Ynys Bryn Close, Llantrisant. CF72 8AX	Internal remodelling, ground floor only, remove internal walls
2022/0025/PO	AC	Land adjacent to Willmayn Bungalow, Gilboa Road, Fields Park, Newbridge, Newport	New 2 storey dwelling with sub-terranean garage
2022/0585/BR	AC	Barry Waste Transfer Station, Atlantic Trading Estate, Barry. CF63 3RF	Phase 2 - Storage barn, secondary building and welfare unit
2022/0589/BN	A	13, Clive Place, Penarth. CF64 1AU	External alterations to rear elevation and internal re-configuration

2022/0593/BN	A	21, Heol Gwerthyd, Barry. CF63 1HJ	Existing utility room and WC to be moved into integral garage (approx. 6ft). Doorway created from kitchen into new utility / WC area. Unsupporting walls to be removed (between existing dining room / kitchen, kitchen / utility / wc). Kitchen window to be replaced with French doors. Back door to be replaced by window. Window in existing WC to be blocked up
2022/0602/BR	AC	64, Murlande Way, Rhoose, CF62 3HN	Single storey rear extension
2022/0603/BN	A W	22, Coed Bach, Barry, CF62 8AE	Single storey side extension
2022/0606/BN	A	59, St. Johns View, St Athau. CF62 4NZ	Detached double garage to be converted to a single garage with a summer room/bar the other side. The new room will have bifold doors looking out into the garden. Knock through for door took place 1/9/22, nothing else has been done since
2022/0607/BR	AC	84, South Road, Sully. CF64 5SL	Demolish the existing attached garage and build a new one with a new bedroom over
2022/0608/BR	AC	17, Brean Close, Sully. CF64 5TS	Double storey side extension and single storey extension
2022/0612/BN	A	Little Hall Cottage, St Hilary, Cowbridge, CF71 7DP	A domestic single storey extension forming an orangery
2022/0613/BR	AC	5, The Parade, Barry, CF62 6SD	Single storey side extension
2022/0614/BR	AC	Sherwood, Peterston Super Ely, CF5 6NE	Two storey extension and roof conversion

2022/0615/BR	AC	17, Heol Y Sianel, Rhoose. CF62 3ND	Four modifications to existing property: Single story 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
2022/0617/BN	A	6, Cherwell Road, Penarth. CF64 3PE	House refurbishment with addition of loft conversion with dormer, replace existing roof with 1st floor development, single storey rear extension and internal alterations
2022/0621/BN	A	6, Bridgewater Road, Sully. CF64 5RE	Rear single storey extension
2022/0622/BN	A W	9, Cae Rex, Cowbridge. CF71 7JS	Change existing conservatory to flat roofed garden room
2022/0623/BN	A	55, Colcot Road, Barry. CF62 8HL	Single storey side extension to add a small shower room, kitchen and bedroom
2022/0624/BN	A W	26, Drylla, Dinas Powys, CF64 4UL	Proposed two storey extension to side and part of rear with single storey extension to rear also.
2022/0625/BN	A	40, Cilgant-y-Meillion, Rhoose, CF62 3LH	Replace entire roof structure
2022/0626/BN	A	11, Fforest Drive, Barry, CF62 6LS	Renewal of thermal element
2022/0627/BN	A	11, Llandilo Close, Dinas Powys, CF64 4PR	Re-roof
2022/0628/BN	A	40, Golwg Y Coed, Barry, CF63 1AF	Garage conversion
2022/0629/BN	A	5, Myrtle Grove, Barry, CF63 2LR	Renovation of thermal element

2022/0630/BR	AC	Shelter at Romilly Park, Romilly Park Road, Barry	Conversion of existing open fronted shelter to fully enclosed refreshment kiosk. New masonry front and side walls with serving window and access door to front elevation
2022/0631/BN	A	Jovale, 20, Maes-y-Coed, Barry, CF62 6SZ	Two rooms into one
2022/0632/BN	A W	131, Westbourne Road, Penarth, CF64 5BR	Single storey flat roof extension (18m2) and garage conversion
2022/0633/BN	A	20, South Road, Sully. CF64 5TG	Re roof
2022/0634/BN	A W	51, Hinchsliff Avenue, Barry. CF62 9US	Single storey extension to replace existing to side elevation and new integrated porch to front
2022/0635/BN	A	131, Lavernock Road, Penarth, CF64 3QG	2 storey and single storey extension with re roof.
2022/0636/BN	A	7, Cambridge Street, Barry. CF62 6PJ	Replacing sloped roof on utility room, at the rear of property, with a flat roof, incorporating a sky light.
2022/0637/BN	A	29, Paget Road, Penarth. CF64 1DS	Two rooms into one
2022/0640/BN	A W	14, Heol Broadland, Barry. CF62 5AE	Flat roof single storey extension to enlarge the kitchen (less than 10m2)
2022/0641/BN	A	8, Boverton Court, Llantwit Major. CF61 1UJ	Kitchen knock through to open plan dining area with a supporting RSJ fitted
2022/0643/BR	AC	28, Lombard Street, Barry, CF62 8DP	Conversion of existing dwelling into two self contained flats
2022/0644/BN	A W	7, Sycamore Close, Llandough, Penarth. CF64 2NP	Double storey rear extension
2022/0645/BN	A	The Garden, Crossways, Cowbridge. CF71 7LJ	Installation of roof mounted Solar PV

2022/0646/BN	A	3, Longmeadow Drive, Dinas Powys. CF64 4TA	Re roof
2022/0648/BN	A W	39, Baron Road, Penarth. CF64 3UE	2 Storey extension
2022/0649/BN	A	Norwood, Victoria Park Road, Barry. CF63 2JS	Conservatory roof replacement
2022/0650/BR	AC	6, Breaksea Close, Sully, Penarth. CF64 5ST	Single storey extension to form porch and internal modifications
2022/0651/BR	AC	Unit 4, Stone House Business Park, Llandow. CF71 7PF	Proposed fit out of newly built unit and the provision of an internal mezzanine floor for associated office accommodation. Provision of ribbon windows to serve the ground floor and new mezzanine floor
2022/0652/BN	A	68, Lavernock Road, Penarth. CF64 3PA	Single storey extension to create a new kitchen and a double storey extension to add an extra bedroom
2022/0653/BN	A W	11, Ceiriog Close, Penarth. CF64 2RS	Single storey extension to enlarge kitchen and dining room and internal alterations
2022/0654/BN	A	5, Somerset View, Sully, Penarth. CF64 5SZ	Internal refurbishment works to existing property
2022/0655/BN	A	13, River Walk, Llantwit Major. CF61 1SY	Single storey front extension and garage conversion
2022/0656/BN	A	5, Lee Road, Barry. CF63 1DA	Removal of chimney breast from ground floor
2022/0657/BN	A	4, Windmill Close, Llantwit Major. CF61 2SW	Knock through
2022/0658/BR	AC	5, Flanders Meadow, Llantwit Major, CF61 1QZ	Demolition and rebuild of existing single storey extension, alterations to property including new gable to roof, replacement of windows and other internal alterations

2022/0659/BR	AC	1, Castle Court, Castle Drive, Dinas Powys. CF64 4NS	Single storey front extension and adaptations to adjoining dwelling
2022/0660/BR	AC	Glamorgan Voluntary Services Family Centre, Station Road, Llantwit Major, CF61 1ST	New ramp access and new entrance door in place of existing window to the side of the property
2022/0661/BN	A	Highfield, Love Lane, Llanblethian, Cowbridge, CF71 7JQ	Dormer extension (21.7m ²), kitchen extension (32m ²) and car port (23.94m ²)
2022/0662/BN	A W	31, Spencer Drive, Llandough, Penarth. CF64 2LR	Rear single storey extension
2022/0663/BN	A	1, Laburnum Way, Dinas Powys. CF64 4TH	Supalite roof
2022/0664/BN	A	42, West Farm Road, Ogmore By Sea, CF32 0PU	Single storey extension between 10 - 40m ²
2022/0666/BN	A	Plas Celyn House, St. Brides Super Ely. CF5 6EY	Single storey garden room
2022/0668/BR	AC	B S W Holdings Ltd, Units 60-62, Dyffryn Business Park, Sigingstone, Cowbridge, CF71 7PY	Alterations to front and rear elevation
2022/0669/BN	A W	39, Crompton Way, Ogmore By Sea, CF32 0QF	Single storey front extension and garage conversion
2022/0670/BN	A	12, Seaview Drive, Ogmore By Sea. CF32 0PB	Removal of supporting wall in kitchen and pillar in lounge and replace with 2x RSJs
2022/0673/BN	A	14, St. John's Close, Cowbridge. CF71 7HL	Ground floor single storey extension. Utility room conversion and alterations to existing bathroom
2022/0674/BN	A	55, Westbourne Road, Penarth. CF64 3HB	Two storey and single storey extensions including associated works.

2022/0675/BN	A	38, Bassett Road, Sully, Penarth. CF64 5HS	Single storey rear extension and garage conversion
2022/0680/BN	A	10, Marquis Close, Barry, CF62 5UE	Single storey extension
2022/0682/BN	A	39, Hillside Drive, Cowbridge, CF71 7EA	Installation of window in external rear wall

(b) Building Regulation Applications - Reject

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

2022/0638/BN	R	The Granary, Castle Upon Alan, St. Brides Major.	Barn conversion to provide reception / communal area along with holiday let accommodation
2022/0639/BN	R	21, Baron Road, Penarth. CF64 3UD	Single storey rear extension and dormer addition
2022/0642/BN	R	2, Royal Close, Penarth. CF64 1NJ	Conversion of existing garage to habitable room

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

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

2022/0156/AI	A	101, Tynewydd Road, Barry. CF62 8BB	Loft conversion with rear dormer and associated works
2022/0157/AI	A	Brookside, 34, Mill Road, Dinas Powys. CF64 4BU	Two storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0158/AI	A	9, Dunraven Close, Cowbridge. CF71 7FG	Single storey rear extension (works to incorporated material alterations to structure, controlled services, fittings and thermal elements)
2022/0159/AI	A	20, Tyle House Close, Llanmaes, Llantwit Major.	Ground floor front extension and replacement

CF61 2XZ

dormer extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2022/0160/AI

A The Cottage, Church Lane,
St Athan, CF62 4PL

Single storey rear extension

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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

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

2014/00484/1/C D	A	West Pond, Barry Waterfront	Discharge of Condition 13 (Landscape Management Programme). Planning approval 2014/00484/RES - Development of site known as West Pond for residential development and associated infrastructure works, parking, servicing and landscaping.
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2019/00603/9/C D	A	Land at Hayes Road, Barry	Discharge of Condition 11 (Contamination). Planning approval 2019/00603/FUL - The proposed development of 23 affordable homes and associated works
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2020/00711/1/N MA	A	Vacant land, Rosebery Place, Penarth	<p>Non Material Amendment - Relocate bike store near to the main entrance. Introduce fixed window to the north elevation. Reposition the single door to the external wall.</p> <p>planning approval 2020/00711/FUL - Demolition of existing pre-fabricated garages to be replaced by proposed new, low energy 3 bed dwelling with associated external works and replacement boundary walls</p>
2021/00046/1/N MA	A	Rivendell, Broughton Road, Wick	<p>Non-Material Amendment -</p> <p>A. Re first floor window facing north - Plans show a double top opener window. Amendment sought: this becomes one side opener and one top opener. It will be Privacy glass. No change to size of window.</p> <p>B. Re first floor window facing down garden on south side of property - plans show double top opener. Amendment sought: this is becomes two side openers with top opener in the middle (which is what the property has for equivalent location). No change to size.</p> <p>C. Re ground floor window facing down garden on south side of property - Plans show double top-opener. Amendment sought: this becomes two side openers with top opener in the middle (which is what the property currently has for equivalent location). no change to size of window.</p>

D Ground floor large window on north side of Property: Plans show large double top opener, approx 2265 width x 1400 height. Amendment sought: change this to double opener (french doors) 1.8m wide x 2.1m high. They would open inward and there would be a horizontal bar at waist height for health and safety. E. Ground floor door going from single story building on north of property onto the patio. Plans show a normal width door, c 790mm by height 2.1m (although measurements not given in plans. Amendment sought: door width to be increased to 107cm. F. First floor window on south side of property, currently a side opener. Amendment sought: change this to a top opener on RHS and Side opener on LHD (looking from the outside). No change to size of Window. G. Roof light in single story building on north side of property. Amendment sought: move roof light back (eastwards) by 1.5m. The new position is shown as a red rectangle on the attached PDF. No change to size of window. Planning permission ref 2021/00046/FUL: Converted garage to residential use, with extension to front of property and creation of first floor above. Construction of Porch to the front of property, two

			storey rear extension with balconies and single story spa house to the rear of the property. additional window to Existing side elevation. Move an existing amenity use shed and place a new shed in the garden at Rivendell, Broughton Road, Wick
2021/00317/FUL	A	The Villa, Trehedyn Lane, Peterston Super Ely	Proposed extension to first floor including removal of flat roof and new first floor bedroom
2021/00378/2/C D	A	Land at Hayes Wood, The Bendricks, Sully	Discharge of Condition 5 (Materials in construction). Planning approval 2021/00378/RG3 - Proposed affordable residential scheme for 53 units and associated works
2021/00987/1/N MA	A	The Old Sails Lodge, Hayes Road, Sully	Non Material Amendment - We wish to change the original proposal of a slate roof to an orangery roof lantern with Sil tech rubber roofing system. Roof lantern is 4.2m x 2.2m with an outer flat roof surround to existing dimensions submitted. Also omitted from the original plan was the installation of a sky dish on the rear elevation left side out of sight of apartment blocks. Planning approval 2021/00987/FUL - Alterations to existing dwelling including: fencing; new Velux roof windows; rendering; new/amended conservatory w/log burner and removal of access ramp; enlarged bathroom window; painting of external features; security

			lighting and new decking/artificial grass/paving areas Planning approval 2021/00987/FUL
2021/01061/1/C D	A	Pontoon, Y Rhodfa, Barry Waterfront, Barry	Discharge of Condition 6 (Landscaping scheme) of planning approval 2021/01061/FUL - Proposed temporary sales area in relation to the new Barratt Homes Residential Development at East Quay, Barry Waterfront at Part of pontoon area, off Y Rhodfa, Barry Waterfront
2021/01135/1/N MA	A	Sully House, St. Marys Well Bay Road, Swanbridge	Non Material Amendment - Reduction in footprint of the pool extension to the rear of the existing building. Change in material of the pool extension cladding from stone to timber. Reduced number of skylights. Removal of chimney on W side of existing building. Oriel window on W elevation changed to standard window. Introduction of piers at corners of front extension. Planning approval 2021/01135/FUL - Rear single storey ancillary pool house and link. Rear single storey summer house. Replacement front single storey sun room. Replacement and extension to front roof terrace. Front glass bay extension at first floor
2021/01489/1/N MA	A	Land at Sycamore Cross, Bonvilston	Non Material Amendment - Amendments to conditions revise the proposed boundary fence to the rear

			of plots 43 to 50 to improve its acoustic performance (both height of fence to 2.5m and type of barrier). Planning approval 2021/01489/FUL - Variation of Condition 2 (Approved Plans) of Planning Permission 2015/00960/FUL: Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all associated works
2021/01503/FUL	O	Site to the rear of the Manor House, (Chalet Block) Sully Road, Penarth	Proposed whole conversion of chalet No's 1-12 into 4 No units, as a revision to application 2019/0202/FUL.
2021/01648/1/N MA	A	Great Hamston Farm, Dyffryn	Non Material Amendment - Amendments to glazing and fascias. Planning approval - 2021/01648/FUL - Replacement garden room with associated works
2021/01728/FUL	A	Barn, Ty Canol Farm, Llantrithyd Road, Llantrithyd, Cowbridge	Conversion of existing barn to holiday accommodation
2021/01743/1/N MA	A	Land at Coldbrook Road East, Cadoxton	Non Material Amendment - 1. A window has been added to the first floor of Block A, on the far eastern extent to satisfy SBD officer comments to ensure natural surveillance of this area. 2. The bin store door has been relocated from

			front to side elevation to better facilitate bin movement. To accommodate this change, the roof eaves was raised c.300mm to accommodate a full height door, however the ridge remains the same height. 3. The pavement on left of entrance way has been changed to soft landscaping to satisfy SBD to ensure there is no public views directly into the ground floor dwelling. 4. The cycle store has been updated to reflect current proposal (3.45m x 2.35m to accommodate 8No cycles). This is an increase from storing 7 cycles to 8 cycles on site. Planning approval 2021/01743/FUL - Erection of 20 walk up units with associated car parking and works
2022/00056/1/N MA	A	Ysgubor Ty To Maen, Llancarfan	Non-Material Amendment - Replace natural slate roof covering to extension with fibre cement slate roof covering. Cembrit Westerland or similar. Planning Permission Ref. 2022/00056/FUL: An amendment to the design Demolition of existing conservatory and construction of rear single storey extension including replacement of all existing doors an windows at Ysgubor Ty To Mae
2022/00104/FUL	A	4, Drope Terrace, St. Georges Super Ely	Removal of existing fencing and erection of 1.5m high timber fencing to front garden of property.

2022/00111/1/N MA	A	32, South Road, Sully	Non Material Amendment for the retention of the existing front dormer and insertion a new velux window to the bathroom, amendments to window positions, repositioning of side wall of two storey rear extension and repositioning of Air source heat pump. Planning approval 2022/00111/FUL - Extension and remodel of existing dwelling to include 2 storey side and rear extension, roof terrace and Juliette balconies to the rear, new flat roof dormer to front of property, internal alterations plus all associated works - including new access point of existing highway
2022/00146/FUL	A	22, Llandilo Close, Dinas Powys	Single storey side and rear extensions
2022/00365/FUL	R	Bryntirion, Colhugh Street, Llantwit Major	Demolition of existing conservatory. Single storey side extension. New pitched roof with flat roof dormer to the rear and two dormers to the front to create two additional bedrooms to the first floor and double height hallway. Widening of driveway amended to accommodate additional car parking space
2022/00395/1/C D	A	St. Brides Court, St. Brides Major	Discharge of Condition 3 (Materials Details). Planning approval 2022/00395/FUL - Construction of 2 no. outbuildings gym/studio and pool and garage, to compliment proposed two storey detached dwelling

2022/00483/FUL	R	Pontoon, Y Rhodfa, Barry Waterfront, Barry	Retention of generator at the proposed temporary sales area in relation to the new Barratt Homes Residential Development at East Quay, Barry Waterfront.
2022/00519/FUL	A	39, Crompton Way, Ogmore By Sea	A garage conversion to include the addition of a ground floor extension and a porch to the front elevation and the reconfiguration of the double driveway to accommodate the new build works
2022/00548/FUL	A	21, Lakeside, Barry	Single storey rear and side extension for residential use
2022/00607/FUL	A	5, Milton Road, Penarth	Rear single storey extension. Hip to gable roof with flat roof dormer. Reroofing of existing single storey lean on the side of the house, replacing existing glazed roof with steeper pitched roof of slate. New garden outhouse on site of existing shed
2022/00615/FUL	A	Longlands Quarry, Corntown	Erection of replacement quarry office, weighbridge office (part retrospective) and staff canteen building.
2022/00665/FUL	A	39, Westward Rise, Barry	Single storey rear extensions, new roof to existing garage and covering existing walkway
2022/00686/FUL	A	Benacre, Cowbridge Road, St. Nicholas	First floor extension, front extension, rear extension, two storey extension for ancillary annex and single garage

2022/00694/FUL	A	31, Augusta Crescent, Penarth	Roof conversion with dormers and Juliette balcony and internal remodelling
2022/00697/FUL	A	Carreg Las, Redway Road, Bonvilston	Construction of a new four bedroomed house with garden, driveway and garage
2022/00699/FUL	A	Marine Lodge, Seaview Drive, Ogmore By Sea	Conversion of existing disused garage and store into home office
2022/00722/FUL	A	18, Cwrt Y V Road, Penarth	Replace the current wooden sash windows with high quality UPVC windows in keeping with the existing design an colour
2022/00725/FUL	A	94, Stanwell Road, Penarth	Remove existing roof coverings and renew using new fibre cement slates. Any sound ornamental ridge tiles and finials to be salvaged for re-use and supplemented with new to match those existing. Remove existing Velux rooflight and replace with new, fitted to same orientation as existing. Removal of 1 downpipe and renewal using new cast aluminium round pipe, 100mm diameter, black in colour. Removal of vegetation from chimney stack, rake out and repoint and make good seals of pepper pots/flues.
2022/00727/FUL	A	107, Port Road East, Barry	Proposed rear single storey and part two storey extension with internal alterations and rear dormer

2022/00741/FUL	A	Seaview, 8, Station Terrace, East Aberthaw	Two storey extension to side elevation of property with a single storey extension at end of two storey extension, providing extended space to kitchen, utility room, bedroom and bathroom and formation of new lobby
2022/00745/FUL	A	Broadhayes, Llancarfan	Demolition of existing rear single storey extension and construction of new double storey rear extension with Juliet balcony, alterations to fenestration
2022/00755/FUL	A	The Beeches, A48, St. Nicholas	Proposed out building / garage
2022/00763/FUL	A	Hafod Lon, Treerhyngyll	Proposed new sun room to rear of existing dwelling
2022/00773/FUL	A	26, Cwrt y Vil Road, Penarth	Replace the existing wooden sash windows with double glazed UPVC windows.
2022/00774/FUL	A	Ogmore By Sea Village Hall, Slon Lane, Ogmore By Sea	Storage unit, used to store hall furniture and equipment
2022/00793/FUL	A	81, High Street, Cowbridge	The construction of a new stone plinth wall with stone capping and new wrought iron railings, and installation of new external light fittings, brass plaques, removal of existing retractable canopies and general re-decoration of external elements such as windows, render and external joinery.
2022/00794/LBC	A	81, High Street, Cowbridge	The construction of a new stone plinth wall with stone capping and new wrought iron railings, and installation of new external

			light fittings, brass plaques, removal of existing retractable canopies and general re-decoration of external elements such as windows, render and external joinery.
2022/00796/FUL	A	5, Hawthorn Road, Barry	Construction of two storey side extension and single storey rear extension.
2022/00801/FUL	R	10B, Pencoedtre Road, Barry	Proposed single storey flat roof extension to rear elevation, forming a balcony at first floor. Alterations to roof including removal of pitched roof to form flat roof. Alterations to Fenestration
2022/00824/FUL	A	The Woodlands, Beach Road, Swanbridge	First floor flat roof extension over existing flat ground floor flat roof incorporating a recessed balcony
2022/00827/FUL	A	H S B C, 1 Herbert Terrace, Penarth	Installation of one new CCTV camera
2022/00835/FUL	A	7, Castle Road, Rhoose	Single storey rear extension to an existing single storey rear annex (storage building)
2022/00838/LBC	A	Castle Upon Alun House, St. Brides Major	Regularisation of minor alterations to internal fabric, finishes and fittings in various rooms
2022/00839/FUL	A	5, Brooklands Terrace, Culverhouse Cross, Cardiff	Removal of existing rear lean to extension and erection of a new ground floor extension with setback first floor extension
2022/00841/LBC	A	Penllyn Castle, Penllyn	Additional alterations encompassing; New external door; Partial removal of wall;

			Relocation of lift. Amendment to previously approved roof to Orchid Court.
2022/00846/FUL	A	Chy Avallon, Church Road, Llanblethian, Cowbridge	Proposed extensions and alterations to dwelling. Demolition of existing garage and replacement garage and home office space above and alterations to main parking area.
2022/00847/FUL	A	Pen Y Bont Surf Lifesaving Club House, The Rivermouth, Ogmore By Sea	Variation of Condition 1 (Time Limit) of Planning Approval 2017/0026/FUL: Demolition of existing Pen Y Bont Surf Lifesavers Centre and replacement with a new Surf Lifesavers Centre
2022/00850/FUL	A	131, Westbourne Road, Penarth	Partial demolition of garage, retention of front garage wall, and demolition of outside toilet and utility room. Erection of new single storey side extension with flat roof to provide dressing room, ensuite shower room and enlarged kitchen.
2022/00852/FUL	A	The Gables, 83, Porth Y Castell, Barry	Proposed replacement part single and part two storey rear extension(s), with replacement of main dwelling slate roof covering with plain synthetic slate and rooflight additions to rear; all with associated external works
2022/00862/FUL	A	Glamorgan Voluntary Services, Family Centre, Station Road, Llantwit Major	New ramped access and new entrance door in place of the existing window to the side of the property

2022/00863/LAW	A	12, Countess Place, Penarth	Loft conversion. A hip to gable and rear dormer extension, tiled to match the existing material. Two Velux windows to front elevation
2022/00865/FUL	A	ATM Site, Wyndham House, Boverton Road, Llantwit Major	Removal of 1no. ATM from front elevation and infill with steel blanking plate to match existing elevation
2022/00881/FUL	A	4, Purcell Road, Penarth	Demolition of existing conservatory and construction of new single storey rear extension
2022/00890/FUL	A	Rivington House, Llanbethery	To install solar PV system on the roof of garage with battery storage
2022/00891/FUL	A	Pizza Hut (uk) Ltd, Culverhouse Cross Retail Park, Culverhouse Cross	6 fascia signs, extract vent and 3 air conditioning condenser units
2022/00894/FUL	A	26, Dawan Close, Barry	Knock out part of my side wall to fit a new pvc double glazed window. I will also remove one internal wall from existing cupboard. Then put a stud wall to divide existing bedroom.
2022/00896/FUL	A	10, Cherwell Road, Penarth	Proposed two storey extension to rear and replacement single storey side extension. Alterations to drive to form new vehicle access from Cherwell Road
2022/00903/FUL	R	Whips Bungalow, Llandough, Cowbridge	Proposed detached garage, repositioned entrance drive with access onto the highway, and curtilage extension, which will allow safe vehicular access onto the highway.

2022/00912/FUL	A	Duffryn House, The Causeway, Llanblethian	Porch addition and remodel of ground floor interior
2022/00914/FUL	A	Tintagel, 58, Pencoedtre Road, Barry	Replace and extend existing timber decking (1000mm above garden level) with new timber decking at same height
2022/00915/FUL	A	3 Wye Close, Barry, CF62 7TF	Erect a storm porch to the side Elevation
2022/00916/FUL	A	8, Heol Pearetree, Rhoose	Erect a first floor bay window to the front elevation (front bedroom)
2022/00917/FUL	A	62, Victoria Road, Penarth	Proposal to replace existing prestressed concrete panel garage with brick garage, including Tudor style wood features to match existing house.
2022/00936/FUL	A	2A, Cardiff Road, Dinas Powys	Single storey rear granny annexe
2022/00938/FUL	A	29, White House, The Knap, Barry	Take down existing conservatory to front of dwelling, construct new flat roof extension to same footprint to form kitchen extension. Alterations to fenestration
2022/00960/FUL	A	15, Craven Walk, Penarth	Rear ground floor extension and annex extension

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **19 OCTOBER 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2020/00755/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01926-Z3G4T1
Appellant: Mr. Allan Parfitt
Location: Vacant agricultural land with abandoned rural buildings forming a previous smallholding/farmstead, Bonvilston (Easting: 306447, Northing: 173918)
Proposal: Restoration consolidation repair and conversion of derelict farmstead to new dwelling
Start Date: 27 September 2022

(b) Enforcement Appeals Received

L.P.A. Reference No: ENF/2021/0019/PC (A)
Appeal Method: Written Representations
Appeal Reference No: CAS-01911-M1D4Y9
Appellant: Mr Alexander Hinds-Payne
Location: 49, Pontypridd Road, Barry, CF62 7LP
Proposal: Without planning permission, the carrying out of operational development comprising the construction of a dormer window, roof terrace, raised patio area and block screen wall on the Land.
Start Date: 21 September 2022

L.P.A. Reference No: ENF/2022/0010/PRO
Appeal Method: Written Representations
Appeal Reference No: CAS-02012-L7B1Z2
Appellant: Mr S Howes
Location: Land at Porthkerry House, Porthkerry
Proposal: Without planning permission, the carrying out of operational development in the form of constructing an enclosed raised terrace infilled with a sand/gravel mix on the Land.
Start Date: 21 September 2022

(c) Planning Appeal Decisions

LPA Reference No: 2020/00995/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01794-W9P9M4
Appellant: Mr. B. Spencer
Location: Broadlands Partnership, 41, Ludlow Street, Penarth
Proposal: To increase the height of the building(s) with an additional floor, including material alterations to the facades and the change of use from office use to ground floor office use and 5 residential units
Decision: Appeal Dismissed
Date: 4 October 2022
Inspector: I Stevens
Council Determination: Delegated

Summary

As a unilateral undertaking had been submitted as part of the appeal which made provision for affordable housing, the Council's third reason for refusal was therefore no longer in dispute. The main issues were therefore considered to be the effect of the proposal on the character and appearance of the area, the living conditions of nearby and future occupiers and whether the proposal would provide acceptable living conditions with regard to amenity space.

Character and appearance

The Inspector identified that the appeal building made a positive contribution to the character and appearance of the area. The proposal would create 5 apartments through converting the existing upper floorspace and extending the second floor across the entire building, including raising the roof.

Whilst acknowledging that the appeal building was visually different and had a greater variety of architectural details, it was considered that the retention and replication of various features would help integrate the development into its context and ensure that the traditional appearance of the building was retained. The proposed increase in roof height would still appear as a proportionate feature along the elevation and the proposed gable roof at the end of Ludlow Street, the rear element facing Arcot Street, dormer window and rooflights would not appear out of character. It was therefore concluded that the proposal would not have a harmful effect on the character and appearance of the area and would comply with Policies MD2 and MD5 of the LDP and Residential and Householder Development SPG.

Living conditions

No 59 Arcot Street adjoined the appeal property on its western elevation and had outdoor amenity space to its rear, accessed through the property and enclosed by the appeal property on two sides. Although the proposed

development would not have a significant effect on the provision and quality of natural light, the massing of the raised wall and roof height would have a dominating effect on the outlook from the ground floor living room window and overbearing and harmful effect from the outdoor amenity space. Windows facing the amenity space for no 59 could affect the privacy of the occupiers and whilst the appellant had agreed to these being obscurely glazed, the Inspector considered that the windows would also need to be non-opening, which would not be satisfactory in relation to unit 1 of the proposed scheme.

Whilst the Inspector concluded that the proposal would not have a significantly harmful effect on other properties in terms of outlook, loss of light, noise and privacy, it was concluded that the development would materially harm the living conditions of the occupants of no 59 Arcot Street and failed to demonstrate satisfactory living conditions for future occupants, contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG.

Amenity space

It was identified that 200 sqm of amenity space was required and other than the ground-floor cycle storage and refuse point, the appeal proposal did not include any other amenity space. Whilst the appellant considered that the mix of units were less likely to appeal to families with children needing play space, the Inspector did not consider that the dwelling mix would justify relaxing the standards to the extent proposed. The SPG referred to other important functions including space for relaxation, entertainment and play, gardening and cultivation, clothes washing and drying, and DIY and outdoor amenity space would be required for these reasons. The proximity of the appeal site to local parks did not compensate for the significant shortfall in amenity space and the failure to provide acceptable living conditions for future occupiers would be contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG.

Planning Balance and Conclusion

Whilst the Inspector found the proposal to be acceptable with regard to its effect on the character and appearance of the area, it would have a harmful effect on the living conditions of neighbouring occupiers and future occupants in terms of outlook and daylight provision. The proposal would also have a harmful effect on the living conditions of future occupants due to the significant shortfall in amenity space provision and the appeal was therefore dismissed.

