

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 23 NOVEMBER, 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

Decision Codes:

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

(a) Building Regulation Applications - Pass

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

2020/0268/BN	A W	Basement flat, 100, Kingsland Crescent, Barry	Extension to existing bedroom to rear/side of property
2021/0566/BN	A	9, Whitcliffe Drive, Penarth. CF64 5RY	Single storey rear extension, two storey side extension with loft conversion across complete front of house
2022/0005/RV	A	Copperfield, Llancarfan, CF62 3AG	Bungalow renovation, new dormer roof- loft conversion, single storey extension, new doors and windows (Reversion from AI - structural work and roof coverings only signed off by Celtech)
2022/0026/PO	AC	Yr Aelwyn Upper, Upper Vaynor Road, Cefn Coed, Merthyr Tydfil, CF48 2HF	Single storey extension and 2 no. Juliette balconies to the front, front canopy, 2 no. first floor bay windows to the rear and other external alterations.
2022/0120/BN	A	12, Nailsea Court, Sully, CF64 5SQ	Porch under 10sqm, including wc

2022/0124/BN	A W	4, Grassmere Close, Llandough, CF64 2PT	Rear two storey extension
2022/0441/BN	A	151, Woodlands Road, Barry, CF62 8ED	Proposed small single storey extension to rear of existing domestic dwelling (less than 10m2)
2022/0571/BN	A	Jalna, St. Nicholas. CF5 6SJ	Loft conversion with dormer roof extension
2022/0642/BN	A	2, Royal Close, Penarth. CF64 1NJ	Conversion of existing garage to habitable room
2022/0647/BN	A	The Paddocks, Ystradowen. CF71 7TA	Proposed integral garage, ground floor family room and first floor bedroom extension
2022/0665/BN	A	5, Ham Lane South, Llantwit Major. CF61 1RP	Single storey first floor extension
2022/0667/BN	A	226, Holton Road, Barry, CF63 4HS	Re-roof to outbuilding
2022/0672/BR	AC	37C and D, Broad Street, Barry, CF62 7AD	Converting two flats into one
2022/0676/BN	A	63, Westbourne Road, Penarth. CF64 3HD	Extension and internal alterations
2022/0677/BN	A	Sunnyside, 246, Gladstone Road, Barry, CF62 8NG	Single storey extension
2022/0678/BN	A	12, Rhodfa'r Gwagenni, Barry, CF63 4AT	Internal alterations to open up ground floor
2022/0679/BN	A	The Grange, 61, Colcot Road, Barry, CF62 8HL	Renewal of existing balcony beam
2022/0683/BN	A W	23, Byrd Crescent, Penarth, CF64 3QU	Two storey rear extension and loft conversion with rear dormer
2022/0684/BN	A	Pump House, Llysworney, Cowbridge, CF71 7NQ	Demolition of garage and utility room. Construction of two storey extension and new opening to rear elevation.
2022/0685/BN	A	Broad Leaves, Welsh St Donats, Cowbridge, CF71 7SS	Recovering of existing roof, changing from composite slate to Euroclad steel sheet roof covering.

2022/0686/BN	A	11, Min y Mor, Barry, CF62 6QG	Replace a window with a French door in two separate bedrooms
2022/0687/BN	A	48, Westbourne Road, Penarth, CF64 3HF	Replacement of 32 windows for UPVC double glazed windows
2022/0688/BR	AC	To Hesg, Colhugh Street, Llantwit Major, CF61 1RF	Single storey rear extension including utility, dining and kitchen. Single storey side extension including en-suite and store. First floor extension forming bedroom and bathroom. Associated works
2022/0689/BR	AC	3, Picton Court, Llantwit Major, CF61 2XP	Kitchen renovation and two storey extension
2022/0690/BR	AC	7, St Pauls Avenue, Barry, CF64 3PQ	Change of use from existing dwellinghouse into a young persons social care home.
2022/0691/BR	AC	Doghill Farm, Dyffryn, CF5 6SU	Construction of 3 bedroom detached house
2022/0692/BN	A	Ochiltree, St Hilary, Cowbridge, CF71 7DP	Knock through
2022/0693/BN	A	19, Channel Close, Rhoose, CF62 3EH	Knock through
2022/0695/BR	AC	24, Plassey Street, Penarth, CF64 1EJ	Single storey extension to the rear and side of the property
2022/0696/BR	AC	18, Greenway Close, Llandough, Penarth, CF64 2LZ	New three bedroom dormer bungalow
2022/0697/BR	AC	24, Plassey Street, Penarth, CF64 1EJ	Bungalow annexe to the rear of the property
2022/0698/BN	A	8, Rhodfar Hurricane, St Athan, CF62 4HP	Sun lounge with a warm roof
2022/0699/BN	A	13, White House, Barry, CF62 6FB	New windows (less than 20)

2022/0700/BN	A	9, White House, Barry, CF62 6FB	New windows (less than 20)
2022/0701/BN	A	24, Westbourne Road, Penarth, CF64 3HE	Single storey rear extension with associated works
2022/0702/BN	A	98, Phyllis Street, Barry, CF62 5UT	New windows
2022/0703/BR	AC	39, Westward Rise, Barry, CF62 6PN	Single storey rear extension and conversion of garage to ancillary habitable space
2022/0704/BN	A	15, Whitcliffe Drive, Penarth, CF64 5RY	Two storey extension and refurbishment
2022/0705/BN	A	22, Maes-y-cwm Street, Barry, CF63 4EH	Knock through
2022/0707/BN	A	2, Cog Road, Sully. CF64 5TD	2 rooms into one, removal of kitchen / diner wall. installations of steels
2022/0708/BN	A	37, Cawnpore Street, Penarth. CF64 2JU	Take down and reinstate with cavity block work rear gable end plus window
2022/0709/BN	A	25, Countess Place, Penarth. CF64 3UJ	Loft conversion with dormer
2022/0710/BN	A	The Amble, Church Close, Ogmore By Sea. CF32 0PZ	Cut and prepare through floor aperture for Stannah lift
2022/0711/BN	A	9, Goldsland Walk, Wenvoe. CF5 6FD	Conversion of existing integral garage into living space
2022/0712/BN	A	The Old Manse, St Nicholas. CF5 6SJ	Renovation, with single storey extension at the rear and two storey side extension
2022/0713/BN	A W	3, Nash View, Pentre Meyrick, Cowbridge. CF71 7RP	Rear single storey extension
2022/0714/BR	AC	54, Cog Road, Sully. CF64 5TE	Construction of two new 4 bedroom houses. Identical in design with one handed from the other

2022/0715/BN	A	14, Regency Close, Llantwit Major, CF61 2XW	Installation of a solid fuel appliance
2022/0716/BN	A W	8, Pontypridd Road, Barry. CF62 7LR	Demolition of existing part brick / part upvc conservatory and replace with timber frame, insulated construction side extension
2022/0717/BN	A	4, Daniel Street, Barry, CF63 1QX	Rear dormer loft conversion
2022/0718/BN	A	Top Floor Flat, 4, Park Road, Penarth, CF64 3BD	Replacement stairs, addition of platform lift, ground floor extension and top floor extension
2022/0719/BN	A	The Stone House, Dyffryn, CF5 6SU	Two storey extension
2022/0720/BN	A	61, Laleston Close, Barry. CF63 1TZ	Installation of through floor disabled access lift
2022/0721/BN	A W	45, The Verlands, Cowbridge. CF71 7BY	Single storey rear extension and part garage conversion to create utility room
2022/0722/BR	AC	Dan Y Graig, Graig Penllyn. CF71 7RT	3 new build houses
2022/0723/BR	AC	85A, Fontygary Road, Rhoose. CF62 3DT	Proposed demolition of garage with two storey side extension
2022/0724/BN	A W	Greenway Farm, Bonvilston, CF5 6TR	Conversion of barn to form granny annexe
2022/0725/BN	A	Double Cottage, Coldbrook Road West, Barry. CF63 1LF	Single storey side and rear extension and alteration works
2022/0728/BN	A	24, Adenfield Way, Fontygary, Rhoose, CF62 3EA	Replacement of 5 No. windows and 2 No. doors
2022/0729/BN	A	2, Boverton Brook, Llantwit Major. CF61 1YG	Single storey side extension
2022/0730/BN	A	Samreboi, 30, Cog Road, Sully, CF64 5TD	Installation of GF ensuite and loft conversion with dormers

2022/0731/BN	A	53, Plymouth Road, Penarth, CF64 3DD	Single storey flat roof kitchen extension
2022/0733/BR	AC	6, Nash View, Pentre Meyrick, Cowbridge. CF71 7RP	Double story extension to existing semi-detached house
2022/0736/BN	A W	36, West Walk, Barry. CF62 8BY	Removal of existing garage, addition of two storey side and rear extension with a single storey front and rear extension and associated alterations
2022/0739/BN	A	11, Tewdrig Close, Llantwit Major. CF61 1SZ	Single storey side extension, garage conversion and change flat roof on porch and garage to pitched roof
2022/0741/BN	A	1, Maes Lloi, Aberthin, Cowbridge, CF71 7HA	Detached garage conversion
2022/0742/BN	A	52, Porthkerry Road, Barry. CF62 7ER	Installation of log burning stove
2022/0743/BN	A	Mews Cottage, Marine Parade, Penarth. CF64 3BG	The coach house will be renovated to create usable rooms at the lower level, which will be a kitchen, hallway, living room. Presently the stairs are external and these will be removed and internal stairs fitted. a small porch extension will be built and a conservatory added to the side. The kitchen and living room currently upstairs will be converted into bedrooms. The ceiling space will have new insulation and re roofed.
2022/0744/BN	A	196, Lavernock Road, Penarth. CF64 5UP	Single storey extension
2022/0745/BR	AC	Land at Hensol Castle Park, Hensol, CF72 8JX (land opposite Sail Newydd)	Construction of 10 dwellings

(b) Building Regulation Applications - Reject

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

2022/0694/BN	R	23, Duffryn Crescent, Peterston Super Ely, CF5 6NF	Installation of replacement windows. New window openings on front and rear elevation.
2022/0726/BN	R	66, Heol Collen, Culverhouse Cross, Cardiff, CF5 5TX	Create a doorway between our hallway and the integral garage.
2022/0732/BN	R	24, Birch Lane, Penarth. CF64 5BY	Garage conversion

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

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

2022/0161/AI	C	CANCELLED The Stone House, Dyffryn. CF5 6SU	CANCELLED Two storey side extension, single storey front extension, internal alterations and refurbishment and roof re configuration to existing rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0162/AI	A	8, Glebeland Place, St Athan, CF62 4PQ	Single storey extension
2022/0163/AI	A	32, Heol Y Fro, Llantwit Major, CF61 2SA	Replacement of existing conservatory roof with a Warm Roof System
2022/0164/AI	A	18, Heol Sant Bridget, St Brides Major, CF32 0SL	Two storey extension to side with single storey extension to rear
2022/0165/AI	A	8, Goldsland Walk, Wenvoe, CF5 6FD	Loft conversion
2022/0166/AI	A	27, Cae Gwyn, Penarth, CF64 3JY	Loft conversion including 2 side apex dormers and associated works

2022/0167/AI	A	Cardiff International Airport, Rhoose, CF62 3BD	Next Generation Security Checkpoint Project, inc MandE
2022/0168/AI	A	27, Tair Onen, St Hilary, Cowbridge, CF71 7UA	Two storey side extension, single storey rear extension and internal structural alterations
2022/0169/AI	A	1, Sunnycroft Lane, Dinas Powys, CF64 4QQ	Structural opening
2022/0170/AI	A	3, Wye Close, Barry, CF62 7TF	Single storey side extension
2022/0171/AI	A	27, Cambridge Street, Barry. CF62 6PJ	Dormer loft conversion hip to gable end and associated works
2022/0172/AI	A	6, Llanmead Gardens, Rhoose. CF62 3HX	Dormer loft conversion and associated works
2022/0173/AI	A	Cottrell Park, Bonvilston. CF5 6TR	55 no. new residential dwellings
2022/0174/AI	A	Whitton Lodge, Walterston, CF62 3AS	Upgrade of bathroom, installation of Velux window and vaulting of existing ceiling with associated works
2022/0175/AI	A	1, Castell Bach Cottages, Pendoylan Road, Clawdd Coch. CF71 7UP	Loft conversion and associated works
2022/0176/AI	A	50, Baruc Way, Barry. CF62 5AX	Loft conversion to create a habitable room and ensuite at second floor level (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0177/AI	A	17, Countess Place, Penarth. CF64 3UJ	Dormer loft conversion with hip to gable end, install a new bathroom at first floor level, small side extension, remodelling of the ground floor with some structural walls removed to create part open plan kitchen, dining and living space and associated works

2022/0178/AI	A	Franklyn Farm, Llandow. CF71 7PX	Dwelling refurbishment including new roof, internal alterations, dormer window and single storey infill extension
2022/0179/AI	A	43, Ceri Avenue, Rhoose. CF62 3HG	Loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0180/AI	A	1, Upper Cosmeston Farm, Penarth, CF64 5UB	Replacement conservatory roof to warm roof
2022/0181/AI	A	35, High Street, Cowbridge, CF71 7AE	Refurbishment of front shop area of building to existing retail unit
2022/0182/AI	A	5, Hawthorne Road, Barry. CF62 6LE	Rear single storey extension and two storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0183/AI	A	3, South View, Boverton, Llantwit Major, CF61 2AW	Structural opening to rear
2022/0184/AI	A	Barry Leisure Centre, Greenwood Street, Barry, CF63 4JJ	Internal alterations to existing leisure centre - removal of non load bearing partitions in fitness suite to create new open plan functional training area and access control system. Along with alterations to squash court to create new spin studio, with associate hvac system installation.
2022/0185/AI	A	Penarth Leisure Centre, Andrew Road, Cogan, Penarth, CF64 2NS	Internal alterations to existing leisure centre fitness suite - removal of access ramp, enlarge existing structural opening, and relocation of existing plant room walls. Alterations to existing studio to form new spin studio.

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PLANNING COMMITTEE : **23 NOVEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

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

Decision Codes

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

2014/00228/4/C D	A	Renishaw Plc., Miskin Business Park, Miskin	Discharge of Condition 33 (Job strategy). Planning approval 2014/00228/EAO - Outline planning permission with all matters reserved except for access, for development comprising class B1, B2 and B8 uses; a hotel / residential training centre (class C1/C2); and ancillary uses within class A1, A2, A3; associated engineering and ground modelling works and infrastructure, car parking, drainage and access for all
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			uses; provision of infrastructure (including energy centre(s)); landscaping and all ancillary enabling works at Land south of Junction 34, M4, Hensol
2017/01171/2/N MA	A	13, Maillards Haven, Penarth	Non Material Amendment to replace dormer window as approved to front elevation with 3 No. Velux conservation rooflights - Planning Permission 2017/01171/FUL - Proposed ground floor extension to form sun room
2017/01354/1/C D	A	Tyr Mynydd Farmhouse, Ty Mynydd Lane, Welsh St. Donats	Discharge of Conditions 3 - Materials Details, 4 - Details / Additional Details, 5 - Landscaping Scheme, 7 - Means of Enclosure, 10 - Lighting strategy, 13 - Archaeology and 14 - Foul and Surface Water Drainage. Planning Approval 2017/01354/FUL - Proposed restoration of existing farmhouse (County Treasure) for use as self-catering holiday accommodation
2019/00603/10/C D	A	Land at Hayes Road, Barry	Discharge of Conditions 12 (Contamination 3) and 14 (Contamination 5). Planning approval 2019/00603/FUL - The proposed development of 23 affordable homes and associated works
2019/01062/4/C D	A	Castle Hotel, Jewel Street, Barry	Discharge of Conditions 11 (Biodiversity), 14 (Travel Plan), 16 (Building Recording) and 17 (Affordable Housing). Planning approval 2019/01062/FUL -

			Demolition of existing outbuildings and single storey side extension; the refurbishment, reconfiguration and re-use of the existing public house (Use Class A3)/community facility; the provision of 14 no. affordable apartments (Use Class C3) through change of use and a new build 2-storey side extension; together with the repositioning and widening of the existing vehicular access to car parking spaces, new paving to beer garden and play area, bin store, cycle store, ancillary works and uses
2020/01260/FUL	R	Cymle, The Rhiw, Craig Penllyn	Proposed new Eco dwelling adjacent to existing property (Cymle) in conjunction with improvements to access and parking provision for both new and existing dwellings (subject to separate application)
2020/01406/1/N MA	A	Cradley, Swanbridge Road, Sully	Non Material Amendment - Revisions to original approval to include: reduction in extension depth adjacent adjoining property, relocation of the porch, inclusion of balcony screens and addition of a rooflight. Planning approval 2020/01406/FUL - Two storey side and rear extension with balcony to rear. Proposed coach house (to provide work at home space).

2021/00379/2/C D	A	Land to the West of Ffordd y Mileniwm, Barry	Discharge of Conditions 6 (Ecology Enhancements) and 10 (Levels). Planning approval 2021/00379/FUL - The construction of a new primary school, access, car parking, landscaping and associated works
2021/00379/2/N MA	A	Land to the west of Ffordd y Mileniwm, Barry - Barry Waterfront School	Non Material Amendment - Amend condition 2 (approved plans) to accommodate changes to the site plan and roof plan. With regard to the site plan changes include; Footpath removal to football pitches; Air Source Heat Pump slab with 1.8m solid fence proposed adjacent to the MUGA; Reconfiguration to bin store/ cycle store; Permeable paving to car park spaces to accommodate the SAB scheme; Rain garden on roundabout to accommodate the SAB scheme. With regards to the roof plan, changes include; PVs relocated; and Removal of one rooflight and repositioning of remaining three rooflights. Planning approval 2021/00379/FUL - The construction of a new primary school, access, car parking, landscaping and associated works
2021/00869/1/N MA	A	22, Coed Bach, Barry	Change of brick to block work and render and take out one roof window proposed. Planning approval 2021/00869/FUL - Proposed single storey side extension to form a store and playroom / home working extension

2021/01158/1/N MA	A	85A, Fontygary Road, Rhoose	Non Material amendment - Omission of balcony, dormer and internal staircase to proposed side extension, with re- designation of rooms. Planning approval 2021/01158/FUL - Proposed two storey extension to side with rear balcony
2021/01444/1/C D	A	Colcot Health Clinic, Winston Road, Barry	Demolition of existing clinic building and construction of 100% affordable flatted development consisting of 12 one-bedroom units including associated works
2021/01444/2/C D	A	Colcot Health Clinic, Winston Road, Barry	Discharge of Condition 4 CEMP Planning Permission Ref: 2021/01444/RG3 Demolition of existing clinic building and construction of 100% affordable flatted development consisting of 12 one-bedroom units including associated works
2021/01644/FUL	A	Land East of Tynycae Cottage and North of Sunnyside, Station Road, Peterson Super Ely	Proposed development of a private horse stables and manege utilising the existing access
2021/01799/1/C D	A	Espex Batteries Limited, Unit 15, Atlantic Trading Estate, Barry	Discharge of Condition 3 (PC13. Ground Gas Protection). Planning approval 2021/01799/FUL - Erection of a storage building ancillary to existing industrial operations
2022/00087/FUL	A	14A, Greenwood Street, Barry	The erection of two semi detached, two storey three bedroom dwellings
2022/00152/FUL	A	Pwll Y Darren Farm, Whitefields Farm Lane,	Retrospective Planning Application for Vehicular

		Welsh St. Donats	Track created between "Site 3" and "Site 8" at Pwll y Darren Farm, Welsh St. Donats
2022/00212/FUL	A	Glebe Field Barn, Llandow	Two storey extension and entrance porch to existing converted barn dwelling, conversion of existing adjoining single storey barn and construction of a garage on the ground of a previous barn
2022/00278/1/N MA	A	Land at Dock Offices, Barry Docks, Barry	Non Material Amendment - Vary planning Condition 3 (Materials), Condition 6 (Lighting), Condition 7 (Landscaping) and Condition 9 (AIA). Planning approval 2022/00278/RG3 - Transport interchange to integrate bus and rail travel. The transport interchange will utilise the existing council ground level car park area to the east of the Docks offices, creating a circulatory route for buses and taxis, with a central landscaped area with seating, cycle stands and allowing for potential cycle hub / cafe unit and 'Next-bikes' in the future (this would be a separate planning application). The scheme will also have secure cycle lockers and future proof for electric vehicle charging of both buses and taxis. New bus shelters with interactive displays, and new LED lighting to current standards will also be installed

2022/00397/1/N MA	A	Land North of Holm View Leisure Centre, Barry	Non Material Amendment - Removal of Condition 10, relating to surface water drainage. Planning approval 2022/00397/RG3 - Phase Two of the residential development of 31 no. affordable housing units and associated works
2022/00502/FUL	A	Pantwilkin Stables, Llanquian Road, Aberthin	Agricultural building for sheep, fodder, farm machinery and equipment
2022/00506/FUL	A	13a-19, Station Road, Dinas Powys	Change of use of coffee shop to cafe to include new flue to kitchen form new corridor access, steps and enclosure to rear lower ground floor to include new fence and gates to separate application site- new pagoda seating
2022/00533/FUL	R	Kenilworth, Station Road, Llantwit Major	Proposed erection of two storey detached dwelling
2022/00551/LEG	A	Pantwilkin Stables, Llanquian Road, Aberthin	Discharge of all obligations within the Section 106 Agreement attached to planning permission 2012/01152/FUL (Dwelling house with treatment plant drainage and access, in connection with racing stables), with the effect of removing the requirement for the beneficial ownership of the house to be tied to the ownership of the remainder of Pantwilkin Stables.
2022/00640/FUL	A	90, Kingsland Crescent, Barry	Sub division of dwelling to form four self contained apartments and associated external alterations

2022/00641/FUL	A	8, Tan y Fron, Barry	Proposed first floor extension over existing and new single storey rear extension
2022/00703/FUL	R	Land to the rear of 2, Wine Street, Llantwit Major	Proposed 2 bedroom single storey detached dwelling in rear garden of existing house
2022/00708/1/C D	A	Natwest, 2, Plymouth Road, Penarth	Discharge of Condition 3 (Making good exposed areas). Planning approval 2022/00708/LBC - Closure of branch. Remove external marketing and make good where required; Remove ATMs, make good, and fill in the wall to match the existing facade / windows; Retain and cover up night safe; Retain and seal letterbox; Remove all marketing behind glazing. Removal of internal marketing units; Remove counters and internal ATM and self service machines
2022/00723/LBC	A	10, Windsor Lofts, Windsor Road, Penarth	Replace existing, damaged bay window structure to first floor. Works to include replacement of the roof and joinery. Replacement of window above the bay. Removal of partition wall
2022/00744/FUL	A	Land lying to the North of South Terrace, Southerndown	Conversion of existing outbuilding into studio
2022/00756/FUL	A	36, Plas Taliesin, Penarth	Two new windows to side and replace existing window with French doors and Juliet balcony
2022/00764/FUL	A	Court Newydd, St. Brides Major	Conversion and extension of cow shed into an annex

2022/00780/FUL	A	27, Baron Road, Penarth	Proposed single storey side and rear extension to form kitchen extension, games room, home office and utility room. Roof hip changed to gable with rear shed roof dormer to form bedroom with ensuite
2022/00805/FUL	A	University Hospital Llandough, Penlan Road, Llandough, Penarth	Erection of roof mounted solar arrays
2022/00828/FUL	A	31D, Holton Road, Barry	Proposed roof conversion to form additional bedroom with flat roof dormer to access lane elevation and additional window to Lombard Street elevation
2022/00833/FUL	A	56, Lewis Road, Llandough, Penarth	Proposed porch, 2 storey side extension and roof conversion with rear flat roof dormer
2022/00851/FUL	A	Red Gables, Sully Road, Penarth	Single storey extension to side and rear
2022/00853/FUL	A	204, Barry Road, Barry	Change of use of recently purchased Vale of Glamorgan Council land to residential garden use and to erect an appropriate fence along the boundary as per the agreed covenant
2022/00858/FUL	A	New House, St. Hilary	Alterations to garage at lower ground level and single storey extension to ground level to extend kitchen
2022/00860/FUL	A	27, Cae Gwyn, Penarth	Two side apex dormers
2022/00869/FUL	A	92, Plassey Street, Penarth	Proposed single storey rear side extension

2022/00871/FUL	A	28, Arno Road, Barry	First floor extension on top of the garage, loft conversion and porch addition to the front
2022/00873/FUL	A	Valeplus, 118A, High Street, Barry	Build a new classroom, new building placed where staff currently park their cars. Wooden structure 8m x 3.6m, Log lap with a 1m overhang and will be used as a workshop/pop up shop for our training sessions for adults with learning disabilities.
2022/00900/FUL	A	2 The Grove, Barry	Single storey rear lean to. Side extension. Finishes to match existing
2022/00911/FUL	A	32, Clos Yr Ysgol, Dinas Powys	Removal of existing glass box to rear of property. New single storey extension to rear. Existing garage remodelled internally - mezzanine level with Juliet balcony created. Canopy over and shed to right of property connecting to existing garage and proposed extension.
2022/00920/FUL	A	Maytime, Port Road, Wenvoe	Replace existing hedge with a rendered block wall 1.8m high
2022/00923/FUL	A	Former Pitch & Putt Retail Kiosk, Cliff Top, Penarth	Installation of an extraction system
2022/00925/FUL	A	University Hospital Llandough, Penlan Road, Llandough, Penarth	Vacuum Insulated Evaporator plant with associated security fencing and hardstanding

2022/00928/LBC	A	Nicells, Swanbridge Road, Sully	Ground floor replacement and UFH. Repairs to spiral stairs and bressummer beam. Removal of bread oven. Replace 1st floor joists and flooring. Replacing concrete block internal walls. Internal wall alteration to reinstate original entrance. Installing multi fuel stoves. Boundary wall alterations. Rebuilding chimney stack. Driveway bollards. Ventilation to roof. Ceiling finishes. Creation of shower room. Window sill repairs and replacement
2022/00929/FUL	A	Broadfields, Twyncyn, Dinas Powys	Enclosure of rear first floor balcony
2022/00930/FUL	A	6, St Marks Road, Penarth	Extension to front and side of existing garage to the side of main house
2022/00937/FUL	A	Murch Farm Manse, Wesley Court, Dinas Powys	Proposed amendments to car parking arrangements and associated works as approved by Application No. 2019/00524/FUL
2022/00939/FUL	A	1 - 30, Severn Avenue Flats, Seven Avenue, Barry	The proposed application of external wall insulation to 5 number blocks of flats
2022/00940/FUL	A	Glenfield, 32 Main Road, Ogmore By Sea	Basement and ground floor extensions to side and rear of property. Loft conversion with front and rear dormers. Alterations to fenestration, including Juliet balconies to rear. Associated internal and external alterations.
2022/00941/FUL	A	Beggars Pound, Bro Tathan East, St Athan	Demolition and alteration of structures.

2022/00953/FUL	A	30, Crawshay Drive, Boverton	New single storey side extension
2022/00954/FUL	A	Ty Fry Farm, Llandow	Increase the renewable energy provision for the property. Convert an existing cowshed into a plant room and home gym.
2022/00955/LBC	A	Ty Fry Farm, Llandow	Increase the renewable energy provision for the property. Convert an existing cowshed into a plant room and home gym.
2022/00956/FUL	A	22, Porthkerry Road, Rhoose	Proposed material and design changes to original approved planning application 2018/00858/FUL
2022/00957/FUL	A	Longlands Quarry, Corntown Road, Corntown, Bridgend	Variation of Condition 43 of Planning Approval 2019/00405/FUL to reference prior notification rather than prior grant of planning permission: Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture
2022/00965/FUL	A	19, Channel Close, Rhoose	Take down existing front porch and rear conservatory (upvc) and replace with new porch and rear extension with masonry structure and tiled roofs. Existing patio doors

			and window to ground floor front elevation to be replaced
2022/00968/FUL	A	259, Gladstone Road, Barry	Proposed single storey rear extension
2022/00972/FUL	A	12, Tair Gwaun, Penarth	Replace original and damaged UPVC white windows and blue doors with new UPVC anthracite grey windows and grey 12
2022/00976/FUL	A	Windways, 105 Main Road, Ogmore By Sea	P shape conservatory to front of property
2022/00980/RG3	A	Plassey House, Plassey Street, Penarth	Installation of External Wall Insulation to the external elevations
2022/00981/FUL	A	18, Lakeside, Barry	First floor side extension
2022/00982/FUL	A	The Mill, Peterston Super Ely	Alter existing front light wells to allow light to basement to be glazed over. Rear elevation to have 1 new additional window to first floor and existing lower ground floor windows, one to be enlarged another to form door opening
2022/00983/FUL	A	6, Perclose, Dinas Powys	Single storey rear extension. New entrance porch and revised fenestration to front elevation
2022/00986/FUL	A	Aycliffe, 17 Craven Walk, Penarth	Ground floor rear extension with internal re-model and entrance canopy, conversion of garage to office/gym and store
2022/00987/FUL	A	10, Murch Crescent, Dinas Powys	Two storey side extension and single storey rear extension

2022/01005/FUL	A	6, Cwrt Ty Mawr, Penarth	Ground floor single storey extension to rear to provide extended Kitchen and Utility room
2022/01009/FUL	A	34, High Street, Penarth	Single storey side/rear extension. Loft conversion complete with dormers and Juliet balcony
2022/01020/FUL	A	24, White House, Barry	Alterations to the lower level roof (simplified geometry and replacement roof lights) and removal of a column at the front of the covered parking area

Agenda Item No. _____

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **23 NOVEMBER 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2022/00790/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-02264-L2Q0G5
Appellant: Town & Country Advertising Limited
Location: Former Gas Works, North side of Cardiff Road, Barry
Proposal: Display of 2 no. illuminated signboards
Start Date: 25 October 2022

L.P.A. Reference No: 2021/01721/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02022-F1Z4R0
Appellant: Mr Damien Case
Location: Land adjacent to Station Terrace, Station Road East, Wenvoe
Proposal: Proposed construction of Berm house
Start Date: 1 November 2022

L.P.A. Reference No: 2022/00025/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02053-C9M7B0
Appellant: Valiant Pub Company Limited
Location: The Park Public House, Park Crescent, Barry
Proposal: Erection of a timber framed shelter in existing beer garden; installation of some fixed seating beneath shelter; construction of timber bin enclosure; forming of new door end gable
Start Date: 2 November 2022

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2021/00921/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-01670-Z0X1C2
Appellant: Dr Lara Welch
Location: Y Bont Faen Dental Surgery, 64C Eastgate, Cowbridge
Proposal: Appeal against Signs 1, 2 & 5 of planning permission 2021/00921/ADV
Decision: Appeal Dismissed
Date: 1 November 2022
Inspector: N Gulley
Council Determination: Delegated

Summary

Consent was granted for the display of signs 3 and 4 and refused for signs 1, 2 and 5. The main issue was therefore the impact proposed signs 1, 2 and 5 would have on the amenity of the appeal building and surrounding area.

The appeal site is within the boundaries of the settlement's designated Conservation Area, with the surrounding area characterised by a range of different commercial properties displaying a variety of fixed and free-standing signs. The development proposed the erection of a notice board (sign 1), a small double sided projecting sign (sign 2) and a double sided notice (sign 5).

Relevant policies of the LDP and guidance within Technical Advice Note 7: Outdoor Advertisement Control (1996) require that when assessing the impact of a proposal on visual amenity, consideration is given to the overall visual effect of the display upon the entire building and its surroundings. Furthermore, in conservation areas, special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.

The Inspector agreed that when viewed individually, each of the proposed signs was of an acceptable scale, design and siting. However, when viewed in conjunction with the approved signage, she considered that the number of signs, together with their siting, in visually prominent positions in the front elevation of the building, would result in a cluttered and discordant form of development that would fail to respect the modest scale of the appeal building. As such, the proposed signs would have a harmful effect on the visual qualities of the area surrounding the appeal building and would fail to preserve or enhance the character and appearance of the Conservation Area contrary to the objectives of Policies SP1, SP10, MD2, MD5, MD8 of the LDP and TAN 7.

It was therefore concluded that the proposed development would have an adverse impact on the appeal building, visual qualities of the area and fail to preserve or enhance the character and appearance of the Conservation Area and that the appeal should be dismissed.

