

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT 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:

2021/0492/BN	A	7, Harbour Road, Barry, CF62 5SA	Loft conversion with dormer
2022/0754/BN	A	2, Clive Road, Barry. CF62 5XA	Internal structural alterations and patio doors with new side window
2022/0856/BN	A	Heritage Coast Campsite, Monkash, CF71 7QQ	2 Holiday Lets
2022/0872/BN	A	Tregolan House, Bradford Place, Penarth, CF64 1AG	Conversion of 4 flats into 1 residential dwelling.
2023/0026/BN	A	25A, Archer Road, Penarth, CF64 3HJ	Two story extension to the front of the property and single to the rear. En-suite to first floor and a new staircase. Forming 2 Ground floor bedrooms and shower room.
2023/0029/BR	AC	Flat 4, Park Tower, 15 Bridgeman Road, Penarth, CF64 3AW	Internal Alterations
2023/0033/BN	A	Springfield Store And Post Office, 33, Old Port Road, Wenvoe, CF5 6AL	Knock through

2023/0058/BN	A	9, Mountjoy Avenue, Penarth, CF64 2SX	Integrate the kitchen, conservatory and part of living room to create open-plan kitchen/dining space. Erect a wall (with sliding doors) to split the existing living space into two areas. Change roof of conservatory to slate and add glass doors at back.
2023/0060/BR	AC	14, Baroness Place, Penarth, CF64 3UL	Single storey rear extension
2023/0067/BR	AC	Penllyn Castle, Penllyn, Cowbridge, CF71 7RQ	Construction of new summer house
2023/0069/BR	AC	New Parc Bungalow, Dimlands Road, St Donats, CF61 1ZB	Extension to existing house
2023/0071/BN	A	The Mill, Peterston Super Ely, CF5 6LH	Roof: Remove existing slate roof. Insulate floor of attic space and lining of roof to current standards. Recover roof, including solar panels on South facing aspect. Stairs: Realignment of main central staircase including fire door to basement, small new window on North side of house at top of basement stairs
2023/0074/BR	AC	10, Cherwell Road, Penarth, CF64 3PE	Two-storey extension to rear, and replacement single storey extension to side, front porch and internal alterations
2023/0075/BN	A	41, Hillside Drive, Cowbridge. CF71 7EA	Integral garage conversion with small en-suite bathroom
2023/0076/BN	A	42, Westbourne Road, Penarth, CF64 3HF	Installation of 9 UPVC sliding sash windows
2023/0077/BR	AC	The Old Orchard, Bridge Road, Llanblethian, Cowbridge, CF71 7JG	Two storey pitched roof rear extension

2023/0078/BR	AC	1D, Rosebery Place, Penarth, CF64 3LJ	Replacement entrance porch, new slot window to entrance, removal of first to second floor external escape stair and associated internal works
2023/0079/BN	A	3, Twchwyn Garth, Llangan, CF35 5EF	Enclosure of porch
2023/0081/BN	A	35, Anchor Road, Penarth, CF64 1SL	Cut and prepare aperture for Stannah disabled through floor lift
2023/0083/BR	AC	166, Redlands Road, Penarth. CF64 2QR	SS ext 12m2 Installation of bi-folding doors in rear elevation Installation of French doors to side elevation Convert lounge to kitchen form utility room within existing WC
2023/0084/BR	AC	Ty Carrig, City, Cowbridge, CF71 7RW	Construction of single storey garage (non habitable)
2023/0085/BN	A	15, Adenfield Way, Rhoose. CF62 3EA	Re roof
2023/0087/BN	A	58, Wyndham Street, Barry. CF63 4EL	Change of use to HMO (4 occupants), existing doors removed from rear elevation and new windows added, new kitchen fitted
2023/0088/BN	A	7, Lombard Street, Barry. CF62 8DP	Structural alterations to support roof and fire board to party wall
2023/0089/BN	A	31, Perclose, Dinas Powys, CF64 4JL	Rear single storey extension. Box dormer loft conversion and single storey front extension to create bay, internal alterations to create a utility and w.c
2023/0090/BN	A	10, Windyridge, Dinas Powys, CF64 4AW	Installation of steel beams at ground floor level and new stud partition, part garage conversion to create a utility room.

2023/0091/BN	A	13, Duffryn Crescent, Peterston Super Ely, CF5 6NF	Renewal of column in kitchen holding up two RSJ's and replace with single span 6m RSJ in kitchen
2023/0092/BR	AC	17, Elm Grove Lane, Dinas Powys, CF64 4AU	Demolition of existing conservatory and construction of single storey rear extension. internal alterations
2023/0093/BN	A	34, West Farm Road, Ogmore By Sea, CF32 0PU	Internal reconfiguration to relocate kitchen
2023/0094/BN	A	12, Dros Y Mor, Penarth, CF64 3BA	Proposed two storey to rear side and front. Single storey front extension to front. New staircase.
2023/0095/BN	A W	12, Heol Peartree, Rhoose, CF62 3LB	Single storey extension and adaptations to enlarge kitchen dining area (less than 10m <sup>2</sup> )
2023/0096/BR	AC	Morfa, Victoria Park Road, Barry, CF63 2JS	Front and rear extensions, internal alterations and attic conversion
2023/0097/BN	A	The Grange, 1 Cae Glas, Ewenny, CF35 5AD	Garage conversion/outbuilding to a room
2023/0098/BR	AC	2, Wolfe Close, Cowbridge. CF71 7AZ	Proposed front and rear dormer conversion to bungalow and proposed side and rear single storey extension. Structural alterations to internal property with installation of steel beams / concrete pads / posts etc as load bearing walls removed as per new design. Part garage conversion
2023/0099/BN	A	Dunwyd, 1, Voss Park Drive, Llantwit Major, CF61 1YD	Single storey rear extension, knock through and alteration from bedroom to bathroom

2023/0100/BN	A	33, Augusta Crescent, Penarth, CF64 5RL	Widening of doors installing new steel beams and floor insulation
2023/0101/BN	A	90, Lakin Drive, Barry, CF62 8AJ	Single storey extension
2023/0102/BN	A	64, Greenmeadow Way, Rhoose, CF62 3FJ	Replace integral garage door with window and brick work.
2023/0103/BN	A	56, Lewis Road, Llandough, Penarth, CF64 2LX	Log burner
2023/0104/BR	AC	The Granary, Trepit Road, Wick, CF71 7QL	Dormer extension and wc to ground floor.
2023/0105/BN	A	39, Tynewydd Road, Barry, CF62 8HB	Re-roof
2023/0106/BN	A	31, Gwenfo Drive, Wenvoe. CF5 6BR	Rebuild existing utility at the back of garage to create a kitchen diner. Knock through from kitchen to dining room.
2023/0107/BN	A	Evergreen House, The Tumble, St Nicholas, CF5 6SA	Disability adaption renovation includes widening of seven internal doorways, widening of one external doorway, moving first floor wall to provide wheelchair access - structural beam installation, home lift - creation of lift aperture in joists
2023/0109/BN	A	6, Cherry Close, Dinas Powys. CF64 4RG	Single storey extension
2023/0110/BN	A	6, Heritage View, Llantwit Major. CF61 2ZA	Single storey extension to rear
2023/0111/BN	A W	3, Coed Yr Odyn, Barry, CF62 6NY	Single storey rear extension (10-40m2)
2023/0112/BN	A	6, Boverton Brook, Boverton, Llantwit Major, CF61 1YG	New Supalite roof on conservatory

2023/0113/BN	A W	22, St. Owains Crescent, Ystradowen, Cowbridge. CF71 7TB	Single storey extension to join current kitchen and living room into larger L shape room
2023/0114/BN	A W	4, Ham Lane South, Llantwit Major. CF61 1RS	Double storey extension
2023/0116/BR	AC	Glanville House, Town Mill Road, Cowbridge. CF71 7BE	Single storey extension to side and rear.
2023/0117/BR	AC	Porthkerry Public Toilets, Porthkerry Park, Barry, CF62 3BY	Full refurbishment of public toilets. New internal fit-out of fixtures and finishes.
2023/0118/BR	AC	8, Fferm Goch, Llangan, CF35 5DP	Single storey extension to create entrance porch and additional kitchen space
2023/0119/BR	AC	Cosmeston Country Park, Lavernock Road, Penarth, CF64 5UY	Full refurbishment of public toilets. New internal fit-out of fixtures and finishes
2023/0120/BN	A	13, Earl Crescent, Barry, CF62 5TS	New doorway and downstairs bathroom
2023/0122/BN	A W	1, Balmoral Court, Barry, CF62 8AU	Single storey extension
2023/0123/BN	A	The Misk, 7, Flush Meadow, Llantwit Major, CF61 1RW	Two storey side extension and rear single storey extension.
2023/0124/BN	A	20, Evenlode Avenue, Penarth, CF64 3PD	First floor dormer extension to front
2023/0126/BN	A	13, Robert Street, Barry, CF63 3NX	Traditional mass concrete underpinning to front bay and elevation
2023/0127/BN	A	Cornerways, Graig Penllyn, Cowbridge, CF71 7RT	Single storey extension above existing garage and rear of property and re- roof.
2023/0128/BN	A	85A, Fontygary Road, Rhoose, CF62 3DT	Re-roof
2023/0129/BN	A	46, Tydfil Street, Barry, CF63 3PY	Replacement of 10 windows and 2 doors

2023/0131/BN	A	2, Great House Meadows, Llantwit Major, CF61 1SU	Removal of internal wall
2023/0132/BN	A	65, Vale Street, Barry, CF62 6JQ	Loft conversion with dormer

(b) Building Regulation Applications - Reject

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

2023/0080/BN	R	2, Police House, Higher End, St Athan, CF62 4LX	Knock through
2023/0082/BN	R	75, Salisbury Road, Barry. CF62 6PD	Installation of small scale solar PV to roof
2023/0108/BN	R	218, Gladstone Road, Barry. CF62 8NG	Removal of existing internal structural wall and installation of new steel RSJ to support upper floors

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

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

2023/0020/AI	A	45, Seaview Drive, Ogmore By Sea. CF32 0PB	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0021/AI	A	14, Carn-Yr-Ebol, Barry. CF63 1EH	Dormer loft conversion and associated works
2023/0022/AI	A	5, Liscum Way, Barry. CF62 8AB	Conservatory roof replacement to a Superlite warm roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0023/AI	A	Hensol Gardens Mews, Vale Resort, Hensol. CF72 8JX	Development of 10 no. residential dwellings
2023/0024/AI	A	41, Hillside Drive, Cowbridge. CF71 7EA	Replacement of existing conservatory roof with a warm roof system (works to incorporate material alterations to structure,

			controlled services, fittings and thermal elements)
2023/0025/AI	A	Candle Cottage, Wick Road, Llantwit Major. CF61 1YU	Replacement of existing conservatory roof with a warm roof system (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0026/AI	A	Cherry Acre, Llangan, CF35 5DR	Conservatory extension
2023/0027/AI	A	1148 Penarth Squadron, Dingle Road, Penarth, CF64 2TW	Extension to link two small buildings and internal alterations
2023/0028/AI	A	The Old Rectory, Leckwith Road, Llandough, CF64 2LY	Single storey rear kitchen extension. Amended 02/03/2023 - Single storey rear extension and 1st floor extension to install ensuite bathroom
2023/0029/AI	A	64, Portland Drive, Barry, CF62 5AW	Proposed single storey rear extension
2023/0030/AI	A	Gelert West House, 2, St Augustine's Road, Penarth, CF64 1BG	Installation of new automatic fire suppression system and associated fire safety works
2023/0031/AI	A	22, Llys Dwynwen, Llantwit Major. CF61 2UH	Replacement of existing conservatory roof with a warm roof system (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0032/AI	A	Fairoaks, Tyn Y Pwll Farm, Trehedyn Lane, Peterston Super Ely, CF5 6LG	Demolition of existing extensions, renovation and extension of dwelling and associated drainage, landscaping, boundary treatments and works
2023/0033/AI	A	44, Fitzhamon Avenue, Llantwit Major, CF61 1TP	Single storey rear extension
2023/0034/AI	A	4, Rhodfa'r Hurricane, St Athan, CF62 4HP	Erection of single storey extension and associated works



2023/0035/AI	A	Unit F, Valegate Retail Park, Culverhouse Cross, Cardiff, CF5 6EH	Installation of mezzanine floor and fit out of climbing centre
2023/0036/AI	A	10, Bedwas Place, Penarth, CF64 2UA	Loft conversion with Velux windows to create a habitable room at second floor level
2023/0037/AI	A	2, Carne Close, Cowbridge, CF71 7FY	Rear single storey extension
2023/0038/AI	A	21, Cardiff Road, Dinas Powys. CF64 4DH	Proposed internal alterations to partially remove chimney and removal of central pier dividing two windows to the rear elevation with associated works
2023/0039/AI	A	40, Heol St. Cattwg, Pendoylan, CF71 7UG	Single storey side/rear extension
2023/0040/AI	A	6, Cardiff Road, Dinas Powys, CF64 4DH	Erection of hip-to-gable loft conversion and rear flat roofed dormer roof extension
2023/0041/AI	A	Ewenny Village Shop, 32, Wick Road, Ewenny. CF35 5BL	Change of use of ground floor room and new first floor extension to provide one bedroom short term holiday let

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REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT 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

2014/00834/1/C D	A	West Pond, Land at Barry Waterfront, Barry	Re-plan of 78 No. plots (1-15, 45-60 and 65-111) and provision of an additional plot (112) as previously permitted under applications 2009/00946/OUT and 2012/00732/EAR at West Pond, Land at Barry Waterfront, Barry. Condition 13 (Landscape Management)
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2017/00967/1/C D	A	Maes Y Ward Farm, Bonvilston	Discharge of Condition 4 (Programme of Archaeological Work). Planning permission ref:
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			2017/00967/FUL - Construction of new access track
2018/00935/1/N MA	A	19, Salisbury Road, Barry	Non Material Amendment - Large 3 pane roof light in the extension to be reduced to two smaller rooflights. Amendments to the external finishes as follows: White Render in lieu brick finish. White Render in lieu cladding. Slate roof finish in lieu single ply membrane. Amendment to the overall size of the extension - wall to be stepped in by 125mm at the neighbouring side of number 21. Planning permission ref: 2018/00935/FUL - Demolish existing ground floor canopy. Construct new infill ground floor extension to side and rear annexe to rear of property
2019/00796/3/N MA	A	The Meadows, Peterston Super Ely	Non Material Amendment - Removal of a chimney breast. Addition of window and blank window to side elevation. Minor alteration to arrangement of glass doors to the rear elevation. Minor alteration to gym coping design. Minor alteration to gym and link windows to the rear elevation. Planning permission ref: 2019?00796/FUL - Demolition of the existing dwellings and associated out buildings. Replacement dwelling with new ancillary buildings and open air swimming pool

2021/01218/1/N MA	A	14, Boverton Court, Boverton, Llantwit Major	Non Material Amendment - Addition of a third Velux sky light window to west elevation of the loft conversion. Planning permission ref: 2021/01218/FUL - AMENDED - Double and single storey rear extension and loft conversion
2021/01743/2/N MA	A	Land at Coldbrook Road East, Cadoxton, Barry	Non Material Amendment - 1. An amended to Condition 12 of planning permission 2021/01743/FUL from a pre commencement to a pre occupation trigger, as discussed and agreed with Welsh Water. 2. Confirmation of the design of the planter used, in line with the request from the Landscape Officer. Planning permission ref: 2021/01743/FUL - Erection of 20 walk up units with associated car parking and works
2021/01796/2/C D	A	35, High Street, Cowbridge	Discharge of Condition 6 (Noise Attenuation Internal Noise). Planning permission 2021/01796/FUL - The proposed development involves the change of use of the ground floor level from class A1 (dry cleaners) to A3 (food and drink) and the change of use of part of the pavement to allow for the installation of an outdoor seating area, along with associated works

2022/00299/FUL	A	346, Barry Road, Barry	Two storey side extension, single storey rear extension and new vehicular crossover
2022/00451/FUL	A	Forge Cottage, Fonmon Road, Fonmon	Two storey rear extension and refurbishment
2022/00458/FUL	A	20, Heol Yr Ysgol, St Brides Major	Proposed two storey side and rear extensions
2022/00673/1/N MA	A	2, John Street, Penarth	Non Material Amendment - Amendment of front and rear dormer exterior wall finish to be cladded in Siberian larch cladding with a grey finish to match each other. Planning permission ref: 2022/00673/FUL - Dormer addition to the rear elevation and the insertion of two Velux roof lights to the front elevation
2022/00714/FUL	A	Adjacent 17, Courtenay Road, Barry	New dwelling on existing vacant site, to include new vehicular and pedestrian access, parking and varying height retaining walls to rear and side of site, with new hard and soft landscaping
2022/00715/FUL	A	Hillstone, 15, Craig Yr Eos Road, Ogmere By Sea	Proposed extension and alterations to existing house, altering roof and including car port
2022/00748/FUL	A	Units 2a and 2b, Culverhouse Cross Retail Park, Culverhouse Cross, Cardiff	Four metre high acoustic timber fence associated with Application ref. 2022/00682/FUL
2022/00758/FUL	A	Franklyn Farm, Llandow	Full refurbishment of building, Infill Structure; New dormer window and re-roof; Change a window to a French door. Change windows PVC to wood; External boundary brick

			wall replaced with stone wall; Ground Source Heat Pump
2022/00880/FUL	A	Hendre Plwcca, Tredodridge	Proposed single storey rear extension, dormer projections, new vehicular access and garage alterations.
2022/00908/FUL	R	1, The Verlands, Cowbridge	Construction of new 3 bedroom dwelling
2022/01007/FUL	A	22, Fonmon Road, Rhooose	Extension to front of property to increase kitchen and living room space at ground floor and bedroom at first floor. Extension at side of property to increase bedroom space at first floor and ground floor
2022/01013/FUL	A	3, Elm Grove Lane, Dinas Powys	Extension to existing single garage
2022/01081/FUL	A	The Verve, 45, Pearse Close, Penarth	New balcony to rear of first floor elevation (Juliette balcony in existence - built with property). Steel and composite decking to balcony with posiglaze channel and pure glass balustrading - finished size 3000 X 900. Balcony supported by gallows (x3). All steel work galvanised and power coated white
2022/01089/FUL	A	Foxes Hollow, Michaelston Le Pit Road, Michaelston Le Pit	Proposed retention of stable building with associated external works
2022/01093/FUL	A	Oak Cottage, West Street, Broughton	Erect a wooden garden shed on rear garden. 4m x 3m.

2022/01097/FUL	A	17, Mountjoy Avenue, Penarth	Single storey side and rear extension to increase dining, living and utility space
2022/01101/FUL	A	9, Fferm Goch, Llangan	Proposed side/rear two storey extension
2022/01122/FUL	A	Tower Hill Residential Home, 54, Plymouth Road, Penarth	Proposed demolition of existing single storey rear extensions. Proposed single storey rear extension and other internal alterations to property. Proposed detached double garage and repositioned access.
2022/01124/FUL	A	Bronwen House, Penylan Road, St. Brides Major	Demolish very dilapidated garage and replacement with new garage with a garden room below
2022/01129/FUL	A	Joseph Barber, 48C, Holton Road, Barry	Change of use from Barbers shop (Class A1) to Taxi Office (Class B1). Removal of existing front signage
2022/01131/FUL	A	West Winds Industrial Estate, Ruthin Road, Llangan	Unit 2 change of use from mixed, office, storage, assembly and display area for hot tubs and spa's, back to B1, B2 and B8
2022/01135/FUL	A	11, Lavernock Road, Penarth	Double / single storey rear extension plus internal alterations and all associated works
2022/01144/FUL	A	Rock Cottages, Redwood Close, Boverton, Llantwit Major	Proposed alterations and renovation of 1 and 2, Rock Cottages
2022/01162/FUL	A	Land near North Lodge, Clemenstone	The erection of a steel portal framed agricultural shed, steel stanchions, with green Zinc sheet walls and roof with two roller shutter doors to the East.

2022/01172/FUL	A	42, Baron Road, Penarth	Demolition of existing conservatory and construction of single storey rear extension and dormer to rear roof
2022/01190/FUL	A	1148 Penarth Squadron, Dingle Road, Penarth	Erection of new entrance lobby in order to link both buildings and provide access for wheelchair users. Widen access gates in order to minimise on street parking. Installation of timber clad storage container
2022/01191/FUL	A	Santa Clara, 20, Evenlode Avenue, Penarth	First floor extension to front of property
2022/01201/FUL	A	72, Stanwell Road, Penarth	Replacement of the fence and gate along the side of the house, set back approximately 3.5 metres from the principle elevation. Revision to and addition of rainwater goods on the principle elevation.
2022/01204/FUL	A	12, Plas Glen Rosa, Penarth Portway, Penarth	Internal - Refurbishment to relocate kitchen from first floor to ground floor utilising existing integral garage. Form new door and window in place of garage door. External - Modify existing windows on North and West elevation. Increase size of existing balcony on West elevation
2022/01206/FUL	A	Orchard Dene, Welsh St Donats	Demolish existing bungalow and construct new 4 bedroom detached dwelling



2022/01226/CAC	A	Tower Hill Residential Home, 54, Plymouth Road, Penarth	Proposed demolition of existing single storey rear extension, proposed single storey rear extension and other internal alterations to property. Proposed detached double garage and repositioned access
2022/01233/FUL	A	28, Althorp Drive, Penarth	Double storey front extension, rear single storey extension and loft conversion with internal works
2022/01235/FUL	A	8, Cornerswell Place, Penarth	Locate a Daikin Altherma 3 H HT Heat pump, a type of air source heat pump (ASHP) on anti-vibration blocks alongside an outside wall of our house but within 3m of our neighbour's boundary
2022/01236/FUL	A	Thorn Cottage, Westgate, Cowbridge	Demolish existing rear single storey structures and patio area. Proposed two storey side extension with front porch structure. Proposed part two storey, part single storey rear extension(s). Proposed single storey outbuilding to rear to be used ancillary to main dwelling all with associated external works including retention of proposed boundary wall(s) and ground level adjustments.
2022/01241/FUL	A	52, Eagle Road, St Athan	Proposed new 3 bedroom detached dwelling on site to the side of 52 Eagle Road, St Athan
2022/01244/FUL	A	6, Cornerswell Road, Penarth	Single storey rear extension

2022/01251/FUL	R	Plot 2, Eglwys Brewis Road, Eglwys Brewis	Construction of a detached two and half storey five bedroom house with a detached double garage
2022/01252/FUL	R	Plot 1, Eglwys Brewis Road, Eglwys Brewis	Construction of five bedroom two and half storey detached house with attached double garage
2022/01256/FUL	A	Flat 3, 10 Royal Buildings, Stanwell Road, Penarth	Replace rotten wood windows with UPVC
2022/01264/LAW	A	Camomile Cottage (aka Flat 7), Crossways House, Cowbridge	Ongoing self contained residential use of building and garden
2022/01274/LBC	A	Rose Cottage, South Gate, Cowbridge	Dismantling of chimney stacks, installing a lead DPC tray and re-building the stacks to match current details, re-using the existing stone. Replacing roof to match current detail reusing existing slates
2022/01278/FUL	A	24, Crompton Way, Ogmore By Sea	Two-story rear extension plus a balcony area with privacy screens
2022/01280/FUL	A	Dow Corning Ltd., Cardiff Road, Barry	A temporary tent/marquee structure is being made permanent. The structure is generally used for storage and occasionally (every two years) used for large construction projects
2022/01284/RG3	A	Jenner Park Primary School, Hannah Street, Barry	External fencing panels 1.8m high abutting the existing railings and low level wall to the front elevation
2022/01287/FUL	A	16, Great House Meadows, High Street, Llantwit Major	Single garage attached to existing property in keeping with the existing and neighbouring properties and an extension to the existing driveway.

2022/01308/FUL	A	Malindi, 49, Cog Road, Sully	Erection of single storey rear extension, front porch addition and alteration and raising of roof
2022/01316/ADV	A	Card Value, 128, Holton Road, Barry	Fascia, projecting sign, window vinyls and poster cases
2022/01317/FUL	A	42, Millbrook Road, Dinas Powys	Rear/side extension and hip to gable loft conversion with rear dormer and Juliette balcony
2022/01323/FUL	A	47, Andover Close, Barry	New single storey side extension and loft conversion with a new dormer to the rear
2022/01324/FUL	A	107, Wordsworth Avenue, Penarth	Proposed single storey side extension and covered area
2022/01328/FUL	A	1, St. Davids Crescent, Penarth	Two storey rear extension
2022/01329/FUL	A	Millville, 48, Westgate, Cowbridge	Single storey rear and side extension to provide increased kitchen / dining / living area
2022/01332/FUL	A	31, Dyserth Road, Penarth	Erection of new outbuilding to rear of garden
2022/01337/FUL	A	Glen Tarran, St Mary Hill Road, Llangan	Proposed new Eco dwelling built on the footprint of the existing demolished property and to include a further increase in footprint to provide an integral Granny annexe

2022/01342/PNT	A	Dinas Powys Athletic Club, Playhill, Dinas Powys	The proposed upgrade of an existing base station consisting of the removal of the 17.5m monopole and installation of a 22.5m monopole comprising 6 no antennas together with upgrade to existing ground based cabinets and ancillary development thereto
2022/01343/FUL	A	1, West Terrace, Penarth	Single storey rear and side extension
2022/01347/FUL	R	11, Dyffryn Close, St. Nicholas	Demolition of existing annex and construction of a two storey side extension with associated works
2022/01348/FUL	A	Field South of A48, Bonvilston	Development of agricultural storage units and workshop and provision of polytunnels and associated works
2022/01351/FUL	A	38, Illtyd Avenue, Llantwit Major	Single storey rear extension with raised patio
2022/01354/FUL	A	13, Clos Llawhaden, Barry	New external ramped access with new handrails, and all associated works
2022/01359/FUL	A	2, The Precinct, Boverton Road, Llantwit Major	3 extract vents and 1 air conditioning condenser unit
2022/01360/ADV	A	2, The Precinct, Boverton Road, Llantwit Major	2 fascia signs and 1 projecting sign
2022/01365/RG3	A	Porthkerry Play Area, Barry	Installation of two new items of play equipment (climbing net and ship) to replace existing units of similar size. The other works to regrade the play area are not included as they are seen as permitted development under Class A (General Permitted Development Order 1995)

2022/01368/PNT	A	Claude Road West street works, Claude Road West, Barry	Proposed 5G telecoms installation: H3G 20m street pole and additional equipment cabinets
2022/01372/FUL	A	Longford Park, Highlight Lane, Barry	Loft conversion (extending from the rear gables), single storey extension to side and rear, new double garage to front
2022/01377/ADV	A	Glenburnie, Port Road, Wenvoe	2 no. entrance signs either side of site access
2022/01381/FUL	A	37, Crompton Way, Ogmore By Sea	Rear extension and proposed enclosed pergola garden room with front porch extension
2023/00001/FUL	A	2, St. Johns Close, Cowbridge	Proposed small side extension opening up kitchen to studio side space and garage conversion
2023/00004/FUL	A	61, Cae Newydd, St Nicholas	Erect a single storey tiled roof extension to the rear elevation
2023/00010/FUL	A	1A, Liscum Way, Barry	Removal of existing conservatory. Proposed single storey front, side and rear extension and associated internal alterations
2023/00015/PNT	A	Highways Land, Church Road, Barry	Installation of 18m pole inc. antennas, ground based apparatus and ancillary development
2023/00017/FUL	A	1, Clos Y Cadno, Penarth	Conversion of garage to habitable space, creation of bay window, plus all associated works

2023/00018/PNT	A	Barry Road street works, Barry	Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets
2023/00023/LBC	A	Pwll Y Wrach, Colwinston	Removal of existing greenhouse and erection of replacement greenhouse
2023/00024/FUL	A	Palmers Cottage, Barren Hill, Penmark	Erect a summerhouse measuring 3.1m x 2.4m in the front garden of the property
2023/00025/FUL	A	7, Woodland Place, Penarth	Loft conversion with 2 flat roof dormers to rear, extending over rear annex
2023/00028/FUL	A	Tregolan House, Bradford Place, Penarth	Proposed conversion of flats into single dwelling.
2023/00039/FUL	A	79, Penlan Road, Llandough	Proposed new porch to replace existing
2023/00058/FUL	A	Ty Llaeth, Lon Cwrt Ynyston, Leckwith	Proposed introduction of wine cellar and minor alterations to approved scheme 2021/00470/FUL.
2023/00070/FUL	R	Tregolan House, Bradford Place, Penarth	Proposed driveway to front with public footpath vehicle cross over
2023/00095/FUL	A	67, St. Davids Crescent, Penarth	Single storey rear extension
2023/00105/PNQ	A	Longlands Quarry, Corntown Road, Corntown	The prior approval of the Local Planning Authority under Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the erection of a Quarry Workshop Building for the maintenance and repair of quarry vehicles at Longlands Quarry

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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH 2023**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2021/01453/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02232-M5Z0J8  
Appellant: Mr Frank Farmer  
**Location: 24, Morlais Street, Barry**  
Proposal: Conversion of existing dwelling into two dwellings, including reconfiguration of the internal layout and external amendments to the front elevation  
Start Date: 10 March 2023

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(b) Enforcement Appeals Received

None.

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(c) Planning Appeal Decisions

None.

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(d) Enforcement Appeal Decisions

LPA Reference No: ENF/2021/0019/PC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-01911-M1D4Y9  
Appellant: Mr Alexander Hinds-Payne  
**Location: 49, Pontypridd Road, Barry, CF62 7LP**  
Proposal: Without planning permission, the carrying out of operational development comprising the construction of a dormer window, roof terrace, raised patio area and block screen wall on the Land.  
Decision: Appeal Withdrawn  
Date: 24 February 2023  
Inspector: H Jones

**Summary**

During the determination of the appeal, information was obtained which appeared to suggest that, with the exception of the external materials, the dormer window was constructed under 'permitted development' and would not therefore have required planning permission. As the external materials were considered to be acceptable, it was not considered expedient to take enforcement action against the dormer window and the notice was therefore withdrawn.

Following the withdrawal of the enforcement notice, officers have met with the appellant and his agent to discuss how the remaining unauthorised development could be satisfactorily regularised. In the event that a suitably amended scheme is not submitted and approved, then the option of further enforcement action to secure an acceptable form of development remains available.

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(e) April 2022 – March 2023 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	13	5	18	3
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		13 (72%)	5 (28%)	18	3
<b>Committee Determination</b>		1	2	3	2
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	2
<b>Enforcement Appeals</b>	<b>W</b>	2	-	2	2
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		2 (100%)	-	2	2
<b>All Appeals (excludes non validation appeals)</b>	<b>W</b>	15	5	20	7
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		15 (75%)	5 (25%)	20	7

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 : **29 MARCH, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2022/01367/TPO	A	11, Merevale, Dinas Powys	Works to Tree covered by TPO No.14 of 1973: Turkey Oak, front - Fell to 1m above ground level
2023/00002/TCA	A	Fferm Wen, Flemingston	1) Removal of overgrown multi stem shrub (Marked A on Site Plan). It was planted about 15 years and is now too big for the garden, overhangs the highway and further growth could damage the boundary wall. 2) Removal of branches of bay tree (Marked B on Site Plan). These branches overhang the highway close to a bend and lean on boundary wall. We have previously, at request of highway authority, removed smaller shoots. The branches also impinge on the route of overhead electricity and other cables

2023/00003/TPO	A	Old Farmhouse, Gileston	Work to trees covered by TPO 1962: Removal of one Lime tree (T1) and removal of two Apple trees (T2 and T3)
2023/00034/TPO	A	Hayes Point site, Barry	Works to trees covered by TPO No.18 of 1994: General maintenance and dead tree removal as per schedule
2023/00077/TCA	A	St. Maeburne, 15, Marine Parade, Penarth	Work to tree in Penarth Conservation Area: T1 Birch - Reduce crown by 30%
2023/00079/TCA	A	57, Bron Awelon, Barry	Work to tree in Barry Garden Suburb Conservation Area: Pagoda T1 - Fell to combat subsidence damage

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. PLANNING APPLICATIONS

Background Papers

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

**2020/00775/OUT** Received on 28 July 2022

**APPLICANT:** JG Hale Construction Ltd, Hafod HA, and Lynwood Inv.

**AGENT:** Michael Rees 22, Cathedral Road, Cardiff, CF11 9LJ

### **Former Railway Sidings, Ffordd y Mileniwm, Barry**

Residential development at the former sidings, Ffordd y Mileniwm along with associated infrastructure and open space

### **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 not covered by the scheme of delegation.

### **EXECUTIVE SUMMARY**

The application site is land formerly used as railway sidings to the northern side of Ffordd y Mileniwm in Barry. The site comprises approximately 1.6 hectares of predominantly scrubland south of and adjacent to the Vale of Glamorgan mainline.

This is an outline proposal for residential development comprising (up to) 56 affordable dwellings. All matters are held in reserve apart from scale and access, the latter of which is proposed to be provided by a new priority junction access off Ffordd y Mileniwm at the western end of the site.

There were representations made from 22 households and all objected to the proposals. The primary grounds of objection related to the principle of social housing, highway safety and congestion, lack of sustainability, detriment to residential health and amenity, increased flood risk and drainage problems, and the pressure on local infrastructure and public services.

Barry Town Council objected because the land is not allocated for residential use. Cllr P Drake stated she was in favour of affordable housing, but raised concerns of the scale, overdevelopment, safe access, and transportation provision on what appeared to be a difficult site. Former Cllr N Moore also stated that he considered this a speculative overdevelopment, questioned the viability and practicality of the access, which he also thought would be dangerous.

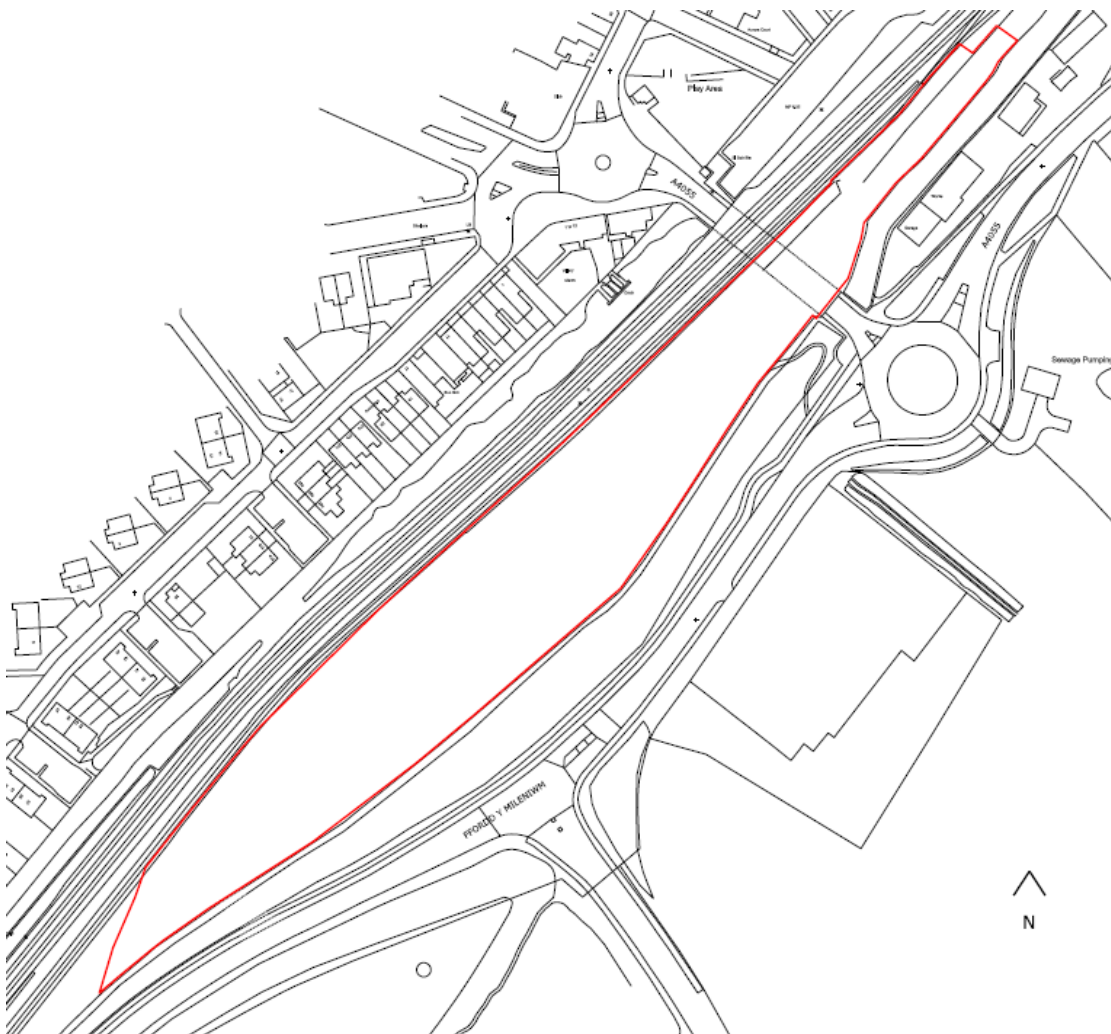
The main issues considered in this report relate to the principle of residential redevelopment in this location, the acceptability of the proposed access to serve the development, transportation and highway safety, the amenity of neighbouring residential properties, flood risk and drainage, ecology and biodiversity, and planning obligations based upon the specific need arising from the development and its impact on local infrastructure.