(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		7 (58%)	5 (42%)	12	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		9 (64%)	5 (36%)	14	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 : 19 OCTOBER, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

Trees

2022/00351/TPO	A	9, Tarrws Close, Wenvoe	Works to trees covered by Tree Preservation Order, No. 04, 1951 Horse Chestnut tree on third party land at the rear of 9 Tarrws Close - Prune minor branches back to and within the red line shown on supporting photo submitted 19th August 2022.
2022/00814/TPO	A	25, The Verlands, Cowbridge	Work to tree covered by TPO No.16 of 1998: Silver Maple - Re Pollard tree back to previous pollard points. Removal of limb with decay in upper stem.
2022/00821/TPO	A	The Old Farmhouse, Gileston	Work to tree(s) covered by Tree Preservation Order No. 01, 1962 - Removal of two dead standing apple trees. Miskin Trees confirmed the trees are dead due to damage to the Cambrian layer and will lose limbs (some already have

			come off). the trees are in our garden where our children play
2022/00855/TPO	A	Fairways, 3, Merevale, Dinas Powys	Work to trees covered by TPO No.14 of 1973: Lime tree to be cut back by a third
2022/00889/TCA	A	1, The Mount, Dinas Powys	Work to tree(s) covered by Tree Preservation Order No. 14 1973: Holly trees - Reduce by 10%, reduce long laterals and uprights to create a more uniform crown. Goat Willow - Reduce back to just below height of existing hedge line and old pollard points from previous heavy reduction work, approx. 2m. Cherry - Crown lift and overall reduction of 15%
2022/00910/TPO	A	60, Victoria Road, Penarth	Work to trees covered by Tree Preservation Order No. 15 of 2010: T1,T2 Oaks to side of property abate actionable nuisance to buildings
2022/00944/TCA	A	The Misk, 7, Flush Meadow, Llantwit Major	Work to tree(s) in a Conservation Area. The tree in question is a large sycamore which is rooted on the southern border of our property, at the end of the drive. We wish to cut down the tree and destroy it's roots
2022/00950/TCA	A	Glanafon Cottage, Peterston Super Ely	Work to trees in Peterston Super Ely Conservation Area: Removal of 3 x Ash trees from rear garden
2022/00951/TCA	A	Y Berllan, Peterston Super Ely	Work to trees in Peterston Super Ely Conservation Area: Removal of group of Lleyland Cypress G1

			T1,T2,T3 3 x Black Pine, crown reduction by 2-3m laterally
2022/00952/TCA	A	Stables Cottage, Llanbethery	Work to trees in Llanbethery Conservation Area: Removal of 6x Ash Trees - T004, T005, T006, T007, T008 and T009
2022/01003/TCA	A	5, Beach Road, Penarth	Work to tree(s) in a Conservation Area : Ash Group (T1 on map) rear boundary Beech Road - Fell Ash in stage 2/3 that leans over garden and remove deadwood from remaining group over 25mm in diameter that could fall onto road. Various (G2 on map) overhanging Beech Road - Crown raise all to 5.5m above ground level, remove deadwood over 25mm in diameter over the road

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **19 OCTOBER, 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.

2019/00871/OUT Received on 22 April 2021

APPLICANT: Legal & General (Strategic Land) Ltd

AGENT: Mr Darren Parker Park House, Greyfriars Road, Cardiff, CF10 3AF

Land at Model Farm, Port Road, Rhoose

Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the Head of Regeneration and Planning has deemed it necessary due to the strategic nature of the development and high level of public interest.

EXECUTIVE SUMMARY

This planning application was considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed and the permission issued on 30th July 2021 due to a failure to publish viability documentation. The decision was subsequently quashed by the by consent by the High Court on 6th October 2021 on the sole ground that the officer's report wrongly advised Members that the viability reports could not be released to the public. It is back with the Council for a decision, albeit it is also now subject to a Holding Direction from Welsh Government, which restricts the grant of permission until they decide whether the application should be referred to the Welsh Ministers. Welsh Government have indicated that they are awaiting an updated report from the Council prior to making that decision.

It is a hybrid application for **outline** planning permission for a 44.75 ha business park on the northern part of the site (shown as 'Area A'), with all matters reserved apart from access. The outline proposals would (subject to reserved matters) include works such as car parking, landscaping, drainage infrastructure, ecological mitigation and all other ancillary works. The application also seeks **full** planning permission for the change of use of the southern part of the site (shown as 'Area B') from agricultural land to recreational open space, to form an approximate 48 ha extension to Porthkerry Country Park.

The site is located on land at Model Farm, Port Road, Rhoose and presently comprises a farmhouse, associated yard and several agricultural fields. It is located near Cardiff Airport, on the immediate opposite side of Porthkerry Road and to the south of Port Road. It is part of the allocated Cardiff Airport – St Athan Enterprise Zone, as identified within the Vale of Glamorgan Local Development Plan (LDP). The land is allocated for employment use under Policies MG9 – Employment Allocations & MG10 St Athan - Cardiff Airport Enterprise Zone of the LDP. Policy MG28 – Public Open Space Allocations, also refers to the allocation of part of the site to form an extension to Porthkerry Country Park.

This application is supported by an Environmental Statement since the Council determined that an Environmental Impact Assessment (EIA) was required, following a screening request in 2018. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, it was concluded that the size of the development, in context of the site, made the potential impact such that an EIA was required.

There were objections received from approximately 543 persons to the initial public consultations undertaken in 2019. To date, there were also objections received from approximately 471 persons to two subsequent public consultations in spring 2021, and 285 in spring 2022. The prevalent reasons for objection have been summarised below:

- Traffic congestion and lack of provision for new transport infrastructure
- Loss of farmland/ opposition to eviction of tenant farmer
- Detriment to local heritage assets
- Detriment to residents' wellbeing and amenity
- Lack of need and justification the development, in this location
- Detrimental visual and landscape impact/ loss of open countryside
- Opposition to proposed Porthkerry Country Park extension
- Not sustainable/ will greatly contribute to climate change
- Nature/ habitat loss, detriment to ecology and biodiversity
- Loss of trees/ impact to ancient woodlands
- Local drainage infrastructure inadequate to accommodate development
- Flooding and contamination
- Opposition to illustrated Rapid Transit Corridor
- Lack of financial viability/ taxpayer burden
- Procedural matters

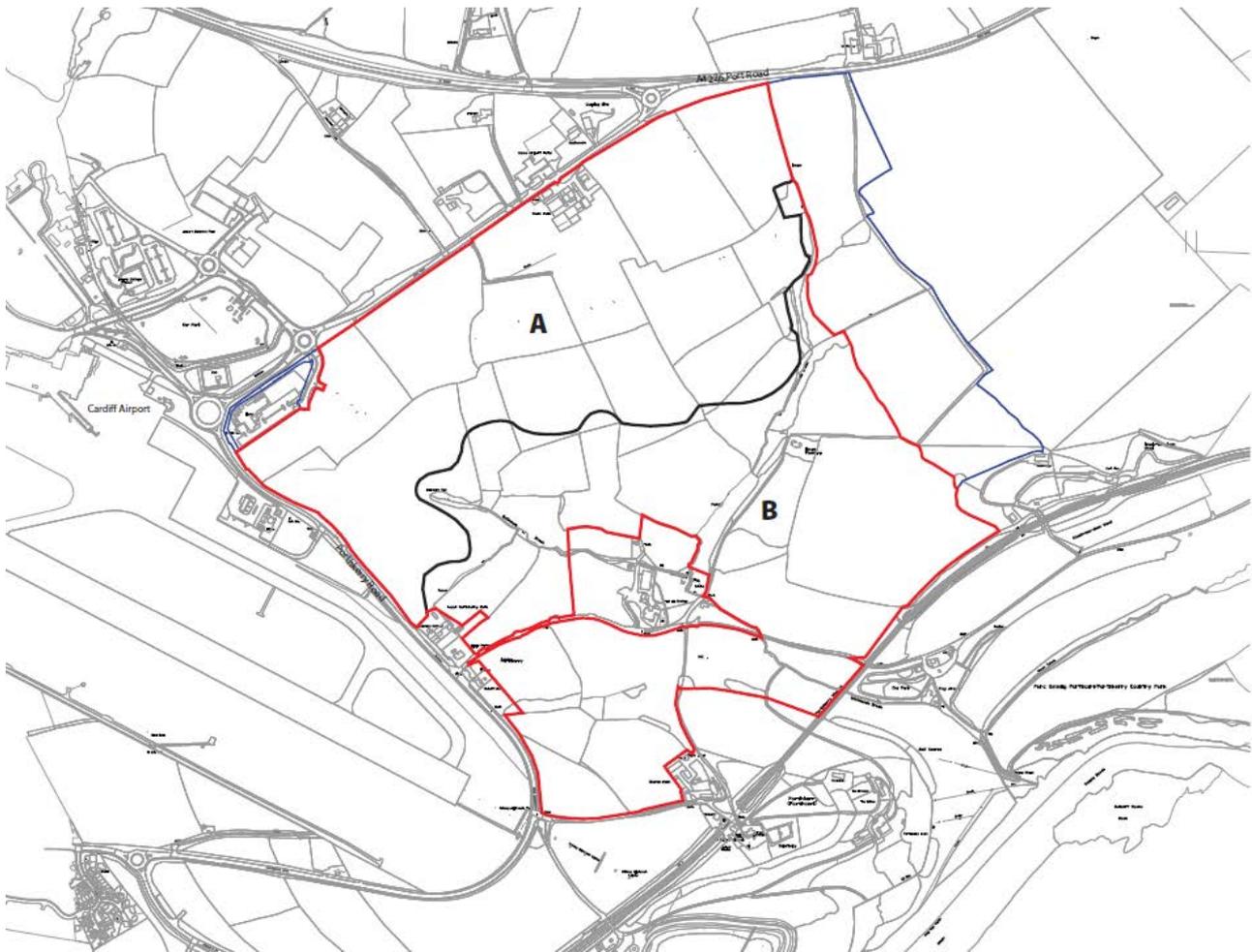
In addition, there was an objection to the development received by Cllr Davies and Barry Town Council, which are expanded upon in the consultations section of the report.

It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations, and subject to conditions, and a S106 legal agreement, relating to sustainable transport (land safeguarding), creation of public open space (land transfer and commuted sum) for extension of Porthkerry Country Park and ecology mitigation (commuted sum).

SITE AND CONTEXT

The site is located on land at Model Farm, Port Road, Rhoose and presently comprises a farmhouse, associated yard and several agricultural fields. It is located near Cardiff Airport, on the immediate opposite side of Porthkerry Road and to the south of Port Road.

The site is split into two parts, as illustrated on the site location plan below. The business park development parcel is shown as 'Area A', with land to form an extension to Porthkerry Country Park shown as 'Area B'.



The land also forms part of the allocated Cardiff Airport – St Athan Enterprise Zone, as identified within the Vale of Glamorgan Local Development Plan (LDP). It forms part of land allocated for employment use under Policies SP2 – Strategic Sites, MG9 – Employment Allocations & MG10 St Athan - Cardiff Airport Enterprise Zone of the LDP. Policy MG28 – Public Open Space Allocations also refers to the allocation of part of the site to form an extension to Porthkerry Country Park.

There are two listed buildings located to the south of the development parcel, at Upper and Lower Porthkerry Farm, and the Porthkerry Viaduct is also approx. 700m distance from the site. The Porthkerry Conservation Area is located approx. 700m south of the site. Archaeological resource has been recorded within the site and there are also ancient scheduled monuments (Bulwarks Camp and Medieval Mill and Mill Leat Cliffwood), some 900m to the south.

There are two Sites of Importance for Nature Conservation (SINC) on the site, both comprising areas of ancient woodland close to Bullhouse Brook. This watercourse feeds into Whitelands Brook, which is on the peripheries of the proposed Business Park, located in 'Area B', and discharges to the sea via Porthkerry Park. It is also approx. 500m distance from the Barry Woodlands SSSI and approx. 1km from the Cliff Wood SSSI.

The following footpaths are also located on or adjacent to the site:

- No.17 Penmark (status – Footpath)
- No.20 Penmark (status – Footpath)
- No.6 Porthkerry (status – Restricted byway)

In addition to the above, parts of the site are also subject to the following constraints:

- 'Green Wedge' designation within the LDP
- Limestone Safeguarding Zone (Category 2)
- Sand and Gravel Safeguarding Zone (Category 2)

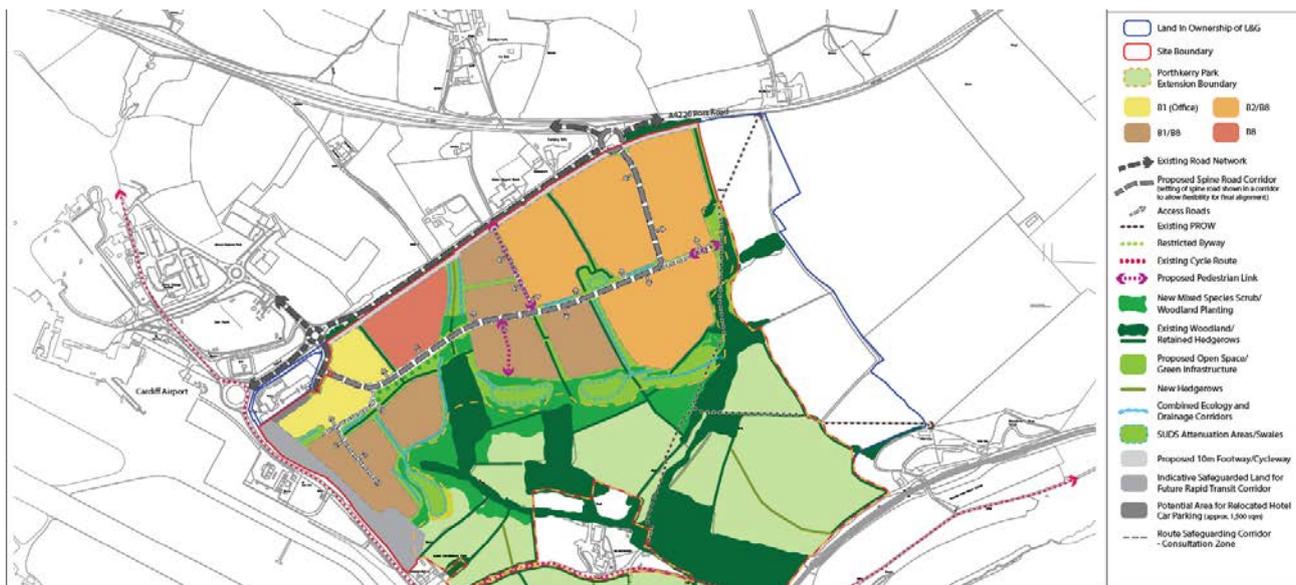
The site is also located outside of any HSE (COMAH) Consultation Zone.

DESCRIPTION OF DEVELOPMENT

The application is a hybrid planning application, therefore partly in outline and partly a full application. The outline proposals are for the development of the northern part of the site, shown as 'Area A' above, for a business park. In addition, full planning permission is sought for the change of use of the southern part of the site, shown as 'Area B' above, to form an extension to Porthkerry Country Park.

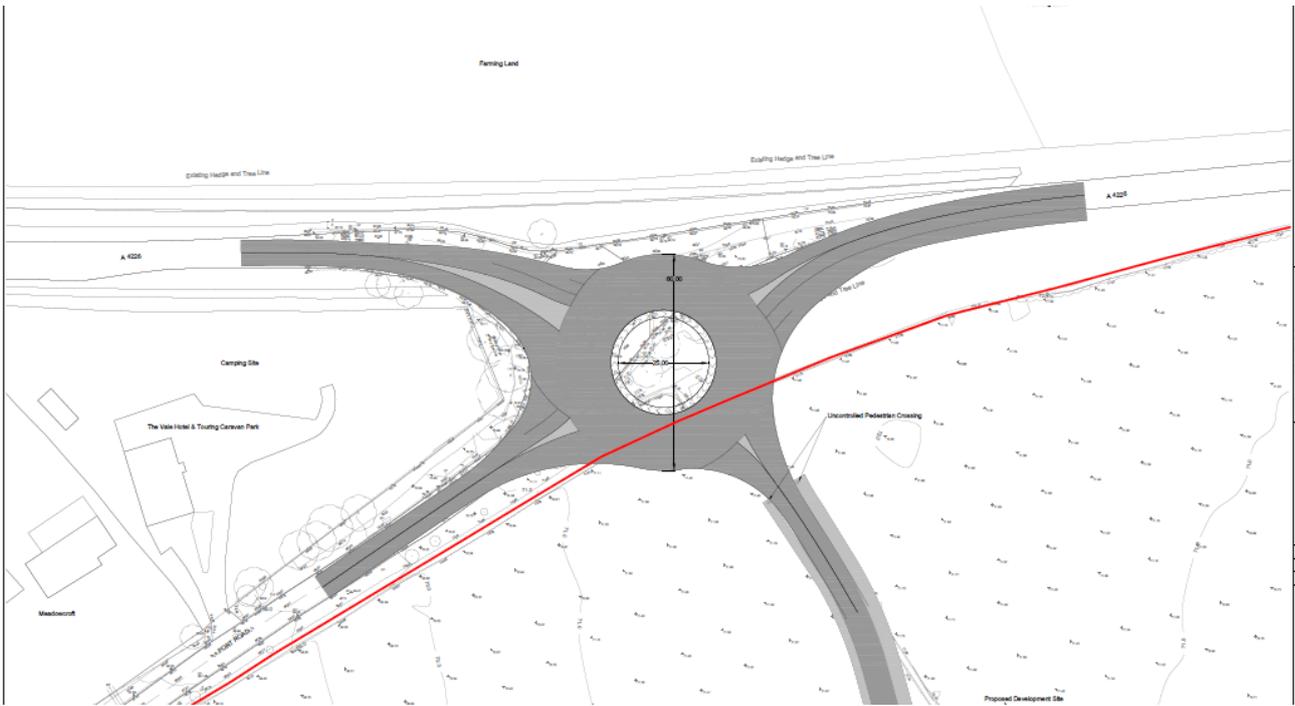
Business Park

The outline proposals are for a 44.75 ha business park, with all matters reserved except site access. The location, points of access, and an indicative layout are illustrated in the below extract of the site masterplan.



Access

The site is proposed to be accessed at two points, one at the A4226 roundabout junction with Port Road, at the north-eastern side of the site, and another via the Port Road roundabout arm that serves the Express Holiday Inn. The former would provide for the main vehicular access to the site and involve the provision of a new roundabout. It would be larger, at approximately 60m diameter, re-modelled, and occupy a new position south of the existing roundabout. It is illustrated in the plan extract below:



Development Parameters

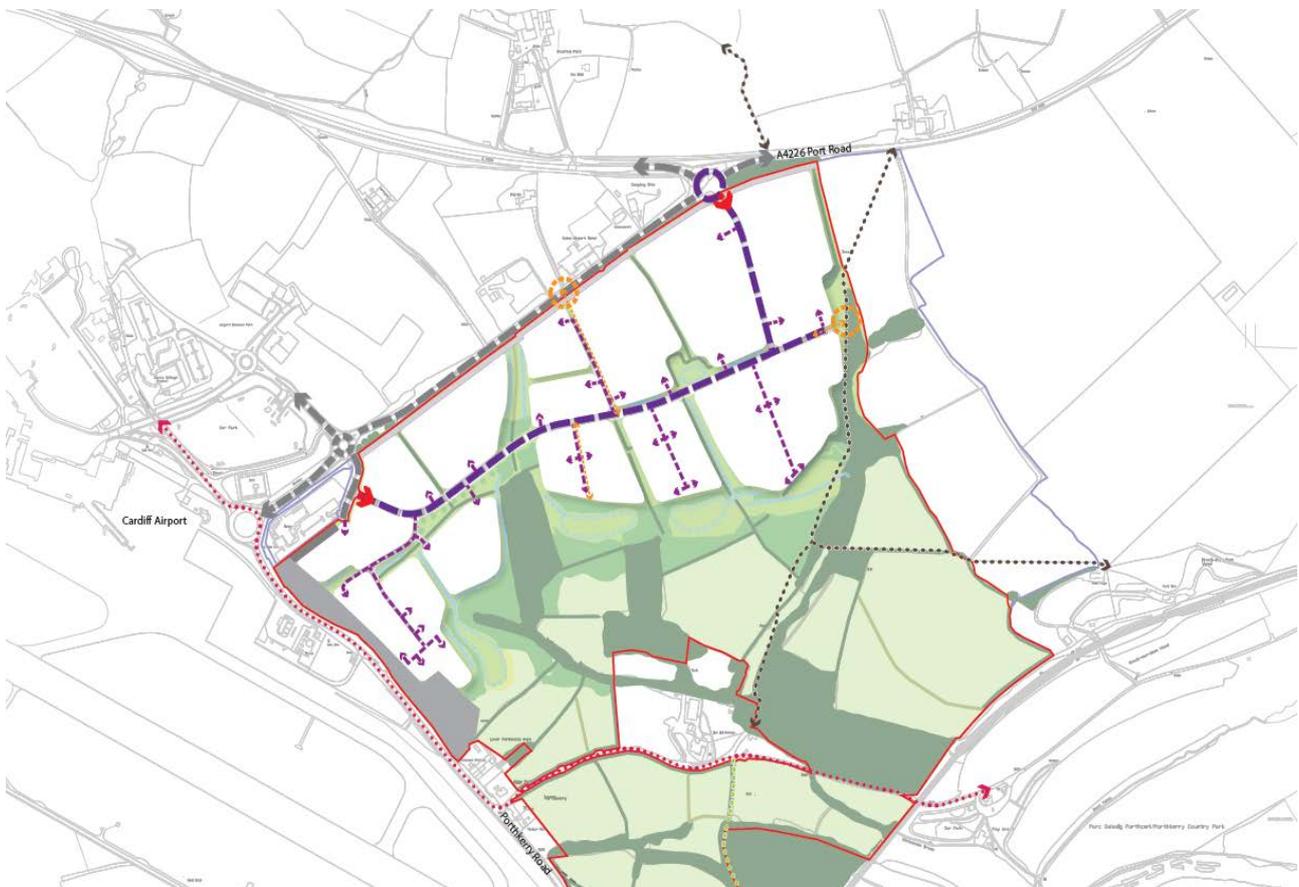
The internal layout of the site is a reserved matter, but the site is shown split into twelve development parcels on the parameter plans, the majority accessed via a single spine road that links the two points of vehicular access. A mixture of employment uses are proposed throughout the site, which would fall into either Class B1 (Business), B2 (General Industrial) or B8 (Storage and Distribution). The proposed gross new internal floorspace is 161,834 sq.m.



The building size parameters are illustrated below:

Plot	Min/Max Length	Min/Max Width	Min/Max Building Height	Storey Height
1	150m/171m	22m/26m	12m/16m	4
2	112m/116m	22m/26m	12m/16m	5
3	67.5m/193m	26m/51m	8m/10m	1
4	60m/73m	60m/64.5m	12m/14m	1
5	90m/110m	60m/64.5m	12m/14m	1
6a	75m/85m	45m/55m	12m/14m	1
6b	60m/65m	50m/56m	12m/14m	1
7	140m/160m	80m/90m	12m/16m	1
8	190m/200m	85m/95m	12m/16m	1
9	200m/220m	70m/80m	12m/16m	1
10	35m/65m	29m/37m	8m/10m	2
11	37m/43m	29m/37m	8m/10m	2
12	97m/140m	25m/38.5m	8m/10m	2

Movement and Access



Active Travel/ Safeguarded Rapid Transit Corridor

The above plan extract illustrates (shaded light grey) a 10m wide strip of land adjoining Port Road on the northern site frontage. This land is proposed to be transferred to the Council for future provision of an active travel route. The route (subject to further design work and funding) would connect facilities at Weycock Cross, Barry to Cardiff Airport. It would also 'complete' the active travel linkages between Rhoose to Barry, as well as Five Mile Lane and Culverhouse Cross to Cardiff Airport.

There is also land on the western extent of the site (shaded a darker grey), adjacent to Porthkerry Road, that is proposed to be safeguarded for potential future 'Rapid Transit' connection with Rhoose Rail Station. The application does not seek permission for this development. The purpose of the safeguarded land would be to ensure that the area remained undeveloped and would not fetter the future delivery of improved public transport infrastructure.

Porthkerry Park Extension

The full proposals include the transfer of approx. 48ha land to form an extension to Porthkerry Country Park, which is operated by the Vale of Glamorgan Council as public parkland. The existing park itself is approximately 90ha in size, served by a car park and vehicular access from Park Road, Barry, whilst also having a connection to the Wales Coastal Path, and being accessible on foot from Porthkerry and Rhoose.

The land would be transferred to the Council for the benefit of providing public access, but also to promote nature conservation. The 'green infrastructure' plan (extract below) illustrates indicatively how measures such as hedgerow replacement and habitat creation could take place:



The full proposal is for the change of use of the land from agriculture and does not include any operational development in park area.

PLANNING HISTORY

1991/00474/FUL, Address: Model Farm, Port Road, Rhoose, Proposal: Fill valley to gain safe access between fields, because of loss of flat ground being proposed by South Glamorgan County Council, Decision: Approved

1991/01190/FUL, Address: Land at Cardiff-Wales Airport, Rhoose, Proposal: Warehouse development, Decision: Approved

1992/00524/FUL, Address: Model Farm, Port Road, Rhoose, Proposal: Extension of period for filling in valley to gain safe access between fields (91/00474/FUL refers), Decision: Approved

1993/00780/FUL, Address: Land at Model Farm, Rhoose, Proposal: Renewal of existing permission (No. 92/00524/FUL) and extension of site for tipping of soil and sub-soil purposes, Decision: Refused

1993/01052/FUL, Address: Land at Model Farm, Rhoose, Proposal: Renewal of permission 92/00524/FUL for tipping of soil and subsoil purposes, Decision: Approved

1993/01270/RES, Address: Cardiff Wales Airport, Rhoose - Land at, Proposal: Warehousing Development, Decision: Approved

1994/01139/FUL, Address: Land at Model Farm, Rhoose, Proposal: Reclamation of waste or unusable land by inert landfill and 9' topsoil and grass seeding for agricultural use, Decision: Approved

2003/00827/FUL, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Hotel and car parking ancillary works, Decision: Approved

2004/01364/FUL, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Variation of conditions 4, 7, 9, 11 and 12 of planning permission ref: 03/00827/Ful to allow for discharge within 6 months of commencement of the development. Decision: Approved

2004/01686/OUT, Address: Port Road, Rhoose, Proposal: Proposed Class A3 restaurant, car parking, landscaping and access arrangements together with amendments to previously approved car parking layout (03/00827/FUL), Decision: Approved

2005/00147/ADV, Address: Express By Holiday Inn, Port Road, Rhoose, Proposal: Various signs, Decision: Approved

2007/01734/OUT, Address: Port Road, Rhoose, Proposal: Renewal of application for proposed Class A3 restaurant, car parking, landscaping and access arrangements together with amendments to previously approved car parking layout (application 2003/00827/FUL), Decision: Approved

2012/00484/FUL, Address: Holiday Inn Express, Port Road, Rhoose, Proposal: Retention of car park extensions and covered patio, Decision: Approved

2019/00254/SC1, Address: Land at Model Farm, Port Road, Rhoose, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

CONSULTATIONS

Civil Aviation Authority – no response received to date.

Vale of Glamorgan Highway Development – did not object to the development and their comments are outlined in greater detail below:

Traffic modelling

An independent consultant was engaged to review the Transport Assessment (TA) and associated Technical Note (TN). The scope of the traffic modelling contained within the Transport Assessment was subject of scoping and pre-application discussions. The approach was therefore considered acceptable and robust.

The review of the TA resulted in a number of items being raised and discussed with the applicant – subject of the Technical Note. The comments of the consultant having undertaken a further review of the TN, have been summarised as follows:

- It was concluded that the modal share used for the transport modelling was appropriate.
- There was a need to keep parking levels below the maximum standard – which was recognised in the Transport Assessment.
- It was agreed that the assessed impact of development traffic to the Sycamore Cross junction was not significant.
- Phasing details was recommended to identify key milestones and agree planning obligations.
- It was recommended that RPS be provided with person injury accident data or VoGC undertake a separate review.

Access Strategy

A review was also undertaken of the access strategy, summarised as follows:

- It was agreed that the access strategy is not definitive but does consider emerging improvements in the context of likely build out.
- The strategy was considered comprehensive and considers the transport demand for the Enterprise Zone, committed transport improvement schemes (both funded and unfunded).
- Vehicle movements for the enterprise zone have been estimated for the years 2021-2026, 2028, 2030 and 2040, identifying at which point transport improvements may be required.
- It was agreed that Table 12 provides an initial overview and timescale for the transport infrastructure needed to deliver and service the enterprise zone based on the existing growth aspirations.
- It was recommended that the Access Strategy (and Table 12) are used as a basis for discussions to agree sustainable transport obligations and highway improvements. It was also agreed that the focus should be on sustainable modes of transport to achieve a mode shift away from the private car.

It is concluded that the items raised in the TA review have been adequately addressed by the Technical Note and the Access Strategy provided an appropriate framework from which suitable planning obligations can be agreed, to deliver sustainable transport and highway improvements, along with the development of the Enterprise Zone.

Site access:

The site access was reviewed by the Council's Highways Engineer. Their comments are summarised below:

- Priority access to Holiday Inn Express required to be changed to give priority to the proposed development, with a side access to the hotel with a possible ghost right hand turning lane depending on vehicle modelling flows.
- Existing roundabouts to be modelled and size and layout to be determined within the scope of the existing adopted highway and any land in the ownership of the applicant. To take account of footways/shared surfaces and verges and embankments supporting the highway.
- The drawings show the provision of 10m wide verge running along port Road fronting the site to be dedicated as highway verge to provide land provision to the VoGC for future active travel routes.

Comments in regard to internal layout:

- Internal roads required to meet geometrical standards
- Provide suitable active travel routes connections and routes through the development to be either, shared or segregated, type and dimensions to be agreed depending on current AT guidelines at the time.
- Provide public transport facilities with bus laybys, stops and shelters.
- Proposed pedestrian links and access points to be for shared use pedestrian and cycle to tie in with proposed shared surfaces throughout the development.
- Provide internal roundabouts to serve as a speed reducing feature and access to the side land parcels

In addition, it was recommended that conditions be secured for the submission of full engineering details and design calculations for the proposed vehicular access points, a highway signing strategy, a Construction Traffic Management Plan and highway condition surveys. It was also advised that the applicant will be required to enter into a legally binding agreement to secure the proper implementation of the proposed highway works.

Their subsequent response on 10th February 2022 confirmed no changes to their previous comments.

Public Rights of Way Officer stated that the below public footpaths cross the property:

- No.17 Penmark (status – Footpath)
- No.20 Penmark (status – Footpath)
- No.6 Porthkerry (status – Restricted byway)

Advisory notes were also provided stating, the Public Rights of Way must be kept open and available for safe use by the public at all times, and legal orders are required for the temporary closure or diversion. It was also stated that the PRoW shown on parameter plans were inaccurate.

The Council's Drainage Section stated that the site is not located within a DAM Flood Risk Zone and NRW flood maps indicate that there is a very low risk of surface water flooding to the site.

Their detailed comments (primary assessment) are provided as follows:

“Initial Infiltration testing submitted in support of this application (RPS April 2019) indicates that infiltration at shallow depths to be generally poor of which we are in acceptance. It is suggested that further penetration through the bedrock may produce a greater variation in permeability rates. In line with the Environment Agency’s Approach to Groundwater Protection (February 2018) adopted by NRW we would discourage the use of any infiltration system that bypasses the soil layer, limiting the ability of the ground to attenuate pollutants.

Should infiltration techniques be used within the final design, it will be required that further testing is required in areas of proposed infiltration. All testing should be undertaken at the proposed site of infiltration inclusive of permeable surfaces. Where larger infiltration features are to be used we would require additional testing to be undertaken on a 25m grid basis. Infiltration testing should be completed at an appropriate depth to that of the proposed design.