LPA Reference No: 2021/01665/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01990-X9R8H5
Appellant: Mr S Howes
Location: Porthkerry House, Porthkerry
Proposal: Retention of pool house and enclosed terrace
Decision: Appeal Withdrawn
Date: 2 November 2022
Inspector: R Duggan
Council Determination: Committee

(d) Enforcement Appeal Decisions

LPA. 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 ("the Terrace") on the Land.
Decision: Appeal withdrawn
Date: 2 November 2022
Inspector: R Duggan
Council Determination: Committee

Note regarding Porthkerry House

Following the lodging of the above appeals against the Council's decision to refuse planning permission and issue an enforcement notice seeking the removal of the raised terrace due to its likely impact on the nearby Holm Oak, the landowner has agreed to remove the part of the raised terrace in proximity to the tree. The withdrawal of the appeal against the enforcement notice has resulted in the notice taking effect on 2nd November 2022 and the landowner is therefore required to demolish and remove the terrace and infill materials by 2nd January 2023. It is anticipated however that a further planning application will be submitted seeking the retention of the pool house and the part of the raised terrace which is not considered to adversely impact on the tree.

(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	8	5	13	2
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		8 (62%)	5 (38%)	13	2
Committee Determination		1	2	3	1
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	2	-	2	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		2 (100%)	-	2	1
All Appeals (excludes non validation appeals)	W	10	5	15	3
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		10 (67%)	5 (33%)	15	3

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 : **23 NOVEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2022/00499/TPO	A	Argoed, Llanmihangel Road, Llanblethian, Cowbridge	Work to Tree covered by Tree Preservation Order 1973, No. 7. : Removal of one Ash Tree
2022/00618/TPO	A	Cwrt Y Cadno, Llancarfan	TPO - No. 24, 1973-Total of six trees - three Ash and three Sycamore - Proposed Coppicing of five Ash and Sycamore trees, and the felling of one Sycamore
2022/00842/TPO	A	Penarth Conservative Club, 15, Stanwell Road, Penarth	Work to tree covered by Tree Preservation Order No.4 of 2013: Cut back Horse Chestnut Tree overhanging public highway
2022/00856/TPO	A	Mintfield, Burial Lane, Llantwit Major	Work to Trees covered by TPO No.3 of 1977: T1 - Ginko - Reduce crown, T2 - Sycamore - Reduce back to sound wood
2022/00961/TPO	R	78, Victoria Road, Penarth	Work to Tree(s) covered by Tree Preservation Order 1987, No. 3, Chestnut tree

			at front of property to be cut back due to growth and overhanging into 80, Victoria Road
2022/00974/TCA	A	3 Church Place South, Penarth	Work to Trees in Penarth Conservation Area: Pollarding of Ash tree with early Ash dieback to remove diseased timber
2022/00997/TCA	A	The Paddocks, Llanmaes	Work to Tree(s) in a Conservation Area: T1 - Bay tree trim by approx. 20%; T2 - Prunus - reduce height by approx.. 2 m (back to previous pruned height); T3 - Spindle - coppice; T4 - Horse Chestnut - lightly trim branches to allow light to disease resistant elm sapling growing underneath (see photo); T5 - Weeping Willow - pollard tree to previous pollard point (no reduction in height); T6 - Beech tree - trim branches adjacent to weeping willow to give T5 space. See tree plan 1
2022/01032/TCA	A	19, Clive Place, Penarth	Crown reduction and canopy lift of Copper Beech tree (<i>Fagus Sylvatica</i> 'Purpurea'). Tree location East boundary of front garden. Work undertaken in line with recommendations from tree survey (attached documentation).
2022/01052/TCA	A	9, St Augustine's Road, Penarth	Work to Tree(s) in Penarth Conservation Area: Prune self-seeded Hawthorne tree overhanging lane by 60cm all round and prune Conifer in back garden by 60cm all round

2022/01080/TCA A 54, Plymouth Road,
Penarth

Works to Trees in Penarth
Conservation Area: Fell
eight Leylandi conifers (10
feet) at rear of garden

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **23 NOVEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

A) LAND AND BUILDINGS AT 10, NEW BARN HOLDINGS, ST ATHAN ROAD, FLEMINGSTON

Background

1. This report relates to the change of use of land to the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use on land at 10 St Athan Road, marked red on the plan below.



Details of the Breach

2. 10 Newbarn Holdings is a semi-detached dwelling located to the south-west of St Athan Road. In 2001, the dwelling, its outbuildings and associated paraphernalia were confined to the lawful curtilage which was tight to the rear and side elevations of the dwelling. In June 2007, the surrounding land to the south-west and south-east was acquired and the boundary feature demarcating the lawful residential use removed. There is no planning history associated with this land and it is therefore considered that its lawful use would be for agriculture. In 2006, various items were stored tight to the residential curtilage within the adjacent land before it was acquired. Items were then moved slightly further into the site in 2007. In 2009, the items that

appeared to comprise cars were stored in the same position as the items in 2006. In 2013, the area of land noted above was not used for storage, instead, 3-4 vehicles were stored across the wider site. In 2016, a large number of vehicles, vehicle parts, trailers and various other items were being stored both within the lawful curtilage and the surrounding land. From 2016, the use of the land for the storage of such items has intensified significantly and now includes number a of storage containers, caravans, structures and some waste building material.

3. In view of the above, no part of the site has continuously been used for storage purposes in excess of 10 years and therefore the use of the land for storage has not become lawful through the passage of time.
4. The use of the former agricultural land for the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use, results in a material change of use of the land that requires planning consent.
5. Photos of the site are shown below.



6. Aerial photos of the site are shown below with the site marked red.

July 2021

March 2022



7. The land, excluding the lawful curtilage amount to approximately 3,000sqm.

Action Pursued to Date

8. An initial site visit was undertaken on 7th April 2021. Initial correspondence to the owner, dated 8th April 2021 focused on an unauthorised outbuilding and the change of use of the land. Following a call from the owner, informal negotiations were then entered into and three months were provided to allow the site to be cleared of vehicles, scrap and other waste items. Following this, a further site visit was undertaken on 13th August 2021 where it was noted that the actions required had not been undertaken. The owner was advised formal action was to be pursued. Further site visits revealed little to no action had been taken to remedy the breach confirming formal action is necessary.

Planning History

9. N/A

Planning Legislation

10. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:
- (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

- (4) Those purposes are -
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
- (5) An enforcement notice may, for example, require -
 - (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;

Policy

Local Development Plan:

11. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017. The plan identifies the site as being within the countryside. Applicable policies include:

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT states development should have no unacceptable impact on the countryside. Its supporting text notes among other things that development is to be carefully managed ensuring that it does not have an unacceptable impact on local amenity.

POLICY MD2 – DESIGN OF NEW DEVELOPMENT states development should be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of landscape interest. It further states that development should respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type and form.

POLICY MD7 – ENVIRONMENTAL PROTECTION states development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from either pollution of land, surface water, ground water, land contamination and hazardous substances.

Planning Policy Wales:

12. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
13. 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.

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

15. Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Paragraph 3.3. states design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. It further states design must include how space is used and its relationship with the surrounding area.

- Development in the Countryside (including new housing)

Paragraph 3.60 states among other things that development in the countryside should within and adjoining those settlements where it can be best accommodated in terms of landscape conservation. It further states all new development should be of a scale and design that respects the character of the surrounding area.

16. Chapter 6 – Distinctive and Natural Places

- Landscape

Paragraph 6.3.3 states all the landscapes of Wales are value for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places.

Future Wales: The National Plan 2040:

17. This is the national development plan for Wales and is of relevance to the consideration of pursuing enforcement action in this case. 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.

Welsh National Marine Plane:

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

Other relevant evidence or policy guidance:

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

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

20. The use of the land for the open-air storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use is visually akin to an industrial site. Both the use and appearance of the site do not reflect the countryside setting of the site's locality, fails to preserve or positively contribute to the character of the surrounding area and are detrimental to the countryside location, resulting in an unacceptable visual intrusion into the open countryside. Furthermore, the site is readily visible from the adjoining neighbouring property and is therefore detrimental to the visual amenities and outlook of that property.
21. The items stored on site, namely the boat, vehicles and vehicle components, likely contain an array of substances, such as petrol, diesel, oil, grease, washer fluid etc. Vehicle components, such as engines, frames, wheels are stored in the open. Many vehicles are missing external bodyworks, such as bonnets, or the bonnets are left open. Therefore, many of the components that hold or utilise these substances are open to the elements. It is therefore not unreasonable to expect that such substances, especially during periods of wet weather, are incrementally washed from the components and onto the ground. Furthermore, components which hold such substances are likely to rust and leak such substances onto the ground. The nature of which the items are stored is therefore considered likely to result in an unacceptable impact on the natural environment from land contamination and the pollution of surface water.
22. For the reasons noted above, the development is contrary to Policies MD1, MD2 and MD7 of the Vale of Glamorgan Local Development Plan 2011-2026 and does not conform with the aims of PPW.

Conclusions

23. The use of land for the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items, along with the construction of structures associated with the unauthorised use constitutes a breach of planning control. The development is contrary to Policies MD1, MD2 and MD7 of the Vale of Glamorgan Local Development Plan 2011-2026 and the aims of PPW 11. For this reason, it is expedient to pursue enforcement action.

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

Resource Implications (Financial and Employment)

25. 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)

26. 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).
27. 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)

28. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The cessation of the use of the Land for the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other items.
 - (ii) The removal of the containers, vehicles, caravans, trailers, vehicle parts, building material, windows, fence panels and posts and other stored items along with the associated structures and any resultant debris from the Land in their entirety.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting the change of use of the land to the storage of construction items and waste, plant/machinery, the siting of a pre-fabricated container and other associated structures has commenced within the last 10 years and the construction of unauthorised structures within the last 4 years.

- (2) The use of the land for the open-air storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use is visually akin to an industrial site. Both the use and appearance of the site does not reflect the countryside setting of the site's locality, fails to preserve or positively contribute to the character of the surrounding area and are detrimental to the countryside location, resulting in an unacceptable visual intrusion into the open countryside. Furthermore, the site is readily visible from the adjoining neighbouring property and is therefore detrimental to the visual amenities of that property. For these reasons, the development is considered to be contrary to Policies MD1 and MD2 of the Vale of Glamorgan Local Development Plan 2011-2026 and does not conform with the aims of PPW.
- (3) The items stored on site, namely the boat, vehicles and vehicle components, likely contain an array of substances, such as petrol, diesel, oil, grease, washer fluid etc. Vehicle components, such engines, frames, wheels are stored in the open. Many vehicles are missing external bodyworks, such as bonnets, or the bonnets are left open. Therefore, many of the components that hold or utilise these substances are open to the elements. It is therefore not unreasonable to expect that such substances, especially during periods of wet weather, are incrementally washed from the components and onto the ground. Furthermore, components which hold such substances are likely to rust and leak such substances onto the ground. The nature of which the items are stored is therefore considered likely to result in an unacceptable impact on the natural environment from land contamination and the pollution of surface water.
- (4) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

THE VALE OF GLAMORGAN COUNCIL

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

B) LAND AT FIELD ACCESS TO THE WEST OF VILLAGE FARM HOUSE,
COLWINSTON

Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (“the Act”) in respect of the unauthorised demolition of a wall and stile. The principal issue is considered to be the effect of the works on the character and appearance of the Colwinston Conservation Area.
2. The report recommends that an Enforcement Notice is issued requiring the reinstatement of the wall and stile. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

3. This report relates to the unauthorised demolition of a wall at the Field Access to the west of Village Farm House, Colwinston
4. The site is located within the Colwinston Conservation Area and forms a field access from the road that runs through Colwinston. The land is bound by residential properties to both sides.
5. The site plan (Figure 1) and extract from the Conservation Area Appraisal and Management Plan (Figure 2) below show the context of the site.
6. In Figure 1, the blue line is the conservation area boundary and the wall subject of this report is shown in red. In Figure 2, the field access is identified as being at the entrance to a significant open space (yellow) with a significant view south towards an oak tree.



Figure 1: The location of the Land



Figure 2: Extract from the Colwinston Conservation Area Appraisal and Management Plan

7. Photographs taken whilst the Conservation Area Appraisal and Management Plan was being developed are shown in Figures 3 and 4 below.



Figure 3: Photograph of the wall and stile in May 2008



Figure 4: Photograph of the wall and stile in May 2008.

Details of the Breach

8. Following an initial site inspection it was noted that partial demolition had occurred. For the purposes of the Act partial demolition is considered to be an 'alteration' and does not require conservation area consent.
9. Further works were carried out resulting in the demolition of the fabric of the wall, gate and stile, exceeding 1m in height.
10. Section 74 of the Act requires an application for Conservation Area Consent to demolish a building within a Conservation Area.
11. Section 74(3) of the Act brings other sections of the Act relating to listed buildings into effect in relation to buildings in conservation areas.

Action Pursued to Date

12. The land owner has been advised that conservation area consent was required for the demolition of the wall but that an application was unlikely to be considered acceptable. It was also advised that if the wall and stile were reinstated, no enforcement action would be required, however it was confirmed that if this was not achieved within an agreed timescale, the Council would secure authorisation to issue a formal notice to secure their reinstatement.
13. To date no application has been submitted and no agreement has been reached with the landowner to reinstate the wall and stile.

Planning History

14. There is no planning history relevant to the site.

Policy

Local Development Plan:

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

Strategic Policies:

POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Development Policies:

POLICY MD8 - HISTORIC ENVIRONMENT

Planning Policy Wales:

16. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.
17. 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.
18. The following chapters and sections are of particular relevance in the assessment of this planning application:
19. 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)
20. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places
 - Placemaking in Rural Areas
21. Chapter 6 - Distinctive and Natural Places
 - Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

22. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 12 – Design (2016)
 - Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

23. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
 - Conservation Areas in the Rural Vale
 - Colwinston Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well Being of Future Generations (Wales) Act 2015:

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

Reasons for Serving an Enforcement Notice

24. Walls constructed of local Liassic limestone contribute to the special character and appearance of the Colwinston Conservation Area. In this instance the vernacular stile adds to the significance of the wall.
25. The demolition of the wall and stile has caused harm to the special interest of the conservation area and by failing to preserve or enhance the character or appearance of the Colwinston Conservation Area, the works are in conflict the Council’s duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies SP10 and MD8 of the Adopted Local Development Plan 2011-2026, as well as with guidance contained within Planning Policy Wales, TAN12 and TAN24.
26. 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.



27. When considering if it is expedient to take action against this breach of planning control, the main issues to consider is the statutory duty to pay special regard to the preservation or enhancement of the character or appearance of the conservation area.

28. The Colwinston Conservation Area Appraisal and Management Plan notes:

“Stone walls are one of the defining features of the area. The importance of the stone wall around the churchyard is recognised through its grade II listed status but other stone boundary walls, especially on the roadside, are equally important in maintaining historic character and appearance.”

Furthermore, the following extract from the management plan is of relevance:

Protection and Repair of Stone Wall

Traditionally, most boundaries in the Conservation Area are defined by limestone rubble walls. There is a small loss of these walls where routine maintenance and rebuilding of fallen sections has been neglected. Stone boundary walls, hedges and railings which enhance the character of the Conservation Area should be retained.

Recommendation:

The Council will seek to resist proposals to remove or significantly alter traditional boundary walls or for new boundary treatments which fail to respect the form and materials of traditional boundary treatments in the area. The Council will seek to secure the maintenance and repair of traditional stone walls.

Conclusions

29. The demolition of the wall and stile represents unjustified and unacceptable works which fail to preserve or enhance the character or appearance of the Colwinston Conservation Area.

30. This is in conflict with the statutory duty to preserve or enhance the character and appearance of the conservation area, and Policies SP10 and MD8 of the Adopted Local Development Plan 2011-2026 as well as with guidance contained within Planning Policy Wales, TAN12 and TAN24.

31. In view of the issues identified above, it is considered expedient to pursue action and serve a conservation area enforcement notice to reinstate the wall.

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

Resource Implications (Financial and Employment)

33. Costs involved in monitoring sites, undertaking investigations and progressing action can be met from within the departmental budget. There are no employment implications.

Legal Implications (to include Human Rights Implications)

34. If an Enforcement Notice is served, the recipient has a right of appeal under Section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
35. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Right Act.

Equal Opportunities Implications (to include Welsh Language Issues)

36. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to require:
 - (i) The reinstatement of the wall and stile to the field access to the same design and dimensions and in the same materials as shown in photographs of the site taken in May 2008.

Reason for Recommendation

- (1) The demolition of the wall and stile fails to preserve or enhance the character or appearance of the Colwinston Conservation Area. As such the works are in conflict the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies SP10 and MD8 of the Adopted Local Development Plan 2011-2026, as well as with guidance contained within Planning Policy Wales, TAN12 and TAN24.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2019/0249/CCC

Contact Officer - Mr. Peter D.J. Thomas, Tel: 01446 704 628

Officers Consulted:

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

MARCUS GOLDSWORTHY
DIRECTOR OF PLACE

THE VALE OF GLAMORGAN COUNCIL PLANNING

COMMITTEE : **23 NOVEMBER, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

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

2021/01081/FUL Received on 28 June 2022

APPLICANT: Wales and West Housing Association, c/o Agent

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

Land at St. Brides Road, Wick

Residential development of 17 no. affordable units, including new access, landscaping, drainage arrangements and associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site is land off St Brides Road, Wick. The site comprises approx. 0.5 ha of land on the western settlement edge that is currently in use as a paddock.

The application seeks full planning permission for 17 affordable housing units on the site comprising of 4no. two bed and 6no. three bed houses, 3.no one bedroom bungalows, along with 4no. one bed flats (within a single block), served by an estate road with a new vehicular access off St Brides Road.

To date representations have been received from two respondents, one of which objected. The representations primarily raised concerns over traffic congestion, highway safety, drainage, visual impact, loss of greenfield/ agricultural land, impact on heritage assets, and impact on local services and infrastructure.

Wick Community Council stated they were not against the development and would welcome locally let affordable housing and active travel improvements but had concerns about speeding in the area and that the proposed traffic calming measures did not go far enough. Cllr Stallard stated similar concerns regarding speeding, adding that local consensus was that only an ANPR (speed camera) would succeed in slowing traffic at the proposed access point.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application include, the principle of the development for affordable housing; visual impact; scale and design; highway and pedestrian safety; residential amenity; ecology; and drainage.

The report recommends the application be APPROVED subject to conditions ensuring the delivery of the scheme as affordable housing and relating to archaeological mitigation; highway engineering and parking layout details; public open space; materials details; levels; means of enclosure; Construction Environmental Management Plan; land contamination; drainage and water supply details; ecology; and landscaping.

SITE AND CONTEXT

The site comprises approx. 0.5ha of land located off St. Brides Road, Wick. The land currently is used as a paddock associated with 'The Stables' (a dwelling with stables) and is mostly enclosed by a hedgerow. It is located within the countryside as defined by the Local Development Plan (LDP) but adjoins the settlement boundary of Wick. The Glamorgan Heritage Coast is located approx. 1km to the west of the site.

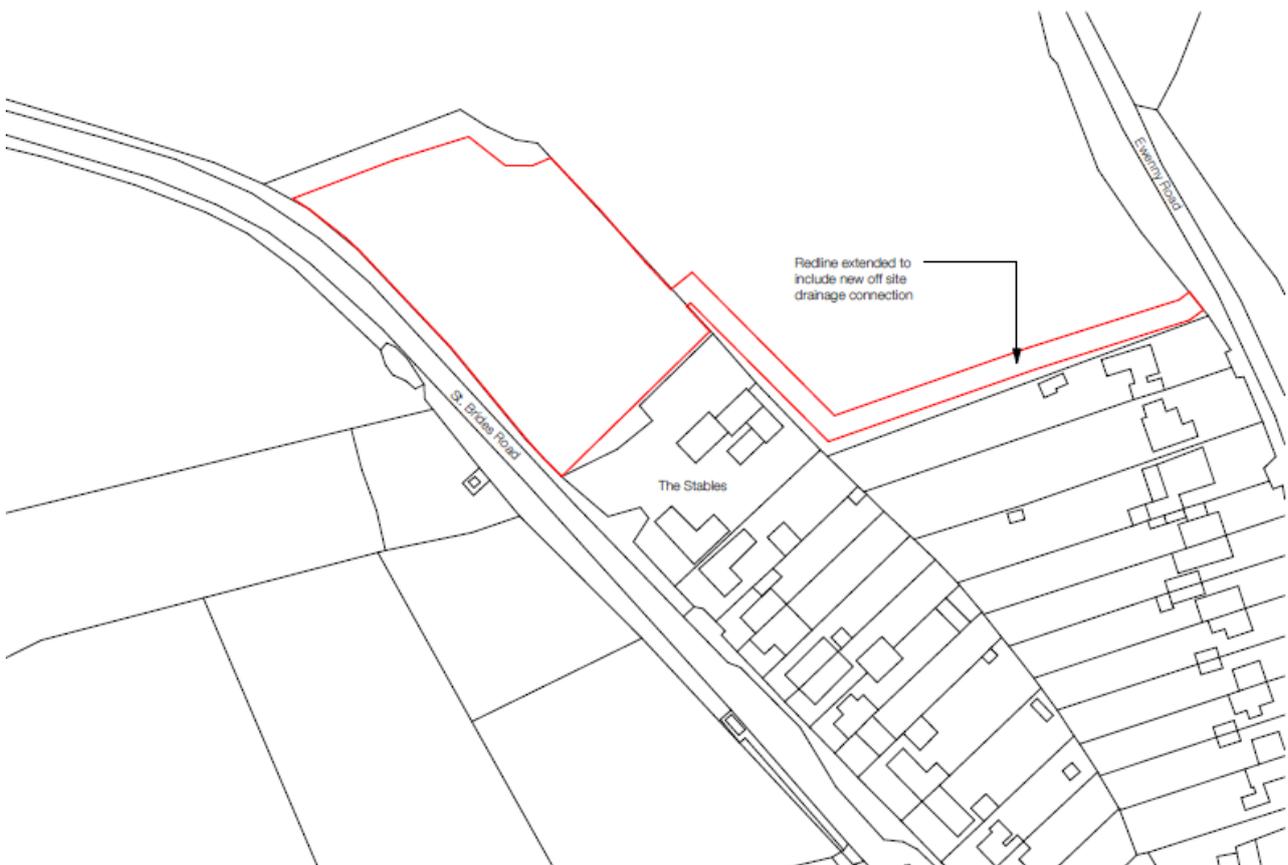
There is a bus stop located approx. 50m away from the site and the main services in the village, including a playground, sports fields, village hall and primary school are located between 300m and 800m from the site.

There are no ecological designations on the site. The 'Beacon Towers Field and Pond' Site of Importance for Nature Conservation is located on the opposite side of St Brides Road.

The 'Rhyle Round Barrow' Scheduled Ancient Monument is located some 400m west of the site and the 'Buarth Mawr Barn' approx. 450m to the south. The Wick Conservation Area is also approx. 700m south of the site.

The land has a predicted agricultural grade of 3b according to Welsh Government Agricultural Land Classification (ALC) maps. The land is also within a Category 2 Limestone safeguarding area.

The site location is shown below:



DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for 17 no affordable housing units on the site, comprising 4 no. two bed and 6 no. three bed houses, 3 no one bedroom bungalows, along with 4 no. one bed flats within a single block, served by an estate road with new vehicular access off St Bride's Road.

The proposed layout is shown below:



The proposed development is laid out and designed according to fairly traditional design principles, with relatively simple building forms with pitched roofs, symmetrical frontages, and proposed materials such as roughcast render, fibre cement slate roofs, and upvc fenestration/ rainwater goods.

The model extract below depicts the proposed development viewed from the site access to St Brides Road (note: hedgerow location has been altered as per the latest site layout plan above).



PLANNING HISTORY

No relevant planning history.

CONSULTATIONS

VoGC Highway Development - initially stated no objection in principle subject to clarification over the kerb layout, provision of a 105m visibility splay, pedestrian access to the site being extended to connect to the bus shelter on the opposite side of St Brides Road and provision of public transportation infrastructure on the development side of St Brides Road (**Condition 10**); provision of a Vehicle Activated Sign between the 30mph gateway and the site access (**Condition 11**); and road surveys (**Condition 9**).

The Highways Engineer has also subsequently reviewed the amended site layout and confirmed it is acceptable in relation to access and parking requirements, except for the parking spaces for Plot 17 which were recommended to be re-positioned (see **Condition 12**).

VoGC Drainage Section stated that the site is considered to be at little or no risk to fluvial or tidal flooding and NRW flood mapping indicates that there is a low risk of surface water flooding in southern areas of the site and recommended a detailed design of the proposed drainage scheme was to the Vale of Glamorgan SuDS Approval Body (SAB).

Shared Regulatory Services (Neighbourhood Services) recommended planning conditions requiring submission and agreement of a Construction and Environmental Management Plan (CEMP) and site working hours (**Condition 5**) and provided an advisory note relating to asbestos.

Gwent Glamorgan Archaeological Trust stated that the proposal has an archaeological constraint and recommended (based on previous archaeological assessments in the area) a planning condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work (envisaged to be a watching brief (see **Condition 3**).

Wick Community Council stated:

“Recent developments in Wick have allowed young people who have been brought up in the village to return to live in the village when they start their own families and this is a welcome development. A local letting policy in respect of social housing on the St James Gardens development has facilitated this and we ask that a local lettings policy apply to any of these homes which are available to rent.

We hope that the additional homes in this development will facilitate better public transport links from the village to nearby towns, including Cowbridge.

Residents of Wick are very concerned at the speed of vehicles on the main road, St Brides Road, Wick. We understand that there is not a high level of injury accidents at this location, nevertheless many people tell us that they are frightened by the speed of traffic passing close to them on that road, seriously affecting their wellbeing. They have asked for action to be taken to deal with this. We are concerned that the entrance to the proposed development will increase risk and believe that this development is an opportunity to deal with the problem of speeding vehicles at that location. Speeding vehicles on the main road will be passing close to some of the homes to be built and physical measures should be put in place to slow traffic on the main road. “ 19.09.21.

and

“Wick Community Council is not against this development. However, we are concerned about the speed of vehicles on the main road at this location, the impact this has on the Wellbeing of residents and the safety of residents in the new houses when using the new footpath. We welcome the proposals for speed reduction measures but don't believe they go far enough to be effective. An average speed system could make it safer there. We would welcome the opportunity to meet with highways to discuss options to ensure safety, particularly from speeding vehicles, is maximised at this location.” 22.07.22.

Cadw – no response received to date.

Note: CADW responded to the applicant's pre-application consultations and stated that there were no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. They also stated that intervening topography, buildings and vegetation mean it is unlikely that the proposal will be inter-visible with the scheduled monuments within 1km of the application site.

Dwr Cymru / Welsh Water stated:- no objection in principle to the disposal of foul flows subject to a planning condition preventing the connection of surface water and land drainage to the public sewer (secured by **Condition 6**); that no problems were envisaged with the waste water treatment works; and that a Hydraulic Modelling Assessment would be required to establish requirements for providing water supply to the site.

In relation to the water supply, it was subsequently requested that a planning condition be included to prohibit occupation of any unit until scheme to deliver potable water to the site had been agreed and delivered (**Condition 7**).

VoGC Ecology Officer did not object and recommended conditions to ensure the recommendations of the preliminary ecological survey are carried out. These include recommendations/ conditions relating to planting replacement hedgerow at a 1 to 1.5 ratio (**Condition 14**), nesting birds (**Condition 18**), Lighting (**Condition 17**), enhancement (Bat/Bird boxes - secured by **Condition 16**), tree species (secured by **Condition 14**), and Hedgehogs (secured by **Condition 19**).

Housing Strategy (Affordable Housing) stated that is a need for additional affordable housing equating to 1205 units per annum in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA), and local need is further evidenced by the Council's waiting list (July 2022) figures in the St Brides Major ward:

St Brides Major	
1 Bed	29
2 Bed	9
3 Bed	5
4 Bed	3
Total	46

It was also stated that the proposed mix of unit types was supported and a Local Lettings Policy would be formulated by the Community Council, the Housing Association, and the Rural Housing Enabler if planning permission was granted.

Natural Resources Wales stated no objection.

Shared Regulatory Services (Environment) reviewed the submitted site investigation report and recommended planning conditions relating to unforeseen contamination and construction materials (**Conditions 22-25**)

Cllr C Stallard stated:

“There is a golden opportunity here to address the issue of speeding through the village. Wick is unusual in the rural vale in having a broad and straight stretch of road running through it which means that many vehicles ignore the current 30mph restrictions: it is notorious. Residents deal daily with the negative impact of this. A new 20mph limit will still be ignored by many (without effective enforcement). The proposed development would necessitate a new junction with the main road on the western outskirts of the village where speeding vehicles are often in infringement of restrictions, accelerating as they leave or approach the village. I fear that any new Vehicle Activated Signs accompanying the development would fail to address the long-standing "issues and concerns raised with speeding" identified by James Aitken in last year's Highways Authority observations. Rather than spend money on VAS, which will likely as not be as ineffectual as current signage, may I suggest that an ANPR average speed system, with fines issued automatically, will be a better use of resources, and most importantly, will actually succeed in slowing the traffic. I have genuine concerns that with 17 new dwellings in the village, some households no doubt including children, on what is a dangerous stretch of road (because of speeding vehicles and visibility issues), there could well be an accident unless we adopt an effective approach to enforcement. The consensus locally is that only ANPR with automatic fines will work. I hope this is a helpful contribution which I am confident is in line with local feeling. May I add that I welcome any improvements in public transport infrastructure and Active Travel provision and would appreciate more information on what is proposed on this.”

REPRESENTATIONS

The neighbouring properties were consulted on 12 August 2021 and 1 July 2022.

Site Notices were also displayed on 26.8.21 and the application was also advertised in the press on 27.8.21.

Representations were received from two respondents. One objected to the proposals and the other stated no objection whilst raising some concerns. In summary, these related to:

- Highway drainage
- Impact on local infrastructure and services (inc. village school)
- Road calming measures required on St Brides Road
- Large housing development already built
- Not in keeping with rural context
- Neighboring amenity (inc. light pollution, privacy, noise)
- Loss of greenfield land
- Impact on trees, ecology, and wildlife
- Loss of agricultural land
- Traffic congestion, access
- Creation of precedent
- Impact on heritage assets
- Insufficient landscaping

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

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 MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales. The following chapters and sections are of 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 (including new housing)
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)
- Community Facilities
- Recreational Spaces

The following guidance is given on rural affordable housing:

4.2.34 The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged, such as the national sustainable placemaking outcomes. Affordable housing exception sites are not appropriate for market housing.

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Plan Area for Wales.

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- 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:

- Vale of Glamorgan Local Housing Market Assessment 2021
- Welsh Development Quality Requirements 2021: Creating Beautiful Homes and Places
- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

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

needs.

Issues

Affordable Housing and Policy MD10

The proposed development relates to a parcel of land that adjoins the settlement boundary of Wick. The proposal seeks the development of 17 affordable units on approximately 0.5ha of 'greenfield' land. The site is positioned outside of the defined settlement boundary and is therefore considered as being in the countryside in planning policy terms.

Planning Policy Wales (PPW) acknowledges that affordable housing may be acceptable in rural areas however it is important that *"the provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community."* (para.4.2.34). PPW also points out the need for affordable housing exception sites to help ensure the viability of the local community. It goes on to states *"affordable housing provided on exception sites should meet the needs of local people in perpetuity"* (also para. 4.2.34).

Technical Advice Note (TAN) 2 supports the above by stating *"affordable housing provision in rural areas must be supported by a rural exception policy. Rural exception sites should be small (as locally defined in the development plan)"* (TAN 2, para.10.13).

Local Development Plan Policy MD10 (Affordable Housing Developments outside Settlement Boundaries) applies here, which permits 100% affordable housing schemes in such locations, subject to several criteria. The policy states that proposals should primarily have a *'distinct physical or visual relationship with an existing settlement'* and it is demonstrated that:

1. *The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;*
2. *The number of dwellings is in proportion to the size of the settlement;*
3. *The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;*
4. *In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and*
5. *The development has reasonable access to the availability and proximity of local community services and facilities.*

The Council's Housing Strategy team advised in consultation that there is an evidenced need (Local Market Housing Assessment 2021) for 1205 additional affordable housing units per annum in the Vale. In addition, the current waiting list for properties within the local St Brides Major ward area is 46. It is noted that housing development has occurred on the opposite side of St Brides Road, providing 44 affordable units (at a 35% ratio). However, as the LHMA and waiting lists demonstrate, there remains a local and current local affordable need which has not been satisfied by this development.