The report recommends the application be APPROVED subject to the developer entering a S106 agreement to secure financial contributions relating to sustainable transport, education, public open space, and public art, as well as the development being secured as affordable housing by condition.

## SITE AND CONTEXT

The application site is land formerly used as railway sidings to the northern side of Ffordd y Mileniwm in Barry. The site comprises approximately 1.6 hectares of predominantly scrubland south of and adjacent to the Vale of Glamorgan mainline.

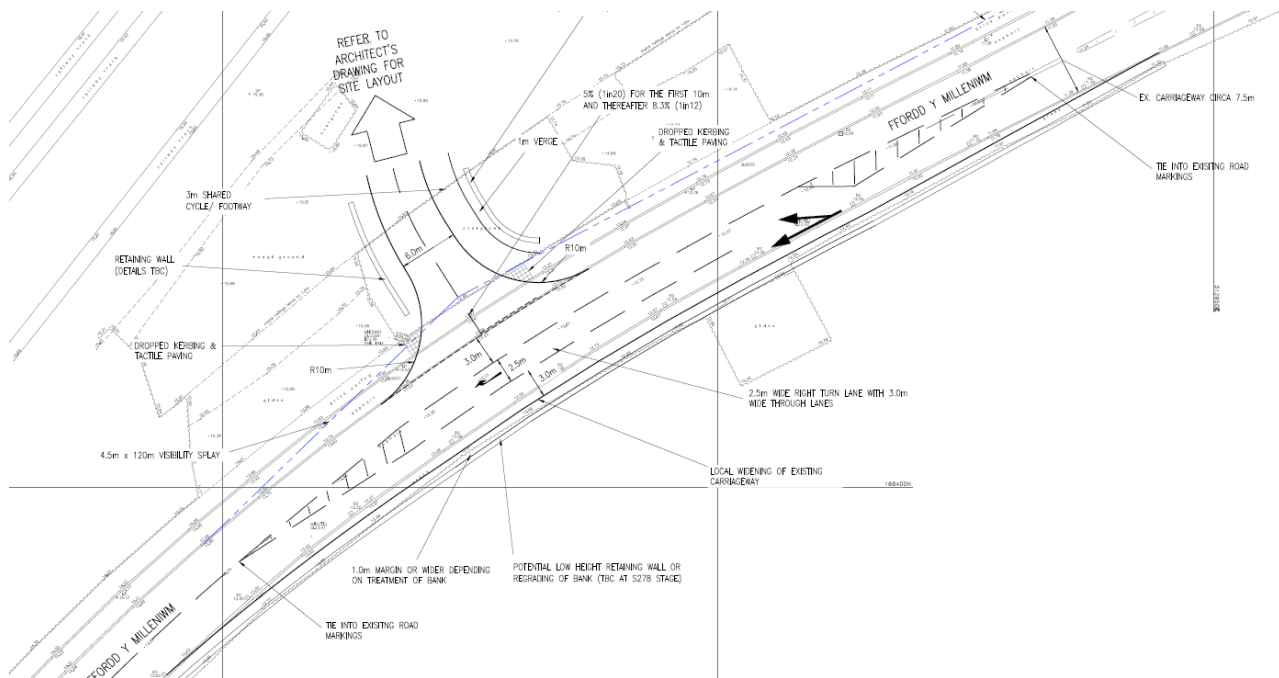
Most of the site, i.e. the land to the southwest of the Gladstone Road to Cardiff Road railway underbridge, lies outside of the settlement boundary for Barry as defined in the Local Development Plan. A part of the site also falls within the Health and Safety Executive's (HSE) Outer Consultation Zone. A part of the site is also within DAM Flood Zone C2, albeit this relates specifically to the road level in the underpass beneath the site.



## DESCRIPTION OF DEVELOPMENT

This is an outline proposal for residential development comprising (up to) 56 affordable dwellings with all matters are held in reserve apart from scale and access, the latter of which is proposed to be provided by a new priority junction off Ffordd y Mileniwm at the western end of the site.

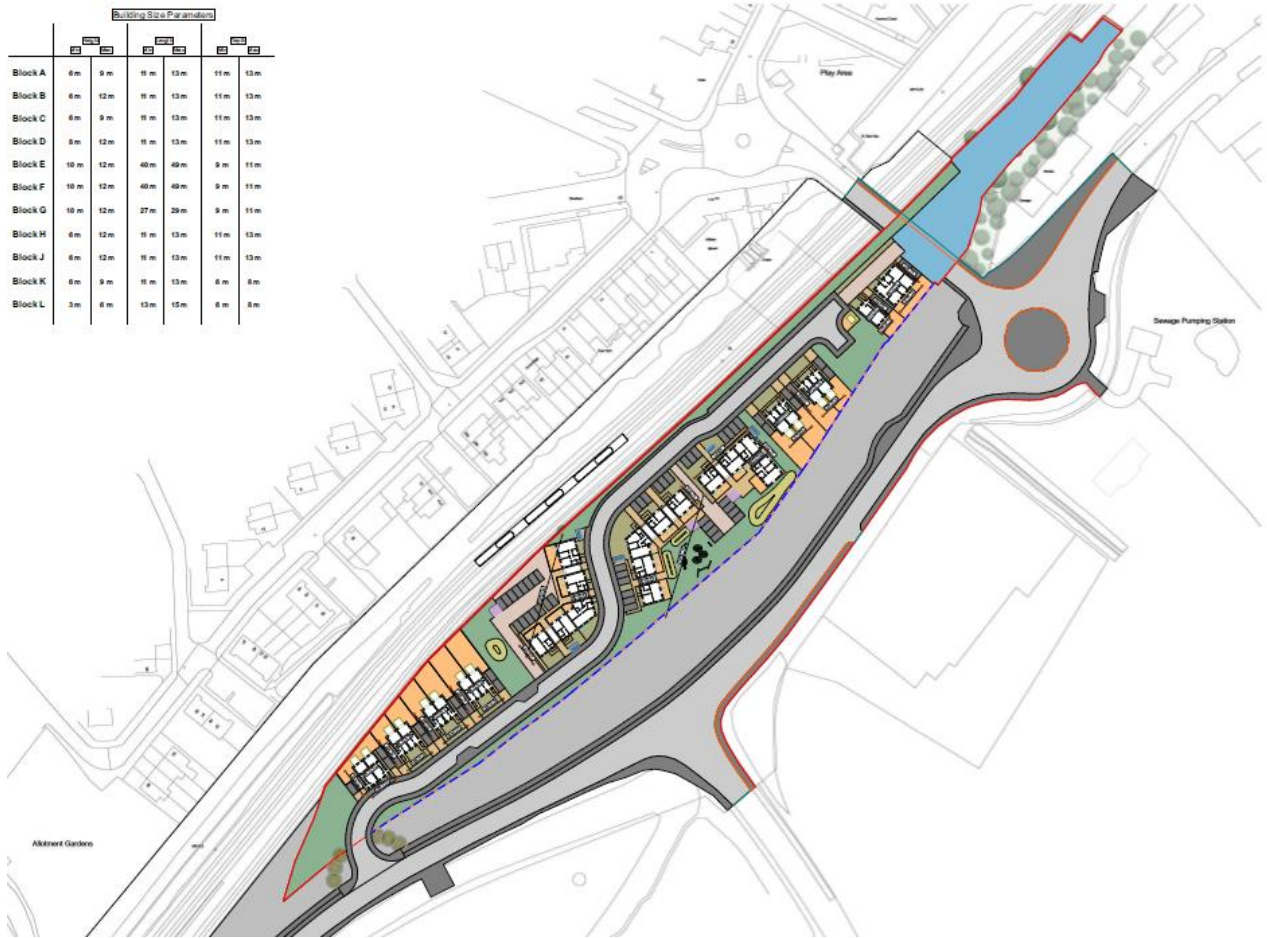
The access would also provide a right-hand turn lane, achieved by widening the carriageway of Ffordd y Mileniwm in the vicinity of the access to provide for the turning facility. The proposed access is shown below (see plan 6357.009 Rev A for greater clarity).



The parameter plan indicates that the development would be split into relatively linear blocks along a single access road, with buildings up to 12m (three storeys) in height. Although in outline, the application has been revised and supplemented by several more detailed plans during the application process. These detail a development schedule of 30 no one-bedroom apartments, 12 no two-bedroom apartments (comprising three storey blocks), 14 no two-to-four-bedroom houses (comprising semi-detached houses, townhouses, and a detached bungalow). The detailed masterplan, elevations etc. provide supplementary detail to which illustrate how the development might be carried out, however, as noted above the detailed internal layout, appearance, and landscaping would require further approval.

The eastern end of the site is within the settlement boundary but this part, i.e., about 0.2ha of land to the northeast of the railway bridge, is not proposed to be developed and would instead be set aside for ecological enhancements. The indicative plans detail the development would provide approx. 0.3ha. of open space in total, including for drainage infrastructure and an equipped play area approx. 250sq.m in size.

The parameter plan (together with indicative layout) is shown below:



The application is accompanied by some detailed drawings, albeit due to layout and appearance being reserved matters, **these are for indicative purposes only** to inform the outline assessment. As an example, the elevation plan below illustrates the possible appearance of the first block of buildings adjacent to the site access (as shown on the site masterplan layout).

Block A





## PLANNING HISTORY

No recent and relevant planning history.

## CONSULTATIONS

**Barry Town Council** objected to the development because proposed residential development site does not comply with LDP Policy MD5 (Development within settlement boundaries) as the land it is not identified for future residential purposes.

**Cllr P Drake** stated the following in August 2020 in response to the initial consultation:

*"I have looked at this application again and have looked at the site again, although it is difficult to judge the scale of the land available as it is extremely overgrown with vegetation and trees, but as previously said I have concerns of the scale and overdevelopment on what appears to be a difficult site.*

*The proposed access road to the site off Ffordd-y-Milenium I feel could cause difficulties, in particular if wishing to enter from the East which would mean having to cross over a normally busy single carriage way road. Exiting would not be such an issue if turning left, but if you wanted to turn right that would cause issues, the safer option would be to turn left and negotiate the roundabout to come back up the road. Having this access to the site would mean the breakup of the existing pavement and cycleway.*

*With regards to the installation of a pedestrian crossing as mentioned in the documents, in my opinion it would have to be a traffic light controlled system to overcome the danger of trying to cross over this road.. I cannot comment on public transport ie bus routes as I am not sure who would operate such a service.*

*Whilst I am always in favour of affordable housing, I feel the scale of this proposed development is too large for this particular site particularly with a difficult access off a well-used road."*

A further response in January 2021 following amendments to the scheme and re-consultation stated:

*"Despite the application has been reduced by around 47% I still have the same concerns and objections to this application due the where the site is situated and in particular the access and entry off Ffordd-y-Mileniwm, which is normally a well used single carriageway."*

**Cllr N Moore** stated the following in August 2020 in response to the initial consultation:

*"Please accept these as my comments and I assume it will be dealt with by delegation if it is to be refused.*

*I consider this to be a speculative development, which is an overdevelopment of the site in question too.*

*I note that most if not of the actual building proposals is in Castleland Ward, but I also question the viability and practicality of accessing the site from Fford Mileniwm – I think this would cause untold problems and would be very dangerous."*

No further comments have been received following amendments to the scheme and re-consultation.

**Cadoc and Castleland Ward Councillors** – no response has been received to date from the other local ward members consulted.

**Shared Regulatory Services (Neighbourhood Services)** initially advised the application should be refused (memo dated 02.10.20) due to the potential exposure of occupiers of the development to harmful level of road and rail noise. This was following the preparation of a noise assessment which concluded part of the site was Noise Exposure Category (NEC) C (where planning permission *should not normally be granted* - TAN 11 refers), gave outline mitigation measures that would have only achieved acceptable internal noise levels if windows remained shut, and resulted in external areas exposed to noise levels above World Health Organisation (WHO) guidance.

Their latest response (memo 14.02.23) reviewed the Hydrock Report Noise Report dated 7 Sept 2021 and stated that it may be appropriate to permit development at this site noting the changes in density, layout and mitigation that have been proposed. This advice was on the basis that the potential for increased night rail movements was taken into consideration, any plant such as air source heat pumps achieve a rating no higher than 10db below background levels. It was also recommended that Noise levels in living rooms should not exceed a maximum of 35dB LAeq and 30dB LAeq in bedrooms, nor 45dB LAmax, with no frequency (Hz) predominant (**Condition 6** refers). It was also recommended that post construction acoustic testing take place to confirm the required levels had been achieved, or if not, additional remediation take place (**Condition 7** refers).

**Network Rail** stated no objection in principle but provided comments in relation to asset protection given the proximity of the operational railway and in the interest of safety, and principally these comments relate to the underline bridge and a culvert. It was stated that the design should not affect these assets but that they should be considered in the construction process. Network Rail also provided asset protection comments and design guidance relating to drainage, fencing, foundations, ground disturbance, site layout, piling, and landscaping.

**VoGC Landscape Section** – no response received to date.

**VoGC Estates Section** - no response received to date.

**Natural Resources Wales (NRW)** did not object but stated that they had significant concerns and recommended planning permission only be granted subject to a condition relating to unsuspected contamination (**Condition 22** refers). Although gross contamination\* was not identified on the site during investigations, the condition was due to the site being underlain by an aquifer and in a Source Protection Zone (SPZ), where the controlled waters are environmentally sensitive.

NRW also stated they had no adverse comment to make in relation to flood risk and European Protected Species.

\*Note: in this context, *gross contamination* is understood to mean contamination present at concentrations beyond which it can reasonably be expected for regulatory or technological controls to provide adequate protection to the environment.

**Shared Regulatory Services (Environment)** noted that contaminants of concern have been identified within the shallow soils during site investigations, requiring remediation to ensure the site is made suitable for the end use. It was stated that a detailed remediation scheme and verification plan would need to be submitted for approval and validation report to confirm that remediation has been satisfactorily undertaken. Planning conditions were recommended to this effect, as well as conditions relating to unforeseen contamination, imported soil, imported aggregate, site won materials, and advisory notes relating to contamination and unstable land (**Conditions 20 – 25** refer).

**South Wales Police** did not object but provided advice in relation to crime reduction through design. These included measures such as natural surveillance, openness in the public realm, lighting, landscaping, securing defensible private spaces from unauthorised access, and anti-theft mechanisms. The response also referred to Secured by Design guidance and recommendations.

**Dwr Cymru / Welsh Water** stated that the site is crossed by several of their assets, including 450mm and 1500mm combined public sewers and a 1220 x 350mm brickwork combined sewer, with their approximate position being marked on an attached Statutory Public Sewer Record. It was stated that no buildings would be permitted within, respectively, 3m, 7.5m, and 6m of the centreline of these sewers. It was also stated that there is unlikely sufficient capacity within the public sewerage network to accommodate the development and that there were water supply problems in the area.

Welsh Water did not object, subject to the inclusion of conditions that would require the developer to identify a point of connection to the public sewerage system and provide details of a potable water scheme. The requirements for the above would need to be established through undertaking a Hydraulic Modelling Assessment, which would also identify any necessary reinforcement works required to facilitate the recommended sewer connection and water supply options (**Conditions 8 & 9** refer).

**VoGC Ecology Officer** – did not object and recommended planning conditions relating to further survey and a mitigation plan being prepared for reptiles and Section 7 invertebrates, submission of a management plan for the ecological mitigation area, for ecological enhancement to be provided within the SuDS scheme, and a plan to eradicate Wall Cotoneaster from the site (**Condition 10** refers).

**VoGC 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 figures for the Cadoc and Castleland wards:

<b>CASTLELAND</b>	
1 bed	257
2 bed	105
3 bed	33
4 bed	6
5 bed	2
	403

It was also stated that social rented units were in high demand in the local area and that the proposed mix of unit types was supported.

An update to the above figures was sought in February 2023 and the figure for Castleland had risen to 435. The figure in the adjacent Cadoc ward area in February 2023 was also 333.

**Councils Drainage Section** stated that the site is close to a Development Advice Map (DAM) Zone C2 and that NRW flood maps indicate that there is a low risk of surface water flooding to areas of the development. In relation to the outline drainage strategy, it was their belief that the watercourse shown traversing the site served only as a combined sewer, and so it would be the least preferred destination for surface water disposal. It was advised higher priority destinations (such as infiltration) were considered, which would reflect the pre-application discussions and refinement of the drainage scheme which has taken place as part of the SAB process.

The drainage engineer did not object and advised that a detailed surface water drainage design for the development is submitted through the SAB process.

**VoGC Highway Development** – raised initial concerns regarding the means of access into the site via a simple priority junction and advised that the new junction should provide a Ghost Island right hand turn into the site and be subject of a swept path and visibility splay analysis. It was also stated that a crossing point should be provided across Ffordd y Mileniwm and bus stops with high access kerbs provided.

A revised junction access was subsequently submitted in December 2022, and following review, the Highway Engineer agreed this revised layout was acceptable, subject to agreement of full engineering details.

It was also stated that the development should provide a safe transition to the established walking/ cycling infrastructure at the site access and, depending on the final location of the bus stops, a crossing point or improvements to the existing crossing should be provided. It was also stated that the site access should not exceed 5% (1 in 20) for the first 10m and thereafter 8.33% (1 in 12), and that the internal arrangement must comply with the Council's adoptable standards for residential estate roads.

Several conditions were recommended relating to highway engineering detail (**Conditions 13 and 14** refer), provision of bus stops (**Condition 15** refers), and a Construction Traffic Management Plan (CTMP) (**Condition 16** refers).

**VoGC Transport and Road Safety** stated bus stop facilities were needed fronting the new development and that while at the moment bus operators don't want to use Ffordd Y Mileniwm, new routes are being developed and the development of the new interchange, other developments, and other sustainable transport infrastructure improvements in the area would be beneficial.

**VoGC Highways (Structures)** stated no comment. In response to a query concerning the feasibility of providing a supplementary pedestrian access to the east of the site, it was stated that a detailed proposal including a cross / long section along the route would be required to determine feasibility, and presumably it would need to be DDA compliant so any steps would need to be supplemented with ramps.

**VoGC Education Section** stated that there is surplus capacity at all nursery and primary schools serving the development which is likely to remain over the next 5 years based upon the current situation and the projected uplift from the proposed development. However, it was predicted that all secondary schools serving the development would be over capacity. A financial contribution calculated on the basis of 26 units toward secondary and post-16 education was therefore requested, totalling £167,313.

**South Wales Fire and Rescue Service** stated no objection and advised that the developer consider the need for provision of adequate water supply for firefighting and access for fire appliances (engines).

**Shared Regulatory Services (Air Quality)** stated a low-medium risk has been identified with respect to dust soiling & human health from the construction phase, and that it is therefore considered essential that a suitable Construction Environmental Management Plan (CEMP) outlining a detailed Dust Management Plan with appropriate measures be submitted prior to the development proceeding (**Condition 17** refers).

For the operational phase of the development, it was stated that the Air Quality Assessment (AQA) report adopts best practise guidance and considers worse case predictions by performing additional sensitivity testing, concluding that the overall effect of the proposed development, in terms of road traffic impacts, will be negligible.

**Health and Safety Executive** (web consultation) stated that they did not advise against this development.

## REPRESENTATIONS

The neighbouring properties were consulted on 29 July 2020, when the proposed scheme was for up to 93 dwellings. Further consultations were undertaken after the scheme was revised to be for up to 51 dwellings on 13<sup>th</sup> January 2021, and then again on 9<sup>th</sup> August 2022 when it was revised to be for up to 56 dwellings.

Site notices have also been displayed in 2020, and again on 11<sup>th</sup> August 2022. The application was also advertised in the press on 24<sup>th</sup> August 2020, and again on 25<sup>th</sup> August 2022.

There was a total of 21 representations to the original consultation and all objected to the application. In response to the re-consultations there was one additional objection made, taking the total households objecting to 22. Three representations were also made from previous respondents which maintained their previous objections. The grounds of objection have been summarised as follows:

Principle:

- Social housing overdevelopment, other sites available

Transportation:

- Highway safety / unsafe access
- Increased congestion (in conjunction with waterfront development)
- Dutch pavement and continuous cycle path design (cycle priority) must be incorporated into the junction design.

## Sustainability

- Too many parking spaces, promotes car use.
- Development should incorporate solar panels, EV charging, green roofs, cycle storage

## Residential health/ amenity:

- Impact on privacy (to Hillary Rise)
- Impact on views (to Hillary Rise)
- Risk of odour and vermin (primarily from bin stores)
- Increased noise and vibration to (Hillary Rise) from tunnelling effect and the removal of vegetation
- Disturbances if a pedestrian bridge link was built (to Hillary rise)
- Impact to occupiers from biomass plant (incinerator)
- High UHI concentration

## Drainage:

- Increased flood risk
- Drainage problems – main drain crosses site, open culvert on Hillary Rise which feed to the docks, past flooding problems and hydraulic failure of sewerage system during flood events, the potential for these issues to exacerbated by the development and by climate change

## Ecology:

- Impact on site habitat and species, inc. nesting birds, bats, owls, moths, bees, and small mammals

## Infrastructure:

- Existing and new development pressure on: NHS, doctors, dentists, schools, leisure, and community facilities

## Veracity/ completeness of documents:

- Vibrancy of town centre inaccurately portrayed
- No reference to Welsh medium education
- Plans not detailed enough

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP3 – Residential Requirement

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

**Managing Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
POLICY MG4 – Affordable Housing  
POLICY MG6 – Provision of Educational Facilities  
POLICY MG7 – Provision of Community Facilities  
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  
POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries  
POLICY MD15 - Protection of Allocated Employment Sites

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

**Future Wales: The National Plan 2040:**

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

**Planning Policy Wales:**

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

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

**Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)

The Noise TAN contains advice and best practice guidance relating to how noise exposure at new residential (or other noise sensitive development) should be assessed. It contains noise exposure thresholds for different noise sources, which are used to categorise potential development sites as follows:

<b>A</b>	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.
<b>B</b>	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.
<b>C</b>	Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise.
<b>D</b>	Planning permission should normally be refused.

- 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 – 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)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)



- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

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

#### Policy Background

Whilst a small part of the site is located within the settlement boundary as defined by the Local Development Plan (LDP), the large majority (including all the developable area) of the site lies outside of it. In planning policy terms, this site is therefore considered to be an out of settlement location.

In relation to national policy and guidance, Planning Policy Wales (PPW) is supportive of affordable housing provision, and acknowledges that affordable housing may be acceptable in out of settlement locations where residential development might not ordinarily be favoured. It states 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). It goes on to state "*affordable housing provided on exception sites should meet the needs of local people in perpetuity*" (also para. 4.2.34).

PPW also seeks to maximise the use of previously developed land and paragraph 3.51 states that wherever possible, such land should be used in preference to 'greenfield' sites, where it is suitable for development.

The proposal is for 100% affordable housing in an out of settlement location and is therefore assessed under Policies MD10 (Affordable Housing Developments outside Settlement Boundaries), MD1 (Location of New Development), MD6 (Housing Densities), of the Local Development Plan (LDP).

Policy MD10 permits 100% affordable housing schemes out of settlement, subject to several criteria. The policy states that proposals should primarily have a '*distinct physical or visual relationship with an existing settlement*', but it also be 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.*

Paragraph 7.58 of the LDP sets out that while exception sites will generally mean developments of 10 or fewer dwellings, in or adjoining some of the larger settlements, proposals for more than 10 dwellings may be acceptable. This applies if it is required to meet specific need, where the number of dwellings is proportionate to the size of the settlement, and where all the other criteria against which a housing development are judged to be satisfied.

#### Affordable Housing and Policy MD10

The site is close to existing residential areas to the north-west and north-east, as well as employment land to the south-west to south-east, but is separated from both by the railway line and carriageway of Ffordd y Mileniwm. It nonetheless has a very close physical connection to and strong visual relationship with the existing settlement. The application site is somewhat unique in character as it relates to the former railway sidings, sitting on the railway cutting and adjacent to the mainline. The acceptability of the visual impact is considered in more detail later in this report, however, is considered that the fundamental relationship of the site to the settlement satisfies the location-based principles of Policy MD10.

In relation to affordable housing need, 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 August waiting list for properties within the Castleland ward area was 403. An update was sought in February 2023 and the figure for Castleland had risen to 435. The figure in the adjacent Cadoc ward area was 333. As the LHMA and waiting lists demonstrate, there remains a local and current local affordable need, and this has not been satisfied by other developments in the locality. There remains a significant number of people in the local community without access to adequate housing, and whilst this proposed development would make a significant welcome contribution, it is still only a relatively small proportion of the overall need.

There is therefore a clear and evidenced need for affordable housing in Barry, and it has been identified as one of the areas of highest affordable housing need in the Vale of Glamorgan.

The size of the proposal is also considered to be proportionate to the settlement and, despite pedestrian connectivity being restricted to the main vehicular access point (given the railway line and steep embankment) the distance to local services, employment, public transport, and sustainable transport infrastructure is acceptable and would not leave prospective occupiers solely or overly reliant on car travel. There are also improvements to public transport infrastructure proposed to enhance occupiers access to these services (as discussed later in this report).

Having regard to the above, Officers are supportive of the location for the provision of affordable housing, in principle and **Condition 26** would ensure that the development was retained as affordable housing.

### Density

Although not within the defined settlement boundary, LDP Policy MD6 (Housing Densities) indicates that residential development proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. The proposal is for up to 56 dwellings on site area of 1.55 (ha), and the density on site would be above the minimum 30d.p.h. that is required within key settlements. Accordingly, the proposal is considered acceptable in respect of densities.

### Environmental and Health Hazards/ Contaminated Land

A ground investigation report has been submitted with this application. This has been reviewed by SRS and is considered acceptable in terms of its scope and methodology. There have been contaminants of concern identified on the site, noting its past use in association with the railway, and therefore planning conditions would be necessary to ensure that the recommended remediation was carried out, and verified. The proposed mitigation measures relate to known techniques and it is highly likely that the site can be made safe for a residential end use. The development is considered acceptable in this respect, subject to **Conditions 20 and 21**.

Natural Resources Wales also raised some initial concerns due to the location within a Source Protection Zone and the site being underlain by an aquifer. On review of the ground investigation report (which identified no gross contamination) NRW did not object subject to imposition of a condition relating to measures to be taken if unforeseen contamination was encountered (**Condition 22** refers).

A small part of the site falls within the Health and Safety Executive (HSE) Outer Zone, due to its proximity to hazardous substances at the docklands (associated with the chemical site to the east). The consultation zone however only encroaches upon a small part of the site access. Having carried out a consultation with HSE via their website, advice was received that they did not advise against this development.

The proposed development, on existing brownfield land where positive re-development is favoured, is unlikely to significantly contribute to Urban Heat Index concentration (to which the reference to UHI in public representations is understood to refer). The planning matters

relating to the Biomass Plant (approx. 750m from the site with other residential areas in much closer proximity) are under separate consideration.

The application is submitted with an Air Quality Assessment in support of the original submissions. It concluded that the impact on air quality from development traffic would be negligible and the medium potential impact from construction activities (such as dust) could be adequately mitigated. The scale of development has also been substantially reduced since the preparation of this document. The site is also neither within nor adjacent to any Air Quality Management Area (AQMA). The development site is considered acceptable for the intended residential use and would not have any significant impact on air quality from its operational or construction phases (subject to **Condition 17**).

### Rail Infrastructure

Network Rail stated no objection in principle but provided comments and advice in relation to asset protection (inc. impacts from groundworks), given the proximity of the operational railway and in the interest of safety. This advice related principally to the underline bridge and a culvert. There is no fundamental objection to the loss of the land in terms of its usefulness to rail infrastructure or to the development of the site for residential purposes. The impact to the rail infrastructure would be subject of further consideration based upon the detailed plans and layout at reserved matters stage, in consultation with Network Rail. However, the development is considered acceptable in principle and would not be inherently detrimental to the rail network and service delivery.

### Access and Transportation

The proposed vehicular access is at the western side of the site, where there is the least disparity between the site level and that of Ffordd y Mileniwm, making it the most logical point of access that requires the least amount of engineering to achieve. The proposed access road would nonetheless need to be constructed at a gradient to take traffic from Ffordd y Mileniwm up the bank to the higher plateau area of the site. The outline access plan (6357.009 Rev A) indicates this can be achieved in compliance with the Highway Authority's requirement that it does not exceed 1:20 for the first 15m, and thereafter 1:12. The access plan, together with topographical information relating to the existing site, suggest safe access can be provided despite the bank, and precise engineering and level details can be secured by condition (**Condition 13** refers), and informed by the detailed layout at reserved matters stage.

The site frontage is crossed by existing pedestrian and cycle infrastructure and the proposed access would connect to these, and the precise engineering detail to ensure safe transition for cyclists can also be secured by the above conditions. The main access would also be the sole point of access for pedestrians. It is noted that this would not be the most direct or convenient route for the occupiers of the eastern part of the site to travel easterly on foot, however, provision of a secondary pedestrian access to the east is not considered to be realistically feasible, given the significant engineering work required to traverse the bank at the eastern side of the site. The travelling distance from the eastern part of the site to local services on foot, via the main access, is nonetheless considered acceptable; not least given how close the site is to the town centre, Vere Street and public transport services.

It is also proposed to enhance access to public transport by providing new bus stops to serve the site, as well as connecting to the existing cycle and pedestrian infrastructure.

The bus stops would likely be located near to the site frontage and technically feasible options exist to provide shelters on both sides of the road, together with a crossing point. Drawing 6357.009 Rev A illustrates a potential position for the stops between the site access and Wimborne Road. It is nonetheless recommended the precise location and detail is secured by condition (**Condition 15** refers), noting bus services do not currently pass the front of the site. However, following consultation with the Council's Transport section, with the development of the new interchange at Barry Docks, new routes are being developed and the presence of bus stops (along with other potential enhancements) would make it more attractive to operators. A financial contribution toward sustainable transport in the locality has also been agreed that could be utilised to secure such provision (see Planning Obligations section of this report, below).

In response to initial consultations, the Highways Authority stated that a Ghost Island right hand turn was required to be provided for the priority junction vehicular access to the site. The reason for this was to provide room for vehicles waiting to turn right without restricting the flow of traffic along Ffordd y Mileniwm, having regard to the existing observed traffic levels. A revised access layout was presented in December 2022 incorporating a right-hand turn lane, and this design is considered acceptable by the Highways Authority. It is also considered that, subject to the above means access being provided into the site, the development would not have a significant impact on traffic volumes in the local highway network and would not result in any severe traffic congestion or related safety issues.

The indicative layout provided demonstrates that a suitable level of parking could be provided on the site at the proposed density. This, along with the detail for the internal layout, roads, and footways etc. can be secured by condition, for consideration based upon the layout proposed as part of reserved matters. The Parking Standard SPG also encourages residential developments incorporate a minimum of 10% electric vehicle charging points and this is recommended to be secured by **Condition 27**.

### Visual Impact and layout

In relation to the visual impact, Policy MD2 of the LDP promotes good design in all new forms of development and requires proposals to be of a high standard of design, in relation to its context, and criterion 1 requires it positively contribute to the context and character of the surrounding natural and built environment and protect existing features of townscape or landscape interest. In addition, criterion 2 states that new development should '*respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.*'

A topographical survey has been submitted with the planning application (2020/00775/OUT) which illustrates the site levels in comparison to its surroundings. The site is situated atop an engineered plateau, situated roughly level with the rail mainline. The survey indicates it is approx. 8-10m above than the road level on Ffordd y Mileniwm/A4055 through to the junction with Holton Road/Gladstone Road/Vere Street. The site therefore has an elevated position compared to its surroundings (on both sides) at its eastern edge, but this disparity gradually reduces toward the western side. It nevertheless remains around 2.5 - 3m above the carriageway of Ffordd y Mileniwm at the point of access, albeit here the site is significantly below the level of the Hillary Rise to the North (given the steep rise toward Dock View Road on the far side of the mainline).

The site is elevated from viewpoints immediately to both the north and south of the site and views across the entire site will also be possible from more distant vantage points.

Having considered the likely impacts based on the scale parameters and indicative drawings, the most sensitive points of the site are likely to be those near the eastern edge of the site on Ffordd y Mileniwm/ Cardiff Road (south) and the lower end of Vere Street/ Gladstone Road/ Hillary Rise (north).

There were concerns raised with the original submissions, which notably included development blocks up to five storeys tall containing up to 93 units. These were later revised down and now comprise a scheme of up to three storeys in height containing up to 56 units. In addition, it is proposed to limit the easternmost unit (Block L) to a single storey bungalow as shown on the parameter plan. The effect of this layout alteration will be to limit the visual impact of the development at this most sensitive point. The proposed bungalow would still be visible from Cardiff Road/ Ffordd y Mileniwm, however it is considered a bungalow would not overly dominate the street scene at this juncture.

The applicant has produced images showing how the indicative scheme may appear from various viewpoints. Whilst shown below, these can be seen with greater clarity in the application documents.



(Design and Access Statement, Feb 2023)

The remainder of the development would typically be two to three storeys and up to 12m tall. Whilst the carriageway on Ffordd y Mileniwm is below the existing site level, the discrepancy decreases to the western side, where the access point is likely to be the most open part of the development site. In the centre of the site, the buildings would likely be set off several metres from the embankment edge, and the trees on the embankment are within the extent of the adopted highway verge and so are likely to remain and offer some screening to the development site. Whilst this can't strictly be relied upon in perpetuity, even if the screening effect was lost, the proposal for two to three storey development across most of the site is considered acceptable in principle, subject to approval of the appearance, layout, and landscaping.

The proposed vehicular access would break into the roadside bank and the road would need to be gradually raised to reach the main plateau of the application site. The proposed gradients are not excessive, however, and the visual impact of these works is considered acceptable. The re-graded verges would be landscaped, with the precise detail considered further at reserved matters stage.

It is noted that the noise mitigation proposals include provision for an acoustic barrier between the site interior and Ffordd y Mileniwm. The applicant has confirmed this would be an enclosure of typical height (1.8m - 2m) but with enhanced acoustic properties to muffle the road noise. The precise detail of its appearance and location is not confirmed, but it would likely be along the southern site boundary, i.e. the extent marked with a blue dashed line on the parameter plan. This is considered acceptable in principle, subject to planning conditions requiring further detail as to its appearance (**Condition 6**, plus reserved matters detail) and tree protection details (**Condition 11**), noting that landscaping would be subject of reserved matters.

The internal layout, design, and landscaping would require further consideration as part of any subsequent reserved matters application, whereby careful consideration can be given to the design and finishes of the buildings to ensure a high quality in design and an acceptable appearance to the development is achieved.

#### Impact upon Neighbouring Residents

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly regarding privacy, overlooking, security, noise, and disturbance. The Residential and Householder SPG also provides further guidance in this respect.

The distance is variable, but there is a minimum gap of approx. 30m between the application site boundary and the near-side curtilage boundaries of the properties on the Hillary Rise of the mainline. The buildings would inevitably be even further apart (as outlined on the indicative layout) and so be far in excess of the privacy design standards specified in section 9.2 of the SPG. The development would also not cause any significant shading, loss of light, or overbearing impacts to neighbouring properties.

There has been opposition to the principle of affordable housing within representations received. However, as detailed previously, the proposed residential use is also considered acceptable in principle and would also not cause any inherent disturbance to existing neighbours, especially given the site context. The precise layout would be for consideration as part of reserved matters, however, the scale of development is considered acceptable in respect of neighbouring amenity and the Council's Housing Section has expressed its support for the mix of unit types. Whilst the precise future behaviour of individuals cannot reasonably be accounted for in the planning process, Officers consider a development can be achieved that will not inherently (i.e. by design) encourage anti-social behaviour, or unacceptable risks relating to odour and vermin. No additional footbridges or pedestrian connections to Hillary Rise are proposed as part of this application or considered necessary to facilitate this development.

It has also been raised in representations that the construction of buildings and removal of vegetation could increase noise and vibration experienced at Hillary Rise from existing rail movements. Whilst some vegetation would be removed, any such impact is considered to

be negligible, especially given replacement planting would be secured through detailed landscaping proposals. The risk of any material increases in noise reverberation to Hillary Rise following the erection of up to three storey tall buildings with gaps in between them, is also considered to be very minimal.

Having regard to the above, it is considered that the proposed development would not result in any significant detriment to the amenity of existing residents in the vicinity of the site.