It is proposed within the Sustainable Drainage Assessment (RPS July 2019) that surface waters from impermeable surfaces will be treated and controlled at source where possible, before discharge to watercourse. It is proposed that the rate of discharge will be restricted to existing greenfield runoff rates. We find these discharge rates acceptable in principle and would request that further hydraulic calculations are provided on final design demonstrating the discharge rate at the point of discharge. The design of any offsite drainage system should demonstrate that the scheme does not adversely affect offsite flood risk elsewhere.”

It was also stated that a Flood Exceedance Plan, management details, a Construction Environmental Management Plan would be required, but as the detailed surface water disposal design is subject to SAB approval, it is not subject to further planning condition.

Shared Regulatory Services (Neighbourhood Services) stated no objection in principle, but requested that a condition be included relating to provision of a Construction Environment Management Plan, for the construction phase. It was also stated that details of lighting, hours of operation, delivery times and plant (for which a noise report may be required) may be required as part of any subsequent Reserved Matters application.

Cardiff Airport provided the following comments:

“Aerodrome Physical Safeguarding/Obstacle Limitation Surfaces (OLS's) - From an aerodrome physical safeguarding perspective, and based upon our assessment against regulatory Aerodrome safeguarded OLS's in conjunction with the

information detailed in document 'JCD0064-004-I-210511-Parameter plan – Land Use & Storey Heights', the buildings would not penetrate our OLS's and therefore, if this application were to be approved, we would be content with this aspect of the development.

National Air Traffic Services (NATS) Safeguarding – *I have engaged with NATS, who have confirmed that their safeguarding team have reviewed the planning application again and have no concerns.*

Wildlife Hazard Management/Birdstrike Hazard Safeguarding – *Please see attached report of a specialist assessment conducted by Birdstrike Management Limited (BML) on behalf of Cardiff Airport, which details the issues, concerns and mitigations in relation to this application. If this application were to be approved, Cardiff Airport request that conditions be applied to the planning consent in order to fully address the mitigations detailed within the attached report. (Please refer to conditions 18 construction phase and 17 operational phase).*

Car Parking - *Planning history within the vicinity of the site demonstrates the site's proximity to the airport make car parking uses commercially attractive. We therefore request that in the event of the approval of this application, a condition be imposed which restricts any associated car parking numbers for the site and to be used only in association with the proposed development and not as a standalone parking facility. It will also aim to ensure that car dependency is reduced and sustainable transport promoted."*

Gwent Glamorgan Archaeological Trust stated, in summary, that the Information in the Historic Environment Record shows that there are a number of archaeological and historic environment sites and findspots within the proposed development area, from Neolithic to modern date. It was concluded that mitigation can be by condition rather than pre-determination.

It was recommended that a condition be attached that ensures the submission and implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

It was envisaged that this programme of work would include, but not be limited to: geophysical survey, which may enable targeted fieldwork, which may include a strip, map and record of some areas if these cannot be excluded from a final masterplan, and would also include, an archaeological watching brief during groundworks. **(Condition 16 refers)**

Their response on 14th February 2022 confirmed no change to their comments.

CADW (Ancient Monuments) stated that a number of designated heritage assets are located inside 3km of the development. In relation to the impact of the development, it was stated:

"An archaeological desk-based assessment for the development has been prepared by CGMS and considered the impact of the proposed development on the settings of these designated heritage assets. It has concluded that in most cases intervening topography, buildings and vegetation block views between them. Where views are possible the proposed development will be seen as part of the very wide landscape setting which also includes the existing airport and the urban settlement of Barry.

This will not alter the way that these designated heritage assets are understood, experienced and appreciated. Consequently, it is our opinion that the proposed development will not have any impact on any scheduled monument or registered historic park and garden or their settings.”

Their subsequent response on 11 May 2021 stated:

“Amended plans including revisions to the indicative concept masterplan and the revised parameter plan - green infrastructure, have been submitted in support of this application. The information contained in these documents does not alter the advice given previously.”

Their subsequent response on 14th February 2022 confirmed no objections and referred to their previous advice.

The Council’s Conservation Officer objected and recommended refusal due to the harm caused to the settings of historic assets.

More specifically, it was stated that the Built Heritage Statement supporting the application was generally robust, however it concluded there will be a moderate degree of harm to the setting of Lower Porthkerry Farm House (Grade II listed); Upper Porthkerry Farm House (Grade II listed) and the Porthkerry Conservation Area. There will be a minor degree of harm to the setting of Church Farmhouse (Grade II*); the Outbuilding to Church Farmhouse (Grade II*); the former stables block associated with Upper Porthkerry Farm House (locally listed County Treasure); and Egerton Grey (locally listed County Treasure). There will be a negligible degree of harm to the setting of the Church of St Curig (Grade II*) and Porthkerry Viaduct (Grade II). The Conservation Officer also considered a minor degree of harm would be caused to the significance of Welford Barn.

On this basis they could not offer support to the application.

Dwr Cymru / Welsh Water stated that a public sewer crossed the site and that it has a protection zone measured 3m either side. It was recommend a condition which requires a foul water drainage scheme be agreed prior to any approval of reserved matters or commencement of development for that site and/or other identified part (**Condition 9 refers**).

It was also stated:

“Furthermore, as highlighted within our consultation response (Ref: PPA0004091) to PAC, we have considered the impact of foul flows generated by the proposed development upon the local public sewerage network and concluded that it is unlikely that sufficient capacity exists to accommodate this development. Our response also fails to identify a suitable point of communication for the proposed development site to be served by an adequate water supply. Accordingly, the developer has been advised it will be necessary to undertake Hydraulic Modelling Assessments (HMAs) of the public sewerage and potable water supply networks, which will examine the existing networks and consider the impact of the introduction of flows from this development, and then identify solutions and points of communication to ensure that the site can be accommodated within these systems.”

In lieu of the above, the following conditions were recommended:

“No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a foul water drainage scheme, for that reserved matter site and/or other identified part has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

1. *No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.*

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

2. *No reserved matters application shall be approved by the Local Planning Authority and no development of that reserved matter site shall commence until a potable water scheme to serve the site, for that reserved matter site and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.*

Reason: To ensure the site is served by a suitable potable water supply.”

(Conditions 9, 10, 11 and 12 refer)

Advisory notes were also provided in relation to SuDS Approval Body (SAB) requirements relating to surface water, the legislative requirements of the Water Industry Act and asset recording and protection.

Their subsequent responses, most recently on 18th February 2022, state that they have no additional comments to make.

Vale of Glamorgan Council Ecology Officer in response to initial consultation raised concerns in relation to habitat loss, hedgerow loss and raised concerns that have resulted in both further surveys and plan amendments. In response to the latest consultation, it was stated in summary:

- The original Preliminary Ecology Appraisal conformed to national standards.
- This will continue to be an iterative process as this is an outline application
- A number of rare species have been recorded on site, but none of these has any protection in law and, in their view, such species are unlikely to be adversely affected by the development.
- All of these (above referenced) species are principally woodland species and the existing woodlands are not affected by the development.
- The applicants have now provided a table listing the losses of hedgerow at 2.04 km. and a length of 3.01 km of new hedgerows and 0.3km of hedgerows to be restored through additional planting. Therefore, the target set out in the Biodiversity and Development SPG has been met.
- The applicants also propose to plant 1.5 hectare of hazel dominated scrub, 1 hectare of scrub and 2.5 hectares of new broadleaved woodland planting.

In addition, the mitigation for ground nesting birds on land to form the Porthkerry Country Park extension has been discussed and is considered acceptable subject to appropriate funding.

The requirements of Cardiff Airport in relation to birdstrike management have also been discussed and it was considered these could be acceptably managed (from an ecological perspective).

Vale of Glamorgan (Parks and Grounds Maintenance) – do not object to the development, subject to security of a commuted sum to cover costs related to future maintenance of the park extension.

Wales and West Utilities – made a request for payment to produce utility plans. No further response was received following clarification.

National Air Traffic Control Centre stated:

“The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.”

Vale of Glamorgan Council (Transport and Road Safety) – have reviewed the Transport Implementation Strategy and proposals for safeguarding a route for active travel and considered the proposals acceptable in relation to public transport and active travel provision.

Natural Resources Wales recommended that planning permission should only be granted subject to conditions. A summary of their detailed comments is provided below:

Dormice

NRW advised that although no dormice were found during surveys, they are aware that dormice are present in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. The intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting was welcomed.

It was advised that submission of an updated Precautionary Dormouse Strategy was required by condition. **(Condition 6 refers)**

Biodiversity

It was advised that submission of an updated Biodiversity Management Strategy was also required by condition, to reflect the iterative changes to the scheme since original submission. It was also recommended that the habitat management objectives within the strategy are designed with dormice in mind. **(Condition 7 refers)**

Pollution Prevention

In view of the potential risk to the water environment during the construction phase a condition requiring submission and approval of a Construction Environment Management Plan (CEMP) was requested. **(Condition 19 refers)**

Drainage

The proposed development is in a publicly sewered area and NRW would expect the site to connect to the mains sewerage system.

They noted a lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991, and they may refuse to issue an environmental permit for private treatment facilities in such circumstances.

They also noted the application form states that foul drainage will be discharged to the public foul sewer and DCWW's suggested condition – and offered no further comments on that basis.

Their response on 2nd March 2022 confirmed no change to their previous advice.

Western Power Distribution initially stated that there is an extensive 11kV network that will require diversion and LV supplies to buildings within the development that will require attention. A subsequent response also highlighted concern regarding the proximity to overhead lines, provided advisory notes relating to the provision of electricity to the site.

Shared Regulatory Services (Environment) stated “...available records identify the site as including/being in close proximity to an historic landfill and former quarry site (Model Farm Landfill and Model Farm Quarry). Further historic landfill is identified as being within potential influencing distance of the development site. The nature and extent of infilling of these sites is unknown.”

It was requested that conditions be included in the interest of the safety of future occupiers. These relate to ground gas protection, land contamination assessment and mitigation, as well as conditions relating to unforeseen contamination, imported soil and aggregate, as well as the use of site won materials. **(Conditions 23-28 refer)**

Shared Regulatory Services (Environment – Air Quality) stated that they agreed with the conclusions of the Air Quality Assessment, i.e. that the operational impact of the development was not significant. It was also considered essential that a suitable Construction Environmental Management Plan, outlining a detailed Dust Management Plan with appropriate measures, be submitted and approved prior to the development proceeding. **(Condition 19 refers)**

Cllr Andrew R T Davies stated in a letter dated 13th August 2019:

“While I accept that the site in question is included within the Local Development Plan, the LDP stipulates that it should be phased with other developments around Cardiff Airport, and this is not reflected in these proposals. Furthermore, the traffic situation in the area has deteriorated greatly since the LDP was adopted, and I firmly believe that at least until sufficient remedial measures are put in place, the development should not be given the go ahead.

I also have strong reservations about the potential impacts the development will have on the natural environment, given it is situated in an area that includes natural woodland. Additionally, I note that the proposals include an extension of Porthkerry Park and were this to go ahead serious regard would need to be given to ensure residents’ privacy is protected sufficiently.

From my conversations with Cardiff Airport, I detect that there is currently no pressure on or demand for additional cargo space. I consequently believe that the development looks speculative at best, and I remain to be convinced by the business case for it.

For these reasons, I do not believe the development should go ahead, and I urge you to reject the application. Furthermore, were permission to be granted, the adverse effects the development will have on the community will need to be mitigated, and it in this scenario the Council would need to secure significant s106 contributions from the developers.”

A further letter dated 15th February 2022 stated:

“I wish to be clear at the outset that all previous grounds for objection I have cited still stand. However, I am conscious these will automatically be considered as part of any new decision taken regarding the application. I will therefore focus my comments on the viability reports that were not disclosed when the application was initially determined.

The viability report supplied by RPS Sutton estimates that in the first 8 years, the development will make a loss of over £6million. When added to the building costs of almost £73million, this suggests a total loss of almost £80million. When planning obligations, not accounted for in the report, are added, this loss will almost certainly increase. This demonstrates that the development is not commercially viable, and so should be rejected on these grounds.

I remain of the view that the grounds for objection I have cited previously are sufficient in planning law for the application to be rejected. The new grounds I have highlighted add considerable weight to that. I therefore urge you to refuse planning permission.”

Transport for Wales (and separately Welsh Government) raised concern in their initial responses relating to the lack of accommodation for a future rail link across the site, and a lack of sustainable transport provision within the proposals.

A revised joint response was received on 04 March 2021, which stated in summary:

“Transport for Wales (TfW) has been asked by the Welsh Government to identify the most suitable corridor for a rapid transit link to the airport and therefore to identify the area(s) of land that should be safeguarded and engage with you in this regard. The corridor must be of a suitable width for a rail solution, should this be selected in future as the preferred transport mode for the rapid transit link.”

Plans were also provided by TfW illustrating a Route Safeguarding Corridor and an indicative area to safeguard. It was also stated:

“The rationale for safeguarding this particular rapid transit corridor is that it will:

- Provide sufficient land for a rapid transit shuttle service that can connect to Vale of Glamorgan line rail services via a new interchange to the east of Rhoose*
- Allow the airport and surrounding Gateway Development Zone to be served but without the need to divert rail services away from communities along the Vale of Glamorgan line*
- Minimise the extent of land required by following the development site boundary*
- Allow for an intermediate station to serve the business park, which is accessible from an existing public highway rather than through the development site*

...On this basis, and subject to the indicated land being safeguarded, I have been asked to confirm that the Welsh Government would be willing to withdraw its previous objection to this planning application based on the absence of route safeguarding option(s) for a potential future rail link.” (section 106 agreement refers)

Barry Town Council stated a strong objection to the development, for the following reasons:

- The proposals would generate increased and unacceptable traffic levels, leading to congestion particularly on local roads.*

- *There appears a lack of a phasing programme within the application.*
- *The project appears purely speculative, with currently no identifiable tenants.*
- *The proposals do not appear to have adequately assessed the implications for the local environment.*
- *The project does not appear to be initiated or led by the key site activity/occupier i.e. Cardiff Airport. This reinforces the speculative nature of the proposals.*
- *The proposed extension of Porthkerry Park – who funds this proposal and who maintains in future this is not explained.*
- *There appears to be poor linkage between pedestrian routes and cycleways in the proposals. Also question mark regarding the practicality of walking to the site via local roads and Porthkerry Park.*
- *The loss of a productive farm is not acceptable.*
- *The construction of new build on green field land is not acceptable. The Council should be directing developers to existing Brownfield sites e.g. Llandow Airfield and former Dow Corning land.*
- *The unacceptable and ill-timed traffic surveys - not undertaken at peak periods.*
- *The proposals appear at odds with the objectives and sentiments of The Well Being of Future Generations (Wales) Act 2015, to the detriment of the people of Barry and local rural villages.*
- *The proposals appear dysfunctional in travel/transport terms with heavy reliance upon private motor vehicles. There are limited proposals for improving public transport in terms of buses or rail passengers/freight.*

Their response on 17th February 2022 reiterated these concerns, and:

- *The Town Council considers it should be a statutory consultee in this matter*
- *The Town Council are disappointed that the Development Viability Appraisal was not made publicly available when this application was first considered and its subsequent implications for the Section 106 payments/funding arrangements.*
- *There are local alternative sites for redevelopment as industrial parks e.g. Bro Tathan development.*
- *The recent updated TAN 15 document identifies that parts of the site may be liable to potential flooding.*
- *The proposed development will adversely impact upon the existing foul drainage system and local Sewage Treatment Works.*

- *There is concern that local public footpath network will be adversely impacted by the proposed development.*

St Nicholas and Bonvilston Community Council stated:

“The St Nicholas with Bonvilston Community Council reconsidered this planning application to develop 44.79ha of agricultural land at Model Farm at our meeting of March 7, 2022 and resolved to again object.

The proposal documents acknowledge that development at Model Farm will result in increase traffic volumes using the A4226 to Sycamore Cross, then onwards along the A48 through the villages of St Nicholas and Bonvilston.

Both villages already suffer road noise levels that are harmful to the health and well-being of residents, and increased traffic will make this worse. This problem has been recognised by the Welsh Government, and the Vale Council has been actioned, and has a duty to reduce the harm to residents of St Nicholas and Bonvilston from road noise.

It’s been suggested that Officer recommendation for approval of this proposal, without first addressing the traffic and road noise issue along the A48, and reducing it to “safe levels”, may be unlawful.

On the following pages, are the results of Environmental Noise Mapping from 2017. This mapping is now outdated, as the opening of the new (A4226) road in 2019, to replace Five Mile Lane, has greatly increased the number of heavy vehicles taking this route, and as a result the level of road noise, particularly in St Nicholas.”

Friends of the Earth objected to the application on grounds of drainage, flooding, and foul sewage concerns.

The letter states, more specifically, that the foul drainage (DC/WW) infrastructure in the area is inadequate, resulting in frequent spillage direct to sea, which in turn has detrimental bathing water, health, and environmental implications, as well as not adhering to current regulatory requirements in this area. In turn, the Environmental Statement should address the likely significant effects of the waste disposal from development, taking into account existing environmental problems, cumulatively with other developments in the catchment area.

Woodland Trust stated a holding objection unless the applicant is able to provide the ancient woodland on-site with a larger buffer zone (30m).

This was due to concerns about the impact of large-scale commercial development in close proximity to ancient woodland, and cumulative impacts such as fragmentation of habitats, pollution, development and/or human pressures, and hydrology, citing ‘*detrimental edge effects that have been shown to penetrate woodland causing changes in ancient woodland characteristics that extend up to three times the canopy height in from the forest edges*’.

The response also refers to other mitigation measures and standing advice from Natural Resources Wales on this topic and provides additional advice relating to veteran trees.

First Minister - Welsh Assembly Government – has been notified of this EIA application and associated addendum.

A Holding Direction has been issued by Welsh Government. This direction prevents the grant of planning permission pending their final decision as to whether it should be referred to the Welsh Ministers.

No response has been received to date from other Baruc, Dyfan, Illtyd, and Rhoose Ward Councillors.

REPRESENTATIONS

The neighbouring properties were consulted on 13 August 2019, further consultations following amendments to the application were undertaken on 16 March 2021 and 28 April 2021, and on 27 January 2022 following the publication of viability information. Site Notices were also displayed on 15 August 2019, 4 October 2019, 15 March 2021, 29 April 2021, and 2 February 2022. The application was also advertised in the press on 15 August 2019, 26 September 2019, 31 March 2021, 30 April 2021, and 10 February 2022.

There were objections received from approximately 543 persons received to the initial public consultations undertaken in 2019. At the time of writing, there have also been objections received from approximately 471 persons to the subsequent public consultations in spring 2021, and objections from approximately 285 persons from the consultations in spring 2022. In addition, one person stated no objection. The Council has also been contacted by four respondents during re-consultations, who each stated that they did not submit, or sign, those objections.

The prevalent reasons for objection have been summarised below:

Traffic and transportation:

- Increased congestion
- Resultant slowing of emergency response times, impact on airport viability
- Detriment to highway safety
- High accident rate on port road/a4662/ recent death of pedestrian on port road
- The proposals do not address existing poor public transport/ active travel connectivity
- Infrastructure improvement cost will need to be met by public funds
- Car dependent/ unsustainable development
- Local road surfacing poor/ future maintenance/ highways not designed for modern traffic loads
- Traffic survey work outdated/ not representative or comprehensive enough (inc. surveys undertaken during school holidays, use of public transport has decreased following pandemic)
- Sustainable transport improvements not funded/ guaranteed
- The benefits of sustainable transport improvements have been overstated
- Transport modelling has not taken into account other developments
- Assumptions regarding Covid impact and modal shift are incorrect/ unrealised

Loss of farmland:

- Loss of good quality arable/ productive farmland/ farmhouse
- Opposition to eviction of tenant farmer
- Loss of sovereign food production capability (with added emphasis due to Ukraine war)
- Significant recent changes in agricultural planning policy

Heritage:

- Archaeology survey (desk based) not sufficient
- Evidence of the temporary railway "loop" constructed c.1898 should be considered
- Loss of cultural landscape
- Detrimental impact to heritage assets, such as the setting of local listed buildings, Porthkerry Conservation Area and Scheduled Ancient Monuments

Wellbeing and residential amenity:

- Adverse impacts relating to: noise, overlooking, overshadowing, smells, light pollution, loss of daylight, loss of privacy, dust, vibration, litter, residents mental health and privacy
- Prolonged detrimental impacts at construction phase
- Road traffic noise (inc. in St Nicholas and Bonvilston)
- Air pollution from associated vehicular traffic
- Disruption and change in character of local communities
- Lack of noise survey/ report

The need for the development:

- Alternative brownfield sites are available
- No justification for / need / interest for the development
- No demand for cargo capacity (can be accommodated within existing infrastructure)
- ICAT training centre - space available to northern part of allocation
- Reduced need for office space following pandemic
- It will eventually fail/ site subsequently developed for housing
- A cumulative overdevelopment of the area
- Land allocation to the north should be phased in first
- Phasing - previous drafts of the LDP stated that the development should be phased after land the northern side of Port Road
- It is contrary to national and local planning policies
- Cardiff Airport is failing, required bailout, expansion of Bristol Airport
- Employment allocations are not coming forward

Visual and landscape impact:

- Detrimental visual impact
- Loss of views/ gateway into Rhoose
- Loss of countryside, green/open space
- Amalgamation of Rhoose with Barry
- Encroaches into Porthkerry Park

- LVIA assessment is insufficient (inc. does not take into account views from the viaduct and does not provide photomontages/ superimposed images of development)
- Resultant detrimental impact on tourism and views from public rights of way

Porthkerry Park extension:

- VoGC will require additional resources to manage additional land
- Sufficient 106 obligations required for infrastructure improvements
- Recreational use will cause detriment to ecology/ biodiversity

Sustainability and climate change:

- It will cause environmental destruction
- Significant contribution to climate change/ not sustainable
- Political hypocrisy (policy goals to promote both airport expansion and tackling environmental conservation and climate change are mutually exclusive)
- Detrimental impact on future generations
- No consideration of Energy Centre
- VoGC and WAG have declared climate emergency
- Contrary to VoGC Project Zero

Ecology:

- Losses in biodiversity and habitat
- Loss of protected species
- Loss of ancient and mature woodland
- Recreational use of park extension conflicts with biodiversity interests
- Ecological assessments/ surveys insufficient and a number of rare species have not been taken into account

Drainage:

- Unacceptable surface water and foul drainage impact
- Flooding
- Would overwhelm public sewers/ local treatment works (Egerton grey pump station)
- Pollution to whitelands brook/ porthkerry park from resultant overflow
- Local stormwater infrastructure inadequate – resulting in silting of whitelands brook
- SuDS assessment insufficient/ concerns regarding deliverability
- Detrimental impact of infrastructure to ancient woodland

Rapid Transit Corridor:

- Objections to the safeguarded route
- It is not included in the LDP
- Separate consultation required on these proposals
- Detrimental impact to nearby residents, ecology, farm access, heritage assets, archaeology, local roads and traffic, crosses gas main and other drains
- Lack of detail
- Impact on land allocated for housing

- Not deliverable

Viability:

- Prospective jobs/ economic benefit overstated
- No capacity in local workforce
- Development should not be granted permission if not viable
- Insufficient infrastructure contributions
- Taxpayer burden
- Viability work outdated and/ or assumptive
- Land purchase overpriced
- Erodes weight in favour of the economic benefits

Procedural Matters:

- Insufficient notice/ consultation to the application and the Cardiff Airport and Gateway Development Zone SPG
- Insufficient notice/ consultation by developer for PAC
- Inappropriate to consult during pandemic
- The decision is a foregone conclusion
- LDP should be revisited/ not fit for purpose (in face of climate/ nature emergency)
- Lack of consultation on LDP
- Put on hold until LDP review concluded
- Dishonesty/ bribery/ lack of transparency/ conflicts of interest / bias
- Incorrect application fee paid
- Profiteering
- Error and omissions within the technical assessments/ supporting documentation
- Documentation outdated
- Representations miscounted

Other matters:

- Land contamination
- Impacts to Public Rights of Way
- Detrimental impact on property values
- Detrimental impact to local business
- Danger to aircraft safety from birdstrike
- Danger to occupiers from nearby gas installation
- Concerns relating to potential development at Aberthaw

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier

of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP5 – Employment Requirements
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG9 – Employment Allocations
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone
POLICY MG11 – Land to the South of Junction 34 M4 Hensol
POLICY MG16 – Transport Proposals
POLICY MG18 – Green Wedges
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 Mineral Safeguarding Areas
POLICY MG28 – Public Open Space Allocations

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 MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals
POLICY MD15 - Protection of Allocated Employment Sites

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.

In relation to Cardiff Airport and the Enterprise Zone, it is stated on Page 82:

“Cardiff Airport is an essential part of Wales’ strategic transport infrastructure. It is an international gateway connecting Wales to the world and is an important driver within the Welsh economy. Cardiff Airport is located within the Cardiff Airport and Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding

areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation.”

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

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

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

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

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 10 – International Connectivity

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

Policy 11- National Connectivity

- Support developments associated with improvements to national connectivity.
- Where appropriate, new development should contribute towards the improvement and development of the National Cycle Network and the key links to and from it.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

Policy 13 – Supporting Digital Communications

- New development should include the provision of Gigabit capable broadband infrastructure from the outset.

Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

Policy 16 – Heat Networks

- Large-scale mixed-use development should where feasible have a heat network with a renewable / low carbon or waste heat energy source.
- Relevant planning applications should include an energy masterplan and an implementation plan, if applicable.

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.

Policy 36 - South East Metro

- Supports the development of the South East metro and refers to maximising associated opportunities arising from better regional connectivity.

Llwybr Newydd: The Wales Transport Strategy 2021

This is a strategic policy document that aims to shape the transport system in Wales over the next 20 years. It sets out four long-term ambitions for the transport system in Wales, delivered through a set of five-year priorities. These include more active travel, more local services, growth in public transport use, electrification and more affordable and sustainable transport choices.

The strategy also contains nine 'mini-plans' for modes and sectors: active travel; rail; bus; roads (including streets and parking); the third sector; taxis and private hire vehicles; freight and logistics; and ports, maritime transport and aviation.

The document outlines the following priorities:

- support remote working so people can work from an office near their home one or more days a week instead of commuting long distances, in line with our wider Welsh Government target of 30% of the workforce to work remotely on a regular basis
- locate new public services such as education, health and leisure facilities close to where people live, and to existing public transport routes, adopting a Town Centre First approach
- build new workplaces and homes close to public transport and design new developments to be walk- and cycle-friendly from the outset
- ensure a joined-up approach to infrastructure investment decisions across Welsh Government and in regional planning
- maximise the use of land close to transport hubs including railway stations and ports, as sites for investment and growth
- improve access to fast and reliable broadband both at home and for businesses
- set aside land for multi-modal hubs to transfer long haul freight to smaller vans or e-cargo bikes for last mile deliveries, so that deliveries in urban areas are more efficient and cause less congestion.

The aviation 'mini-plan' also outlines Welsh Government priorities. Stating that over the next five years, they will:

- develop Cardiff Airport to enable Welsh-based passengers to fly from closer to home
- work with the UK Government and the Jet Zero initiative, as well as with Cardiff Airport, to reduce the environmental impacts of aviation
- support Cardiff Airport to recover from the impact of COVID-19 on the business and wider industry
- engage with UK airports and other devolved administrations to improve regional connectivity to Wales as part of the regional planning process
- continue to work with the UK Government on levelling up UK-wide aviation policy specifically for Wales, including continuing the pursuit of devolution of Air Passenger Duty (APD) to Wales and via the introduction of new Public Service Obligation (PSO) air services
- continue to explore opportunities to better connect Cardiff and Wales with the rest of the UK and Europe.

The well-being ambitions for the aviation mini-plan are:

- Cardiff Airport is accessible and staff have the skills and training to ensure that everyone feels welcome and is supported where appropriate
- there are fewer greenhouse gas emissions from Wales based aviation
- Cardiff Airport has a robust decarbonisation strategy, delivering measures such as onsite generation, energy exporting and carbon neutral buildings Economy and places
- communities across Wales, including rural communities, benefit from better, safer local and international connectivity
- good connectivity means that businesses are confident about relocating to Wales and staying in Wales, whilst Welsh businesses are reaching new markets
- the aviation supply chain and general aviation deliver benefits to economically disadvantaged areas that have traditionally suffered from lack of quality employment
- Wales is a centre for skills in aircraft maintenance and engineering, prominent in the national and international delivery of Maintenance, Repair and Overhaul (MRO) services
- we have helped grow international visitors to Wales and business passengers safeguarding jobs in the visitor economy across Wales Culture and the Welsh language
- more international visitors will discover and enjoy our rich cultural heritage and language
- more Welsh speakers will be able to travel using the Welsh language

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
- The Best and Most Versatile Agricultural Land
- Development in the Countryside
- Supporting Infrastructure
- Managing Settlement Form – Green Wedges

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)
- Recreational Spaces

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)

Airports

5.3.17 Airports are important hubs, which play a significant role in providing national and international connectivity for tourism and business. The Welsh Government supports the growth and enhancement of airports and their infrastructure in Wales and the improvement of transport links to them by road and rail, particularly those which improve public transport accessibility.

5.3.18 Planning authorities should recognise the strategic and local importance of airports and their potential as centres of economic activity. Authorities should promote access to airports by sustainable transport, taking into account the existing and planned levels of public transport, and ensure environmental impacts, including airborne pollution, are fully taken into account.

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). 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)
- Cardiff Airport and Gateway Development Zone (2019)

Paragraph 7.21: Due to the scale of the site, the phasing of the development is important to ensure that there is adequate infrastructure to support the proposal. The Council will require an appropriate phasing strategy to be submitted to support future applications on the site which demonstrates that the proposal would not compromise the future development of the entire site and that each phase of the proposal would be supported by adequate infrastructure. The phasing strategy will therefore need to consider all landowners and those with an interest in the site. A collaborative approach should be pursued to ensure the phasing strategy does not undermine the council's aspirations for the site. The phasing strategy should identify green infrastructure and demonstrate how it relates to other parts of the site and the wider area. The focus should be on ensuring green infrastructure is in place and established ahead of any potential impacts on protected species or their habitat.

- Conservation Areas in the Rural Vale
- County Treasures
- Design in the Landscape
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

- Porthkerry Conservation Area Appraisal and Management Plan

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:

- Employment Land and Premises Study (2013)
- Further Advice on Employment Land and Premises Study (2015)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- St Athan and Cardiff Airport Enterprise Zone - Draft Strategic Development Framework 2015
- Local Development Plan Highway Impact Assessment (2013)
- VOGC - Local Transport Plan (2015)
- Open Space 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 Office Circular 11/99 – Environmental Impact Assessment
- 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.*
- 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.
- Planning for Sustainable Buildings July 2014
- Cardiff Airport and St Athan Enterprise Zone Strategic Plan 2018 – 2021
- Cardiff Airport 2040 Masterplan
- South East Wales Transport Alliance Regional Transport Plan (2010)
- Vale of Glamorgan Local Development Draft Review Report (November 2021)

- Vale of Glamorgan Local Transport Plan 2015 – 2030
- Vale of Glamorgan Corporate Plan 2020 – 2025
- Vale of Glamorgan Council Climate Change Challenge Plan 2021 - 2030
- Welsh Government: Noise and soundscape action plan 2018 – 2023
- Welsh Government: Natural Resources Policy (2017)
- Welsh Government: Prosperity for All: Low Carbon Wales (2019)
- Welsh Government: Building Better Places (2020)
- Welsh Government: National Strategy for Coastal Erosion and Risk Management in Wales (2020)

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background

Previous Planning Committee

This planning application was considered by the Vale of Glamorgan Council's Planning Committee on 14th July 2021, where it was resolved to grant planning permission subject to a Section 106 legal agreement that was subsequently signed and the permission issued on 30th July 2021. The planning application decision was subsequently quashed by the by consent by the High Court on 6th October 2021 on the sole ground that the officer's report wrongly advised Members that the viability reports could not be released to the public. It is also now subject to a Holding Direction from Welsh Government, which restricts the grant of permission until they decide whether the application should be referred to the Welsh Ministers for their decision. Welsh Government have indicated that they are awaiting an updated report from the Council prior to making that decision.