In relation to the other criteria, the supporting text of policy MD10 states the following:

7.58 “The integration of new development within the existing settlement pattern is imperative so as not to adversely impact upon their rural character or setting. Accordingly, any affordable housing scheme will need to be of a scale proportionate to the size of the existing settlement, and generally comply with Policies MD1 and MD2 in order to ensure the appropriate integration of new affordable housing within the existing smaller settlements of the Vale of Glamorgan. Small scale for the purpose of Policy MD10 will generally mean 10 or fewer dwellings, however, in or adjoining some of the larger settlements, proposals for more than 10 dwellings may be acceptable if required to meet specific need and where the number of dwellings is proportionate to the size of the settlement and satisfies all the other criteria against which a housing development would be judged.”

The settlement of Wick is among the larger villages in the rural Vale and is recognised as being a sustainable location due to the presence of local services and public transport within a reasonable walking distance. This proposal for 17 affordable units is considered proportionate to the settlement by Officers, on a site which has a demonstrable physical and visual relationship with the Wick settlement. It is also within a reasonable walking distance from the centre of the village, with a bus shelter located nearby on St. Brides Road.

The proposal is considered acceptable in principle and compliant with the other relevant policies of the Local Development Plan, with the retention of the development as affordable housing secured by **Condition 21**.

The other principal planning considerations are discussed in more detail below: -

Density of the development

Policy MD6 (Housing Density) of the Local Development Plan, in recognition that land is a finite resource, seeks to ensure that all new residential development makes efficient use of land. The policy states that a minimum net residential density of 25 dwellings per hectare should be achieved for minor rural settlements unless a lower density can be justified due to site constraints. The site would be expected to provide at least 13 new dwellings under this policy; therefore the proposed 17 units is policy compliant in regard to site density.

Agricultural land

Policy MD1 (Location of New Development) of the LDP states development should “*have no unacceptable impact on the best and most versatile agricultural land*”. Best and most versatile (BMV) agricultural land is defined in PPW as “*land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC)*” (para. 3.58). To aid in the assessment of agricultural land the Welsh Government has undertaken a broad level study of Wales and created the predicative ALC map. The application site is predicted to be 3b which is below the BMV threshold, and the proposal is considered acceptable in relation to the potential loss of agricultural land (noting it is currently in non-agricultural use as a horse paddock).

Minerals safeguarding

The application site is in a mineral safeguarding area for Category 2 Limestone. Policy MG22 (Development in Minerals Safeguarding Areas) permits development in safeguarding areas subject to several criteria, one of which is that mineral extraction would

have an unacceptable impact on environmental or amenity considerations.

Limestone requires deep extraction and would not normally be permitted within 200m of a sensitive receptor such as a dwelling. The entirety of the site is located within existing 200m residential buffer zones and so mineral extraction on it would not be acceptable on amenity grounds. The development would create a new buffer zone on account it is a residential development, however most of this would lie within existing buffer areas, apart from a relatively small area which may be unsuitable for economic mineral extraction considering the other isolated dwellings also located on St Brides Road and Eweny Road. The development is therefore considered to accord with this policy, noting there is also significant weight in favour of these proposals insofar as they would address part of the evidenced need for affordable housing in the local area.

Landscape and countryside impact

Most of the site is enclosed by hedgerows and no public footpaths cross it or the fields immediately to the north. The most prominent public vantage points of the site are from the local highway network and from the public footpath to the south, near Heol Fain, where the development would be visible. The application is supported by a Landscape and Visual Statement which has considered the impact of the development from most of the primary public vantage points.

The statement concludes that the site has an appreciable visual relationship with the existing settlement, and views from the wider landscape are generally restricted by the rolling topography and screening vegetation. The site, as highlighted below, would result in the extension of the settlement beyond its existing edge, but the extended settlement would form a coherent whole and this (and other views) would be softened by the retained vegetation post development.



(footpath off Heol Fain)



(footpath east of Ewenny Road).

The site is potentially visible from Ewenny Road and there are no representative photographs within the statement from this location. The largely unbroken hedgerow adjacent to Ewenny Road screens most views, with only glimpsed views of the site typically possible. However, the photograph below illustrates the site is visible (in the backdrop of 36 Ewenny Road). Some of the dwellings would be in closer view than those on St Brides Road at this point, as these form a single row, but would again link to the settlement and be softened by retained vegetation.



(site viewed from Ewenny Road)

The Glamorgan Heritage Coast is located approx. 1km to the west of the site, but the development would not result in any significant impact upon the landscape character, as viewed from the Heritage Coast, considering the local topography and separation from the development.

It is noted that the existing properties fronting St Brides Road and Ewenny Road form a single row of houses and have rear gardens some 40m in depth. The existing built development here is relatively low density, so there would be a degree of contrast between it and the two rows/ cul-de-sac layout of the proposed site. Nonetheless, the mix of units and substantial gaps between them would ensure the development would not appear overly dense from viewpoints in the landscape.

The proposed development would clearly have some impact upon the local countryside at this scale, however, given the surrounding context where there are no landscape designations, the coherent visual relationship with the existing settlement, and the clear and identified need for affordable housing in the locality and policy support for rural exception sites, the residential development of the site is considered acceptable in relation to the landscape impact and upon the local countryside. The detailed design, layout, and street scene impacts are discussed in more detail below.

Heritage and Archaeology

There are no listed buildings near the site and there would also be no appreciable impact to the Wick Conservation Area, which is approx. 700m south of the site and separated from it by intervening buildings.

The Rhyle Round Barrow Ancient Monument is located approx. 400m west of the site and the Buarth-Mawr Barn Ancient Monument 450m to the south. Intervening topography, buildings and vegetation mean it is unlikely that the development will be inter-visible with the scheduled monuments. There would therefore be no significant impact to their settings. CADW did not raise any concerns in their pre-application response to the applicant regarding this potential impact.

Gwent Glamorgan Archaeological Trust stated that the proposal has an archaeological constraint and recommended (based on previous archaeological assessments in the area) a planning condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work (see **Condition 3**). This is envisaged to be in the form of a watching brief during the construction phase.

Ecology

Policies MG19 to MG21 of the LDP relate to statutory and non-statutory protected sites, species, and habitats. Meanwhile Policy MD9 (Promoting Biodiversity) states all new development proposals will be required to conserve and where appropriate enhance biodiversity interests.

The application is supported by a Preliminary Ecological Assessment (PEA), which correctly identifies that the site is not subject to any statutory or non-statutory designations. The field on the opposite side of St Brides Road is (Beacon Towers Field and Pond) is a Site of Importance for Nature Conservation (SINC) as a species rich neutral meadow with pond supporting breeding Great Crested Newt (GCN), although more recent records suggest they are no longer present. The application site is a grassed paddock, kept well grazed, and largely surrounded by native hedgerows.

The site does not contain any water bodies to support breeding GCN, but there are historic records of this species at the nearby pond. The pond was assessed (GCN Survey 30th November 2021) as currently having poor suitability for GCN and on this basis Natural

Resources Wales stated no objection. A precautionary approach to site clearance is recommended in the PEA to avoid risk of harm to GCN, and other reptiles and amphibians. It was also found that the site was unlikely to support dormouse or any bat roosts, although the site hedgerows are likely to be used for foraging and commuting by bats, and the hedgerows by nesting birds.

The PEA recommends avoidance measures such as limiting the loss of hedgerows from the site, undertaking works outside the bird nesting season, and a sensitive lighting scheme. It also recommends enhancement measures comprising of bat and bird boxes on 25% of the new buildings, compensatory hedgerow and native tree planting, the creation of green corridors, and newt friendly road drainage.

The submitted layout indicates that the hedgerow surrounding the site would largely be retained, except for the location of the vehicular access (discussed in further detail below). Furthermore the Council's Ecologist did not object and recommended conditions to ensure the recommendations of the preliminary ecological survey are carried out. These include recommendations/ conditions relating to planting replacement hedgerow at a 1 to 1.5 ratio (secured by **Condition 14**), nesting birds (**Condition 18**), Lighting (**Condition 17**), enhancement (Bat/Bird boxes – secured by **Condition 16**), tree species (secured by **Condition 14**), and Hedgehogs (secured by **Condition 19**). The development is considered acceptable in relation to ecological impact and, subject to conditions, would provide an acceptable degree of biodiversity enhancement in accordance with Policy MD9 of the LDP.

The impact on trees and hedgerows in discussed in more detail below:-

Trees, Hedgerows and Landscaping

The proposed development would result in the loss of approx. 25m of hedgerow to facilitate the new vehicular access and visibility splay. This loss is unavoidable but compensated for by the planting of approx. 53m in new native hedgerow. The proposed planting would infill a gap at an existing field gate as well as create a new and complete hedgerow to the south-eastern site boundary. The proposed planting would double the total length of hedgerow on the site and provide for important added habitat connectivity around the site periphery. The proposal also includes for tree surgery work to the north-eastern hedgerow to reduce its width. The hedgerow is currently grown out and there is scope to reduce its width whilst encouraging denser growth through cutting, laying, and positive future management.

There are no significant individual trees on the site that would be lost to the development and the proposed landscaping strategy indicates 15.no new trees would be planted. The proposed planting schedule indicates horticultural specimens, whereas native varieties would be more suitable for this semi-rural location. The strategy nonetheless indicates that there is scope to provide several new trees, adding to the character of the street environment. The landscaping layout is considered acceptable in principle subject to more native planting, which would be secured by proposed **Condition 14**. In addition to trees, the landscaping strategy indicates a variety of species rich grasses and shrubs, including in the areas of the proposed swale and rain gardens, which would provide a pleasant street environment as well as biodiversity benefits.

Highway Safety, Access, and Parking

The proposal is for 17 residential units with access to the site facilitated by a new highway junction with St Brides Road, on the approach to the village. The speed limit is set at 30mph in this location, albeit concerns over regular speeding here have been raised in representations. The development would, by nature, result in some increase in traffic on St Brides Road, however, is considered to be of a scale unlikely to result in significant traffic congestion on this road and the local highway network. The Council's Highways Engineer has reviewed the proposals and stated that there were no objections in principle to this development.

The Highways Engineer raised initial concerns regarding visibility at the site access due to the retention of the hedgerow and an amendment has since been made to improve visibility by removing more of the hedge. There is now visibility afforded for 105m stopping sight distances, which is considered acceptable to provide for safe access and egress to the site. The Highways Engineer has confirmed the revised layout is acceptable in relation to visibility, with exception of the parking spaces for Plot 17 given their proximity to the proposed junction. These spaces can feasibly be omitted if the parking spaces for Plot 16 were dedicated to No.17, and those for No16 moved adjacent to the gable end of this unit. This alteration is considered feasible and can be achieved through condition (see **Condition 12**) to require further approval of a parking scheme for the development.

The Highways Engineer also requested that a Vehicle Activated Sign (VAS) be provided in between the development access and the 30mph gateway due to the issues and concerns raised with speeding along this stretch. It is recognised that local opinions expressed are that only an average speed ANPR (speed camera) would succeed in slowing traffic, as the VAS system can be more easily ignored. However, requests for highway improvements must be both proportionate and directly related to the impacts of the development. In this case, good visibility at the site access is provided for, well above the recommended stopping sight distances for 30mph speeds in both rural (70m) and urban contexts (40m) (Tables A & B, Annex B of TAN18, refers). Consequently, it is considered that a requirement for an ANPR camera to address existing issues could not be reasonably justified, in the context of the tests in the conditions circular. It is likely that the presence of an additional junction and the vehicle movements associated with it would not exacerbate speeding, but would have the potential to have a positive impact, if at all. The Highway Engineers recommendation for a VAS system is considered proportionate in this case and is secured by **Condition 11**.

The proposed internal road is 6.5m wide with a turning head and is laid out as a shared surface with parking spaces for each of the proposed units located directly off it. The internal arrangement is considered acceptable to provide for safe access, turning facilities for larger servicing vehicles, and suitable access for emergency vehicles. This has also been reviewed by the Highway Engineer, who considered the arrangement acceptable subject to provision of full engineering details by planning condition (see **Condition 8**).

The Council's Parking Standards SPG refers to 'maximum standards', which equate to a maximum of one space per bedroom, and no more than three spaces, for new dwellings. This assessment is also guided by the site's location (e.g. how sustainable it is) and the availability of on street parking. The proposed parking provision, providing for at least one space for the one-bedroom units and two for the remainder, is also considered acceptable and there is considered to be sufficient room on the internal road to provide for additional

and/ or occasional short-term demand, such as visitor parking and the stopping of delivery vehicles.

The proposed plans indicate that a footway connection would be provided from the site to existing pedestrian facilities in Wick. This provision is essential to ensure the development is fully accessible to pedestrians and to create a safe and walkable neighbourhood. The Highways engineer has requested a 2m wide footway be provided along with a means of crossing to the bus shelter opposite the site. There is space within the adopted verge for this to be provided and a detailed design of the construction (considering the existing ditch, levels, and hedgerow), or alternate option (on the opposite side) and connection to the bus shelter, can be secured by **Condition 10**. Subject to the provision of this, it is considered that pedestrian linkages to the development would be sufficient, and they would be improved relative to the existing situation. A scheme to include public transport improvements on the development side, through provision of bus stop facilities, is also secured by Condition 10.

Site Layout & Design

The pattern of development in the street is primarily pairs of semi-detached properties fronting St Brides Road. The proposed development differs from the prevailing street scene due to the two rows of dwellings formed around a cul-de-sac, and consequently there is a different approach evident in terms of the application site layout and development on the north side of St Brides Road. However, the proposed layout continues the trend of dwellings facing St Brides Road on what is an important gateway into the village. It is also essential to make best use of the land and would be similar in character to the new estate on the opposite side of St Brides Road. There would be appreciable gaps between the dwellings fronting St Brides Road, providing visual relief, and it is considered that the development would not be seen as overly dense in comparison to the character of the existing settlement.

The site is laid out around a central access road, with the second row of dwellings all fronting on to the access road, with corner units provided on the plots adjacent to the proposed junction with St Brides Road. The layout follows a logical pattern, and would create a positive street environment, with good natural surveillance, and create a sense of place within the development site. The site is fronted by two storey development, continuing the existing pattern along St Brides Road, whilst the fairly traditional design of the dwellings also relates well to the existing built environment. The individual buildings reflect the prevailing character of simple and traditional designs, with pitched roofs, and symmetrical frontages. The proposed flatted block is also similar in design to a semi-detached pair of dwellings and is consistent with the overall design approach. The material specification also appears to be high quality, with simple stone detailing to the fenestration and roughcast render finishes. The precise detail of the materials is secured by **Condition 20**.

The layout also affords for an area of Public Open Space (POS) which would be easily accessible to all occupiers of the development. Whilst it is positioned to the rear of Plots 15 and 16 that would front St Brides Road, it is nonetheless centrally positioned in the site and would benefit from a good level of natural surveillance by the units fronting the access road on the opposite side. The position of the POS is logical and makes best use of the site considering the visual benefits to having units fronting on to St Brides Road. It is also proposed to enhance the appearance of the rear enclosures of Plots 15 and 16 to prove a

part masonry wall, with fencing and planting above. The proposed enclosures are considered acceptable in principle and the precise detail is secured by **Condition 19**.

The proposal involves a partial loss of hedgerow to St Brides Road to provide a new vehicular access and adequate visibility. This loss to facilitate access is understandable and it is proposed to provide compensatory hedgerow planting as part of the proposed landscaping scheme. The proposed landscaping scheme also provides for several street trees, which will assist in creating a positive street environment within the development site and ensure the character of the development assimilates with the countryside/ edge of settlement setting. The retention of most of the site hedgerows is also welcomed, noting that some cutting back of the grown-out northern hedgerow is proposed. The precise nature of the works and landscaping is secured by **Condition 14**.

Overall, and having regard to the design and layout against other material considerations, it is considered that subject to conditions, the design, form, and layout of the development are acceptable, and will create a positive environment within the site that would acceptably assimilate with the countryside setting.

Public Open Space

Policy MD3 (Provision of Open Space) of the Local Development Plan requires that where there is an identified need for public open space, new residential development for 5 or more dwellings should, where required, make provision in areas of need for open space equating to 1.6ha of outdoor sports provision per 1,000 population; children's equipped play space at 0.25 hectares per 1,000 population and informal play space at 0.55 hectares per 1,000 population. The LDP Open Space Background Paper (2013) identifies that, within the St Brides Major Ward there is an under provision of children's play space.

A development of 17 dwellings should provide at least 316sq.m of children's play space, 99sq.m of which should be equipped. The proposed POS would comprise an equipped area, albeit the precise details of this provision are not defined. The central open space of the site equates to approx. 315sq.m (not including the area immediately adjacent to the gable of Plot 16, but including the dry swales), and there is scope for a central LAP at least equal to or greater than the minimum requirement of 99sq.m.

The proposed development therefore complies with the total amount of open space provision and a LAP can be provided in a coherent, accessible, and central location within the site that is also subject to natural surveillance from the opposing dwelling houses. It is considered that the proposed arrangement is acceptable in principle, subject to condition (see **Condition 13**) to secure the precise layout and detail of the POS area, as well as its timely delivery.

Water Supply & Drainage

The site is in DAM Flood Zone A, and so is considered to be at little or no risk to fluvial or tidal flooding. NRW flood mapping indicates that there is a low risk of surface water flooding in southern areas of the site.

The application is supported by a Foul and Surface Water Drainage Strategy, which suggests surface water runoff generated by the development will be managed using SuDS features in the form of dry swales and permeable paving, with discharge made to an existing watercourse (a ditch running alongside Eweny Road) at an attenuated rate.

These preliminary details have been reviewed by the Council's Drainage Engineer, who did not object in principle. A detailed drainage scheme would require separate regulatory approval by the VoGC SAB.

In terms of the proposed SuDS features, a dry swale is shown on the central part of the site surrounding the proposed Public Open Space. The swale is anticipated to be traversable, and level access can be provided to access the POS. The applicant has confirmed that no drainage features are proposed in the POS area. However, given the drainage scheme is at a preliminary phase, it is recommended that full details be secured by planning condition prior to commencement, to secure delivery of both the POS alongside an acceptable drainage solution, together (see **Condition 6**).

It is proposed to connect to the main sewer for disposal of foul flows and Welsh Water stated no objection in principle this method subject to a planning condition preventing the connection of surface water and land drainage to the public sewer (also secured by **Condition 6**); adding that no problems were envisaged with the wastewater treatment works.

In relation to water supply, Welsh Water stated that a Hydraulic Modelling Assessment would be required to establish requirements for providing potable water to the site. A planning condition was requested to prohibit occupation of any unit until scheme to deliver potable water to the site had been agreed and delivered (see **Condition 7**).

Neighbouring amenity

The site adjoins The Stables to the southeast and the impact upon their amenity would be a material consideration. Moreover, there is a planning application submitted for a new dwelling adjacent to The Stables (ref. 2022/00588/FUL) and previous outline consent for a dwelling in a similar location (2017/00931/OUT).

It is considered that the proposed dwellings are located a sufficient distance as to avoid an unacceptable impact by way of shading or being overbearing to the dwelling house and amenity space of The Stables, as existing. While planning application 2022/00588/FUL may result in an additional dwelling and the area adjacent to this application site being used more intensively as amenity space, it is considered that the proposed layout would not result in any unacceptable shading or overbearing impacts on the neighbouring site.

The proposed layout would result in some windows being present on the eastern facing elevations of the proposed dwellings adjoining The Stables. The window on the eastern elevation of Plot 1 is considered acceptable in view of its forward position, overlooking a driveway area, those of Plot 2 are considered acceptable in view of their distance, whereas a window in the eastern elevation of Plot 3 has now been omitted (given the potential use of the adjoining land nearby as amenity space in future). Accordingly, the proposed development is considered to accord with the standards outlined within the Residential and Householder Development SPG in respect of off-site neighbouring impacts.

Residential Amenity (on site)

The Residential and Householder Development SPG states that proposed dwellings should be served by an adequate area of useable amenity space, equating to at least 20sq.m per person. This would typically equate to 60sq.m for two to three-bedroom

dwellings. The proposed amenity space provision varies between 50sq.m to 130sq.m. on this site and, whilst this is a small shortfall for some, all are laid out in a logical and functional manner and would meet the essential outdoor amenity requirements of the occupiers. It is also reasonable to expect a degree of variance to occur across a residential development such as this due to site/ layout constraints.

The flats are served by individual amenity spaces 20-25sq.m in size which are also considered acceptable to serve the occupiers, providing each unit with a defensible area of outdoor space that caters for the basic outdoor needs of the occupiers, such as clothes drying. The spaces are relatively small but serve one-bedroom units which are unlikely to house families with children, for whom outdoor space requirements will be greater. The spaces are accessed via the side of the building for the top floor flats, but at a short distance, and the arrangement is considered to make best use of the space, given the unit types and maisonette arrangement.

It is also considered that the relationship of the proposed buildings is such that they would not appear as overbearing or unneighbourly to each other. The dwellings also accord with the privacy standards of the SPG in relation to distances between windows serving habitable rooms, except for some windows that oppose each other over areas of public realm, as is common to many urban environments and considered acceptable in this instance.

The insertion of new windows within rear elevations forms 'permitted development', and so it is considered necessary to remove permitted development rights for Plot 1 to control the extent of permitted changes, given the proximity of this elevation to the amenity space of Plot 2 (see **Condition 26**). The layout is, overall, considered acceptable in relation to the amenity of the occupiers of the development.

RECOMMENDATION

APPROVE

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

Reason:

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

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

A001 - Site Location Plan Rev D

A002 - Site Layout Rev R

A016 - Site Sections Rev F

A003 - Type 1 Rev. E

A004 - Type 2 Rev D

A005 - Type 2a Rev B

A006 - Type 3 Rev D

A007 - Type 4 Rev D

A008 - Type 5 Rev D

A009 - Type 6 Rev A

A010 - Type 7 Floor Plans Rev D
A011 - Type 7 Elevations Rev D
A012 - Type 8 - Floor Plans Rev B
A013 - Type 8 - Elevations Rev A
A014 - Type 9 - Floor plans Rev A
A015 - Type 9 - Elevations Rev A
Preliminary Ecological Assessment (6.10.20)
Foul and Water Surface Drainage Strategy (Feb 21)

Reason:

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

3. No development 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:

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

4. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that visual and residential amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

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

- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- 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.

6. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial occupation of the development and retained in perpetuity.

Reason:

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

7. No part of the development shall be occupied until a potable water scheme to serve the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply system can suitably accommodate the proposed development. If necessary, a scheme to reinforce the existing public water supply system in order to accommodate the development shall be delivered prior to the occupation. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the development is served by a suitable potable water supply and to protect the health and safety of existing residents and Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

8. Notwithstanding the submitted plans and details which identify preliminary details of the proposed Highway Improvements along St Brides Road, provision of new road Junction serving the development, visibility splays, and surface water drainage, no development shall commence until full engineering details (to include timescales for delivery) have been submitted and approved by the Local Planning Authority. The details shall incorporate street lighting, road signs, road drainage, surfacing, design calculations and engineering details for the proposed culvert, and any retaining structures. The works shall thereafter be carried out in accordance with the approved details in accordance with the agreed timescales.

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.

9. No development shall take place until a condition survey of the local highway network (the extent of which is also to be agreed), carried out by an independent highway maintenance consultant, has been submitted to and approved by the Local Planning Authority. The survey detail shall contain steps and timings for further surveys post completion of the construction works, to identify any difference in the condition of the highway since the first survey and report any remedial works that may be required, as well as the undertaking of any remedial works required to the highway.

Reason:

To ensure that 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) of the Local Development Plan.

10. Prior to commencement of development, a scheme for the provision of public transport and active travel infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include timescales for delivery, engineering detail for a pedestrian footway to provide access and connect to existing footways in Wick (including details of any retaining structures, surface materials, and drainage), means of crossing to the bus shelter on the opposite side (Westbound), and the location and provision of high access kerbs, on carriageway bus stop markings and a new post and flag on the development side (Eastbound). The works shall thereafter be carried out in accordance with the approved details in accordance with the agreed timescales.

Reason :

To provide the site with satisfactory means of access and in the interest of sustainable transport provision and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD10 (Affordable Housing Settlements Outside of Settlement Boundaries) of the Local Development Plan.

11. Prior to commencement of development a scheme for new Vehicle Activated Signs (VAS) to be installed on both approaches to the development access shall be submitted to and approved in writing by the Local Planning Authority. The signs shall be installed prior to the first beneficial occupation of the development.

Reason:

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

12. Notwithstanding the details on submitted plan A002 - Site Layout Rev R, further details of the layout and construction of the car parking spaces to serve development (with revised details for Plots 16 & 17) shall be submitted to and approved in writing by the Local Planning Authority. No residential unit shall be occupied until the parking spaces to serve that unit have been constructed in accordance with the approved details and the car parking spaces shall thereafter remain available for their designated use in perpetuity.

Reason:

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

13. No development shall take place until a scheme for the provision (including details of the Local Area of Play and the timing of provision) and maintenance of the Public Open Space has been submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space in the interest of the amenity and wellbeing of the occupiers of the development and to ensure compliance with Policies MD2 (Design of New Development) and MD3 (Provision of Open Space) of the Local Development Plan.

14. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, including for at least 15 new trees and a native hedgerow on the eastern boundary. The scheme shall include indications of all existing trees and hedgerows (including spread and species) and hedgerows on the land, identify those to be retained, and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1

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

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

Reason:

To safeguard local visual amenities, 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.

16. Prior to the occupation of any of the residential units, a scheme of ecological enhancements (including the design and location of bat and bird boxes, and timescales for their implementation) shall be submitted to and approved in writing by the Local Planning Authority. The measures shall thereafter be implemented in accordance with the approved details and retained at all times thereafter.

Reason:

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

17. Prior to the erection of external lighting on the site (including street lighting) a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats along the perimeter hedgerows, shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and maintained as such in perpetuity.

Reason:

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

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

Reason:

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

19. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and include hedgehog friendly (130 mm square) gaps. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities and secure biodiversity enhancement, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

20. Notwithstanding the submitted details, prior to their use in the development hereby approved, a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of any respective residential unit.

Reason:

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

21. 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), MD4 (Community Infrastructure and Planning Obligations), and MD10 (Affordable Housing Settlements Outside of Settlement Boundaries) of the Local Development Plan.

22. 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.

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

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

Reason:

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

25. 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 LPA 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.

26. Notwithstanding the provisions of Class A Schedule 2 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 windows other than those expressly authorised by this permission shall be inserted in the rear elevation and/or roof plane of the dwelling shown as Plot 1 as shown on plan A002 - Site Layout Rev R.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4- Affordable Housing Provision, SP9- Minerals, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG19 – Sites and Species of European Importance, MG20-Nationally Protected Sites and Species, MG21- Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, 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, MD9-Promoting Biodiversity and MD10 – Affordable Housing Developments outside Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Affordable Housing, Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Residential and Householder Development, Trees, Woodlands, Hedgerows and Development and Sustainable Development; national guidance contained in Future Wales, Planning Policy Wales (11 ed.), TAN2-Planning and Affordable Housing, TAN5- Nature Conservation and Planning, TAN6 – Planning for Sustainable Rural Communities, TAN12-Design and TAN16-Sport, Recreation and Open Space, TAN18- Transport, and TAN24 Historic Environment, it is considered that the proposal represents an acceptable and sustainable form of residential development, comprising solely of affordable housing, that meet and identified local need without an unacceptable adverse impact on the character and appearance of the area, local landscape, highway safety, neighbouring and

general amenities on the site, drainage, heritage, protected species, habitat and biodiversity, and other environmental factors such as mineral and agricultural resource safeguarding and contamination. The proposal is therefore considered to accord with both national and local planning policy.

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

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

NOTE:

- 1. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) for further information about compliance with the above condition.**
- 2. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 3. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

- 4. 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.

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.

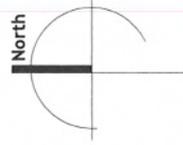
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

Revisions

- A. Updated to R2C stage
- B. Updated to R2C stage
- C. Notes updated
- D. Notes updated



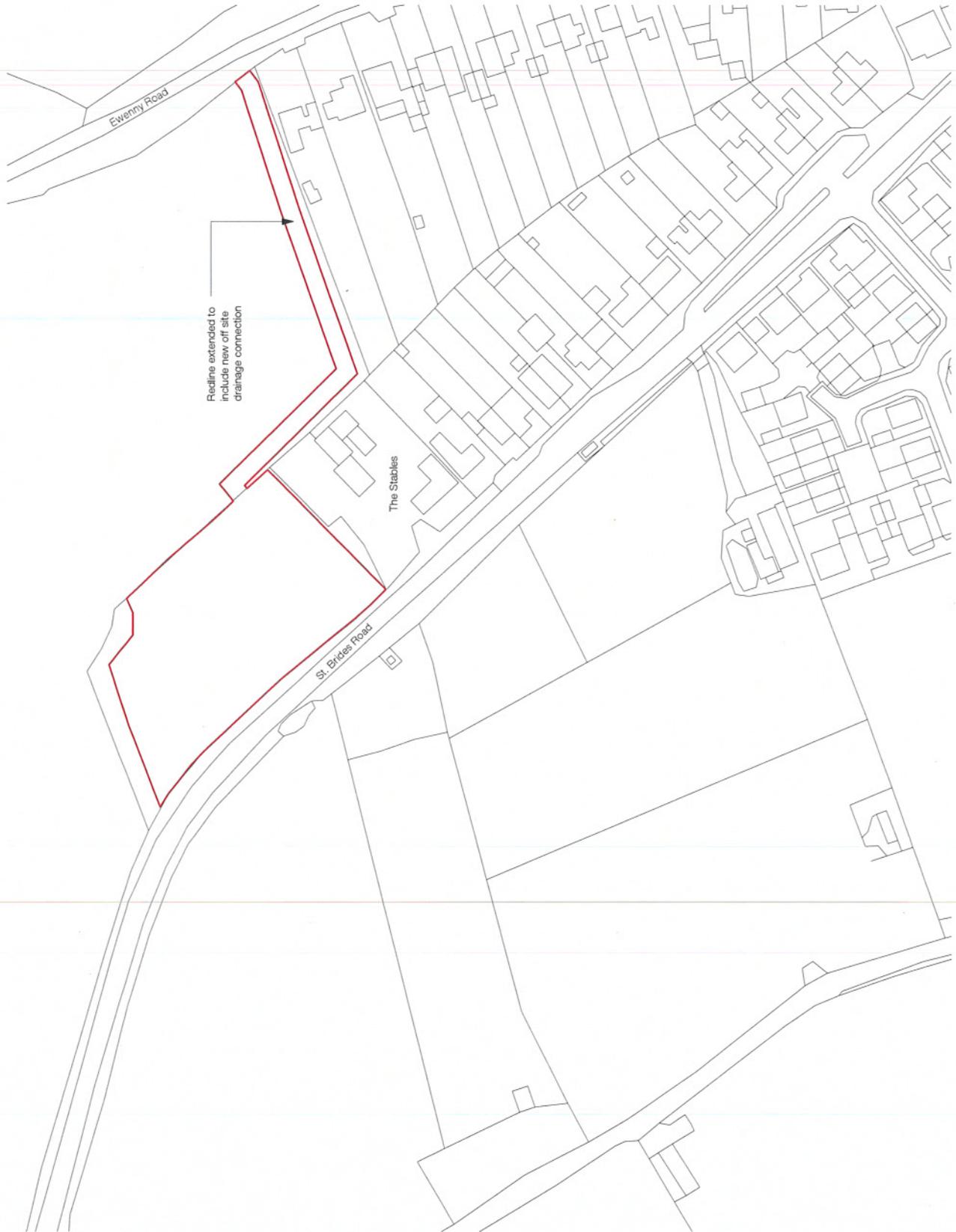
Notes

1. This plan shows the proposed site layout and drainage connections. It is intended to be used in conjunction with the planning application. The site layout is subject to change and the drainage connections are subject to approval by the local authority. The site layout and drainage connections are shown for information only and do not constitute a guarantee of any kind. The site layout and drainage connections are shown for information only and do not constitute a guarantee of any kind.

**CHAMBERLAIN
MOSS
KING**
ARCHITECTS

Project	Land at St Brides Road, Wick
Project number	NT77 - P2D
Client	Wicks & West
Title	Site location plan
Drawing number	A001
Scale	1 : 1250 at A3
Revision	D
Status	PLANNING
Drawn	
Date	20.03.2021

2021/01081/FUL



Site location plan

1 : 1250

2021/01710/FUL Received on 23 September 2022

APPLICANT: Business Loan Services (UK) Ltd Pension Scheme, C/o Agent,
AGENT: Mr Andrew Ayles, Office 14, 35 Stow Park Circle, Newport, NP20 4HF

Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys

Demolition of chapel building and the erection of a dormer bungalow, on-site car parking and amenity provision and associated development thereto

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Marianne Cowpe given the concerns expressed locally.