### Noise/ vibration

In respect of noise and vibration, the living conditions of the prospective occupiers must also be taken into consideration. The application has been supported by a noise report, which has been updated alongside the revised indicative layout following initial concerns being expressed over the site's exposure to rail and road noise. The results of the background initial noise assessment concluded that part of the site was in Noise Exposure Category (NEC) B and part was in NEC C, as defined by Technical Advice Note (TAN) 11. The methodology of the initial background noise assessment has been reviewed in conjunction with Shared Regulatory Services (SRS) and was considered sound. The predominant noise source influencing the NEC zones was found to be road noise from Ffordd y Mileniwm, rather than from the railway.

The TAN 11 advice in relation to new development sites is that noise should be taken into account for sites in NEC B. It states permission *should not normally be granted* for sites in NEC C, but that where it is considered permission should be given, conditions should be imposed to ensure a commensurate level of protection against noise. It is recognised in TAN 11 that where there is a clear need for new residential development in an already noisy area some or all NECs might be increased by up to 3dB(A). (Annex A, A2), and if there are no alternative quieter sites available, permission can be granted subject to a commensurate level of protection against noise.

This site is not allocated for development within the Local Development Plan. However, as previously noted in this report, there is evidence of a significant need for affordable housing in the Vale of Glamorgan (1205 per annum), with current waiting lists of 435 in the Castleland Ward and 333 in the Cadoc Ward. Furthermore, it relates to redevelopment of brownfield land, closely related to the settlement of Barry and the services therein. Therefore, whilst this site is not allocated in view of the market housing need, this proposal is considered acceptable in principle, and would help address a critical lack of affordable housing in the area. In view of that, the development of this site (partially in NEC C) is considered acceptable, subject to adequate mitigation being in place to ensure that occupiers of the development are not subject to harmful living conditions. The proposed mitigation measures are discussed below: -

The revised noise report outlines several mitigation measures that can be incorporated into the development by design, such as provision of a noise barrier, all of the units having dual aspect (external elevations both north and south facing) with the bedrooms orientated toward the quieter rail side (where rail movements are lesser during the night), acoustic window vents, and (possibly) up-rated windows. The revised noise report concludes that most of the site would fall within NEC B, accounting for the impact of the noise barrier. However, whilst it is not possible to amend the NEC (a reflection of the existing noise exposure) on account of a new noise barrier, it, together with the other mitigation and design measures proposed, demonstrate how the noise level could be brought down to a



commensurate level, and ensure that the interior rooms would meet the specified upper guidelines published in British Standards and WHO documentation.

There would be parts of the site that would still exceed the upper threshold of the British Standard guideline level (55dB) in relation to external noise (for amenity spaces), even with the noise barrier in place. However, the parts of the site that would be affected would not be significantly above this threshold – exceeding it by up to 3dB. There is also a material weight in favour of the affordable housing provision this development makes and, on balance, this benefit of providing good quality, well-located affordable homes is considered to outweigh the relatively small degree of nuisance which may occur from noise exposure in some of the external spaces. There is also, as noted in the noise report, a significant proportion of the existing housing stock which is affected by noise levels above the upper thresholds of these guidelines and the proposed mitigation would reduce this impact as far as is reasonably possible.

In conclusion, it is considered that it has been adequately demonstrated that acceptable living conditions can be achieved to the interior rooms and, overall, the external amenity spaces. The noise impacts would need to be considered further at reserved matters stage, and the precise detail of the barriers, windows, and any other mitigation, would also need to be reviewed. This is secured by the recommended **conditions No. 6 and 7**.

#### Neighbouring Commercial Land Uses

The site is bounded by the railway line to the north, with primarily residential properties located beyond it to the north except for the flooring showroom adjacent to the railway underpass. The proposed development is unlikely to have any material impact on the function of this business premises.

The Cadoxton Wetlands are located to the south-east beyond Ffordd y Mileniwm, but some of the land to the south-west is also allocated within the LDP for B1, B2 & B8 employment uses - Policy MG9 (5) (Employment Allocations) refers. There is also an existing industrial training facility approx. 100m to the south which appears to offer training on plant and machinery in an outdoor setting.

The proposed development has been subject of Noise Assessment which found the predominant source of noise was from road traffic on Ffordd y Mileniwm. It is therefore very unlikely that the continued operation of the training facility would significantly impact the residential amenity of the occupiers of the application site, or be subject of substantive complaints.

No planning applications for the development of the employment land allocation have been submitted to date, and whilst proposals for any such development would need to consider the surrounding context at the time of application, the allocation remains a material consideration for new residential development with this site being in relatively close proximity. However, noting the predominance of the road noise, as well as the surrounding context including other existing housing, the presence of additional housing on this site is unlikely to have any significant bearing on the viability of potential future employment development on the allocated land.

## Amenity Space

The Householder and Residential Development SPG requires between 12.5-20sq.m of amenity space per person for flatted developments. These are minimum standards and the SPG notes that 1-2 bed flats would typically be treated as having a minimum of 2 persons.

As can be seen on the indicative layouts, some provision has been made for amenity space for residents. These indicate that an acceptable amount of amenity space is to be provided across most of the site. However, Officers have raised some concerns about the amount and quality of amenity space that would be available to residents of the flats (on these indicative), as these are very small spaces. The internal layout however is a reserved matter, and whilst the provision would likely need to be increased to be found acceptable, there is sufficient room within the confines of the site to provide an acceptable amenity space arrangement at this scale of development. This would need to be reflected in detailed layout plans, to include for practical needs such as bin storage and cycle storage.

## Trees and Landscaping

The site is generally bounded by trees and shrubs along the boundary with Ffordd Y Mileniwm, the majority of which are within the area of the adopted highway. This offers the site some screening from views to the south, and their retention would assist in softening some of the visual impact of the development. There are no trees on the site subject to Tree Preservation Order (TPO), but the application is nevertheless accompanied by a tree survey which identifies the trees on the site, along with an assessment of their quality and condition.

In review of the tree report in conjunction with the indicative layout, 6 no trees and a group of birch trees in the centre of the site, of good order and health, would likely be lost to the development. Three of the birch trees are identified as being of Category B (moderate quality with an estimated remaining life expectancy of at least 20 years). The retention of established trees of moderate or better quality would ordinarily be preferred, however, it is also acknowledged that the linear nature of the site presents difficulty in retaining trees in the centre of the site, where an access road of some form would need to be accommodated. The birch trees, despite being of moderate arboricultural quality, are not prominent within the existing public realm with only distant and/or glimpsed views possible, and so these would not justify service of a new TPO in isolation. The potential loss of these trees is therefore considered acceptable, and compensatory planting can be provided within the proposed development as part of landscaping proposals.

The tree report and indicative layout suggest the development of the site would not have an inherently detrimental impact to the trees on the embankment. However, careful consideration would be necessary during construction to ensure their protection throughout, based on a detailed layout. This can be achieved through provision of a tree protection plan and measures to mitigate this impact during construction (see **Condition 11**).

Noting the above, further consideration would be given to the proposed landscaping of the development at reserved matters stage, where a comprehensive landscaping and planting scheme within the site to mitigate for any tree loss, and enhance overall tree cover, would be expected. The retention of the embankment trees, together with new tree planting, may also help mitigate some of the traffic noise, enhance the internal environment, and offer a

visual softening to the built form in the longer term. While these matters can be given further consideration at reserved matters stage, the acceptability of the development is not considered contingent on the enhancement of these screening and buffering effects.

Having regard to the above, the development is considered acceptable in relation to potential tree loss (in outline/ and having regard to the indicative detail of how the site is likely to be developed).

### Ecology

There has been a Preliminary Ecological Appraisal (PEA) carried out and the associated report submitted. The appraisal includes a search of local ecological records and the results of a preliminary field survey. The report finds that the site habitat comprises “*early successional vegetation, bare ground, tall ruderal, scattered scrub and trees, and introduced shrub... that is likely to support a diverse range of terrestrial invertebrate species as well as a population of common reptiles*” (p4). The scope and methodology of the appraisal have been reviewed by the Council’s Ecologist and are considered sound.

In addition, a Reptile Strategy has also been submitted which included details of a reptile survey of the site, and proposed mitigation measures which involve the translocation of reptiles to an ecological enhancement area prior to the commencement of development. The Reptile Survey Report finds that common lizard and slow worm are present on the site, with the common lizard population being described as ‘good’ and the slow worm population as ‘excellent’.

The PEA also finds that the trees on the site do not contain features that could support roosting bats, although it recommends that the bank of vegetation is retained between the site and Ffordd Y Mileniwm as a dark corridor and measures to minimise artificial light spill are included. It also recommends that the retained ecological area is enhanced to provide habitat suitable for reptiles and invertebrates, SuDS features are also designed to enhance biodiversity interests, the timing/ method of vegetation removal due to the likelihood of nesting birds using the site, and the removal of invasive Cotoneaster.

The ecological information has been reviewed by the Council’s Ecologist, who stated they were happy for the application to proceed subject to several recommendations and for further details to be submitted by condition. In addition to the above, these included the timing of the provision of the ecological area being brought forward so it would be suitable as a translocation site for reptiles, further development of the mitigation strategies based on the findings of the reptile surveys (to ensure there is sufficient capacity at the receptor site), and further development of SuDS strategies to improve biodiversity and ensure any water discharged to Cadoxton Ponds was of acceptable quality. These matters are recommended to be subject of condition (**Condition 10** refers), noting that the detail of the SuDS scheme (including its drainage functionality and water quality) are SAB requirements which are subject to separate regulatory control. The latter is discussed in more detail in the Surface Water Drainage section of this report, below.

Having regard to the above, the development is considered acceptable in relation to its impact on ecological interests and the local ecosystem and would provide for overall biodiversity enhancement (subject to condition).

## Flood Risk

The application site partly falls within DAM Flood Zone C2, which relates to areas at significant risk of flooding and that are also without flood defence infrastructure. However, the area concerned is noted to be the road beneath the railway (in the underpass) and therefore the site is not anticipated to be at significant risk of flooding. NRW were also consulted and did not object in relation to flood risk.

## Foul Drainage and Water Supply

In consultation, Welsh Water have stated that there is unlikely sufficient capacity within the public sewerage network to accommodate the development and that there were water supply problems in the area. However, Welsh Water did not object, subject to the inclusion of conditions that would require the developer to identify a point of connection to the public sewerage system and provide details of a potable water scheme.

The requirements for the above drainage and water supply connections would need to be established through undertaking a Hydraulic Modelling Assessment, which would also identify any necessary reinforcement works required to facilitate the recommended sewer connection and water supply options (**Conditions 8 and 9** refer).

Welsh Water also stated that the site is crossed by several of their assets, including 450mm and 1500mm combined public sewers and a 1220 x 350mm brickwork combined sewer, with their approximate position being marked on an attached Statutory Public Sewer Record. It was stated that no buildings would be permitted within, respectively, 3m, 7.5m, and 6m of the centreline of these sewers. The site layout is a reserved matter; however, the indicative plans illustrate that an easement can be maintained over these sewers.

Having regard to the above, the development is considered acceptable in relation to foul drainage, subject to conditions.

## Surface Water Drainage

NRW flood maps indicate that there is a low risk of surface water flooding to areas of the development, but that it is not at significant risk of tidal or fluvial flooding. It is noted that in representations that concerns have been raised in relation to past flood events and hydraulic failure of sewerage system during flood events, and that risk of re-occurrences may be exacerbated.

The Council's Drainage Team advised that, in relation to the outline drainage strategy, it was their belief that the watercourse shown traversing the site served only as a combined sewer, and so it would be the least preferred destination for surface water disposal. It was advised higher priority destinations (such as infiltration) were considered, which would reflect the pre-application discussions and refinement of the drainage scheme which has taken place as part of the SAB process.

It is considered that adequate drainage options exist to deal with surface water runoff from the site through infiltration, in a manner that would not interfere with the existing drainage apparatus that crosses the site. The development layout would be subject of further consideration at reserved matters stage, as well as directly by the drainage team through

the SAB process. No further details or conditions are considered necessary in relation to surface water disposal given the separate statutory controls in this area.

### Section 106 Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The application seeks permission for the construction of up to 56 dwellings and the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

At the Council's Cabinet meeting of the 5<sup>th</sup> September 2016, there was a resolution approved to waive the requirement to seek financial obligations on 100% affordable housing sites of twenty-five units or less, where the development is made by the Council or the four housing associations zoned by Welsh Government to develop in the Vale. Accordingly, the Section 106 contributions for this development are calculated based on the number of units over 25 - i.e. 31 units.

On this basis, it is considered that planning obligations should be required in respect of the following:

- Sustainable Transport
- Education
- Public Open Space
- Public Art

The development is for affordable housing and its delivery as such is secured by **Condition 26**.

#### *Sustainable Transport:*

The increasing importance of sustainability is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. Planning Policy Wales (PPW) (Ed. 11), recognises that to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, because of a proposal.

In accordance with the SPG, a sum for the provision and/or enhancement of off-site sustainable transport facilities was requested based on £2,300 per eligible residential unit (31) – a total of **£71,300**. This has been agreed by the applicant and is in addition to bus stop facilities to be provided at the site frontage (as discussed in the Access and Transportation section of this report, above (**Condition 15** refers).

#### *Education:*

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

This calculation is based on the equivalent demand from 12 units. This figure has been reached by deducting the one-bedroom flats and the 25 units as per the Council's policy. There are a total of 26 units with two-bedrooms or more, i.e., those ordinarily eligible toward calculating education contributions as these are more likely to house school aged children. The reduction has been applied according to the ratio of eligible units (46.4%) within the scheme instead, which is representative of the scheme composition and ensures that the end value of the obligation is not biased by units 'count' toward the deduction.

The Council's Education Department were consulted and confirmed there is projected local capacity at nursery and primary level over the next five years to accommodate this development. However, there is no projected capacity at secondary level. A contribution toward education provision at secondary level in accordance with SPG requirements was requested, as set out below:

3 x secondary pupils (11 to 16) = **£82,494**

This has been agreed by the applicant.

#### *Public Open Space:*

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and acts as a visual amenity.

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

Based upon the SPG formula, in areas of identified need 55.68sqm public open space should be provided per unit, of which 5.80sqm should be equipped children's play space, 12.76sqm of informal play space, and 37.12sqm of outdoor sports space. There is a deficit of all elements of public open space in Castleland Ward.

In accordance with the Policy and SPG requirements, the development would be expected to deliver a total of **1039sq.m of children's play space** including a **324sq.m (equipped) Local Area of Play** on site. The applicant has agreed that to this on-site provision and the indicative layout illustrates there is sufficient room on the site to provide these facilities in a central and accessible location. The precise layout and landscaping of the open space would be subject of further consideration at reserved matters stage. However, in the interest of securing sufficient detail as to the equipment and details of POS layout, equipment and future management is recommended to be secured by condition (**see Condition 19**). This does not account for sports facilities, which would not be practicable to deliver on this site.

The full outdoor sports provision would equate to 2079sq.m for a development of this size, and for practical reasons a financial contribution is considered acceptable in lieu of onsite provision. The financial contributions, however, are based on an average of £2668 per dwelling for all open space, with children's play space equating for approx. one third of the total space requirement. A financial sum, revised down to equate to 31 eligible units and to account for children's play space being delivered separately on site, was requested – a total sum of **£54,587**. This has been agreed by the applicant.

#### *Community Facilities:*

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities.

The LDP Community Facilities Background Paper (2013) assessed the level of provision of community facilities throughout the Vale of Glamorgan and the additional demand generated by new development planned in the Local Development Plan. Within the Castleland and adjoining Cadoc Ward, there is an existing deficiency and additional community space is required to accommodate housing growth within the ward.

Within the Castleland and adjoining Cadoc Ward, there is an existing deficiency and additional community space is required to accommodate housing growth within the ward. This could be used to enhance community facilities provided at Castleland Community Centre; Victoria Park; Jenner Park Athletics Stadium; Barry Waterfront Watersports; Barry Library and Arts Centre; and/or Barry Leisure Centre.

A contribution was requested equating to £1260 per eligible unit (31) based on the rationale set out in the Council's SPG, which equates to a total of **£39,060**. This has been agreed by the applicant.

#### *Public Art:*

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

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

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

This has been agreed by the applicant.

## RECOMMENDATION

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

In the event that the residential units are delivered as affordable housing by Hafod Housing (the applicant), or otherwise delivered by the Vale of Glamorgan Council or its other Housing Association Partners (Newydd Housing, United Welsh Housing or Wales & West Housing):

- The developer pays £82,494 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £71,300 towards sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.
- The developer pays a contribution of £54,587 towards providing or enhancing public open space (outdoor sports facilities) in the vicinity of the site.
- The developer pays a contribution of £39,060 towards community facilities in the vicinity of the site.

## **OR**

In the event that the residential units are delivered by any other provider:

- The developer pays £167,313 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £128,800 towards sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.



- The developer pays a contribution of £98,209 towards providing or enhancing public open space (outdoor sports facilities) in the vicinity of the site.
- The developer pays a contribution of £70,560 towards community facilities in the vicinity of the site.

**AND**

- The developer pays the legal and implementation/ monitoring fees for the S106 agreement.

APPROVE subject to the following conditions(s):

1. 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.

2. Details of the appearance, landscaping, and layout (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.

3. 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.

4. The development shall be carried out in accordance with the scale parameters specified in the document entitled 231-DHA-XX-GF-DR-A-0007-Site Parameters Rev 01

Reason:

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

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

AS 001: Site Location Plan  
231-DHA-XX-GF-DR-A-0007-Site Parameters Rev 01  
6357.009 Rev A - Proposed Ghost Island Right Turn Lane 2.50m  
Outline Sustainable Drainage Strategy P04  
Geotechnical and Geoenvironmental Site Investigation Report

Reason:

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

6. No development shall take place until further details of the noise mitigation measures to be installed, based upon a revised noise report having taken into account the site layout to be submitted as part of reserved matters, has been submitted to and approved by the Local Planning Authority. The report shall take into account the control of road noise, rail noise (including control short term noise levels from trains during the night), ventilation and thermal comfort, and the impact of any proposed external plant. The mitigation measures shall thereafter be fully implemented in accordance with the approved details prior to the first beneficial occupation of the development and retained in situ so long as the development exists.

Reasons:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

7. A proportionate interior sound test of the buildings shall be undertaken by a qualified acoustician and the test report submitted to and approved by the Local Planning Authority within six months of the first beneficial occupation of the development or its substantial completion, whichever is the sooner. The test report shall either demonstrate that sufficient noise insulation is in place to account for both airborne and impact noise, in line with the levels specified in BS 8233:2014 'Sound insulation and noise reduction for buildings - Code of Practice', or stipulate whether remedial action is necessary to meet the required noise levels, along with a timetable for their implementation. Should remedial measures be deemed to be required, they shall be carried out in accordance with the timetables for their implementation specified in the approved details.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

8. No development shall take place until a point of connection on the public sewerage system has been identified by a Hydraulic Modelling Assessment, which shall be first submitted to and approved by the Local Planning Authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the Hydraulic Modelling Assessment.

Reason:

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

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

Reason:

To ensure the development is served by adequate means of water supply, to protect the health and safety of 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.

10. Notwithstanding the submitted details, no development shall take place, including site clearance, until a ecology and habitat protection and management plan has been submitted to and approved in writing by the Local Planning Authority. The ecology & habitat protection plan shall include:

- i) A mitigation plan for reptiles and Section 7 invertebrates based on survey information
- ii) Details of wildlife friendly road drainage and/or kerbs.
- iii) A plan showing the ecological enhancement area, including habitat creation measures, landscaping, timing of its delivery and future management;
- iv) Details of sensitive site clearance with respect to reptiles and breeding birds;
- v) Details of the management of SuDS features to maximise biodiversity;
- vi) Measures to be undertaken to enhance biodiversity (including bird nesting opportunities) on site;
- vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- viii) A minimum of 100mm gap at the bottom of all fencing used on site.
- ix) a plan for the eradication of cotoneaster from the site.

The protection and management plan shall then be completed in accordance with the timings approved by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

11. 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 within group referenced G23 on the Tree Constraints Plans. The approved scheme of tree protection shall be carried out during the demolition of the buildings and 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 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.

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 visual amenities are safeguarded and safe access is provided to the site, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

13. Notwithstanding the plans and details submitted, no development shall commence until full engineering details of the new junction with Ffordd y Mileniwm have been submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of a ghost island right hand turn lane and all ancillary works, the new junction bellmouth, widening of Ffordd Y Mileniwm, drainage, street lighting, visibility splays, crossing points, road signage, and road markings. The development shall not be brought into beneficial use until the junction has been constructed in accordance with the approved details.

Reason:

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

14. Notwithstanding the plans and details submitted, no development shall commence until details of the proposed internal roads inclusive of turning facilities, footways /cycleway transition, vision splays, street lighting, highway drainage, onsite parking and any associated highway retaining structures etc within the vicinity of the site have been submitted and approved in writing by the Local Planning Authority.

Reason:

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

15. Prior to the commencement of the development, details for new bus stops on both directions along Ffordd Y Mileniwm shall be submitted to and approved in writing by the Local Planning Authority. The details shall include new bus shelters with electrical connections, high access kerbs, timetables, RTI displays, details of crossing points over Ffordd Y Milleniwm, and accompanying road markings. The proposed new bus stops shall thereafter be implemented in accordance with the approved details prior to beneficial use of the development.

Reason:

In the interest of highway / public safety, accessibility to Sustainable Transport Modes, to minimize potential hazards and to aid in the delivery of sustainable Transport objectives and to support Local Transport Plan Policies, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

16. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings, site compound and loading areas information, measures to control mud and debris entering the highway, cyclist and pedestrian safety measures, and details of the scope and timings of condition surveys of the surrounding highway network. The development shall be carried out in accordance with the approved Management Plan.

Reason:

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

17. 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) storage of plant and materials used in constructing the development;
- ii) wheel washing facilities;
- iii) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- iv) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- v) hours of construction;
- vi) lighting;
- vii) management, control and mitigation of noise and vibration;
- viii) odour management and mitigation;
- ix) diesel and oil tank storage areas and bunds;
- x) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xi) 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.

18. 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.

19. Notwithstanding the submitted details and prior to the commencement of the development, a scheme for the provision and maintenance of the Public Open Space (including for an Area of Play) shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the timing of its provision and future maintenance. The Public Open Space shall be provided in accordance with the approved details and so retained and maintained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 Design of New Development and MD4 Community Infrastructure and Planning Obligations of the Local Development Plan.

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

Reason:

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

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

Reason:

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



Reason:

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

26. The residential units hereby approved shall be delivered the Vale of Glamorgan Council, or by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council, and only be occupied as affordable housing that meets the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

27. The development hereby approved shall have a minimum of 10% of all car parking spaces provided therein to have active (fully wired and connected) electric vehicle charging points, prior to beneficial occupation of the development, which shall remain available for their designated use in perpetuity.

Reason:

To ensure satisfactory provision electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

## REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 - Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MG19 – Sites and Species, 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, MD9 - Promoting Biodiversity, MD10 - Affordable Housing Developments outside Settlement Boundaries, MD15 - Protection of Allocated Employment Sites, along with the Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art, Residential and Householder Development, Trees, Woodlands, Hedgerows and Development and Travel Plan SPG's, Future Wales: The National Plan 2040, Planning Policy Wales (Edition 11, 2021), TAN2, TAN5, TAN11, TAN12, TAN16, TAN18, TAN24, the proposed development is considered acceptable in principle as affordable housing and in respect of design, visual impact, residential and neighbouring amenity, impact on nearby land uses including rail infrastructure, parking, access and highway safety, public open space, drainage and water supply, land contamination and ecology, and planning obligations.

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

- 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](mailto:sab@valeofglamorgan.gov.uk)**

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

**(i) determining the extent and effects of such constraints;**

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

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

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

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

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

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

**Notes**  
 This drawing is to be read in conjunction with all relevant architects, engineers and specialists drawings and specifications

Rev	Date	Revision description	Initial	Checked

Drawing Status

PLANNING

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Client:  
 Nigel Phillips

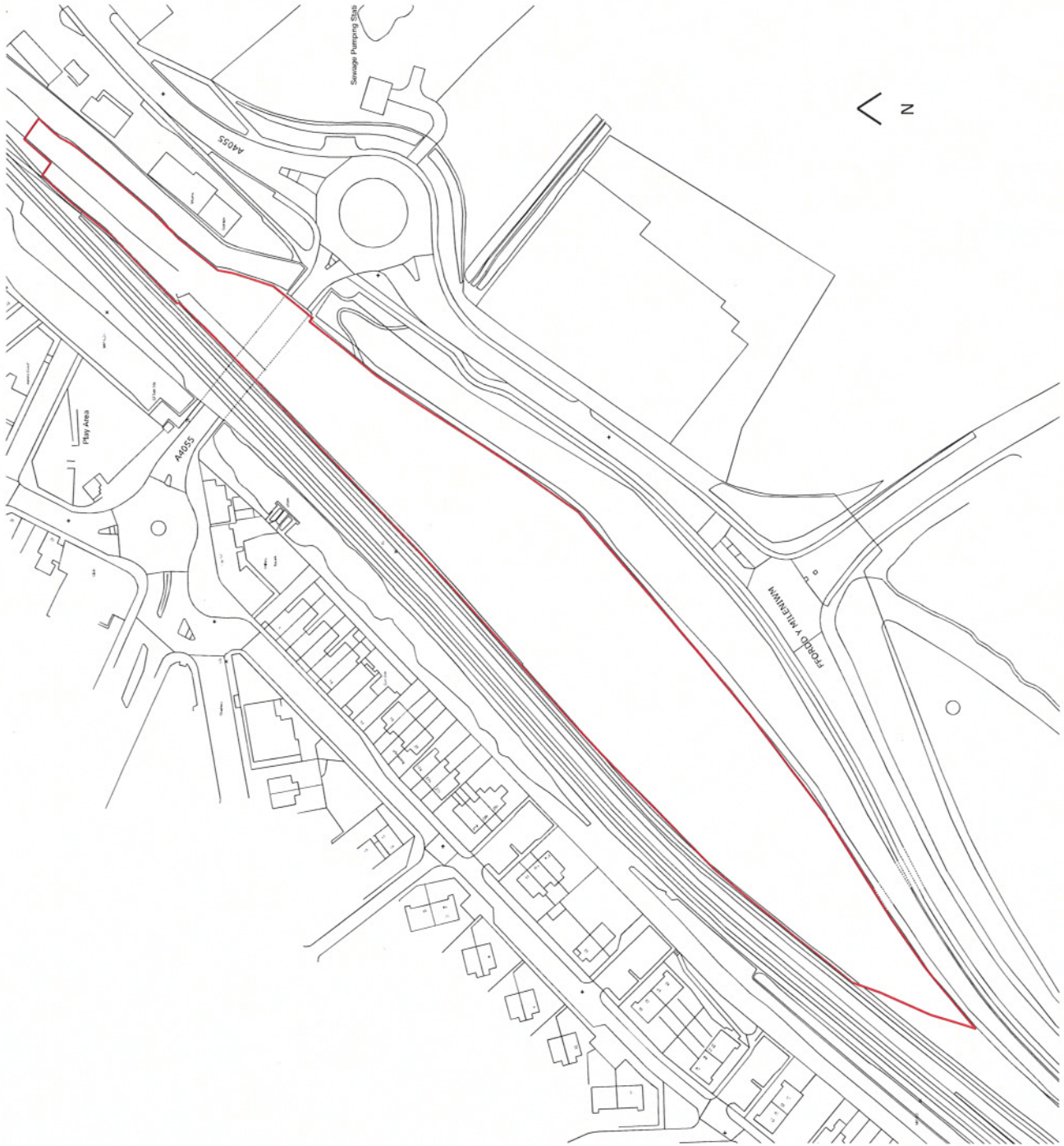
Project Name:  
 Florid Y Millenium Residential Development

Drawing Title:  
 Existing Site Plan

Scale: 1:1500 @ A3, 1:750 @ A1  
 Drawn By: AEB  
 Drawn Date: 01/03/2020  
 Checked By:  
 Checked Date:

Job No: 0556 Drawing No: AS 001 Rev

2020/00775/OUT



**2020/01590/HYB** Received on 25 January 2021

**APPLICANT:** Mr. Ken Thomas Newbridge Construction Limited, C/o Agent  
**AGENT:** Mark Roberts Studio 117, The Creative Quarter, 8a, Morgan Arcade, Cardiff, CF10 1AF

### **Land South of Llandough Hill and Penarth Road, Llandough**

Hybrid application comprising an outline application for residential development and a full application for the means of access into the site, provision of a spine road, drainage, engineering and infrastructure works (revised viability information received)

#### **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**

This a hybrid planning application for 133 residential units on land to the south of Llandough Hill. Full planning permission is sought for the access road into the site from Llandough Hill and outline planning permission is sought for the houses and flats themselves.

The indicative layout plan indicates that one hundred units of the proposal would be flats accommodated in three blocks on a lower development plateau fronting Penarth Road. The remaining thirty three units would be houses located on two upper development plateaus, with the larger one of these being adjacent to Cogan Pill Road. A play area is also proposed on the site.

The site is an allocated site for housing within the Local Development Plan and as such there is a presumption in favour of housing development on this site.

The site is relatively steeply sloping and is currently a greenfield site with a high level of tree coverage. A substantial number of trees would need to be felled to accommodate the development and a significant level of engineering works will be required to create the access road. Replacement tree planting is proposed.

A large number of neighbour objections have been received, with the principal concerns raised being drainage and flood risk, highway safety and the loss of trees and wildlife habitat. However, subject to conditions the proposal is considered acceptable in these respects.

The application is therefore recommended for approval.

Due to the level of engineering works required, development viability is a significant issue on this site. Following extensive negotiations on viability, a Section 106 package is recommended consisting of 15% affordable housing on site, a contribution of £520,470 towards school places and the provision of the play area on site as public open space.

## SITE AND CONTEXT

The site is approximately 4.2 hectares of land on the North Eastern edge of Llandough. The A4160 Penarth Road is located to the North West of the site, Llandough Hill is located to the north and Cogan Pill Road to the south west. There is a disused covered reservoir and a dwelling (Water Works Cottage) adjacent to the South East boundary of the site.



There is significant tree cover on the site, including on the site boundaries. The site slopes steeply upwards from Penarth Road towards Cogan Pill Road. There is a watercourse in the northern part of the site.

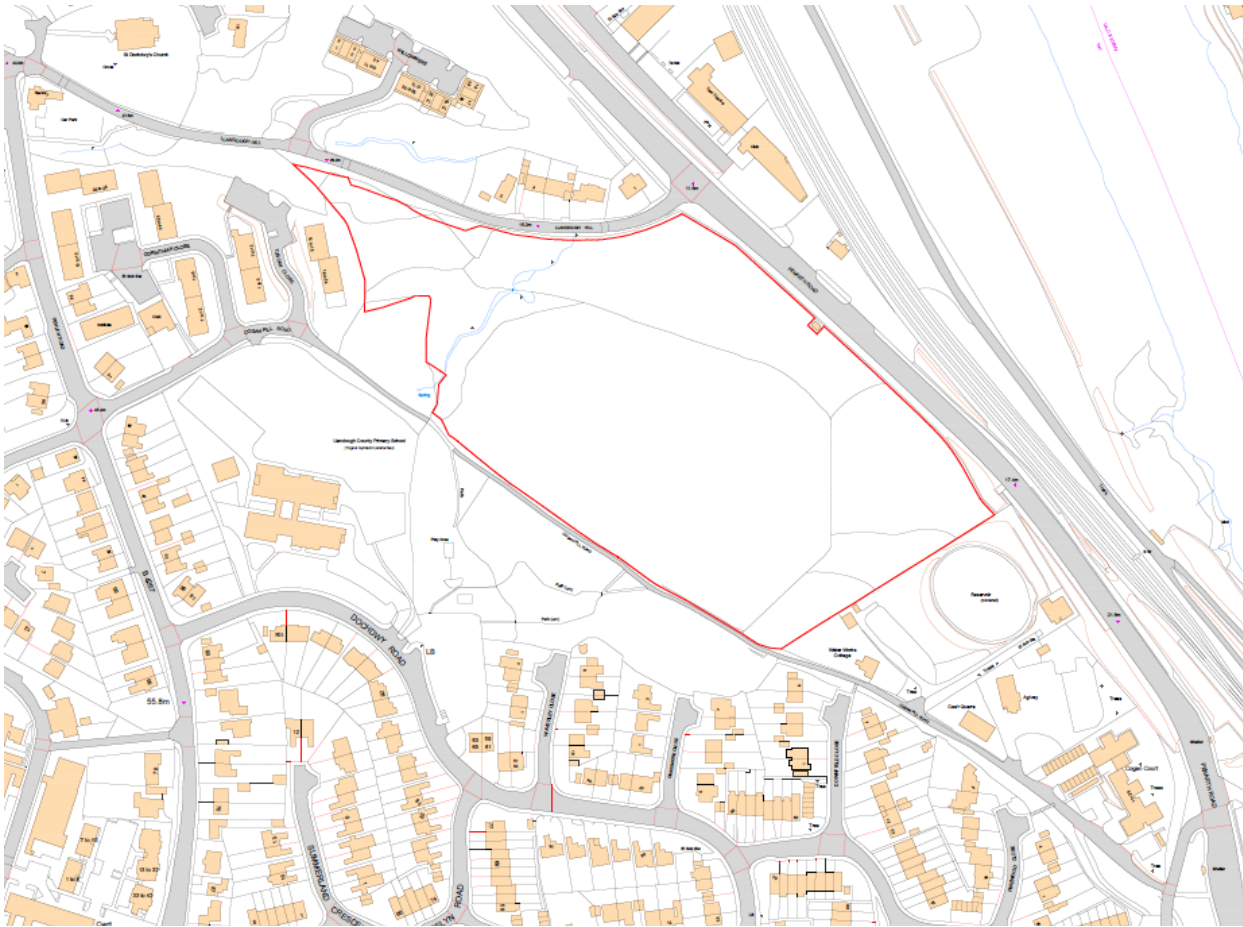
The site is within the settlement boundary for Llandough. The site, along with the adjacent reservoir site, and land to the west forms a housing allocation under Policy MG2 (32) (Land South of Llandough Hill/Penarth Road), for a total of 130 dwellings.

The adjacent Cogan Pill Road is restricted to pedestrian and cyclist use along the site boundary and is a proposed national cycle route. Both Cogan Pill Road and Llandough Hill are part of the adopted highway network, but are also designated as restricted byways on the definitive Rights of Way Map.

The site is partially within Zone B for flood risk, as shown on the Development Advice Map accompanying Technical Advice Note 15 (Development and Flood Risk) and parts of the site have also been identified as at risk from surface water flooding. Parts of the site are also within Zones 2 and 3 for flood risk from surface water and watercourses on 2021 Flood Map for Planning.

The predicted agricultural land classification of the site varies, with part of the land being predicted as grade 3b (moderate quality agricultural land), part grade 4 (poor quality agricultural land) part non-agricultural land and part urban land.

*Site Location Plan:*



*Site Photographs:*





## DESCRIPTION OF DEVELOPMENT

The planning application is a hybrid application. Outline planning permission is sought for the provision of 133 dwellings, with access being considered as part of this application and all other matters reserved. The land is split into two development parcels, the lower one providing 100 of these dwellings as flats and the upper one providing 33 houses. Based on the submitted viability appraisal, the proposed mix of dwellings is as follows:

- 59 no. 1 bedroom flats
- 41 no. 2 bedroom flats
- 14 no. 3 bedroom houses
- 19 no. 4 bedroom houses



The blocks of flats are proposed as being between three and five storeys in height (between 9 and 18 metres in height). The houses are proposed to be either 2 storey or split level 2-3 storey (between 7 and 12.5 metres in height).