In light of recent case law and having regard to the Local Government Act 1972 (Schedule 12(A)), and the relevant advice in Planning Policy Wales Edition 11, documentation relating to development viability has now been made to view publicly and a re-consultation exercise has been undertaken. The results of the consultation exercise are summarised in the 'representations' section of the report, above.

The application and report

This is a major EIA application and in considering a screening request in 2018, the Council determined that an Environmental Impact Assessment was required, having regard to the key issues identified in Schedule 3 of the 2017 Regulations and WO Circular 11/99. It was concluded that the size of the development, with consideration of the characteristics and location of the site, made the potential impact of such that an EIA was required.

Within this context, the proposal is assessed against the above policies and guidance, with many of the key environmental impacts identified within the supporting ES being of primary concern, these include:-

- Highways and transportation
- Landscape and visual character
- Built heritage

In addition, the other key environmental considerations in this assessment are as follows:

- Impact to residential and local amenity
- Sustainability and climate change
- Ecology and biodiversity
- Trees/ woodlands
- Drainage
- Flooding
- Contamination
- Soil and mineral conservation

However, this report will firstly address matters relating to the principle of the development, these being planning and transport policy, the location and the loss of the farmland and farm buildings. The report will thereafter address matters relating to the above, alongside a wide range of other environmental impacts and matters raised in representations. It will also address matters relating to the Porthkerry Country Park extension/ public open space, development viability, and planning obligations.

National planning and transport policy

In relation to the national policy framework, there is clear and recent support for the future development of Cardiff Airport. The relevant documents have been outlined above in the 'planning policies and guidance' section of this report, in more detail. Their significance in relation to this site is discussed in more detail below:

Future Wales: The National Plan 2040 (2021)

This national development framework supports Cardiff Airport for its strategic importance for international connectivity, it being the only airport in Wales that offers scheduled international flights. This is emphasised by Policy 10, which states:

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.

- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

It is also stated that:

“Cardiff Airport is located within the Cardiff Airport and Bro Tathan Enterprise Zone which offers opportunities for investment in the site and surrounding areas. The Enterprise Zone offers a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities or investment in existing accommodation.” (page 82)

The application site is located within the aforementioned Enterprise Zone, providing for just over half of the land allocation in the ‘Gateway Development Zone’ adjacent to Cardiff Airport. Its presence in context of the LDP is discussed in more detail below, but Members should note the strategic nature of the location and that the national policy framework, recently put in place by Welsh Government and post-dating the LDP, fully supports the future development of Cardiff Airport and the Enterprise Zone.

Llwybr Newydd: The Wales Transport Strategy 2021

This document sets out four long-term ambitions for the transport system in Wales, delivered through a set of five-year priorities, as well as containing a ‘mini-plan’ for aviation. It also provides policy support to the strategic development of Cardiff Airport, whilst emphasising in particular the need to improve sustainability of air travel as well as connectivity to the airport.

In addition, Welsh Government have outlined its long-term ambition for 30 per cent of the workforce to work from home or remotely, achieved by giving people more choice over how and where they work. This ambition is also reflected in the strategy, which accept that more local services and more active travel can mean fewer people needing to use their cars daily.

The other stated priorities of particular significance to this development are, to:

- maximise the use of land close to transport hubs including railway stations and ports, as sites for investment and growth
- improve access to fast and reliable broadband both at home and for businesses
- set aside land for multi-modal hubs to transfer long haul freight to smaller vans or e-cargo bikes for last mile deliveries, so that deliveries in urban areas are more efficient and cause less congestion.

There have been many representations made which oppose the principles behind some of these policies. The two prevalent reasons have been those relating to viability and management of Cardiff Airport (such as its national ownership, public funding); and that the objectives of supporting the aviation industry and combatting climate change are mutually exclusive.

In relation to the latter, the tension between these two objectives is clearly recognised within the document, with the stated vision for aviation in Llwybr Newydd being:

“We are committed to maintaining an aviation capacity in Wales, because of the benefits that it brings to the Welsh economy as a whole, whilst recognising the challenges this creates for meeting our targets on decarbonisation.” (page 88)

The document envisages that measures will be put in place to decrease greenhouse gas emission from Wales based aviation, as well as adoption of a decarbonisation strategy at the airport (such as onsite generation, energy exporting, and carbon neutral buildings) to mitigate this impact. In doing so, Llwybr Newydd and Future Wales provide a robust and recent policy framework that commits to supporting and promotes the principle of developing Cardiff Airport and the Enterprise Zone.

In addition, Planning Policy Wales (11th Edition) and TAN 23 - Economic Development support the strategic, plan led approach that directs industrial development to allocated employment sites through a plan-led system.

The matters of sustainability and climate change (insofar as they relate to these outline proposals) are considered in more detail later in this report.

Local planning policy and background

Local planning policy and guidance should accord and harmonise with the national policy framework. Those of greatest relevance to this application are discussed in more detail below:

Local Development Plan

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan, unless material considerations indicate otherwise. This comprises the Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026.

Policy SP2 (Strategic Sites) of the LDP identifies sites within the Vale of Glamorgan that are considered to be major elements of the implementation of the LDP Strategy. The site is part of a wider allocation referred to within the document as the ‘St. Athan – Cardiff Airport Enterprise Zone’. It is one of only eight Enterprise Zones designated by Welsh Government, which are geographical areas that support new and expanding businesses by providing first class business infrastructure and support.

The development plan strategy recognises the importance of Cardiff Airport to the future prosperity of the Vale, being a strategically located site that is intended to stimulate inward investment and economic growth. This is reflected in Policy SP5 (Employment Requirements) which states that the LDP Strategy recognises that, in following through with the development of the St. Athan – Cardiff Airport Enterprise Zone, the Vale of Glamorgan will play an important role in promoting the future economic prosperity of the region.

In order to facilitate the Enterprise Zone, 77.4 ha of land is allocated to focus on business and employment uses catering specifically for the needs of the aerospace industry and high tech manufacturing. This area is referred to as the ‘Gateway Development Zone’ and Policy MG9 - Employment Allocations of the LDP notes the site as being part of the strategic employment site allocation. The application site is an important component of the Gateway Development Zone and thus the wider employment allocation. As such, it must

be recognised that the site has been designated for employment use and the principle of the development proposed in the application is clearly established through the adoption of the LDP.

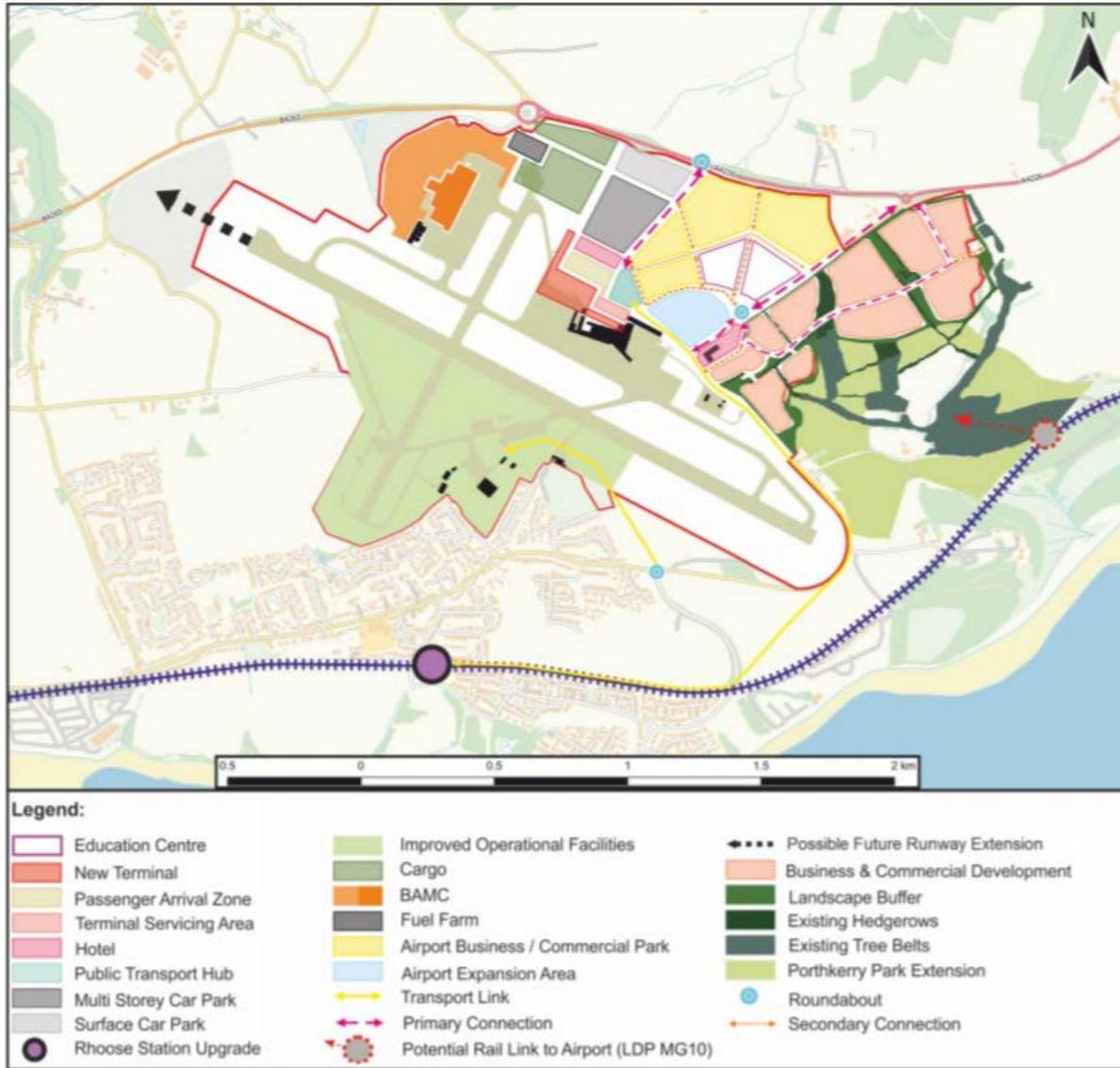
The application site equates to just over half of the Gateway Development Zone employment allocation. The remainder of the allocated employment land is located to the northern side of Port Road. The land on the northern side has seen some piecemeal development over the years, with a college, a small airport business park, and a hotel located here. The Holiday Inn Express Hotel is the only significant development on the southern side of Port Road, which otherwise comprises largely of a network of agricultural fields, a farmhouse, and its yard.

Policy MG9 states that the employment uses for this site should be a mixture of B1, B2 and B8 uses. Policy MG10 – St Athan – Cardiff Airport Enterprise Zone refers more specifically to the Enterprise Zone and the creation of a ‘masterplan’ for its development; to inform the planning and development of the allocated sites. The key elements of the masterplan would be to deliver employment, land for the extension of Porthkerry Country Park, an energy centre and sustainable transport infrastructure. The supporting text also notes phasing will be critical. In support of the above, Policy MD14 – New Employment Proposals states that, on existing and allocated employment sites, development proposals for B1, B2 and B8 employment uses, and complementary ancillary uses, will be supported.

It is also noted that an LDP review has commenced, which will monitor progress and implementation. The review is not a moratorium on development, however, and the LDP will remain extant until at least 2026 or until a new plan is adopted (expected 2025), whichever is sooner.

Cardiff Airport and Gateway Development Zone SPG

Policy MG9 of the LDP, noted above, does not place a duty upon the applicant to provide a masterplan for the Gateway Development Zone. In this respect, the Council has adopted further guidance in the form of the Cardiff Airport and Gateway Development Zone Supplementary Planning Guidance (SPG). The document expands upon the policy framework and also provides an illustrative masterplan at Appendix 10, as depicted below:



The SPG does, however, refer to phasing, noting it is important to ensure that there is adequate infrastructure (including green infrastructure) to support the proposal at each phase. It also states that future applications should be supported by an appropriate phasing strategy. This is discussed in more detail below.

The need for the development

A lack of need for the development has been raised by many in representations. The principal concerns relate to the lack of any detailed interest, the future viability of Cardiff Airport and, the availability of alternative brownfield land locally and elsewhere in the region to satisfy any such need.

Need for the development

The LDP policies relevant to this site are outlined and discussed above. However, in relation to need, it must be noted that the LDP polies are underpinned by evidence and have undergone a rigorous examination process. The site allocation was informed by the

Employment Land and Premises Study (2013), which is a background paper to the LDP. It is stated within:

“In terms of the inward investment market, the Vale of Glamorgan does not have a high profile. It is quite rural and recognised as such. The Vale also has little property available which could meet the needs of inward investors. Major office based businesses are likely to look to Cardiff City rather than the Vale. However, the St Athan – Cardiff Airport Enterprise Zone has been successful in generating business investment, primarily connected to St Athan.” (para. 4.11)

The document forms part of the evidence base for this land allocation. The rationale for the location (that underpins the allocation) is the strategic nature of the location. There are several existing industrial sites and other, allocated employment land in the Vale which can meet present and arising local demand. However, land in locations such as Barry docklands, Llandow, and those further afield are unlikely to be suitable for businesses in the aviation industry or those reliant on international connectivity, for example. It is employment opportunities arising from these sorts of sectors which the designation of the Enterprise Zone seeks to exploit.

There is no tangible evidence of site interest provided by the applicant, but it must be acknowledged that there is no policy requirement for them to do so. The site is already allocated for employment use within the LDP, for the reasons and evidence base outlined above. This application also comes to the Council in outline and so, understandably, the proposals lack in specific detail at this point in time. If the developer had or were able to generate interest and the inward investment needed to progress, this detail would inevitably follow as part of reserved matters submissions. Nonetheless, the Draft LDP Monitoring Report (Nov 2021) identifies that the LDP target of 20% of employment site allocations being approved by 2020 has been met, signifying there is wider demand for employment land, the Vale labour workforce is projected to continue growing, and that this strategic site is integral to future job supply and growth.

A condition is recommended requiring the future reserved matters applications to be supported by a statement which explains how that phase of development shall comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing (**condition 40 refers**).

Phasing

As has been noted in representations, previous draft iterations of the LDP once specified a sequential approach within the Gateway Development Zone, geared toward the northern part of the allocated land being brought forward first. This is not the case within the Adopted LDP. The latter makes no such distinction in relation to timing, thus placing no barrier to this site being brought forward first, should circumstances allow.

The site context dictates that the northern part of the allocation is more suited to development, than the southern. The main reasons being the highway infrastructure and the greater sense of openness (and productive agricultural use) of the application site, in comparison to the northern side, which is bounded by arterial roads and the airport.

Though not referred to explicitly, this is recognised within the supporting text of Policy MG10, which states:

“Given the fine landscape qualities of the Vale of Glamorgan, and the need to promote sustainability, development to the south of Port Road is only considered acceptable as part of a comprehensive development including the transfer to the ownership of the Vale of Glamorgan Council (together with appropriate negotiated financial contributions) of land for a 42ha extension to Porthkerry Country Park (Policy MG28 refers).”

The LDP, by requiring land to extend Porthkerry Country Park, seeks to mitigate the potential impacts associated with development of the application site, i.e. as a standalone development. The development of the allocation in isolation of the northern side, as must follow, does not conflict with the LDP. As is the case for all development on this scale, funding/ investment and timings, in particular, are complex and subject of many variables. There are no reasonable grounds to resist development of this part of the allocation ahead of the other, if interest transpires and the site can be brought forward for development.

The application is in outline, therefore, no definitive phasing plan exists at present time, nor can one reasonably be expected at this stage. In relation to transportation infrastructure, indicative details are provided within the Transport Implementation Strategy. It is, nonetheless, important to ensure adequate control over phasing (build out rate), to ensure adequate infrastructure provision as development progresses. This can be achieved by a condition, as referred to in the s106 section of the report (**see condition 38**). The adequacy of existing/ proposed site infrastructure is considered later in this report.

The proposed use:

It is envisaged that the proposed employment uses on the site comprise a mixture that is complementary to Cardiff Airport and caters specifically for the needs of the aerospace industry and high-tech manufacturing, to encourage strategic investment and the creation of a business destination that is attractive to local and international businesses. The uses could encompass high quality office accommodation, high-tech industry, specialist education and training facilities, for example.

The application is in outline, and therefore the exact nature of proposed occupiers is not known at this stage. The proposed mix and ratio of uses, all within Classes B1, B2 and B8 of The Town and Country Planning (Use Classes) Order 1987, is considered an appropriate parameter for this site. However, in view of the strategic nature of the site and Enterprise Zone, for example those serving more local needs, may not be appropriate and a condition is recommended to require the development to comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing (**condition 40** refers).

In summary, the proposal seeks employment uses on a strategic employment site, which has been assessed and considered acceptable for these uses in the adoption process of the Local Development Plan. The uses are, likely, to be principally be based around the aviation industry, complementary services or ‘high-tech’ industry to complement the ambition of the Enterprise Zone. The site has the potential to generate significant economic benefits for not just the Vale of Glamorgan but also the region and Wales as a whole, both in terms of direct and indirect employment opportunities.

Loss of farmland, buildings and impact on the tenant farm

Impact of the development on the tenant farm

The majority of the site is occupied agricultural farmland and objections have been submitted by many citing the impact of the development on the tenant farmer, if the development was to be approved. In this respect, TAN 6 states:

“Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.” (para. 6.2.6)

The site encompasses a total of approx. 93ha, and most of which is actively farmed and contains the farmhouse and yard/ barn complex associated with Model Farm. There are also areas, such as the woodland, which are not actively farmed. Arable fields dominate the higher lying, more exposed and predominantly flat areas, while grazing and strips of woodland dominate the sheltered slopes and valleys. The field system consists of moderately sized fields enclosed by hedgerows of varying height and density.

It is stated within the Environmental Statement that the farm is currently operating as a going concern and is anticipated to support 4 employees in the Agriculture sector. There have been objections to the loss of a working farm raised by the tenant and many others in representations.

Whilst understandably disappointing to the tenant, these issues have been weighed against the benefits of the development and the positive contributions explained in this report. While the representations received in this respect have been considered, the personal circumstances of the tenant farmer and his family are not considered to outweigh those other significant factors weighing in favour of the proposal. Having regard to the impact on the farm and holding generally and the loss of a working farm, in the face of the significant economic benefit associated with the development and its allocation within the LDP, it is considered that the proposals are acceptable in this regard.

There is a portion of land to the east of the site that is also in the ownership of the applicant. This land is understood to be subject of a separate tenancy. In the event need arose for replacement agricultural building(s) off-site, there is not likely to be an objection in principle to them on that land (subject to usual planning considerations such as siting and design).

Agricultural land

The existing use of the agricultural land is a mixture of arable cultivation, improved pasture, and permanent pasture. In terms of the Agricultural Land Classification, the vast majority of the site is classified as Grade 3b. This grade indicates a moderate quality, which is not afforded the same protection in policy terms as the Best and Most Versatile (that is grades 1, 2 and 3A) as identified by Policy MD1 (Location of New Development) of the LDP.

There is some land on the site classified as Grade 4 (poor), whereas a smaller proportion, equating to approx. 1.7%, is classed as Grade 3a (good). The latter is amongst the Best and Most Versatile as defined above. Policy MD1 of the LDP states, at Criterion 9, that

developments should have *no unacceptable impact on the best and most versatile agricultural land*.

The concerns relating to local and sovereignty over food supply are noted. However, notwithstanding the above, there is no wholesale protection afforded to all agricultural/ 'greenfield' land within the planning policy framework. The majority of the site is allocated toward employment and public open space, with the economic benefits, together with public amenity and nature conservation weighing in its favour. In view of this, and that the extent of good quality agricultural land on the site is very limited, the impact is considered acceptable and accords with Policy MD1.

Sustainability and climate change

It is recognised that sustainable development and the causes, impacts and mitigation of climate change are wide ranging and so affect, to varying degrees, all the facets of development on this scale. The matter of the principle of the development, insofar that it is for development of a business park adjacent to an airport, and the contribution of the aviation industry to climate change, has been considered previously in this report. It is worth reiterating here that the recently adopted Welsh Government policy in Future Wales (the National Development Plan for Wales) supports the principle of this type of development given its strategic location and connections to the Airport.

The detailed sustainability of individual buildings is not known due to the outline nature of the proposals but would be given further consideration at detailed design (and would need to meet separately with Building Regulations requirements, in this regard). In terms of making provision for more sustainable transport options Future Wales: The National Plan requires new non-residential development, to provide a minimum of 10% of car parking spaces to have electric vehicle charging points (Policy 12 – Regional Connectivity) refers. This is secured by condition 43.

In addition, matters relating to sustainable transport connectivity specifically, and the other direct environmental impacts of the proposals, are considered in more detail below.

Energy supply

Policy MG10 (St Athan - Cardiff Airport Enterprise Zone) of the LDP refers to the provision of a sustainable energy centre (such as a Combined Heat and Power Plant) to ensure the development has high sustainability credentials. Policy MD2 (Design of New Development) meanwhile states that new development should mitigate for climate change within design, construction and use. Policy 16 of Future Wales (2021) refers to District Heat Networks, stating schemes of this size should prepare an energy masterplan and, if applicable, an implementation plan.

There are no specific details of energy provision provided with the application. However, the applicant has pledged to co-operate and consider options and the feasibility of establishing a sustainable energy centre for the Enterprise Zone. It is considered reasonable and appropriate to have such a study carried out, however but this can be secured by condition (**see condition 34**). This would allow the opportunity for it to be carried out as a joint exercise with other interested parties in the Enterprise Zone and have regard to the more detailed proposed once they are known at a later stage. However, the proposals are also of sufficient magnitude to require consideration of feasibility on its own merits, should it proceed in isolation.

Economy

The policy framework and strategic nature of the location have been discussed in detail in the policy sections above. In addition, the proposals have the potential for significant job creation and make a major contribution to the local and regional economy. This is considered in more detail within the Environmental Statement, which concluded that (and taking into account the loss of the farmland and farmstead) the proposals have the potential to have a major beneficial and long term impact in this respect.

The ES finds that The Vale of Glamorgan economy contributed approximately £2.0 billion in Gross Value Added (GVA) to the Welsh economy in 2015, which was around 3.6% of the Welsh economy as a whole that year (ONS), ranking the Vale of Glamorgan 13th out of the 22 local authorities in Wales. In addition, a relatively high concentration of high-skill residents was identified in the Vale, but this was not reflected in the nature of locally available jobs, with heavy out-commuting to Cardiff.

The proposed development therefore brings with it the potential for creation of high quality jobs, such that are in demand in the locality, bringing greater employment opportunities that can be exploited by the existing residents of the Vale, as well as opportunities to local businesses in servicing the site and in terms of indirect expenditure. In addition, the development could facilitate new training and apprenticeship opportunities, which is given further consideration in the S106 section of this report, below (and referred to in **conditions 35 and 36**).

It is estimated in the ES that the development will create capacity to accommodate around 3,225 net additional FTE jobs for the Vale of Glamorgan, supporting approximately £94 million in net additional wages and £171 million in net additional GVA. This figure factors in the indirect benefits of the development, through repeated effects of expenditure in the economy through supply chains and by workers. This evidence (though an estimation and dependent on delivery) demonstrates the significant positive economic potential that could be realised from the development of the site.

Traffic, Travel and Access

Matters relating to sustainable transport infrastructure, including connectivity, are considered in more detail in the S106 section of this report. The matters of access, parking, traffic generation, and highway safety, are considered below:

Vehicular access

The development is proposed to be accessed via two points on the existing highway network. There would be one access on the eastern side of the site, served by the addition of a fourth arm to the existing Port Road/A4226 three-arm roundabout. The second access would be to the western side, via the roundabout arm serving the Holiday Inn Express from Port Road.

In respect of the accesses, the Council's Highways Engineer has advised that the proposed points of access, including the reconfiguration of the eastern (A4226) roundabout are acceptable.

In relation to the western (Holiday Inn Express) access, the plans illustrate that the existing configuration of the roundabout would be maintained, with access to 11 of the 12 development plots via a spine road located off an existing spur. The roundabout is considered able to acceptably deal with modelled development traffic, however, the existing configuration would provide sole priority to 'Plot 1' of the development. The comments of the Highways Engineer state that the priority should instead be given to the spine road serving the development site, which appears reasonable based on likely predominance of movements into the development site (rather than the hotel or Plot 1).

There would be further engineering detail required, and is it considered reasonable for details of both access points to be secured by condition. This would include for the detailed design, safety auditing, and an active travel route to be factored in. In the case of the western access, the alteration to priority would require further design work to be carried out. However, it is considered that the alterations can be accommodated for within the application site and/or land in ownership of the applicant, and ultimately provide for acceptable connectivity on to the adopted highway. It is considered necessary, due to likely further design work, for the details to be secured by condition (**condition 13 refers**).

The vehicular access to the site is therefore considered acceptable and would not adversely impact upon the free flow of traffic or highway safety. The detail of the spine road and other internal road would be subject to review at reserved matters.

Traffic

A scoping exercise was undertaken with the Council, Welsh Government and Transport for Wales to agree the broad measures required to assess the transport aspects of the development proposal, including the extent and timings of initial survey work, based on industry standards and best practice. These discussions have informed the Transport Assessment (TA) submitted with the application, which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network and the modelling work to establish the likely number of car movements.

The initial surveys and assessments were undertaken in 2018, and this formed the baseline for the initial modelling. The survey timings were considered appropriate given the highway works being undertaken at Five Mile Lane/ Weycock Cross at other times that year. From this baseline, future year scenarios were created for 2026 and 2029 by applying traffic growth rates (at the time) to the observed traffic flows. The growth rates included allowances for background traffic growth, committed development, as well as traffic associated with the proposed development. The traffic assessment took account of the due improvements to Five Mile Lane development, but the potential M4 Link via Pendoylan was discounted from the assessment as it was not committed.

The TA assessed traffic impacts at a series of junctions, the scope of which was agreed with the Council's Highways Development section and their appointed consultant. An initial modelling of 11 junctions was undertaken, as well as a capacity assessment for the Port Road (A4226) link to Weycock Cross. This work identified junctions requiring detailed operational assessment, i.e. those with a projected increase of greater than 10%. These junctions were:

- Northern Site Access roundabout;
- A4226, B4265, Tredogan Road & Dragonfly Drive roundabout; and
- Weycock Cross

The TA has thereafter been reviewed by the Council's appointed consultant on behalf of the Highway Authority and this initially raised a number of queries regarding the assessment methodology, although these have subsequently been addressed within the accompanying Technical Note, which was also subject to further review. The latter TN included a further junction assessment of Sycamore Cross.

In representations, a letter from Paul Bansham Associates (as a peer review) advises that, in their opinion, the detail assessment should extend to Culverhouse Cross. This gyratory was, however, scoped out due to projected overall increases being below 10% (approx. 1-3%, peak hours), that also came within expected daily flow fluctuations. The modal shift (toward non-private car trips), though ambitious, was also considered achievable, if the identified infrastructure improvements associated with development of the Gateway Development Zone were to come forward. These schemes (identified within the Transport Implementation Strategy) are not committed – though are subject to further discussion in the s106 section of this report, below. The documents have also been reviewed by the Highways Engineer in consultation with the appointed consultant, who considered the scope and methodology of the TA, and associated documents, acceptable.

It is, therefore, considered that the TA (and associated Technical Note) provide for a robust basis for traffic impacts to be assessed. In summary, it observes that this development would not result in the Port Road (A4226) link, the site access roundabout, Dragonfly Drive roundabout or Sycamore Cross operating over capacity. However, it did identify that Weycock Cross would operate over capacity at peak hour in the 2029 scenario, i.e. at full build out.

In response to concerns raised over this impact, as well as the timing and delivery of infrastructure improvements, a 'Transport Implementation Strategy' (TIS) was submitted by the applicant. This work has identified that the Weycock Cross modelled at over capacity at approx. 95% 'build out' of the development.

In addition to the above, the TIS seeks to address observed changes to working patterns and behaviours as a result of the Coronavirus pandemic that are likely to have a long term impact on commuter travel patterns using these roads and junctions. Although the significant reductions in traffic flows seen in summer 2020 were temporary, there remains a palpable shift in attitudes, as well as in transport policy, toward promoting long term adoption of more home and flexible working. The Welsh Government ambition, with reference to Llwybr Newydd, is for 30% of the workforce to work remotely by putting in place a series of measures to give people more choice over how and where they work. Investiture in sustainable and active travel is also a part of this strategy.

The details of further modelling work are shown in the TIS, which by extracting the number of commuters from the data and making adjustment for both 30% and 20% of the workforce working remotely, calculates the impact of likely continuation of this trend on Weycock Cross. The growth factors applied to passenger numbers from Cardiff Airport (despite a likely set back) and the baseline have not been changed.

The peak pandemic level of home and remote working will have reduced as measures to tackle the pandemic and as restrictions were lifted. The adoption of a 20% scenario for modelling purposes is considered to be a realistically cautious representation, considering the direction of travel toward and support for remote and flexible working in the long term. The impact of flexible working upon peak flows within the modelling data is significant,

even in the 20% scenario, and the TIS finds that Weycock Cross would not operate over capacity as a result. This document has been reviewed by the Highways Engineer, who is in agreement in regard to its conclusions and raises no objection in relation to traffic generation/ congestion. Their most recent response confirms no change in this regard, and **Condition 38** restricts development build out beyond 20,000sq.m unless an active travel route is completed connecting Cardiff Airport to Weycock Cross.

In relation to the Porthkerry Country Park Extension, although an unquantified increase in visitor numbers is expected, it is not anticipated that there would be significant implications as a result of traffic congestion. It is noted that concerns are raised in relation to emergency response times, including access to Cardiff Airport. However, as noted above, the development is not considered to have a significant adverse impact in relation to traffic congestion, and so is also considered acceptable in this respect.

Accordingly, it is considered that the TA demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network. This is notably reliant upon infrastructure improvement in the locality, to in order to promote travel by means other than private car. These matters are discussed below in the s106 section of the report, below.

Therefore, based on the above, it is considered that the proposals would not have an unacceptably harmful impact upon traffic congestion or highway safety, complying with the requirements of policies MD1, MD2, and MD7 of the LDP and the Councils Parking Standards SPG.

Heritage

The Vale of Glamorgan LDP policies generally reflect the national policy for the strict control of development affecting conservation areas, listed buildings, and other heritage assets. These policies and guidance also reflect the duties imposed upon the Council by the Planning (Listed Buildings and Conservation Areas) Act 1990. These, together with the impact of the development upon local heritage assets, are discussed in more detail below:

Listed Buildings / Conservation Areas

Policy SP10 (Built and Natural Environment) of the LDP aims to preserve or enhance the character or appearance of the Vale of Glamorgan's conservation areas. In particular, Policy MD8 (Historic Environment) requires development proposals to preserve or enhance the character or appearance of conservation areas, as well as the preserve or enhance the setting of listed and locally listed buildings, their settings and any of its features of significance.

There are no designated historic assets (listed buildings / conservation areas) present on the site and, therefore, the development would not have a direct impact in this regard. There are, however, a number of listed and locally listed buildings in the locality, and the Porthkerry Conservation Area is also located to the south of the site.

A Built Heritage Statement prepared has been submitted with the application and the impact upon built heritage is also a topic in the Environmental Statement. This document has been reviewed by the Council's Conservation Officer, who considered it to accurately reflect the impacts of the proposed development on the setting of local historic assets. The

document, together with the Environmental Statement, provide a robust analysis in this regard.