EXECUTIVE SUMMARY

The application site consists of a vacant chapel (Eastbrook Methodist Church) and associated land, at Chapel Row, accessed via Cardiff Road. The site lies within the settlement boundary of Dinas Powys.

This is a full planning application for the demolition of the existing chapel building and the erection of a four bedroom dormer bungalow with a footprint of approximately 8.7m wide by a depth of 9.5 metres, with a 6m ridge height and eaves to a height of 2.8m. Three pitched roof dormers are proposed on the front facing roof plane. The dwelling will have off white render to the front with the other elevations finished with heritage red bricks. Brick is also shown to be used to the window heads and as detailing either side of the front door and to the front boundary wall. The roof will be finished in dark grey roof tiles and the dormers with western red cedar cladding.

Letters of objection have been received from the occupiers of two nearby dwellings.

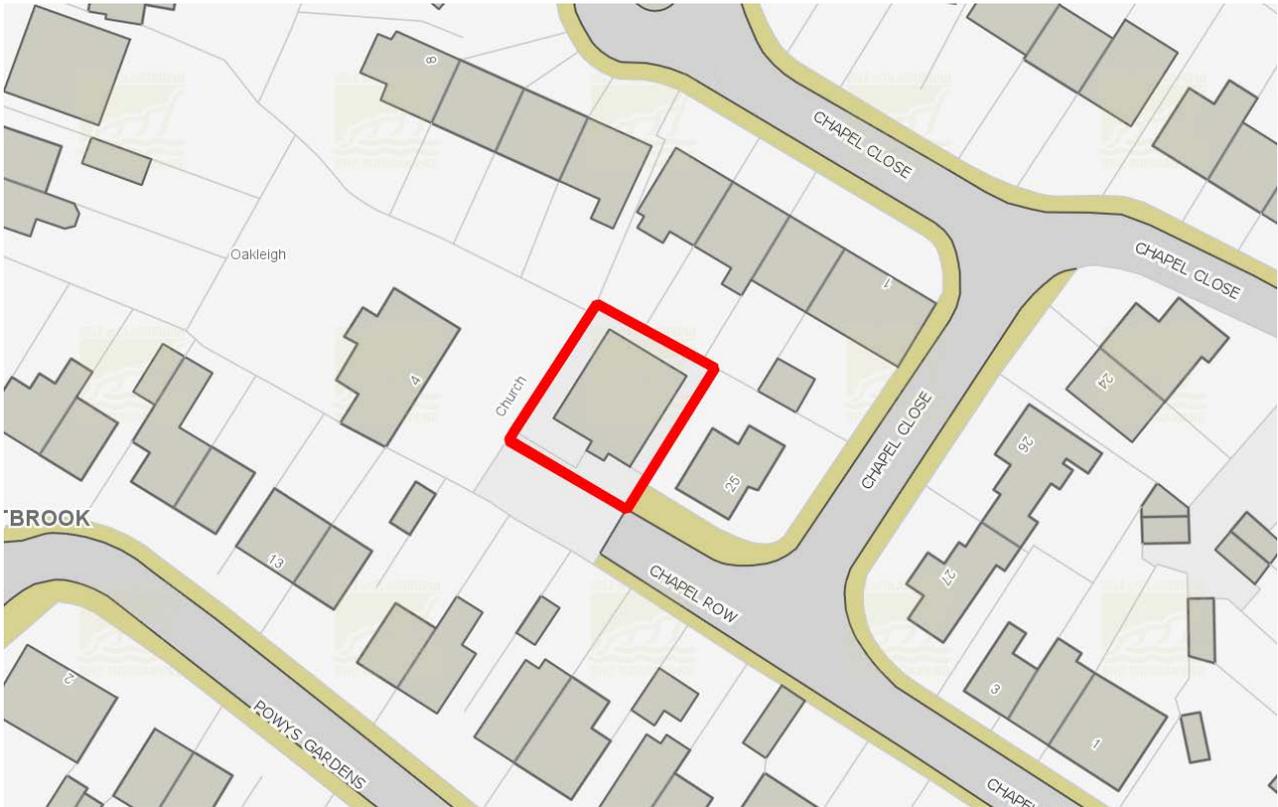
The proposal is considered acceptable in terms of the loss of the existing building/use and the replacement dormer bungalow is considered acceptable in respect of its design and impact on the character of the wider street scene. Furthermore, the proposal would be acceptable in terms of impacts on highways and parking, the impact on the amenities' of neighbouring occupiers and ecology.

The proposal would be subject to a financial contribution to the sum of £27,631.20 toward affordable housing, which the agent has agreed to pay.

SITE AND CONTEXT

The application site consists of a vacant chapel (Eastbrook Methodist Church) and associated land at Chapel Row, accessed via Cardiff Road. The site lies within a predominantly residential area within the settlement boundary of Dinas Powys as defined by the Vale of Glamorgan Local Development Plan 2011-2026 (LDP). The supporting information states that the Chapel finished holding services in early to mid-2017.

The site abuts the rear gardens of the post war properties on Chapel Close to the north-east and south-east and the garden of Oakleigh, Chapel Row, to the north-west.



DESCRIPTION OF DEVELOPMENT

This full planning application proposes the demolition of the existing chapel building at the site and the erection of a four bedroom dormer bungalow with a footprint of approximately 8.7m wide by a depth of 9.5 metres, with a 6m ridge height and eaves to a height of 2.8m. Three pitched roof dormers are proposed on the front facing roof plane.

The dwelling will have off white render to the front with the other elevations finished with heritage red bricks. Brick is also shown to be used to the window heads and as detailing either side of the front door and to the front boundary wall. The roof will be finished in dark grey roof tiles and the dormers with western red cedar cladding.

Parking is shown to the side of the dwelling and comprises two parking spaces. There is an additional area to the side for bin storage.

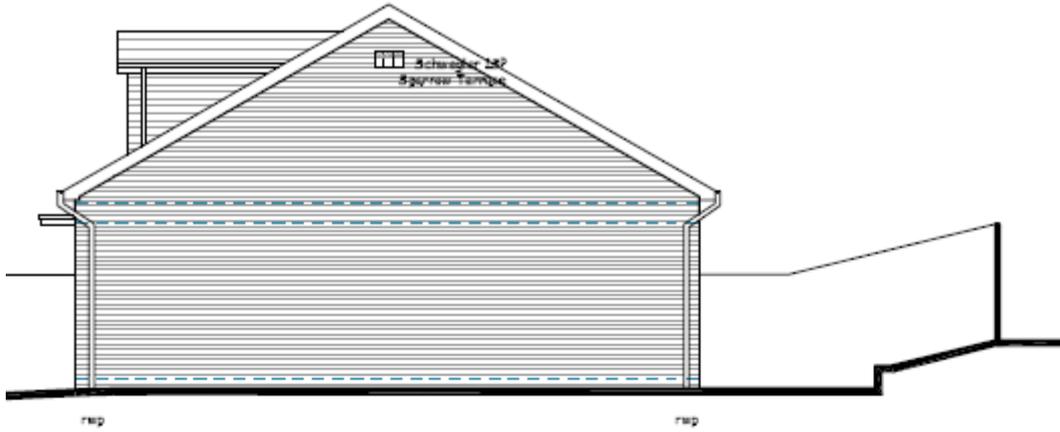
The dwelling is shown to be served by a patio area to the rear, enclosed by a low level retaining wall to the remainder of the garden.



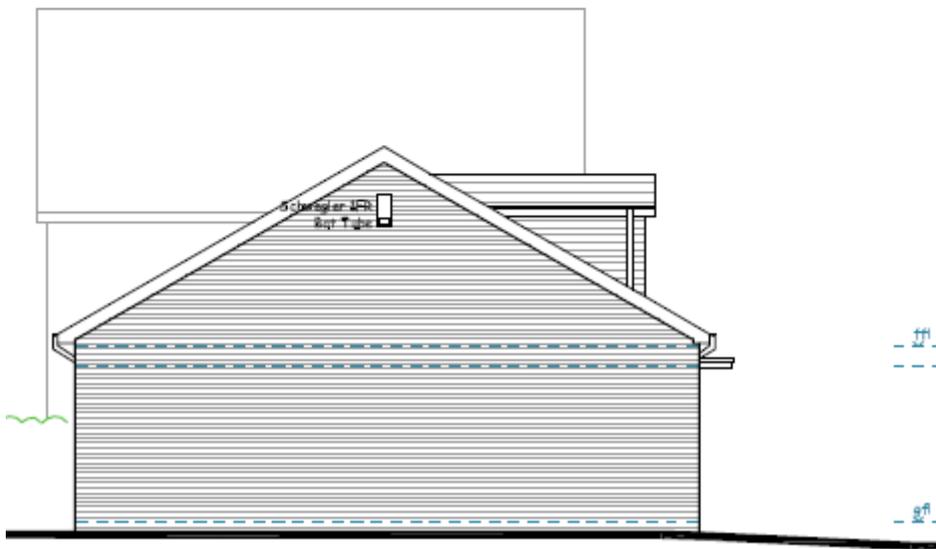
Proposed Front Elevation



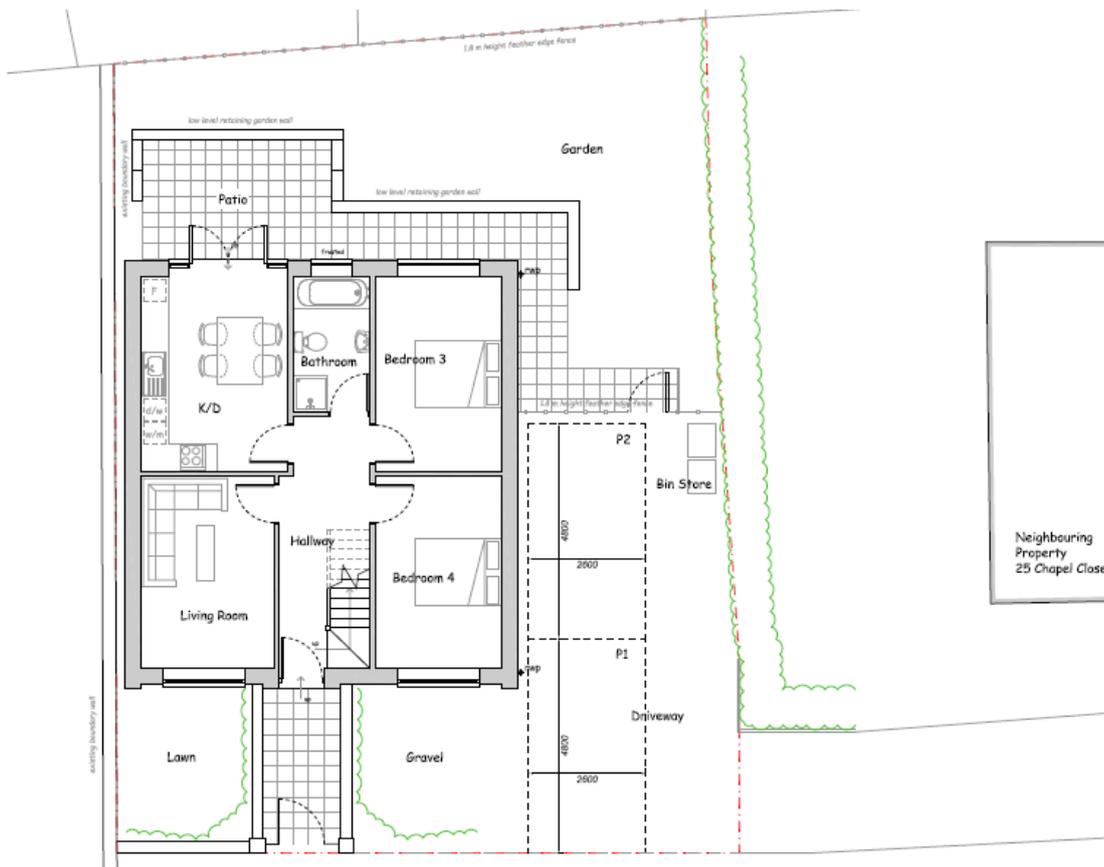
Proposed Rear Elevation



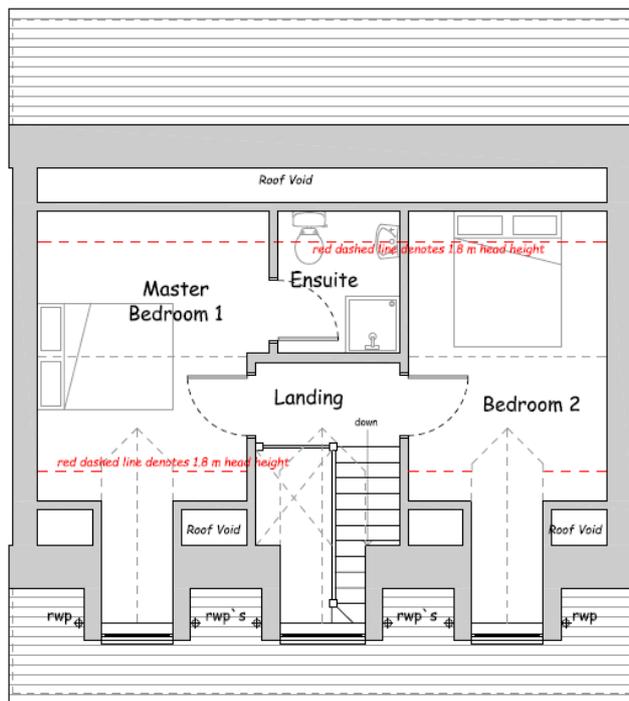
Side Elevation



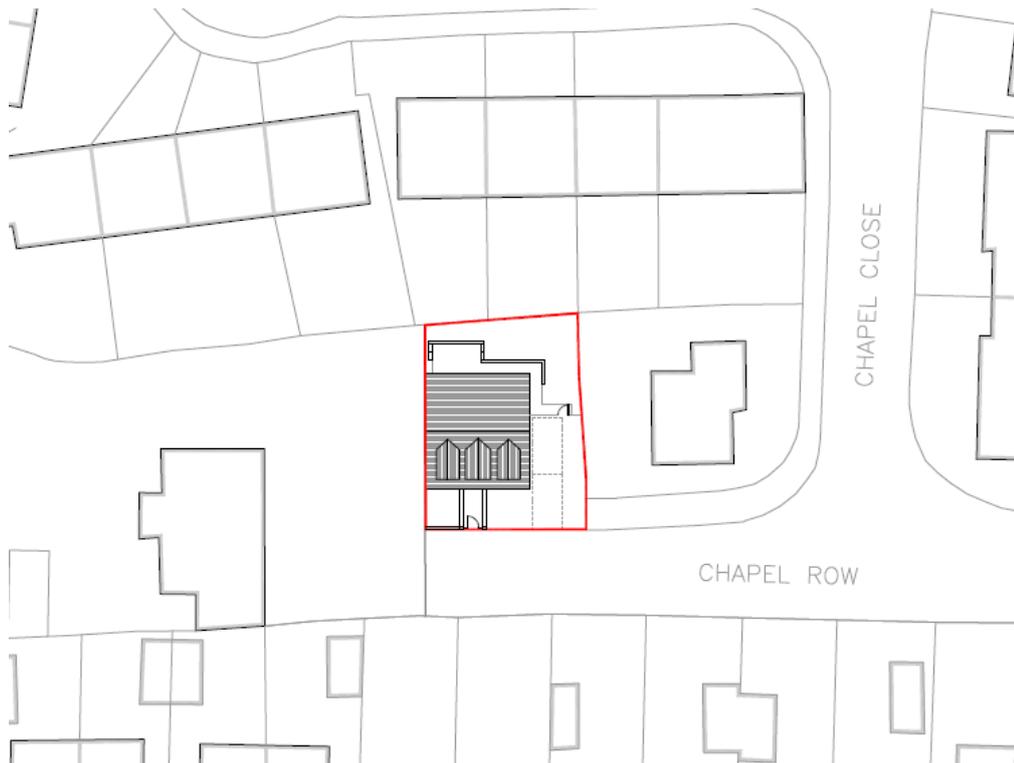
Proposed Side Elevations



Proposed Ground Floor / Site Layout Plan



Proposed First Floor Plan



Proposed Site Plan

PLANNING HISTORY

1993/00411/FUL, Address: 2, Chapel Close, Dinas Powys, Proposal: Conversion of garage to kitchen/dining, porch and internal re-arrangement, Decision: Approved

2019/00347/FUL, Address: Church Hall, Chapel Row, Dinas Powys, Proposal: Change of use from a chapel (D1 Non-residential institution) to an office (B1 Business), Decision: Refused

- The application has not been supported by any statement in respect of a marketing exercise, demonstrating that the community facility is no longer required or that such a loss would not have a detrimental impact upon local service provision. The proposal is therefore considered to be contrary to policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) & the Well-being of Future Generations (Wales) Act 2015.*

A subsequent appeal was dismissed on 28 January 2020.

CONSULTATIONS

Dinas Powys Community Council was consulted and raise no objections to this application.

Councils Drainage Section was consulted although no comments had been received at the time of writing this report.

The Council's Ecology Officer note that 'there are no ecological grounds to prevent the demolition and replacement of this building' subject to a soft strip of the building; demolition being undertaken ideally outside of the bird nesting season; and subject to the provision of mitigation for nesting birds/bats as noted within the submitted ecology survey.

The Council's Highway Engineer has advised that the requirement in accordance with the Council's Parking Standards is for 1 vehicle parking space per bedroom (up to a maximum of 3) to be able to park within the curtilage of the property. However due to the sustainable location of the development which is walking distance of local facilities and public transport, the Planning Guidance allows for a reduction in the parking requirements. The proposed development is accessed off Chapel Row Road, which, due to the width of the carriageway provides enough space for vehicles to pass in both directions and provides adequate access in and out. No objection has been raised.

Dinas Powys Ward members were consulted and Cllr Marianne Cowpe has responded with a request to call the application in with the following concerns that have been expressed locally (summarised):

- The size and scale of building impacting on sunlight and views of vegetation.
- The boundaries shown on the plan do not seem consistent with the actual physical boundary.
- I believe previous planning for a house next to this plot (1990) was refused on the grounds that the application was unneighbourly. How is this building now deemed 'neighbourly'?
- An office building on this site was refused as proof was needed that this community building was not needed as a community space, has this been considered? There is no community space in the lower Eastbrook Ward. The existing building would be better used as a shared community space/building
- Over development in that road
- Extremely poor access into Chapel Row from Cardiff Rd. Exit onto Cardiff Rd on a blind bend and Chapel Row and Chapel Close already have major problems with traffic trying to pass each other.
- Very limited parking spaces and a new house would aggravate the already problematic parking situation for existing dwellings. Emergency services access may be affected.

Cadw provided comments with regard to the application following the receipt of a request to consider listing of the building. Following consideration of this request they commented stating that they 'have now completed our assessment of this former chapel against the published listing criteria and have concluded that it does not meet the high standard necessary to be included on the statutory list'. They do however 'acknowledge that these "tin tabernacles" do have a rarity value, particularly as the majority were intended as temporary structures, but this is not a good example of its type.' However, noting its

interest locally they request that the LPA ensure there is an opportunity to properly record the building prior to its demolition.

REPRESENTATIONS

Letters of objection have been received from the occupiers of two nearby dwellings, with the grounds summarised below :

- Loss of a community building/facility and lack of attempt but current owners to explore its continued use as such
- Out of character in terms of its size and design
- Over development of the site
- Proximity to neighbours' boundaries
- Loss of historic building
- Accuracy of plans in relation to the boundaries shown and internal dimensions

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 MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder 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

Analysis of Proposal

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the principle of a residential use, and the loss of the community use as recently considered under application ref. 2019/00347/FUL. Other considerations relate to visual impact; impact on living conditions of neighbouring properties; amenity space provision and highway safety.

Principle of development

The site is located within the settlement boundary of Dinas Powys, and policy MD5 of the LDP states that new development will be acceptable within settlement boundaries subject to a series of criteria. Although the proposal may generally accord with many of the

provisions of this policy, regard must be had to the status of the building as a community facility as referred to within criterion 5.

Indeed, the supporting text of Policy MD5 at paragraph 7.35 states: *'Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision.'*

Policy MD2 of the LDP seeks that development proposals, amongst other requirements, should *'where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities'*.

Furthermore, Policy MD4 seeks to ensure that all new developments are supported by appropriate services and facilities to meet the need of the existing community. Whilst the policy is primarily aimed at securing community facilities through planning obligations, the aims of the policy are consistent with the broader aims of the LDP.

This view is supported by Planning Policy Wales (11th edition) including the text at paragraph 4.4.1 which states:

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

Policy MG7 of the LDP relates explicitly to the provision of community facilities. The supporting text of this policy states: *'Community facilities such as community halls, libraries, schools and leisure centres are essential to the social and physical well-being of residents and are key components in maintaining the vitality and viability of community life in both urban and rural settlements'*.

The supporting text of policy MG7 of the LDP (paragraph 6.44) identifies Dinas Powys as one of the settlements within the Vale with a likely requirement for additional community facilities. The Community Facilities Background Paper to the LDP is of relevance as it assessed the need for community facilities at Ward level. This includes the settlement and Ward of Dinas Powys which has an existing community facility floorspace of approximately 1200sq.m. It should be noted that the Eastbrook Methodist Church was omitted from the assessment, although this is likely to be an error.

The report concluded that within the Dinas Powys Ward, there was a deficiency of community facilities of 330sq.m. Therefore, even if the Church Hall was included within the assessment, the Ward would still have a deficiency of some 215 sq. m (330 – 115) according to the assessment carried out as part of the LDP process. Indeed the recent application at the site (2019/00347/FUL), whilst for the reuse of the building rather than its demolition and replacement, is of relevance in this regard, having been refused for the following reason:

The application has not been supported by any statement in respect of a marketing exercise, demonstrating that the community facility is no longer required or that such a loss would not have a detrimental impact upon local service provision. The proposal is

therefore considered to be contrary to policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) & the Well-being of Future Generations (Wales) Act 2015.

The subsequent appeal against this refusal was dismissed with the Inspector noting within paragraph 7 of their decision:

Due to the lack of robust evidence provided to address the potential need or demand for broader community uses or that the loss of the facility would not have a detrimental impact upon local service provision, the proposal would represent the unjustified loss of a community facility, which would be harmful to the maintenance of a sustainable community.

The current application has been accompanied by an assessment of community facilities prepared by the applicant with regard to provision within the Dinas Powys settlement. The applicant's assessment identifies several community facilities within the settlement, and whilst some are discounted as not meeting the definition of a community facilities (or double counted), Dinas Powys Athletic Club, Dinas Powys Tennis Club, Murchfield Community Centre, Lee Hall and Parish Hall are accepted as forming community facilities.

In addition to these buildings, the Community Facilities Background Paper also identifies St. Mary's Church Hall and St. Peters Church Hall, which are included in the Council's assessment. The applicant's assessment identifies Glyndwr Community Centre, Penarth Leisure Centre and Dinas Powys Rugby Club, however these are not considered in the Council's assessment due to their location or the nature of the uses. Glyndwr Leisure Centre and Penarth Leisure Centre are located in Penarth and are thus discounted as they are not within the Dinas Powys Settlement. The Dinas Powys Rugby Club is the same building as Dinas Powys Athletic Club and duplicates the data for that building.

The Community Facilities Background Paper (2013) was a high-level study to assess provision across wards within the Vale of Glamorgan. However, given that the age of this Paper, it is necessary to consider up-to-date information regarding relevant provision in the area. In particular, that Paper would have predated the housing allocations in Dinas Powys which have since been fully built out. It is considered appropriate in this instance to assess the provision of community facilities with the settlement of Dinas Powys, which will provide a more relevant and bespoke assessment, as to whether these can meet the needs of the increased population of Dinas Powys since the 2013 Paper.

On this basis, officers have reassessed the community facilities provision within Dinas Powys itself, to establish whether the proposal would comply with the relevant LDP policies relating to community facilities. The methodology used for the Community Facilities Background Paper still remains relevant and was utilised for the assessment.

As there is no 2011 census data for the Dinas Powys settlement area, the most up to date population has been calculated using residential address points multiplied by average household size, minus average vacancy rates across the vale. The population also includes all allocated housing sites within Dinas Powys which have been fully built out, and windfall developments.

Table 1: Dinas Powys Settlement Community Facilities Assessment							
Scenario 1: Dinas Powys Community Facility Provision (including existing facility)							
Dinas Powys Population (using methodology)	Existing Community Space	Community space required @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus current requirement)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2022 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
7801	1550	1326	224	0	13.6	1331	219
Scenario 2: Dinas Powys Community Facility Provision (accounting for loss of existing community facility)							
Dinas Powys Population (using methodology)	Existing Community Space	Community space required @ 0.17sq.m per person	Existing Excess or Deficit (existing space minus current requirement)	Allocated Housing (2011 - 2026)	Windfall Housing Development (2022 - 2026)	Future need @ 0.4sq.m per dwelling	Provision requirement for 2026 (Existing excess or deficit minus future provision)
7801	1435	1326	109	0	13.6	1331	104

As shown in the table above, including the application site (scenario 1), the Council's assessment identifies that there is an existing community facility space provision of 1550 sq m in the Dinas Powys settlement. Excluding the application site (scenario 2), there is a provision of 1435 sq m. Within the Dinas Powys settlement, there is currently an identified community facility space requirement of 1326 sqm and, taking into account projected residential windfall development between 2022-2026, this increases to 1331 sq m.

Therefore, accounting for the loss of the application site as a provision of community space, there is an excess of 104 sq m within the Dinas Powys settlement. Given the excess of community space provision, it is evident that there would be suitable alternative provision within the settlement, which could satisfy local needs.

On this basis, it is considered that that the need for retention of such a facility has been adequately considered, and the authority are now satisfied that the proposal would not result in an unacceptable loss of a community facility or shortfall in the settlement of Dinas Powys. The proposal would therefore meet the requirements of Policies MG7, MD2 and MD5 as noted above.

Loss of Chapel

In respect of the acceptability of the demolition of the Chapel, during the course of the application, the LPA were notified of a request received by Cadw for the listing of the building, with concern also raised by the Planning Department's Conservation Officer with regard to the loss of the building.

However, following the conclusion of the assessment by Cadw, whilst they acknowledge that these “tin tabernacles” do have a rarity value, particularly as the majority were intended as temporary structures, they advise that this is not a good example of its type. However, Cadw add that it obviously has some interest locally and have requested that the Authority ensure that there is an opportunity to properly record the building before it is demolished.

The building therefore does not meet the criteria for listing and does not benefit from local designation as a County Treasure or similar. Noting this, whilst the building evidently has a degree of historical value, it is considered, on balance, that its loss would not represent a reason to refuse planning permission in this instance. However, if planning permission is granted a condition relating to recording of the historic fabric of the building is recommended (**Condition 4** refers).

Visual impact

Chapel Row comprises of a group of terraced cottages and the modern post war dwellings located either side of Chapel Close, the application site, and at the head of this no through part of Chapel Row, a detached dwelling known as Oakleigh. There is no particular established pattern of development along Chapel Row. The proposal would result in the loss of the host building and its replacement with a dormer bungalow, with a ridge height some 1.4m higher.

Whilst this varied street scene mainly comprises two storey dwellings, the introduction of a dormer bungalow within the site would not be harmful to the established mixed character of this part of the street scene or the wider area.

Although the proposals would introduce a one and half storey dwelling that would not strictly replicate the general form and design of neighbouring two storey dwelling, it would nevertheless be viewed in a varied context and would replace an existing single storey building of limited architectural merit. Furthermore, owing to the pattern of surrounding development, the proposal would be relatively discrete within the wider street scene.



CGI view looking northwards from Chapel Row

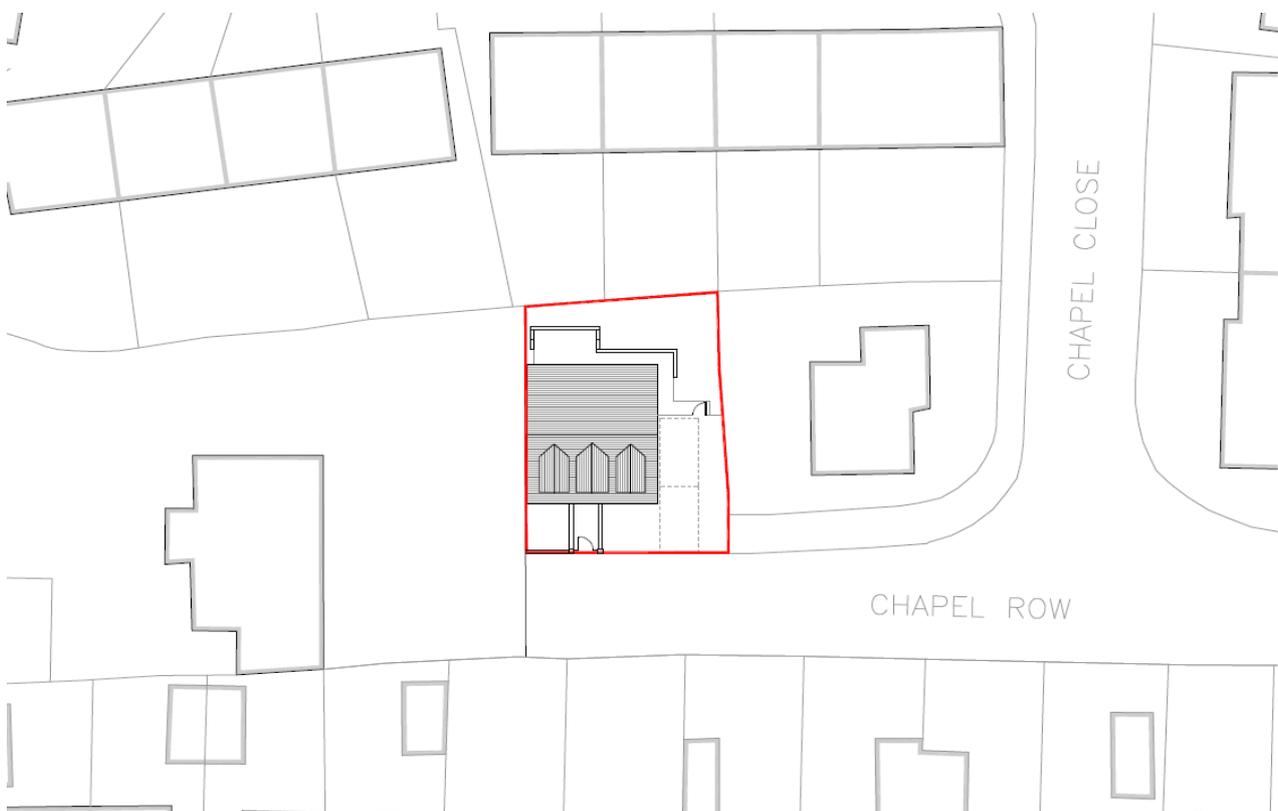
The siting and general layout of the proposed dwelling is considered acceptable, where the dwelling fronts onto Chapel Row and its relationship to the dwelling to the north and south is considered acceptable in terms of its impact on the street scene.

In respect of materials and finishes, Chapel Row comprise of a mix of brick and rendered dwellings and the proposed use of the render to the front and brick to remaining elevations would reflect the materials used with the street scene. Similarly, the use of dark grey roof tiles is considered acceptable given that there is a mix of slate roofs and brown concrete roof tiles on nearby dwellings. Whilst the use of western red cedar cladding to the dormers will introduce a new material, this is a minor element and is not considered harmful to the street scene, particularly noting the materials and finish of the existing Chapel building. It is however considered necessary to approve materials and finishes by way of condition (**Condition 3** refers).

Impact on neighbouring occupiers

It is noted that the proposals would introduce a larger building than the existing structure, and that this would be located adjacent to neighbouring residential properties.

There are a number of windows within 25 Chapel Close (to the east) that face the existing Chapel. The side elevation of the proposed dwelling would be within approximately 10 metres of these openings and owing to its altered and enlarged form, when viewed from this property, the proposal would alter the outlook of the occupiers of this neighbouring dwelling. It is however considered that the proposal, due to the massing of the facing side elevation, separation distance, together with its location to the north-west of the neighbouring dwelling, would not be overbearing or unacceptably enclose the outlook of these occupiers.



Although the proposal would introduce first floor windows within the front elevation (through the use of dormers), there would be a distance of some 11m to the nearest part of the rear garden serving the properties in Powys Gardens (to the south) and in excess of 21m to the nearest dwellings. On this basis the proposed dwelling would not result in any unacceptable overlooking of these occupiers' rear gardens or habitable windows and would also be a sufficient distance away as to not result in any overbearing impacts.