Parameters for height, width and depth are provided as follows:

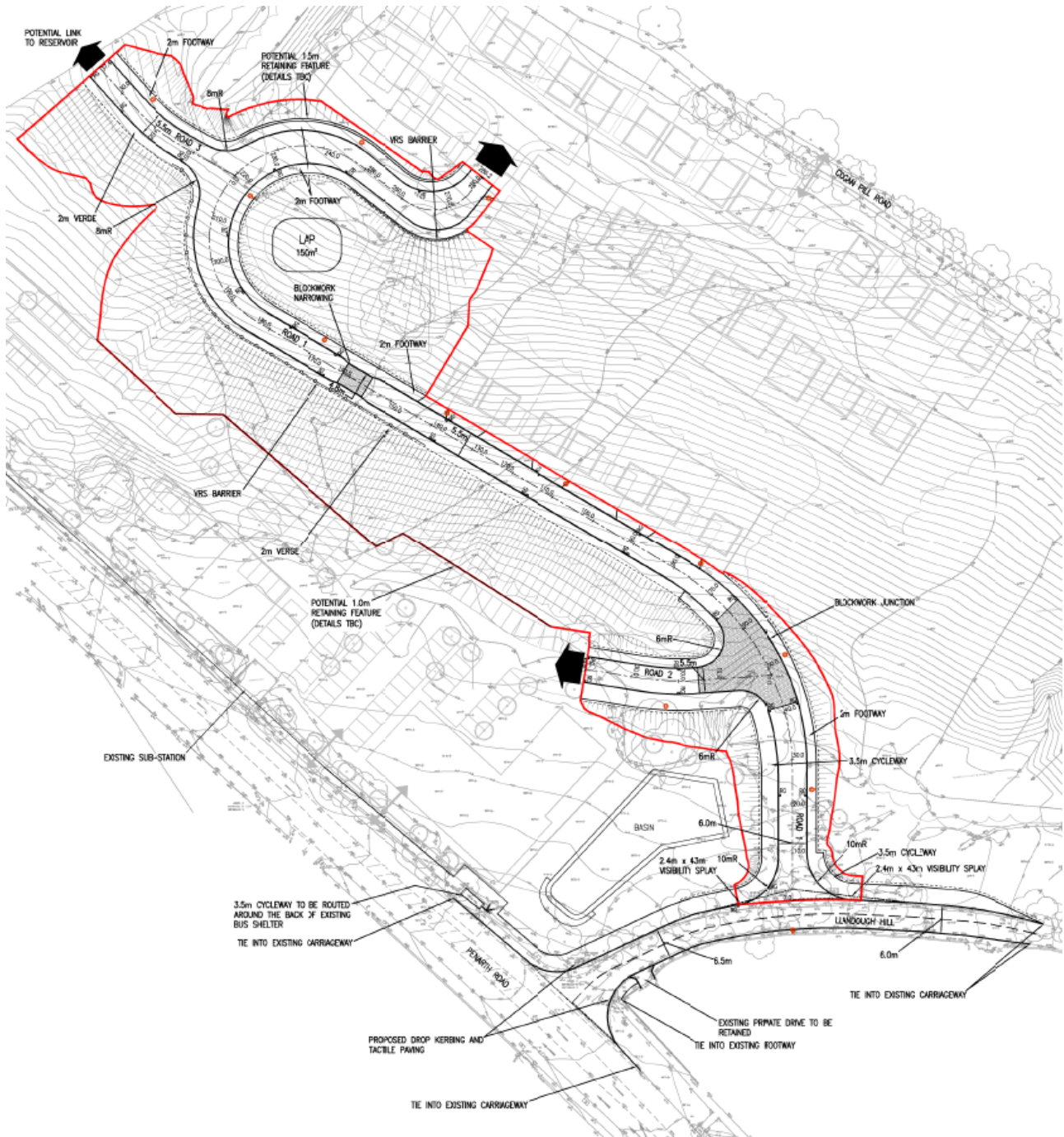
Building Type	A: Height	B: Width (Frontage)	C: Depth
<b>Southern Plateau</b>			
2 Storey dwelling	7-10m	5-10m	7-11m
Split level (2/3 storey house)	10-12.5m	5-9m	7-11m
<b>Northern Plateau</b>			
Typical apartment building (up to 5 storeys)	9-18m	30-38m	12-18m (38m)*

\* - Dimensions shown in brackets enlarged to allow for corner turning blocks

It should however be noted that as per the submitted parameter plan, the flats nearest the junction of Penarth Road and Llandough Hill would be up to three storeys only.

Full planning permission is sought for the provision of a new road junction with Llandough Hill and the provision of an internal spine road layout. The extent of the full element of the application terminates prior to the points at which it will serve the residential units. The provision of a play area is proposed within the area of the site where full planning permission is sought.

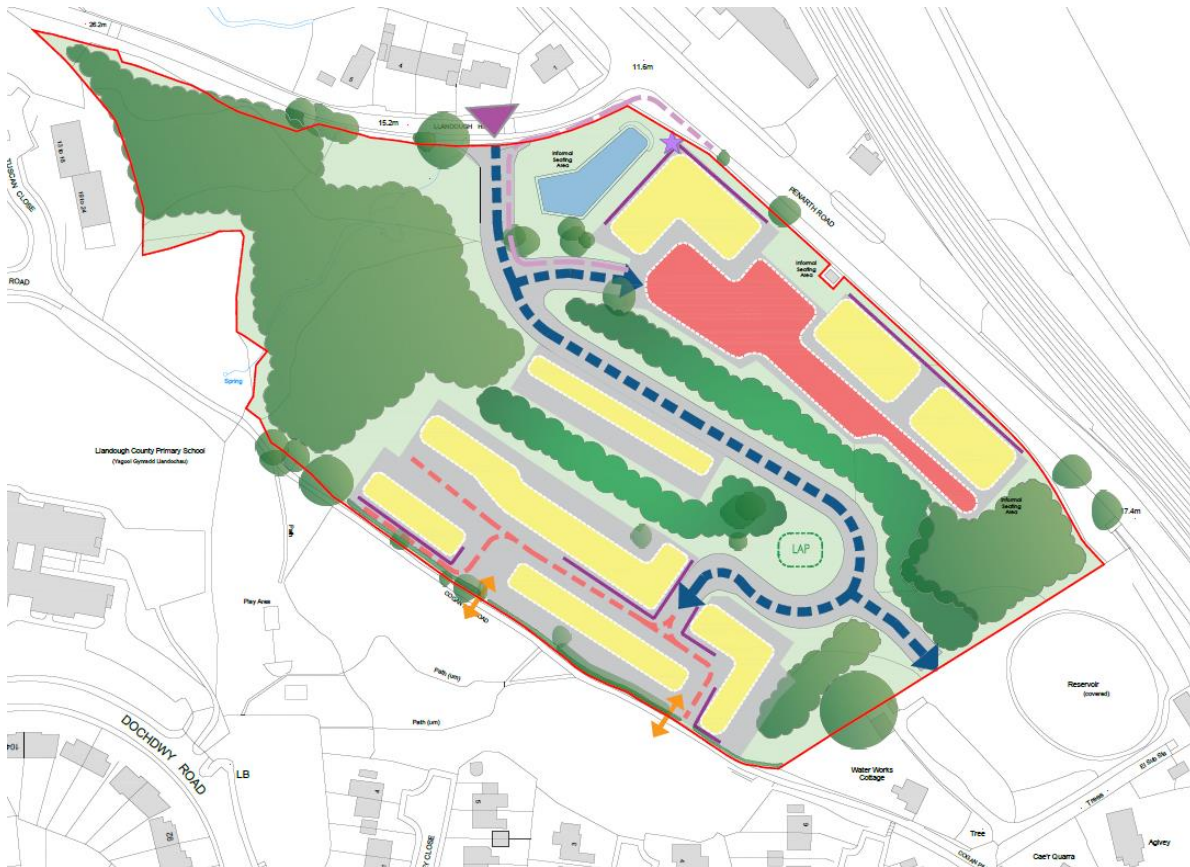
*Access Road Layout (full element of the application):*



All other matters relating to the rest of the site, namely appearance, landscaping, layout and scale, are reserved for further consideration at a later date.

Parameter plans in respect of density, land use, scale, green infrastructure and access, and a design principles plan have been submitted with the proposal to set a framework for future reserved matters applications.

*Design Principles Plan:*



An indicative site layout plan has been submitted showing a potential layout for the houses and flats. This includes the blocks of flats fronting Penarth Road and houses both fronting and backing on to Cogan Pill Road. An informal pedestrian path is also shown to the North West of the proposed play area.

*Indicative Site Layout Plan:*



*Illustrative Images:*





An arboricultural impact assessment, tree survey, transport assessment, flood consequences and drainage statement, geotechnical and geo-environmental report, planning statement, design and access statement and heritage assessment, as well as ecology reports and archaeological reports have been submitted as part of the application.

As the application proposes major development, a pre application consultation (PAC) has been carried out and a PAC report submitted with the application.

## PLANNING HISTORY

1974/00270/FUL, Address: Llandough Farm, Llandough, Proposal: Residential Development- repositioning of roads and sewers only, Decision: Approved 8<sup>th</sup> October 1974.

1975/00011/FUL, Address: Llandough Farm, Llandough, Proposal: Residential Development comprising 64 four person, two bedroom flats, parking areas, external stores, drying areas and roads, Decision: Refused 1<sup>st</sup> August 1975, appeal allowed 26<sup>th</sup> July 1976.

1975/01188/OUT, Address: Llandough Farm, Llandough, Proposal: Residential Development consisting of 34 houses and 18 flats, car parking, Decision: Refused 10<sup>th</sup> September 1975.

- 1. The proposal would introduce a pocket of high density development into the locality at Llandough which would be uncharacteristic of its rural character*
- 2. A high density development of this nature will lead to increased highway dangers at the junction of Penlan Road, with the proposed state access road.*

2000/01133/FUL, Address: Land at Penarth Road, Llandough Hill, Proposal: Field access gate, Decision: Withdrawn 1<sup>st</sup> December 2000.

2007/01280/OUT, Address: Land at Llandough Hill/Penarth Road, Llandough, Proposal: Outline planning application for proposed residential development, Decision: Withdrawn 15<sup>th</sup> May 2008.

## CONSULTATIONS

**Councillor G Carroll** was consulted and objects to the application. His comments are summarised as follows:

- Concerns of residents primarily relate to the density of the development, access issues, loss of green space and the potential flood risks;
- Llandough Hill is a narrow road that is not of suitable standard to access a development of this size. There are existing issues for pedestrians, given there is no pavement along the length of the road. There will therefore be insufficient access to the site for residents without a car;
- There has also been history of accidents on Llandough Hill. Adding 130 dwellings will only exacerbate these issues. Public transport links in the area are poor, so this will not provide a viable alternative to car travel. The development will therefore have a detrimental impact on congestion and road safety for both motorists and pedestrians;
- The area has no GP surgery, dentist, shop or other facilities, while local children have been unable to secure a place at Llandough Primary School. The proposal will introduce an extra 130 dwellings to the village without any services being improved to meet increased demand;
- Developing this site will result in the loss of green space in the area, which is quiet and semi rural in nature;

- The bottom of Llandough Hill is isolated and remote, consisting of five cottages. The development is therefore not in keeping with the character of other properties in the area, and will have unacceptable impacts on residential amenity;
- Llandough Hill is known for flooding issues. The development is therefore exposed to this risk. Questions whether assessments of flood risk are sufficiently robust;
- The development will have significant and detrimental impacts on the village of Llandough. Were the development to go ahead, significant section 106 monies will be required to address the pressures it will have on the community and public services.

**Llandough Community Council** were consulted and their comments are summarised as follows;

- The proposed development will result in an increase in cars in the area;
- Public transport provision is poor and will not support the increase in demand on it;
- The increase in traffic flow on Llandough Hill will be significant and would increase the existing risk to pedestrian safety;
- A footway, crossing points and other improvements will be required on Llandough Hill;
- Appropriate lighting on Cogan Pill Road and improved access, particularly for disabled people and those with pushchairs, should also be provided to the Dochdwy Road Estate;
- The 100 proposed flats are out of character with Llandough, which is semi-rural in nature;
- Loss of trees and wildlife habitat would undermine biodiversity;
- The proposed pond would not support the biodiversity of the area;
- Houses should be constructed further away from Cogan Pill Road to provide a green corridor and preserve its rural nature;
- Japanese knotweed on the site needs to be investigated;
- There are many natural springs on the site and surface water flooding is a concern;
- Concerns regarding flooding are exacerbated by the sloping land;
- It is questionable how effective the drainage will be when there is heavy rainfall;
- Existing problems of flowing water will be exacerbated;
- There are no places at the local primary school;
- The development would put pressure on other services in the area;
- The investigation of soil quality has revealed concerns about its suitability for housing development and has identified substances of a hazardous nature within the site;
- As well as lighting in Cogan Pill Road, a Section 106 agreement should fund a range of highways and access measures and upgrading the children's playground;
- There is a need for an interceptor drainage scheme on Llandough Hill to resolve the long-standing issue of the water escape which may have implications for the proposed development;
- There may be a possibility of S106 funding being required to address the problem of the water escape so as to protect the development from related flooding issues and to ensure that Llandough Hill becomes a safe part of the adjoining highway especially during periods of inclement weather.

**The Council's Public Rights of Way Officer** was consulted and advises that the restricted byways adjacent to the site (Llandough Hill and Cogan Pill Road) must remain available for safe use by the public at all times.

**Dwr Cymru Welsh Water** were consulted and confirm that public sewers cross the site and that capacity exists within the public sewerage network at or downstream of manhole ST16739101 in order to receive the domestic foul only flows from the proposed development site. They request a condition that only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made at the 355mm public combined sewer at or downstream of manhole reference number ST16739101. They advise of the need for approval Sustainable Drainage Systems (SUDS) by the Sustainable Drainage Systems Approval Body (SAB) and also request advisory notes in respect of connecting to the public sewer and the potential presence of former private sewers.

**The Council's Shared Regulatory Services (Environment Team)** were consulted and advise that at the time that the geoenvironmental and geotechnical report was written, the ground gas monitoring programme was ongoing. Although initial findings do not indicate a significant risk from ground gas, this will need to be reviewed following an assessment of the completed monitoring data. An amended ground gas condition is recommended in relation to this. The report includes a detailed assessment of contamination and associated risks to human health. Investigations identify contaminants of concern (lead and arsenic) at levels in excess of those acceptable for a residential development without gardens. The Planning Statement indicates the proposed development also includes dwellings with private gardens, which is a more sensitive end use. The contamination assessment needs to be updated to reflect this use. Remediation works are required in relation to the contaminants on site to ensure the development is suitable for use. General remediation guidance is included within the above report, but a detailed site specific remediation strategy and validation plan will need to be submitted for approval. On completion of approved remediation works, a validation report will need to be submitted to demonstrate that the site has been made suitable for use. The inclusion of conditions to ensure the use of suitable materials is also requested, as is the "contamination and unstable land" advisory note.

**The Council's Shared Regulatory Services (Neighbourhood Services)** were consulted and request conditions in respect of noise mitigation for proposed residential units where they are impacted by railway and road noise, which requests that a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 55 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 45 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units and a central ventilation/extract system or whole house heat recovery system designed to the latest Building Regulations Part F may be installed or any other alternative to achieve the same.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

In addition, it is requested that any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for



sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour [free field].

**Natural Resources Wales** were consulted and advise that planning permission should only be granted if conditions in respect of implementing submitted plans and documents, a lighting plan and landscaping details are attached. The Phase 2 Ecology Report demonstrates that the site is being used by commuting and foraging bats, including Lesser Horseshoe bats. They welcome the recommendations in the report that the site should include a central green link with sensitive lighting. It is essential that a robust, unlit, green infrastructure corridor prevails across the site throughout both the construction and operational phases, to minimise potential impacts on light sensitive species such as Lesser Horseshoe bats. They also advise that the landscaping proposals for the application should accord with the broad principles outlined in the green infrastructure plan, which provide a flight plan across the site. On the basis of the above information, in this instance they do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

NRW recommend that planning permission is only granted if the following conditions are attached to any planning permission granted, relating to the following:

- Secure Implementation of submitted plans and documents.
- Lighting plan (full planning application).
- Landscaping details (full planning application).
- Lighting plan (outline planning application).
- Landscaping details (outline planning application).

They have no adverse comments to make on flood risk grounds.

**The Council's Drainage Section** were consulted and originally requested further details in respect of the potential impact of the wider (approximately 10ha) catchment draining through the development and hydraulic calculations and engineering details to demonstrate the drainage system has sufficient capacity to accommodate overland flows generated from this wider catchment. They advised that it appears limited consideration has been given to the use of sustainable drainage for both the access road and residential development. As such the applicant is advised to submit a detailed design through the SAB process.

Following the submission of a revised Flood Consequences Assessment and Drainage Statement **the Council's Drainage Section** advised that the revised FCA provides further assessment as to the risk and consequences of flooding from the proposed development. It is concluded from the modelling that flows received from the wider catchment will travel away from proposed buildings and SuDS features, which they find acceptable.

Following the submission of a further drainage technical note and calculations, **the Council's Drainage Section** advised that technical note provides clarification as to the capacity of the proposed culvert to accommodate overland flows, whilst also providing assessment as to the storm return period the proposed overflow would operate. It is suggested by the assessment that the culvert will have sufficient capacity to accommodate overland flows for events greater than 1 in 100 year plus 40% climate change. It has been calculated that the proposed overflow to the existing surface water system will be operational from events of a 1 in 30 year return period, which they find acceptable. It is

again advised that a detailed drainage design is to be submitted through the SAB process. A SAB advisory note is recommended.

**The Council's Highways Development Team** were consulted and initially advised they required further information to assess the number of parking spaces required and alterations and clarifications re. the scheme layout. Conditions are recommended for the provision of the 3.5 metre wide pedestrian/cycle facilities along the site frontage with Penarth Road and the lower part of Llandough Hill, and a Construction Traffic Management Plan.

They also sought comments on the Transport Assessment from an external consultant, which forms part of their response to the application. Subject to the provision of further information in some areas of the document, these comments concluded that the development will have a minor impact on the local highway network, with no capacity problems created at the assessed junctions and only a negligible impact on the Merrie Harrier junction.

Following the submission of a further Technical Note, the Council's Highways Development Team's Transport Consultant provided further comments, which concluded that the agent has satisfactorily addressed most of the points raised in the above, and advised that the remaining issues could be dealt with at reserved matters stage or by condition.

**The Council's Highways Development Team** in their final comments advised that they are content with the layout provided on drawing 6245.SK06 rev I and it has addressed many of the original comments. The remaining layout drawings i.e. site layout drawing 24691-A-P10-01 has been updated to reflect the discussions between the Highway Authority and the transport consultants. It is noted that this application is primarily indicative for the road layout and a further application is to be submitted which will address in more detail the internal highways layout and other matters.

They have also requested conditions in respect of the provision of engineering details, the relocation of the existing 7.5 ton weight limit on Llandough Hill, resurfacing the lower section of Llandough Hill, a construction traffic management plan, a road condition survey, a signal controlled crossing across Penarth Road, a scheme of improvements to Cogan Pill Road and design calculations for structures/infrastructure within close proximity to the highway.

Notes are also requested in respect of highway agreements, surface water discharging on to the highway, the gradient of driveways and preventing obstructions to visibility splays.

**Glamorgan Gwent Archaeological Trust** were consulted and initially advised that the proposal has an archaeological restraint and a field evaluation is appropriate in this particular case. Following the submission of the archaeological evaluation, GGAT advised that the proposal requires archaeological mitigation. While their exact form and scale are not known, Roman features are certainly located in the southern area and have the potential to be impacted by the proposed development. As such it is their recommendation that a condition requiring the applicant to submit a further detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. A note has been requested regarding the required standard of archaeology work.

**The Council's Ecologist** was consulted and had initially raised a holding objection as further information was required in respect of biodiversity mitigation and enhancements.

The Council's Ecologist has now provided further comments that withdraw the holding objection and advise as follows:

The following table sets out how ecology issues could be dealt with:

1	Biodiversity enhancements required by national and local policies is required. This needs to be site wide and reflect the scale of the development.	Condition
2	The constrained nature of the site and the need to have a diverse set of habitats available might make wholly on-site mitigation difficult for habitats and trees lost through the proposed development.	See 6
3	The two proposals for attenuation basins needs to be resolved into a final proposal. From an ecological perspective the two basins approach is preferable	Design
4	The indicative plans for the development must respect the need to maintain dark corridors for bats and other species to move around and through the site. Consideration should be given to the retention of vegetation along Cogan Pill Road and the creation of a buffer zone.	Condition
5	Lighting will need a comprehensive plan that will not detract from the use of the area by bats whilst maintaining safe environments for people and vehicles. This will be especially challenging for the internal spur road linking the two developments.	Condition
6	A Landscape and Ecology Plan would identify the habitats to be created, modified, and retained and the extent of creation of new habitats and compensatory features such as replacement trees, scrub, and grassland. Some indication of their long- term management would also be useful. It should also cover Item 4 above.	Condition

For 2 above there is an acknowledged loss of scrub, secondary woodland, open grassland, rank vegetation and an unspecified number of trees which need to be replaced in line with the SPG guidance of a ratio of 2:1 (paragraph 9.1.2). The Green Infrastructure Plan as currently formulated is too general to give confidence that a mosaic of habitats would be created that would compensate for the losses in both the provision of the link road and the actual housing developments. The creation and agreement of a Landscape and Ecology Plan in 6 would help deal with these issues and this would be at a more detailed stage within the planning process.

The **Council's Housing Strategy Team** were consulted and have not provided a formal response, but have provided some advice regarding the expected affordable housing mix as follows:

Requirements for Llandough are:

Llandough	
1 Bed	102
2 Bed	75
3 Bed	28
4 Bed	4
5+ Bed	0
Total	209

Based on that, their requirements for social rented housing (on the basis of 40% affordable housing) would be:

SR Requirement	
1 Bed	18
2 Bed	14
3 Bed	5
4 Bed	1
Total	38

They would also require 9 no. 2 bedroom and 7 no. 7 bedroom Low Cost Home ownership units.

**The Council's Housing Strategy Team** have also informally raised concern that a 60:40 split between social rented housing and low cost home ownership housing was eventually proposed for the affordable housing element of the scheme rather than 70:30, and in respect of the potential for social rented flats to be in the same block as open market housing as it would make management more difficult. They also expressed a view that walk up flats would be preferable for social rented flats.

**Cardiff Council** were consulted and have advised that they raise no objection to the proposal.

**The Council's Landscape Section** were consulted, but have not responded at the time of writing this report.

**South Wales Police** have been consulted, but have not responded at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 26<sup>th</sup> January 2021, 22<sup>nd</sup> December 2022 and 2<sup>nd</sup> February 2023.

Site notices were also displayed on 1<sup>st</sup> March 2021 and 2<sup>nd</sup> February 2023.

The application was also advertised in the press on 15<sup>th</sup> February 2021.

Representations have been received from over 100 properties objecting to the application. 6 further objections have been submitted with no full address given.

The above have been summarised as follows:

**Lack of Local Facilities:**

- Lack of places at Llandough Primary school;
- Lack of local facilities in Llandough;
- Shops and other amenities should be provided;
- Impact on health services;
- Residents will need to use cars to access facilities;
- Community benefits should be provided.

**Design and Visual Impact:**

- Impact on the character of Llandough as a village;
- Over development of the site;
- The flat blocks are out of scale with their surroundings;
- The development will be too close to pathways and retained green spaces;
- Impact on the character of Cogan Pill Road.

**Landscaping and Biodiversity:**

- Impact on wildlife and biodiversity and loss of habitat for a number of species;
- Loss of green space;
- Loss of trees;
- Impact on the wider landscape through loss of the trees;
- Impact on climate change due to loss of trees;
- Impact on welfare of residents due to loss of trees and green space;
- Appropriate conditions are required for landscape management and maintenance.

**Traffic and Highway Safety:**

- Llandough Hill is unsuitable as the site access;
- A footway should be provided all the way along Llandough Hill and all of Llandough Hill should be widened and upgraded;
- Access should be via Penarth Road;
- Impact on traffic;
- Impact on emergency service response times due to increase in traffic congestion;
- Pollution from additional traffic;
- Impact on highway and pedestrian safety;
- Insufficient parking is proposed;
- Risk emergency services will not be able to reach residents due to overspill parking;
- Parked cars on footways on Penarth Road prevent their safe use by residents;
- Additional pathways should be provided through remaining green areas;
- Concern regarding a potential road link through to Cogan Pill Road;
- The provision of access to the water works site to allow for its development. This will exacerbate traffic concerns;
- Impacts on Barons Court Junction and the Cogan Spur Road;

- Insufficient information in transport assessment to assess the impact on all local junctions;
- Data in the transport assessment was recorded during the pandemic when roads were quieter;
- Lack of public transport capacity;
- Parts of the access road are too steep, particularly for pedestrians;
- More accidents have occurred than have been reported in the Transport Assessment.

### **Drainage and Flood Risk:**

- Impact on drainage and increase in flooding due to development of green land;
- Concern that the capacity of existing drainage infrastructure and severity of existing flooding has not been properly considered;
- The development will exacerbate incidents of flowing water on the highway network and flooding, which frequently occur;
- Flowing water freezes in the winter causing a hazard;
- Flood prevention measures should be provided;
- Existing problems should be addressed before new development is considered;
- Concerns existing riparian owners may have to pay to upgrade their sections of the culvert to accommodate the development.

### **Neighbour Amenity:**

- Impacts on neighbour privacy, light, outlook and security;
- Impacts from noise and disturbance due to scale of development;
- Overshadowing of neighbouring properties;
- Headlights will shine into neighbouring properties.

### **Other:**

- Impact on potential Roman archaeology;
- Use by key workers in Llandough Hospital cannot be guaranteed;
- Concerns the development would be left unfinished;
- There is a public right of way across the land;
- There should be a greater mix of properties with fewer flats;
- Concerns regarding ground stability;
- There was an injunction on building on the escarpment discussed in the 1980s- queries if this impacts on this site;
- This development will contribute to Llandough losing its ties with Penarth as it will be more closely associated with Cardiff.

Correspondence was also received from Andrew RT Davies MS on behalf of constituents, which is summarised as follows:

- The proposed development, especially the large number of flats, is not in keeping with the character of the area, and will have detrimental impacts on residential amenity;
- There are a large number of traffic issues on Llandough Hill. A significant increase in the number of dwellings will therefore exacerbate the situation;
- Llandough Hill is known to have drainage problems, and building a large number of additional dwellings on green space will make matters worse;
- The loss of this green space, as well as several trees, will have ecological impacts.

A representation was received from Vale Veloways, who campaign for cycling in the Vale of Glamorgan, objecting to the application. This is summarised as follows:

- The application makes profoundly unrealistic expectations about the level of cycling, given the absence of local infrastructure for safe cycling;
- Lack of reference or links to the Vale of Glamorgan's Active Travel network within the application;
- The lack of provision for cyclists on Llandough Hill fails to comply with Planning Policy Wales;
- The proposed cycle storage (stands) is old-fashioned, low quality, and not designed to facilitate quality cycling;
- Active travel needs to be built in at the outset, before prevailing (car-based) patterns of travel are established;
- Active travel will not be achieved without links to high quality active travel routes, which are not proposed.

A representation was received from one property supporting the development. This is summarised as follows:

- More social and affordable housing is required in the area;
- However, hopes drainage and flooding issues can be addressed and considers the roads should be made safer for pedestrians, including the provision of a footway on Llandough Hill.

## 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 MG16 – Transport Proposals  
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 4: Strategic and Spatial Choices: Future Wales’ Spatial Strategy

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.



#### Policy 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.

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

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

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

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

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

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

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

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

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility

#### Chapter 4 - Active and Social Places

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

#### Chapter 6 - Distinctive and Natural Places

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

#### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (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 – The Historic Environment (2017)

### **Welsh National Marine Plan:**

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

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- County Treasures (2009)
- 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 application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Open Space Background Paper (2013)
- Community Facilities Assessment (2013)
- Draft Infrastructure Plan (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

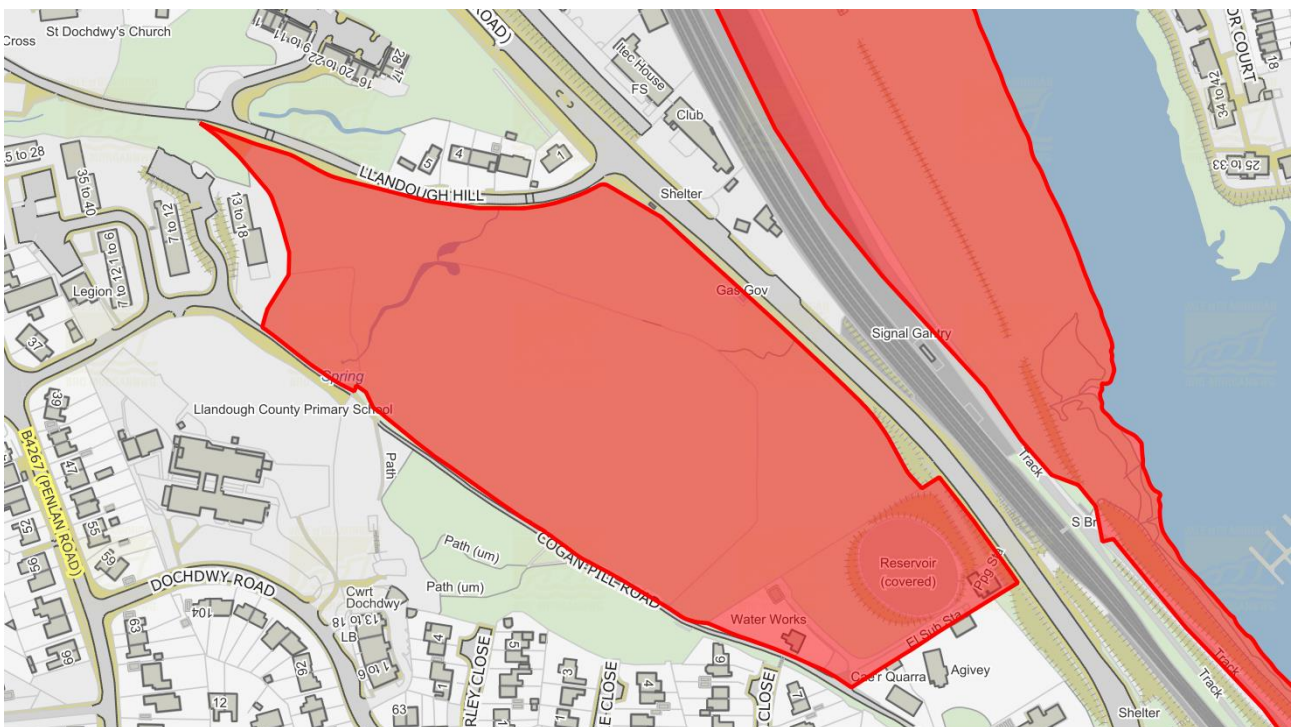
The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development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

#### **Planning Policy**

The proposal is for the development of 133 dwellings on land to the south of Llandough Hill and Penarth Road. The application site is allocated within the Adopted Local Development Plan (LDP) for residential development (Policy MG2 (32) refers "Land south of Llandough Hill / Penarth Road" for 130 dwellings and is within the settlement boundary for Llandough.

#### *Extent of site allocated for residential development under Policy MG2 (32)*



It is noted that the application site does not cover the full 5.2 ha of land identified within the LDP allocation and excludes an area of land of approximately 0.8 hectare to the south east centred on a disused reservoir. This land is in separate ownership to the application site. Notwithstanding this point, this proposal in respect of the indicative number of 133 units that can be provided would achieve the number of dwellings identified within the LDP. As such the omission of this area of land would not prejudice the delivery of housing proposed with the plan. In addition, although the full element of the application for the road layout does not abut the boundary of the application site with the reservoir site, the submitted road layout does include a spur towards the boundary with the reservoir site to facilitate

future access to this and the potential delivery of the remainder of the allocation (this point is discussed further below).

There is also a section of land within the housing allocation to the west that is not within the application site. However, this is steeply sloping woodland that is unlikely to be suitable for any built form of development.

Given that the site is allocated within the LDP for residential development, the principle of residential development has been established and it remains acceptable for those purposes. As such, the key consideration is whether the proposal would satisfy the relevant LDP policies associated with the proposed development and relevant planning policy guidance and Supplementary Planning Guidance. These are discussed below.

In respect of the concerns raised by neighbours regarding the lack of provision of shops and other amenities on the site, these are not a requirement of this Local Development Plan housing allocation and as such there are no planning grounds to require this provision on site. Moreover, as stated above, the site is within the settlement boundary of Llandough and the allocation of the site is therefore considered to be in a location where any future residents would be able to access nearby facilities and services either by foot, cycling or by public transport. This is also discussed further below but was considered at the LDP examination when the site was allocated and deemed acceptable in principle, in this location.

In response to a concern raised by neighbours, officers are not aware of a court injunction preventing building on this site. Such a matter would be an issue for the land owner to address with the courts, rather than it being a planning matter in any case.

## **Highways & Transport**

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users and have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

The site is adjacent to Penarth Road and there is a North West bound bus stop immediately adjacent to the site boundary. The corresponding South East bound bus stop is located approximately 100 metres further to the north west along Penarth Road, and there is a pedestrian island to the north west of the Llandough Hill junction providing access to this. Cogan Railway Station is also approximately 1 kilometre from the site.

*Bus Stop, Penarth Road:*



The site is considered to be a favourable location for walking and cycling to a number of facilities within Llandough, Penarth and Cardiff via Penarth Road and Cogan Pill Road, and it is served by regular bus services on Penarth Road. As such the site is considered to be within a sustainable location that would mean occupiers of the dwellings would not be fundamentally reliant on the car.

Vehicular access to the site is proposed from Llandough Hill, via a new junction. A significant amount of engineering work will be required to provide the access and access road into the site, including the raising of ground levels and banking in order to achieve appropriate gradients.

The access proposed would be a simple priority junction. It is also proposed that Llandough Hill would be widened to 6.5 metres between the proposed junction and Penarth Road and would be widened to 6 metres along the visibility splay (for 43 metres) North West of the proposed junction. A 3.5 metre wide shared footway and cycle way is also proposed alongside these widened sections of carriageway. The existing footway along Penarth Road is proposed to be widened along the site frontage in order to provide a 3.5 metre shared footway and cycle way which links into the above.

The Transport Assessment advises that the proposed development could generate up to 42 additional trips in the am peak time (between 8am and 9am) and up to 26 additional trips in the pm peak time (between 5pm and 6pm). The Transport Assessment and subsequent Technical Note have assessed the impact of these movements on the local highway network. They are considered to have an acceptable impact in respect of traffic generation and highway safety and while this would add to traffic flows in the wider network, the Council's Highways Development Team consider that this is acceptable.

Following the submission of a revised swept path analysis for the use of the access road by larger refuse vehicles, the Highways Development Team have advised they are satisfied with the highway layout provided on drawing 6245.SK06 rev I , which is submitted in full as part of this application, and it would provide users with the required visibility along the carriageway.

*Highway Layout- Drawing 6245.SK06 rev I:*



In respect of car parking, the Transport Assessment advises that 120 car parking spaces are proposed for the 100 flats and it is proposed that each dwelling will have two car parking spaces.

The Council's Parking Standards Supplementary Planning Guidance require that parking is provided for residential properties at a rate of up to three spaces per dwelling (**maximum** of three spaces per dwelling) as well as additional provision for visitor parking of 1 space per five units.