It is acknowledged within this documentation that there is potential to impact on the significance of six designated heritage assets and two undesignated heritage assets. Of primary concern are the impacts to Lower Porthkerry Farm House (Grade II listed); Upper Porthkerry Farm House (Grade II listed), and the Porthkerry Conservation Area. The statement concludes that there will be a moderate degree of harm to the setting of these assets.

In addition, the statement identifies that there would be a moderate degree of harm to the significance of the Lower Porthkerry Farmhouse; Upper Porthkerry Farmhouse; and The Porthkerry Conservation Area, a minor degree of harm to the significance of Church Farmhouse (Grade II*); the Outbuilding to Church Farmhouse (Grade II*); the former stables block associated with Upper Porthkerry Farm House (locally listed County Treasure); and Egerton Grey (locally listed County Treasure). In addition, a negligible degree of harm to the setting of the Church of St Curig (Grade II*) was identified; whilst there would be no material impact to Porthkerry Viaduct (Grade II).

The Conservation Officer objected to proposals on this basis and was also of the opinion that the impact to another County Treasure (local listing), the Barns at Welford Farm, should have been considered. It was considered, as a result of changes and harm to significance already seen through significant alterations to the farmstead through the demolition of the farmhouse; that the development would result in a minor degree of harm to this asset, due to the change to the immediate and wider setting.

In terms of mitigation, it is suggested that the careful management of lighting within the proposed development will assist in reducing light spill and in reducing the perceived level of harm to these assets; although, it is acknowledged that this would be unlikely to completely remove all harm.

In conclusion, the Conservation Officer states:

“I agree with the conclusions of the Built Heritage Statement that there will be varying degrees of harm to the setting of historic assets. This is contrary to policies SP10 and MD8 of the LDP. On this basis I cannot offer my support to the application.”

However, you will need to reach your own conclusion, and if necessary, carry out a balancing exercise weighing any ‘harm’ against any benefits. Furthermore, you will need to demonstrate how considerable importance and weight has been afforded to the considerations to which s66 and/or s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply and, where appropriate to explain how benefits have been weighed against such matters.”

In respect of the aforementioned assets, the site is particularly pronounced in relation to both Upper and Lower Porthkerry Farmhouse, where a moderate harm was identified. The site would form a prominent part of their backdrop when viewed from the lower end of Porthkerry Road. The employment land/ nearest plot (part of Area A) at the site is shown to be approx. 120m distance from Lower Porthkerry Farmhouse. The proposals have therefore provided for a buffer (notwithstanding the rapid transport safeguard) between it and the developable area of the site. The parameter plans also identify that buildings within the closest plot (No.4) would be single storey (12-14m tall).

The distance between the developable part of the site and the Church (Glebe) Farm buildings (Grade II*) is much greater, being approx. 600m, and St Curig Church (Grade II*) greater still. The boundary of the Porthkerry Conservation Area also co-terminates with the Church Farm yard curtilage.

The application site is in agricultural use and so, in spite of the nearby airport, still provides a small positive benefit to the setting of these buildings, as well as the wider surroundings of the Porthkerry Conservation Area, though at much greater distance. The development would urbanise the site itself, significantly changing its character and contribution to the setting of the aforementioned heritage assets.

In view of the content of Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the LDP, it is noted the development does not adhere to their strict requirements to preserve or enhance these assets. However, it does not inevitably follow that the development is unacceptable. It is important to note, and as expanded upon previously in this report; the fundamental principle of developing the site for employment use is set by the allocation of the site within the LDP itself. In considering the position and elevation of the site in relation to some of the heritage assets, it is inevitable that the site will be seen in the backdrop from certain viewpoints. It is therefore reasonable to expect a certain degree of change to their setting. The development of Cardiff Airport and the runway has also already had a significant impact upon the character of the locality, and the application site would be appreciated in the context of the airport and its surrounding development.

In respect of the scale of development, the buildings, though taller than the Upper/ Lower Porthkerry Farmhouse, would not dominate them at this scale and distance. The application site also is not directly associated with these buildings. The impacts discussed above relate predominantly to the openness, and character and urbanisation of the land, insofar that is presently provides a rural context to these former farmsteads. The proposed scale parameters and design brief are therefore considered acceptable, in this respect.

Section 66 and Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard to the desirability of *preserving the listed building, its setting or any features of special architectural or historic interest* is given and, respectively, that special attention be paid to the desirability of preserving or enhancing the *character or appearance* of conservation areas. This is reflected in paragraphs 6.1.10 and 6.1.14 – 6.1.16 of PPW which state there should be a general presumption in favour of the preservation or enhancement of listed buildings, the character and appearance of conservation areas, and their respective settings. The Council must therefore consider the desirability of preserving the settings and wider rural context of these heritage assets in their current form, given the harm that has been identified.

It is noted that the Conservation Officer objects to the impacts to the heritage assets and it is agreed that the development will have some negative impacts as set out in their assessment and noted above. Having regard to this legislative duty, special regard must be given to these matters in the decision making process. In reaching a recommendation for approval, whilst there is no disagreement as to the extent of these impacts, it is because the strategic importance of the location, coupled with the economic benefits associated with the development of this site (as previously outlined in this report), are considered to weigh significantly in favour of its development, and in turn outweigh the impacts to the heritage assets concerned. In addition, the use of a significant part of the

site as an extension to Porthkerry Country Park, proposed planting and landscaping, as well as the management of lighting through reserved matters (**condition 33** refers), would assist in mitigating (but not wholly eliminating) the identified harm.

The development is therefore considered acceptable in relation to the impact upon built heritage and to accord with the objectives of the Local Development Plan.

Archaeology

Criterion 4 of Policy MD8 (Historic Environment) also requires that development proposals must preserve or enhance archaeological remains and where appropriate their settings.

The application is supported by an archaeological desk-based assessment that considers the potential impacts on the historic environment. The Council's specialist advisors in this regard, the Gwent Glamorgan Archaeological Trust (GGAT), have reviewed this information together with information contained in the Historic Environment Record. The latter contains record of a number of archaeological and historic environment sites and findspots within the proposed development area. These range from findspots from Neolithic to modern date, and features of platforms related to buildings for agriculture, modern military features, including a crash site, and quarrying and transport.

GGAT have advised that the development will require archaeological mitigation as a result and recommend this be carried out by condition (see **condition 16**) prior to commencement. The mitigation would include a detailed written scheme of investigation for a programme of archaeological work. The work is envisaged to include a geophysical survey, which may enable targeted fieldwork, which may in turn include a strip, map and record of some areas if these cannot be excluded from a final masterplan and would also include an archaeological watching brief during groundworks required for the development.

The development is considered acceptable in relation to archaeology and compliant with Policies SP10 and MD8 of the LDP, subject to it being carried out in accordance with the above condition.

Ancient Monuments/ Historic Parks and Gardens

The above-mentioned desk-based assessment also considers the impact on the setting of a number of Scheduled Ancient Monuments (SAM) and Registered Historic Parks and Gardens within a 3km radius of the site.

The assessment concludes that, in most cases, intervening topography, buildings and vegetation block views between them and the application site. The proposed development would also, where visible, be seen as part of the very wide landscape setting, which also includes the Cardiff Airport, surrounding buildings, and the settlement of Barry. In this regard, CADW stated this would not alter the way that these designated heritage assets are understood experienced and appreciated. Consequently, they held no objections considering the impact of the proposals on SAM and registered gardens.

The development is therefore considered acceptable in relation to the above and the associated requirement of Policies SP10 and MD8 of the LDP.

Landscape and Visual Impact

Policy MD1 (Location of New Development) of the LDP requires that development have no unacceptable impact upon the countryside, whereas Policy MD2 (Design of New Development) promotes high quality in design. Policy MD10 (Built and Natural Environment) requires development proposals to preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Proposals must also demonstrate that they would not have *an unacceptable adverse impact* upon Special Landscape Areas, in accordance with LDP Policy MG17 (Special Landscape Areas) and not *prejudice the open nature* of the green wedge – Policy MD18.

In relation to the impact of the development to the local landscape character, the application has been supported by a Landscape Visual Impact Assessment (LVIA). The appraisal assesses the existing site conditions and likely effects of the development upon nearby landscape designations and considers views from surrounding areas. The study area extends to 5km from the application site boundary, with photographs presented from the chosen viewpoints informed by the Zone of Theoretical Visibility (ZTV).

The LVIA provides an assessment of the impacts at 'Year 1' winter, post completion, and 'Year 10', summer. The scope of the assessment was discussed prior to the submission of the application and the viewpoints chosen informed by the outcome of these discussions. The subsequent fieldwork has resulted in some of these viewpoints being 'scoped out' of the assessment, for reasons of limited or zero visibility, having equivalent viewpoints represented, or being of limited sensitivity. The 15 chosen viewpoints have been reviewed and are considered to be broadly representative, for the purposes of the LVIA assessment, as is the general methodology. In addition to the LVIA, the magnitude of the impacts are also considered within the Environmental Statement.

The LVIA has also been peer reviewed (by Veridian on behalf of representors) who also undertook a visual assessment, which incorporated additional (local) viewpoints and photomontages. This has resulted in the highlighting of errors and omissions in documentation (some described below). These are, in majority, minor in nature and, having been reviewed by officers, are not considered to have any significant bearing upon findings (which have been tested through site visits) or the ability to undertake an assessment of the impacts arising from the proposals. The conclusions of the LVIA, including its assessment of the magnitude of impact (i.e. the reported effect) for the chosen viewpoints is considered sound.

In summary, the development would result in a substantial localised impact. This would perhaps be at its greatest magnitude at close viewpoints such as along Port Road and Porthkerry Road. However, these locations are generally of a lesser sensitivity, where users will typically be travelling or have the experience of being on the transport infrastructure. The impact from views on local Public Rights of Way (PRoW) are considered to be of greater sensitivity, and so are discussed in greater detail below. There are also other wider viewpoints identified, at mid-distance or greater, where minor or negligible impacts have been identified.

There are footpaths located both on the site and adjacent to it, with PRoW P4/17/1 leading to the site from Port Road. It then runs along the periphery of the developable area of the site (Area A), dissecting woodland before connecting to PRoW P4-20-1 across Whitelands Brook, via a footbridge. PRoW P4/17/2 thereafter continues south, both leading eventually to Porthkerry Country Park at separate locations.

The routes are highlighted below. Highlighted green is the 'Country Park to a Norman Village' Circular Walk (a promoted route).



The internal layout would be subject to consideration at reserved matters, but based on the indicative plans, the development would be unlikely to impact upon the PRoW directly, being at the employment site edge.

In relation to views from the footpaths, these are represented within the LVIA as Viewpoint 2a and Viewpoint 8. These show the site at approx. 100m and 300m distance, respectively. It was noted that the distance of viewpoint 8 is incorrectly reported as c. 500m, though this has not had a bearing upon the findings - described below. These locations are considered to be of high sensitivity, being predominantly recreational (and promoted) routes. The character of the land is also pleasant, open, and agricultural; though not remote. Cardiff Airport is visible from many locations, with noise from air traffic and/or road traffic being experienced along much of it.

The development would be especially prominent at the above viewpoints and accordingly both are described as substantial (i.e. of the highest magnitude) – though localised. In short, the impact is substantial but experienced at locations in close proximity to the application site. The impact is also likely to be experienced for a relatively short duration, and so not have a persisting effect (in the landscape). The character of the site and its immediate surroundings would nonetheless alter, and substantially so. This impact would also be felt where the footpath passes the site peripheries, to varying degrees. The footpath drops into a valley at this point (and so site-wide views are not possible), and it also dissects woodland. However, the immediate development will likely be visible at several points, closely, and where not, the sense of seclusion would nonetheless likely be reduced. This impact can be mitigated somewhat through design and care with the siting of buildings, for example by drawing the buildings away from the extreme edges of the plots.

It is nonetheless important to note, and as expanded upon previously in this report; the site is allocated as employment land (and country park extension), within the LDP. The development of the site accords with the LDP (and therefore is not considered contrary to Policy MD1), in spite of the local visual impact and change in character to the land. Having regard to the above, and the strategic location, it is considered that the site represents an acceptable location for employment development, in terms of the impact on the local countryside. This is reflected in the fact that the site has been allocated in the LDP. The height and density of the scheme is also considered acceptable, having regard to the above.

There also exists scope to mitigate the above impacts, to a degree, through appropriate design and landscaping. In this respect, the proposed park extension (together with significant woodland and hedgerow planting) has the potential to reduce the long-term impact to being a moderate one.

Green Wedge

A part of the site is also located within a 'green wedge'. In regard to this, Policy MG18 of the LDP states that "*within these areas development which prejudices the open nature of the land will not be permitted.*"

The proposals would likely entail (as shown on the parameter plans) the location of some of the drainage infrastructure within the 'green wedge' area. These would, however, be soft SuDS attenuation areas and swales. There is no operational development proposed within the Porthkerry Country Park extension and, therefore, it is considered that the proposals would not prejudice the open nature of land within the green wedge.

The Nant Llancarfan Special Landscape Area

The site is not within a Special Landscape Area (SLA), however, the edge of the Nant Llancarfan SLA is located on the northern side of the A4226, at approx. 100m distance from the application site at its closest point. The road, however, forms a fairly hard boundary to the SLA and runs across a plateau leading to Cardiff Airport. Therefore (and apart from where PRoW joins Port Road) there would be no close visual relationship between the site and the SLA.

The development would nonetheless be visible from more distant vantage points. This is represented by Viewpoints 12 and 13 within the LVIA. It is noted that photograph 12 is of low quality. However, as demonstrated by the photograph below (taken nearby) the conclusions of the assessment, which describe the impact at these points as negligible, are considered to be sound. In the photograph, the roof and top (4th) floor of The Holiday Inn Express is visible above development in the foreground. These views would nonetheless be slight, also glimpsed, typically at breaches in the hedgerows adjacent to the highway.



(field access from public road, west of Moulton)

The development would, however, be seen more prominently from another location within the SLA, which was 'scoped out'. The site would unlikely be visible from PRow 4/13/1, but is visible from parts of the rural track connecting it to Tredogan Road. The track is part of the adopted highway, so public right of access exists across it. The aforementioned 'Country Park to a Norman Village' Circular Walk also takes this route.

The British Airways facility and Cardiff Airport (latter visible in photograph below) are both relatively prominent from this location. The application site is less so, due to the greater distance, intervening vegetation and other buildings in the foreground. Nonetheless, Model Farm (farmhouse only) can be seen (at a 1km plus distance) at points and some parts of the development on the application site would likely be seen where gaps exist or protrude slightly above existing trees and buildings.





(un-named track off Tredogan Road)

This development would have a more tangible impact from this location but would be at a mid-distance and be partially screened by the immediate hedgerow, other intervening vegetation, and other buildings. It would also be experienced in the context of the Airport and associated buildings, which have a much closer relationship and so would still have greater prominence than development on the application site. The British Airways Facility is very prominent from this location (though out of shot). The sensitivity of this location is high, but with a projected low magnitude impact, the resultant effect upon this viewpoint would be moderate. There is also potential to mitigate this impact to a degree, through beneficial siting, design and landscaping.

The views of the development from the SLA (taken as a whole) are very few in number, considering its proximity to the site. The site would also be seen in the context of the Airport, associated buildings, infrastructure and other development from these locations. It is therefore agreed that the overall impact to the SLA would remain negligible, in spite of the above. Therefore, it is considered that would not be any unacceptable impact to the special environmental qualities of the Special Landscape Area, in accordance with Policy MG17 of the LDP.

Design and layout

MD2 (Design of New Development) requires proposals to:

- *Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;*

Whereas the landscape impact of the proposals has been considered in detail, above, the detailed design, appearance of the buildings and fine layout cannot be fully assessed at this stage. The assessment of any future reserved matters applications for phases of development will involve an appraisal of the design and visual impact of those phases.

However, a general assessment can still be made based on the indicative plans and parameters.

In relation to the proposed plots, these are laid out intuitively and can be accessed via the existing road network and a new spine road. The proposed general layout of the plots is considered acceptable.

The application is also supported by a design brief which outlines the site parameters and recognises that the public areas within the site must feel comfortable, safe and attractive to users. The buildings would be relatively tall (up to 16m) and some very expansive, though this is to be expected for a development of this type. Though purely indicative, the vignettes below demonstrate how the design objectives this might be achieved within such a layout (interspersing large buildings/ operational areas with soft landscaping).



The development would therefore not inherently appear over scaled in this context (noting the size of some nearby buildings) or visually incongruous, subject to detailed design. The proposed parameters and design brief are considered acceptable in this respect, with review of detailed design only possible at reserved matters stage. The proposals are therefore considered to comply with Policy MD2 of the LDP, in this respect.

Minerals Safeguarding

A proportion of the site, including parts of 'Area A' identified for SuDS attenuation, are located within Mineral Safeguarding Zones for Limestone and Sand and Gravel.

In this respect, Policy MG22 of the LDP states:

New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. *Any reserves of minerals can be economically extracted prior to the commencement of the development;*
2. *Or extraction would have an unacceptable impact on environmental or amenity considerations; or*
3. *The development would have no significant impact on the possible working of the resource by reason of its nature or size; or*
4. *The resource in question is of poor quality / quantity.*

The areas not already allocated for employment are, by in large, allocated within the LDP as Public Open Space and located within the green wedge, where mineral extraction would likely have unacceptable impact on environmental considerations and amenity. The proposals are therefore considered to be compliant with this policy.

Amenity and neighbouring uses

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.

Residential amenity

There are residential properties to the north of the site, as well as properties to the south adjacent to Porthkerry Road. The former are separated from the site by Port Road and relatively well-screened, whereas the latter are a minimum distance of approx. 130m from the proposed business park.

The site is relatively divorced from neighbouring residential properties, insofar as the new buildings and structures themselves would not have any direct impacts, such as shading, or cause close overlooking of, or be overbearing to, residential properties and gardens. The buildings would likely be visible from a number of nearby residential properties, however impact on private views is not a material planning consideration.

The application proposes a mix of employment uses. The B1 uses would typically include development such as offices, light industry, and research facilities etc. which are highly unlikely to be significant noise generators and can co-exist comfortably with residential uses. Whilst there is greater scope for noise generation from typical uses in the B2-B8 classes, the site is not envisaged to be occupied by exceptionally heavy industry (or uses outside those classes, such as car breakers or scrap metal salvage), though freight uses are possible.

The proposed development is therefore considered acceptable in terms of the impacts on residential properties, and at these separation distances, particularly in a context such as this where aviation and vehicular traffic will likely remain the primary noise sources for these receptors.

There would be a degree of noise generated from the increase in vehicular traffic to and from the site. It is also noted that parts of the highway network serving the site are designated as Noise Priority or Proximity Areas as part of the Welsh Government Noise Action Plan. However, considering the uplift in vehicular traffic (data provided within the Transport Assessment and Environmental Statement), the uplift in noise from vehicular traffic is not likely to be cause a significant adverse impact to amenity. In addition, Shared Regulatory Services (SRS) have been consulted in relation to noise (among other impacts) and stated no objection.

A Construction Environmental Management Plan (CEMP) condition is recommended to guide inform mitigation measures during construction (see **condition 19**) to ensure that impacts during are minimised as far as practicable. SRS also consider that matters such as hours of operation, site lighting and plant provision can be dealt with at reserved matters.

It is, therefore, considered that subject to the proposed site parameters, there would not be an unacceptable impact on residential amenity in accordance with the requirements of policies MD1, MD2 and MD7 of the Adopted LDP 2011-2026.

Air Quality

An Air Quality Assessment (AQA) has been undertaken to ascertain the likely air quality impacts associated with the proposed development through its construction and operational phases.

For the operational phase of the development, the report utilises detailed dispersion modelling to depict whether local residents and future occupants of the proposed development will be made susceptible to any adverse changes in air quality levels, particularly focusing upon transport derived nitrogen dioxide and particulate matter. The AQA concludes that the operational impacts associated with the development are not likely to be significant.

The AQA has been reviewed by SRS, who considered it acceptable subject to a suitable CEMP being in place for the construction phase (**condition 19**).

Land contamination

It has been identified that the site contains an historic landfill and former quarry site (Model Farm Landfill and Model Farm Quarry). In response to consultation, it was requested by SRS that conditions be included in the interest of the safety of future occupiers.

These conditions relate to ground gas protection (**condition 23**), land contamination assessment and mitigation (**conditions 24 - 26**), as well as conditions relating to unforeseen contamination, imported soil and aggregate, and the use of site won materials (**conditions 27 & 28**).

In addition, NRW requested that a CEMP include a silt management plan with particular focus on pollution prevention plans for Whitelands and Bullhouse brooks, given their proximity to the developable area of the site. This is included within **condition 19**.

As such, and subject to compliance with those requested conditions, the proposal is considered acceptable in respect of land contamination and pollution.

The adequacy of drainage proposals in relation to contamination is considered within the drainage section of this report.

Ecology, Biodiversity, Trees and Woodland

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*

Furthermore, policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

1. *The need for the development clearly outweighs the nature conservation value of the site;*
2. *Adverse impacts on nature conservation can be avoided*
3. *Appropriate and proportionate mitigation and compensation measures can be provided;*
4. *The development conserves and where possible enhances biodiversity interests*

This is supported by the Council's SPG on Biodiversity and Development and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

The application is supported by an ecological survey and its results, conclusions and recommendations are discussed in greater detail below.

European Protected Species

Policy MD19 (Sites and Species of European Importance) of the LDP applies in the case of European Protected Species. Developments that are likely to compromise the protection afforded to bats or roosts under the provisions of the Conservation of Habitats, & Species Regulations 2016 will also require a European Protected Species (EPS) mitigation licence from Natural Resources Wales (NRW).

In view of the above, surveys of the business park development site (Area A) have been carried out. They found a number of bat species utilising the site for foraging and commuting as well as roosting. Bats species identified roosting within the site included both common and soprano pipistrelle and noctule, within the farm buildings and trees. In consultation, and the submission of further information following initial concern over the survey detail, NRW have advised that they do not consider the proposed development will result in a detriment to the maintenance of the favourable conservation status of the bats. The additional detail confirmed that, while a detailed targeted survey was not undertaken for three of the modern barns, these had been classed as having negligible potential to support roosting bats, based on visual inspection.

No dormice were found during the survey work, however, their presence has been documented in the wider landscape, in woodland to the west/north-west of the application site and part of Porthkerry Country Park. In this respect, NRW stated that they welcomed the intention to retain most of the existing habitat suitable for dormice in the extended area, and further bolster it with new woodland, scrub and hedgerow planting. It was recommended that an updated Dormouse Conservation Strategy was secured (by **condition 6**), to reflect subsequent revisions to the application.

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

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

The three tests are:

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

In terms of Test 1, it is considered that the proposed development is imperative and in the overriding public interest, due to the essential contribution it would make towards meeting employment provision in a strategic location, the significant potential benefit to the regional economy, reflected by the allocation of the site for employment development in the LDP.

Test ii) *There is no satisfactory alternative.*

In terms of Test 2, the site has been allocated for employment use in the LDP, having regard to its strategic location adjacent to Cardiff Airport and the other planning requirements. Consequently, there is not considered to be a satisfactory alternative location which would also meet these particular requirements and public interest, referred to above.

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.*

In terms of Test 3, NRW have been consulted and advised that, subject to the mitigation measures recommended in the ecological report being carried out, the development would not be detrimental to the maintenance of the population of the protected species.

In addition to the above, NRW recommended conditions requiring submission and approval of a Biodiversity Management Strategy (**condition 7**), a Lighting Plan (**condition 33**), details of the intersections of the green infrastructure with the roads and pedestrian routes (**condition 31**) and pre-commencement species surveys (**condition 32**).

Further to the above, the Council's Ecologist subsequently requested details of the bat mitigation, with the applicant in turn advising that it would likely comprise provision of bat boxes on trees within the site. The Council's Ecologist has subsequently confirmed there is no objection in principle, in this regard. There is no condition recommended in relation to bat mitigation, however, as these would form part of the EPS licence application made directly to NRW.

Having regard to the duties placed upon the Council by the Habitats Regulations, the proposals are considered acceptable in relation to the impact to protected species, and so consequently, the requirements of Policies MG19, MG20 and MG21 of the LDP.

Skylark

The survey work included a number of "probable" records within the results. The approach undertaken by the applicant has been to provide for mitigation based on assumed presence, which is illustrated on the parameter plan JCD0064-006-J-210607 - Green

Infrastructure. The Council's Ecologist has advised this approach is acceptable in principle. This proposed mitigation is located on land proposed to be part of the Porthkerry Country Park extension. Therefore, please refer to the s106 section of this report below for further details regarding its delivery.

Other flora, fauna and biota

It has been raised in representations that the submitted ecology surveys were not extensive enough and have failed to take proper account of a number of species. The scope and survey methodology have been reviewed by the Council's Ecologist and Natural Resources Wales, who raise no objection in this respect.

A number of rare species are present on the wider application site, according to local records, however none of these have any protection in law, neither through the Wildlife and Countryside Act 1981 (as amended), nor in the Section 6 species list of the Environment (Wales) Act 2016. In reviewing the proposals, the Council's Ecologist was also of the view that these would unlikely be adversely affected by the development. These species include: beetle, weevil and fungi that are principally woodland species. The proposed development does not encroach upon the existing woodlands within the site.

In conclusion, the proposal is considered acceptable in respect of ecology matters for the reasons outlined above, and it would therefore be in accordance with policies MG19, MG20, MG21, MD9 and the advice within the Biodiversity and Development SPG.

Porthkerry Park Extension (ecology, biodiversity, mitigation)

In respect of the extended area, no operational development is proposed as part of this application and it is envisaged it would be managed in the interest of biodiversity. It is expected that the majority of human presence would remain in the central areas of the park, adjacent to the car parking and café buildings, as well as the expansive grassed fields. There would be no detriment to ecology interest on this part of the site as a result.

Aviation /Birdstrike Hazard Safeguarding

In response to consultation Cardiff Airport produced an assessment conducted by Birdstrike Management Limited, which detailed the issues, concerns, and mitigations in relation to the landscaping proposals and ecological mitigation proposals related to this application. It outlines that measures should be adopted to avoid attracting certain species of bird from the environs of the airport. Cardiff Airport did not object to the approval of the application on safeguarding grounds but requested that conditions be applied to the planning consent in order to address and mitigate the risk. Please refer to **conditions 18** (construction phase), and **17** (operational phase).

Having reviewed the above response, the Council's Ecologist advised that subject to further discussion and detailed proposals, this matter could acceptably (from an ecology and biodiversity perspective) be managed as detailed design of the development progressed. Note, **condition 7** refers to further approval of a Biodiversity Management Strategy, in this regard.

Hedgerows

There would be a number of hedgerows (a priority habitat) likely to be impacted by the development and/ or could be impacted in future being within the safeguarded areas of the site. This is due to the alignment of the indicative road corridor and development plots. In view of this, a request was made by the Council's Ecologist to quantify the loss, together with the extent of new and improved hedgerows. These have been provided below:

Hedgerow and Scrub Loss and Creation Summary

	Total	Retained	Loss	Creation	Enhancement
Hedgerows (km)	10.67	7.5	2.04	3.01	0.30
Woodland planting				2.50	
Native Mixed Species Scrub (ha)			-	1.00	
Hazel dominated planting (ha)			-	1.50	

The Council's Ecologist has stated that the mitigation target set out within the Biodiversity and Development SPG has been met. The applicants also propose to plant approx. 1.5 hectare of hazel dominated scrub, 1 hectare of scrub and 2.5 hectares of new broadleaved woodland planting, which is illustrated on plan ref: JCD0064-007 - Hedgerow, Scrub and Woodland Plan, which is considered acceptable enhancement in this respect. This can be secured by condition, as part of the Biodiversity Management Strategy (see also **condition 7**).

Trees and Woodland

The application is supported by a Tree Survey & Impact Assessment Report (2019) and a Technical Note (2022) relating to the ancient woodland. The survey makes an assessment of the quality of the trees on Area A of the site, as well as an Impact Assessment of the delivery of the road corridor. The surveyed trees and tree groups consisted mainly of Lombardy Poplar, Common Ash, English Oak and mixed native species hedgerow, each categorised according to their quality (as per BS5837).

The woodlands are identified as 'Ancient Semi-Natural Woodland' on the Natural Resources Wales records, and were recognised in the report as '*collectively significant arboreal features in the wider landscape*' and some veteran trees were also noted in the woodlands.

There are no trees on the site subject to Tree Preservation Order.

Whilst the alignment of the indicative road corridor avoids most of the trees on site, the report identified that the new roundabout at the junction of Port Road and the A4226 would require the removal of some trees to accommodate the proposed roundabout and visibility splays. These, together with other trees identified as being impacted and requiring removal based upon the Indicative Concept Masterplan are listed below:

Groups:

G1 – Cypress – Category C2
Part of G2 – Mixed Deciduous - Category B2
G12 – Poplar - Category C2
G13 – Ash – Category U
G14 – Ash – Category B3

Trees:

T52 – Common Oak – Category C1
T53 - Common Oak – Category C1
T69 – Common Ash – Category B2
T70 - Common Ash – Category B2
T71 - Common Ash – Category C3
T72 - Common Ash – Category B3

The loss of part of the tree group at the eastern access is regrettable, however, is clearly necessary in order to facilitate vehicular access into the site. The approach is considered reasonable in this respect, and the loss of trees is mitigated by the proposed planting of new and expansive woodland areas within 'Area B' of the site (**see condition 7**). Oak trees on the highway verge would also be lost, but although well established, these remain juvenile trees and can be adequately replaced as part of on-site landscaping.

The spine road detail is indicative at this stage but has been taken into account in the above report. The route of the road does not impinge upon the ancient woodland (G9). However, due to site topography at this point, it would likely be necessary to engineer a new bank to maintain a suitable gradient to the road. A detailed scheme would require further consideration at reserved matters, but it would appear that the road and bank could be comfortably accommodated outside of the Root Protection Area (RPA) of the woodland.

However, as shown in the Sustainable Drainage Assessment, foul drainage apparatus and features such as swales, are shown in close proximity to the ancient woodland (in the preliminary scheme). These preliminary proposals are not cross-referenced in the tree survey or an appropriate Root Protection Area (RPA) identified between them. There would likely be conflict between the two if the preliminary scheme was to be pursued in this manner. The scheme is, however, indicative only at this stage, with conditions proposed in order to secure further details of foul and surface water disposal (see condition 9).

In the interest of preserving the health of the trees and woodland, it is considered necessary to also provide an updated Tree Survey and Arboricultural Impact Assessment, (**condition 8 refers**), in order to take into account the impact to the woodlands (based on detailed schemes for the spine road and drainage, once further developed). A greater buffer zone would likely be necessary for the ancient woodland, though this assessment must be informed by the detailed design and an arboricultural assessment of its likely impact (as confirmed by the applicant's technical note). In practice, the development of a detailed drainage scheme for this will require significant further work, and the proposed foul route could encounter other constraints, such as topography, other woodland/ watercourses and land ownership - and so be subject to change.

The report does not identify any instances of Ash dieback within the survey, however, instances have recently been recorded within Porthkerry Park and surrounding areas. It is possible, or indeed probable, the disease will have spread to the application site in the intervening period, though this is presently unknown.

It is not considered necessary to re-survey the site at this point in time, as the trees on the application site have been adequately identified, as well as those that are almost certain to be lost to development, based upon the access and outline parameter plans. However, quite clearly protection of the existing woodlands is required and can be achieved through as outlined above. This would allow for the detailed proposals for the internal spine road and drainage scheme to be developed, and accordingly measures for tree and woodland protection, to be considered and updated as the scheme is developed. Please refer to **condition 8**, in this regard.

Having regard to the Trees, Woodland, Hedgerows and Development SPG, the proposals are therefore considered acceptable in relation to the impact to trees and woodlands.