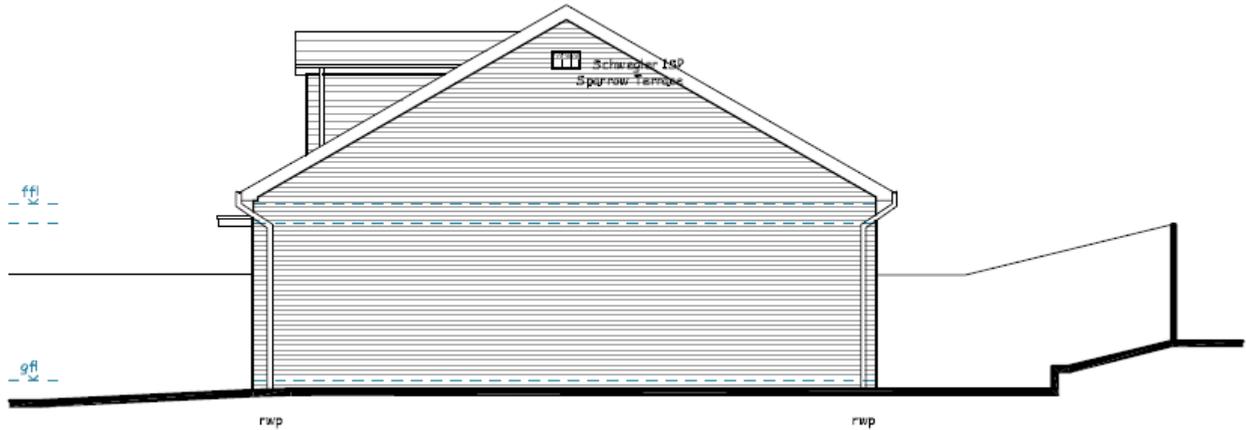
In respect of the impacts on Oakleigh to the west, the proposed dwelling is shown to be sited adjacent to the boundary with this property. The proposed dwelling would be a distance of some 13m away and due to the massing of the facing side elevation and separation distance, and off set nature, would not be overbearing or unacceptably enclose the outlook of these occupiers, noting the orientation of that dwelling and the nature of the space most closely affected.

Finally, in respect of the impacts of the properties located to the rear of the application site in Chapel Close, the rear garden of the proposed dwelling will have a depth of between 4 – 5 m. It is also noted that the dwellings to the rear are located at a slightly higher level (as illustrated below). There would be separation distance of some 15m, between the application dwelling and the nearest house in Chapel Close. The proposal has however been designed to minimise the impacts on these dwellings, where the majority of the ground floor wall will be screened by existing fencing and the most visible element will be the pitched roof. In addition, no windows are proposed in the rear elevation. On basis, the degree of separation with these neighbouring properties, together with the design of the dwelling, is such that whilst the proposal would be visible from the rear garden and rear elevation of their properties, it would not be overbearing or unacceptably enclose the outlook of these occupiers.

Given the acceptability of the scheme is based on the scheme as submitted, it is considered necessary to remove permitted development rights for any further extensions and alterations. This is due to the fact that such works may well impact on the amenities of nearby occupiers and would have to be subject to detailed consideration as part of any planning application. (**Condition 5** refers).

Furthermore, whilst the neighbouring dwellings to the rear have fencing, it does vary in its form and it would be appropriate for the rear of the application site to be supplemented by 1.8m high fencing which can be secured by condition (**Condition 6** refers).

It is also considered necessary to secure a detailed scheme of hard and soft landscaping in the interests of visual amenity of the area (**Condition 7** refers)



Section through Side Elevation

Amenity Space

Policy MD2 of the LDP states that *in order to create high quality, healthy, sustainable and locally distinct places development proposals should meet the requirements of the listed criteria. These include criteria 8 and 9 as below:*

8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;

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

Section 10 (Amenity Space) of the adopted Residential and Householder Development SPG states that:

[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.

Design Standards 4 and 5 of the SPG states that:

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

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

5. 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. 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.*

The guidance states that proposals for new houses, conversions to create new dwellings and new householder development must provide and maintain sufficient outdoor amenity space. In particular, it states that private (usually rear) gardens should be of a useable shape, form and topography.

The proposed dwelling would benefit from approximately 80 sq m of enclosed rear garden, in addition to lawned and gravel areas to the front garden totalling some 72 sq m.

Based on the proposed four bedroom house typically having four occupiers, the overall provision would be satisfied and the rear garden would be both usable and largely private to meet the general objectives of the guidance within the SPG.

It is considered necessary that the amenity space is laid out in accordance with the approved details prior to the first occupation of the dwelling (**Condition 9** refers)

Highways

The submitted plans, as amended show off site parking provision for 2 spaces to serve the dwelling. The requirement, in accordance with the Council's Parking Standards SPG is for a maximum of 1 vehicle parking space per bedroom (up to 3) to be able to park within the curtilage of the property. However due to the sustainable location of the development with good pedestrian, cycling and public transport facilities, the Planning Guidance allows for a reduction in the parking requirements below the maximum. The proposed development is accessed off Chapel Row Road, which, due to the width of the carriageway, provides enough space for vehicles to pass in both directions and provides adequate access in and out. On this basis, the highway engineer has not objected to the proposal. The parking shall be laid out prior to the first beneficial occupation of the dwelling (**Condition 9** refers)

Ecology

The application is supported by a Preliminary Ecological Appraisal undertaken by Levan Ecology Ltd and a Bat Survey undertaken by Acer Ecology dated September 2021. The reports indicate that the Chapel is unlikely to be used by bats. However, it recommends the use of a soft strip style demolition and also that work is ideally undertaken outside of the bird nesting season, or if between April to August, that checks be undertaken for nesting birds prior to the commencement of works. Mitigation/enhancement in the form of bird and bat boxes is proposed.

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’).

Having regard to the above policy framework, the findings of the survey work undertaken and the comments of the Council’s Ecologist, it is considered that there is not an ecological constraint preventing the grant of planning permission, although a condition is recommended requiring that works be undertaken in accordance with the submitted ecological details (**Condition 10** refers) which also includes the requirement to secure ecological enhances bay way of a bat and bird box. **Condition 11** also requires that any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Affordable housing

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

LDP Policy MG4 (Affordable Housing) states that residential developments (including mixed use schemes) will be required to contribute to meeting affordable housing need. In the area of Dinas Powys, based upon a net gain of 1 dwelling, the requirement is for 40% affordable housing to be provided. Based upon sites of 1-9 dwellings, the Council’s Adopted SPG on Affordable Housing (2022) sets out how to calculate the level of off-site contribution using the following equation:

$$\text{Financial contribution (£)} = \text{Acceptable Cost Guidance (£)} \times \text{Social Housing Grant (58\%)} \times \text{Number of affordable housing units}$$

The Acceptable Cost Guidance contained within Welsh Government Document ‘Acceptable cost/On costs for use with social housing grant funded housing in Wales’ dated August 2021 supersedes that within the Councils adopted Affordable Housing SPG.

The latest need for Dinas Powys is:

1 BED	145
2 BED	80
3 BED	38

4 BED	12
5 BED	1
Total 276	

The Acceptable Cost Guidance (ACG) Works 2021 figure for a 2 person 1 bed flat contained within Table B 'Schemes 10 homes and under' is £119,100. Using the above formula, the guidance in the SPG and the current social housing grant %, the affordable housing contribution for this site would be calculated as follows:

£119,100 x 0.58 x 0.4 = £27,631.20.

The applicants have indicated their willingness to make the required contribution.

RECOMMENDATION

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

- to pay a financial contribution to the sum of £27,631.20 for an off site affordable housing contribution.

APPROVE subject to the following condition(s):

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

Reason:

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

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

- R523 00 A4 Location Plan received 06/12/2021
- R523 03 A1 Proposed Elevations and 3d views received 06/12/2021
- R523 Bat Survey received 06/12/2021
- R523 Preliminary Ecological Appraisal received 06/12/2021
- R523-02 A1 Proposed Plans received 23/09/2022

Reason:

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

3. Notwithstanding the submitted details, and prior to their use on site, a schedule of all 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 prior to its first beneficial occupation.

Reason:

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

4. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the provisions of schedule 2, Part 1, Classes A, B, C, D and E 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), [the development hereby approved shall not be altered in any way / no extensions shall be erected to the building other than those expressly authorised by this permission / and no buildings shall be erected other than those expressly authorised by this permission].

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority, which shall include details of the 1.8m high feather edge fence located to the rear (north-east boundary) of the application site. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

7. No development shall take place until details of both hard and soft landscape works have been 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;

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

8. 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) and MD2 (Design of New Developments) of the Local Development Plan.

9. The amenity space and parking area shall be laid out in accordance with the details shown on drawing ref. R523-02 A1 Proposed Plans, prior to the first beneficial occupation of the dwelling hereby approved.

Reason:

To ensure timely provision of amenity space and parking as required by Policy MD2 (Design of New Development) of the Local Development Plan.

10. The works of demolition and construction shall be completed in full accordance with the document "R523 Preliminary Ecological Appraisal". Prior to the occupation of the development, the biodiversity enhancement shall be completed on site in accordance with the details set out within the PEA and as detailed on the approved drawings.

Reason:

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

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

Reason:

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

12. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the amenities of the area are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG4 – Affordable Housing, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities and MD9 - Promoting Biodiversity and the advice contained within Supplementary Planning Guidance and Planning Policy Wales, the proposal is considered acceptable in terms of the visual impact on the character of the site and the wider street scene. Furthermore, the proposal would be acceptable in terms of impacts on highway and parking and impact on the amenities of neighbouring occupiers and ecology.

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

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

NOTE:

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

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

2. **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.**
3. **You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

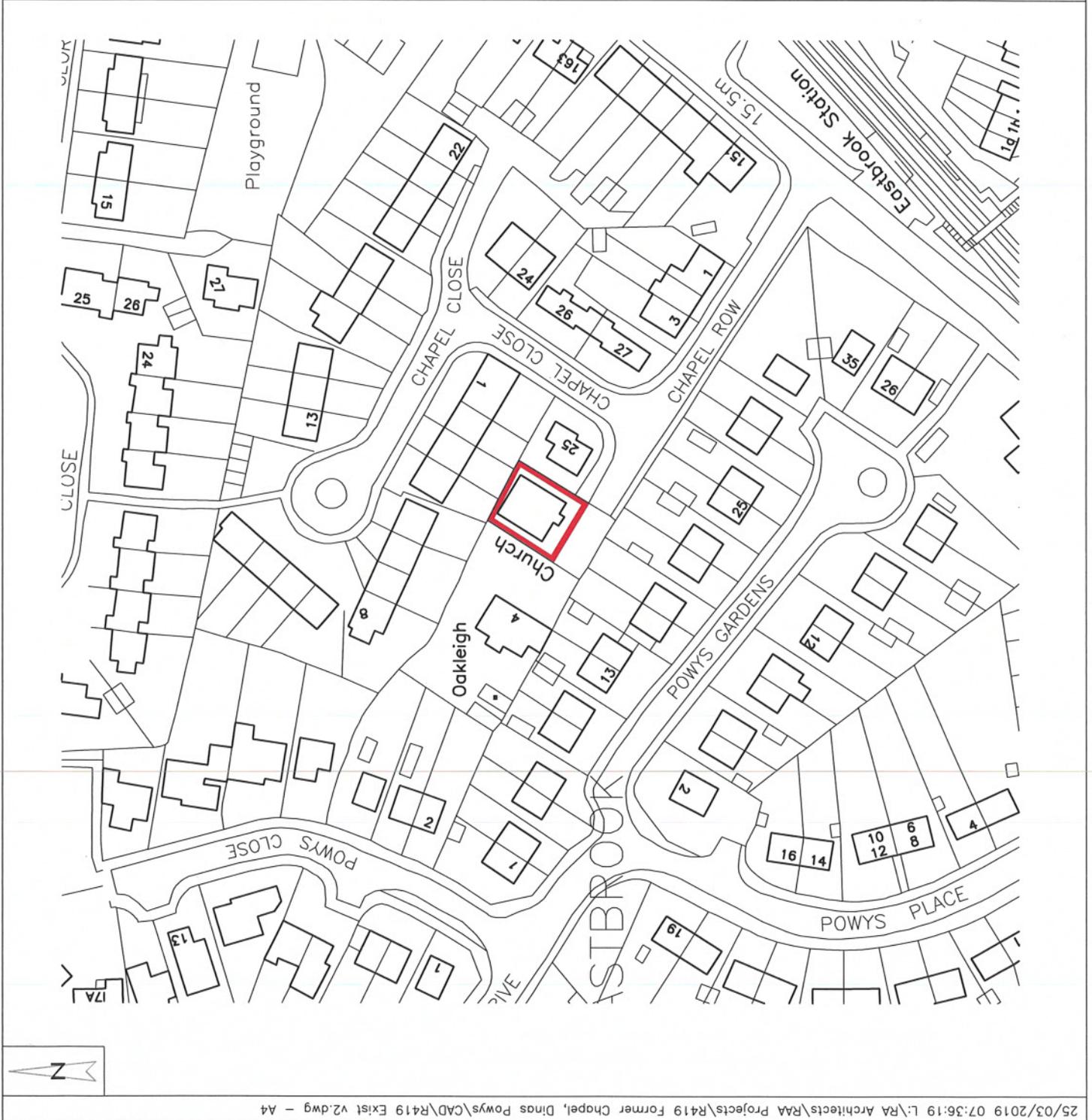
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

<p>Number R419-00 A4</p>	<p>NOTES: THIS DRAWING IS COPYRIGHT. DO NOT SCALE FROM THIS DRAWING. WORK TO FIGURED DIMENSIONS ONLY. CHECK ALL DIMENSIONS ON SITE. ANY DISCREPANCIES TO BE NOTIFIED TO THE ARCHITECT.</p> <p>NOTES: DRAWINGS HAVE BEEN PRODUCED FOR PLANNING AND BUILDING REGULATIONS PURPOSES ONLY. THE CONSTRUCTION (DESIGN AND MANAGEMENT) REGULATIONS 2015 (CDM) IS THE RESPONSIBILITY OF THE CLIENT/ CONTRACTOR UNLESS OTHERWISE AGREED IN WRITING.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">REVISED</th> <th style="text-align: left;">DATE</th> <th style="text-align: left;">BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REVISED	DATE	BY				 <p>RICHARD ANDREWS ARCHITECTS sustainable:modern:creative</p> <p>THE STABLES, THE ESTATES OFFICE, 25-26 GOLD TOPS, NEWPORT, NP20 4PG PHONE: 01633 744144 EMAIL: rdm@ra-architects.co.uk</p> <p><small>RICHARD ANDREWS ARCHITECTS LTD, REGISTERED OFFICE: HEULLE, CHURCH WAY, GARDIST, CF14 3JZ WWW.RA-ARCHITECTS.CO.UK</small></p>
REVISED	DATE	BY							
<p>Job</p> <p>CHAPEL, CHAPEL ROW, DINAS POWYS, CF64 4LD</p>	<p>Drawing</p> <p>SITE LOCATION PLAN</p>	<p>Scale</p> <p>1:1250</p>	<p>Number</p> <p>R419-00 A4</p> <p>Date</p> <p>03/19</p> <p>Drawn</p> <p>CT</p> <p>Checked</p>						



25/03/2019 07:36:19 L:\RA Architects\RAA Projects\R419 Former Chapel, Dinas Powys\CAD\R419 Exist v2.dwg - A4

APPLICANT: Wales and West Housing, Archway House, 77, Parc Ty Glas, Llanishen, Cardiff, CF14 5DU

AGENT: Mr Dylan Green Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land adjacent to Oak Court, Myrtle Close, Penarth

Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application is a hybrid application with the development of a block of 70 extra care flats applied for in full and a development of 32 flats for people over the age of 55 applied for in outline, with all matters reserved except for access. The site is an area of land accessed from Myrtle Close, Penarth. The development is proposed to be a 100% affordable housing scheme.

The site is mostly part of a larger site allocated for housing (MG2 (Housing Allocations)(27), allocated for 145 units) in the Local Development Plan, and a degree of extra care provision is anticipated as part of the development of the site in the Local Development Plan. As such it is considered acceptable in principle.

The design and layout of the proposed extra care scheme is considered acceptable and it is not considered to significantly impact on neighbour amenity. It is considered that an acceptable design and layout can be achieved for the over 55s flats at reserved matters stage without significantly impacting on visual and neighbour amenity.

The site is proposed to be accessed from Myrtle Close, with the existing pathway directly to the site from Cedar Way upgraded to provide a 3.5 metre wide shared footway and cycle way. The proposed access arrangements are considered acceptable in respect of their impact on Myrtle Close.

The development of the site will impact on bats and slow worms using the site and therefore conditions are recommended in respect of landscaping and ecological management, lighting, bat boxes and reptile mitigation (including the provision of hibernacula) in order to mitigate such impacts.

The development will result in the loss of trees on site, some of which are covered by a Tree Preservation Order. The trees that are to be lost are largely small scrub trees that are assessed as category C trees. A proposal has been put forward to translocate trees removed to elsewhere on the site and provide additional replanting, alongside a landscaping scheme.

Four neighbours have objected with concerns relating to neighbour amenity, access and parking and loss of trees and biodiversity.

The proposed development is recommended for approval subject to conditions and planning obligations in respect of the provision of on-site open space, sustainable transport, community facilities and public art.

SITE AND CONTEXT

The site is an area of land to the west of the Oak Court, a large, three storey block of sheltered housing flats. The land is accessed from the residential street of Myrtle Close, via the access drive that is currently used to access Oak Court. This access drive continues into the site to provide access to an existing sewage pumping station. Ty Dewi Sant Residential Home is to the other side of Oak Court.



The site is within the settlement boundary for Penarth and is approximately 2.2 hectares in size. The majority of the site is also part of a housing site allocated for the development of 145 homes in the Local Development Plan (Allocation MG2 (Housing Allocations) (27) Land adjacent to Oak Court, Penarth). The site boundary also contains woodland, the access drive and an existing footpath link to Cedar Way (see below).

The site is currently well vegetated and contains a significant number of trees. A number of these trees around the perimeter of the site are covered by a Tree Preservation Order. The site includes an area of woodland in the north, with potential to be used for ecological, landscape and/or arboricultural mitigation.

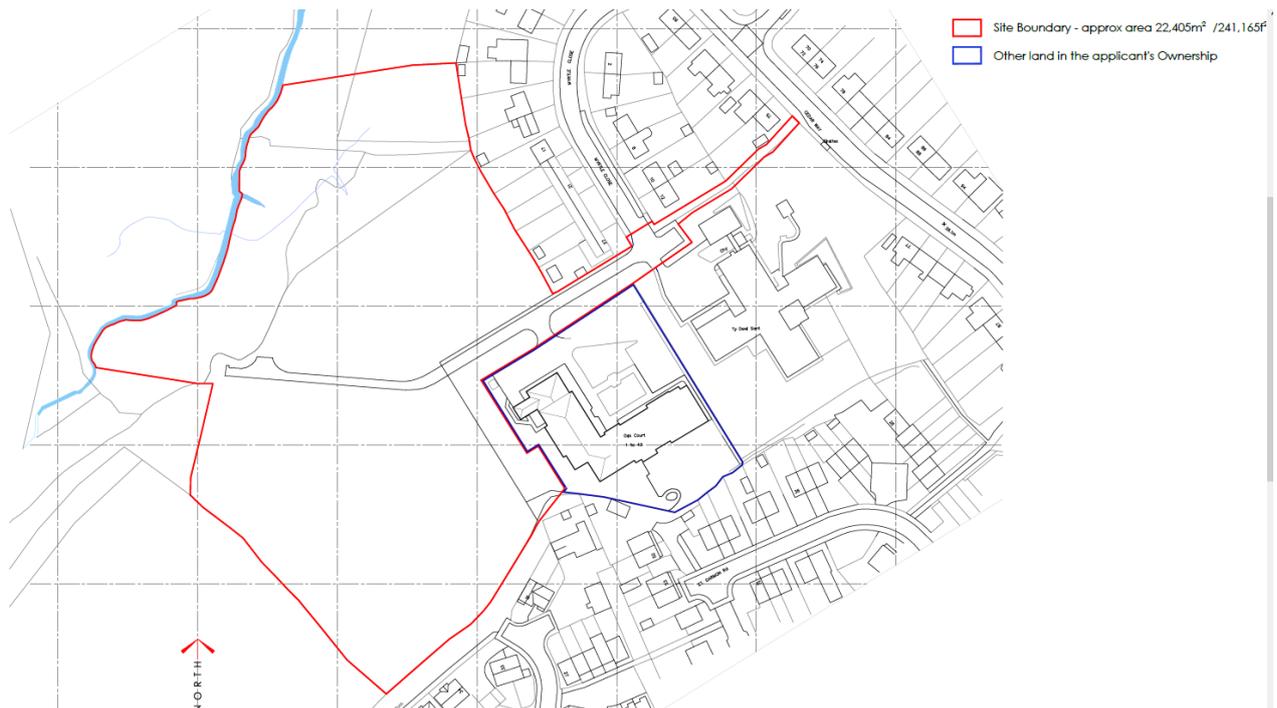
The site slopes downwards from the north east to the south west in the southern part, and from the south east to the north west in the northern part.

The adopted highway ends to the front of nos. 12 and 27 Myrtle Close and does not extend to the driveway outside Ty Dewi Sant and Oak Court. There is also a footpath link to Cedar Way, which runs along the northwest boundary of Ty Dewi Sant.

There is a public right of way (P1/12/2) immediately to the south east of the site.

Some small areas of the site are considered as being at risk from surface water flooding.

Site Location Plan:



Site Photographs:





DESCRIPTION OF DEVELOPMENT

A hybrid application has been submitted for an extra care facility and a housing development for people over the age of 55. The extra care facility and site access are proposed in full. The over 55s housing element of the proposal is submitted in outline, with the means of access to be considered as part of this application.

The scheme is proposed as a 100% affordable housing scheme. The application form advises that 20 full time equivalent staff will be required for the whole development.

A Design and Access Statement, ecological assessment, planning statement, archaeological desk based assessment, site investigation, flood risk and drainage strategy report, transport statement and arboricultural report have been submitted with the planning application.

As the proposal is a major development, a pre-application consultation report has been submitted with the application.

Layout Plan of Site:



Extra Care Facility (full application)

The extra care building is proposed to provide 70 one and two bedroom self-contained flats. The planning statement identifies the extra care development is within a C3(b) use class. The flats are to be within a building set around a landscaped courtyard, which will provide a “dementia friendly” amenity area for residents of the extra care flats. The building is proposed to be three storeys in height, but is a split level building due to differences in levels across the site. Cutting works are proposed to accommodate the building and courtyard. The building has a footprint of approximately 73 metres x 59 metres and a height to the ridge of approximately 15 metres.

A further private landscaped area for use of residents is proposed externally, to the south and west of the proposed building. Beyond this, an area of landscaped public open space is proposed between this element of the development and the proposed over 55s flats.

The building is proposed to have feature gables containing balconies for the flats. The building is proposed to mainly be finished in red brick with feature brick banding, and also areas of stone work, white render, Rockpanel cladding, standing seam and curtain walling. Slate effect tiles are proposed to be used for the roof.

Communal areas are proposed at ground floor level in the north eastern part of the building, including a lounge, restaurant, coffee bar and wellbeing area. A kitchen, laundry,

reception, buggy store, guest bed room and staff facilities are also proposed in this part of the building. Pathways and other paved areas are proposed on the perimeter of the extra care building.

A car park with 27 spaces, a bin store and turning facility is proposed to the north east of the building.

The existing sewage pumping station on the site and its access are proposed to remain.

Solar panels are proposed on the roof as part of the development.

Proposed Plans and Elevations of Extra Care Building:







1|Proposed Eastern Elevation - Front



2|Proposed Northern Elevation - Facing Shared Landscaped Area



1|Proposed Western Elevation - Rear



2|Proposed Southern Elevation - Side

Section of Extra Care Building:



2|Proposed Northern Courtyard Elevation

Typical Apartment Layouts with Extra Care Building:



Illustrative Images:

Typical 2 Bed Apartment Layout

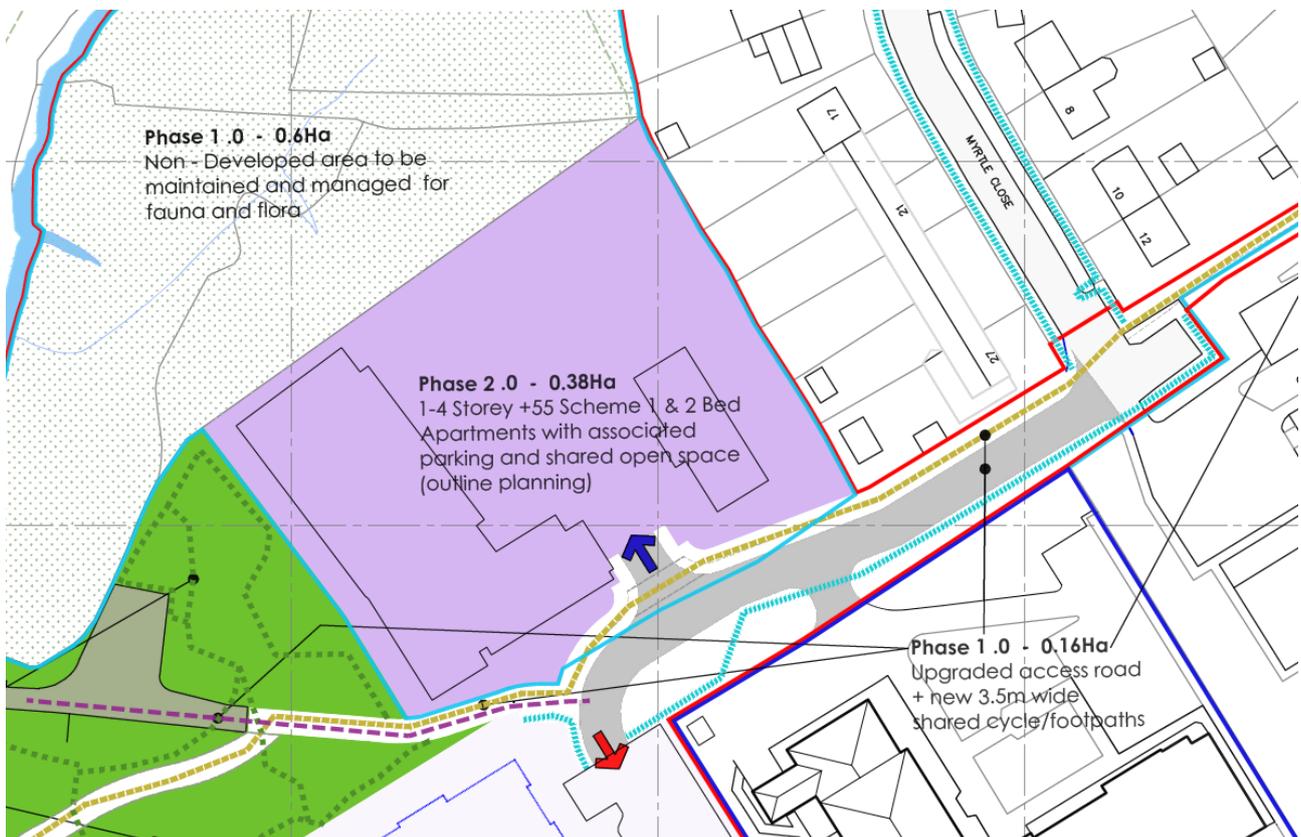


Over 55s Housing (outline)

32 flats are proposed as over 55s housing development in outline with all matters reserved except for access. The layout plan for the site does provide an indicative layout for these, showing a larger block of flats in the west and walk up flats or dwellings immediately behind the houses in Myrtle Close to the east. Access and parking is shown between the two blocks, with a shared amenity space to the north.

The site of this is the area shaded in purple on the parameters plan below:

Parameters Plan:



Indicative Layout of Over 55s Housing (from Layout Plan of Site):



The parameters plan shows the minimum and maximum dimensions of the two blocks of proposed as follows (the parameters marked “dwellings” are the dwellings or walk up flats proposed in the east of the site and those marked “apartment block” are for the proposed block of flats in the west):

PARAMETER PHASE 2 - OUTLINE APPLICATION

DWELLINGS	MIN	MAX
Width of single property	5m	10m
Depth of properties	6m	10m
Height of eaves	2.1m	6m
Ridge Height	2.4m	11m
(Assuming max 45° pitch on 10m span)		

APARTMENT BLOCK	MIN	MAX
Depth of plan	11.5m	19.5m
Length of property	11.5m	48m
Height of eaves	5.5m	10.2m
Ridge Height	5.8m	16.5m
(Assuming max 45° pitch on 19.5m span)		

PLANNING HISTORY

1993/01129/OUT, Address: Cogan Hall Farm, off Dinas Road, Penarth, Proposal: Residential development, Decision: Approved, 13th October 1997.

2000/00665/OUT, Address: Cogan Hall Farm, off Dinas Road, Penarth, Proposal: Renewal of application 93/01129/OUT - Residential development, Decision: Approved, 23rd February 2001.

2004/00123/OUT, Address: Cogan Hall Farm, off Dinas Road, Penarth, Proposal: Variation of Conditions 2 and 4 to extend time limits for two years (Application 00/00665/OUT), Decision: Approved, 19th March 2004.

2020/01100/TPO, Address: 34, Cae Gwyn, Penarth, Proposal: Work to trees covered by TPO No.10 of 2003: Cut back two Oak trees away from property, Decision: Approved 12th November 2020.

CONSULTATIONS

Penarth Town Council responded on 8th July 2022 advising that it is noted that the application is from a Housing Association where affordability is assured. The height and design of the proposed care facility are considered acceptable. The layout of the building, with an internal courtyard, does result in the overall scale of the development being increased but to provide for amenity. In terms of the outline application, the principle of the development is acceptable and other matters particularly transport impact are reserved.

Penarth Town Council responded to the re-consultation on 14th October 2022 advising that in terms of the outline application, Penarth Town Council have no objection to the principle of the development, subject to Highways Authority being satisfied. It is noted that Penarth Town Council recognise the need for this type of accommodate and welcome this type of development in Penarth.

The Council's Shared Regulatory Services (Environment Team) responded on 30th March 2022 advising that the site investigation report includes a contamination assessment based on a detailed desk study, together with site investigations (although the latter were subject to certain access limitations). The findings indicate no significant risk to human health from land contamination, however the potential for this cannot be ruled out and the 'unforeseen contamination' condition is requested. Conditions are also recommended in respect of potential importation of soils and aggregates and the use of site won materials along with a general informative note regarding contamination and unstable land. They responded to the re-consultation on 29th September 2022 advising their comments remain as above.

The Council's Housing Strategy Team responded on 30th March 2022 advising that the application is for an extra-care and housing site which has been allocated under Policy MG2 (27) in the Vale of Glamorgan Council's Local Development Plan and as such is deemed a suitable site for this purpose. The extra-care accommodation will be managed by an RSL and will be able to provide care on site for those who require it, and Housing Strategy give their support.

The outline planning application for residential accommodation is for 10no. x 1bed units and 22no. x 2 bed units of accommodation for 55+, this is supported by the waiting list figures as shown above and below:

ALL PENARTH 55+	
1 bed	222
2 bed	39
3 bed	5
4 bed	1
	267

All the units will be managed by the Vale of Glamorgan Council and must meet WDQR21 standards, as such they support the application for this development.

Dwr Cymru Welsh Water responded on 12th April 2022 advising that they can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. They advise that approval is needed from the Council as Sustainable Drainage Systems Approval Body (SAB) for surface water drainage. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

They provide advice regarding obtaining an adequate water supply and asset protection, and that no habitable buildings should be constructed within 15 metres of the sewerage pumping station to ensure the protection and access of this asset and to minimise any effects of noise and odour nuisance.

They request a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network and advisory notes regarding applying for a connection to a public sewer and the potential presences of formerly privately owned sewers.

They responded to the re-consultation on 13th October 2022 advising they offered no further comments.

Glamorgan Gwent Archaeological Trust responded on 9th May 2022 advising that the proposal is located in an area of archaeological interest. Accordingly, the report recommends an archaeological watching brief. They concur with the conclusions of the report and recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work should be attached to any consent. They envisage that this programme of work would take the form of a watching brief during the groundworks. They also recommended a note advising the archaeological work must be undertaken to the appropriate standard. They responded to the re-consultation on 21st October 2022 repeating this advice.