The final number of car parking spaces required will be determined at reserved matters stage,. However, it is acknowledged that, in accordance with its Paragraph 5.1, the standards set out in the Parking Standards SPG are maximum parking standards. Given the sustainable location of the site, it is considered that the provision of fewer parking spaces than the maximum number within the SPG could be acceptable in principle, subject to there being an accepted justification for the number of spaces proposed, as part of any reserved matters application. In respect of the provision of electric vehicle parking spaces, the Council's Parking Standards SPG encourages that residential developments provide electric vehicle charging points at a ratio of 10% of all parking spaces. In this case it is recommended that such spaces are provided within the car parks for the flats as occupiers of these are likely to find it more difficult to provide such infrastructure for themselves within a communal car park at a later date. A condition is therefore recommended requiring the provision of 14% of the spaces within the car parking areas for the flats as electric vehicle parking spaces, as this would equate to 10% of units across the whole site (condition 32 refers). The details of the charging infrastructure to be provided can be addressed within the relevant reserved matters applications,

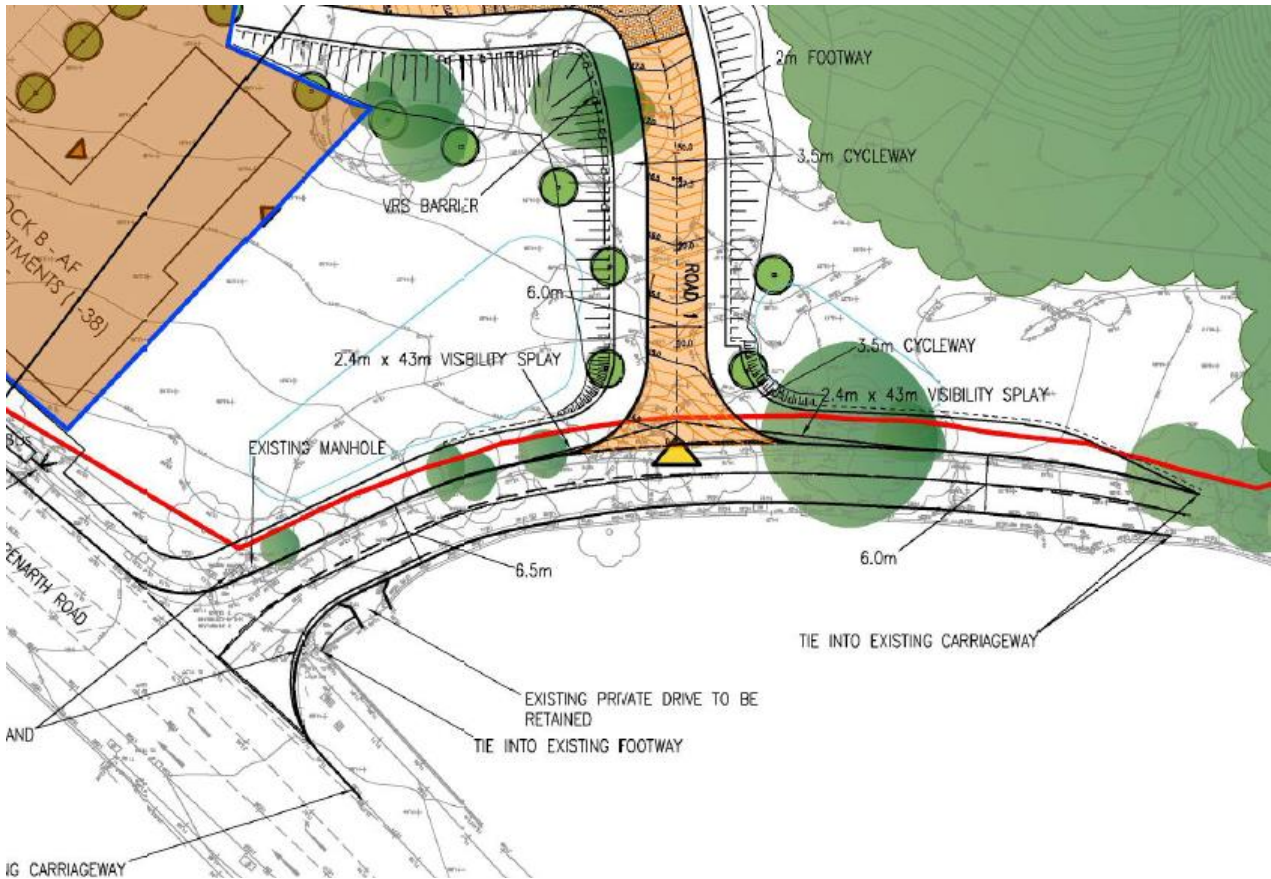
Similarly, the provision of appropriate and secure cycle parking arrangements is a matter to be addressed at reserved matters stage.

In addition to the above, appropriate walking and cycling links are to the proposed national cycle route along Cogan Pill Road and directly on to Penarth Road are required and these can be addressed at reserved matters stage. However, there is no reason to conclude that these links would not be able to be provided.

Llandough Hill lacks a footway all the way along it for pedestrian use. The development viability situation (as detailed below) means that the provision of additional sustainable transport contributions to provide a footway along a greater length of the upper part of Llandough Hill will not be possible (see below). However, the additional footway and cycle provision that is shown on the plans along the lower part of Llandough Hill will materially improve the existing situation for pedestrians on this section of Llandough Hill, linking to Penarth Road.



*Proposed Junction and Footway/Cycleway, Llandough Hill:*



The development will importantly provide pedestrian and cycle routes through the site between Cogan Pill Road and Penarth Road (**Condition 32 refers**), which means that occupiers would benefit from safe access to Llandough as well as Penarth Road. A condition is also recommended for additional lighting on Cogan Pill Road, in line with the broad requirements set out by the highway engineer to improve this road, to enhance and promote its use as part of the proposed national cycle route and for walking (**Condition 28 refers**). It is therefore considered that the development will provide an alternative for walking/cycling on a more lightly trafficked route.

*Indicative Layout Plan showing Potential Walking/Cycling Links (see orange arrows):*



As more than 50 residential units are being proposed, a Travel Plan will be required in accordance with the Council's Travel Plan SPG, in order to promote modes of travel other than the private car and, where a private car is used, reduce single occupancy car journeys.

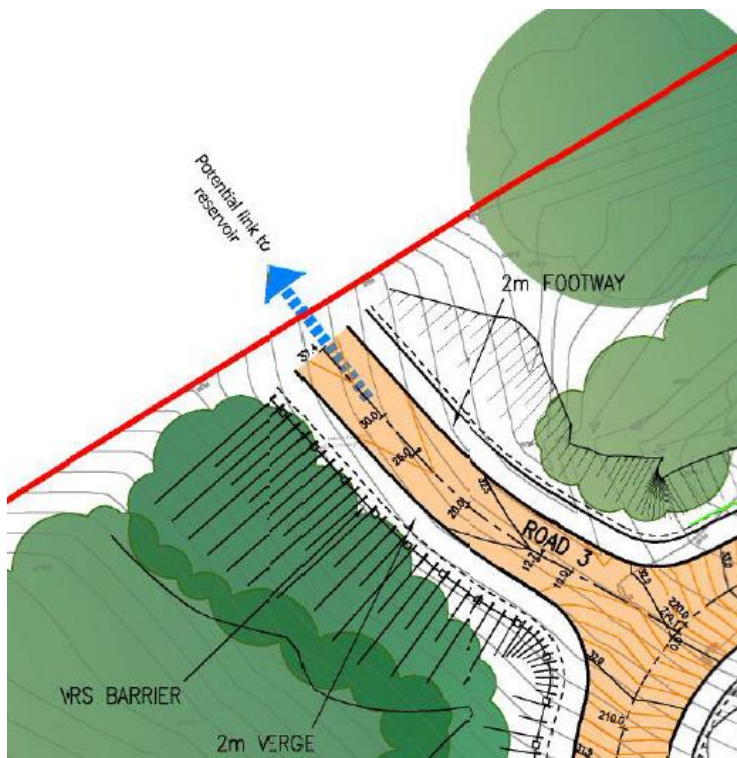
A framework travel plan has been provided which aims to reduce car journeys as a percentage of journeys by 10% over a five year period. The initiatives proposed for this are marketing information to promote alternative travel modes (including a travel information pack and £50 sustainable travel voucher for the first occupants and public transport timetables), the provision of secure cycle parking and maintenance of the cycle network within the site, the promotion of cycle training and the provision of a car club parking space (although discussions to find a car club to operate at the site are still to take place).

Monitoring of progress is proposed through traffic surveys, travel questionnaires and monitoring the redemption of subsidised vouchers. The initiatives within the framework travel plan are considered acceptable in principle. It is recommended that an updated final version of the document is provided through a condition prior to commencement of development (**Condition 30 refers**).

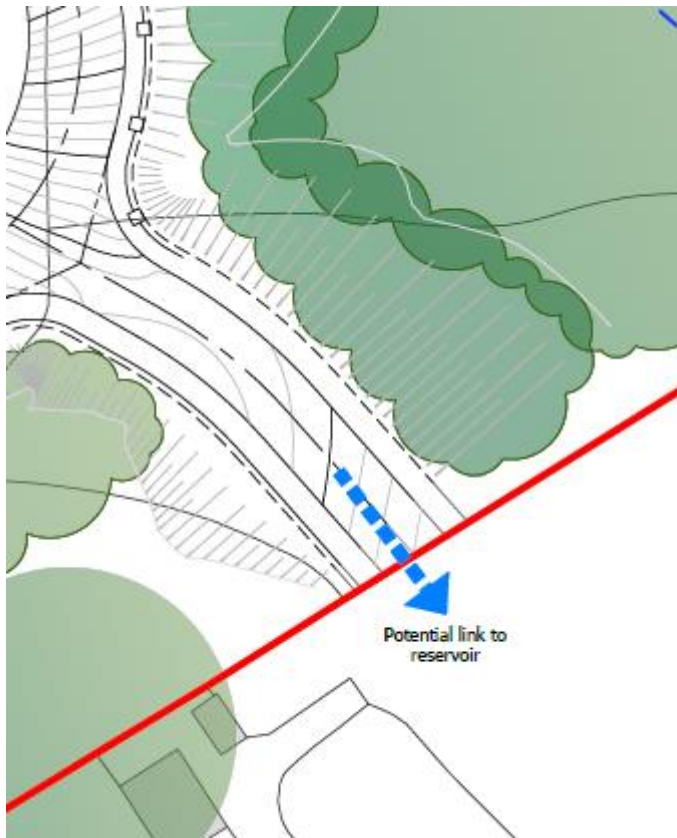
In respect of the potential future development of the reservoir site, the traffic implications of this will be assessed at that time, if this site comes forward. However, it would be unlikely to generate above 25 additional dwellings and it is considered that the proposed new access would be of a suitable design to support such additional access.

A “ransom strip” appears to be shown between the end of the proposed access road and the reservoir site, as the proposed highway layout plan does not show the access road as abutting the boundary with the reservoir site. In order to prevent this matter presenting an obstacle to the potential development of the reservoir site, the applicant has advised that they would be prepared to accept a condition requiring access to be provided up to the boundary at reserved matters stage, as part of the site layout that has been reserved for future consideration (**Conditions 8 and 64 refer**). The indicative layout plan has also been amended to show this.

*Boundary with Reservoir Site:*



*Revised Indicative Layout Plan:*



The conditions and notes requested by the Council's Highways Development Team have been recommended in the following conditions (many are duplicated as this is a hybrid application and separate conditions are required for the outline and full elements of the scheme):

**24 and 55** - details of the highway improvements for new vehicular and pedestrian access to the site, and illuminated combined 3.5m wide pedestrian / cycling facilities and the upgrading of existing Public Transport infrastructure.

**25 and 56** full engineering details and associated calculations where applicable of the proposed access / internal road and illuminated combined 3.5m wide pedestrian / cycling facilities and the upgrading of existing Public Transport infrastructure.

**26 and 57** – Relocation of weight limit along Llandough Hill.

**27 and 58** - Construction Traffic Management Plan

**28** – Pedestrian crossing point over Penarth Road

**29** - a scheme for the provision of “bat friendly” lighting along the frontage of the site with Cogan Pill Road

The condition for improvements to Cogan Pill Road (as set out above) has been restricted to bat friendly lighting on the site frontage only, rather than a wider scheme of improvements for lighting, signage and surface improvements as requested by the Council's Highways Development Team. The provision of lighting along the site frontage is considered to be an appropriate and necessary improvement to this route to encourage its use for walking and cycling to and from the development. The lighting is required to be bat friendly due to the use of this area as a bat commuting/foraging route (see below). While further improvements to Cogan Pill Road would be desirable to upgrade the route, these are not considered as necessary for the development to proceed.

In addition, the requested condition for a highway condition survey before and after construction to establish any damage to the road network caused by construction has not been recommended. This is because a significant number of size of vehicles use Penarth Road, which is likely to be the preferred haulage road for construction, and it would be very difficult to establish if any damage had actually been caused by vehicles visiting the construction site. A condition for resurfacing of the part of Llandough Hill impacted by development works and most likely to be on the haulage route is recommended regardless of a condition survey (**Conditions 25 and 56 refer**).

Subject to conditions, the proposal is considered acceptable in respect of highways and transport considerations, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

In respect of a concern raised by neighbours, while it appears that informal access is currently occurring on the site for recreational purposes, there are no public rights of way crossing the site that need to be protected or diverted as a result of the development.

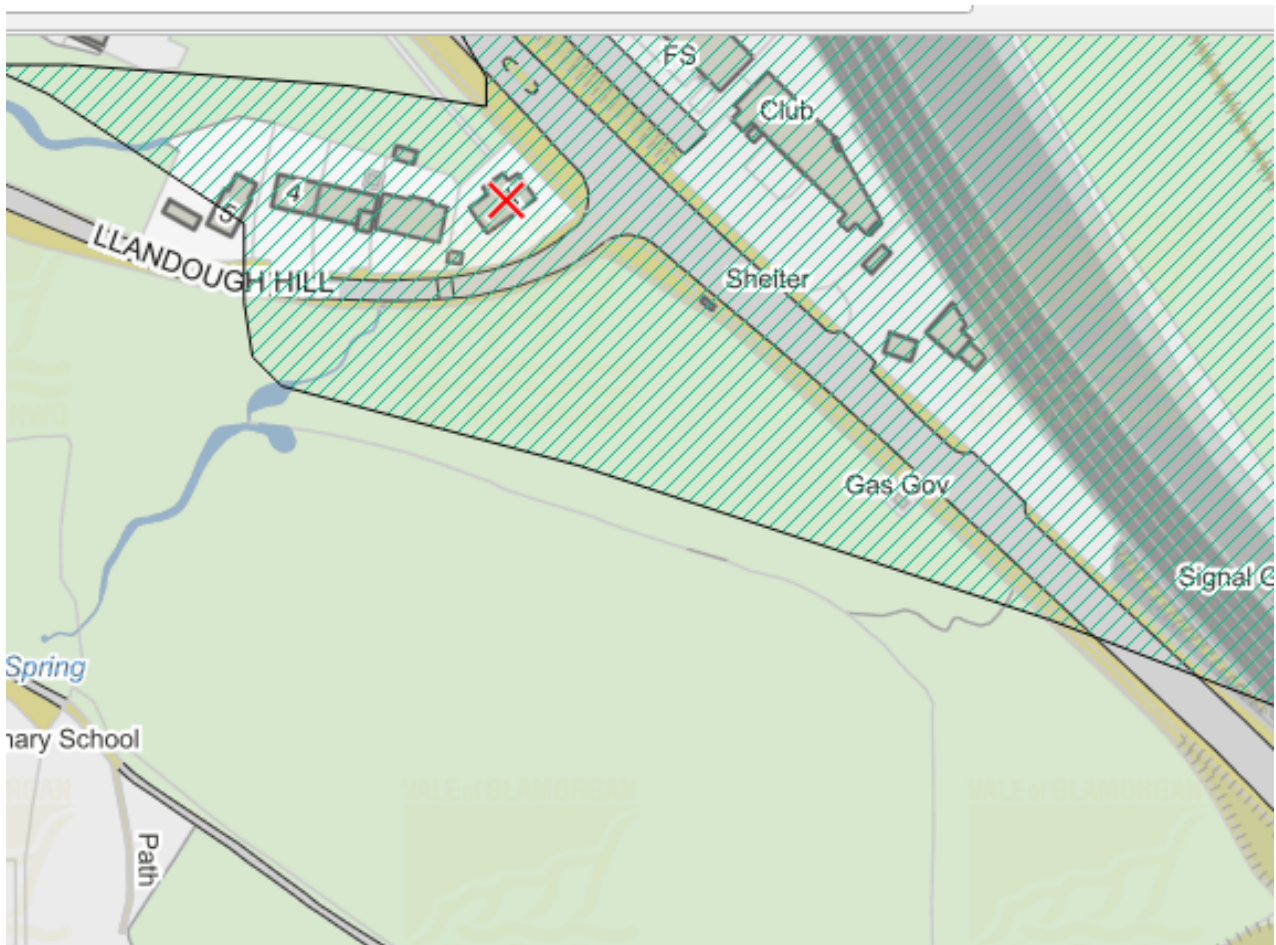
### **Drainage and Flood Risk**

Policy MD7 (Environmental Protection) of the Local Development Plan requires development proposals to demonstrate that they do not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from flood risk and consequences.

Existing surface water infrastructure crosses the site and there is also a spring in the western part of the site that runs to the north east part of the site.

Although part of the site is within Zone B on the Development Advice Map (areas known to have been flooded in the past), the site is not considered to be at significant risk from coastal or fluvial flooding. Natural Resources Wales have not raised any concerns in this respect.

Zone B (Green hatched area):

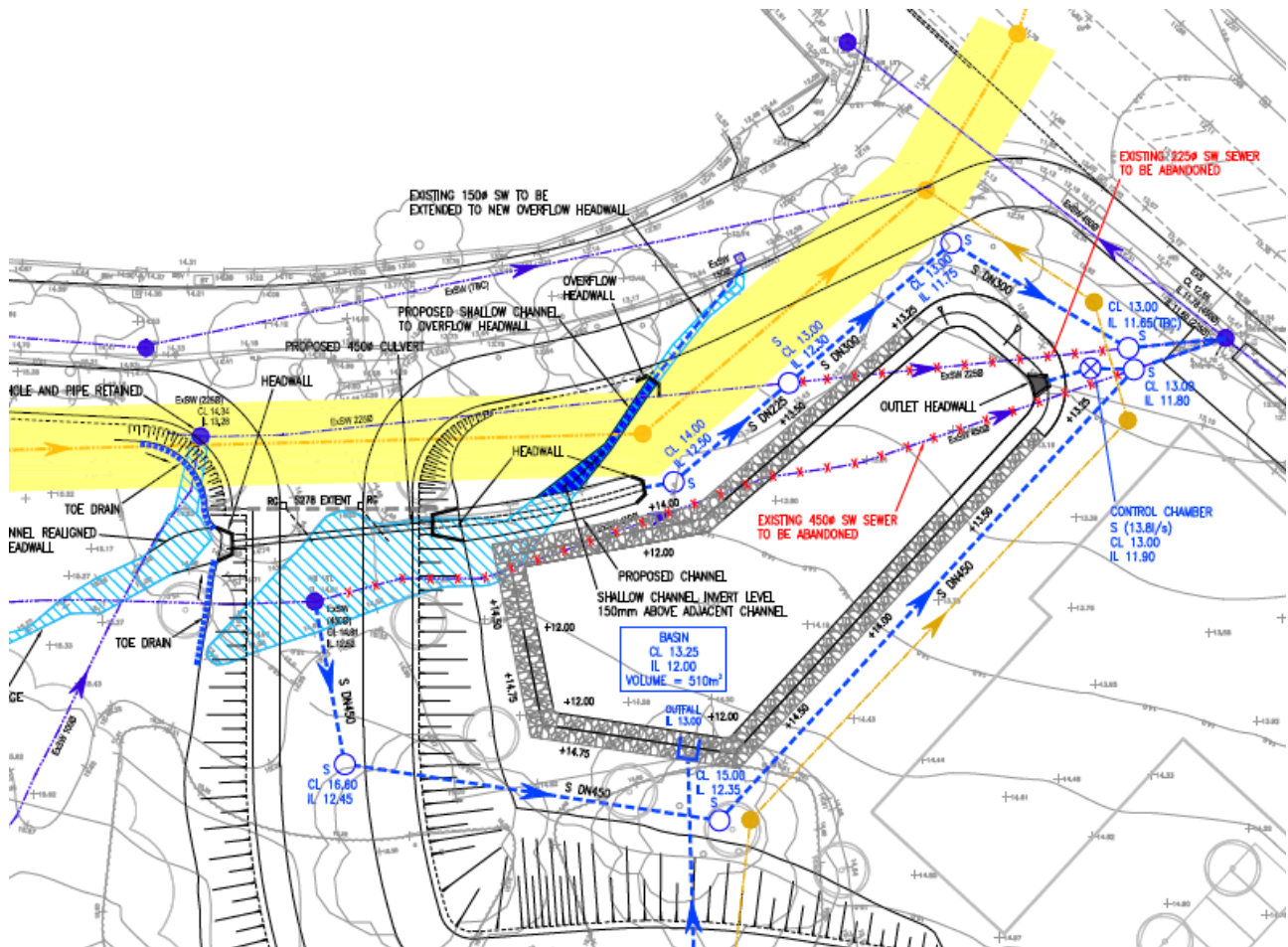


However, it is acknowledged that parts of the site are at risk of surface water flooding and the road network adjacent to the site (particularly to its north east) has experienced flowing water on the carriageway and incidents of localised flooding. The impact of the proposed development on this flood risk is a matter of concern to neighbours.

The existing surface water pathways across the site are proposed to be retained and upgraded. The submitted flood consequences assessment and drainage assessment suggests this will provide a benefit over the existing arrangements. However, it is not considered that there is enough evidence of betterment to give this much weight in the consideration of this application.

Surface water run-off from the proposed development is proposed to be mitigated through the provision of a sustainable drainage system (SuDS). This will restrict run-off rates from the site to existing greenfield run off rates. A detention basin is proposed for this purpose in the north east corner of the site and from here the water is proposed to discharge to an existing surface water drain which discharges to a watercourse to the north of the site. Permeable paving is also proposed.

*Extract from Surface Water Strategy Plan:*



A revised flood consequences and drainage report and technical note have been submitted to address concerns raised by the Council's Drainage Section. In addition, further drainage calculations for the proposed new culvert which would run under the access road conclude that the proposed drainage system, including the culvert, has the capacity to accommodate flows up to a 1 in 100 year plus 70% climate change event.

The flood consequences assessment and drainage report advises that the proposed development would not increase the risk of flooding within the site or elsewhere. The drainage strategy to be used would ensure that the proposed new residential units were not at risk of flooding.

The Technical Note submitted within the revised flood consequences assessment provides clarification as to the capacity of the proposed culvert to accommodate overland flows, whilst also providing assessment as to the storm return period the proposed overflow would operate.

While the proposal is only considered to have a limited benefit in respect of addressing existing problems of flood risk elsewhere, given the proposals to deal with surface water run-off set out above, it is not considered that the proposal will exacerbate flood risk nor the existing issues that exist with surface water flooding in the area.

In addition, the development is subject to Schedule 3 of the Flood and Water Management Act 2010. As such the detailed design of the surface water drainage arrangements will require a separate approval from the Council as Sustainable Drainage Approval Body (SAB). As such no conditions are recommended in respect of the provision and maintenance of surface water drainage as this is most appropriate dealt with by the SAB. An informative note is recommended for the decision notice advising of the need for SAB approval.

In respect of concerns raised by other riparian owners in the area, it is not anticipated that the surface water drainage proposals will result in others having to upgrade infrastructure they are responsible for, above their existing responsibilities, as the run off from the development is designed to occur at a greenfield rate.

In respect of foul drainage, it is proposed to provide a gravity connection to an existing Dwr Cymru Welsh Water sewer. A condition has been recommended (**Condition 36 refers**) stating the discharge point for foul water drainage requested by Dwr Cymru Welsh Water.

Given the above, the proposal is considered acceptable in respect of drainage and flood risk and to comply with Policy MD7 (Environmental Protection) of the Local Development Plan.

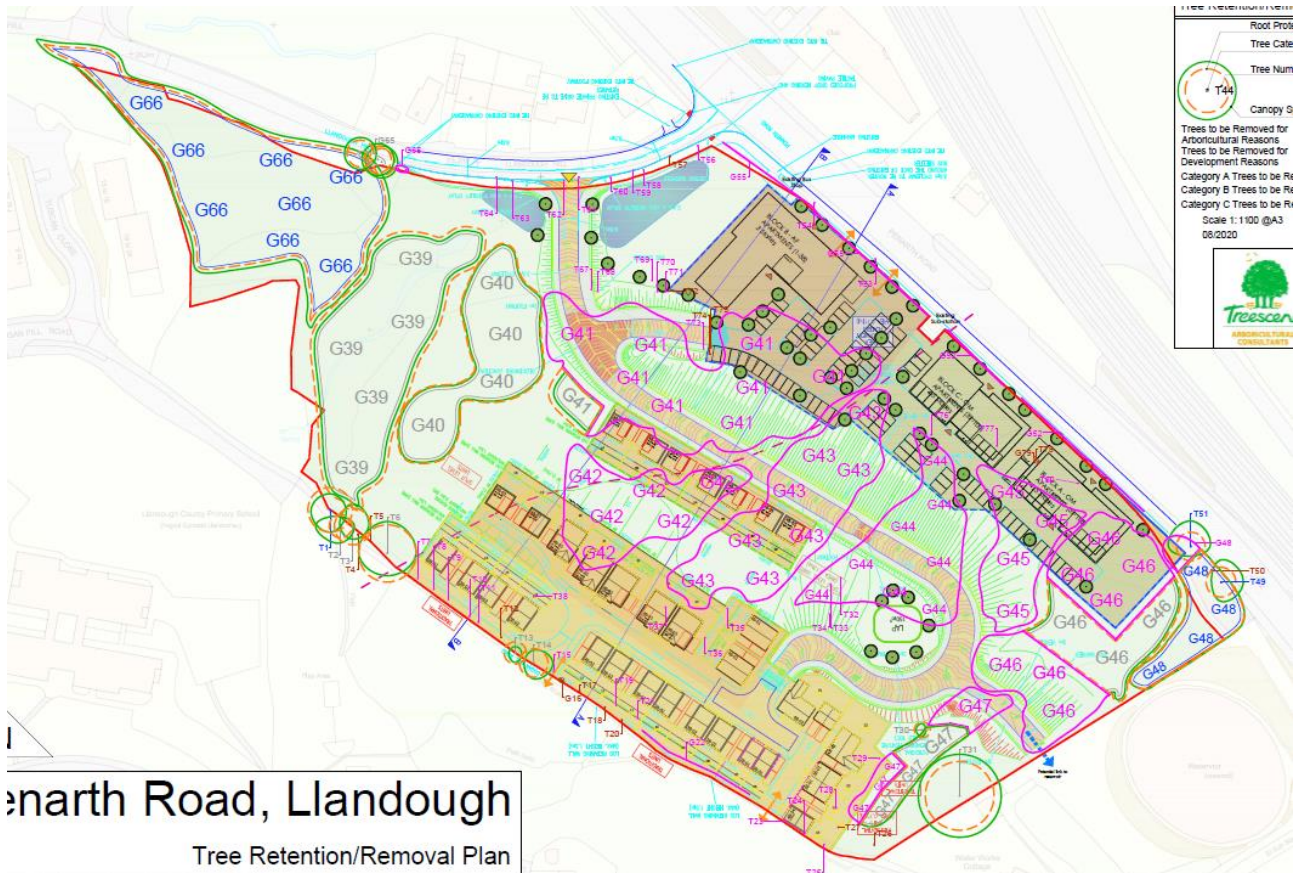
### **Landscape and Trees**

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests.

The site currently has substantial tree cover and due to this and its visibility, this makes a contribution to the character of the area, by providing an area of trees and landscape in an otherwise built up area. It is acknowledged, however, that the site is allocated for housing and therefore the development of the site for housing is considered acceptable in principle. When this site was considered during the LDP process, the tree cover was considered during this balance, and was referenced by the examining Inspector. However, in considering biodiversity and climate change implications, the final site design should incorporate as significant amount of tree cover as possible/practicable.



## Tree Retention/Removal Plan



The above tree retention/removal plan that has been submitted shows the woodland in the North West corner of the site is proposed to be retained and this contains the majority of the site's category B trees. In the south of the site, most of Group 48 (category B) and part of Group 16 (category C) in the South East corner of the site are proposed to be retained. Some of Group 47 (category C) and the individual tree 31 (ash) in the southern corner of the site are also proposed to be remain.

The trees to be lost have mainly been assessed by the tree survey as being category C groups of trees (low quality trees). These include Groups 41 (most of this group), 42, 43, 44, 45, 46 (part) 47 (part), 52, 55 and 65.

A smaller amount of trees to be removed have been assessed as B category (moderate quality). These include part of group 48 (group of sycamore and ash).

Out of the individual trees to be removed, three are category B trees T8 (individual hawthorn), T62 and T63 (individual sycamores).

The removal of trees includes the loss of boundary trees that are considered to have ecological value (see below).

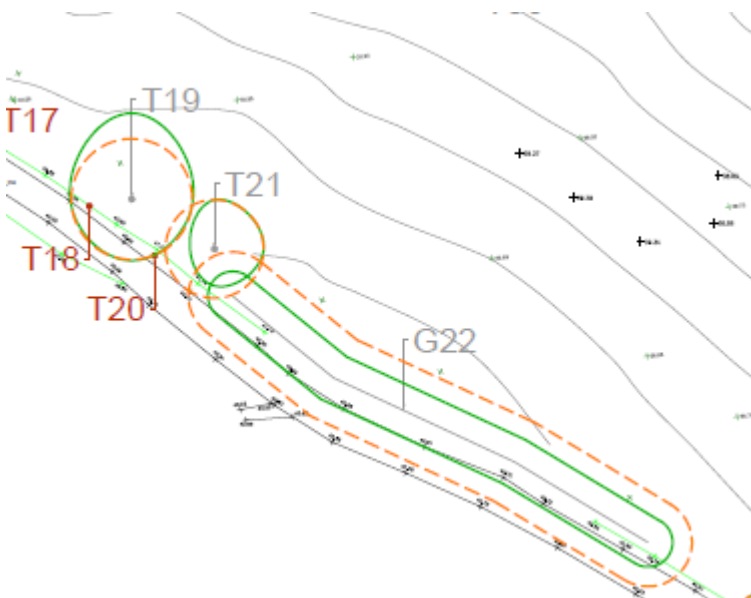
However, the submitted Green Infrastructure Parameter Plan suggests that some further trees will be retained along Cogan Pill Road as well as some further individual trees (also see below) to what is shown by the tree removal and retention plan.

*Green Infrastructure Parameter Plan:*



Of particular interest is Group 22, in the South West of the site, along the boundary with Cogan Pill Road. This is a linear group of hawthorn, ash, elm and blackthorn trees. This is shown as being removed on the tree retention/removal plan but is shown to remain on the Green Infrastructure Parameter Plan. This group of trees is considered to be important as it has been identified in the ecological reports that as much vegetation as practicable should remain along Cogan Pill Road due to its importance for commuting bats (see below).

*Group 22:*



*Trees along boundary with Cogan Pill Road:*



The applicant has confirmed that Group 22 will remain as part of the scheme as shown on the Green Infrastructure Parameter Plan. The housing layout is a reserved matter and the Green Infrastructure Parameter Plan will be part of the approved plans setting the framework to guide future reserved matters applications. It will there be expected that the final layout will include the trees to remain as shown in the Green Infrastructure Parameter Plan.

Even with further trees remaining to what is shown on the tree retention removal plan, it is acknowledged that the tree loss on the site will be relatively extensive. Many of the trees to be lost are groups of predominantly scrub trees (including groups 41, 42, 43, 44, 45, 46, 47 (part), 52 and 55), but a number of individual mature trees and a small group of mature trees (Group 65) are also to be lost as a result of the development.

While much of the site will not be developed for housing units, due to the site topography, the engineering works and the site re-profiling required to create an access and development plateaus, a high level of tree loss is regrettably inevitable, if the Local Development Plan allocation for housing is to be realised. In addition, the options for access across the site are limited due to the steep area in the centre of the site that has to be traversed (to comply with the gradient and geometry considerations) for the development of the site to be realised. This pushes development towards the site edges resulting in the loss of much of the boundary vegetation along Penarth Road and, even with the retention of Group 22, a substantial amount of vegetation along the boundary of Cogan Pill Road.

However, the undeveloped areas of the site that will be left following the engineering works do create an opportunity for an extensive replacement tree planting scheme, to provide ecological connectivity across the site, particularly, once established, for bat commuting and foraging. Details of such planting will be expected to be submitted as part of the

landscaping within future reserved matters applications. Conditions are recommended that a tree planting strategy shall be submitted prior to the submission of the first reserved matters application for the wider site, and prior to the commencement of works on the road covered by the full element of the application, in order to ensure that there is a cohesive strategy for this **(Conditions 6 and 40 refer)**.

The above conditions require a tree planting strategy to provide a level of tree coverage that is equivalent to the existing unless there is a sound ecological or arboricultural reason to provide less. Such tree planting would include tree planting through the centre of the site in accordance with the green infrastructure plan, landscaping within parking and amenity areas, planting along the site boundaries, alongside the Local Area of Play and attenuation basin and additional woodland edge planting. The strategy will be expected to result in a site that will mature into one with a dominant woodland character, providing the ecological connectivity across the site as set out above.

It is considered that all trees to be retained should be protected by fencing in accordance with the details in BS5837:2012. A draft tree protection plan has been submitted which shows the location of the proposed protective fencing, but this does not show the additional trees shown to be retained within the Green Infrastructure Parameter Plan, over and above what has been shown in the tree retention/removal plan. As such, it is considered that a further plan for tree protection is required and this is recommended to be provided through a condition **(Conditions 9 and 42 refer)**.

Therefore, subject to conditions, the proposal, subject to replacement tree planting is considered to be acceptable in respect of its impact on trees and the provision of landscaping, and in accordance with Policy MD2 (Design of new Development) in this respect.

## **Ecology**

Policy MD9 (Promoting Biodiversity) of the Local Development Plan requires development proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the need for the development clearly outweighs the biodiversity value of the site and the impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

There are no ecological designations on the site, but the area immediately to the north of Llandough Hill is identified as the Factory Wood Site of Importance for Nature Conservation (SINC).

The extended phase 1 habitat survey identifies the site as containing habitat types including semi-improved grassland, scattered and dense/continuous scrub, broadleaved semi-natural woodland, scattered trees and tall ruderal communities.

The stream corridor, broadleaved woodland, scrub habitats and scattered trees within, provide opportunities for foraging and commuting bats. Trees exist on all boundaries on site and provide dark corridors for commuting bats and link the site with the wider landscape. As such, these features are considered to be important within the context of the site. Ash and sycamore trees were found to dominate woodland borders and much of the application site. The report found that the proposed development would permit retention of ecological features, including some of the identified priority habitats in the North Eastern, south western and Cogan Pill Road parts of the site with replacement

planting provided as mitigation through the central area following re-profiling works necessary for the access road. This would allow habitat connectivity within the site and to the wider landscape to be maintained in the long term

It is noted that two trees on the site were identified as being of moderate potential for bats, with other trees identified as of low potential. Bat activity surveys were recommended. Of the two moderate potential trees, one is located within the woodland within the North West corner of the site to be retained. The other is located along the boundary with Penarth Road. However, the Preliminary Ecological Appraisal has also advised that owing to the deterioration of the tree on the boundary with Penarth Road since survey work was undertaken, this tree is no longer considered to have moderate bat potential.

Although habitats were considered as sub-optimal for dormice, connections to surrounding nearby suitable habitat meant their presence could not be precluded. However, the subsequent dormouse survey found no evidence of the use of the site by dormice.

Species rich grassland habitats were considered to have some potential to support reptiles such as common lizard, slow worm and grass snake.

The report noted that the treatment of Japanese knotweed will be required.

The subsequent phase 2 report presents the findings of bat, dormouse and reptile surveys. The conclusion of the dormouse survey is reported above.

During the bat survey, common pipistrelle, soprano pipistrelle and noctule bats were observed. Additionally a small number of calls were recorded using a detector for serotine, myotis, nathusius pipistrelle and lesser horseshoe bats. The most bat activity was associated with the woodland edge along the site's South East boundary, but was also relatively high along tree lined boundaries. The report suggests that a central green link with a sensitive lighting scheme to create a dark corridor would be beneficial.

In respect of the concerns raised by the Council's Ecologist, the strongest link identified within the phase 2 report for commuting and foraging for bats across the site is the South West boundary with Cogan Pill Road. The report recommends that as much vegetation is retained as practicable and additional lighting is limited in this area.

As described above, the submitted Green Infrastructure Plan shows that more trees would be retained than shown on the tree retention/removal plan, particularly along Cogan Pill Road, albeit that a number of trees are still proposed to be removed in this location. While the layout of the dwellings is a reserved matter, it is considered unlikely that there would be sufficient space to create a meaningful buffer between Cogan Pill Road and the development and still deliver the number of units set out in the housing allocation due to the topography and need to provide the access road constraining the locations on the site where development can be delivered. A condition for additional lighting is recommended along Cogan Pill Road, but it is recommended that this should be bat friendly lighting **(Condition 29 refers)**.

Although the proposal is likely to diminish the ecological value of the site boundary with Cogan Pill Road, the Green Infrastructure Plan also shows substantial replacement planting across the centre of the site which has the potential to form a dark corridor between habitats for bats in the North West and south of the site once established, subject to species, management and sensitive lighting being proposed. Conditions have been

recommended for both the tree planting as described above (**Conditions 6 and 40 refer**) and a lighting scheme (**Conditions 21 and 46 refer**) to ensure this is delivered.