Drainage

Policy MD7 (Environmental Protection) of the LDP 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. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk. In this respect, the site is not located in DAM zones at risk of tidal or fluvial flooding.

Surface water drainage

The application is supported by a Sustainable Drainage Assessment, which provides a preliminary assessment of site conditions and proposed methods of surface water disposal. This is indicated to be via a combination of SuDS features/ attenuation areas; before controlled discharge to existing watercourse (Bullhouse Brook and Whitelands Brook).

A report/ peer review by Stantec, submitted in representations, recommends that further information is submitted in relation to proposed rainwater harvesting tanks, reassessment of the sizing of the attenuation tanks, among other recommendations. The Council's Drainage Engineer, however, having reviewed the same preliminary information, does not object to the development and advises it would be subject to separate SAB approval for a detailed scheme of surface water disposal. This approach is considered acceptable noting the outline nature of the proposals and need to further develop a detailed drainage scheme.

In the interest of preserving the health of the trees, it is considered necessary to require submission of a scheme of surface and foul water disposal, and further survey of the woodland to establish a zone of protection, prior to commencement (**see conditions 8, 9 and 12**), as discussed previously in this report.

Foul drainage

Dwr Cymru/ Welsh Water stated that a public sewer crossed the site and that it has a protection zone measured 3m either side. They have requested a condition that would

require details of a foul water drainage scheme to be agreed prior to the approval of any reserved matters (**see condition 9**).

In addition, it was concluded that unlikely sufficient capacity exists within existing infrastructure to accommodate foul flows from the development hence a suitable point of communication for water supply has not been identified. Accordingly, Welsh Water have requested a condition restricting a connection to the public system until further modelling is undertaken and any subsequent reinforcement works (as necessary) have been carried out (**condition 10**), as well as requiring approval of a potable water scheme (**condition 11**).

It is noted that Friends of the Earth objected to the application, citing inadequate foul drainage infrastructure in the area, with emphasis on the Cog Moors waste water works, which they suggest spills untreated sewage frequently. It is acknowledged that spillages of untreated sewerage have occurred here during heavy rainfall, via systems designed to operate as a failsafe when capacity is exceeded. Their role as sewerage undertaker is subject to separate regulation and performance monitoring which are not in the remit of this application to test. Whilst Welsh Water requested further modelling take place, they have nonetheless stated explicitly that *'no problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site'*.

Therefore, having regard to the above, and subject to the aforementioned conditions, the proposal is considered acceptable in respect of foul drainage.

Section 106 Matters

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.

Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. Welsh Government advice, as well as the Council's LDP and the Planning Obligations SPG, make it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

"7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available”

The applicant submitted a viability review prepared by Sutton Consulting and RPS (October 2019), which included details such as sales revenue, development costs, abnormal costs, professional fees, finance costs and a Benchmark Land Value. The abnormal cost information reviewed related only to those needed to open up the site for development, for example the vehicular access and drainage works.

Avison Young was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. Their appraisal and report regarding the viability of the development confirmed the development was not viable and planning obligations would adversely affect viability. The development was predicted to result in a loss of £10,405,000M before interest, or £34,508,455M if interest costs were payable at 5%.

In view of the length of time passed since the original appraisal, a further letter was submitted by Sutton Consulting as an addendum to the previous appraisal. It provides commentary on the previous viability appraisal in light of changes in economic circumstances and states in conclusion that the broad overall position on viability remains unchanged. This has again been reviewed by Avison Young and who were of the contrary opinion that, while construction and finance costs have changed, there has been little to no variation on incomes and capital values, and land values, which have remained consistent with their previous report. They concluded that it was fair to expect that higher costs and finance charges would result in the scheme being unviable by an approximate additional £5M.

It is therefore acknowledged that the development remains unviable and gap funding for primary infrastructure would likely be required for the development to become viable. However, in the circumstances of this development, officers do not consider that the current lack of viability is a reason to refuse planning permission (acknowledging that essential infrastructure to ‘open up’ the site must still always be provided). The site is part of an Enterprise Zone and aspirations to develop Cardiff Airport and its surroundings as a strategic gateway (Future Wales refers), to promote growth, inward investment, boost the economy, and provide skilled employment opportunities locally. It is a strategic site in the LDP, as outlined previously in this report. The ensuring of taxpayer value in distributing public funds may be a judgement for the decision makers involved in that process. As set out above, Policy MD4 (paragraph 7.30) recognises and accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity.

In such scenarios, Policy MD4 (paragraph 7.31) and the Planning Obligations SPG set out that “Essential Infrastructure” should be required (and thereafter, prioritised), i.e. the infrastructure required to both enable the development of the site and adequately mitigate

the impacts of the development. It cannot be speculated upon whether gap funding might be made available, or not. However, it has been clearly demonstrated that no excess profit exists within the scheme to provide anything but essential infrastructure. These include, as discussed in more detail below: land to provide an extension to Porthkerry Country Park; a commuted sum for maintenance of this land (as public open space); a land provision in lieu of and to facilitate sustainable transport infrastructure; and ecological mitigation.

Having regard to the location of the development, and the needs arising from it, officers recommend a S106 package prioritised according to the following:

Porthkerry Country Park Extension

Policy MG28 of the Local Development Plan (LDP) allocates 42ha of open space at Porthkerry Country Park, as part of the development of the Enterprise Zone site adjacent to Cardiff Airport and south of Port Road, Rhoose (Policy MG9 (2) refers). Policy MG28 (supporting text) advises that *“the extension to Porthkerry Country Park is an essential part of such development [the Enterprise Zone] and will be required to form part of the first phase of development of the land for employment purposes.”* Policy MG10 of the LDP refers to the transfer of the land as part of this development. These sentiments are also echoed within the Cardiff Airport and Gateway Development Zone SPG.

The developer has proposed the transfer of approx. 48ha to the Council, which exceeds the above policy requirement. In view of the costs associated with the delivery and upkeep of the extension of Porthkerry Country Park a commuted sum, in addition to the transfer of the land, is also recommended.

The initial costs relating to implementation works will require implementation of new footpaths, trails, footbridges, together with associated signage and furniture. In addition, it is anticipated that the extension will also result in increased visitor numbers to Porthkerry Country Park, and therefore the financial obligations should also provide for upgrades and extension to the car park facilities. The total cost of these works has been estimated at **£75,000**.

It is also recommended that an annual commuted sum toward cost of on-going hedgerow and woodland management, land maintenance and repairs is secured, equivalent to £20,000 per annum over a period of 20 years. In addition, the Ash trees in the woodland suffer from Ash dieback and will need to be managed. Therefore, an additional commuted sum equivalent to £5,000 per annum for a period of 5 years is also recommended. The management costs would come to a total figure of **£425,000**, and both have been agreed by the applicant.

In view of the above, and that pedestrian linkage via the existing public right of way can be provided for, this provision is considered to meet and exceed the typical ‘on-site’ open space requirements as outlined in the Council’s SPG. The proposal is therefore considered acceptable in respect of planning obligations for public open space.

Biodiversity/ Ecology mitigation

A requirement for ecological mitigation has been identified due to loss of habitat potentially suitable for ground nesting birds. This has been discussed in greater detail in the Ecology section of this report.

It is not feasible to retain the habitat within the developable site area, however it is possible to re-create the habitat on land proposed to form the Porthkerry Country Park extension. In order to facilitate these works, a further sum of **£31,500** has been agreed. This sum would cover the cost of implementation and on-going maintenance for a period of ten years.

Sustainable Transport

Future Wales, Llwybr Newydd and Planning Policy Wales all place a strong emphasis upon active travel and developing sustainable transportation infrastructure to connect people with jobs, leisure, community facilities etc. - and to reduce the reliance on the private car for daily travel. Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20, allows local planning authorities to use planning obligations to secure improvements to the travel network, such as for walking, cycling and public transport, to meet arising need from new development.

The Planning Obligations SPG outlines that the contribution for this type of development to be £2,300 per 100sq.m floor space. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

On the basis that the total gross floor area of the development would be 161,834 sq.m, the financial obligation would be calculated as £3,723,700. The development viability has however been discussed in detail, above and this sum would adversely affect the viability of the development. In view of that, officers recommend the following:

Cycle/ Footway provision:

In terms of existing conditions, although the site is served by a (partly unlit) footway/ cycleway from Rhoose, there is presently no footway connecting the site to Barry. Infrastructure improvements are therefore considered integral to the future sustainability of the Gateway Development Zone, as well as encouraging a modal shift from the private car.

However, (due to development viability) in lieu of a financial contribution, the applicant proposes to transfer a 10m strip of land to the Council across its frontage with Port Road. This land would be of sufficient size to accommodate either a combined, or a segregated, footway/ cycleway along the extent of the site frontage. The land runs from a point adjacent to the junction of the Holiday Express Inn roundabout with Port Road (the western access), to the eastern site edge beyond the Port Road/ A4226 roundabout – a near kilometre distance.

Whilst this development would not deliver the footway/cycleway itself, it would enable and facilitate the delivery of it. The Council's Active Travel Officer has advised that the Council are undertaking detailed design work for an active travel route connecting Barry to Cardiff Airport.

The scheme is identified within Policy MG16 (2) (Transport Proposals) as an improvement which will support the strategic objectives of the Plan and realise enhanced sustainable transport facilities. The Vale of Glamorgan Local Transport Plan 2015-2030 also identifies it as a high priority scheme. The works would comprise an approx. 1.7 mile footway/cycleway link from Weycock Cross roundabout to Cardiff Airport, which is

envisaged would provide additional connectivity and raise the profile of the approach to the Airport.

Whilst the subsequent funding will need to be secured for construction, the progression to date, design funding and policy support are considered to be a very positive indicator of the deliverability of this route (and its case for further funding). The facilitation of this is fundamentally dependent on the land first being obtained and consequently, this 'in lieu' land offer from the applicant, over a significant portion of the route, is a positive contribution towards sustainable transport to serve the site. The proposal is, therefore, considered acceptable in respect of sustainable transport/ active travel.

Rapid transit link:

In terms of the LDP, and The Cardiff Airport and Gateway Development Zone SPG, it is stated that consideration should also be given to a route for a potential direct rail (including light rail or tram / road tram alternatives) link to Cardiff Airport across the site. This is to ensure that new development does not compromise future proposals to enhance sustainable access to the airport and Enterprise Zone.

There are no detailed proposals at this stage, but in consultation to this application Transport for Wales have provided an indicative route for a rapid transit link. This has been illustrated on the parameter plans (shown in the description of development section, at the beginning of the report).

The stated rationale for the chosen route from Transport for Wales (TfW) is that it would:

- Provide sufficient land for a rapid transit shuttle service that can connect to Vale of Glamorgan line rail services via a new interchange to the east of Rhoose
- Allow the airport and surrounding Gateway Development Zone to be served but without the need to divert rail services away from communities along the Vale of Glamorgan line
- Minimise the extent of land required by following the development site boundary
- Allow for an intermediate station to serve the business park, which is accessible from an existing public highway rather than through the development site

It is important to note, despite a number of objections relating to the route, that this application does not seek permission for a rail link. It would be subject to detailed design and development by TfW, as well as funding. The land in question is being shown as safeguarded land, being the most likely deliverable rail link option at this moment in time, bearing in mind site topography, and the logistics of delivering a heavy rail route direct to the terminal.

The practicality of delivery, implications to a housing allocation (now subject of a planning application) and personal interests of landowners on or adjacent to the consultation zone, as illustrated in the TfW response, and its theoretical environmental impacts, are not considered to be material to the determination of this application. The safeguarding of the land merely prevents the delivery of a rail link being fettered by the proposed development.

It is recommended that the safeguarding of the land be secured as part of a S106 agreement.

Public Transport:

In addition to the above, the TIS has provided a Public Transport Strategy and a Travel Plan was submitted with the initial application. This has been reviewed by the Council's Transport Manager and is considered to be an appropriate framework for public transport improvements.

In relation to bus services, it is proposed that the 303 (Barry – Rhoose) bus service could penetrate the site, with new infrastructure in turn provided within the site bounds by the developer. The T9 service meanwhile could provide for good connectivity to Cardiff, although this would be subject to the service being resumed following its current suspension, which to date it has not. This detail can form part of reserved matters, along with detail of the spine road. It is also proposed to upgrade existing bus stops on Port Road as mitigation, to include raised kerbs, shelter, seating and timetable information. The latter would be provided from the outset prior to any occupation of development (see **condition 13**).

As noted above, development viability is such that officers do not recommend seeking a financial contribution toward sustainable transport. However, it is nonetheless considered to be of significant importance that these improvements are delivered as the development progresses, in view of the emphasis toward achieving modal shift within the Transport Assessment and associated documents.

The implementation of bus penetration and bus stops will encourage employees of the development to use public transport. Linked trips between the site and Rhoose (CIA) Rail Station can also be accommodated via bus, or rapid transit should such a scheme be developed by TfW. In addition, proposed increases to both bus and rail services would allow for sustainable means of travel by future employees. The development is therefore considered acceptable in relation to public transport connectivity.

Travel Plan

A Framework Travel Plan has been developed and has been considered in conjunction with the TA. The travel plan would be implemented across the site and includes appropriate, targets, measures and marketing techniques to promote a sustainable travel to employees and visitors. A site-wide Travel Plan Co-ordinator will need to be appointed and, at detailed design individual travel plans will need to be developed and monitored.

Infrastructure provision:

Table 2 of the TIS provides a summary of trigger points for transportation infrastructure, this based upon the build out of the development by Gross Floor Area (GFA):

Table 2: Summary of Trigger Points for Transport Infrastructure

Development Build Out Trigger	Additional Transport Infrastructure and Mitigation	Delivery
Prior to Occupation	Existing bus stops on Port Road to be upgraded to include raised kerbs, shelter, seating and timetable information. Provide Active Travel infrastructure within the site to link to the existing bus stops and the existing Active Travel infrastructure on Port Road.	Completed by applicant / developer.
20,000 m ² GFA	Provision of compliant Active Travel Route along Port Road West to Barry	Aspiration for VoGC and forms part of Policy MG16 of the VoGC LDP 2011 to 2026. Concept design scheme completed. To be delivered in collaboration with VoGC.
40,000 m ² GFA	Initial improvement to bus services (303 bus service every 30 minutes)	Mindful of the wider EZ, to be delivered in collaboration with VoGC and other key stakeholders in conjunction with the bus operators.
120,000 m ² GFA	Final improvement to bus services (303 bus service every 20 minutes)	Mindful of the wider EZ, to be delivered in collaboration with VoGC and other key stakeholders in conjunction with the bus operators.
170,000m ² GFA	Highway Improvements to the Port Road West arm of Waycock Cross (left turn slip)	Aspiration for VoGC as part of the EZ. No design scheme or any funding. To be delivered in collaboration with VoGC.

Active Travel Route:

The provision of an active travel route connecting from Weycock Cross to existing facilities adjacent to the Holiday Inn Express. This, as noted above, is considered integral to the providing sustainable means of travel to the site and achieving the aforementioned modal shift from use of private car. It is therefore considered appropriate to ensure this is delivered at an early stage. The proposed trigger of 20,000sq.m GFA is considered acceptable in this respect (**see condition 38**).

Bus services:

In future years, it is predicted that the 303 (or equivalent service) should be upgraded to two services per hour at approximately 40,000sq.m GFA (gross floor area) build out, and again to three services per hour at approximately 120,000sq.m GFA build out. The rationale for these trigger points has been reviewed and is considered acceptable. The improvements to projected modal shift described within the TA and associated documents also assumes the increased provision of bus services (as shown in table above). Given the lack of viability from this development to secure funding for these services, the Council will need to work in partnership with Welsh Government and transport providers to support improved public transport / bus services in the vicinity serving the site through other means.

Training and Development

A critical part of the policy justification for permitting new developments of this type is the employment opportunities they present. Training local residents, especially those in deprived areas, to be able to apply for some of the new job opportunities helps to create sustainable communities.

Therefore, on major developments of this scale the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. It would be expected that the developer can provide for training opportunities equivalent to one employee per 500sq.m of new floor space, on site.

The applicant has advised that training and apprenticeship opportunities can be provided for on this site. This can be secured by conditions which require further details of a site wide Labour Recruitment and Training and Development Strategies (**conditions 35 and 36 refer**).

This approach will provide for a comprehensive and strategic approach to training and development across the site, and provides an opportunity for a collaborative approach, dependent on progression on the remainder of the allocation, north of Port Road.

Public Art

The 'Planning Obligations' SPG states that 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.

As noted above, the development viability is such that it would not be desirable to prioritise public art above other essential infrastructure. However, there is opportunity to explore public art within the development site, at reserved matters, within the landscaped/ amenity spaces, building facades and/ or public furniture etc. provided across the site.
Condition 42 refers.

RECOMMENDATION

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

- 48ha extension to Porthkerry Country Park as indicated on plan reference JCD0064-003 210511, to include transfer of the land to the Council at nil value and a commuted sum of £531,500 toward facilitation, access, ecology mitigation and maintenance.
- Transfer of a 10m wide section of land to the Council along southern side of Port Road as indicated on plan reference JCD0064-003 T 210511, at nil value, for provision of an active travel route.
- The safeguarding of land for a rapid transit corridor and relocated hotel parking as indicated on plan reference JCD0064-003 T 210511, for 10 years, and a further 10 years if evidence of a detailed design is presented by Transport for Wales within three months of the expiry of the initial period.

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Having regard to all the submitted environmental information in accordance with Section 25(1) of the 2017 EIA Regulations to APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The development shall be carried out in accordance with the scale parameters for buildings illustrated on plan ref: JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights, and for the development as a whole, be up to an aggregate gross internal floor space of 161,834 sq.m.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

JCD0064-001-D-210331 - Site Boundary Plan;
JCD0064-003-T-210511 - Indicative Concept Masterplan;
JCD0064-004-I-210511 - Parameter plan - Land Use & Storey Heights;
JCD0064-005-G-210510 - Parameter plan - Movement & Access;
JCD0064-006-J-210607 - Parameter plan - Green Infrastructure;
JCD0064-007 - Hedgerow, Scrub and Woodland Plan;
210520_ECO01271-002 Rev A - Proposed Additional Mitigation and Wildlife Enhancement

Environmental Statement Vols1-3 by RPS dated July 2019;
Environmental Statement - Addendum (April 2021);

Ecology Surveys Report (Report Ref ECO00138 (Rev A)' by RPS dated 11 October 2019;

JNY9624-05 v.3 Framework Travel Plan;
Design and Access Statement;
Design Brief V6;

Reason:

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

6. No development, or preparatory works such as site clearance, shall take place until a Dormouse Conservation Strategy has been submitted to and approved by the Local Planning Authority. The strategy shall set out the likely impacts of the proposals on dormice, and detail measures that will be put in place to mitigate and/or compensate the impacts on dormice (as appropriate). The Strategy shall include:
- A plan showing habitat to be lost, created and retained, which should identify the extent and location on appropriate scale;
 - Details of protective measures to be taken to minimise the impacts;
 - Proposals to minimise the severance of dormouse habitat, including at least 2 safe crossings for dormice where green infrastructure is severed by the central spine/access road;
 - Details of the nature and widths of dormouse habitat buffers, and where these will apply across the site; we would advise that these are planted with appropriate species
 - Details of the condition of current dormouse habitat, proposed habitat enhancement measures, and the condition of dormouse habitat that these aim to achieve;
 - Details of phasing of construction activities and conservation measures, including a timetable for implementation of mitigation demonstrating that works are aligned with the proposed phasing of the development;
 - Details of initial aftercare and long-term management including details of who will be responsible for and how long-term management will be funded;

The Dormouse Conservation Strategy shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

7. No development, or preparatory works such as site clearance, shall take place until a Biodiversity Management Strategy has been submitted to and approved by the Local Planning Authority. The Strategy shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site, including maps to show their present and desired distribution;
 - Details of the desired conditions of features (present and to be created) at the site;
 - Details of scheduling and timings of activities;

- Details of short and long-term management, monitoring and maintenance of new and existing habitats at the site to deliver and maintain the desired condition (including management proposals with dormice in mind);
- Details of aftercare for any new planting, and replacement measures should any new planting die, be removed or become seriously damaged or diseased within 5 years of completion of development;
- Cross-reference to the Precautionary Dormouse Strategy (in particular the monitoring proposals);
- Details of management and maintenance responsibilities;
- Details of timescales, length of plan, and the method to review and update plans (informed by monitoring) at specific intervals;

The Biodiversity Management Strategy shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

8. No development shall take place, nor any excavation or site clearance, until there has been an updated Tree Survey and Arboricultural Impact Assessment submitted to and approved by the Local Planning Authority. The submitted details shall include:
- a) a plan, showing the position of every tree on the site and on land adjacent to the site (including woodlands and street trees) that could influence or be affected by the development, and indicating which trees are to be removed and which are to be retained;
 - b) and in relation to every tree identified a schedule listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
 - any proposed pruning, felling or other work;
 - c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, including from drainage or SuDS proposals, that might affect the root protection area;
 - all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).
 - establish suitable buffer areas to the ancient woodland
 - d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. No development shall take place on any phase of the development, until a foul water drainage scheme, for that phase and/or other identified part, has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

10. No development shall take place on any phase of development, until a point of connection on the public sewerage system for that phase and/or other identified part, has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

Reason:

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

11. No development shall take place on any phase of development until a potable water scheme to serve the site, and for that phase of development and/or other identified part, has been submitted to and approved by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary, a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the site is served by a suitable potable water supply and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

12. No development, including excavations, shall take place until a sustainable drainage system for the surface water disposal has been submitted to and approved by the Local Planning Authority. The sustainable drainage system shall thereafter be implemented in full accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

To enable a more sustainable form of drainage, and 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.

13. Notwithstanding the plans and details submitted, no development shall commence until full design and engineering details of the proposed primary vehicular accesses to Port Road, and re-aligned roundabout with the A4226, have been submitted to and approved in writing by the Local Planning Authority. The details shall include provisions for active travel, vision splays, street signage, street lighting, upgrades to bus stop facilities on Port Road, surface water drainage details and any retaining structures. The development shall not be brought into beneficial use until the roundabout, access road and associated junctions have been constructed in accordance with the approved details.

Reason:

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

14. No works whatsoever shall commence upon any structures, drainage systems, street lighting, and water culverts etc. abutting or within close proximity to the existing/ proposed highway, until the design calculations and full Engineering details have been submitted to and approved by the Local Planning Authority.

Reason:

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

15. Prior to the commencement of development, a Highway Signing Strategy shall be submitted and approved in writing by the Local Planning Authority. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

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

16. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

17. No development shall take place until a Bird Hazard Management Plan (BHMP), for the operational phase of the development, has been submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place for the built environment, proposed landscaping and SuDS, aimed at reducing the risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason:

To mitigate the risk of birdstrike during construction activity in the interest of air traffic safety

18. Prior to the commencement of development, a construction phase Bird Hazard Management Plan (BHMP) shall be submitted to and approved by the Local Planning Authority. The Plan shall detail mitigation measures to be in place, to ensure there is no increased risk of birdstrike at Cardiff Airport. The plan should include threshold numbers of target species (that will initiate mitigation) and failure criteria to assure the efficacy of the plan.

Reason:

To mitigate the risk of birdstrike during construction activity in the interest of air traffic safety

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;

- a scheme for recycling/disposing of waste resulting from demolition and construction works.
- hours of construction;
- lighting;
- management, control and mitigation of noise and vibration;
- odour management and mitigation;
- diesel and oil tank storage areas and bunds;
- how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- a system for the management of complaints from local residents which will incorporate a reporting system.
- details of the construction programme including timetable, details of site clearance;
- details of site construction drainage, and any watercourse or surface drain.
- pollution prevention, including details of emergency spill procedures and incident response plan.
- details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- details of landscape/ecological clerk of works (to ensure construction compliance with approved plans and environmental regulations).

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

Reason:

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

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

Reason:

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

21. No development shall take place until a Highway Condition Survey Report (along a haulage route agreed with The Councils Highway Network Manager and undertaken by a suitably qualified Highway Maintenance Consultant) has been submitted to and approved by the Local Planning Authority. It shall also be accompanied by details of timings for subsequent Highway Condition Surveys to be undertaken, post completion of appropriate phases or at other agreed intervals, that will identify any

difference in the condition of the highway since the first survey and report, and any remedial works that may be required.

Reason:

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

22. The remedial works identified within the subsequent Highway Condition Surveys and Reports, referred to in the above condition, shall be carried out within three months of the date of the approval of that report.

Reason:

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

23. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

24. Prior to the commencement of each phase of development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175

(2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as recommended by the Phase 1 Combined Geo-environmental and Geotechnical Assessment Desktop Study (5 August 2019) (13 December 2019)

(ii) an assessment of the potential risks to:

- human health,
- ground waters and surface waters adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

25. Prior to the commencement of each phase of development a detailed remediation scheme and verification plan to bring the site of each phase to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The schemes must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

26. The remediation schemes approved by the above condition must be fully undertaken in accordance with their terms prior to the occupation of any part of the development covered by the relevant remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in any given approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

27. 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 and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

28. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

29. Prior to the commencement of development, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures in the public realm (e.g. furniture, refuse or other storage units, signs, etc.);
- vii) opportunities for public art within the public realm;
- viii) proposed planting within areas such as verges, and other parts of the public realm, and

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment);

schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

31. Prior to the commencement of development, the detail of the intersections of the green infrastructure with the roads and pedestrian routes shall be submitted to and agreed in writing by the Local Planning Authority. The proposals shall be implemented in accordance with the approved details.

Reason:

To ensure a well-designed development, with appropriate green infrastructure distributed across the site which will remain unlit, so as to continue to allow bats and other species to move through the landscape to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

32. Prior to the commencement of any phase of the development, including site clearance, a pre-construction protected species survey shall be carried out for that phase. If the survey confirms the presence of protected species, no development or site clearance shall take place until the results of the survey, together with proposed mitigation measures, have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the potential presence or absence of protected species is confirmed, prior to construction and where necessary, remedial measures are implemented for

their protection, in the interests of ecology and to ensure compliance with Policies MG19, MG20, MG21 and MD9 (Promoting Biodiversity) of the LDP.

33. Prior to the first beneficial occupation of each phase of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of that phase of the site (or reserved matters application) to which the lighting relates. The lighting scheme shall include:

- Details of the siting and type of external lighting to be used;
- Drawings setting out light spillage in key sensitive areas (Ancient Semi-Natural Woodland, green infrastructure linking the two, and retained boundary hedgerows). Lighting in these areas shall be <1lux;
- Details of lighting to be used both during construction and operation;
- Measures to monitor light spillage once the development is operational; and provisions for any subsequent remedial works that may be required to maintain dark corridors, as a consequence of the monitoring results.
- Details of measures to deter birds, such as spikes on the lighting head and arm

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety, air traffic safety, security, heritage and in the interests of ecology and to accord with Policies MD2 (Design of New Development), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Local Development Plan.

34. Prior to the commencement of development, an Energy Masterplan and Implementation Plan shall be submitted to and approved in writing by the Local Planning Authority. The masterplan shall include a study of the feasibility of a sustainable energy centre to service the Enterprise Zone, and if not feasible, a District Heat Network to service the application site. The development shall thereafter be carried out in accordance with the measures and timings outlined in the Energy Masterplan and Implementation Plan.

Reason:

To ensure the development has high sustainability credentials and to ensure compliance with Policies MG10 (St Athan - Cardiff Airport Enterprise Zone) and MD2 (Design of New Development) of the Local Development Plan, and Policy 16 of Future Wales (2021).

35. Prior to the commencement of the development, a Labour Recruitment Strategy shall be submitted to and approved by the Local Planning Authority. The Strategy shall include measures aimed at facilitating best available access for people to the opportunities for employment arising from the construction and operation development, such as the provision of a local 'job shop and shall include a timetable for its implementation. The Strategy shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals, and the wider economic objectives of the Local Development Plan.

36. Prior to beneficial occupation of any building / development plot of the development hereby approved, a Training and Development Scheme for future employees within that respective part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include measures for training and development, such as apprenticeship schemes, and timings of their implementation. The Scheme shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure that the developer facilitates best available access for local people to the opportunities for employment arising from the construction and operation of the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP5 (Employment Requirements), MD14 (New Employment Proposals, and the wider economic objectives of the Local Development Plan.

37. The development shall be carried out in accordance with the document JNY9624-05 v.3 - Framework Travel Plan.

Reason:

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

38. No more than 20,000sq.m gross floor area of the development shall be put into beneficial occupation until provision of a compliant Active Travel Route has been completed along Port Road, connecting the site to existing facilities at Cardiff Airport and Barry (Weycock Cross).

Reason:

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

39. The development hereby approved shall only be for uses falling within Class B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 (Design of New Development), MD7 (Environmental Protection) and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

40. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development shall comply with the strategic objectives of the Enterprise Zone and Local Development Plan, specifically to create a business destination that caters for the needs of the aerospace industry and high tech manufacturing.

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

41. The application(s) for reserved matters shall be accompanied by full design and engineering details of the proposed primary internal spine road to serve the development parcels within the site. The design details shall also include bus stop facilities to allow for services to penetrate the site, active travel provision, vision splays, street signage, street lighting, surface water drainage details and details of any retaining structures. The spine road shall be completed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

42. The application(s) for reserved matters shall be accompanied by a statement which explains how that phase of development has regard to the design objectives of the site (Design Brief V6) and has explored opportunities for delivery of public art

Reason:

Due to the strategic location of the site and control the precise nature of the use in compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), and MG10 (St Athan - Cardiff Airport Enterprise Zone) of the Local Development Plan.

43. Each phase of development shall provide a minimum of 10% of all car parking spaces provided therein to have electric vehicle charging points prior to beneficial occupation of that phase of the development which shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of electric vehicle charging point parking to serve the development to ensure compliance with policy 12 of Future Wales: The National 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. In accordance with Regulation 25(1) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the Local Planning Authority has examined the environmental information submitted with this application and the Local Planning Authority has taken into account all environmental information submitted with this application.

Having regard to Policies SP1, SP2, SP5, SP7, SP10, SP11, MG9, MG10, MG11, MG16, MG18, MG19, MG20, MG21, MG22, MG28, MD1, MD2, MD3, MD4, MD7, MD8, MD9, MD14 and MD15 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales 11, Future Wales, TANs 5, 11, 12, 13, 14, 16, 18, 23 and 24, the Welsh National Marine Plan and the Council's SPG on Biodiversity and Development, Cardiff Airport and Gateway Development Zone, Conservation Areas in the Rural Vale, County Treasures, Design in the Landscape, Parking Standards, Planning Obligations, Public Art in New Development, Travel Plan, Trees, Woodlands, Hedgerows and Development, and the Porthkerry Conservation Area Appraisal and Management Plan the proposed development is considered acceptable in principle, in terms of the loss of the farm and buildings and in terms of sustainability, design scale, highway safety, traffic and transportation, impact on neighbouring uses, residential amenity, ecology, drainage, flooding, contamination, soil conservation and, on balance, the landscape impact and impact to the historic environment.

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

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

NOTE:

- Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

2. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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.

3. Secured by design has been shown to reduce crime risks by up to 75 % further information about this can be found on www.securedbydesign.com. South Wales Police welcome the opportunity to work with developers to achieve Secured by Design on the proposed developments. The applicant is advised to contact Gwyn Batten at South Wales Police on 01656 761888 to ensure that the development complies with Secured by Design Standards.

The applicant should consider the following to reduce the risk of crime.

- 1) Ensure that a perimeter fence at least 2.4m high and of light coloured weld mesh construction is erected to posts with galvanised fixings on the inside of the posts that securely attach the weldmesh and that are embedded in concrete (LPS 1175:ISSUE 7, SECURITY RATING 2)
- 2) Gated entrance with a gate to the same height as the fence. The gates should free from foot holds that can be used to climb and to LPS 1175: ISSUE 7, SECURITY RATING 2 standard.