The Council's Ecologist responded on 20th June 2022 advising that the ecological reports gave positive indications of bats and slow worms being present on site or using the site as part of their ecology.

In respect of bats, the Stage 2 report indicates that bat activity was centred in areas that are not subject to development with this application. The report does not indicate flight lines relating to which particular species using are the site. This will be important in assessing the Phase 2 development of 55 residential units which contains much open land as illustrated in Target Note 1 of the report. In maintaining the populations of bats and the availability of food sources then those areas outside of the current development proposal will need to be managed appropriately to remain suitable for use as feeding and

commuting routes for the species of bats identified in the surveys. Therefore, a condition is requested that a Landscape and Ecology Management Plan is provided for the site that covers a 10-year period. It is highly likely given the number of bats utilising the site and the potential for bats to be using mature trees on site that a protected species licence will need to be obtained from Natural Resources Wales before work commences.

A condition is requested that a Lighting Plan is produced that recognises the importance of the site for bats and identifies dark corridors and other measures as outlined in the Stage 2 Report to reduce light pollution levels.

The Stage 2 report also identifies a number of mature oak trees that are likely to be being used by bats on the boundaries. As part of the 10-year Landscape and Ecology Management Plan and to be considered in the landscaping proposals should be the retention of suitable trees where features for bats could develop by managing the trees as future ancients and planting species that could be allowed to develop into ancient trees.

A planning condition is requested that a minimum of two reptile hibernacula are identified on the landscaping plans and constructed on site if planning permission is granted. This is to provide opportunities for slow worms that have been identified on site through survey and for mammals such as hedgehogs which are highly likely to be present.

As identified in the initial Ecological Assessment any boundary fences should leave 130mm square gaps at regular intervals to allow the passage of hedgehogs.

In the provision of additional nest boxes some consideration should be given to their location in relation to creating interest for the residents either by direct line of sight or through the provision of nest-cams.

Natural Resources Wales responded on 28th July 2022 advising they continue to have concerns with the application as submitted. However, they are satisfied that these concerns can be overcome by attaching conditions to any planning permission granted for a Construction Environmental Management Plan and for the contents of Section 4 'Conclusions and Recommendations' of the Stage 2 Ecology Report, by Soltys Brewster to be adhered to.

The trees on site have been surveyed for bat roosting potential, using ground level assessments. The Stage 2 Ecology Report confirms that a single oak was identified as having low potential, whilst all other trees with low or moderate potential were associated with the boundaries. Section 4.5 of the report confirms that there is not a requirement for the felling of any trees with moderate roosting potential, and these trees will be retained and protected during construction works. The report confirms in Section 4.6 that any tree with low potential that requires felling will be section felled, which they welcome. Should bat roosts be confirmed, they advise that a European Protected Species Licence is obtained.

The Protected Species Survey report section 4.0 'Conclusions and Recommendations' recommends the retention of the majority of existing boundary tree / scrub and woodland corridor to the north and southwest. It also recommends careful consideration of lighting across the site, and the use of dark corridors to allow bats to continue to move across the site and prevent light spill onto retained areas of habitat and site boundaries. They would therefore request that the Local Planning Authority secures this document to any permission they are minded to grant.

They note the presence of potentially suitable habitat on site for dormice, which is connected to further suitable habitat in the wider landscape. The Stage 2 Ecology Report confirms that a dormouse nest tube survey, and nut search were undertaken, with no evidence of dormouse recorded.

They note from the Stage 2 Ecology Report that two ponds were identified within 250m of the application site, however during further site inspections, neither pond was considered suitable to support Great Crested Newts.

They consider that the controlled waters at this site are not of the highest environmental sensitivity, therefore they will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

They responded to the re-consultation on 9th November 2022 advising that these comments are still valid.

The Council's Drainage Section responded on 28th July 2022 advising that it is indicated from the submitted details that surface water runoff generated by the proposed development will be managed through the use of sustainable drainage techniques. A connection will be made to an existing surface water sewer ultimately discharging to the Sully Brook. It is advised that a detailed drainage design is to be submitted through the SAB process and therefore not subject to further planning condition regarding surface water drainage. They request an advisory note regarding the need for SAB approval.

The Council's Highways Development Team responded on 3rd August 2022 advising that amendments were required including to the design of the cycle link on the site, proposed turning facilities and access geometry, along with the provision of tracking diagrams for consideration and the consideration of electric charging points within the car park. Recommendations were also made to accommodate active travel and public transport, including:

- The existing footway link as shown from Cedar Way to Myrtle Close should be improved to accommodate cycle access, be to 3.5m wide, with existing street lighting columns to be amended to suit and the path to be fully DDA compliant;
- The existing bus stop facility on Cedar Way should be upgraded to provide bus boarder Kassel kerbs, a new style shelter and electronic display system.
- Fingerpost markers should be installed indicating how far away and the direction to the train station.
- The improvement for pedestrian and disability access leading to Myrtle Close with the provision of dropped kerbs and tactile paving leading to Myrtle Close.
- The applicant should consider installing a Nextbike docking station at the site for ebikes and contact Nextbike to discuss.
- In addition, conditions are requested in respect of engineering details, a potential traffic regulation order, the provision of surveys and the carrying out of remedial works before, during and after construction, a construction traffic management plan

and regarding the requirement to enter into a Section 278 and Section 38 agreement under the Highways Act.

The Council's Highways Development Team responded to the re-consultation following amended plans and details on 25th October 2022 advising that:

- The details of the cycle link have been confirmed as required;
- The applicant is to provide the vehicle tracking drawing for review (this has subsequently been confirmed as provided and being acceptable);
- The master plan drawing should be revised to show how the junction will be amended in terms of realigned kerbing or carriageway markings for junction priority in relation to existing vehicle movements out of Ty Dewi Sant and the new access road;
- The introduction of any revised Traffic Regulation Orders within the new access road refers to the existing/revised junction from Myrtle Close onto the access road. There will be a need to prevent parking within this location to allow for the free flow of traffic within this location;
- The Highway Authority would want to see a full resurfacing of Myrtle Close as a result of the construction and delivery vehicles using this road as an access to the site;
- Entering into a S278/S38 agreement is required as a condition;
- Proposed street lighting for the access road and the 3.5m cycle link has not been shown on the drawings but will be required;
- Tactile paving is required to the pedestrian drop crossings at the junction of Myrtle Close and the proposed access road.
- The proposed highway drainage seems to connect to a private surface water drain, this is usually unacceptable;
- A full review of the engineering drawings is to be undertaken within the S278/S38 technical approval process.

South Wales Fire and Rescue Service responded on 30th September 2022 advising that the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority. The developer should also consider the need for the provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

South Wales Police responded on 17th October 2022 advising that the local neighbourhood policing team have no concerns in relation to the proposed development. They provide design advice on the proposal in respect of designing out crime.

The following consultees have been consulted but have not responded at the time of writing this report:

- The Council's Community Health & Care Team
- Cadw
- The Members for Stanwell Ward
- The Council's Landscape Officer
- The Council's Estates Team

REPRESENTATIONS

The neighbouring properties were consulted on 29th March 2022 and reconsulted on 29th September 2022.

A site notice was also displayed on 14th April 2022.

The application was also advertised in the press on 7th April 2022.

Representations have been received from 4 properties objecting to the application (29, 32 & 33 Cae Gwyn; 27 Myrtle Close). These are summarised as follows:

- A substation positioned next to neighbouring gardens could cause noise pollution;
- Impact on neighbour privacy;
- Loss of trees and woodland on the site including those covered by a Tree Preservation Order;
- The construction process will increase the chance of ash trees on the site being infected with ash dieback;
- Loss of wildlife and biodiversity;
- The contribution the loss of woodland will make to climate change;
- The narrow road and sharp bend to access the site will make access difficult and results in risk to neighbouring properties due to vehicles mounting the kerb at the corner;
- Concerns regarding overspill parking, including on the footway and shared footway/cycleway, causing obstruction and damage to neighbouring properties;
- A neighbour has maintained the area where the proposed footway/cycleway is proposed and would want all the shrubs planted and stones placed there moved to their property;
- Consideration needs to be given to the neighbour at no. 27 Myrtle Close's rear access and the pond in their garden, as they are concerned regarding damage, inaccessibility and future flooding.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

POLICY SP7 – Transportation

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG2 – Housing Allocations

POLICY MG4 – Affordable Housing

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 – Historic Environment

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Policy 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

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.

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:

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

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 proposal:

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

Chapter 4 - Active and Social Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 - 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:

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Model Design Guide for Wales (2005)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide (2006)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)

Other relevant evidence or policy guidance:

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

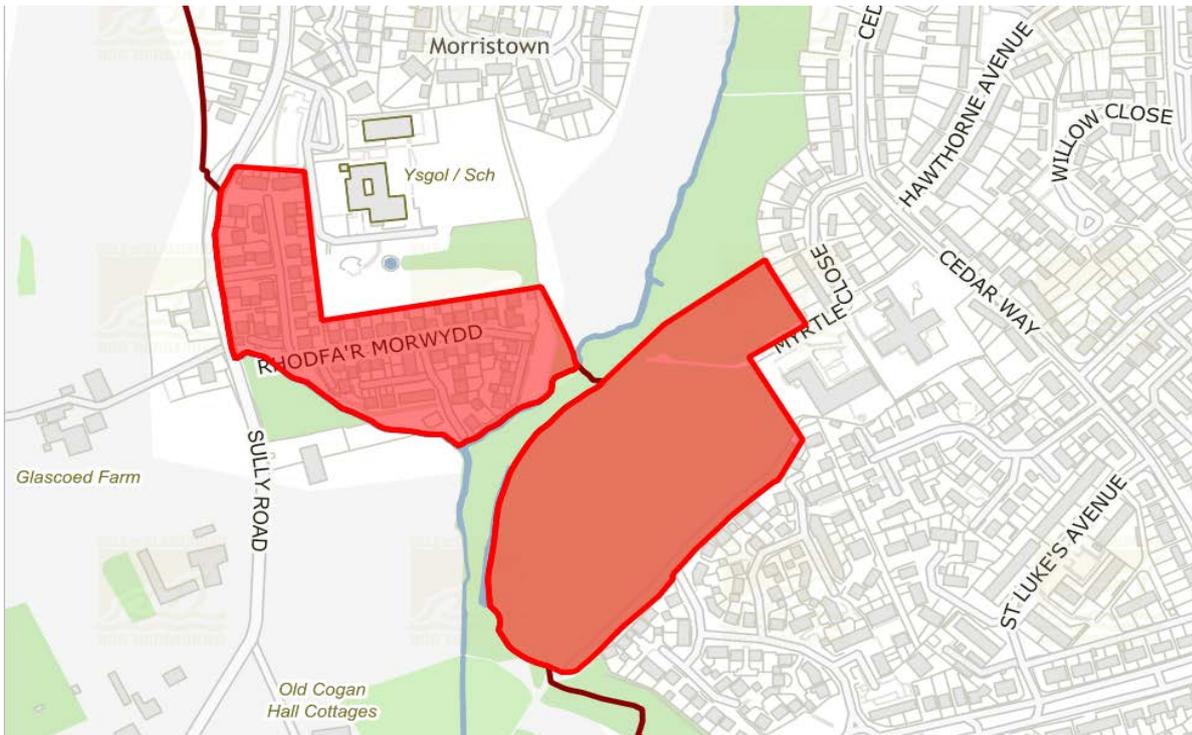
Issues

The key issues in considering this planning application are considered to be compliance with planning policy, design and impact on visual and neighbour amenity, access and impact on highway safety, impact on ecology and loss of trees, and particularly the accordance of the proposal with Policies MG2 (Housing Allocations), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

It should be noted that where recommended conditions are referred to below, a number of conditions have been used twice in the recommendation due to the application being a hybrid application and part of it being in outline and part of it being in full. A separate list of conditions is required for both elements of the proposal.

Planning Policy

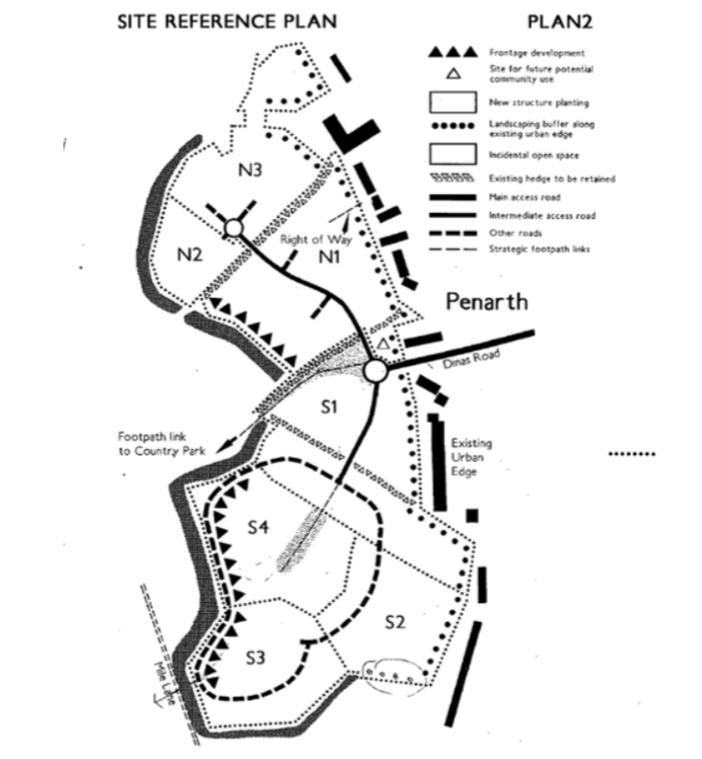
The site is mostly part of a larger site allocated for housing (MG2 (Housing Allocations)(27), allocated for 145 units) in the Local Development Plan, as shown below :



Extract of LDP – Shaded red area is housing allocation - brown line settlement boundary

A large part of the site was also included in the outline planning permission for the development of the Cogan Hall Farm Estate to the south of the site (see “Site History” for planning application references). The development brief for the site produced at the time of the original outline planning application indicates that it was intended this area would be developed as part of the estate, with access being obtained via the rest of the estate from the south. However, no reserved matters application came forward for its development.

Plan from Development Brief (Parcel N3 is the relevant parcel to this application site):



The site is proposed to be developed as a 100% affordable housing scheme and it is also noted that there is significant support for the development of affordable homes at a national level. Policy 7- Delivering Affordable Homes in Future Wales states that the provision of such homes must be a “*key focus for housing delivery*” (p. 72, 2021) across Wales.

In terms of policy requirements relating to ‘extra-care’ accommodation, Planning Policy Wales 11 highlights the need for development proposals to address issues of accessibility and inclusivity for all, including provision to meet the needs of older people, young children and those with learning, mobility, sensory and memory impairments (para 3.6, 2021). It also identifies that there must be sufficient housing sites “*suitable for the full range of housing types to address the identified needs of communities, including the needs of older people and people with disabilities*” (p. 56, para 4.2.12, 2021).

The delivery of affordable housing is also a key objective of the Local Development Plan Strategy whilst the Council’s adopted 2021 Local Housing Market Assessment (LHMA) has identified a net annual need for 1205 units of affordable housing per annum for the next five-year period 2021-2026 (4450 over the full period). This annual figure comprises 917 units for social rent, 79 for low-cost home ownership and 211 units of intermediate rented accommodation. Furthermore, the greatest need for such homes was identified as being within Barry and Penarth.

The planning statement identifies the extra care development is within a C3(b) use class (up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems). The over 55s housing is identified as within a C3(a) use class (use by a single person or a family, an employer and certain domestic employees, a carer and the person receiving the care and a foster parent and foster child).

The Local Development Plan does anticipate a degree of extra care provision on this housing site, with 0.5 ha of land being used for this purpose. The area of the site to be dedicated to the extra care provision is approximately 0.75 ha. While this is a greater amount than set out in the LDP, given the need to provide a range of housing to suit the current needs of all and to provide affordable housing, the principle of the provision of the extra care element of the proposal is considered acceptable. The over 55s housing development is also considered acceptable in principle, given the need to provide a range of housing and affordable housing and given that it is proposed on an allocated housing site.

Approximately 1.4 hectares of the site forms the part of the housing allocation and this leaves approximately 2.4 hectares of the wider allocated housing site undeveloped.

Consideration should reasonably be given in determining this current planning application to the options for how the rest of the housing allocation could be accessed should this site be developed to ensure that this proposal does not prejudice the ability to develop the remainder of the allocated housing site. It is important that appropriate access can still be gained to the wider site to utilise the full housing allocation. The proposed shared cycle/footpath link continues from Cedar Way to the site and is proposed through the proposed public open space to be provided within the site up the edge of the site’s boundary with the rest of the allocation. Therefore, it will be available to provide an

appropriate active travel link and connectivity to the wider allocated site should the rest of the housing allocation come forward for residential development.

In respect of vehicular access to the remainder of the allocated site, there is potential to provide access via Rhos Ddu through the wider Cogan Hall Farm Estate in the south, served off Dinas Road, similar to that shown on the above plan from the development brief.

Although no land is formally reserved as part of the proposal for vehicular access into the adjoining area of the allocated site, with some alteration to the layout of external open space areas and the setting back of the proposed over 55s accommodation from what is shown on the indicative plan, a vehicular access could be achieved from Myrtle Close through the site to the rest of the allocation if required and considered appropriate in the future, although this would be dependent on the timings and delivery of the over 55s accommodation.

The overall size of the application site is 2.2 hectares. Therefore, the density of the proposed development would be 46 dwellings per hectare, which complies with Policy H6 (Housing Densities) of the Local Development Plan.

Layout and Design

The development is required to comply with Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan in terms of its scale, layout and design, including how the development impacts on its surroundings in terms of visual impact and placemaking.



The proposed extra care building is a relatively large unit, but has been designed as a split level building, with a stepped roof form and a number of gable features and using a variety of materials to break up the mass and add visual interest as can be seen in the above image. It will be viewed in the context of the two other existing blocks in the vicinity providing housing for people with care needs and will be subject to extensive landscaping in the spaces around it, including tree planting that will soften its appearance. It is noted that Oak Court adjacent to the site is mainly three storeys high and therefore the proposed building is comparable in height with the adjacent development.

Although the extra care building will be partly visible from the surrounding streets, it will not be in a particularly prominent location. It is set back from the rest of Myrtle Close and the

retained tree cover on the southern and western boundaries will limit views from Cae Gwyn and the adjacent public footpath to the rear of these properties, and Dol Gwartheg in the south.



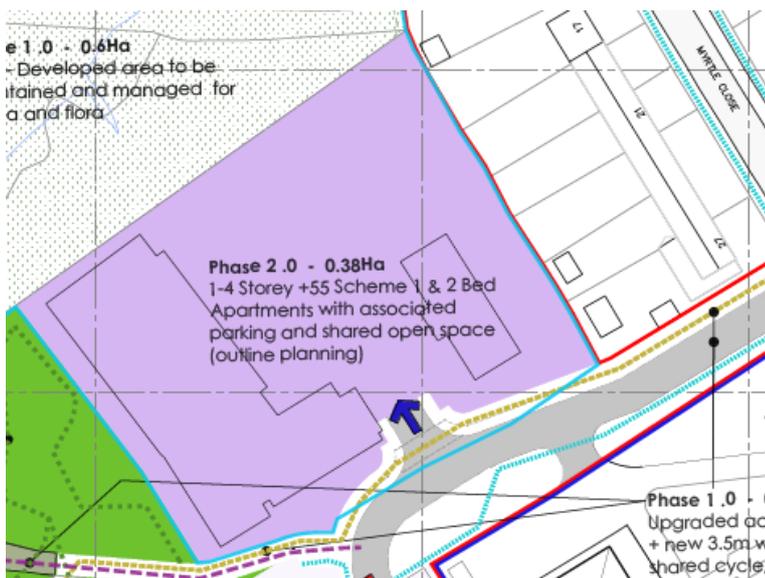
The proposed materials for the extra care building are red brick with feature brick banding, areas of stone work, white render, Rockpanel cladding, standing seam and curtain walling and slate effect tiles are proposed to be used for the roof, as shown in the CGI above. These materials and finishes are considered acceptable in principle and reflect that which is used in the wider area (noting that the adjacent Oak Court is primarily red brick with a slate roof), subject to the provision of appropriate samples or manufacturer's details for which a condition is recommended (**condition 35 refers**). The proposed use of solar panels is also considered acceptable in principle, subject to the provision of details of this. A condition is recommended for this (**condition 36 refers**).

The layout plans for the over 55s housing are indicative, but it is considered that a development of an acceptable design and layout can be achieved within this part of the site. The parameter plans show that a block of flats in the west of the site would be provided at a maximum of 16.5 metres in height (4 storeys). Although this block has the potential to be high compared to other existing development within the vicinity, based on the indicative plans, this block would set back in the site and be approximately 32 metres away from Oak Court and 35 metres away from the rear boundaries of the adjacent properties in Myrtle Close. A block here would therefore be viewed alongside the proposed adjacent new extra care building, which is approximately 15 metres in height.

The smaller block would sit more immediately behind existing two storey houses in Myrtle Close and would be provided as dwellings or walk up flats that would be a maximum of 10 metres in height, with a maximum eaves height of 6 metres. Due to its smaller scale and its siting behind existing dwelling, its visibility from off site will be limited.

The maximum parameters given for height are considered likely to result in 2 or 2 ½ storey accommodation which would be considered acceptable in principle in this area which mainly consists of two storey dwellings.

Extract from Parameters Plan:



The minimum and maximum parameters provided are considered acceptable at this stage, but the acceptability of the design and its impact on the character of the area will be fully considered at reserved matters stage and compliance with them is required as a recommended condition (**condition 5 refers**).

In respect of South Wales Police's comments, these are considered to largely be for the applicant to consider in trying to achieve a Secured By Design Gold Standard rather than matters that are required to be addressed directly through the planning process.

Amenity Space

In respect of amenity space for residents, for the extra care development this will be provided in shared amenity areas within the central courtyard and in the areas to the south and west of the building. The guidance with the Council's Residential and Householder Development Supplementary Planning Guidance requires that for developments housing 61 people or more 12.5 square metres of amenity space per person are provided.

The SPG suggests that typically a one or two bedroom flat would house two people. However, if it is accepted that the 64 one bedroom extra care flats largely house one person (see below) then the extra care development can be considered to house 76 people and 950 square metres of amenity space are therefore required to comply with the guidance set out in the SPG. Approximately 1,700 square metres of usable space is provided within central court yard.

Courtyard Amenity Space Areas for Extra Care Development:



The indicative plans for the over 55s housing development also show a separate shared amenity area for the flats. If two people are assumed per flat, as suggested by the SPG, the development can be considered to house 64 people and therefore 800 square metres of amenity space would be required in order to satisfy the SPG. The indicative plans suggest that approximately 1000 square metres could be provided as shared amenity space in the area of the site that is shown below. The site layout plan also indicates the provision of potential private amenity space for the proposed dwellings/walk up flats.

Indicative Shared Amenity Space for Over 55s Development:



Neighbour Amenity

The extra care building is approximately 15 metres away from the nearest dwelling to the south at the nearest point, 29 Cae Gwyn, but does not have any windows directly facing this property. It is approximately 20 metres away from the side of the adjacent no. 31 Cae Gwyn, but faces the side of this property which angles away from the proposed building

and there is also intervening tree cover. The building is further away again from dwellings in Dol Gwartheg, being approximately 35 metres away from these at the nearest point. Therefore, the proposed extra care building is not considered to cause any significant issues in respect of privacy nor have an overbearing impact on the dwellings in Cae Gwyn and Dol Gwartheg, or Oak Court.

Extract of Plan showing relationship with neighbours in Cae Gwyn:



The flats at Oak Court to the east are more than 21 metres from the proposed extra care building.

As it is such not considered that the extra care building will have an unacceptable impact on the amenity of neighbours.

The indicative layout for the over 55s housing development shows the walk up flats/dwellings as approximately 10 metres from the boundary with gardens on Myrtle Close, but more than 21 metres from the backs of these houses. Subject to the design of these, this is not considered to be overbearing nor have significant impacts on neighbour privacy and is therefore considered acceptable in respect of neighbour amenity. It should be noted that a full assessment of impacts on neighbour amenity will be carried out when the final design and layout is known at reserved matters stage.

The indicative plan shows that the south western corner of the larger block of over 55s flats is approximately 12 metres from the corner of the extra care building. This will need to be considered in the final design of the over 55s scheme to ensure that there are not adverse impacts on the amenity of resident in both buildings.

In respect of the concern regarding the substation, substations such as these are not unusual in residential areas, and therefore there is not considered to be a significant issue regarding impact of noise on residents. A condition is however recommended for details of

the housing and means of enclosure to ensure any impacts are minimised (**condition 52 refers**).

The concern raised regarding the neighbour maintaining part of the site and wanting the landscaping moved to their property is considered to be a private matter between the developer and the neighbour.

The concerns raised regarding continuing rear access to and regarding the pond at no. 27 are also considered to be private matters between the developer and the neighbour. The possibility of flood risk from the pond if it was to be damaged is not a significant concern in the determination of this planning application and highways drainage will be provided and shown on the highway engineering drawings required for the Section 38 Agreement (see below).

Access and Highways Considerations

In line with Policy SP7 (Transportation) of the Local Development Plan, priority will be given to proposals that improve highway safety and accessibility, walking, cycling and public transport. In addition, all new developments that directly impact the strategic transportation infrastructure, such as this, must deliver appropriate improvements to the network.

This site benefits from being in a sustainable location, (it is located approximately 2km from Penarth town centre). In addition to convenient access to the highway network, the site is also accessible by active travel modes such as walking and cycling as well as public transport, with the nearest bus stop being on Cedar Way close to the pathway between Cedar Way and the site, and providing a regular bus service between Barry, Penarth and Cardiff.

A Transport Statement has also been submitted as part of the application. This addresses the suitability of the existing access arrangements from Myrtle Close to serve both the proposed Extra Care building and the over 55s housing development.

The Transport Statement concludes that a safe and appropriate access, that meets current design standards, can be provided to the site from Myrtle Close and that levels of on-street parking on Myrtle Close are low and will not unduly obstruct the movement of traffic to and from the proposed development. It also concludes that the development's traffic generation during highway network peak periods is low and the estimated traffic generation of the proposed development is unlikely to cause significant detrimental impact to the safe operation of the surrounding highway network.

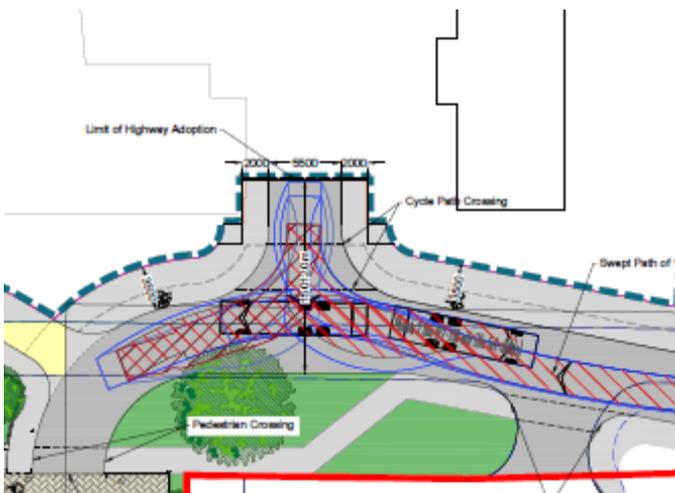
Myrtle Close is a 5.5 metre wide adopted highway with footways on both sides. At the end of the road it turns into a narrower unadopted drive of between approximately 4.00 metres and 4.5 metres in width at a right angle to Myrtle Close. This provides the existing access to the site, as well as the existing sheltered housing at Oak Court and care home at Ty Dewi Sant.



Proposed Access Arrangements

As shown above, the existing access is proposed to be realigned, widened and improved to provide a 5.5m wide carriageway, a 2m wide footway on its southern side and a 3.5m wide shared foot/cycleway on its northern side. This will be offered for adoption by the Highway Authority under a Section 38 Agreement. A turning head, capable of accommodating a 11.2m long refuse vehicle is also proposed using the proposed entrance to the over 55s development.

Turning Head:



The development scheme will provide the 3.5 metre wide footway/cycleway link from Cedar Way, through the development, to the edge of the rest of the allocated housing site. This will include the widening and upgrading of the existing path between Cedar Way and Myrtle Close and the provision of a new shared footway/cycle way on the southern side of the access road into the site.



Extract of widened and upgraded existing path between Cedar Way and Myrtle Close

In respect of traffic generation, the TRICS data provided in the Transport Statement suggests that the proposed development will generate some 12 vehicle movements during the morning highway network peak hour (8-9am) and 8 during the evening highway network peak hour (5-6pm). The development's peak traffic generating hours occur around the middle of the day when up to 32 movements per hour occur. This is not likely to cause appreciable congestion within the wider highway network.

In respect of parking, the Planning Statement and Transport Statement advise that the Council's Parking Standards Supplementary Planning Guidance (SPG) recommends that 24 parking spaces should be provided for the extra care element of the scheme using the "Homes for Elderly Persons" category within that document. 27 car parking spaces have been proposed.

Some of the residents of the flats within the extra care development may have vehicles. However, it is acknowledged that, in accordance with Paragraph 5.1 of this SPG, the standards set out are maximum parking standards and the number of residents with vehicles is likely to be relatively low. As such the level of parking provided for the extra care development is considered to be acceptable.

In addition, it is noted that a parking survey of Myrtle Close was undertaken and reported in the Transport Statement concluding that the maximum number of cars parked at any one time on street in Myrtle Close was 12. Therefore, should extra parking be required, it is considered that the parking survey has identified that there is likely to be sufficient on-street parking available, although a Traffic Regulation Order may be put in place around the area between Myrtle Close and the existing access drive to the site to provide double yellow lines to prevent access to the site being obstructed by parking (also see below).

Space is proposed for parking 22 bicycles and 39 mobility scooters within the extra care development, which is considered acceptable provision, where the provision for cycle parking shall be required by condition (**Condition 44** refers)

The level of parking provision for the over 55s housing will be fully assessed at reserved matters stage, when the precise layout and housing numbers/mix are known. The Planning Statement identifies that 16-24 spaces will be provided based on the “self-contained elderly person dwelling (not wardened)” category in the Parking Standards SPG. The indicative layout plan has initially identified that 18 spaces will be provided.

In respect of Highways comments, it is understood the requested upgrading of the bus stop on Cedar Way will be carried out by the developer under a Section 278 agreement and can therefore be addressed through a condition, as can the requirement to provide finger post signs (**conditions 17 and 44 refer**).

It is considered that matters such as dropped kerbs, tactile paving, lighting and highways drainage are matters for the Council’s Highways Development Team to discuss with the developer as part of full technical approval under a Section 38 Agreement. No condition has been directly recommended for this as it is a separate process to the planning application and instead a note has been recommended advising the applicant of this process. However, a condition for full engineering details to ensure the access is constructed to an adoptable standard has been recommended (**conditions 18 and 45 refer**).

An informative note has also been recommended regarding the potential requirement for a Traffic Regulation Order to prevent obstructive parking on the access to the site, as this is considered a separate matter to the planning process.

In respect of a potential Nextbike docking standard, a condition is recommended for the provision of details of cycle stands and electric charging points, and it is considered this matter can be addressed under this condition should an agreement be reached with the company concerned to provide this service (**condition 44 refers**).

A condition has been recommended in respect of carrying out of highway condition surveys to Myrtle Close before and after the construction works, as well as remedial works if required. It is only however considered reasonable for remedial works to be required if damage to Myrtle Close is actually caused by the construction process (**conditions 19 and 46 refer**).

In accordance with the Council’s Travel Plan SPG, a Travel Plan will need to be prepared to accompany this proposal because the scheme exceeds the housing threshold of 50 dwellings. Although steps have already been taken in the preparation of this scheme to enhance opportunities for active travel in the area via a pedestrian and cycle link through the south west edge of the site; weight is increasingly placed on the need to facilitate and encourage active travel in planning policy at a national level and given the extra care facility will be staffed, sustainable ways of accessing the site for all users should be encouraged where possible in a Travel Plan (**conditions 24 and 51 refer**).

Ecology

The site contains a number of trees of varying maturity. The site borders a stream that feeds into Sully Brook. The site has the appearance of being well vegetated. Many of these trees, particularly the smaller “scrub” trees, will need to be cleared to accommodate the development. This is discussed further below.

A preliminary ecological assessment has been submitted with the application. This concluded that the site is not unacceptably constrained by biodiversity issues but there may be some potential to impact protected species such as roosting bats, dormice and great crested newts. Further survey work was therefore recommended by this assessment, and this is discussed below.