*Green Infrastructure Parameter Plan:*

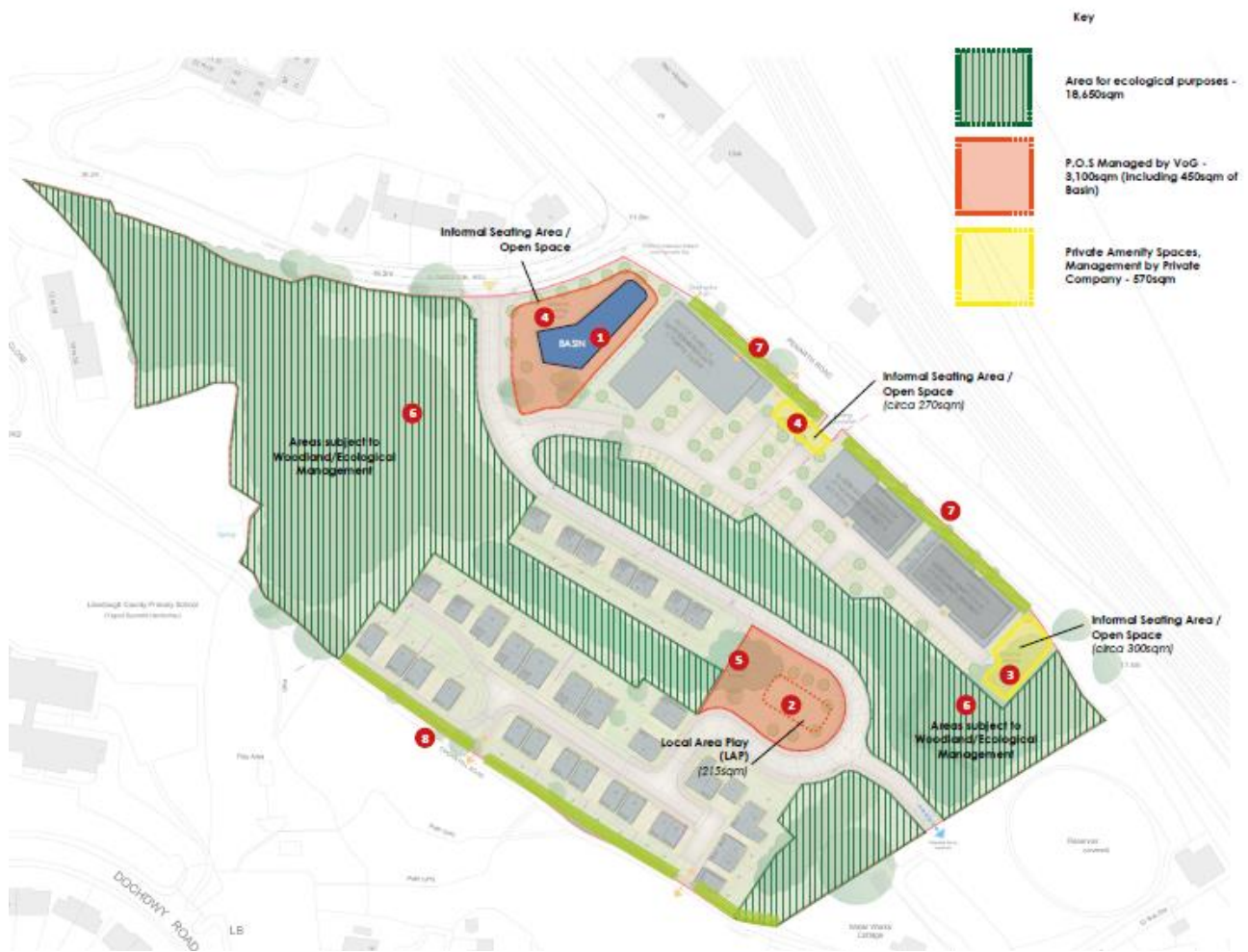


The phase 2 report advises that all trees/scrub affected by the proposals were considered not to contain features suitable to support roosting bats. It is however suggested that enhancement opportunities such as bat and bird boxes are considered. A condition is recommended for these to be provided (**Condition 11 refers**).

The reptile survey identified a low population of slow worm at the site. Most of this habitat is proposed to be lost, but some smaller areas of grassland could be created to support reptiles. The phase 2 report advises sensitive clearance of the site will be required. Conditions have been recommended that require the creation of reptile habitat (also see below) (**Conditions 7 and 41 refer**).

An indicative landscape plan has been submitted.

*Indicative Landscape Plan:*



This indicates that areas of existing and proposed tree cover will be subject to woodland and ecological management. Conditions for woodland, landscape and ecological management have been recommended (**Conditions 10 and 45 refer**).

It also indicates additional boundary treatment will be provided along the boundaries with Cogan Pill Road and Penarth Road.

This plan does not show where reptile habitat will be created in order to provide an enhancement for reptiles. However, it is considered this matter can be addressed in the landscaping details reserved for future consideration and/or as part of the landscaping scheme required for the full element or the proposal (**Conditions 7 and 41 refer**).

In respect of the Ecologist's query regarding whether one or two attenuations basins will be provided, the drainage strategy only shows one basin. As such, the opportunities this creates for ecological enhancement may be more limited. However, details of ecological enhancement features around this can be provided as part of the landscaping details within the reserved matters (**Condition 7 refers**).

Natural Resources Wales have not specified if they consider a licence will be required for the works in respect of bats. However, they have confirmed that they do not consider the proposal will be detrimental to the maintenance of the population of the species concerned

at a favourable conservation status in its natural range. The applicant's agent has advised that they do not consider a licence is required. Nevertheless and for the avoidance of doubt, the proposal is considered in respect of the three tests should a licence be required, as follows:

*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;*

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 confirmed that they do not consider this would be the case.

In respect of the conditions suggested by Natural Resources Wales, the relevant sections of the Phase 2 Ecology Report and Green Infrastructure Plan (updated plan) have been included in the recommended plans condition (**Conditions 5 and 39 refer**). The proposed site layout has not been included to as this is indicative only. A landscaping condition has been recommended for the full element of the scheme (**Condition 43 refers**), but not for the outline element as this is required as a reserved matter. Lighting conditions have also been recommended as requested (**Conditions 21 and 46 refer**).

A condition is also recommended for the treatment of Japanese Knotweed on the site (**Conditions 35 and 63 refer**).

Subject to conditions, the proposal is considered acceptable in respect of its impact on ecology, and in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

### **Design and Visual Impact**

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals 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 townscape or landscape interest and respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.



Due to the steep slope of the site, substantial engineering works will be required to develop the site as described above.

The design concept of two separate parcels for the flat blocks and houses is acknowledged. The proposed blocks of flats on the lower parcel would accommodate 100 flats and would front Penarth Road. In accordance with the Scale Parameter Plan, the part of the development nearest the junction of Penarth Road and Llandough Hill would be up to three storeys in height and the development to the South East of these would up to five storeys in height.

*Extract from Scale Parameter Plan:*



*Illustrative Image of development from Penarth Road:*



Overall, the site is proposed to be developed at a density of 31.5 dwellings per hectare gross density and 50 dwellings per hectare net density, which is in accordance with the density of at least 30 dwellings per hectare required by Policy MD6 (Housing Density) of the Local Development Plan and the development of 133 units would exceed the 130 units anticipated in the LDP allocation.

In respect of the visual impact of the development when viewed from off site, although the appearance of the buildings is a reserved matter, based on the height parameters given, the blocks of flats which could be up to 5 storeys in height would be taller in scale compared to other buildings in the vicinity of the site. The Llandough (west) side of this part of Penarth Road is less developed in character, and the blocks of flats are likely to be

much more urban in scale and nature. However, although relatively low rise, the row of commercial buildings opposite the site already compromise any kind of established 'rural' appearance and they generally at an elevated position compared to the road. In addition, due to site constraints, it is accepted that a substantial number of flats are necessary to deliver the housing allocation and the density requirements. As such, the principle of the blocks of flats in line with the specified parameters in this location is considered acceptable.

*View from Penarth Road*



*Penarth Road Site Boundary (to left):*

*Penarth Road Site Boundary (to right):*



The houses proposed on the upper part of the site will have a closer relationship with the village of Llandough and it is considered that the principle of 2-3 storey houses here would be in keeping with the scale of the housing stock in Llandough, subject to careful design with levels.

The loss of tree coverage and development of houses along the boundary of the site with Cogan Pill Road will urbanise the appearance of that section of Cogan Pill Road. However, there is already a degree of urban intrusion to the southern tip of the site where Downfield Close sits close to the other side of Cogan Pill Road. Furthermore, the urbanisation of an allocated site is unavoidable and this was considered in the plan preparation and examination process. Further along Cogan Pill Road to the east, beyond the bollards preventing vehicular access, fencing and buildings close to Cogan Pill Road create a more urban setting. As such, the urbanisation of this boundary is considered to have a very localised visual impact which is not considered to be significantly adverse.

*Cogan Pill Road Site Boundary (to right):  
Site:*

*Cogan Pill Road Boundary to Reservoir  
Site:*



Although the proposed buildings will be set back from Llandough Hill, the construction of the junction and the loss of tree coverage affording greater views of the proposed development will also have an impact on this road, which is dominated by tree coverage along its boundaries. However, there is already development visible within the tree coverage at Corinthian Close, the flatted blocks at Willowmere and towards the bottom of Llandough Hill itself. The woodland area to the North West of the site would also be retained. As such, the visual impact from Llandough Hill is considered to be acceptable.

*Llandough Hill Site Boundary (to right):*



*Llandough Hill Site Boundary (to left):*



Therefore, subject to an appropriate layout and appearance being proposed for the buildings at reserved matters stage, the proposal is considered acceptable in respect of design and visual impact, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

### **Historic Environment**

Policy MD8 (Historic Environment) of the Local Development Plan) requires that development proposals must preserve or enhance the character or appearance of the area.

The Grade II listed St Dochdwy's Church is approximately 90 metres to the North West of the site. Within its church yard is a cross which is a scheduled monument. The submitted desk based heritage assessment considers these may be sensitive to the change caused by the development of the site, as the site currently forms part of the undeveloped ridge on which the church is located. This allows a visual appreciation of the landscape setting of the church and scheduled monument at specific distant locations. However, other largely modern buildings within Llandough already form part of this visual experience. Therefore, subject to the design considerations as part of any Reserved Matters application (based on the scale parameters of the southern and northern plateau), the proposed scheme would not significantly impact on the current visual appreciation of the church site.

*Location of Church and Cross in relation to the site:*



The site itself contains no designated heritage assets. However, there is potential for archaeological remains as the high terrace of the site adjacent to Cogan Pill Road forms part of a ridge of high ground which has been occupied since the Iron Age with significant Roman, early medieval and medieval occupation known to the north-west of the study site. The site of an iron age farmstead and Roman villa have been found to the North West of the site when previous excavations have been carried out. Roman graves and items were also found in previous excavations to the north of the church. There is also significant evidence of early medieval occupation in the vicinity of the site. Historic maps indicate the presence of lime kilns and a 19<sup>th</sup> century structure on the site. The submitted desk based heritage assessment considers there is a moderate potential for associated remains of local-regional level significance within the site, due to the site being on the fringes of historic areas of settlement and that it is likely to have been disturbed through historic quarrying activities.

An archaeological written scheme of investigation has been submitted, which sets out a method statement for the excavation of trenches and recording of findings to establish the level of archaeological interest on the site.

The site archaeological investigation that was subsequently carried out involved a limited amount of trenches being dug and investigated, due to ecological concerns regarding conducting a more widespread investigation at this stage. The evaluation identified the presence of a Roman agricultural landscape in the south of the study site, due to a ditch and a buried soil layer dating from the Roman period being found. These features likely relate to known Roman settlement in the area. Roman pottery remnants were also found in these trenches, which suggest occupation broadly contemporary with the Llandough Farm villa site, indicating that the site could have formed part of the peripheral activity associated with the villa. This was not considered to form a design constraint to the development.

Due to the limited level of investigation that has taken place Glamorgan Gwent Archaeological Trust have recommended a condition for further archaeological work (**Conditions 33 and 61 refer**). Their suggested advisory note has also been recommended.

As such, and subject to the recommended conditions, the proposal is considered acceptable in terms of its impact on the historic environment and to accord with Policy MD8 (Historic Environment) of the Local Development Plan.

### **Residential Amenity**

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The indicative layout plan indicates that the nearest proposed dwelling will be approximately 30 metres away from existing residential development (no. 6 Downfield Close).

It is acknowledged the flat blocks would be much larger in scale than the proposed dwellings. The indicative layout plan indicates the nearest block would be approximately 45 metres away from existing residential development (Farthings, Llandough Hill).

These distances are considered sufficient to prevent unacceptable loss of outlook, privacy and overshadowing to existing residential properties. As this is a proposal for a residential application in a residential area, it is not considered that it would lead to unacceptable levels of noise or disturbance for existing residents. In respect of a concern raised by neighbours, it is considered that any light pollution from car headlights is most likely to be fleeting and is not a significant concern in respect of neighbour amenity.

Conditions recommended by the Council's Shared Regulatory Services to ensure that the proposed residential units are not unacceptably impacted by road and railway noise are recommended (**Conditions 22 and 23 refer**).

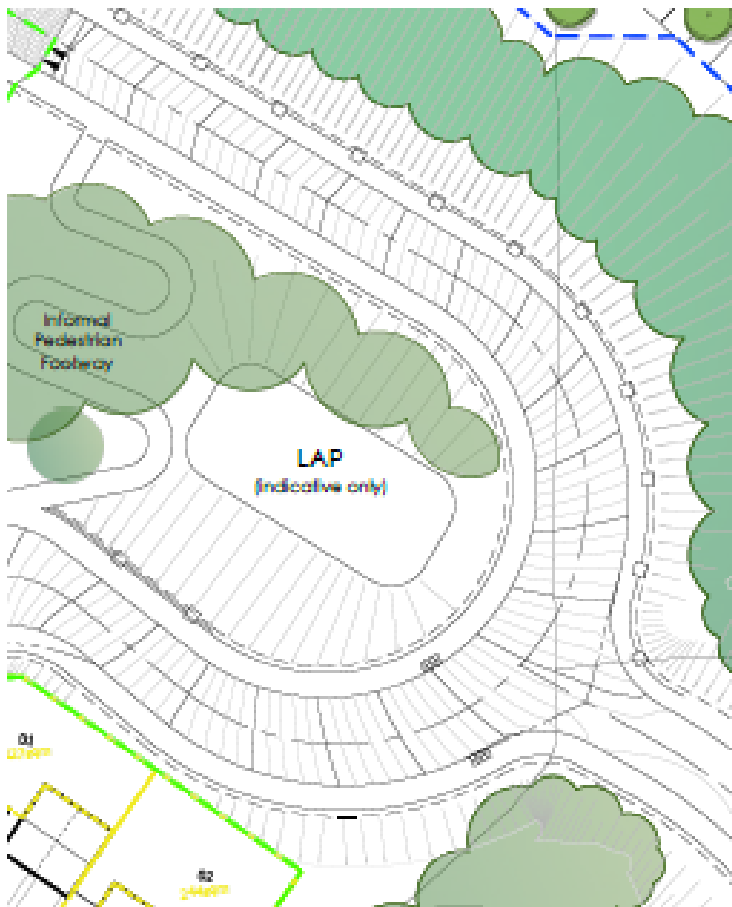
It should be noted that a reserved matters application will determine the layout, design and scale of the residential units to be constructed. However, on the basis of the information submitted, it is considered that such layout, design and scale can be achieved that would likely be acceptable in respect of impacts residential amenity, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

A condition has also been recommended for a Construction Environmental Management Plan (CEMP) to minimise the impact of construction on the local environment (**Conditions 34 and 62 refer**).

### Public Open Space

A play area and surrounding area has been proposed to be provided as open space on the site. Play space in this area is considered as acceptable in principle. It is considered that this area should provide equipped play and further design details will be required to be provided in respect of levels and the play equipment proposed (**Condition 60 refers**). The provision of this play area and a management plan are recommended to be included within a Section 106 Agreement (see below).

*Play Area:*



The cross sections indicate a play area with a 1:17 gradient across it and space for playing of approximately 210 square metres, with slopes of a gradient of 1:3.2 to the north east and 1:3.4 to the south west. It is possible that the area for play could be enlarged through appropriate design.

### Cross Section through Play Area:



A winding pedestrian pathway is also indicated to the North West of the proposed play area to provide an alternative route for pedestrians.

Although a design for the area is still to be provided, it is considered that an equipped facility can be achieved in principle, and it is considered that some additional retaining structures would potentially create some more usable space within the area for play and allow for a shallower gradient. However, whether these are required depends on the design of, and equipment that will be in, the play area. It is also possible that the slopes could be incorporated into the design of the play area, providing the gradients were not excessive. The condition recommended for the design and layout of the play area is considered to address this matter (**Condition 60 refers**).

The indicative landscape plan indicates the space around the attenuation pond in the north of the site could be provided as public open space. While public access to this area would be welcomed, its location adjacent to the basin and the road junction may affect its usability as play space. It is considered that this is more likely to be suitable as informal landscaped space within the development.

As discussed above, there are constraints with the site, including the levels, and the need to ensure a significant level of tree cover and ecological habitat. These are not insignificant constraints and it is considered on balance that the retention/creation of more naturally landscaped and wooded areas would be preferable in this case.

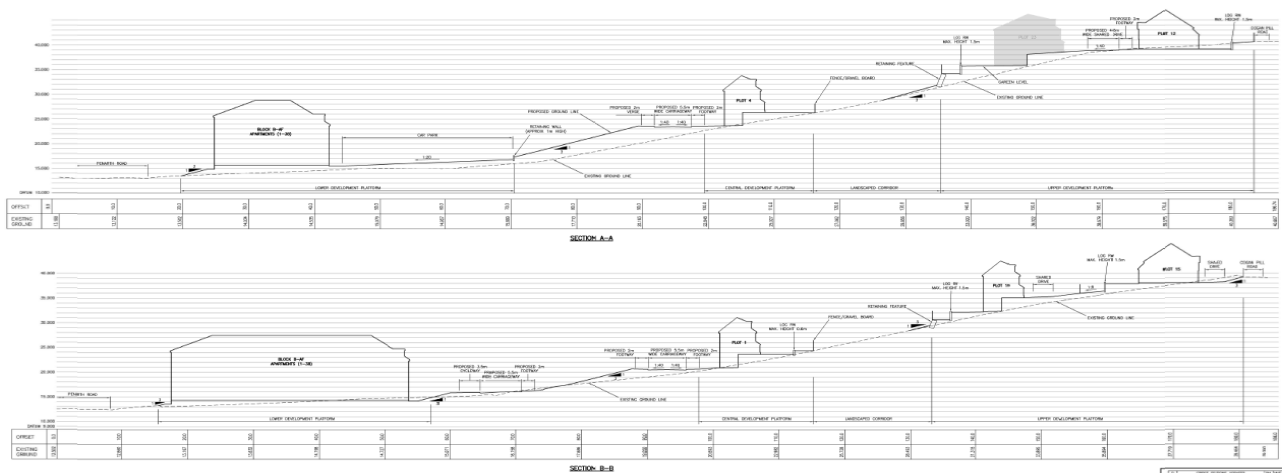
The provision of open space in accordance with the quantity required in the Planning Obligations SPG is also addressed in the Planning Obligations and Viability Section below.

### Ground Conditions

The submitted cross sections show that a substantial build-up of the ground is required through the central area of the site to create the road and its supporting structure. As well as this, the land will be built up and terraced in the South West of the site to accommodate the proposed dwellings and some reprofiling to create a suitable development plateau is also proposed along the Penarth Road frontage.



## Cross Sections:



Policy MD7 (Environmental Protection of the Local Development Plan) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity property and/or the natural environment from land contamination or land stability.

In respect of the concerns raised by neighbours regarding ground stability, it will be the responsibility of the developers to ensure that ground works are designed and carried out in a way that ensures their stability can be maintained. Engineering calculations requested by the Council's Highways Development Team in respect of the proposed access road and associated structures will also ensure that the road structure is suitable for use by vehicles (**Conditions 25 and 56 refer**).

In respect of the concerns raised regarding ground contaminants (lead and arsenic) identified by the site investigations, conditions and the advisory note requested by Shared Regulatory Services in respect of contaminated land have been recommended (**Conditions 13, 14, 15, 16, 17, 18, 19, 20, 47, 48, 49, 50, 51, 52, 53 and 54 refer**), which include requirements for an updated assessment and remediation works. The ground works proposed are considered satisfactory subject to these conditions, and subject to appropriate landscaping to soften their potentially engineered appearance, as well as provide biodiversity mitigation and enhancement. Provision of landscaping and tree planting is addressed elsewhere within the report.

## Planning Obligations and Viability

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. Planning Obligations were therefore requested as set out below.

In respect of neighbours' concerns regarding impact on local health services, while Policy MD4 (Community Infrastructure and Planning Obligations) does allow for contributions to be sought towards healthcare facilities, there is no specific requirement within the Local Development Plan or Planning Obligations SPG for these to be provided in respect of this development (i.e. on site).

The requested planning obligations in respect of this site are set out below and are summarised, (based on an anticipated delivery of 133 units) below:

- Affordable Housing - 40% would equate to 54 affordable dwellings.
- Education - £520,470
- Sustainable Transport - £305,900
- Community Facilities - £167,580
- Public Art - 1% of build costs
- Public Open Space - 771sqm of equipped children's play space, and 1,697.08 sqm of informal play space

### *Affordable Housing*

Policy MG4 (Affordable Housing) requires the provision of a minimum 40% affordable housing as part of the proposed residential mix, In respect of the proposal, this would equate to 54 affordable dwellings. These were requested on the basis of the mix requested by Housing Strategy as set out above.

### *Education*

Policy MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan requires that where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligation. This includes education facilities.

The requested contributions for education were:

11 nursery age children, at a cost of £18,249 per pupil totalling £200,729

29 primary age children, at a cost of £18,249 per pupil totalling £529,221

24 secondary age pupils aged 11 – 16 at a cost of £27,498 per pupil totalling £659,952

5 post 16 pupils at a cost of £29,823 per pupil totalling £149,115

The total requested education contribution was therefore originally £1,539,017.

During the course of the application, the viability work indicated that a significant proportion of the residential units are proposed to be 1 bedroom units (61 (although this has subsequently reduced slightly to 59 units)) which are not considered likely to yield a need for school places. This reduced the pupil requirements from the site to the following:

72 units, which would generate the following pupil requirements:

- 7 Nursery places (£127,743)
- 20 Primary school places (£328,482)
- 18 Secondary places (15 aged 11-16 and 3 post 16) (£501,939)

This reduces the requested education contribution to £958,164.

However, it became clear when assessing the viability work that this was going to be a significant issue on this site. The Council's Education Section has therefore advised that their priorities would be to direct contributions towards providing additional places at Llandough Primary School and Richard Gwyn RC High School. Both schools serve the site and have been identified as over capacity and the expected pupil yield from the development would exacerbate the situation. These schools have been identified as the ones that serve the site that are in most in need of contributions. The additional pupil yields that would be expected at these schools and the cost of providing these places is as follows;

- Nursery Provision (Llandough Primary): £18,249 x 6 pupils = £109,494
- Primary Provision: £18,249 x 18 pupils primary (Llandough Primary) = £328,482
- Secondary Provision: £27,498 x 3 pupils (Richard Gwyn RC High School) = £82,494

Therefore, providing for placing at these schools would result in a contribution of £520,470

### *Public Open Space*

Policy MD3 (provision for Open Space) states:

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.

This policy is supplemented by the Council's Planning Obligations SPG, which clarifies that the above policy requirement represents 55.68 sq m per dwelling (comprising public open space (POS) for equipped children's play facilities, other children's play space and outdoor sport space).

The Council's Planning Obligations SPG states that where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision.

It is also noted that the Community Council would like a contribution to be made towards the upgrading of the existing playground to the west of the site.

In this case, there is a surplus of outdoor sports space within the area. However, the Open Space Background Paper sets out there is a deficit of children's play space in the ward and the development was therefore requested to provide children's play space (both informal and equipped) in accordance with this policy and standard. So in this instance 18.56sqm of children's play space per dwelling (of which 5.80sqm should be equipped play space) was requested. Based upon 133 dwellings, this would equate to 771sqm of equipped children's play space, and 1,697.08 sqm of informal play space, the balance of which is to be met through an off-site contribution where space is not catered for through on site provision.

The current plans indicate approximately 210 square metres of play space which comprises a play area that would be provided on site (see above). It is acknowledged that this is some way below the SPG and policy requirements, however, in addition to the other constraints set out above, there are demonstrable viability issues with the site (discussed further below). Requiring significantly more space would very likely mean the loss of dwellings and lower affordable housing provision. It is considered on balance that to do so would not be the optimum balance. There may be further scope for a contribution towards off site enhancements as part of the viability review recommended.

### *Sustainable Transport*

The LDP favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. The list of community infrastructure for which planning obligations may be sought in Policy MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan includes transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic.

As set out in the Planning Obligations SPG, the Council requires £2,300 per residential unit for sustainable transport. This this was intended for improvements such as:

- Enhancements and improvements to Cogan Pill Road and the Public Right of Way through Dochdwy Park to improve access to the village centre and Llandough Primary School from the site;
- Improved access via walking and cycling to Penarth – including a review of crossing points at key junctions such as Baron’s Court;
- Footway provision on Llandough Hill; and
- Contribution towards Community Transport

The contribution requested was therefore £305,900 based upon 133 dwellings

### *Community Facilities*

The list of community infrastructure for which planning obligations may be sought in Policy MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan includes community facilities. The Council’s Planning Obligations SPG requires community facilities to be provided at a ratio of 0.74m<sup>2</sup> per dwelling or alternatively a contribution of £1260 per dwelling towards the provision of community facilities.

The Community Facilities Background Paper prepared for the LDP identified that within the Llandough Ward, additional community space is required to accommodate the projected housing growth within the ward as there is a shortfall. Based upon 133 dwellings, £167,580 was therefore requested for the off-site provision of community facilities.

### *Public Art*

The list of community infrastructure for which planning obligations may be sought in Policy MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan includes public art.

The Council has a percent for art policy which is supported by the Council's adopted Supplementary Planning Guidance on Public Art. The SPG requires that on major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development proposal. Therefore, this was requested in this case.

### Viability

During negotiations on the planning application the applicant has argued that the Council's requirements for planning obligations a set out above would threaten the economic viability of the development.

Any reduced planning obligations offer would only be considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of the site.

In accordance with national guidance, the Council's Planning Obligations SPG 2018 considers Site Viability in paras 6.2 – 6.13. The SPG states that where a developer contends that the S106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence.

In light of the above, a viability appraisal was prepared in respect of this site. Input was initially sought by officers from an external consultant on the viability appraisal submitted (Alder King). The viability negotiations are discussed as follows.

### *Build Costs*

Build cost rates were based on those published by the Building Cost Information Service (BCIS). It is considered that the overall development costs put forward, including build costs, are reasonable.

### *Benchmark Land Value*

The existing use value is given as in the viability appraisal as £9,000 per gross acre (£22,239 per hectare), being £93,330 for the whole site. On this basis, the appraisal gives a benchmark land value of £1,600,000, which is 17.14 times the existing use value for the whole site area. This was considered too high on the basis that a large part of the site is undevelopable.

The applicant has suggested that the benchmark land value be revised to £1,223,640 on the basis that 6.61 acres (2.67 hectares) of the site are required to be developed (including areas required for engineering works which will accommodate tree planting and landscaping) and 3.76 acres are not being developed. This would be based on an existing use value of the site of £9,000 per acre being multiplied by 20 for the area of land being developed, with a value of £9,000 per acre added for the remaining parts of the site.

An existing use value of £9,000 per acre with a multiplier of 20 for the developable area is considered a reasonable approach and the developable area shown is considered acceptable. Therefore, a benchmark land value of £1,223,640 is accepted.

### *Developable Area:*



### *Gross Development Value*

Alder King considered the Gross Development value for the site was underestimated as the sales value of 1 and 1.5 bedroom (i.e. smaller 2 bedroom flats) and larger 4 bedroom detached houses were considered to have been underestimated. In response the applicant suggested a revised value for the larger four bedroom houses of £540,000 which would add £75,000 to the development value (an additional £15,000 x 5 units).

For the purposes of this viability exercise and having reviewed sale prices within the area, it is considered the sales values are acceptable for the purposes of the viability review.

### *Profit*

Blended profit has been set using a profit of 20% of the market housing and 6% of the affordable housing element. The applicant has advised that they consider 20% profit on the open market units (resulting in 18.96% blended profit) as acceptable as the site is at the "higher end of the risk curve" due to the high proportion of flats proposed (making the risk of higher unforeseen costs and cashflow difficulties more likely) and the level of abnormal costs to develop the site. This reasoning for the level of profit proposed is accepted.

### *Discussion and Conclusions*

According to the appraisal, a policy compliant scheme produces a negative residual land value of -£2,135,266. Although some of the inputs on sales values have increased since then and the requested education contribution reduced due to the number of one bedroom flats proposed, these revisions to the figures would still not result in a viable scheme. Therefore, the justification for a reduced package of planning obligations is accepted.

Following negotiations, the planning obligations currently offered are:

A contribution of £520,470 towards school places (to fund the priorities identified for these);

15% affordable housing (based on 12 social rented units and 8 low cost home ownership units (60:40 split) and the following mix:

- 10no. 1 bedroom social rented units
- 2 no. 2 bedroom social rented units
- 6 no. 2 bedroom low cost home ownership units
- 2 no. 3 bedroom low cost home ownership units.

The blended profit level based on 20% profit on the open market housing and 6% on the affordable housing would be 18.96% blended profit. The above planning obligations would achieve this level of profit from the development.

It is acknowledged that usually 70% of the affordable units would be sought as social rented and 30% as low cost ownership. However, this would decrease the gross development value of the proposal and increase costs, impacting on the viability of the proposal and therefore reducing the amount available for a contribution towards education places. In addition, an offer of a reduced percentage of affordable housing (12%) was considered on the basis of a 70:30 split, but this still resulted in the provision of 12 social rented units, and less (four) low cost home ownership units than the eight currently being offered. As such, a 60:40 split is considered acceptable in this case.

While it is acknowledged that this offer falls short of the originally requested planning obligations package, the site topography here does present a significant obstacle to achieving a viable development on the site due to the level of engineering works required and the reduction in space available for the residential units resulting in a high proportion of flats being provided.

Therefore, in line with the guidance set out in the adopted SPG on Planning Obligations and at a national level by Welsh Government, officers have considered and prioritised the need for the relevant obligations and the above reduced package of planning obligations is accepted. The Section 106 Agreement will also require the proposed play area to be provided as public open space along with a management plan for this, but no further planning obligations are recommended.

However, the reduced education contribution has been calculated based on a high proportion of one bedroom flats. It is therefore considered that if the mix of dwellings differs from that set out in the schedule of development provided with the viability appraisal, the finally agreed viability position, should be reviewed on the submission of the first reserved matters when further information is available regarding the size and mix of the units is known, and this forms part of the recommendation.

A trigger for review is also recommended if the development is not complete within three years after the approval of the first reserved matters application.

The Council's Housing Strategy Team have informally raised some concern regarding the potential for social rented flats to be in the same block as open market housing as it would make management more difficult, and also expressed a view that walk up flats would be

preferable for social rented flats. However, these matters can be addressed at reserved matters stage with input from the developer's registered social landlord partner.

## RECOMMENDATION

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

- The provision of 15% affordable housing based on a ratio of 60% social rented units and 40% low cost home ownership units;
- A contribution towards the provision of school places of £520,470;
- The provision of the play area as public open space and a management plan for this;
- The submission of a viability review upon the submission of the first reserved matters application, if the mix differs from the following:
  - 59 no. 1 bedroom flats
  - 41 no. 2 bedroom flats
  - 14 no. 3 bedroom houses
  - 19 no. 4 bedroom houses
- The submission of a viability review should the development not be complete within 3 years of the approval of the first reserved matters;

Separate to any obligation, the payment of an administration fee of £10,409 (2% of the financial contribution sought), to cover the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

## 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 scale parameters specified on Page 48 of the submitted Design and Access Statement (July 2020) (received 25th January 2021).

Reason:

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

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

PL\_10 Site Location Plan (received 31st December 2020)

DP rev P2 Design Principles (received 23rd June 2021)

PP02 Rev P2 Parameter Plan- Land Use (received 28th May 2021)

PP03 Rev P2 Parameter Plan- Scale (received 28th May 2021)

PP04 Rev P2 Parameter Plan- Green Infrastructure (received 28th May 2021)

PP05 Rev P1 Parameter Plan- Density (received 31st December 2020)

PP06 Rev P2 Parameter Plan- Access (received 28th May 2021)

Sections 4.1-4.4 of the document titled "Land at Llandough Hill, VOG Phase 2 Ecology Report", prepared by Soltys Brewster Ecology, dated 15 December 2020 (received 31st December 2020).

Reason:

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

6. Prior to the submission of the first reserved matters application, a strategy setting out a scheme of replacement/supplementary tree planting for the whole site to be included as part of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a level of tree coverage that is equivalent to the existing on the site as shown on the tree constraints plan unless there is a sound ecological or arboricultural reason to provide a lesser amount. The scheme shall include the tree planting areas shown on PP04 Rev P2 Parameter Plan- Green Infrastructure, and planting on the site boundaries, woodland edges, and in car parking areas, amenity spaces and open spaces. The scheme shall be implemented in accordance with the approved details.

Reason:

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

7. Prior to the submission of the first reserved matters application, a strategy setting out a scheme for the creation of reptile habitat, the creation of scrub areas and tree and shrub planting for the whole site to encourage the use of the site by bats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be part of the landscaping scheme and shall be implemented in accordance with the approved details.

Reason:

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

8. The road layout shall be amended by the inclusion of the proposed future access to the reservoir site being shown as constructed up to and adjoining the South East boundary of the application site with the reservoir site (to an adoptable standard) on the submitted layout of the first reserved matters application. The road layout shall be constructed up to and adjoining this boundary prior to the first beneficial occupation of the site.

Reason:

To ensure that the proposed development does not prejudice the development of the reservoir site, in accordance with Policy MG2 (Housing Allocations) of the Local Development Plan.

9. Notwithstanding the submitted details, 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 to be retained in accordance with drawing number PP04 Rev P2 Parameter Plan- Green Infrastructure. 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 and biodiversity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

10. Prior to the commencement of development, a landscape, woodland and ecological enhancement and management plan for the whole 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. 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.

11. Bat and bird boxes shall be provided on the site 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 building where the box is to be installed, where installed on a building, or prior to the beneficial occupation of the site where installed in a tree.

Reason:

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

12. 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.

13. Prior to the commencement of any development and following completion of the ground gas monitoring scheme on the site, proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, or confirmation that such measures are not required, shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development hereby permitted and the approved protection measures shall be retained and maintained in accordance with details which shall also be provided in the scheme to be submitted.

Reason:

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

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

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

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

15. Prior to the commencement of development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

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.

16. The approved remediation scheme and verification plan must be fully undertaken prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works. Prior to the beneficial occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing by the Local Planning Authority 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 in writing 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.

18. Any topsoil (natural or manufactured), or subsoil, to be imported to the site 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 prior to its importation. Only material approved by the Local Planning Authority shall be imported. 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 submitted to and agreed in writing prior to the importation of the soils.

Reason:

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

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

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

Reason:

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

21. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used both during construction and operation;
  - Drawings setting out light spillage
  - An Environmental Lighting Impact Assessment against conservation requirements for protected species.
- The lighting shall be installed and retained as approved during construction and operation.

Reason:

To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of Lesser Horseshoe bats and other bats and their commuting corridors through the site, in accordance with Policy MG19 (Sites and Species of European Importance) of the Local Development Plan.

22. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise and/or railway noise in excess of 55 dBA Leq 16 hour [free field] during the day (07.00 to 23.00 hours) or 45 dBA Leq 8 hour [free field] at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA

Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units and a central ventilation/extract system or a whole house heat recovery system may be installed or any other alternative to achieve the same. No residential unit shall be occupied until the approved sound insulation and ventilation measures have been installed.

Reason:

To ensure that the amenities of future occupiers are protected, in accordance with Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

23. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority showing that all private and shared amenity spaces for the residential units (excepting terraces or balconies to any apartment) are designed to provide an area, which is at least 50% of the area for sitting out, where the maximum day time noise level does not exceed 50 dBA Leq 16 hour [free field]. The scheme shall be implemented prior to the beneficial occupation of any residential unit that the relevant space is intended to be used by.

Reason:

To ensure that the amenities of future occupiers are protected, in accordance with Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

24. Prior to the commencement of development, details of the highway improvement works incorporating the provision of a new vehicular and pedestrian access to the site, a new length of illuminated combined 3.5m wide pedestrian / cycling facilities and the upgrading of existing Public Transport infrastructure and their access routes to and from the development in accordance with plan 6245.SK06 Rev I (Alternative Site Access Road General Arrangement and Development Plateaus) shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall be completed prior to the first beneficial occupation of the site.

Reason:

In the interests of highway / public safety and accessibility by sustainable transport modes, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

25. No development, including construction access, shall commence until full engineering details and associated calculations where applicable of the proposed access / internal road arrangements, incorporating:
- i. Vision splays;
  - ii. Shared cycleway/footways;
  - iii. Street lighting;
  - iv. Road signs;
  - v. Surface water drainage structures/systems and culverts abutting or within close proximity to the road;

- vi. Any retaining structures retaining or adjacent to the highway / public open space;
- vii. The 3.5m wide lit shared cycleway/footway facility from the site access along the site frontage with Llandough Hill and travelling along the full site frontage along Penarth Road;
- viii. The resurfacing of the lower part of Llandough Hill and its junction with Penarth Road;
- ix. The amended road layout required by conditions 8 and 64;
- x. Timings for the completion of the above work;

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 and in accordance with the approved timescale.