- 3) An appropriate access control system is installed – this could be by means of gate house during the day or automatic gates operated by key/ card/manual control.
- 4) CCTV system that is capable of recording and retaining information of evidential quality for a minimum of 30 days. Reason: to control those coming in and out of development and reduce the risk of crime and offer appropriate levels of security.
- 5) Install clear signage Reason: giving direction as to the public / private areas of the site.
- 6) Design paths that are straight and well lit. Any planting near paths should be managed and be of a type that is slow growing with a low mature height of no more than 1m. Reason: To make those using the site to feel safe whilst walking around, particularly at night.
- 7) Produce a scheme work of lighting produced for the whole site. This should be approved by The Vale of Glamorgan council and appropriate for this site.
- 8) Configuring buildings to maximise natural surveillance. Designing out any recessed areas. Reason: During quiet times e.g. over the weekend this could leave the development vulnerable to burglary/ theft.
- 9) Building shell/roof security is important as the site is remote and could be prone to criminal attack during the night/ weekends. If lightweight construction is being considered reinforced lining such as welded steel mesh can enhance the security of the building. All doors and windows to LPS 1175:issue 7 SR 2. Roller shutter and grilles can provide additional protection to internal and external doors and windows, the minimum standard would be to LPS 1175: ISSUE 7 SECURITY RATING 1. Reason: To reduce the risk of burglary.
- 10) Install an access control system for each unit Reason: To reduce the risk of theft
- 11) Install intruder alarm systems to the following standard: LPS 1602 ISSUE 1.0: 2005
- 12) Depending on what is being stored in the premise consideration should also be given to SAFES and STRONGROOMS certified to LPS 1183: ISSUE 4.2
- 13) There should be a management plan in place. If there are multiple users on this site a suitable plan should be in place that clearly defines key areas such as security, access control, vetting of staff, general safety on site etc.
- 14) Install a secure waste storage that is lockable – with a pin code lock Reduce: littering/ instances of arson.
- 15) The documents refer to the site being accessible to cyclist – A cycle stand should be in overlooked by occupied offices. Bicycles should facilitate the locking of both wheels and the crossbar, be of galvanised steel construction and have a minimum depth of 300mm with a welded anchor bar. Reason: Reduce risk of theft.
- 16) Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.

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

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

5. The applicant is advised to contact Dwr Cymru Welsh Water Developer Services at an early stage to discuss foul drainage options and water supply to the site.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. The applicant is advised to

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency's (2018) 'Approach to Groundwater Protection'

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

7. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.
8. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.
9. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.
10. Please note, Western Power stated their immediate concerns are the close proximity of the development to our overhead lines, to ensure they comply with current ESQCR Regulations, statutory distances must be kept from any fixed objects as per GS6 guidance from the Health and Safety Executive.

Furthermore, if there are new sub-stations installed/required on site to feed the development, they would request as part of the new connections process, the freehold for these sites, to ensure we have full control for any future maintenance of the sub-stations.

The developer in the first instance, should make an application for a quotation directly with Western Power, to divert any overhead and underground lines, which are affected by the development and for any new connections that are required.

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.

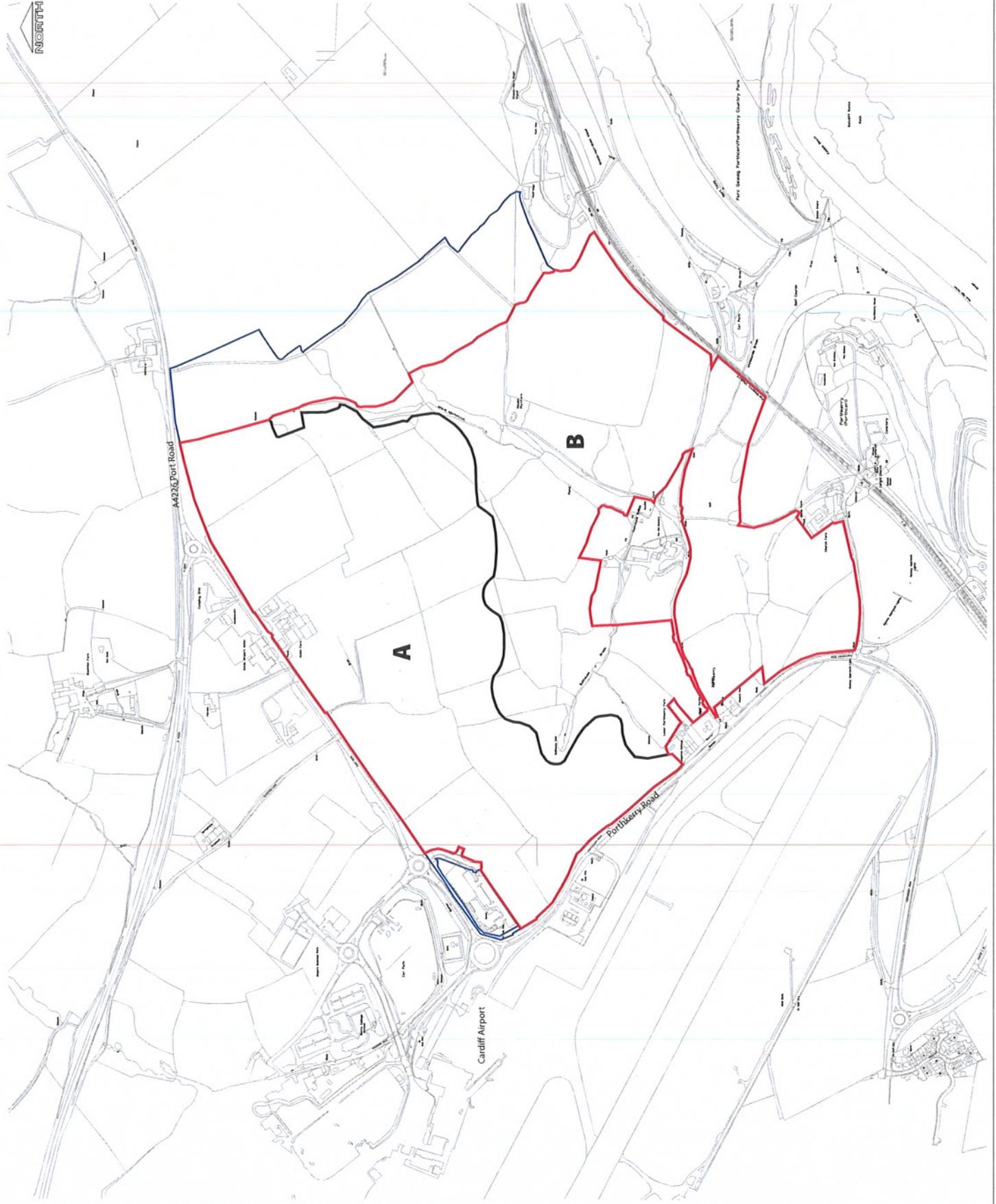
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

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Land In Ownership of L&G

Site Boundary



No	Description	Date	Initial	Checked



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Client Legal and General (Strategic Land) Ltd

Project Parc Busnes Porth Cymru

Title Site Boundary Plan

Status	Drawn By	PM/Checked By
DRAFT	PO	RL/DP
Job Ref	Scale @ A2	Date Created
JCD0064	1:5000	MAY 2019
Drawing Number	Rev	
JCD0064-001	D	

rpsgroup.com

2019/01031/RG3 Received on 5 July 2022

APPLICANT: Housing and Building Services, Vale of Glamorgan The Alps, Alps Quarry Road, Wenvoe, CF5 6AA

AGENT: Georgia Peters Dock Offices, Subway Road, Barry, CF63 4RT

Land to the North of Maes Y Ffynnon, Bonvilston

Construction of 8 affordable residential 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 original application was for a major development by the Council.

BACKGROUND

The application was considered at Planning Committee 1 September 2021 where the application was deferred for the applicants to consider submitting alternative proposals to address Members' concerns and/or for the Members of Planning Committee voting against approval to consider planning reasons for refusal of current scheme.

Prior to the consideration at Planning Committee on 1 September 2021, it was previously considered at Planning Committee on 15 July 2020, where it was agreed to defer the determination whilst the subsequent Village Green application submitted on the development site was resolved.

EXECUTIVE SUMMARY

This is an application, as amended for full planning permission to build 8 affordable ('social rented') dwellings and associated works including improvements to the adopted highway and 'soft' and 'hard' landscaping.

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea).

Technical advisers do not object to the proposal, but members of the public express concern over a number of aspects of the proposal.

Officers conclude that the development proposal is acceptable in principle and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

Following an Inquiry on 19 April 2021 and the report by an Independent Inspector on the 6 June 2021, a recommendation was made to the Vale of Glamorgan Council to dismiss the Village Green application. The Village Green Report and its recommendations were considered by Public Protection Licensing Committee on Tuesday, 15 June 2021 where it was resolved to accept the recommendation of the Village Green Report and dismiss the Village Green application.

It is recommended that planning permission be granted with conditions.

SITE AND CONTEXT

Roughly 0.28 of a hectare in area, the application site is a mix of informal amenity space and hard-surfaced land (slabs of private garages that once occupied the site were demolished before the planning application was submitted). The land rises slightly from west to east. The site is at the end of a cul-de-sac and is next to several houses, undeveloped land and an adopted highway (Maes-y-Ffynnon).

For policy purposes, the site is in the defined settlement of Bonvilston (a 'minor rural settlement' in the LDP's settlement hierarchy) and Flood Zone A (little or no risk of flooding from rivers and the sea). The site is next to the Ely Valley & Ridge Slopes Special Landscape Area (SLA), a mineral safeguarding area (limestone, category one) and a public right of way (ref. B2/11/1).

It is near, but not in, the Bonvilston Conservation Area and an LDP housing allocation (policy MG2(40): 'Land east of Bonvilston').

A group of trees on the southern part of the site is the subject of a tree preservation order (TPO) (ref. 364-2010-03-G01), and two trees on the northern part of the site are the subject of individual TPOs (refs. 364-2010-03-T001 and 364-2010-03-T002).



DESCRIPTION OF DEVELOPMENT

This application, as amended, is submitted by the Housing and Building Services Department for the Vale of Glamorgan Council for full planning permission to build 8 affordable dwellings. Associated works would include improvements to the adopted highway and 'soft' and 'hard' landscaping.

The proposal has been amended by reducing the number of proposed dwellings from 10 to 8. Two plots (a pair of semi-detached dwellings) on the western side of the site have been removed, together with parking spaces and a reduction in the size of the turning head, to retain more green space within the site.

The development is 8 affordable 'social rented' dwellings comprising:

- Plot 1 – 1 bed two person flat
- Plot 2 – 1 bed two person flat
- Plot 3 – 1 bed two person flat
- Plot 4 – 1 bed two person flat
- Plot 5 – 2 bed four person house
- Plot 6 – 2 bed four person house
- Plot 7 - 1 bed two person flat (over 55 years old)
- Plot 8 - 1 bed two person flat (over 55 years old)

The developed site would consist of three two-storey buildings (each either 8 or 8.3 metres tall). The buildings would be finished with brown clay plain roof tiles, white UPVC casement windows and fascias / soffits / bargeboards, black upvc rainwater goods, white colour roughcast render, red facing brick (to plinth), GRP Door canopies and chimneys and composite external doors with glazed panels.

Notably the amended details now include the provision of 3/4 1000x1700mm (325W) Roof integrated PV panels to serve the units on the front facing roof planes.

The (amended) application documents indicate that:

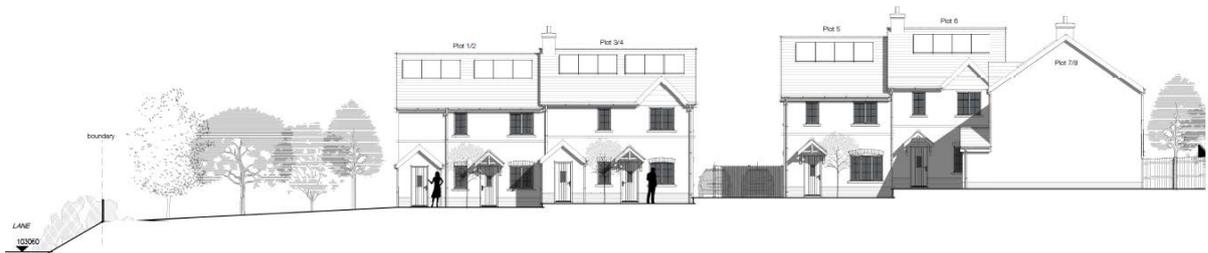
- the buildings, parking spaces and turning head would be in the northern part of the site, where the garages used to be;
- each house would have its own back garden, whereas the flats would have shared gardens;
- the developed site would have 10 parking spaces for residents of the development (two spaces for each house and one space for each flat):
- the existing road would be widened to 5.5 metres (measured from the nearer edge of the existing footway);
- the junction of the cul-de-sac and the main part of Maes-y-Ffynnon would be improved to provide better visibility and easier access for drivers of emergency-services vehicles;
- Five category U trees will be removed for arboricultural reasons
- Four Category B and four Category C trees (five of which are covered by TPOs) will be removed to facilitate development
- 12 new trees would be planted on the site.

Proposed Site Layout (as amended)





Perspective View



Context Elevation



Plots 1 – 4 Elevations



Plots 5 & 6 Elevations



Plots 7 & 8 Elevations

PLANNING HISTORY

1989/00578/REG5, Address: Land adjacent to 24, Maes-y-Ffynon, Bonvilston, Proposal: Residential Development. (Regulation 5), Decision: Approved.

2010/00113/RG3, Address: Land at Maes y Ffynnon, Bonvilston, Proposal: Outline application for Residential development of land for 3 houses (Minute number C89)., Decision: Withdrawn.

2010/00113/RG4, Address: Land at End of Cul De Sac, Maes Y Ffynnon, Bonvilston, Proposal: Outline application for residential development of land for 3 houses (Minute number C89)., Decision: Withdrawn.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council was consulted and did not comment on the proposal (but it did originally comment on the proposal during the statutory period of pre-application consultation overseen by the applicant).

Cllr I. Perry of St. Nicholas and Bonvilston Community Council expressed his wish for the planning committee to determine the application and has restated his and **the Community Council's** continued objection to the application.

Further representations have been received from **Cllr I. Perry** raising issues relating to urban design, adequacy of the parking layout and accessibility issues as set out below :

- The number of parking spaces;
- Whether some parking spaces might be too small for drivers or passengers with disabilities;
- The possibility that parked vans (or other large vehicles) might deprive residents of light in their habitable rooms;
- Emissions released by old vehicles;
- The use of a rumble strip, the noise from which might disturb residents' sleep;
- The locations of dropped kerbs;
- The usefulness of the proposed footways;
- The loss of eight existing on-street parking spaces;
- The proposal may lead to parking problems in Maes y Ffynnon (in particular if the parking of motor vehicles on footways should become illegal in Wales);
- The site layout does not account for desire lines (e.g. the dropped kerbs would be inconvenient for persons with disabilities and occupants of certain plots);
- The reconfigured street would be needlessly wide and would encourage people to drive more quickly and attempt dangerous and damaging passing manoeuvres;
- Whether the planning authority notified St Nicholas with Bonvilston Community Council and the Maes y Ffynnon Residents' Association of the committee meeting;
- Whether local persons are being 'digitally excluded' from the democratic process of assessing and commenting on the application.

St. Nicholas and Bonvilston Community Council were re-consulted on 05/07/2022 and no comments have been received to date.

Wenvoe Community Council was consulted but did not comment on the proposal.

St Nicholas and Llancarfan Ward Member was consulted on 05/07/2022 and no comments have been received to date.

Council's Highway Development (highway authority) were consulted and following submission of amended plans did not object to the proposal. Following re-consultation on 05/07/2022 no objection has been received subject to the need for the developer to enter into a Section 38/278 Agreement with the Highway Authority before undertaking works along the adjacent highway. In addition there is also a request that the tactile paving should be replaced with dropped kerbs.

Council's Public Rights of Way Officer was consulted and did not object to the proposal but has advised that the Public Right of Way must be kept open and available for safe use by the public at all times. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

The **Drainage Section** was consulted and confirmed that the developer would have to apply to the council – the ‘SuDS approval body (SAB)’ - for approval of drainage arrangements for surface water (this is a non-planning procedure).

Environmental-health officers (Shared Regulatory Services (SRS)) were consulted and made the following observations:

Noise

Recommended that planning permission carry conditions about construction working hours and a construction environment management plan (CEMP).

Contaminated Land, Air & Water Quality

Recommended that planning permission carry conditions about unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

Councils Ecology Officer was consulted and initially objected to the proposal because mature trees would be lost and not replaced and because information relating to bats was out of date. The Countryside team later confirmed that the updated information in respect of bats was acceptable.

Councils Housing Strategy has stated that as evidenced by the 2021 Local Housing Market Assessment (LHMA) 1205 additional affordable housing units were required each year to meet housing need in the area.

The site is in the new ward of Llancafarn and St Nicholas for which data is not yet available. However, need is further evidenced by the following figures from the Council's Homes4U waiting list in the areas of Wenvoe, Rhoose and Peterston Ely.

Those who have previously selected one of these 3 wards from which the new ward was formed, will be given an opportunity to amend their first area of choice so could potentially all select the new ward:

	RHOOSE	PETERSTON S ELY	WENVOE	TOTAL
1 BED	100	17	50	167
2 BED	61	19	47	127
3 BED	24	4	21	49
4 BED	2	3	7	12
	187	43	125	355

The proposal is for 8no affordable housing units, the mix having been agreed with the Vale of Glamorgan Development Team, is supported by housing strategy.

Dŵr Cymru Welsh Water (DCWW) was re-consulted in respect of the amended scheme and have reiterated their previous comments, stating that that the proposed development is located in an area that is served by a foul only sewer, therefore they would not be able to accept surface water flows into the public sewer in any circumstances. The developer should utilize sustainable surface water disposal options (i.e. infiltration, watercourse etc) as stated in their application form.

DCWW have requested a condition to ensure that no surface water and/or land drainage connects directly or indirectly with the public sewerage network and an advisory note in respect of any connection to the public sewer under S106 of the Water industry Act 1991.

Natural Resources Wales (NRW) was consulted and did not object to the (amended) proposal. It did, however, state that the proposal must pass the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017. Following re-consulted in respect of the amended scheme have raised no objection and have confirmed that their previous advice (set out above) still stands.

South Wales Police was consulted but did not comment on the proposal.

Former Wenvoe Ward Member was consulted and no comments have been received to date.

Former Cllr Leighton Rowlands requested that the planning committee has a site visit.

REPRESENTATIONS

The neighbouring properties were consulted on 27 September 2019, site notices were displayed on 30 September 2019 and the application was advertised in the press on 10 October 2019.

To date, the planning authority has received 27 letters of representation in which members of the public expressed concern over:

- The location of the rumble strip;
- Parking;
- Traffic;
- Road safety;
- Amount and density of development;
- Loss of green space (described as a play area and village green);
- Actual demand for affordable housing in the area;
- Overdevelopment of Bonvilston (this proposal in combination with other housing schemes);
- Effect on wildlife;
- Loss of trees;
- Effect on Bonvilston Conservation Area;
- Drainage;
- Whether the proposal is the best use of the land;
- Maintenance arrangements;
- The age of some of the application documents (surveys, for example);
- Local bus services (which are said to be infrequent and expensive);
- Effect of building work on residents;
- Overall effect on the character of the area (more houses, loss of green space, more parked cars).

The neighbouring properties were re-consulted on 5 July 2022 and a further site notice was posted on 11 August 2022. To date a further ten letters of objection have been received reiterating the concerns set out above.

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 SP4 – Affordable Housing Provision
POLICY SP10 - Built and Natural Environment

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan

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.

In the section - Wales : An Overview it states under Housing that :

Good quality affordable homes are the bedrock of communities and form the basis for individuals and families to flourish in all aspects of their lives. Future Wales provides evidence of the need for housing across Wales at both a national and regional level. This evidence demonstrates the need for a focus on increasing the delivery of social and

affordable homes. The Welsh Government is targeting its housing and planning interventions towards achieving this aim within the broader context of increasing supply and responding to different needs, including our ageing society and climate change.

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

Chapter 3: Setting and achieving our ambitions

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

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

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

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

Policy 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 4 – Supporting Rural Communities

The Welsh Government supports sustainable and vibrant rural communities. Strategic and Local Development Plans must identify their rural communities, assess their needs and set out policies that support them. Policies should consider how age balanced communities can be achieved, where depopulation should be reversed and consider the role of new affordable and market housing, employment opportunities, local services and greater mobility in tackling these challenges

Policy 7 – Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

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
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 - Planning and Affordable Housing (2006)
- Technical Advice Note 10 - Tree Preservation Orders (1997)
- Technical Advice Note 11 - Noise (1997)
- Technical Advice Note 12 - Design (2016)

- Technical Advice Note 20 - Planning and the Welsh Language (2017)
- Technical Advice Note 24 - The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- 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

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 in this assessment are:

- Principle of development;
- Visual impact;
- Impact on neighbours;
- Highways;
- Ecology;
- Drainage;
- Planning obligations;
- Village-green application.

Principle of development

Overview of policy requirements and objectives

Policy SP1 (Delivering the Strategy) seeks to:

- provide a 'range and choice of housing to meet the needs of all sectors of the community' (criterion one); and
- promote sustainable transport (criterion four).

Policy MG1 (Housing Supply in the Vale of Glamorgan) states that the Vale's housing-land requirement will be met partly through the development of 'unallocated windfall sites [consisting of 10 units or more] in sustainable locations'.

Policy MD1 (Location of New Development) states that new development on unallocated sites should:

- In the case of residential development, support the delivery of affordable housing in areas of identified need (criterion four);
- Have access to or promote the use of sustainable modes of transport (criterion five);
- Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment (criterion six);
- Where possible promote sustainable construction and make beneficial use of previously developed land and buildings (criterion seven); and
- Provide a positive context for the management of the water environment by avoiding areas of flood risk (criterion eight).

Policy MD5 (Development within Settlement Boundaries) states that new development in defined settlements should:

- Make efficient use of land or buildings (criterion one);
- not prejudice the delivery of an allocated development site (criterion two);
- be 'of a ... character that is sympathetic to and respects its immediate setting and the wider surroundings' (criterion three);
- not result in the unacceptable loss of public open space, community or tourism buildings or facilities (criterion five).

Assessment

Location

The site falls within the defined settlement of Bonvilston (a minor rural settlement) and a low-risk flood zone. The site is part of an established residential area, and part of the site constitutes previously developed land. In addition, the site is in walking distance of several bus stops that receive services to and from larger settlements (such as Porthcawl, Bridgend, Cowbridge and Cardiff). On this basis, there is no objection to the principle of residential redevelopment of the site subject to more detailed consideration in respect of the other policies within the plan as set out above.

Need for affordable housing

Members will note prior to the May 2022 Elections the site was located within the Wenvoe Ward. The local elections in May 2022, introduced several changes to the electoral map in

the Vale of Glamorgan, and the creation of a new Llancafarn and St Nicholas Ward. This Ward covers parts of the former of Wenvoe, Rhoose and Peterston Ely Ward.

The Housing Strategy Team have advised that they are in the process of writing out to everyone who selected Wenvoe, Rhoose and PSE as their preference, and will be given an opportunity to amend their first area of choice. However, as evidenced by the 2021 Local Housing Market Assessment (LHMA), 1205 additional affordable housing units are required each year to meet housing need in the Vale of Glamorgan.

	RHOOSE	PETERSTON S ELY	WENVOE	TOTAL
1 BED	100	17	50	167
2 BED	61	19	47	127
3 BED	24	4	21	49
4 BED	2	3	7	12
	187	43	125	355

As shown in the table above, there is a clear evidence of need, based on the most up to date data currently available on the Wards which in part now form the new Llancafarn and St Nicholas Ward.

The Housing Strategy Team have stated that the mix has been agreed with the Vale of Glamorgan Development Team and the proposal is supported.

In accordance with criterion four of policy MD1, the development proposal would 'support the delivery of affordable housing in areas of identified need'.

Loss of public open space (POS)

The Open Space Background Paper 2013 identifies part of the application site as 'amenity greenspace' (ref. 'Green/505 – Maes-y-Ffynon – 0.29 ha – WD1001135') (see Appendix 7). It also states that the former ward of Wenvoe has a surplus of amenity greenspace of at least 1.58 hectares (see page 40).

The whole site covers an area of some 2,830 sq m (0.28 HA). Of this, an area of approx. 300 sq m comprises the existing hard surfaced internal road and the hard surfaced parking areas (some of which formed the slabs to the demolished garages). On this basis the actual area of green (undeveloped space) within the site is some 2,530 sq m.

In respect of the previous proposal for 10 units, that scheme would have resulted in the development of some 1,760 square metres of the application site, (although the development within the undeveloped areas would have actually been some 1,708 square metres). It was previously considered that roughly 1,000 square metres (0.1 of a hectare) of land between the cul-de-sac and the main section of Maes-y-Ffynon would have remained as POS and according to the Background Paper, this would still leave the ward of Wenvoe with surplus of at least 1.4 hectares of amenity greenspace. In addition, more than half a hectare of POS will be created on the nearby allocated housing site (which is currently under construction). Residents of Maes-y-Ffynon would be able to walk to the new POS in roughly five minutes. For the above reasons, the previous development proposals were considered acceptable in this regard.

The proposal as amended (reduced from 10 to 8 units) would have a reduced density, but this would still equate to a development density of some 28 dwellings per hectare (dph), thereby exceeding the policy target. Whilst the density is higher than the minimum specified density, Policy MD6 does support higher densities where the development reflects the character of the surrounding area and would not unacceptably impact upon local amenity. Moreover, in respect of the scale of development on the site, the density would appear to be much lower in terms of the level of development on the site, however six of the eight plots are flats. The level of density is considered acceptable in principle subject to a more detailed consideration below and would use land efficiently.

Amenity space

The Residential and Householder Development SPG sets out the following standards for amenity space for houses and flats:

For houses, a minimum of 20 sq.m amenity space per person should be provided, and the majority should be private garden space [emphasis added].*

**typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons.*

For flats, between 12.5 sq.m and 20 sq.m of amenity space per person should be provided, depending on the size of development [emphasis added]. Communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.*

**typically a 1 or 2 bedroom flat would have 2 persons.*

*1-20 people = 20 sq.m per person
21-40 people = 17.5 sq.m per person
41-60 people = 15 sq.m per person
61+ people = 12.5 sq.m per person*

The SPG defines amenity space in the following terms:

[Amenity] space associated with residential properties includes front gardens and private rear gardens. It does not include footpaths, driveways and parking areas. Amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

The application documents indicate that:

- Plots 1, 2, 3 and 4 (each a 1-bed flat) would share roughly 115 square metres of amenity space;
- Plot 5 (2-bed house) would have roughly 60 square metres of amenity space;
- Plot 6 (2-bed house) would have more than 140 square metres of amenity space (it is a corner plot);
- Plots 7 and 8 (each a 1-bed flat) would share roughly 90 square metres of amenity space.

Plots 5, 6, 7 and 8 would meet or exceed the SPG's standards, whilst plots 1-4 would have a shared deficit of 45 square metres.

Following the concerns previously raised at the Planning Committee on 15th July 2020, regarding the size of the back gardens by moving Plots 1 – 6 forward, the applicant has assessed the design to understand the implications of any such change. The applicant has advised that moving the plots forward would result in the parking spaces serving the properties being immediately in front of the property or would require their removal which would create an additional issue. Furthermore, by moving the properties forward, while maintaining the parking provision would result in a minimal increase to the rear amenity space.

Moving the car parking spaces of plots 1 – 6 (in respect of the previous scheme for 10 units) to the south of the layout was also considered. Whilst this would allow the proposed buildings to be brought forward significantly, it would result in the partial loss the public amenity space to the south of the site. The proposal has endeavoured to retain as much of the existing public amenity space as possible in response to concerns raised by local residents. Additionally, the width of the internal road was considered to be reduced to accommodate the proposed buildings moving forward, however, this reduction would impede the swept path of turning vehicles accessing the site, particularly refuse vehicles.

Consequently, and following detailed consideration by the applicant, they have advised that it is not considered appropriate to move the proposed buildings forward to increase the rear amenity space due to the insubstantial increase in rear amenity space this would provide, and moreover the knock-on impacts it would have on the wider site layout.

Although this is below the amenity space requirement outlined in the Council's Residential and Householder Development SPG, the proposal does exceed the minimum requirements for affordable housing schemes as outlined by the Welsh Government which is 40sq.m.

On balance, it is considered the need for affordable housing and the proposal exceeding the minimum design requirements for affordable housing set out by Welsh Government is sufficient to mitigate the under provision of amenity space when assessed against the Council's Residential and Householder Development SPG requirements, particularly for the reason set out above and as open space is available next to the houses and, in time, at the ongoing housing allocation to the east, which would be in walking distance of Maes-y-Ffynon.

Siting, design and materials

The existing residential development along Maes y Ffynnon is characterised by terraced properties, whereas the residential properties adjacent to the application site to the east are mainly large detached properties. Based upon the location of the site, it is considered appropriate for the proposals to reflect the character of the housing along Maes y Ffynnon, to ensure the development fits within and form a continuation of the existing street scene.

Consequently, the form and massing of proposed residential units is limited to two storeys and follows a similar design scheme to the existing residential development along Maes Y Ffynnon.



The proposed buildings largely take the form of semi-detached properties, which reflect the height, detailing and design and external materials of the properties in Maes Y Ffynnon, particularly with the use of gable roof details. The materials proposed are considered acceptable and comprise of roughcast rendered elevations and the use of plain clay tiles which will assist in assimilating the development within the Maes y Ffynnon street scene. The other details and finishes are also considered acceptable. However, planning permission should carry a condition requiring the applicant to submit samples of external finishes and materials (**condition 3 refers**).

The proposal includes the provision of roof integrated PV panels to serve the units on the front facing roof planes (albeit not shown in the indicative view shown above). The use of PV panels is fully supported and full details will be required by Condition (**Condition 16 refers**) to ensure that the final design of the panel integrates within the roof slope.

Streetscape

Shortly after it passes the site's northern boundary, the main arm of Maes-y-Ffynnon becomes a single-track road. Roadside hedges and tall trees give the section of road to the north of the cul-de-sac's entrance a green, semi-rural character.



Previous scheme.

As shown above, in the previous (now superseded scheme that was previously present to planning Committee on 1 September 2021), the side elevation of the house in plot 1 would be noticeable from the road, although the adjacent section of Maes-y-Ffynnon would still have retained its 'green corridor' character.



Current Scheme



Context Elevations

The proposal has been amended by reducing the number of proposed dwellings from 10 to 8. Two plots (pair of semi-detached dwellings) on the western side of the site have been removed, together with parking spaces and a reduction in the size of the turning head, to retain more green space within the site.

As a consequence of the amended scheme, the open space along the entire western edge of the site fronting onto the road is now shown as being retained, where the side elevation of Plot 1 will now be some 15m from the edge of the site. Moreover, as consequence of the fact that the western edge of the site is not being development, fewer trees will be removed (as considered in detail below). The retention of some 337 square metres of open space, when compared to the previously submitted scheme, has benefitted the scheme, not only in retaining a greater proportion of open space but also better retaining the semi-rural character of the site and provide a meaningful buffer between the nearest house on the site and the road to the west.

Landscaping and trees

Aside from trees, which are discussed separately (below), the proposed indicative landscaping is considered acceptable. The turning head and the adjacent parking spaces would occupy a large area in front of the buildings. However, the adjacent front gardens and small areas of landscaping and rain gardens would soften this part of the site. Overall, the proposed mix of hard and soft surfaces would have an acceptable effect on the character and appearance of the site and the street. Nonetheless, to ensure that the turning head would have a high-quality finish, planning permission should carry a standard condition about 'hard' and 'soft' landscaping (including boundary features) (**condition 10 refers**).