Part of the site is within an area considered to have potential for water vole habitat, but the preliminary ecological assessment concludes that the watercourse in the woodland adjacent to the site is unlikely to support water vole.

The preliminary ecological assessment recommends that the scheme design should include a lighting scheme that minimises impacts on bat roost features. Dark corridors should be required on the site periphery for bats. The Council’s Ecologist has also requested that a condition for a lighting plan is recommended. A condition is therefore recommended for a lighting scheme for the development (**conditions 12 and 34 refer**). The report advises that ecological mitigation measures will also be required during site clearance and construction in respect of species that may be currently using the site.

Since the above assessment was carried out, a subsequent stage 2 ecology report has been carried out that includes the further survey work recommended by the preliminary ecological appraisal, including the results of bat, reptile, dormouse and amphibian survey work.

The stage 2 report concludes that the site is used by a small-moderate number of foraging and commuting bat species, dominated by Common Pipistrelle, with a small number of Soprano Pipistrelle, Noctule, Serotine and Myotis also recorded. They are active across the entire site although activity is highest in the north of the site. The report recommends that existing boundary trees/scrub and woodland corridors in the north and south of the site should be retained as part of the proposal to maintain foraging/commuting corridors between suitable habitats on the site and in the local area. These should be maintained as dark corridors for bats.

The survey identified mature trees at the site with moderate potential to support roosting bats, including an oak tree near the northern site boundary and a line of oaks near the southern site boundary. These trees should be retained and protected during construction works.

The landscaping scheme proposes to retain trees on the northern and southern boundaries on the site, which will require protection during development (see below).

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under a licence issued by Natural Resources Wales. Although the Council’s Ecologist has given a view that a licence is likely to be required for

works due to the use of the site by bats, Natural Resources Wales have advised that a licence will not be required unless bat roosts are confirmed in trees of low bat roost potential to be felled.

However, given the comments of the Council's Ecologist it is appropriate to consider the three tests for issuing a European Protected Species Licence in determining this planning application:

The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;

There is a planning policy requirement to provide housing to meet a range of needs and a need for additional affordable housing within the area, including for older people. The site is part of an allocated housing site within the Local Development Plan and it would be expected that in the first instance such sites were utilised to provide that range of housing within the Vale of Glamorgan, particularly where major housing developments are proposed. As such there are considered to be imperative reasons of overriding public interest of a social nature for this development.

There is no satisfactory alternative;

Again, the site is an allocated housing site and in planning policy terms there is an expectation that such housing sites would be considered to be developed for housing in the first instance as a preference over sites that have not been allocated for that purpose. As such there is not considered to be a satisfactory alternative for development.

The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range;

Natural Resources Wales have not advised that this would be a concern. However, it is noted they have advised that a European Protected Species Licence will need to be obtained if bat roosts are confirmed in any trees to be felled in the future.

In respect of the concern the Council's Ecologist raised regarding the lack of a plan showing flight lines for bats, as the importance relates to the site of the over 55s housing, this can be addressed in considering the layout and detailed design of that part of the site. A condition has been recommended requesting this plan at reserved matters stage **(condition 7 refers)**.

The reptile survey identified a 'good' population of slow worm at the site. Although it is understood a slow worm translocation exercise has been undertaken at the site this summer, this matter requires consideration in site clearance and construction, and the management and enhancement of retained habitats require consideration in the landscaping of the site and it should also contain enhancements such as the creation of hibernacula in suitable locations. The report advises that a reptile mitigation strategy would be appropriate and this is therefore recommended as a condition **(conditions 13 and 37 refer)**. This includes a requirement for 2 hibernacula as requested by the Council's Ecologist.

The dormouse survey concluded that it is unlikely that dormice are present within the site and therefore no mitigation measures would be required.

The amphibian survey concluded that the likelihood of great crested newts being present on the site is negligible.

The Council's Ecologist's recommendation is that a landscape and ecology management plan covering a 10 year period should be provided and this is recommended as a condition **(conditions 15 and 40 refer)**. He has also requested that the management of trees to develop suitable features for bats should be included within this and this has therefore been recommended as part of the condition.

Landscape Masterplan:



The report also states that bat and bird boxes should be provided as enhancements and the preliminary report also suggested that hedgehog nesting boxes should be provided. The Council's Ecologist has also advised similar should be considered. A condition has been recommended for the provision of these **(conditions 14 and 38 refer)**.

The reports also suggests that fencing should be hedgehog friendly (with appropriate gaps left for hedgehogs and other small mammals to pass through) and planting should be of a native species, or species with known wildlife benefits. The Council's Ecologist has also recommended such fencing. Conditions have been recommended for the final landscaping scheme and scheme of means of enclosure, and these matters should be addressed in discharging these conditions **(conditions 41 and 43 refer)**.

In respect of the landscaping masterplan, a condition for a final landscaping scheme has been recommended as described above, and it is also noted that landscaping is a reserved matter for the over 55s housing part of the scheme. It is considered that these

schemes should include the identification of trees to be retained suitable to be developed as bat habitat and suitable planting for this, to accord with the Council Ecologist's request, and this wording has been included as part of recommended conditions 7 and 39.

The Conclusions and Recommendations section of the Stage 2 Ecology Report has been added to the plans condition **(conditions 4 and 29 refer)** as recommended by Natural Resources Wales. This provides recommendations in respect of landscaping, lighting, reptile mitigation and the provision of bat and bird boxes.

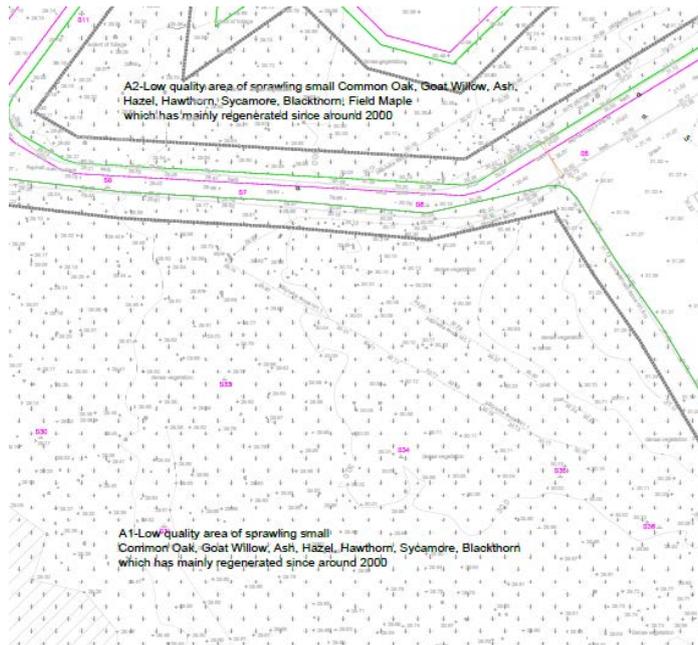
Trees

An arboricultural report has been submitted with the application. A tree constraints plan which forms part of the report has identified a number of category A and B oak trees on the southern boundary of the site. It has also identified the woodland to the north of the site as category B. There are other individual category A and B trees in the north of the site and along the proposed access route. The rest of the trees on site are within category C, including two areas within the site of mixed species, which are the larger areas outlined in grey (representing category C trees) on the plan below (trees marked green are category A, blue are category B and grey are category C).

Tree Constraints Plan:

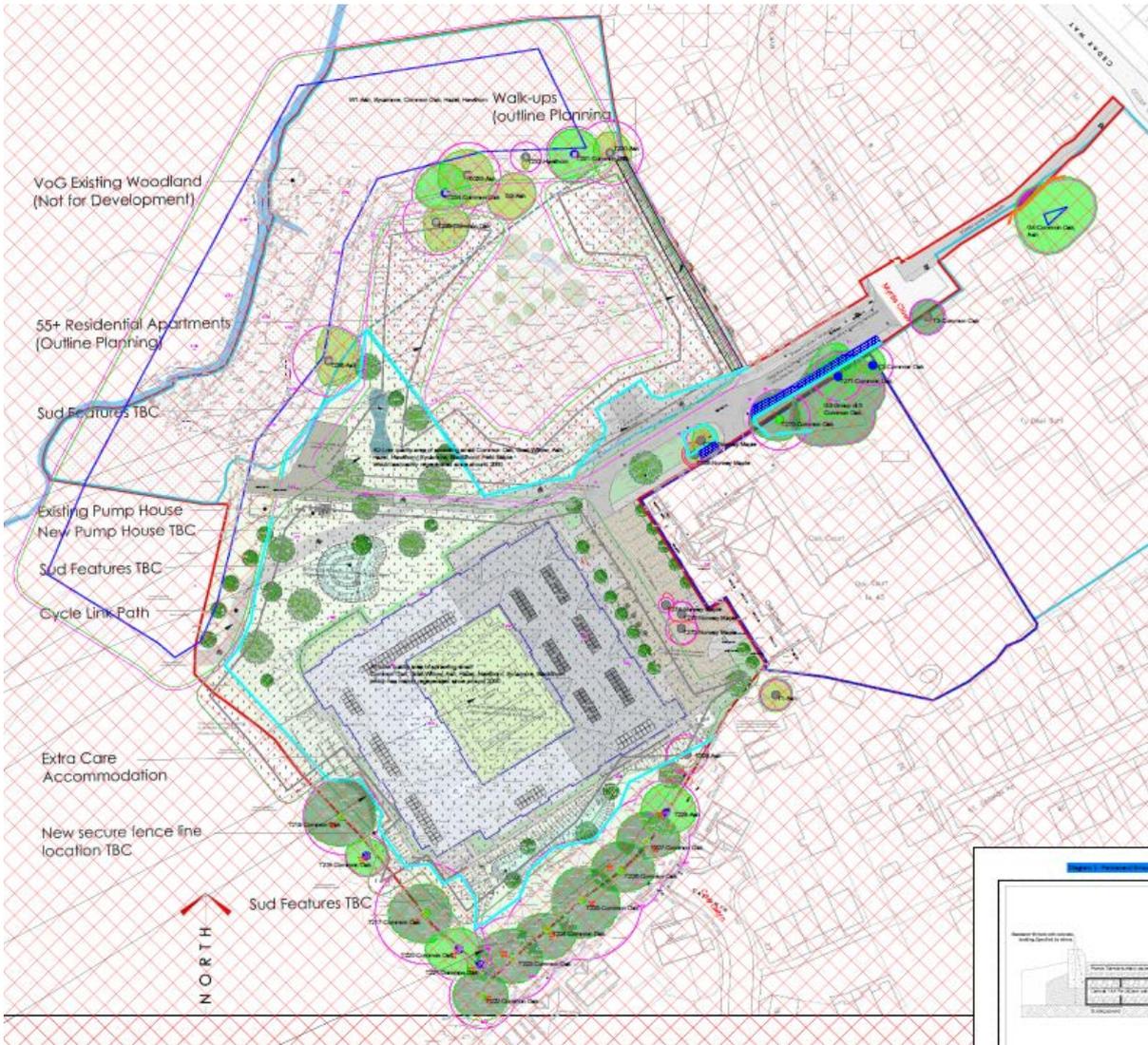


Description of Trees within the Site on the Plan (Areas 1 and 2):



A Tree Protection Plan has also been submitted which shows which of the **individual** trees are to remain and those to be removed.

Tree Protection Plan:



The development includes the retention of the category A and B trees on the southern and western boundaries of the development, which are covered by a Tree Preservation Order.

Although not covered by a Tree Preservation Order, the category A and B oak trees to the south of the access are also proposed to be retained, but given the proximity of their location to the access works, it is considered likely that a no dig method of construction and protection of tree roots through geocellular matting will be required in the construction of the access. This is indicated as being required in the arboricultural report and a plan has been submitted showing the details of this. It is considered that a method statement should be provided for such works and this is recommended as a condition (**conditions 10 and 33 refer**).

The category B woodland in the north, which is covered by a Tree Preservation Order, is also proposed to be retained.

The above plan shows 5 individual category C trees as being removed, three within the proposed car park area, one on the southern boundary and one to the south of the proposed access. Four of these trees are covered by a Tree Preservation Order.

However, the trees comprising Areas 1 and 2 on the above tree constraints plan are also proposed to be removed to accommodate the development. Again these are category C trees, rather than the higher quality A and B trees. These are mostly smaller scrub trees, but also include category C trees covered by a TPO on the eastern boundaries of the site, including three of individual trees described above.

For the total amount of trees that are being lost, the arboricultural impact assessment provides a figure of 375 trees. However, the applicant has clarified that this is an estimate and it is not possible to identify the exact number of trees in the site given the majority of these are the small “scrub” trees occurring as self-seeding trees as a result of the small tree regeneration that has occurred on the site over the years, many of which are below the size requirement of the BS5837:2012 to be included in the survey (75mm stem diameter at 1.5 metres)

It is noted from viewing past aerial photographs, as shown below, that the centre of the site was relatively clear of trees in 2000 and many of the trees (not covered by a tree preservation order) have grown since. As such, the trees to be removed are mainly relatively immature trees. While they have visual value as a providing a vegetated green space and also biodiversity value, they have limited amenity value as individual specimens. It is also acknowledged that the land is part of an allocated housing site which would significantly change its character if the allocation was developed for housing.

Site in 2000 (from Site Investigation Report):



Site in 2017:



Current Site - 2021/2022

As well as the smaller scrub trees, as described above, a proportion of the trees to be removed are covered by a tree preservation order made in 2003 (ref 2003 No 10). These are listed in the Tree Preservation Order as three groups (G4-G6) and one individual tree (T23) comprising a total of 54 trees. It is reiterated that these trees fall within category C rather than being the higher quality category A and B trees.

Extract from TPO Plan



Tree Transplant Plan (areas in bright green are where tree translocation/additional planting is proposed):



The applicant has advised that there will be a betterment in terms of numbers, quality and future management as a result of the proposed scheme for translocation supplemented by additional tree planting. It is considered that a number of the unmanaged scrub trees would not reach maturity in their current location and a properly managed tree planting scheme is likely to give the translocated trees a greater chance of maturing.

It is considered that tree planting (comprising translocated trees and additional tree planting) can be provided on site that will ensure that replacement planting for trees covered by a tree preservation order is undertaken across the site at a 2:1 ratio for the TPO trees (it is reiterated that no high category trees, whether covered by a TPO or not, are to be lost), as well as provide appropriate replacement planting for other trees lost.

As such, subject to biodiversity matters being addressed (see above), it is considered that the approach of translocation and further replacement planting is acceptable to mitigate tree loss on the site.

A condition is recommended for the provision of this scheme (**conditions 11 and 39 refer**). Although it is acknowledged that the loss of 375 trees is an estimate, this condition recommends that the total number of trees translocated or replanted should be at least 429 across the site, to ensure replacement trees for those lost and the replacement at a

ratio of 2:1 for trees covered by a Tree Preservation Order. This is unless there is a sound arboricultural reason for fewer trees being planted as part of the scheme.

It is considered that appropriate tree protection measures will be required during construction for those trees to be retained, and a condition is recommended accordingly (**conditions 10 and 33 refer**).

Some of the root protection areas of the trees on the southern and western boundary of the site, which are covered by a Tree Preservation Order, are in close proximity to the proposed extra care building. Cutting and banking works are also required on the site, including in the vicinity of these trees, as the extra care building is proposed to sit within the existing slope of the land. Care is therefore needed in working around these trees to ensure they are not adversely impacted by the development.

The engineering layout plan shows retaining walls to be used around two of the trees to minimise the amount of the bank that has to be cut away. However, it is still considered that excavations around these trees should be carried out by hand and in accordance with a method statement to be agreed through a condition (**conditions 10 and 33 refer**).

Other Issues

Drainage

The areas of the site considered at risk of surface water flooding are small and are not considered to be a significant issue for the development of the site.

It is noted that sustainable drainage features such as rain gardens and shelved drainage basins are incorporated into the landscaping design. Surface water is proposed to discharge into an existing watercourse to the south of the site.

The development will require a separate approval from the SuDS Approval Body (SAB) prior to the commencement of construction. An informative note has been recommended advising of this as requested by the Council's Drainage Section, although the need for this has been acknowledged in the submitted Flood Risk and Drainage Strategy Report.

A new foul pumping station is also required on the site (in addition to the existing one) to deal with the foul flows from the site. This is shown on the site layout plan adjacent to the existing pumping station, along with an extension to the associated parking and turning area to accommodate service vehicles.

In respect of Dwr Cymru Welsh Water's comments, it is considered their comments regarding obtaining a water supply are for the applicant to deal with directly rather than being a matter for the planning application. The same is suggested in respect of their comments on asset protection.

It is considered the matter regarding ensuring surface water does not connect to the public sewerage network is a matter for the SAB process. The suggested advisory notes from Dwr Cymru Welsh Water regarding applying for a connection to a public sewer and the potential presence of formerly privately owned sewers have been recommended.

Archaeology:

The archaeological desk based assessment suggests that there is potential for the development to impact on the local archaeological resource, but this is unlikely to constraint the development. It suggests that a mitigation strategy could be implemented in the form of a watching brief. Following Glamorgan Gwent Archaeological Trust's comments concurring with this suggestion, a condition has been recommended for this purpose (**conditions 9 and 32 refer**). The informative note recommended by GGAT has also been recommended.

Contaminated Land/Pollution Prevention:

The conditions requested by Shared Regulatory Services in respect of this have been recommended (**conditions 21, 22, 23, 48, 49 and 50 refer**) along with their requested informative note.

Natural Resources Wales have requested a Construction and Environmental Management Plan (CEMP) to prevent pollution of watercourses. It is considered that due to the scale of the development a CEMP is also required in respect of activities that may generate other forms of pollution that impact on other receptors such as noise and dust. As such, one CEMP condition is recommended to cover all these issues (**conditions 8 and 31 refer**).

Planning Obligations

Planning Obligations are requested as follows:

- **The delivery of the scheme as a site for 100% affordable housing**
- **£72,100 for sustainable transport;**
- **£30,429 for community facilities;**
- **0.755% of the project budget set aside for public art;**
- **The provision of public open space.**

In respect of the requirement for planning obligations, Policy MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan and the contents of the Planning Obligations SPG set out the requirements for these. In relation to this development, these matters are discussed as follows.

The application is for C3 housing units, and so the contributions for residential units within the SPG apply. However, their specific use as extra care units and retirement housing has been considered in recommendations regarding the appropriate level of contribution to be made. As such, no contributions towards education or children's play space are requested, as the development is unlikely to provide accommodation for children.

The development is proposed as a 100% affordable housing development. A condition has been recommended accordingly for over 55s housing to be developed as such and for its occupation by those age 55 years and above (**condition 6 refers**). This requirement is also included in the Section 106 agreement recommendation for the extra care facility.

At the Council's Cabinet meeting of 5th September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the application is made by the Council or the four housing

associations zoned by Welsh Government to develop in the Vale. Accordingly, this is also taken into account in the discussion below.

The applicant has advised that they would like the consideration of all contributions to be split between the full and outline parts of the application in a manner that reflects the proportions of units to be provided in each part. This is considered a reasonable approach to considering these. The split is 68.6% for the extra care development and 31.4% for the retirement housing development. The “discount” has also been split between the developments in this way.

Due to the retirement housing being proposed to be developed by the Council on land owned by the Council, contributions cannot actually be sought via the Section 106 process for the outline element (over 55s element) of the development. Instead, money will be transferred for this purpose via the Council’s internal financial processes where planning obligations are required.

To summarise, in respect of the over 55s housing element of the development money is required to be transferred via the Council’s internal financial processes for the following (included as part of the above overall figures):

- £2,300 per residential unit (maximum £22,639.40) for sustainable transport;
- £1,260 per residential unit (maximum £30,429) for community facilities.

However, the final figure will be calculated at reserved matters stage when final housing numbers are known. It should be noted that as these matters will not be included as part of the Section 106 Agreement, they do not appear in the recommendation below.

Wales and West Housing Association will be developing the extra care scheme and the land that is required for this (and the public open space (see below)), which is owned by the Council, will be transferred to them for the purposes of the development. As such, a Section 111 Agreement will need to be signed under the Local Government Act 1972 which will require a Section 106 Agreement to be signed on transfer of the land for planning obligations relating to their part of the site.

Sustainable Transport:

For the provision and/or enhancement of off-site sustainable transport facilities and having regard to the cost of providing sustainable transport infrastructure and services as set in the adopted Planning Obligations SPG, the Council requires £2,300 per residential unit. A contribution is required towards sustainable transport for all 102 flats proposed, being £177,100 in total (including a “discount” for 25 flats).

The current pathway adjacent to Ty Dewi Sant is proposed to be upgraded and widened to create a shared footway and cycleway as part of the proposal, which will improve walking and cycling access to the site and to other properties within Myrtle Close, and the Council’s Highways Development Team also have requested that the nearest bus stop on Cedar Way (outside Ty Dewi Sant) is upgraded to improve public transport facilities. These are both subject to a specific condition (**conditions 18 and 42** refer) and the cost of these has therefore been deducted from the sustainable transport contribution.

Following discussions with the Council’s Highways Development Team, it is estimated the costs for the above works would be £105,000. Therefore, a contribution of £72,100 is

sought, the split being £49,460.60 for the extra care building and £22,639.40 for the retirement housing. The applicant has agreed to this contribution.

Public Open Space:

As well as the policies outlined above, Policy MD3 (Provision for Open Space) of the Local Development Plan states that:

“Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings will be required to provide public open space in accordance with the following standards:

- 1. Outdoor sports provision 1.6 hectares per 1,000 population*
- 2. Children’s equipped play space 0.25 hectares per 1,000 population*
- 3. Informal play space 0.55 hectares per 1,000 population” (p. 102, 2017)”.*

As stated above, no provision of children’s play space will be required in this instance. However, outdoor sports space should be provided.

The applicant has advised that the extra care flats are most likely to be occupied by one person. It is accepted that the one bedroom extra care flats are most likely to be occupied by one person. The Planning Obligations SPG allows for public open space provision to be calculated per person, at a rate of 16 square metres per person for outdoor sport.

However, this stance is queried in relation to the two-bedroom extra care flats. Therefore, the open space requirement for this is calculated on the basis of the space required to be provided for outdoor sport in the SPG for a single residential unit, being 37.12 sqm.

As such, the requirement for public open space provision for the **extra care scheme** is as follows:

1 bed flats: 64 flats x 16 sqm = 1,024 sqm

2 bed flats: 6 flats x 37.12 sqm = 223 sqm

Total= 1,247 sqm

For **the over 55s housing**, it is also considered that outdoor sport space should be required for these flats on the basis of 37.12 square metres per unit. As such, the requirement for public open space provision for the retirement housing is as follows:

32 units x 37.12 sqm = 1,188 sqm

Therefore, **2,435 square metres of public open space is required** to be provided in total.

A plan has been submitted quantifying the areas of open space on the site. However, the areas that are considered to be usable as public open space for recreational purposes are those in the northwest corner of the site. These total some 2,375 square metres of space, which is 60 square metres short of the requirement above. Given the scale of the development and the level of open space being provided, this shortfall is considered minor and on balance the public open space requirements can be reasonably met on site.

It is therefore proposed that the land circled in red (where shaded in pink) is provided as public open space within the Section 106 Agreement. The applicant has agreed to the provision of this area as public open space.

A condition is also recommended in respect of the over 55s housing to set out how its public open space requirement is met. The reason for this is that while the public open space for both elements of the proposal can be met on the site, the public open space would be in the full rather than the outline application area. The condition is proposed to ensure that an appropriate proportion of this space, or an alternative, is delivered in the event of the over 55s housing coming forward prior to the extra care (**condition 27 refers**).



Community Facilities:

For the provision and/or enhancement of community facilities, as set in the adopted Planning Obligations SPG, the Council requires the provision of 0.74sqm of community floor space per residential unit or £1260 per unit.

All 102 flats proposed should be counted in the requirement to provide community facilities, being 52 sqm of floor space or £88,200 for the extra care scheme and 24 sqm or £40,320 for the retirement housing.

However, the communal restaurant/coffee bar/lounge facilities within the extra care building are considered to provide suitable community facilities to meet the needs of the residents of the extra care facility, and are approximately 269 square metres in size, significantly more than the 52 square metres of floor space required by the Supplementary Planning Guidance. As such no further contributions are recommended for community facilities in respect of the extra care development.

In respect of the retirement housing, the access to the facilities within the extra care building would appear to be limited to being able to join pre-organised groups and this is considered insufficient for this to count towards the provision of community facilities for this element of the development. It is noted that a greater level of access is being considered, but cannot be confirmed at this stage. As such it is considered that a contribution (£1,260 per dwelling) will be needed towards the enhancement of community facilities in the

vicinity of the site, for this element of the development. When the contribution for 7.85 units is deducted (as this represents 31.4% of the 25 units), a contribution of £30,429 is sought. The applicant has agreed to this contribution.

Public Art:

As well as the Planning Obligations SPG, the Council's adopted SPG on Public Art in New Development states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. Given the 25 unit "discount" this is reduced to 0.755%. The applicant has agreed to this contribution.

This will be required for this proposal. It is considered that public art should be provided facing or within any public open space on the site.

In respect of public art, a condition will be required for a scheme, including costings of the public art on the outline part of the development. **(condition 26 refers)**

Conclusion

Subject to conditions and the provision of planning obligations, the proposal is considered to be acceptable in principle and in respect of design and impact on visual and neighbour amenity, access and impact on highway safety, impact on ecology and loss of trees, and to comply with the relevant planning policies in the Local Development Plan.

RECOMMENDATION

Subject to the applicant first entering into a Section 111 Agreement under the Local Government Act 1972 to require a Section 106 Agreement to be signed on the transfer of the land to secure the following for the extra care element of the development:

- The extra care scheme shall be delivered and retained as a 100% affordable housing scheme that shall be occupied by people of 55 year of age and older only 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;
- £49,460.60 for the extra care building for sustainable transport;
- 0.755% of the project budget set aside for public art;
- The provision of land in the north west of the site (shaded in pink and falling within the red circle on the above plan in the planning obligations section of the report) as public open space.
- A clause for the payment of an administration fee of £5,448 (20% of the application fee), to cover the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

APPROVE

OUTLINE conditions:

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

PL(03)100 Location Plan (received 8th March 2022)

PL(03)102 Rev B Master Site Plan (access only) (received 27th September 2022)

PL(03)103 Rev A Ownership and Phasing Plan (received 27th September 2022)

PL(03) 104 Rev A Parameters Plan (received 27th September 2022)

2455-520 Rev C Engineering Layout (access only) (received 27th September 2022)

2455-520-2 Permeable Footpath- Typical Details (access only) (received 27th September 2022)

Section 4 'Conclusions and Recommendations' of Land at Myrtle Close, Penarth, Stage 2 Ecology Report, by Soltys Brewster dated February 2022 (received 8th March 2022)

Tree Transplant Plan (received 25th October 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.

5. The development shall be carried out in accordance with the scale parameters specified on plan PL(03) 104 Rev A Parameters Plan (received 27th September 2022).

Reason:

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

6. The scheme shall be delivered and retained as a 100% affordable housing scheme that shall be occupied by people of 55 years of age and older only 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.

7. A plan showing bat flight lines across the site shall be provided as part of the first reserved matters application submitted, along with:
- a) details regarding how the layout and detailed design of the site mitigates the impact on bats using the site; and
 - b) the identification of retained trees that are suitable for the development and management of features for bats and trees that are to be planted to provide suitable future habitat for bats.

Reason:

To ensure that the use of the site by bats is fully considered in the site layout, design and landscaping, in accordance with Policies MG19 (Sites and Species of European Importance) and MD9 (Promoting Biodiversity) of the Local Development Plan.

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

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

- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- vii) hours of construction;
- viii) lighting;
- ix) management, control and mitigation of noise and vibration;
- x) odour management and mitigation;
- xi) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development;
- xii) a system for the management of complaints from local residents which will incorporate a reporting system;
- xiii) construction methods: details of materials, how waste generated will be managed;
- xiv) general site management, details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
- xv) soil management: details of topsoil strip, storage, and amelioration for re-use;
- xvi) CEMP masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- xvii) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; wastewater;
- xviii) Traffic Management: details of site deliveries and wheel wash facilities;
- xix) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
- xx) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
- xxi) 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.

9. 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 (archaeological) mitigation which has been submitted by the applicant to and approved in writing 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, in accordance with Policy MD8 (Historic Environment) of the Local Development Plan.

10. 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 trees shown to be retained on the Tree Protection Plan within the Arboricultural Report, including protective fencing and a method statement for undertaking works in their root protection areas. The approved scheme shall be carried out throughout the course of the development.

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 Policy MD2 (Design of New Development) of the Local Development Plan.

11. Prior to the commencement of development, and in addition to the landscaping scheme, a scheme shall be submitted for the translocation of trees on the site and additional planting to mitigate for the trees that are to be removed, a timescale for these works and plan for the management of the trees lasting no less than 10 years. The scheme shall ensure that at least 429 trees are replanted or translocated on the wider site, unless a sound arboricultural reason is provided for a scheme for planting fewer trees than this. The scheme shall be implemented in accordance with the approved details.

Reason:

To provide suitable tree mitigation on the site, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

12. Prior to the commencement of development, a lighting strategy for the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise impacts on wildlife and shall take account of the submitted Ecological Reports. The lighting shall be implemented in accordance with the approved strategy.

Reason:

To ensure lighting does not adversely impact on wildlife, in accordance with Policies MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

13. Prior to the commencement of development, a scheme for reptile mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures to minimise the risk of harm to reptiles during construction

and the creation of habitat suitable for reptiles, including 2 hibernacula within the site. The scheme shall be implemented in accordance with the approved details.

Reason:

To avoid harm to reptiles and enhance biodiversity on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

14. Bat, bird and hedgehog boxes shall be provided on the site in accordance with the recommendations made by the Preliminary Ecology Appraisal and prior to the commencement of development, details of the type, number and location of these boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the beneficial occupation of the site.

Reason:

To enhance biodiversity on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Prior to the commencement of development, a landscape and ecological management plan for the site lasting no less than 10 years to ensure that biodiversity is retained and enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not exclusively contain, details of the management of trees to develop suitable features for bats. The plan shall be implemented in accordance with the approved details.

Reason:

To provide suitable biodiversity mitigation and enhancement on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

16. 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 10 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 Policy MD2 (Design of New Developments) of the Local Development Plan.

17. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the following works:
 - Full engineering details of the shared footway/cycleway to be installed from Cedar Way through to the western site boundary;

- The upgrading of the bus stop on Cedar Way;
- Finger post signs;

These works shall be provided in full prior to the first beneficial occupation of the development.

Reason:

To encourage sustainable travel, in accordance with Policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

18. Full engineering details and associated calculations of the proposed access and highway works, incorporating vision splays, street lighting, road signs, surface water drainage strategy and any retaining structures retaining or adjacent to the highway/public open space shall be submitted to and agreed in writing by the Local Planning Authority before their implementation on site. The development shall be completed thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

19. Prior to the commencement of development, a condition survey shall be carried out on Myrtle Close and submitted to and approved in writing by the Local Planning Authority. This shall set out a timetable for construction and for a second condition survey and its submission to the Local Planning Authority for approval. The second survey shall be submitted to the Local Planning Authority in accordance with the timetable to be approved in writing and shall include details of any remedial works that are required to be carried out as a result of construction and a timetable for these works. The works shall then be carried out in accordance with the approved details and timetable.

Reason:

To ensure the local road network is not unduly impacted by construction activities, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

20. Prior to the commencement of development or site clearance, 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 MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

21. 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 Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

22. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

24. Prior to the commencement of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

25. Prior to the beneficial occupation of the development, the access for vehicles, cyclists and pedestrians shall be laid out in accordance with PL(03)102 Rev B Master Site Plan (received 27th September 2022) and that space shall thereafter be kept available for the such purposes in perpetuity.

Reason:

To ensure that satisfactory vehicle access is provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

26. Prior to the commencement of development, a scheme for public art within the site, which shall be fully costed and include a timescale for delivery shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:

To ensure appropriate provision of public art in accordance with Policy MD4 (Planning Obligations and Community Infrastructure) of the Local Development Plan.

27. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority confirming how public open space will be delivered in association with the development hereby approved. The public open space shall be provided prior to the beneficial occupation of the development.

Reason:

To ensure satisfactory provision of public open space in accordance with Policy MG3 (Provision for Open Space) of the Local Development Plan.

28. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

FULL conditions:

29. 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.