Reason:

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

26. The development or site clearance shall not be commenced until the existing 7.5t weight limit along Llandough Hill has been relocated in a westerly direction, past the new junction access for the development, and its satisfactory relocation has been confirmed by the Highway Authority.

Reason:

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

27. 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 construction access, parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic, means of defining and controlling such traffic routes and timings, and confirmation that the weight limit on Llandough Hill has been relocated. 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 Developments) and MD7 (Environmental Protection) of the Local Development Plan.

28. The proposed development shall not be occupied until a new signal controlled crossing across the A4160 Penarth Road to the north of the development has been provided and its satisfactory provision has been confirmed by the Highway Authority.



Reason:

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

29. Development shall not commence until a scheme for the provision of "bat friendly" lighting along the frontage of the site with Cogan Pill Road has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installation prior to the beneficial occupation of any of the residential units within the site.

Reason:

In the interests of highway/pedestrian safety and to promote sustainable modes of transport in aid of sustainable transport objectives and policies, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

30. 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.

31. The access road as shown on plan 6245.SK06 Rev I (Alternative Site Access Road General Arrangement and Development Plateaus) shall be completed in full prior to first the beneficial occupation of the site.

Reason:

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

32. The first reserved matters application shall include a layout plan showing direct pedestrian and cycle links from the site to Penarth Road and Cogan Pill Road and no less than 14% of car parking spaces provided for the flats on the lower plateau as electric vehicle parking spaces.

Reason:

To encourage active and more sustainable travel, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

33. 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 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.

34. 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.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

35. No development shall take place until a detailed method statement for removing or the long-term management/control of Japanese Knotweed and Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning

Authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during construction. The development shall be implemented in accordance with the approved method statement.

Reason:

In the interests of the environment and to prevent the spread of Japanese Knotweed and Himalayan Balsam which are invasive species in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

36. Foul water from the development site shall discharge to the public sewerage system at the 355mm public combined sewer at or downstream of manhole reference number ST16739101 as indicated on the Sewerage Network Plan supplied by Dwr Cymru Welsh Water on 3rd February 2021.

Reason:

To ensure adequate sewerage provision in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

37. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the dwellings hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy MD1 (Location of New Development) and Policy 13 of Future Wales.

### **Full Conditions**

38. 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.

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

PL\_10 Site Location Plan (received 31st December 2020)  
PP-01 Rev P1 Parameter Plan- Detailed App. (received 31st December 2020)  
PP04 Rev P2 Parameter Plan- Green Infrastructure (received 28th May 2021)  
6245.010 Site Access Road Scheme Layout (received 31st December 2020)  
6245.011 Site Access Road Vertical Profiles (received 31st December 2020)  
6245.012 Site Access Road Proposed Levels and Contours (received 31st December 2020)

6245.013 Site Access Road Cross Sections (received 31st December 2020)  
6245.014 Site Access Road Pavement Finishes and Kerb Types (received 31st December 2020)  
6245.15 Site Access Road Construction Details (received 31st December 2020)  
6245.SK06 Rev I Alternative Site Access Road General Arrangement and Development Plateaus (received 31st December 2020)  
Sections 4.1-4.4 of the document titled "Land at Llandough Hill, VOG Phase 2 Ecology Report", prepared by Soltys Brewster Ecology, dated 15 December 2020 (received 31st December 2020)

other than where amended by condition 64 for the provision of the road layout being shown as constructed up to and adjoining the South East boundary of the application site with the reservoir site (to an adoptable standard).

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.

40. Prior to the submission of the first reserved matters application, a strategy setting out a scheme of replacement/supplementary tree planting for the whole site to be included as part of the landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a level of tree coverage that is equivalent to the existing on the site as shown on the tree constraints plan unless there is a sound ecological or arboricultural reason to provide a lesser amount. The scheme shall include the tree planting areas shown on PP04 Rev P2 Parameter Plan- Green Infrastructure, and planting on the site boundaries, woodland edges, and in car parking areas, amenity spaces and open spaces. The scheme shall be implemented in accordance with the approved details.

Reason:

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

41. Prior to the submission of the landscaping scheme, a strategy setting out a scheme for the creation of reptile habitat, the creation of scrub areas and tree and shrub planting for the whole site to encourage the use of the site by bats shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be part of the landscaping scheme and shall be implemented in accordance with the approved details.

Reason:

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

42. Notwithstanding the submitted details, 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 to be retained in accordance with drawing number PP04 Rev P2 Parameter Plan- Green Infrastructure. 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 and biodiversity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

43. 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; the creation of reptile habitat, the creation of scrub and tree and shrub planting to encourage the use of the site by bats in accordance with the approved strategy; and a scheme of replacement/supplementary tree planting in accordance with the approved tree planting strategy.

Reason:

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

44. 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.

45. Prior to the commencement of development, a landscape, woodland and ecological enhancement and management plan for the whole 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. 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.

46. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used both during construction and operation;
  - Drawings setting out light spillage
  - An Environmental Lighting Impact Assessment against conservation requirements for protected species.
- The lighting shall be installed and retained as approved during construction and operation.

Reason:

To ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of Lesser Horseshoe bats and other bats and their commuting corridors through the site, in accordance with Policy MG19 (Sites and Species of European Importance) of the Local Development Plan.

47. Prior to the commencement of any development and following completion of the ground gas monitoring scheme on the site, proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, or confirmation that such measures are not required, shall be submitted to and approved in writing by the Local Planning Authority. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development hereby permitted and the approved protection measures shall be retained and maintained in accordance with details which shall also be provided in the scheme to be submitted.

Reason:

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

48. Prior to the commencement of development, an assessment of the nature and extent of contamination present shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:
- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters,
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments, and
  - any other receptors identified at (i);
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

49. Prior to the commencement of development, a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

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.

50. The approved remediation scheme and verification plan must be fully undertaken prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works. Prior to the beneficial occupation of the development, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in

accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

51. 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 by the Local Planning Authority 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 in writing 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.

52. Any topsoil (natural or manufactured), or subsoil, to be imported to the site 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 prior to its importation. Only material approved by the Local Planning Authority shall be imported. 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 submitted to and agreed in writing prior to the importation of the soils.

Reason:

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

53. 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.

54. 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.

55. Prior to the commencement of development, details of the highway improvement works incorporating the provision of a new vehicular and pedestrian access to the site, a new length of illuminated combined 3.5m wide pedestrian / cycling facilities and the upgrading of existing Public Transport infrastructure and their access routes to and from the development in accordance with plan 6245.SK06 Rev I (Alternative Site Access Road General Arrangement and Development Plateaus) shall be submitted to and approved in writing by the Local Planning Authority. The improvement works shall be completed prior to the first beneficial occupation of the site.

Reason:

In the interests of highway / public safety and accessibility by sustainable transport modes, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

56. No development, including construction access, shall commence until full engineering details and associated calculations where applicable of the proposed access / internal road arrangements, incorporating:
- i. Vision splays;
  - ii. Shared cycleway/footways;
  - iii. Street lighting;
  - iv. Road signs;
  - v. Surface water drainage structures/systems and culverts abutting or within close proximity to the road;
  - vi. Any retaining structures retaining or adjacent to the highway / public open space;
  - vii. The 3.5m wide lit shared cycleway/footway facility from the site access along the site frontage with Llandough Hill and travelling along the full site frontage along Penarth Road;
  - viii. The resurfacing of the lower part of Llandough Hill and its junction with Penarth Road;
  - ix. The amended road layout required by conditions 8 and 64;
  - x. Timings for the completion of the above work;

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 and in accordance with the approved timescale.

Reason:

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

57. The development or site clearance shall not be commenced until the existing 7.5t weight limit along Llandough Hill has been relocated in a westerly direction, past the new junction access for the development, and its satisfactory relocation has been confirmed by the Highway Authority.

Reason:

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

58. 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 construction access, parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic, means of defining and controlling such traffic routes and timings, and confirmation that the weight limit on Llandough Hill has been relocated. 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 Developments) and MD7 (Environmental Protection) of the Local Development Plan.

59. The access road as shown on plan 6245.SK06 Rev I (Alternative Site Access Road General Arrangement and Development Plateaus) shall be completed in full prior to the first beneficial occupation of the site.

Reason:

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

60. The play area shall be provided as an equipped play area and this and the surrounding space shall be completed prior to the first beneficial occupation of the site, in accordance with details of the design and layout of the play area and surrounding area, including levels, retaining walls, banks, access arrangements, play equipment, fencing, surfacing and the pedestrian pathway to the north, which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason:

To ensure suitable provision of open space and play space on the site, in accordance with Policy MD3 (Provision for Open Space) of the Local Development Plan.

61. 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 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.

62. 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](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to

ensure compliance with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

63. No development shall take place until a detailed method statement for removing or the long-term management/control of Japanese Knotweed and Himalayan Balsam on the site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include measures that will be used to prevent the spread of Japanese Knotweed and Himalayan Balsam during construction. The development shall be implemented in accordance with the approved method statement.

#### Reasons

In the interests of the environment and to prevent the spread of Japanese Knotweed and Himalayan Balsam which are invasive species in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

64. Notwithstanding the submitted plans, prior to the commencement of development, an amended road layout plan shall be submitted to and approved in writing by the Local Planning Authority showing the proposed future access to the reservoir site as constructed up to and adjoining the South East boundary of the application site with the reservoir site (to an adoptable standard). The road layout shall be constructed up to and adjoining this boundary prior to the first beneficial occupation of the site.

#### Reason:

To ensure that the proposed development does not prejudice the development of the reservoir site, in accordance with Policy MG2 (Housing Allocations) 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, MG16– Transport Proposals, 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 acceptable in terms of planning policy, highways and transport, drainage and flood risk, landscape and tree impacts, ecology, design and visual impacts, impacts on the historic environment, residential amenity, provision of public open space, ground conditions, provision of affordable housing, provision of other Section 106 contributions and in all 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](mailto:sab@valeofglamorgan.gov.uk)**
- 2. The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).**
- 3. 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.**
- 4. 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.**

- 5. The developer will be required to enter into a Section 38/278 Agreement with the Highway Authority before undertaking works along the adjacent highway. The developer will be expected to provide the new pedestrian crossing on Penarth Road via an agreement made under Section 278 of the Highways Act 1980.**
- 6. No surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway. The applicant is to make provisions to deal with the above within the confines of the site.**
- 7. Unless otherwise agreed with the Local Planning Authority the gradient of any proposed driveways serving the individual plots shall not exceed 1 in 12 (8.33%).**
- 8. There shall be no obstructions whatsoever inclusive of planting within the areas required for vision splays. All proposed boundary walls, hedgerows or planting shall be located to the rear of the required vision splays in the interest of highway / public safety.**

- 9. Archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.**
- 10. 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.**
- 11. The details to discharge conditions 6 and 7 and 40 and 41 relating to strategies for tree planting and biodiversity enhancement shall be submitted together to allow consideration of a comprehensive site wide scheme for both matters.**
- 12. A revision of the current Traffic Regulation Order will be required to relocate the weight limit sign on Llandough Hill and any costs associated with the scheme shall be provided by the applicant/developer.**

**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.**

## INFORMATION

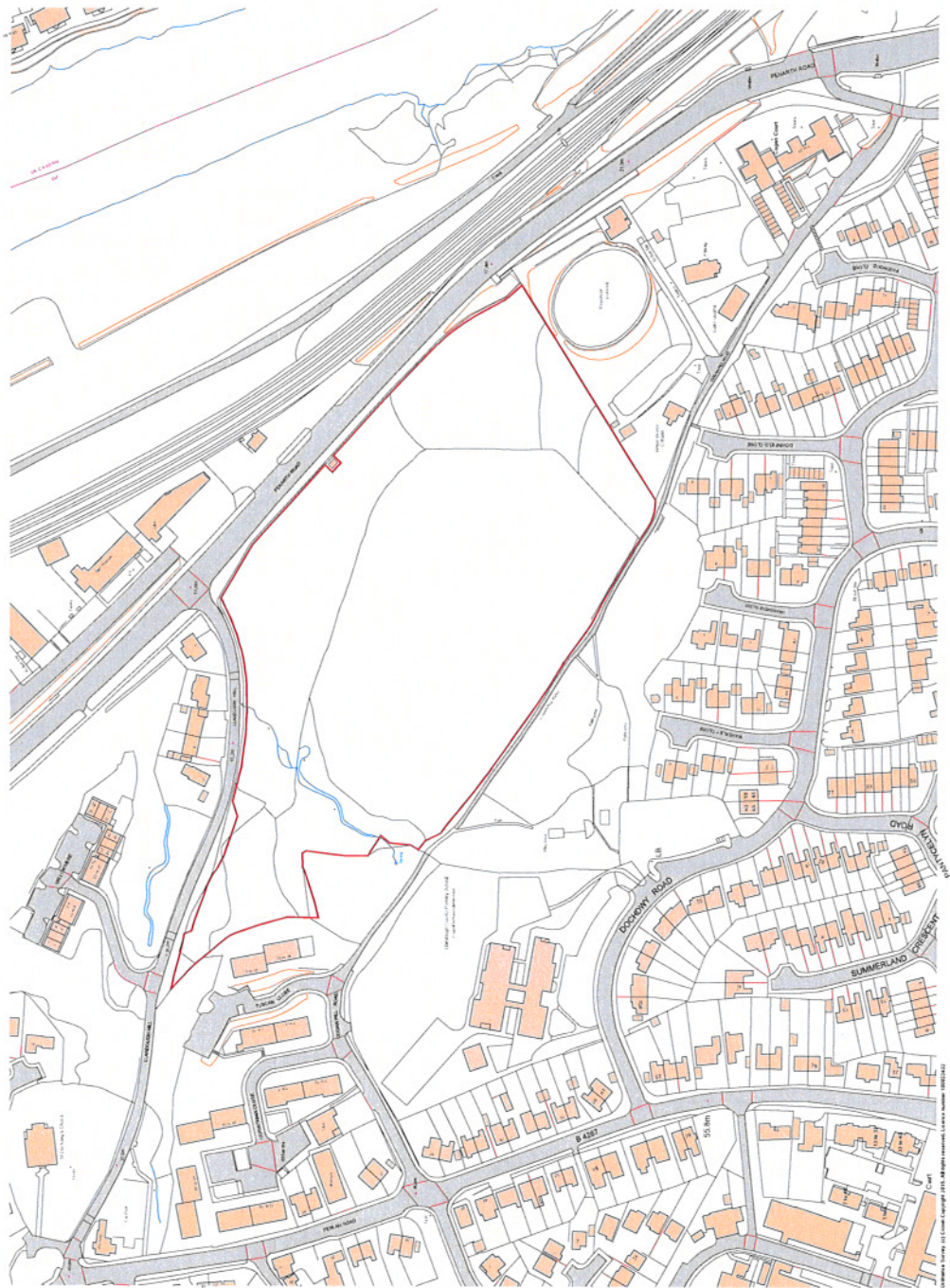
Project: Land south of Llandough Hill  
Penarth

Drawing Title: Site Location Plan

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**2022/00268/FUL** Received on 16 June 2022

**APPLICANT:** McQuade C/O Agent, CF11 9HA

**AGENT:** David Thomas, Temple Court, 13A Cathedral Road, Cardiff, CF11 9HA

### **Sunbeams, Twyncyn, Dinas Powys**

Conversion of existing property to four apartments. Proposed ground and first floor extensions with glazed balcony to the front and Juliette balcony to the rear, raise roofline incorporating front and rear gables

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application was called in for determination by Councillor R Crowley on 4<sup>th</sup> April 2022 due to concerns regarding the impact of the proposal on the character of the area and the impact on highway safety of the increased traffic in this location and by Councillor M Cowpe on 12<sup>th</sup> September due to concerns regarding parking spaces, traffic levels and impact on the footpath and the development is not in keeping with the character of the area.

### **EXECUTIVE SUMMARY**

Planning permission is sought to convert the existing detached dwelling at Sunbeams into four flats. The proposal includes significant extensions and alterations to the building. A parking area for six cars is proposed at the front of the site. The site is within the settlement boundary for Dinas Powys.

Several objections have been received to the proposal, mainly on the grounds of design/visual amenity, impacts on neighbour amenity, parking provision and highway safety.

The development is considered to have acceptable impacts on neighbour and visual amenity. Given the relative proximity of the site to facilities and public transport links in Dinas Powys, the provision of six car parking spaces is considered sufficient. The existing access to the site is proposed to be widened and there would be provision for turning within the site to allow entrance and exit in a forward gear. This represents an improvement to the safety of the use of that access.

No affordable housing provision is required as, following the submission of a viability report, the proposal would not be considered viable if this was required. However, a section 106 agreement is recommended for an appropriate review mechanism if the development is not practically complete within 2 years.

### **SITE AND CONTEXT**

The site contains a detached 5 bedroom dwelling within a residential area and within the settlement boundary for Dinas Powys.

Along the western boundary is a strip of land which provides access to a parcel of land to the rear (north) of the site which has planning permission (ref. 2019/00597/FUL as amended under 2019/00597/1NMA) for two houses. The detached dwelling of Byways is

located to the east. The site is accessed and has a frontage onto an unadopted lane, which adjoins Twyncyn. The unadopted lane also forms part of a public right of way (S1/38) which continues from the lane to Highwalls Avenue. Lon Twyn, to the west of the site is a Grade II listed building.

*Site Location Plan:*



*Site Photographs:*





## DESCRIPTION OF DEVELOPMENT

Planning permission is sought to convert the existing dwelling into four two bedroom flats. The proposal includes alterations and extensions to the building. These include the following:

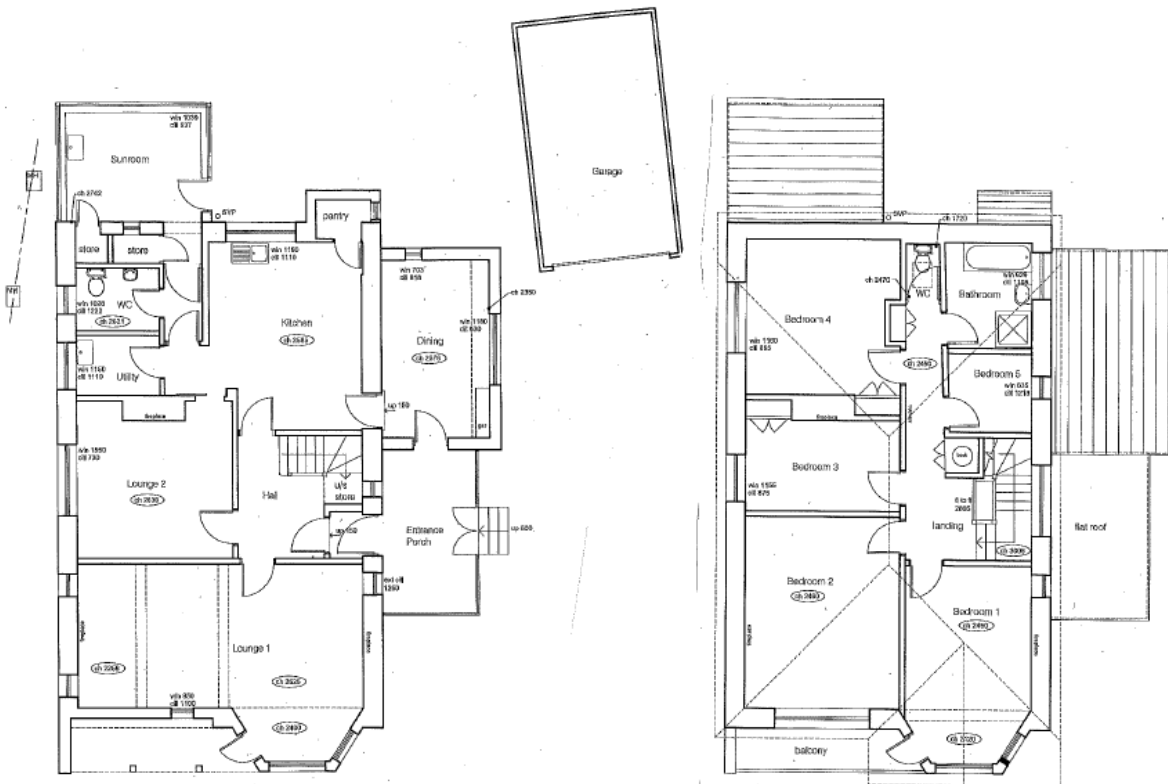
- Raising the height of the roof from 7.8 metres to 8.4 metres and the provision of a gable to the front to accommodate space within the roof. Windows are proposed in the resulting front gable at roof level and a number of roof lights are also proposed. This element of the proposal also requires the removal of the existing chimneys;
- The demolition of the existing single storey sunroom, dining room, entrance porch and garage and their replacement with a two storey side extension and two and a half storey rear extension (providing accommodation in the roof). The rear extension is proposed to span the full width of the main part of the original house and project 4.5 metres from the rear and is proposed to match the height of the raised ridgeline, with a gable and window with Juliet balcony at the rear. The side two storey extension is proposed to span the full depth of the original main part of the house and is proposed to be 4 metres in width. An additional single storey extension is proposed to the side

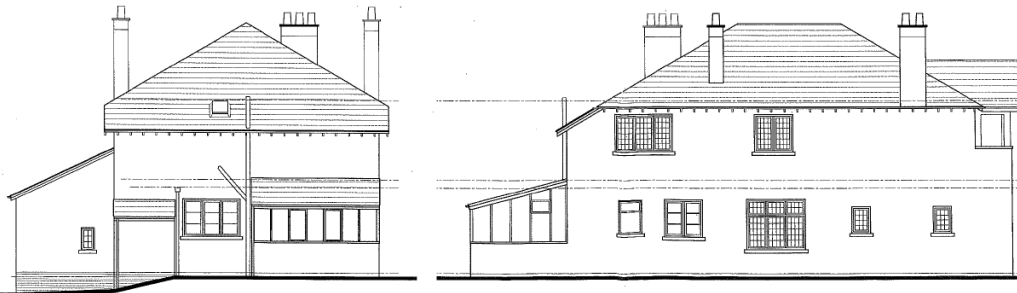
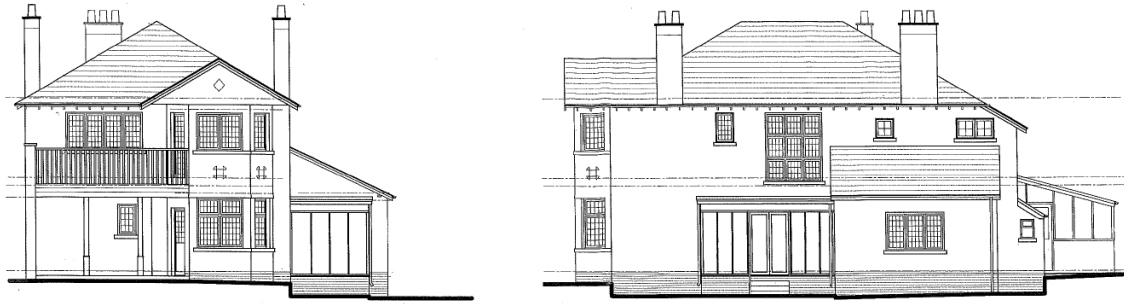
and rear of the two storey side extension, bringing the total width of the side extension to 6 metres, and bringing it level with the rear of the proposed two storey extension. The extensions result in a number of new windows;

- The replacement of the existing balcony and the addition of a glazed balustrade to replace the timber one;
- The replacement of the existing timber windows with aluminium ones;
- The conversion of the front garden to a parking area for six cars and widened access.

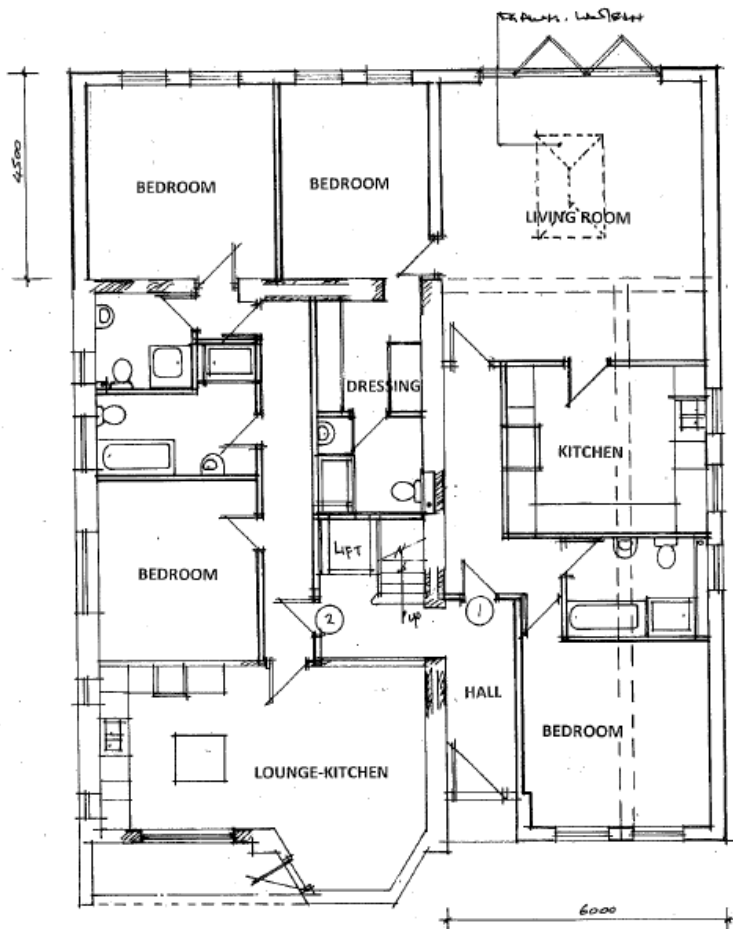
A Design and Access Statement has been submitted as part of the application. This advises that the proposal has been developed with the retirement market in mind.

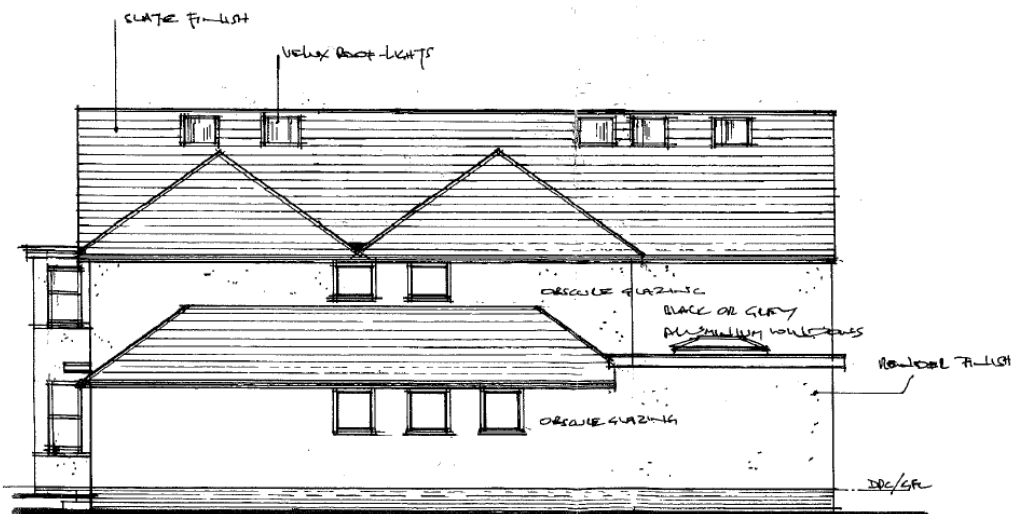
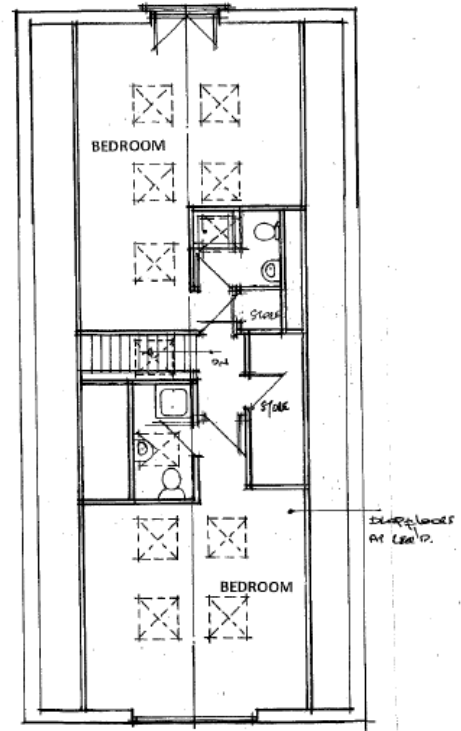
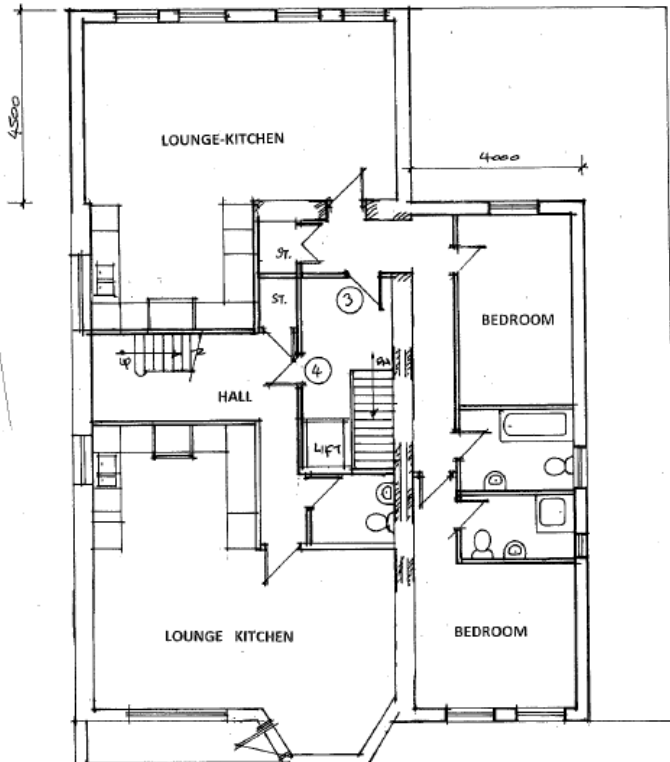
*Existing Plans and Elevations:*

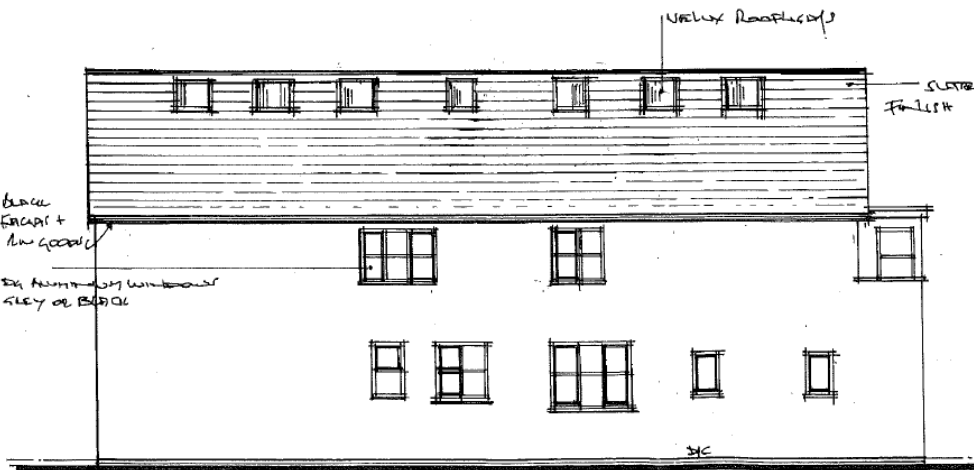




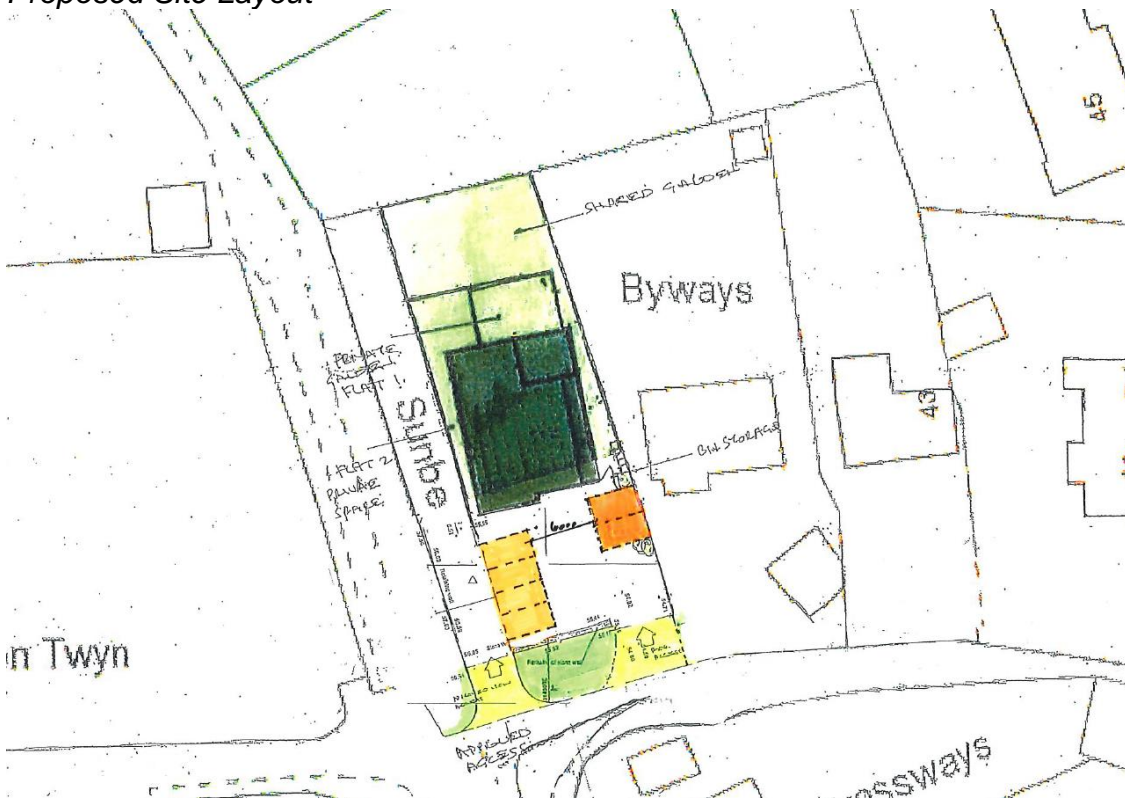
*Proposed Plans and Elevations:*







Proposed Site Layout



## PLANNING HISTORY

2019/00597/1/NMA, Address: Sunbeams, Twyncyn, Dinas Powys, Proposal: Non Material Amendment - Main building - Stone removed from the front elevation and to the rear above the snug, double garage revised to single garage. Plot 1 and 2- study formed from walk in wardrobe, dormer window added to study, up and over Velux added to rear bedroom, kitchen position relocated to centre of building, door added to utility. Planning approval 2019/00597/FUL - Proposed alteration and extension of existing dwelling and residential development of 2 detached dwellings within the curtilage of site with new access, Decision: Approved 17<sup>th</sup> June 2021.

2019/00597/FUL, Address: Sunbeams, Twyncyn, Dinas Powys, Proposal: Proposed alteration and extension of existing dwelling and residential development of 2 detached dwellings within the curtilage of site with new access, Decision: Approved 10<sup>th</sup> December 2019.

## CONSULTATIONS

**Councillor R Crowley** was consulted and responded on 4<sup>th</sup> April 2022 requesting determination by the Planning Committee due to concerns regarding the impact of the proposal on the character of the area and the impact on highway safety of the increased traffic in this location.

**Councillor M Cowpe** was consulted and responded on 12<sup>th</sup> September 2022 requesting determination by the Planning Committee due to concerns that there is not enough parking spaces for the development, cars will be constantly backing in and out, traffic levels in the area would be increased beyond what would be reasonable, there would be an impact on the footpath used by school children and other local residents and the development is not in keeping with the character of the area.

**Dinas Powys Community Council** were consulted and initially responded on 5<sup>th</sup> April 2022 advising they had no objections. Following a reconsultation, Dinas Powys Community Council further responded on 31<sup>st</sup> May 2022 advising they object on the grounds of this being an over development of the area, with insufficient parking and the development is also out of character with the area.

Following a further reconsultation, **Dinas Powys Community Council** responded further on 8<sup>th</sup> September 2023 advising that they still object to this application on the grounds of:

- Insufficient parking spaces. There should be minimum of 8 parking spaces allocated for the number of properties the applicant is looking to develop on this site;
- Land that is not part of this application site will be required access to the site;
- Vehicles will also end up parking on the verge;
- The traffic levels in this area would be significantly increased. This would also have an impact on the Public Rights of Way footpath (No. S1/38/1) which is frequently used by school children and dog walkers;
- A development of this nature is not in keeping with the character of the area;
- If this application were to be approved, the Community Council see no reason why the applicant should not contribute planning obligations;
- The Community Council have requested this application is 'called in' to Committee for a decision.