The Trees, Woodlands, Hedgerows and Development SPG places trees in the following categories:

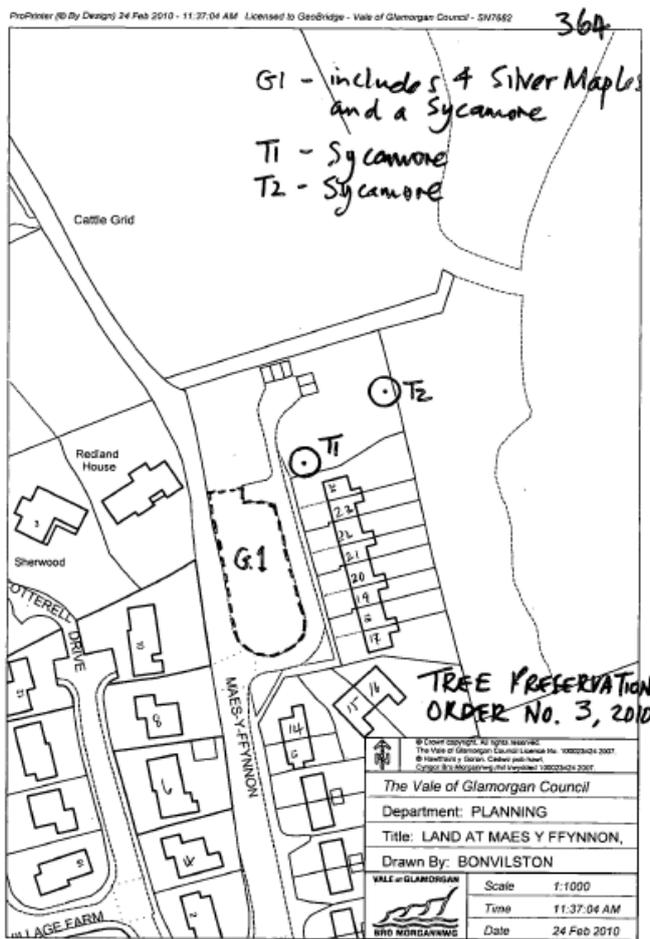
- Category A: Trees of high quality and value capable of making a significant contribution to the area for 40 or more years;
- Category B: Trees of moderate quality or value capable of making a significant contribution to the area for 20 or more years;
- Category C: Trees of low quality, adequate for retention for a minimum of 10 years expecting new planting to take place; or young trees that are less than 15 cm in diameter which should be considered for re-planting where they impinge significantly on the proposed development;

- Category U: Trees which are in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. Such trees may however have a conservation value which might be desirable to preserve.

The SPG states that (see paragraph 7.3.3):

Trees which are protected by a TPO or classified within retention category A or B in a BS5837: 2012 survey should be retained on the site. If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided.

A tree preservation order (TPO No.3 2010 – Land at Maes-y-Ffynon, Bonvilston) covers two trees (sycamore) in the northern part of the site and a group of trees in the southern part of the site. Below is an extract from the TPO plan:



The concerns raised at the Planning Committee on 15th July 2020, over the loss of trees and perceived inadequacy of their replacement on site have been considered and set below.

The proposed development site has been subject to a Tree Survey which assess the quality of the trees on the site.

The Council’s Trees, Woodlands, Hedgerows and Development SPG states “ Trees which are protected by a TPO or classified within retention category A or B

in a BS5837: 2012 survey should be retained on the site. If it is proposed to remove any A or B category trees, then the Council will require the applicant to demonstrate how the removal is necessary and outline any mitigation measures to be provided..” (VoG, p.21, 2018). In the first instance any loss of category A and B trees should be replaced at a 2:1 ratio within the development site.

The Amended Tree Survey Addendum (October 2022) has further reduced the number of trees to be removed from the site to accommodate the development. Four Category B and four Category C trees will be removed to facilitate development. Of the trees that are being removed, a total of five are protected and comprise of two individual TPO Sycamore trees and three trees within the Group TPO, comprising of Sycamore, Silver Maple and Lawson Cypress. It should be noted that of these protected trees, two are now classified as being Category C trees.

Based on the requirement of the SPG which require replacement planting for higher value trees at a ratio of 2:1 replacement, 12 trees would have to be planted within the site. The amended plans now include a total of 12 new replacement trees (to offset the TPO trees and Category B tree that will be removed)

The landscaping condition (discussed above, in ‘Landscaping’ - **Condition 10 refers**) will secure as part of the wider scheme of landscaping a detailed scheme of replacement tree planting which shall be in line with the proposed tree planting shown in the Block Plan. A separate condition is also considered necessary to protect the trees marked for retention on the application documents (**Condition 17 refers**) to ensure that they are protected during the construction phase of development (including any site clearance)

Impact on neighbours

The neighbours most likely to be affected by this proposal are those at Redland House (to the west) and 24 Maes-y-Ffynon. The other residents of the cul-de-sac might notice an increase in activity and movement in the street, but the effect would not amount to material planning harm.

Redland House

Redland House and the application site are on opposite sides of Maes-y-Ffynon. The proposed house (Plot 1) would be roughly 26 metres to the east of Redland House (at its nearest), with its western (side) elevation facing this neighbour. From this distance, the new house would not have a substantial effect on the neighbours’ natural light or outlook. A first-floor bedroom window is proposed in the side elevation of plot 1, however this would be in excess of 21m from any windows and the garden of Redland House.

24 Maes-y-Ffynon

The houses in plots 5 and 6 would be in excess of 21 metres from 24 Maes-y-Ffynon, which does not have habitable-room windows in its northern (side) elevation. From this distance, the new houses would not affect the neighbours’ natural light, outlook or privacy. Moreover, there would be distance of at least 16m to the rear garden of this property.

The flats in plots 7 and 8 would be some 12 metres (at their nearest) from 24 Maes-y-Ffynon and between 2 metres and 4.5 metres from its back garden (due to the angled relationship). The side elevation of the new building would face the neighbours but is not

served by any windows at the ground or first floor. On this basis, these plots would not result in the loss of privacy to the occupiers of 24 Maes-y-Ffynon in respect of overlooking of this property or their rear garden.

The building comprising of plots 7 and 8 would be north of no. 24's garden and off set to the rear. Given its offset relationship and distance from both the rear garden and the dwelling, it is not considered that the massing of this building would unacceptably enclose the outlook of these occupiers.

Future occupants (plots 7 and 8)

A first-floor side window in plot 6 would allow occupants to overlook the shared garden of plots 7 and 8. This is a secondary window, with the main bedroom window to the front of plot 6. To protect future occupants' privacy of plots 7 and 8, a condition requiring any part of any first-floor side window that is below 1.7m in height be obscurely glazed and non opening as secured by (**condition 11 refers**).

Highways

Under this proposal, the existing road would be improved in the following ways:

- The radius of the bend near the junction would be changed;
- The section of road near the junction would be widened to six metres;
- The rest of the cul-de-sac would be widened to 5.5 metres;
- A rumble strip would be created just before a new turning head.

In addition, a new turning head (with tactile paving and a dropped kerb) and 10 parking spaces would be created. The garages that once served the existing houses in the street were demolished some time ago and as a result, residents now park their cars on the carriageway.

Having considered parking demand, traffic levels and public safety, the highway engineer has considered the amended layout for 8 units and has not raised an objection, subject the tactile crossing points which have been shown, being amended to dropped curbs. This is a minor matter which would form part of the technical approval and can be accommodated under the requirements of **Condition 13** which requires full engineering details.

The developed site would have 10 parking spaces (one space per flat and two spaces per dwelling). Each space would meet the Parking Standards SPG's requirements for a standard parking space (2.6 metres x 4.8 metres). The Parking Standards SPG recommends that 'off-street multiple disabled parking bays' have 1.2-metre-wide access zones between each bay. The proposed parking spaces are not the same as parking bays, which tend to be found on commercial sites.

Concern was previously raised at the previous Planning Committee in relation to extending the width of approach footpaths to allow disabled access to proposed buildings and linking to parking spaces. Whilst these concerns have been noted, no objection has been received from the highway engineer on this ground. The applicant has however assessed the implications of widening the footpaths and stated that this would result in a detrimental impact upon the proposed drainage scheme which has already been approved by the SAB Authority and provides biodiversity enhancements to the scheme through the use of sustainable drainage systems such as rain gardens.

It should be noted that six of the parking spaces provided within the scheme align with an approach footpath allowing occupants to use the pathway as additional space and facilitate entering and exiting their vehicle. Where the remaining spaces do not abut footway, there would not be any restrictions around these spaces and allow the spaces to be fully used. In addition, the proposed properties and amended layout has been built to the Welsh Government standards for affordable housing which are based upon the Lifetime Home Standards (<https://gov.wales/sites/default/files/consultations/2020-07/beautiful-homes-and-spaces.pdf> refers).

It should be noted that the Council has approved affordable housing schemes which have followed the same standards used to produce the amended layout. The applicant is not aware of any contextual changes in planning policy or design requirements which would warrant exceeding the standards outlined by Welsh Government for affordable homes that would require amending the proposed scheme further.

Since originally reporting the application to Planning Committee on 15th July 2020, the Council's SPG on Parking Standards has been updated to reflect the guidance within Future Wales: The National Plan 2040.

In relation to residential parking, the Councils Parking Standards SPG encourages developers to provide EVCP wherever appropriate, at a ratio of 10% of all parking spaces provided. The agent has confirmed that the majority of parking space could be upgraded to provide EV charging with a charging point placed to the building frontage, but this has not been factored into the costing for the scheme. However, it is considered the design of the development is future proofed to allow EV charging points at a future point in time.

Having regard to the above, whilst the highway and parking layout is considered acceptable, planning permission should carry a condition requiring the applicant to submit full engineering details and provide the parking spaces before any of the approved dwellings are occupied (**condition 13 refers**).

Ecology

The application documents include an ecological assessment (dated October 2018) and has been updated in May 2022, a bat activity survey report (dated September 2015) and a mitigation strategy for great crested newts (dated January 2020). The ecological assessment provides more recent evidence about bats than the bat activity survey report.

Together, the ecology documents explore the proposal's effect on bats, birds, great crested newts, dormice, otters and badgers, amongst other creatures.

The author of the ecological assessment reached the following conclusion:

On the basis of the evidence currently available it is ... concluded that the site is not unacceptably constrained by biodiversity issues. There may be some potential for impact to protected species such as common reptiles, nesting birds and foraging bats, but these should be readily amenable to mitigation. Appropriate mitigation and enhancement measures are recommended.

The application documents indicate that bats use the site for foraging and 'commuting', but do not live on the application site.

The application documents state the following about great crested newts:

NRW have advised that development 'is likely to harm or disturb GCN'; [a] European Protected Species derogation licence will therefore be required for the proposed development, once planning consent is in place.

The ecology officer stated that:

- The proposal would bring about an unacceptable loss of mature trees with inadequate replacement within the development;
- 'A reptile strategy will be required which will detail how reptiles will be protected during the construction and operational phases. This can strategy can be conditioned as a "Prior to Commencement" condition;
- 'A biodiversity strategy scheme will be required, but can be conditioned as a "Prior to Commencement" condition if necessary;'
- 'We note that the bat survey of the high potential trees was carried out in 2015, this survey is now out of date and will require a repeat survey'; and
- 'We note the submission of the GCN [great crested newts] strategy and confirm this is adequate. However, as a licence will be required, the planning officer will need to undertake the (Habitats Regulations) 3 tests at the planning determination stage and document the results of this.'

Natural Resources Wales (NRW), having examined the latest application documents, does not object and reiterated their original comments, which states:

The amended [mitigation strategy for great crested newts] provides an adequate basis upon which to assess the proposal and its impacts on Great Crested Newt. We therefore have no objection to the proposal.

NRW stated that the planning authority must subject the proposal to the three licensing tests set out in the Conservation of Habitats and Species Regulations 2017. It also pointed out that the applicant would have to apply for a European Protected Species (EPS) licence under a separate (non-planning) application.

The Countryside team examined the updated bat survey and did not object to the proposal. Nonetheless, the ecology officer's concerns are addressed below in order.

Loss of mature trees

The loss of mature trees is necessary for development purposes, however officers have negotiated with the applicant and the amended scheme now retains several more trees and the only trees being removed are those which are absolutely necessary to accommodate the development. Moreover, the scheme is also securing replacement tree planting.

Reptile strategy

Planning permission should carry the suggested condition (**condition 12 refers**).

Biodiversity enhancement

Planning permission should carry the suggested condition (**condition 18 refers**).

Bat survey

The ecological assessment includes an update to the bat survey carried out in 2015. NRW has not expressed any concern over the proposal's effect on bats (though the applicant would have to apply for a European Protected Species licence).

Great crested newt

Licensing tests

The three licensing tests state that a development proposal which would disturb or displace a European Protected Species (EPS) will be acceptable only if:

1. The purpose of the work is for preserving public health or public safety or other imperative reasons of over-riding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment;
2. There is no satisfactory alternative;
3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.

First test

The development proposal would not preserve public health or public safety, but it does accord with the development plan's policies on new housing in defined settlements. The provision of social rented affordable housing would bring social and economic benefits to the rural area. Moreover, managing development in accordance with the statutory development plan is undoubtedly a matter of public interest.

Second test

The development proposal complies with the LDP's strategic policies on new housing in defined settlements. The proposed dwellings are compatible with existing houses, whereas a non-residential use might give rise to some conflict. In social terms, moreover, the creation of 8 affordable dwellings weighs heavily in favour of the proposal.

The 'do nothing' approach is not especially desirable. Evidence shows that the land is not *needed* as public open space, and if it were left undeveloped it might become unsightly over time, particularly the area where the garages used to be. Furthermore, vacant land would not have the same positive social and economic effects as the development proposal.

For the above reasons, there appears to be no satisfactory alternative to the development proposal.

Third test

NRW has stated that the development proposal would have an acceptable effect on the favourable conservation status of the EPS.

For the above reasons, the development proposal passes the three licensing tests. To protect ecological assets, the planning authority should use the conditions (reptiles and biodiversity enhancement) suggested by the ecology officer.

Drainage

The Council's Drainage Officers state that the developer would have to apply for 'SAB' approval through a non-planning procedure. Planning permission does not therefore need to carry a condition about drainage arrangements for surface water, just an informative.

Dŵr Cymru Welsh Water was re-consulted and have stated that that the proposed development is located in an area that is served by a foul only sewer, therefore they would not be able to accept surface water flows into the public sewer in any circumstances. The developer should utilize sustainable surface water disposal options (i.e. infiltration, watercourse etc) as stated in their application form.

DCWW have requested a condition to ensure that no surface water and/or land drainage connects directly or indirectly with the public sewerage network (**condition 4 refers**) and an advisory note in respect of any connection to the public sewer under S106 of the Water industry Act 1991.

Other Matters

Environmental-health officers recommend that planning permission carry conditions about:

- a construction environment management plan (CEMP);
- unforeseen contamination, imported soil, imported aggregates and the use of site-won materials.

The suggested conditions have been used (**conditions 6, 7, 8 and 9 refer**). To protect the amenity of existing residents, a condition about working hours should also be used (**condition 5 refers**).

Planning obligations

Paragraph 5.8 of the Planning Obligations SPG states:

*On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for **100% affordable housing developments of twenty five units or less** delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. For more information, please refer to the Affordable Housing SPG [emphasis added].*

This development proposal does not, therefore, need to yield planning obligations.

Planning Policy Wales states the following about affordable housing (see paragraph 4.2.26):

Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.

TAN 2 provides the following definition of 'affordable housing':

[Housing] where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

It states that affordable housing includes 'social rented' housing and 'intermediate' housing.

The application documents indicate that the dwelling units would fall into the 'social rented' category.

Planning permission should carry a condition to ensure that the dwellings would be built and then retained as affordable units (**condition 14 refers**).

Village-green

As stated above, Planning Committee originally resolved to defer the decision on the planning application while the subsequent village green application submitted on the development site was resolved.

The proposed development site referred to as Land to the North of Maes Y Ffynnon, was subject to an application to register the land as a Town or Village Green under Section 15 of the Commons Act 2006 (App No.01/2019/VG50- refers).

An Independent Inspector (James Marwick) was instructed by the Vale of Glamorgan Council, in its capacity as the relevant Registration Authority, to hold a non-statutory public inquiry in relation to the Application and to provide findings and recommendations by way of a written report for consideration by the Registration Authority.

The Inquiry was held over the course of a single day on 19th April 2021 and the Report was completed on the 6 June 2021. The Report concluded:

- a) Registration would be incompatible with the statutory purposes for which the Land is held by the Objector.
- b) User has been "by right" rather than "as of right" of the physical "green" which is the only part of the Land over which there has been sufficient user for lawful sports and pastimes.

This resulted in a recommendation to the Vale of Glamorgan Council to dismiss the Village Green application based on the reasons above.

The Public Protection Licensing Committee is the delegated body within the Council responsible for making a decision on the Village Green Application. The Village Green

Report and its recommendations were considered by Public Protection Licensing Committee on Tuesday, 15th June 2021 where it was resolved to accept the recommendation of the Village Green Report and dismiss the Village Green application.

Equalities

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's public sector duty requires the Council to have due regard to the need to achieve the objectives set out under s149 of the Equality Act 2010 to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

It is considered that the proposed development does not have any significant or harmful implications for, or effect on, persons who share a protected characteristic, and due consideration has been given to the above in reaching the recommendation below.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

A001 - Site location plan
A102 - Plots 1-4 Floor plans rev.A
A103 - Plots 1-4 Elevations rev.A
A104 - Plots 5&6 Floor plans
A105 - Plots 5&6 Elevations
A106 - Plots 7&8 Floor plans
A107 - Plots 7&8 Elevations
A108 - Context elevation rev.B
A011 - Shed Details
16-55-DS01 - Drainage Strategy Rev B
Topography Map
Ecological Assessment v2- May 2022

Great Crested Newt Draft Mitigation Strategy v2.0 - Jan 2020
Drainage Strategy Statement for Maes Y Ffynnon Bonvilston.pdf
Design And Access Statement July 2022
Report on Ground Investigation
Tree Survey

Above received 05/07/2022

A101 - Site layout rev.D
A109 - Block Plan rev. D
Tree Survey Addendum - October 2022

Above received 06/10/2022

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, before any external materials are used on the site, samples of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before any of the approved dwellings are occupied. The approved materials shall then be retained and maintained on the site for as long as the approved dwellings exist.

Reason:

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

4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

5. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday: 0700 – 1900
Saturday: 0700 – 1700

Unless such work is:

- (a) associated with an emergency (relating to health and safety or environmental issues);
- (b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

6. No development shall commence, including any site clearance or works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found

has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

8. Any topsoil (whether natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil 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.

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

Reason:

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

10. Before development begins, including any demolition or site clearance, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- earthworks showing existing and proposed finished levels or contours;
- retaining structures;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials.

Details of soft landscape works shall include:

- planting plans (in which the number of replacement trees must at least match the number of replacement trees shown on drawing A009 Rev L (Block Plan));
- written specifications (including cultivation and other operations associated with plant and grass establishment);
- schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate;
- an implementation programme (including phasing of work where relevant).

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.

The 'hard' and 'soft' landscaping shall be retained and maintained (including replacement planting, if necessary) in accordance with the approved details for as long as the approved development exists.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the approved plans, any part of the first floor side elevation window in plot 6 serving Bedroom 1 (as shown on drawing ref. A104 - Plots 5&6 Floor plans) that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To protect the privacy of neighbours, in accordance with policy MD2 (Design of New Development) of the Local Development Plan.

12. Notwithstanding the submitted details, no development (including site clearance) shall commence until a wildlife and habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife and habitat protection plan shall include:

- Details of, and a schedule for, sensitive site clearance with respect to reptiles, bats and breeding birds;
- A reptile strategy explaining how reptiles will be protected during the construction and operational phases;
- Details of newt-friendly drainage;
- A plan showing wildlife and habitat protection zones, if appropriate;
- Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
- A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- A minimum of 100mm gap at the bottom of all fencing used on site.

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG19 (Sites and Species of European Importance) and MD9 (Promoting Biodiversity) of the Local Development Plan.

13. Notwithstanding the approved plans, no development shall commence until full engineering details of the roadworks, parking areas and turning areas shown on drawings A101 - Site layout rev.D and A109 - Block Plan rev. D (which shall include plain dropped curbs in place of the tactile crossing points) have been submitted to, and approved in writing by, the planning authority. No dwelling shall be occupied until the roadworks, parking areas and turning areas have been completed in accordance with the approved details. The parking spaces shall thereafter be kept available for the parking of vehicles for as long as the approved development exists.

Reason:

To ensure that the development proposal will have an acceptable effect on local highway safety and the amenity of the area, in accordance with policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan.

14. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

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 Provision), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

15. Notwithstanding the approved plans and the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house. The only boundary features/means of enclosure shall be those that have first been submitted to, and approved in writing by, the planning authority. The approved boundary features/means of enclosure shall be erected before any of the approved dwellings are occupied. The boundary features/means of enclosure shall be retained and maintained in accordance with the approved details at all times thereafter.

Reason:

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

16. Notwithstanding the submitted plans and prior to their use on site, full details of the proposed pv panel shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

In the interest of visual amenity as required by Policies MD2 (Design of New Development) of the Local Development Plan.

17. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of all trees shown to be retained on drawing number A109 - Block Plan rev. D. The approved scheme of tree protection shall be carried out during the course of construction, including any site clearance.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. Prior to the commencement of development, details of a scheme of biodiversity enhancements shall be submitted to the Local Planning Authority. Within 6 months of the completion of the development or first beneficial occupation (whichever is the sooner) the agreed scheme of biodiversity enhancements shall be implemented/completed on site, which shall thereafter be retained, in accordance with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG9 (Promoting Biodiversity) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, the development proposal area acceptable and would have an acceptable effect on visual amenity, residential amenity, highway safety, ecology, drainage and environmental health.

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

NOTE:

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

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

- 2. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2017 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**
- 3. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) determining the extent and effects of such constraints;**
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically**

suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils.

In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

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

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

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

4. The developer should note that they will be required to enter into a Section 38/278 Agreement with the Highway Authority before undertaking works along the adjacent highway
5. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

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

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

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



Notes

Client: Chamberlain Moss King
Project: Maes-y-Ffynnon
Drawing number: A001
Scale: 1:1250 at A3
Status: PLANNING
Date: 28.01.2022

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Project	Maes-y-Ffynnon Bunkhouse
Project number	LS25-2
Client	Valle of Glamorgan
Title	Site location plan
Drawing number	A001
Scale	1:1250 at A3
Revision	
Status	PLANNING
Drawn	
Date	28.01.2022



Site location plan

1 : 1250

2021/00012/FUL Received on 16 March 2021

APPLICANT: Mr Paul Davey 20, Summerland Close, Llandough, Penarth, CF64 2QA

AGENT: Mr Paul Davey 20, Summerland Close, Llandough, Penarth, CF64 2QA

20, Summerland Close, Llandough, Penarth

Replacement of existing fence

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because there is a dual recommendation for the refusal of the application and the authorisation of enforcement action.

EXECUTIVE SUMMARY

Retrospective planning permission has been sought for a 1.95 metre high close boarded fence that has been erected to the side of no. 20 Summerland Close. Most of its length is adjacent to the adopted highway.

Objections have been received from Llandough Community Council and one neighbouring property.

The key consideration in determining this application is its impact on the visual amenity of the area.

The part of the fence that is immediately adjacent to the highway is approximately 21 metres in length. The erection of this length of fence along the boundary of the site immediately adjacent to the highway has resulted a visually incongruous and prominent feature in this street scene. Due to its positioning and height it encloses this corner space, which was largely "green" and undeveloped in appearance, and in doing so has removed much of the space's value as a visual break within the street scene.

It is therefore considered that the proposed fence in its current form and location is an inappropriate development that has an unacceptable impact on the street scene, contrary to Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan, and advice within the Residential and Householder Development SPG. As such refusal and enforcement action are recommended.

SITE AND CONTEXT

The site is a three storey end of terrace dwelling within the settlement boundary for Llandough. It forms the corner of Summerland Close, Summerland Crescent and Pantycelyn Road.

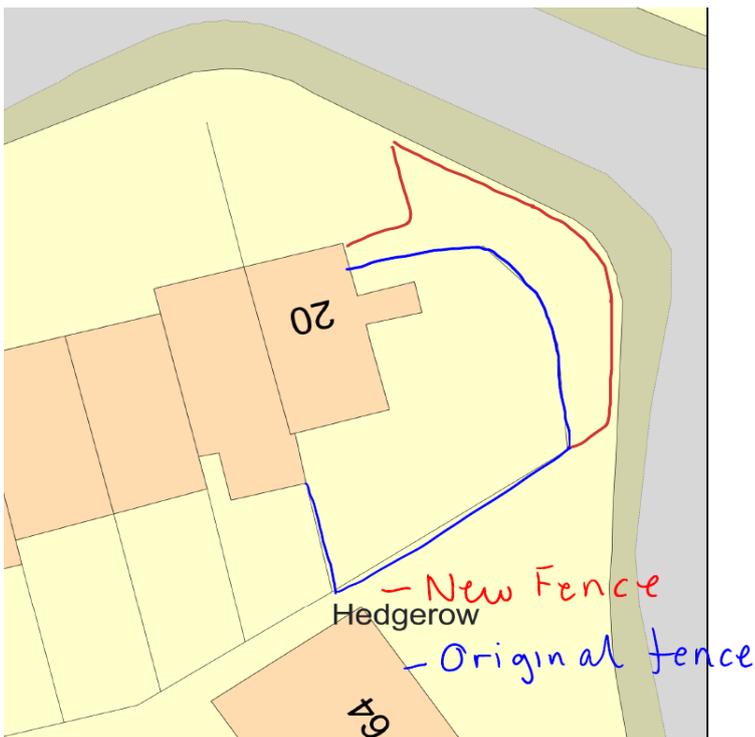
Location Plan:



DESCRIPTION OF DEVELOPMENT

Retrospective planning permission has been sought for an approximately 1.95 metre high close boarded fence that has been erected to the side of the property, where most of its length is adjacent to the adopted highway. The fence has replaced part of a fence that was set further into the boundary of the property than the current fence subject of this application (see below)

Location of fence:



Photographs of the Fence:





PLANNING HISTORY

None.

CONSULTATIONS

Llandough Community Council were consulted on 23rd March 2021. They responded on 31st March 2021 advising they object to the application on the ground of undesirable impact on the general environment of the area, the fence being out of character in this residential area, the height of the fence and that the fence is an unacceptable departure from the normal boundary demarcation arrangements elsewhere in the Dochdwy Road Estate. It is understood that there are trees and hedges within the curtilage of the site and this should be considered in assessing the planning application.

The Council's Highways Development Team were consulted on 23rd March 2021. They responded on 13th May 2021 advising that they have no objection to the proposal.

The Member for Llandough Ward was consulted on 23rd March 2021, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 23 March 2021.

A representation has been received from one neighbouring property objecting to the application. The comments are summarised as follows:

- The previous vegetation has been cleared;
- The fence is an eyesore;
- The fence restricts visibility at the junction with Pant y Celyn Road and impacts on highway safety.

One neighbour, who has not provided an address, has provided photographs of the dwelling prior to the erection of the fence:





REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

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.

Chapter 5 – The Regions

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Technical Advice Notes:

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

- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The key consideration in determining this application is its impact on the visual amenity of the area, in accordance with Policy MD2 (Design of New Development) and Policy MD5 (Development within Settlement Boundaries of the Local Development Plan).

The applicant considers that erecting the fence along the boundary addresses previous problems of vegetation encroaching on to the footway. He has advised that he cannot reduce the fence to 1 metre in height as he is concerned about security and his child having a safe garden area to play in.

It should be noted that the date of the above photographs submitted by a neighbour is unknown. The following view below of the site is from Google Street View (image date July 2012):



Below is a later photograph that was taken in March 2020 by the case officer in relation to another planning application nearby, which would have been shortly prior to the erection of the fence (a recent photograph is also added to illustrate the change to the street scene):



The above photographs provide an indication of the value that this landscaped corner had as a “visual break”, whereby it contributed to openness at the junction. That type of arrangement is commonly found on corner plots in housing developments of this age and is found on other corners in this residential estate.

By contrast, the photograph below taken from broadly the same location, shows the impact the 1.95 metre high close boarded fence has, particularly given its 21m length along the road frontage.



Paragraph 8.1.2 of the Council’s Residential and Householder Development Supplementary Planning Guidance states that new development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials and regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene.

While the applicant’s reasons for the erection of the fence are acknowledged and it is also acknowledged that there are other close boarded fences that front the public highway on this residential estate, the fence subject of this planning application is a lengthy expanse of high fence on a prominent corner. The part that is immediately adjacent to the highway is approximately 21 metres in length.

The erection of this length of fence along the boundary of the site immediately adjacent to the highway has resulted in a visually insensitive and incongruous, prominent feature in this street scene. Due to its positioning and height it encloses this corner space, which was largely “green” and undeveloped in appearance, and in doing so has removed much of the space’s value as a visual break within the street scene.

It is therefore considered that the proposed fence in its current form and location is an inappropriate development that has an unacceptable impact on the appearance and character of the street scene, contrary to Policies MD2 (criterion 1) (Design of New Development) and MD5 (criterion 3) (Development within Settlement Boundaries) of the Local Development Plan, and advice under Paragraph 8.1.2 of the Residential and Householder Development SPG. It is not considered that painting or staining the fence would mitigate its impacts. As such refusal and enforcement action are recommended.

The applicant has been offered the opportunity to alter the fence by reducing it in height (to a point where it could be permitted development (1m in height where it fronts the highway) or setting it back further into the site but has not come forward with a proposal to do this at the time of writing this report.

The recommendation to refuse the application is also considered to follow paragraph 3.16 of Planning Policy Wales, which advises that where developments are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design, they should be rejected. Similarly, paragraph 6.16 of Technical Advice Note 12: Design advises that developments that do not follow the objectives of good design should not be accepted.

Other Issues

The fence is not considered to significantly impact on neighbour amenity.

In respect of highway safety concerns, as raised by one of the neighbours, the fence is set behind the footway and is not considered to obstruct visibility for highway users. It is noted that the Council's Highways Development Team has not raised any objections on this ground.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

REASON FOR RECOMMENDATION

The decision to recommend refusal of 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.

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

1. That planning permission for the works as described in the application be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the fence and resulting materials from the land or reduction of the fence to a height of not more than 1 metre above ground level where it is located adjacent to the highway.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REFUSE (W.R.)

REASON FOR REFUSAL

1. The fence, by virtue of its height, length and positioning immediately adjacent to the highway, is a prominent and visually incongruous feature in the street scene that crudely encloses the space to the side of no. 20 Summerland Close and in doing so erodes the value of that corner space contributed to the openness and amenity of the street scene. This is considered to have an unacceptable impact on the visual amenity of the area and is contrary to Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).

REASONS FOR ISSUING ENFORCEMENT NOTICE

1. It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.
2. The fence, by virtue of its height, length and positioning immediately adjacent to the highway, is a prominent and visually incongruous feature in the street scene that crudely encloses the space to the side of no. 20 Summerland Close and in doing so erodes the

value of that corner space contributed to the openness and amenity of the street scene. This is considered to have an unacceptable impact on the visual amenity of the area and is contrary to Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).

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

2021/00012/FUL

NATIONAL GRID PLAN © ST1672 SECTION A
COUNTY OF SOUTH GLAMORGAN
VALE OF GLAMORGAN DISTRICT Scale 1/1250
Enlarged from 1/2500



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