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

PL(03)100 Location Plan (received 8th March 2022)
PL(03)102 Rev B Master Site Plan (received 27th September 2022)
PL(03)103 Rev A Ownership and Phasing Plan (received 27th September 2022)
PL(03) 104 Rev A Parameters Plan (received 27th September 2022)
PL(03)200 Proposed Lower Ground Floor Plan (received 8th March 2022)
PL(03)201 Proposed Ground Floor Plan (received 8th March 2022)
PL(03)202 Proposed First Floor Plan (received 8th March 2022))
PL(03)203 Proposed Second Floor Plan (received 8th March 2022)
PL(03)204 Proposed Roof Plan (received 8th March 2022)
PL(03)210 Typical Apartment Layouts (received 8th March 2022)
PL(03)300 Proposed Northern Street Elevation (received 8th March 2022)
PL(03)301 Proposed Eastern Street Elevation (received 8th March 2022)
PL(03)302 Proposed West Street Elevation (received 8th March 2022)
PL(03)303 Proposed South Street Elevation (received 8th March 2022)
PL(03)310 Proposed Northern and Eastern Elevations (received 8th March 2022)
PL(03)311 Proposed Southern and Western Elevations (received 8th March 2022)
PL(03)320 Internal Courtyard Elevations Sheet 1 of 2 (received 8th March 2022)
PL(03)321 Internal Courtyard Elevations Sheet 2 of 2 (received 8th March 2022)
PL(03)400 Proposed Building Sections Sheet 1 of 2 (received 8th March 2022)
PL(03)401 Proposed Building Sections Sheet 2 of 2 (received 8th March 2022)
PL(03)410 Proposed Typical Façade Section and Elevation (received 8th March 2022)
PL(03)420 Proposed Sketch Boundary Sectional Details (received 8th March 2022)
0001 Rev P11 Landscape Masterplan (received 27th September 2022)
0002 Rev P05 Courtyard Garden Strategy (received 15th March 2022)
2455-520 Rev C Engineering Layout (received 27th September 2022)
2455-520-2 Permeable Footpath- Typical Details (received 27th September 2022)

Section 4 'Conclusions and Recommendations' of Land at Myrtle Close, Penarth, Stage 2 Ecology Report, by Soltys Brewster dated February 2022 (received 8th March 2022)
Tree Transplant Plan (received 25th October 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.

31. No development or site clearance shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - vii) hours of construction;
 - viii) lighting;
 - ix) management, control and mitigation of noise and vibration;
 - x) odour management and mitigation;
 - xi) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development;
 - xii) a system for the management of complaints from local residents which will incorporate a reporting system;
 - xiii) construction methods: details of materials, how waste generated will be managed;
 - xiv) general site management, details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
 - xv) soil management: details of topsoil strip, storage, and amelioration for re-use;
 - xvi) CEMP masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
 - xvii) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; wastewater;
 - xviii) Traffic Management: details of site deliveries and wheel wash facilities;
 - xix) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
 - xx) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

xxi) 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.

32. 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 (archaeological) mitigation which has been submitted by the applicant to and approved in writing 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, in accordance with Policy MD8 (Historic Environment) of the Local Development Plan.

33. 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 trees shown to be retained on the Tree Protection Plan within the Arboricultural Report, including protective fencing and a method statement for undertaking works in their root protection areas. The approved scheme shall be carried out throughout the course of the development.

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 Policy MD2 (Design of New Development) of the Local Development Plan.

34. Prior to the commencement of development, a lighting strategy for the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise impacts on wildlife and shall take account of the submitted Ecological Reports. The lighting shall be implemented in accordance with the approved strategy.

Reason:

To ensure lighting does not adversely impact on wildlife, in accordance with Policies MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important

Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

35. Prior to the commencement of development a schedule of materials, including samples, to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

36. The solar panels shall be erected in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason:

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

37. Prior to the commencement of development, a scheme for reptile mitigation shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures to minimise the risk of harm to reptiles during construction and the creation of habitat suitable for reptiles, including 2 hibernacula within the site. The scheme shall be implemented in accordance with the approved details.

Reason:

To avoid harm to reptiles and enhance biodiversity on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

38. Bat, bird and hedgehog boxes shall be provided on the site in accordance with the recommendations made by the Preliminary Ecology Appraisal and prior to the commencement of development, details of the type, number and location of these boxes to be installed shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the beneficial occupation of the site.

Reason:

To enhance biodiversity on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

39. Prior to the commencement of development, and in addition to the landscaping scheme, a scheme shall be submitted for the translocation of trees on the site and additional planting to mitigate for the trees that are to be removed, a timescale for these works and plan for the management of the trees lasting no less than 10 years. The scheme shall ensure that at least 429 trees are replanted or translocated on the wider site, unless a sound arboricultural reason is provided for a scheme for planting fewer trees than this. The scheme shall be implemented in accordance with the approved details.

Reason:

To provide suitable tree mitigation on the site, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

40. Prior to the commencement of development, a landscape and ecological management plan for the site lasting no less than 10 years to ensure that biodiversity is retained and enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include, but not exclusively contain, details of the management of trees to develop suitable features for bats. The plan shall be implemented in accordance with the approved details.

Reason:

To provide suitable biodiversity mitigation and enhancement on the site, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

41. Notwithstanding the submitted plans, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, and shall identify retained trees suitable for the development and management of features for bats and trees that are to be planted to provide suitable future habitat for bats.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

42. 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 10 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 Policy MD2 (Design of New Developments) of the Local Development Plan.

43. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be first submitted to and agreed in writing by the Local Planning Authority, and which shall include the provision of "hedgehog friendly" fencing where appropriate and the provision of an open rail style enclosure around the proposed additional pumping station. The means of

enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

44. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority for the following works:
- Full engineering details of the shared footway/cycleway to be installed from Cedar Way through to the western site boundary;
 - The upgrading of the bus stop on Cedar Way;
 - Finger post signs;
 - Cycle stands;
 - Electric charging points (for four parking spaces).

These works shall be provided in full prior to the first beneficial occupation of the development.

Reason:

To encourage sustainable travel, in accordance with Policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

45. Full engineering details and associated calculations of the proposed access and highway works, incorporating vision splays, street lighting, road signs, surface water drainage strategy and any retaining structures retaining or adjacent to the highway/public open space shall be submitted to and agreed in writing by the Local Planning Authority before their implementation on site. The development shall be completed thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy MD2-Design of New Development, and MD5-Development within Settlement Boundaries of the Local Development Plan.

46. Prior to the commencement of development, a condition survey shall be carried out on Myrtle Close and submitted to and approved in writing by the Local Planning Authority. This shall set out a timetable for construction and for a second condition survey and its submission to the Local Planning Authority for approval. The second survey shall be submitted to the Local Planning Authority in accordance with the timetable to be approved in writing and shall include details of any remedial works that are required to be carried out as a result of construction and a timetable for these works. The works shall then be carried out in accordance with the approved details and timetable.

Reason:

To ensure the local road network is not unduly impacted by construction activities, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

47. Prior to the commencement of development or site clearance, 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 MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

48. 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 Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

49. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

51. Prior to the commencement of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

52. Prior to the erection of the proposed substation on the southern boundary of the site, details of its housing and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The substation shall be constructed in accordance with the approved details.

Reason:

To ensure the impacts of the proposed substation in respect of visual and neighbour amenity are appropriate in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

53. Prior to the beneficial occupation of the development, the access, parking and turning facilities for vehicles, cyclists and pedestrians shall be laid out in accordance with PL(03)102 Rev B Master Site Plan (received 27th September 2022) and that space shall thereafter be kept available for the such purposes in perpetuity.

Reason:

To ensure that satisfactory vehicle access, parking and turning facilities are provided on site to serve the development, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

54. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP7 – Transportation, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 – Historic Environment and MD9 - Promoting Biodiversity of the Local Development Plan, Future Wales – the National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposal is considered to be acceptable in principle and in respect of design and impact on visual and neighbour amenity, access and impact on highway safety, impact on ecology and loss of trees, and in other respects.

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

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

NOTE:

- 1. The development, 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 on the SAB process can**

be found on the Council's website or by contacting the SAB team:
sab@valeofglamorgan.gov.uk

2. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Local 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. 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.
4. The applicant is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's 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 Dwr Cymru Welsh Water 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.

5. The archaeological work required by the relevant condition must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
6. The applicant/developer may be required to incorporate as part of the requirement for full engineering details the provision of a new Traffic Regulatory Order (TRO) for the inclusion of double yellow lining and any additional requirements as deemed necessary by the Local Planning Authority, to provide a safe means of access and to prevent the parking along the access route to the proposed development. All legal and engineering costs for the TRO to be paid by the applicant/developer.
7. The Highway Authority will require the developer to enter into a legally binding Section 278/38 agreement to secure the proper implementation of the highway improvement works on existing adopted highway and for the proposed new highway works serving the development, which shall incorporate the appropriate bond.
8. In respect of the public art condition, it is expected that 0.755% of the project budget will be set aside for public art within the scheme.

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.

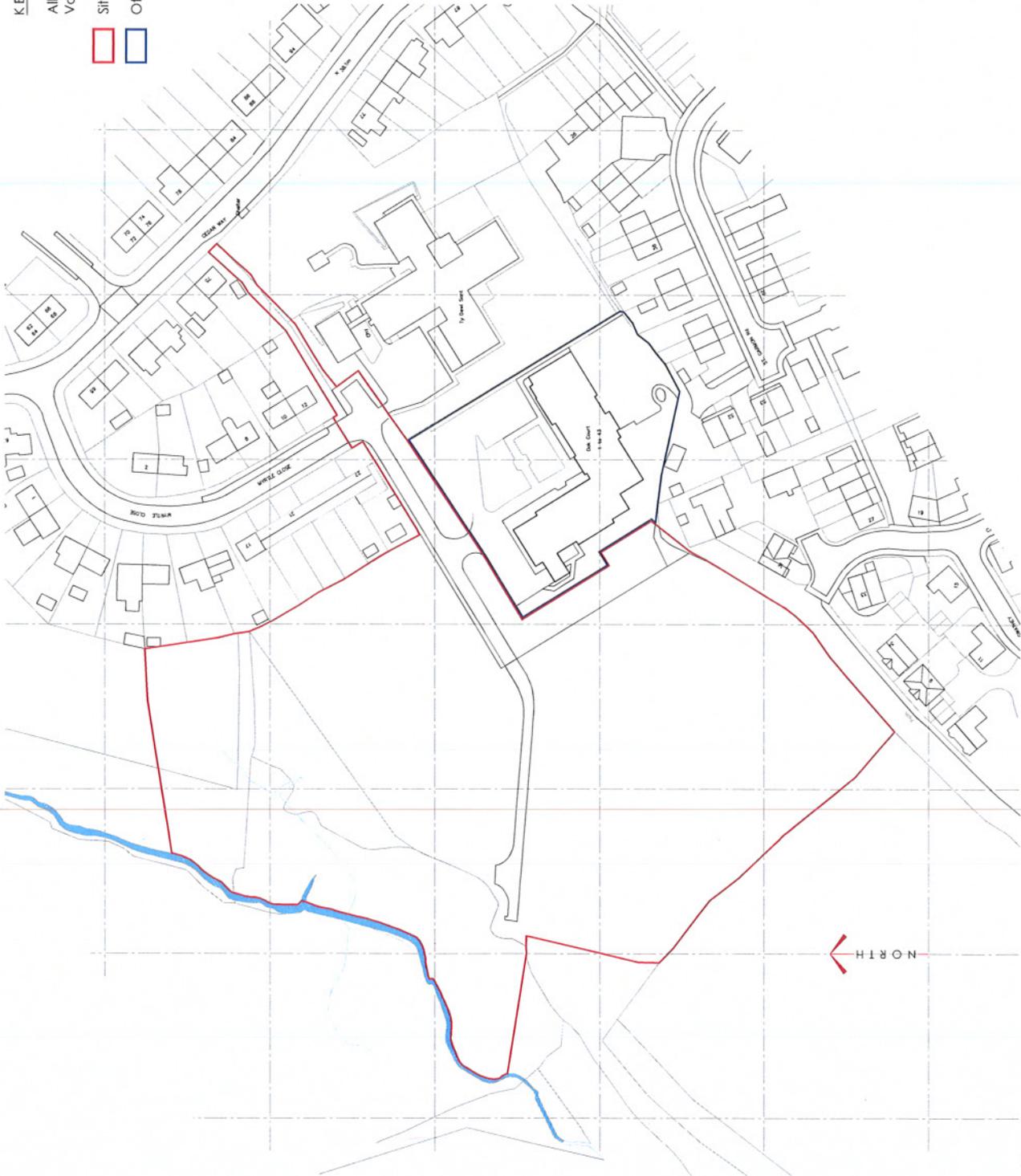
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

KEY

All boundary & Title information shown has been issued by VoG and WWHA any discrepancies to be reported to client

Site Boundary - approx area 22,405m² /241,165ft²

Other land in the applicant's Ownership



A3

Drawn: [Name] Date: [Date] By: [Name]
 Checked: [Name] Date: [Date] By: [Name]
 Approved: [Name] Date: [Date] By: [Name]
 This drawing is the property of [Company Name] and is not to be used for any other purpose without the written consent of [Company Name].

Project Name	Wales & West HA	Project No	2455	Project Date	Dec 21
Project Location	Extra Care Myrtle Close Penarth	Project Type	PL (03)100	Project Status	PL (03)100
Project Manager	Wales & West HA	Project Engineer	Wales & West HA	Project Designer	Wales & West HA
Project Consultant	Spring	Project Reference	2022/00294/HYB	Project Contact	Wales & West HA



2022/00802/FUL Received on 4 August 2022

APPLICANT: Ms Emma Vidler, Cwrt-yr-ala House , Michealston Le Pit Road, Michaelston Le Pit, CF64 4HE

AGENT: Mr Eurig Williams, The Bank, 5 Cardiff Road, Taffs Well, Cardiff, CF15 7RA

Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit

Change of use of partially constructed Boiler House previously consented under application reg 2018/01334/FUL to provide staff welfare facilities on site ancillary to the main house.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Cowpe due to the concerns of the Community Council over the nature of the development and the use of the wider site.

EXECUTIVE SUMMARY

The proposal seeks to alter the extant permission under application 2018/01334/FUL which permitted a boiler house and store to service the House and Estate.

The partially constructed building is materially different from the approved building and is being constructed as a staff welfare facility. The proposed building measures approximately 10m in width, 7.2m in depth with an eaves height of 2.4m and a ridge height of 3.9m. Whilst the proposal indicated a brick building, the applicant has agreed to alter this to be finished in cladding to reflect the extant consent, under a slate roof.

Representations have been received from the Community Council who question the need for staff welfare facilities on the site.

It is recommended that the application be APPROVED having regard to all the submitted information, subject to conditions.

SITE AND CONTEXT

The application site is located 0.7km north of Michaelston-le-Pit and is situated in the countryside. The building subject of this application is approximately 30m north of Cwrt-yr-Ala house, a Grade II listed building lying within the wider Cwrt yr Ala Estate.

The proposed development is also located within the Grade II registered Park and Garden and Cwrt-yr-Ala Basin Special Landscape Area.

The application site is identified as ancient woodland and is covered by a tree preservation order. It is also within a Limestone Category 1 Mineral safeguarding area.



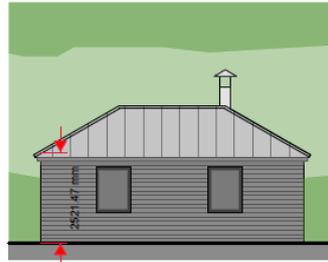
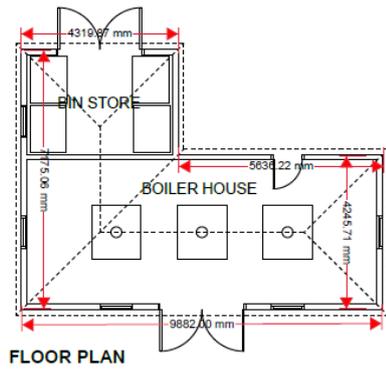
The application site slopes gently to the south towards Cwrt yr Ala House.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for the change of use of and alterations to a partially constructed Boiler House previously consented under application 2018/01334/FUL, to provide staff welfare facilities on site, ancillary to the main house.

The proposed building measures approximately 10m in width, 7.2m in depth with an eaves height of 2.4m and a ridge height of 3.9m.

The building is to be finished in a ship-lap pattern cladding, under a slate roof.



WEST (SIDE) ELEVATION



EAST (SIDE) ELEVATION

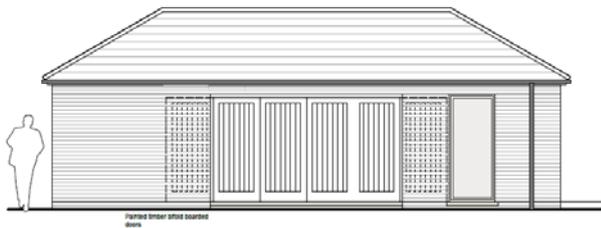


SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION

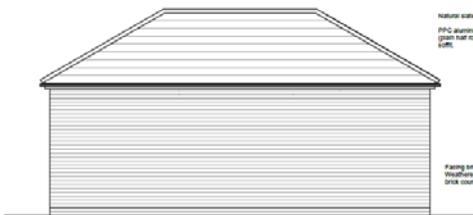
Figure 1: Plan and elevations as approved



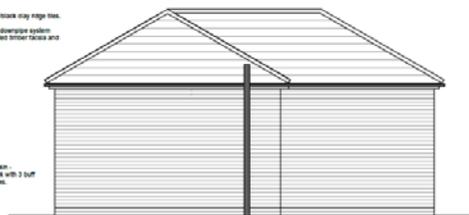
SOUTH (FRONT) ELEVATION



NORTH (REAR) ELEVATION



WEST (SIDE) ELEVATION



EAST (SIDE) ELEVATION

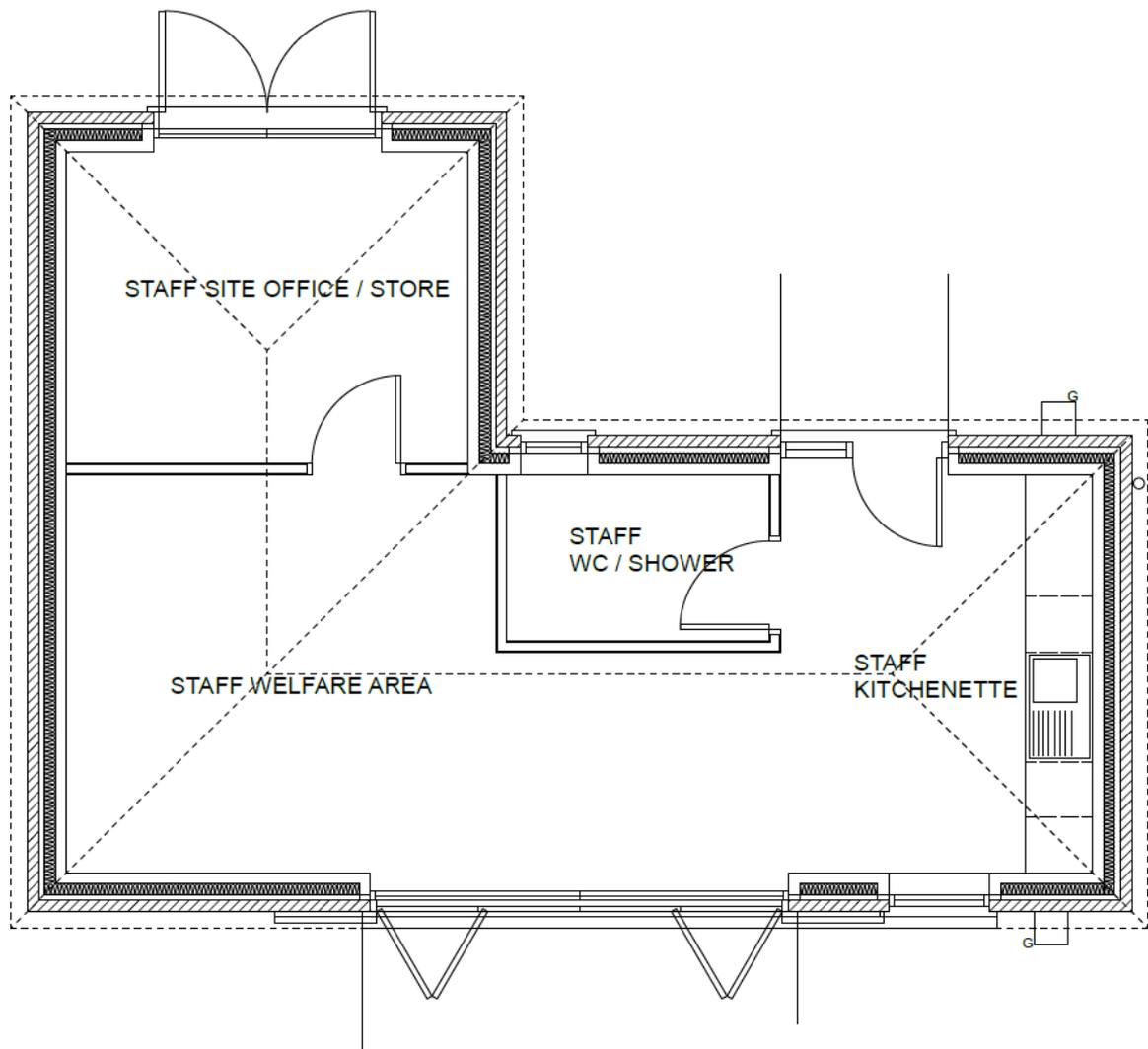


Figure 2: Plan and elevations as proposed

PLANNING HISTORY

2010/01344/FUL, Address: Cwrt yr Ala House, Michaelston le Pit, Proposal: New workshop and store to replace the former workshop and stores now collapsed, Decision: Approved

2012/01216/LBC, Address: Cwrt Yr Ala House, Michaelston Le Pit, Proposal: Rebuilding collapsed listed historic garden wall, Decision: Approved

2013/00008/FUL, Address: Cwrt yr Ala House, Michaelston Le Pit, Proposal: Revised design for workshop and stores following collapse of garden wall, Decision: Approved

2017/00852/FUL, Address: Cwrt-yr-Ala House, Michealston le Pit Road, Michealston Le Pit, Proposal: Alterations to existing gated access to provide 4.2m access with replacement gates and additional railings to existing boundary walls., Decision: Approved

2019/00457/TPO, Address: Cwrt Yr Ala, Michaelston Le Pit, Proposal: Work to Tree covered by TPO No.2 of 1954: Fell and replant one Ash and dead Beech, Decision: Approved

2021/00540/FUL, Address: Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit, Proposal: Alterations to existing gated access to provide a wider opening with replacement gates and additional railings to existing boundary walls. Amendments to consent 2017/00852/FUL, Decision: Approved

Of particular relevance is:

2018/01334/FUL, Address: Cwrt Yr Ala House, Michealston Le Pit Road, Michaelston Le Pit, Proposal: Replacement of 2no. existing wood fired boilers on land to the northeast of Cwrt-yr-Ala House (Grade II listed) with new purpose-made boiler house to accommodate 3no. new boilers & estate bin-store, plus remote installation of 2no. below ground LPG tanks (& associated below ground pipework) outside the walled garden to the north of Cwrt-yr-Ala House., Decision: Approved

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council were consulted on 9 August 2022. They object to the proposal and note:

“The original application 2018/01334/FUL was to replace 2 existing wood fired boilers with a purpose made boiler house to accommodate 3 new boilers & estate bin-store, plus remote installation of 2 below ground LPG tanks.

The Community Council objected to this original application as it had concerns that the proposal was part of a wider strategy to further develop the site for holiday visitors, resulting in an increase in traffic travelling through the village.

This application (2022/00802/FUL) is not a conversion of an existing building.

The Community Council query whether there is a need to provide staff welfare facilities on site.”

Shared Regulatory Services (Pollution) were consulted on 9 August 2022. No response has been received to date.

The **Glamorgan and Gwent Archaeological Trust** were consulted on 9 August 2022. They advised “no objection”.

Dwr Cymru Welsh Water were consulted on 9 August 2022. They advised “It appears the application does not propose to connect to the public sewer, and therefore Dwr Cymru Welsh Water has no further comments.”

Cadw, Historic Gardens were consulted on 9 August 2022. They advised “no objection”.

The local **Ward Members** were consulted on 9 August 2022. Cllr Cowpe has called in the application for determination by Planning Committee.

REPRESENTATIONS

The neighbouring properties were consulted on 9 August 2022.

A site notice was also displayed on 1 September 2022.

No representations have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD8 - Historic Environment
POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

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

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 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.

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
- Placemaking in Rural Areas
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Activities in Places (retail and commercial development)

Chapter 5 - Productive and Enterprising Places

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

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

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- 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 are of relevance:

- Minerals Safeguarding (2018)
- Tourism and Leisure Development (2019)

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

Whilst it is accepted that the building has not been completed, it is accepted that a building of this size has been found acceptable. The main issues are considered to be:

- The design and visual impact of the proposed building, including its impact on historic assets;
- The acceptability of the proposed use;
- The effect on the mineral reserve.

The design and visual impact of the proposed building, including its impact on historic assets

The development at the site is mostly screened from view from public viewpoints by dense vegetation which forms part of the ancient woodland, along the unclassified road to the north-east. The site is screened from other public vantage points (specifically the Public Rights of Way 200m to the north and 100m to the south) by the topography, built development and vegetation. The site is visible from the unclassified road in glimpsed views along the access track. The nearest housing does not overlook the site. There are no public rights of way crossing the application site.

The building differs from the approved structure in two principal ways. First, the proposed building would not have flues. Secondly, there are additional windows and door openings.

The building, as partially constructed, has the same footprint as the approved building and the proposed elevations show it will have the same overall height to eaves and ridge.

The proposed building is located within the 'service' area of the Estate. The principle of a building in this general area has previously been considered an appropriate solution in terms of the impact on the historic environment, as an ancillary building to accommodate boilers.

However, it is necessary to consider the impact of the proposal on the setting of the listed buildings and the historic park.

Whilst there will be no direct impact on any listed building arising from the ongoing works, it is necessary to ascertain whether change within its 'setting' would lead to a loss of 'significance'. This assessment is made according to Cadw's guidance *Setting of Historic Assets in Wales* (2017). The guidance states that the importance of setting '*lies in what it contributes to the significance of a historic asset*'.

As such, when assessing the indirect impact of proposals on designated heritage assets, it is not a question of whether their setting would be affected, but rather a question of whether change within the asset's 'setting' would lead to a loss of 'significance'.

In this instance the setting of the listed building will be affected, however, as noted above, the significance of this part of the setting is as a service area to the historic Estate. The introduction of proposed development in this area, therefore, will preserve the setting of the listed building.

For the same reasons, the impact on the historic park is considered to be negligible.

The extant consent from 2018 allows for a fully clad structure (walls & roof) although the building has been partially constructed with a brick finish. The use of brick rather than timber cladding would likely make the building more visible from the glimpsed views within the woodland. As a result, the applicant has agreed to alter the proposed finish to cladding in line with the extant consent.

A condition (Condition 03) requiring details of the proposed cladding is recommended.

In respect of the proposed slate roof, this will be in place of the approved standing seam roof and is considered acceptable.

On the basis of the above, the effects of the proposed development are considered not to be materially greater than the extant consent.

Given the scale and location of the proposed development, it is not considered to adversely affect the Special Landscape Area.

On this basis, the retention (and completion) of the building as proposed is considered to comply with policies SP1, SP10, MG17, MD1, MD2 and MD8 of the LDP.

The acceptability of the proposed use

The Design and Access Statement notes that the originally planned heating strategy which required the construction of this building has now been discontinued.

It further notes, the applicant employs several staff and regularly has 4-6 on site most days of the week. Currently these staff use facilities adjacent to the swimming pool but these are shared with guests. The proposal is therefore to provide separate welfare facilities for use by existing staff employed within the estate and therefore it would not intensify the use of the site.

Policy SP11 favours proposals which enhance the range and choice of tourism opportunities, particularly through the provision of all year round facilities, and those that protect existing tourism assets. Policy MD13 permits development where it forms part of a rural enterprise.

In this instance, the provision of staff welfare facilities would support the established tourism offer of Cwrt yr Ala.

The applicant's agent has confirmed that the building will only be used for staff welfare and administration and not as separate residential accommodation. Given that the internal layout includes a kitchen area and WC/shower room which could allow the building to be used as an independently for residential accommodation, a condition (**Condition 2**) is necessary to restrict its use to that which is proposed.

The concerns raised by Michaelston le Pit with Leckwith Community Council are noted. Planning applications have to be considered on the basis of the description of development. In terms of any need to provide staff welfare facilities on site, there is no policy requirement for the applicant to demonstrate any evidenced need for the use. However the building is the same footprint and overall form as that which has already been approved and it is the applicant's desire to now use the approved building (albeit with external changes) for an alternative use to support the tourism business at the site. The proposed building will not itself result in any increase in holiday visitors at the site.

On the basis of the above, the proposal is considered to comply with policies SP11 and MD13 of the LDP.

Minerals Safeguarding

Policies SP9 and MG22 of the LDP relate to minerals safeguarding areas. Significant weight is given to safeguarding these resources,

Para 6.137 of the LDP notes that "... *small-scale development proposals, for example limited infill, householder development or agricultural development, will often be permissible within safeguarded areas, although they will first need to demonstrate that they would not prejudice future exploitation of the safeguarded resource.*"

The proposed development relates to previously developed land. Additionally, there is sensitive development immediately adjacent to the site. It is, therefore, likely that extraction of the resource on the application site would have a significant impact on the amenity of neighbouring dwellings. On this basis, it is considered the proposal complies with Policies SP9 and MG22 of the LDP.

The effect of the proposal on protected trees

The extant consent considered the impact on trees and no additional works to trees are proposed as a result of this application. Moreover, adjacent and nearby trees are not shown to be impacted upon as a result of the use of this building.

RECOMMENDATION

APPROVE

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

Staff 17 650 100 Siteplan As proposed
Staff 17 650 101 Plan And Elevations as proposed
Design and Access Statement

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.

2. The building hereby approved shall only used as a communal staff welfare facility in connection with the tourism use at the site and shall not be occupied as a dwelling or provide overnight accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site and to comply with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD14 (Tourism and Leisure) of the Local Development Plan.

3. Notwithstanding the submitted plans prior to the use of the building, details of the wall finish, which shall be clad, must be submitted to and approved in writing by the Local Planning Authority prior to any further work to the building. The building shall be completed in accordance with the approved details (and those materials shall thereafter be so retained) within 3 months of the approval of the details.

Reason:

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

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in

determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1(Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG17 (Special Landscape Areas), MG22 (Development in Minerals Safeguarding Areas), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD8 (Historic Environment) and MD13 (Tourism and Leisure), of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026, together with Policies 1 (Where Wales will grow), 4 (Supporting Rural Communities), and 5 (Supporting the Rural Economy) of Future Wales – The National Plan 2040; the advice contained within the Council's Conversion and Renovation of Rural Buildings, Minerals Safeguarding and Tourism and Leisure Development Supplementary Planning Guidance as well as national policy and guidance contained within Planning Policy Wales and Technical Advice Notes 6 (Planning for Sustainable Rural Communities), 12 (Design) and 24 (The Historic Environment) it is considered that the development is acceptable in terms of the design and visual impact of the proposed building, including its impact on historic assets, the acceptability of the proposed use, the effect on the mineral reserve and trees.

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

NOTE:

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

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

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

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

- KEY TO BUILDINGS**
- A**- CWRT-YR-ALA HOUSE
 - B**- LOCATION OF PROPOSED NEW ANCILLARY STAFF FACILITIES ON SITE OF BOILER HOUSE (PARTIALLY CONSTRUCTED) UNDER CONSENT 2018/01334/FUL



THIS IS A PLANNING APPLICATION & LISTED BUILDING CONSENT APPLICATION DRAWING 30/11/18

ALWYN JONES

PERSEPI ARCHITECTS

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title	CWRT-YR-ALA, MICHAELSTON LE PIT - NEW STAFF FACILITIES
date	07/2022
scale	1:1250 @ A3
number	STAFF 17/650/001
Site Location Plan	

notes / revisions

- 1) Site, the subject of this planning & listed building consent application, is highlighted bounded with red lines & red shading.
- 2) Applicant's ownership boundary highlighted by blue line.
- 3) Applicant's other existing buildings (i.e. those not subject of this application) are highlighted with light blue shading.
- 4) This drawing is based on a topographical measured survey by Zenith Land Surveys Ltd. (Ref.21013) with supplementary information based on current Ordnance Survey Plan.

Do not scale this drawing. Check all dimensions on site.