Following a further reconsultation, **Dinas Powys Community Council** responded further on 31<sup>st</sup> October 2023, advising that they strongly object to this application on the grounds of:

- Significant over development of this area;
- A development of this nature is not in keeping with the character of the area;
- Insufficient parking spaces. The site does not meet the requirement of parking spaces in the Council's Supplementary Planning Guidance and older people are not likely to have fewer cars;
- There are no provisions for disabled parking;
- Highway and pedestrian safety concerns due to additional vehicle movements;
- Concern that the applicant does not own all the land in the site, particularly the access;
- If this application were to be approved, the Community Council see no reason why the applicant should not contribute planning obligations.

Following a further reconsultation, **Dinas Powys Community Council** responded further on 16<sup>th</sup> December 2022 advising their opinion remains the same, and they also have concerns over the accuracy of some of the diagrams showing the 'vision splay' and request clarification over this.

The Council's Shared **Regulatory Services (Neighbourhood Services)** were consulted and responded on 21<sup>st</sup> March 2022 advising that on the proposed first and second floors there are kitchen/diners over bedrooms. If this is the case it will result in noise issues for those occupants trying to sleep. If the developer can meet the BS8233 standards for noise insulation just over these areas then it should be acceptable. They submitted further comments on 9<sup>th</sup> May 2022 and 15<sup>th</sup> February 2023 regarding restricting hours of construction.

The **Council's Shared Regulatory Services (Environment Team)** were consulted and responded on 23<sup>rd</sup> March 2022 requesting a contamination and unstable land advisory note. Following reconsultations, they responded further on 24<sup>th</sup> May 2022, 8<sup>th</sup> August 2022, 18<sup>th</sup> August 2022, 18<sup>th</sup> October 2022 and 5<sup>th</sup> December 2022 advising their comments were still as per the above.

**Dwr Cymru Welsh Water** were consulted and responded on 6<sup>th</sup> April 2022 advising that a water supply can be made available to serve the development, a trunk/distribution water main crosses the site, there is capacity in the public sewerage network to receive domestic foul only flows from the development and that approval may be required of sustainable drainage features from the SUDS Approval Body (SAB). Should SAB approval not be required, they request a condition to prevent surface water draining into the public sewerage system, and informative notes in respect of applying for a connection to a public sewer and regarding the potential for privately owned sewers on the site.

Following reconsultations, Dwr Cymru Welsh Water responded further on 10<sup>th</sup> June 2022 and 17<sup>th</sup> August 2022 advising the same and on 23<sup>rd</sup> August 2022, 2<sup>nd</sup> November 2022 and 7<sup>th</sup> December 2022 advising they had no further comments.

The **Council's Housing Strategy Team** were consulted and responded on 20<sup>th</sup> March 2022 advising that in line with the SPG there is a requirement to provide 40% affordable housing in Dinas Powys and this should be provided as one affordable unit on site and a contribution based on the ACG value of a one bedroom apartment, being the type of property, most needed in the area i.e. (0.58 x 0.2) of £114,400 which is £13,270.40. An

RSL will need to be involved to manage the unit on site and the affordable unit will need to meet WDQR21 standard.

Following consultations, the Council's Housing Strategy Team responded further on 16<sup>th</sup> August 2022 and 12<sup>th</sup> October 2022 advising the same and on 15<sup>th</sup> December 2022 advising their response of 12<sup>th</sup> October still stands.

The **Council's Highways Development Team** were consulted and responded on 20<sup>th</sup> April 2022 advising that:

- The access to the development is not on highway land. The Highway Authority would advise the Planning Authority to check the right of access compliance from the registered landowner.
- Only 6 parking spaces are shown on the proposed site plan, with no consideration for visitors parking. In addition, parking spaces no. 5 and 6 are not within the site red line boundary and would also restrict visibility for the vehicles egressing from the approved side access [to the proposed houses at the rear]. A drawing of the proposed parking, turning and access arrangements within the site boundary to a scale of 1/200 with dimensions is required to be submitted for consideration.
- The proposed means of access shall be constructed from a bound material to prevent loose material being deposited on the adjacent highway.
- Consideration must be given to the provision of cycle parking/bin storage area where appropriate.

The **Council's Highways Development Team** further responded on 13<sup>th</sup> October 2022 following consultation due to amended plans advising that no objection is raised provided that the following details are made conditional to the planning consent in the interest of highway / public safety:

- Visibility splays for the approved access and the site access shall be maintained at all times. Within the visibility envelope, no obstructions, inclusive of fencing and boundary walls shall exceed 600mm in height and any planting shall be located at the rear of the visibility splays;
- The proposed means of access shall be constructed from a bound material to prevent loose material being deposited on the adjacent highway.

The **Council's Highways Development Team** further responded on 28<sup>th</sup> February 2023 advising that in accordance with the Vale of Glamorgan Parking Standards, the proposed apartment would need 8 parking spaces to serve the proposed development. However, only 6 parking spaces are provided as part of this application, but due to the location and availability of on street parking, an objection could not be sustained. In addition, the access has been widened to improve visibility and ease vehicular access and egress. However, they have requested that the proposed means of access shall be constructed from a bound material, to prevent loose material being deposited on the adjacent highway.

They have also requested an informative note regarding contacting the Highway Maintenance Team in respect of works adjacent to the highway.

## REPRESENTATIONS

The neighbouring properties were consulted on 17<sup>th</sup> March 2022 and 14<sup>th</sup> April 2022, and were reconsulted on 20<sup>th</sup> May 2022, 5<sup>th</sup> August 2022, 6<sup>th</sup> August 2022, 12<sup>th</sup> October 2022 and 38<sup>th</sup> November 2022 following the receipt of amended plans.

A site notice was also displayed on 28<sup>th</sup> March 2022.

Representations have been received from over 30 properties objecting to the proposal.

These are summarised as follows:

### *Design and Visual Impact:*

- Over development of the site due to high density, loss of garden area and additional building on the site;
- Four flats would be out of character with the area which is otherwise detached houses;
- Visual impact due to the increased height of the roofline, the proposed gables, the increase in footprint and extensions, proposed glazing, proposed roof projections, loss of the character of the current property, the property's prominent location at the top of the road in an elevated position, loss of green space including loss of landscaping to provide car parking, loss of stone walling and loss of verge;
- Impact on Lon Twyn (listed building).

### *Amenity for New Residents and Neighbour Amenity:*

- Adverse impact on neighbour amenity, including privacy, overshadowing, loss of light, being imposing/overbearing on neighbouring properties and additional noise and disturbance;
- Inadequate level of amenity and amenity space for future occupiers of the development;
- Impacts of construction on neighbours;
- Loss of views from neighbouring properties.

### *Highway Safety, Traffic and Parking:*

- Use of land outside the curtilage for parking and change of this to hardstanding;
- Lack of parking spaces, including for visitor parking, and potential parking on-street and parking on the verges, which would also be unsafe due to the adjacent bend in the road;
- Additional spaces are required as older people are more likely to have visitors to address their care needs and less likely to be able to walk and cycle;
- Lack of disabled parking spaces;
- Lack of cycle parking;
- Impact on highway and pedestrian safety due to the location of the site on the bend in the road, lack of visibility at the access, the convergence of multiple accesses at this location, increase in traffic, more intensive use of the lane to the front of the site, the location of the public footpath in front of the site and the route being used for walking (including by school children), cycling and horse riding, lack of footways;
- The applicant does not own the lane to access the site nor the verge;
- Poor access to bus services and other public transport;

- Concern access is unsuitable for those with mobility difficulties;
- Restriction of access to other properties and the proposed new dwellings behind;
- No access will be available from the driveway to the west side of the dwelling;
- Concerns that this will exacerbate existing problems with the road condition;
- Impacts of construction on highway safety;
- Queries regarding whether visibility splays are drawn accurately and whether these can be provided due to landownership issues;
- Impact on access for fire and other emergency services;
- The proposal will set a precedent for other properties in Twyncyn to do the same, which will increase traffic further;
- Lack of clarity regarding access arrangements on the plans.

*Planning Obligations:*

- A lack of financial contribution made towards affordable housing;
- The scheme should be refused as it is not viable;
- Queries regarding the credibility of the viability report.

*Other:*

- Cumulative impact with the two houses previously approved;
- The loss of a family house and that others may do the same;
- The proposed development has a prejudicial impact on the development approved behind it;
- Stress on infrastructure due to extra units;
- Increase in flows to public sewers and flood risk, and concerns regarding how surface water run-off will be addressed;
- Loss of ecological habitat;
- The flats would not be affordable;
- Impact on house prices and on the “prestige” of the Twyncyn.

REPORT

Planning Policies and Guidance

**Local Development Plan:**

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

**Strategic Policies:**

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

### **Managing Growth Policies:**

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

### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY 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 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

#### 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:

#### 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). 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 (2018)
- Biodiversity and Development (2018)
- Model Design Guide for Wales (2005)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

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

### **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 site is within the settlement boundary for Dinas Powys and therefore is considered to be in a sustainable location for the provision of additional housing units. Policy MG1 (Housing Supply in the Vale of Glamorgan) sets out that provision of new dwellings will be met through sites that include small sites, including infill, the conversion of suitable buildings and subdivision of existing dwellings. The existing site is a large detached house set within a large plot.

Whilst the property is proposed to be extended and converted to flats, rather than a detached house, the provision of flats and intensification of the residential use of the site would not in principle be out of character with the residential area.

As such the re-development of the site for additional residential units is considered to be acceptable in principle in accordance with Policy MG1.

The key issues in determining whether the details of this proposal are acceptable are considered to be the design and visual impact of the proposal; the impact of the proposal on neighbouring amenity; amenity space, impacts of the proposal on highway safety, traffic and parking; and the scope for the provision of planning obligations (towards affordable housing in this case).

The applicant has advised that the proposed flats are being developed with the retirement market in mind. While this may be the case, the applicant is not proposing that the flats are restricted to being retirement flats only. Therefore, for the purposes of this planning application this is being considered as a proposal for general market housing.

A number of representations raise concern in respect of the loss of a large single home, however there are no policies/guidance at local or national level which prevent the loss of large dwellings and the direction of travel is to deliver higher density sites in urban areas through the planning system.

Any impacts on house prices in the immediate local area from residential properties are not planning matters to be considered in the determination of the planning application, nor are impacts on the "prestige" of a particular area.

### *Design and Visual Impact:*

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals 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 townscape or landscape interest, and respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density.

Policy MD5 (Development within Settlement Boundaries) requires proposed development to be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality, and not to result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.



Whilst Twyncyn has a formalised layout with dwellings fronting onto the road. The houses at the top of the road have a more informal layout and access arrangements, with several dwellings accessed off Beauville Lane and further dwellings accessed off a private drive including Sunbeams and several houses to the east. In addition, a private drive located off the head of Twyncyn serves three large detached dwellings of Longmead, Longdrive and the Spinney. Twyncyn is characterised by large two storey detached houses in spacious plots, all of which vary in their design and character.



*Proposed Elevations (approved under 2019/00597/1/NMA)*

The elevations above are those approved as a non-material amendment to the extant planning permission, comprising the demolition of the existing garage and previous single storey extensions and the construction of two storey side and rear extensions.

It is acknowledged that the proposed extensions, roof gables and raising of the roof height in the current application would increase the scale and bulk of the building and these, as well as the additional glazing, will result in a change to the traditional character of the building. It is also recognised that the site is prominent due to its elevated position and prominent position at the end of the road and due to it being on the corner of Twyncyn, Beauville Lane and two private lanes.

However, given the variation between the existing properties in Twyncyn and particularly those located at the top of the road, as considered under the previous planning application (which approved significant extensions and alterations to the property) the resulting extended building is not considered to have an adverse impact on the character and appearance of Twyncyn. The materials that have been proposed for the exterior, including render, slate, aluminium windows and boarding on the gables are considered to be acceptable in principle and generally reflect those of the existing dwelling and those in the wider area, but a condition is recommended for the submission of samples (**Condition 3 refers**).

Although front garden area would be largely used to accommodate extensions and the new parking area, 272 square metres of garden would be provided to the rear, as considered in greater detail below. It is also noted that the proposal will retain the existing

line of the building frontage, and therefore while the area at the front would be a parking area rather than a garden, the spaciousness and aspect at the front of the building is retained.

In respect of landscaping, opportunities for landscaping within the parking area are likely to be relatively limited due to the space required for the access, parking and manoeuvring. However, apart from where the access is proposed to be widened and where a section of the wall is proposed to be lost to accommodate the houses approved by planning permission 2019/00597/FUL, the stone wall at the front of the site will be retained and repaired, which will provide a degree of screening for the parking area. Although the access already approved by the above planning permission and the proposed widening works here will result in the loss of a significant part of the verge, a section of verge will be retained between the two accesses.

*Existing Stone Wall:*



It is however considered that additional planting should be provided within the rear garden areas to enhance biodiversity, and to mitigate for the loss of lawn areas as well as a small tree that is likely to be lost on the eastern boundary of the site due to the proposed development. A condition is recommended for the approval of these details (**Condition 4 refers**).

In respect of boundary treatment, as well as the stone wall to the front, a 1.8 metre fence is proposed on the western boundary of the site. This is considered acceptable and will not have a significant impact in itself on the character of the area, given there is an existing fence on the existing boundary of Sunbeams (the siting of which will be on the other side of the access drive to the houses approved by planning permission 2019/00597/FUL when these are built).

*Existing Fence:*



The existing eastern boundary (with Byways) is a mix of fencing with a hedge behind and this is proposed to remain. No boundary treatment is specified on the rear (north) boundary, and there is currently little in the way of any existing boundary between the site and the undeveloped site to the rear with planning permission, which would need to be appropriately delineated.

*Current Eastern Boundary:*



*Current Rear Boundary:*



While the details of the boundary that have been provided are considered acceptable in principle, it is considered that final comprehensive details of this and details of the rear boundary should be provided by way of condition (**Condition 6 refers**)

In respect of the potential impact of the proposal on the setting of Lon Twyn, which is a Grade II listed building, there is intervening landscaping and a private access drive between the site and Lon Twyn. As such the proposal is not considered to have a

significant impact on the setting of the listed building, and is in accordance with Policy MD8 (Historic Environment) of the Local Development Plan in this respect.

### ***Amenity for New Residents and Neighbour Amenity***

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance; and provide private amenity space in accordance with the Council's standards.

Byways is the dwelling adjacent to the site, on its eastern boundary. The proposed two storey and single storey side extension would bring the building closer to Byways, and it would be approximately one metre away from the boundary with Byways at its nearest point (at the rear corner of the single storey extension). However, the second storey on the side extension is set in two metres from the side of the single storey element of the extension and set back so it does not project appreciably past the existing back wall of Sunbeams. Due to the alignment of the building with the boundary, the two storey element of the extension is approximately 3.5 metres away from the boundary with Byways. The ground level drops to the eastern side of Sunbeams and as a result an under build of 0.5 metres is proposed for the side extensions, bring their overall height to just over 8 metres from the ground level. The two and a half storey rear extension is approximately 7 metres from the eastern boundary.

There is considered to be sufficient space between the two storey and two and a half storey extensions and Byways to avoid the development being overbearing on this property or result in significant additional overshadowing/ loss of light. The proposed side extension has a double ridged roof and is hipped, which also help to reduce its impact on Byways.

### ***Side Elevation facing Byways:***



In respect of the impact on the privacy on Byways, kitchen and bathroom windows are proposed at ground floor level, bathroom windows and a secondary bedroom window at first floor level and roof lights lighting bedrooms and a bathroom at roof level on the eastern side elevation.

The applicant has indicated on the plans that the windows on the eastern elevation will be obscured. This is considered reasonable to prevent overlooking of Byways, including at ground floor level given the raised floor level proposed and this has therefore been recommended as a condition (**Condition 7 refers**), along with a requirement for them to

be non opening up to 1.7 metres from floor level. The proposed roof lights are shown at a high level in the roof and based on their siting within the roof plane would not result in a loss of privacy to the adjacent dwelling.

It is acknowledged that the development would alter the outlook from byways, however, the depth/size, and distance from the boundaries, garden and windows on byways are considered to be such that there would not be a demonstrably harmful impact on the living conditions of the neighbouring occupiers.

In respect of the impact on the proposed house behind (plot 2), the extended rear elevation of Sunbeams would be approximately 16 metres from the boundary, with a further 3.5 metres to the proposed windows of plot 2. The windows proposed on the southern elevation of plot 2 which directly face Sunbeams are an obscured utility room door at ground floor level, stairwell glazing extending from the ground floor level to the eaves and a roof light lighting an ensuite bathroom. The proposal is therefore not considered to have a significant impact on the privacy of the proposed dwelling at plot 2 and is too far away from it to be considered overbearing, or result in additional overshadowing/ loss of light.

*Layout of Development approved by Planning Permission 2019/00597/FUL:*



In terms of neighbour impacts on other properties, the side elevation of Sunbeams is approximately 16 metres away from the boundary of Lon Twyn to the west, and 47 metres away from the dwelling itself. The front elevation of Sunbeams is approximately 25 metres away from the boundary of Crossways to the south. It is considered the proposal is a sufficient distance from these properties not to adversely impact on their privacy or be overbearing, or result in additional overshadowing/ loss of light.

Given this is a proposal for residential development in a residential area, it is not considered that it would generate unacceptable levels of noise or disturbance.

The loss of private views from neighbouring properties is not considered to be a relevant

planning matter in the consideration of this application.

### **Amenity Space and impacts on future occupiers**

The Residential and Householder Development SPG states that new residential developments should be served by an adequate and useable provision of amenity space. For flatted developments, the standards require between 12.5 sq. m and 20 sq.m of amenity space per person, depending on the size of development.

The SPG sets out under para. 10.3 Key principles, which are:

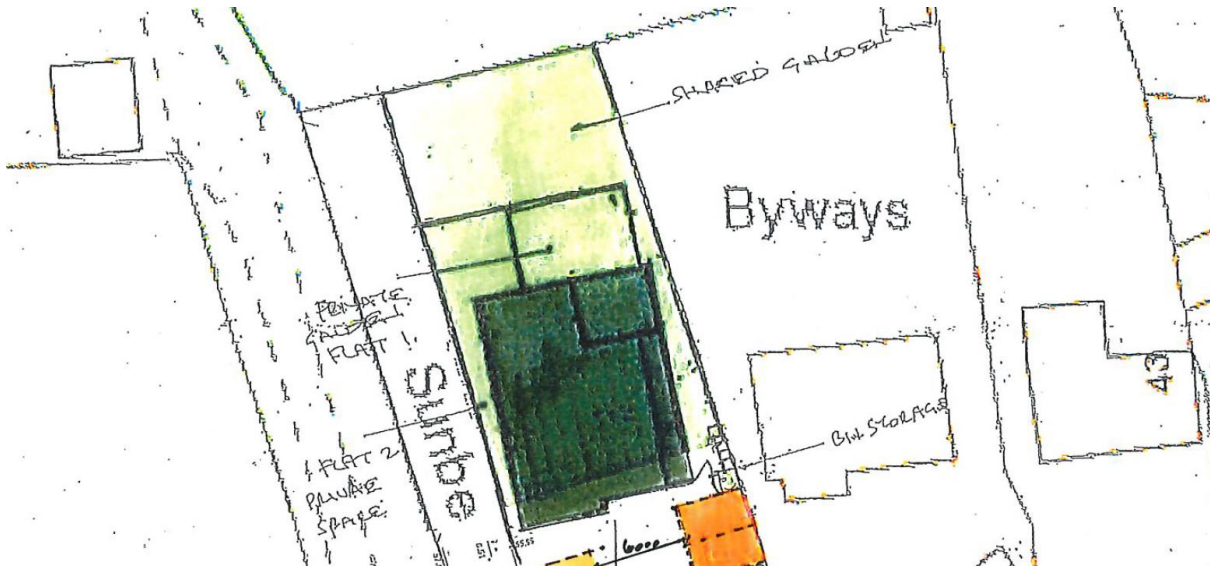
- i. Proposals for new houses or conversions to create new dwellings and new householder development must ensure that an adequate provision of amenity space is provided and maintained.*
- ii. Private (usually rear) gardens should be of a useable shape, form and topography.*
- iii. In flatted developments (including conversions) all units should be provided with direct access to amenity space within/through the site. Indirect access to amenity space (for example along the highway) will not be acceptable.*

The Residential and Householder SPG states that two bed flats are typically occupied by two persons and on this basis each flat would require 40 sq. m. of amenity space.

In respect of proposed amenity space, private amenity spaces are proposed for two ground floor flats measuring 38 square metres for flat 2 (excluding a potential pathway to the side of the building) and 54 square metres for flat 1, located to the rear and side of the property. A further 172 square metres are proposed as shared amenity space (excluding the pathway to the side and provision of bin store area), on the remainder of the site, to the rear of the private amenity space. The private amenity space for flat 2 is slightly deficient in size, but this is considered negligible when considering that the overall provision available, particularly in respect of the level of provision of shared amenity space, which itself would more than meet the required provision for 4 No. two bedroom flats.

On the basis of the above, the future occupiers of the property would be served by adequate and usable provision of amenity space and bin store facilities.

**Amenity Spaces:**



**Highway Safety, Traffic and Parking:**

Policy MD2 (Design of New Development) requires that development proposals should provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users and have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.

In respect of parking provision, parking spaces were originally proposed on the verge, but these have been removed from the plan. Six car parking spaces have been proposed in the existing front garden area, which is proposed to be surfaced and laid out as a parking area.

**Area proposed to be laid out for parking:**



The applicant has submitted a short parking statement advising that six parking spaces (rather than the maximum parking requirement for the site) would be provided because the development is aimed toward older people and it is considered they are likely to have

fewer cars. The latest edition of Planning Policy Wales promotes sustainable transport, active travel and lower levels of parking and on street parking is available if visitors require it. The applicant intends is to make one space available for flats 1-3, two for flat 4, and one for visitors.

Paragraph 5.1 of the Council's Parking Standards Supplementary Planning Guidance confirms that in accordance with national policy and guidance, the standards set out in the SPG should be interpreted as **maximum** rather than minimum standards. It also states that, in accordance with Planning Policy Wales, parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Schemes must be supported which keep parking levels down, especially off-street parking, when well designed.

For flats, the car parking standards require the provision of a **maximum** of 1 space per bedroom, with an additional visitor space per five flats. This results a **maximum** requirement of 9 car parking spaces.

In respect of the public concerns regarding the assertion that older people have lower levels of car ownership, as stated above, this is being considered as an application for general market housing. The potential age of the new residents is not considered a reason to accept car parking provision that is lower than the maximum standard. The main consideration in this matter is the location of the site, and whether it is sustainable.

On the plan within the Council's Parking Standards SPG, Twyncyn is within Zone C (Suburban) as it is within a "smaller settlement offering a range of local facilities". The edge of Dinas Powys Village Local Centre is approximately 500 metres from the site using the shortest walking route (Highwalls Road), on a route which has a footway and lighting for the most part. There is a bus stop for the 89A bus route here which provides 5 services each way during the day on Monday to Saturday. Cardiff Road Local Retail Centre is approximately 800 metres from the site, where the more frequent 95 bus service between Barry and Cardiff stops. Dinas Powys Railway station is approximately 900 metres from the site. These are considered to be reasonable walking and cycling distances for residents.

As such, it is not considered that asking the applicant to provide the maximum level of parking is justified. It is therefore considered that the provision of 6 spaces ( one space or flats 1-3, two for flat 4, and one for visitors) is sufficient and in accordance with planning policy and the maximum standards in the Parking Standards SPG.

A condition is recommended to ensure the parking area is provided prior to beneficial occupation of the development (**Condition 10 refers**).

In respect of cycle parking, it is recognised that the plans do not show any provision for this. For flats, the parking standards SPG requires 1 stand per five bedrooms, resulting in a requirement for two stands in this case. It is considered that the two flats with ground floor access and private amenity areas can provide their own arrangements for cycle storage if required, and that given the small scale of the development it would be more appropriate to provide the two spaces as individual lockable storage boxes for the upper flats within the communal areas. A condition is recommended for the provision of cycle storage (**Condition 9 refers**).



In respect of the provision of disabled parking, while the Parking Standards SPG states that visitor parking for residential development must take into account the needs of disabled people and adds that visitor parking must be designed as an integral part of any development where it is required and must take into account the needs of the disabled. However, there are no actual requirement within the SPG to provide disabled parking spaces for residential development. The SPG is a document which covers all types of developments of all scales, and it is not considered likely that a residential development of this small size would be subject to formal parking enforcement to ensure the appropriate use of such a space in any case.

In respect of access to the site for those with mobility difficulties, the parking area is provided adjacent to the building and the access to the building are proposed to be improved and surfaced (see below). It is not considered that the proposal would present access difficulties that are more significant than other residential developments.

In respect of the highway safety implications of the increased use of this access, there is a Public Right of Way from Highwalls Avenue along a path that emerges in front of the site. There are no footways at this point and no footways within most of Twyncyn. The site access connects with an unadopted lane, which serves Sunbeams and Byways and allows access to the PROW, and this lane then connects with the highway at the bend where Twyncyn, Beauville Lane and a private drive serving dwellings to the north meet.

This is an existing access arrangement and the increase in the level of traffic generated by the net gain of three residential units accessing the highway network is not considered significant, nor presents a significant highway safety issue, particularly given the fall back position of the extant planning permission for an extended five bedroom house. It is acknowledged that the two houses proposed to the north of the site would also generate additional vehicle movements, but combined these are still not considered significant. It is not considered that the additional traffic will put undue stress on the condition of the road.

At present the access is an overgrown single width driveway of approximately 3.5 metres in width, which requires either reversing into the site or reversing out. The access is proposed to be widened to 5.7 metres.

In respect of visibility, the applicant has submitted a short statement advising that they do not consider there are any issues in respect of visibility in respect of pedestrians using the Public Right of Way, pointing out there is a pathway worn to the south of the private drive and therefore a separation between the access and public footpath.

*Photograph from Visibility Statement:*



It should be noted that this pathway, while indicating a clear desire line for pedestrians, is not the definitive line of the public right of way.

*Public Right of Way (in purple):*



Notwithstanding this, the proposed widening improves visibility from the access and the surfacing of the whole of the area in front of the building allows for cars to turn within the site and enter and exit the site in a forward gear. These would improve the safety of the current access, particularly the ability of drivers emerging from the access to see those using the existing Public Right of Way.

In respect of the neighbour comment regarding the accuracy of visibility splays, these were on a previous plan and have been removed as they did not serve any purpose in demonstrating visibility when emerging from the access. Nevertheless, the proposal still is considered to improve visibility from the access, as set out above.

Details of surfacing have now been provided and the parking area is proposed to be be surfaced in block paving and the access apron in tarmac. However, and not notwithstanding this, a condition is recommended to require the access and parking area to be constructed from permeable materials, to ensure satisfactory and sustainable drainage of the newly surfaced area. The provision of the widened access prior to the occupation of the development and the laying out and surfacing of the parking area is also required by this condition (**Condition 10 refers**).

*Access and Parking Arrangement:*



It is not considered that the construction of this development will have any significant impacts on highway safety. The recommended condition for a Construction Environmental Management Plan (**Condition 8 refers**) requires details of parking provision to be provided for construction.

The applicant's agent has advised that the verge in front of Sunbeams is not fully within the applicant's ownership and is not apparently owned by anyone. Information provided by a third party suggests the applicant owns a strip of the verge adjacent to the wall and the rest of the land is unregistered with the Land Registry. The applicant has advised that he has an indemnified right of way over the access to the property. A certificate C has been submitted in respect of this advising a notice has been placed in the Western Mail due to this matter. The lane is unadopted and is not within the ownership of the applicant. Given that it appears that the property has been accessed via the lane and across the verge for some time, this is not considered to be a significant issue.

The access to the proposed houses to the north of Sunbeams has been marked on the plan and it is not considered that the proposal restricts access to these houses or would prevent the access drive being constructed in accordance with the approved plans. In response to a matter raised by neighbours, no access is proposed into Sunbeams from this proposed driveway nor from the existing private lane to the west of this site. A fence is proposed along this boundary and it is considered that access is more appropriate through the existing access point to Sunbeams.

It is considered that there is adequate space in the vicinity of the site for emergency vehicles to park if required.

In respect of any traffic impacts of future proposals for conversions of houses to flats in this area, these will need to be considered when any such applications are submitted.

Given the above, the proposed development is considered acceptable in respect of its impact on highway safety, traffic and in respect of parking provision, and is considered to accord with Policy MD2 (Design of New Development) in this respect.

#### Environmental Impacts

The applicant's agent has advised where there are kitchen/dining rooms over bedrooms, the applicant has indicated that he would comply with the requirements of BS8233 in terms of noise insulation. However, this is considered to be a matter for the Building Regulations to control rather than the planning process.

The advice provided by Shared Regulatory Services in respect of construction noise has been recommended as an informative note. A condition has been recommended for a Construction Environmental Management Plan in order ensure a plan is in place to limit the impacts of noise, dust and contractor parking during construction (**Condition 8** refers).

The note requested by Shared Regulatory Services in respect of unforeseen contamination has been recommended.

#### Infrastructure and Drainage

The proposal results in a net gain of three residential units and it is not considered that the additional units would place any significant additional stress on infrastructure, noting that we have not received any adverse comments from any consultees.

In respect of drainage and flood risk, Dwr Cymru Welsh Water have confirmed that capacity exists within the network for foul flows. In respect of surface water, given the area of development, including surfacing to create the car park, is over 100 square metres in

area, a separate consent will be required for the surface water drainage from the Council as Sustainable Drainage Approval Body (SAB). An informative note is proposed to be added to the decision notice advising of this.

The informative notes requested by Dwr Cymru Welsh Water have been recommended.

### Biodiversity

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

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

Para. 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that :

*“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity..... “*

In accordance with the above a Biodiversity Enhancement Strategy shall be submitted by way of condition (**Condition 12** refers).

### **Planning Obligations**

Policy MD4 (Community Infrastructure and Planning Obligations) requires that where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations.

In this case, the requirement, subject to viability is to provide affordable housing. The Council's requirement for affordable housing provision is 40% of the scheme (as set out in Policy MG4 of the Local Development Plan). Policy MG4 sets out that “on sites of fewer than 10 dwellings the affordable housing requirement will be calculated and any whole units shall be provided on site, unless exceptional circumstances are demonstrated, with the residual amount being provided as an equivalent financial contribution.”

For a scheme resulting in the net gain of three residential units such as this, this would equate to the provision of 1.2 affordable units, with the provision of one flat as an affordable unit on site and the remaining (0.2) provision being a financial contribution of £13,270.40 towards the provision of affordable housing off site.

The applicant submitted a viability appraisal in respect of the application, to appraise the profit a developer is likely to make from developing the site.

The applicant has provided a viability report suggesting that the proposed build costs are £1,294 per square metre which are considered reasonable for a development involving the refurbishment of the existing house and extensions.

The appraisal advises a land value of £850,000 and the applicant has provided evidence that he has bought the property for that price. The existing property is a five bedroom detached dwelling, but is dilapidated and needs significant work to it.

There have been few recent property sales in Twyncyn. However, having viewed the recent sale prices that have been recorded, and noting that there is an extant planning permission for extensions to the dwelling that were approved as part of planning permission 2019/00597/FUL, a value of £850,000 for the property as a single dwelling is considered appropriate.

In total, the gross development cost is advised to be £1,674,969.

The appraisal advises the sales values for the flats are expected to be between £375,000 and £500,000 per flat. Apart from one case, this is above the value of flats that have recently been sold in Dinas Powys, but it is noted that this is a street where property values are comparably high. The values given are comparable with recent sale values of higher value flats in Penarth. As such, the sales values are accepted, giving a gross development value of £1,750,000.

On the basis of the above, the appraisal concludes that the development would make a 4%-5% profit. This is below 15%, which is the threshold set within the Council's Affordable Housing Supplementary Planning Guidance and would leave no scope for an affordable housing contribution.

It is agreed that neither the provision of an affordable unit nor any contribution towards affordable housing is viable in this case. However, it is considered a Section 106 Agreement should be entered into to provide a review mechanism, to allow for the potential to recover a contribution towards affordable housing if the development is not built out relatively quickly given that circumstances in respect of build costs and land/sale values can change within that time.

It is recommended that the review mechanism should be triggered if the development is not practically complete within 2 years of the date of any planning permission being issued. The ceiling proposed for any future payment is £82,893.60, as this represents a 40% contribution towards the provider's costs of building three affordable 1 bedroom units, which is the size of unit for which there is the greatest need.

## RECOMMENDATION

Approve, subject to the applicant entering into a Section 106 Agreement for the following and subject to the following conditions:

In the event any of the flats are not Practically Complete on the trigger date, being 2 years following the date of planning permission being granted, the owner will submit an updated viability appraisal to the council, or should the planning permission have not been implemented at this point, prior to the commencement of development.

Should the appraisal demonstrate that an affordable housing contribution is viable, a contribution not exceeding £82,893.60 shall be paid towards the provision of affordable housing.

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:

CXZ5/1 Rev C Site Location Plan (received 20th October 2022)

CXZ5/2 Ground Floor Proposed (received 7th March 2023)

CXZ5/3 Rev A First and Second Floor Proposed (received 7th March 2023)

CXZ5/4 Rev C Front and Side Elevations Proposed (received 7th March 2023)

CXZ5/4 Rev B Rear and Side Elevations Proposed (received 7th March 2023)

CXZ5/5 Rev G Site Plan Proposed block plan (received 15th March 2023)

CYZ5/18 Rev G Site Plan Proposed (access and parking area (received 15th March 2023)

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. 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.

4. 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.

Reason:

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

5. 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 the terms of Policies MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

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

Reason:

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

7. Any part of the ground and first floor windows on the east elevation which are below 1.7m in height above the level of the floor in the room that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

8. 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) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- v) hours of construction;
- vi) management, control and mitigation of noise and vibration.

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 Policy MD7 (Environmental Protection) of the Local Development Plan.

9. The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

10. Notwithstanding the submitted details, prior to the commencement of development details showing the construction and surfacing of the parking area and widened access in permeable materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the widened vehicular access and the parking area have been provided and laid out as shown on drawing CYZ5/18 Rev G (15/3/23) and constructed and surfaced in accordance with the details approved by this condition, and the spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason:

To ensure that satisfactory access, vehicle 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.

11. No development shall take place until a scheme to enable the provision of gigabit capable broadband infrastructure from the site boundary to the flats hereby permitted has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To support the roll-out of digital communications infrastructure across Wales in accordance with Policy MD1 (Location of New Development) and Policy 13 of Future Wales.

12. No development or site clearance shall take place until a Biodiversity Enhancement Strategy addressing enhancement measures has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:

- a) Details of any bird/bat box provision
- b) Details of any landscaping features
- c) Details of any additional ecological enhancements

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.

### REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), 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 acceptable in respect of its design and visual impact, the provision of amenity space, impact on neighbour amenity, levels of parking provided, highway safety 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 Authority takes due diligence when assessing impacts in respect of contamination and unstable land, however the responsibility for**

**(i) determining the extent and effects of such constraints;**

**(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use (under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not**

benefit from an appropriate waste management license. The following must not be imported to a development site;

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

(iii) the safe development and secure occupancy of the site rests with the developer.

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

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

2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)
3. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
4. To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling

operations. Any demolition work needs to be done in accordance to HSE guidance.

5. The applicant is required to contact Highway Maintenance team ([networkmanagement@valeofglamorgan.gov.uk](mailto:networkmanagement@valeofglamorgan.gov.uk)) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.
6. 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.

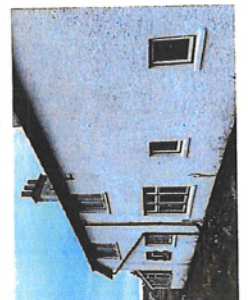
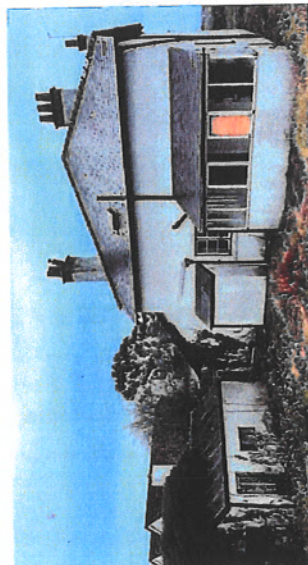
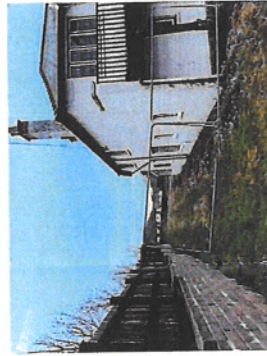
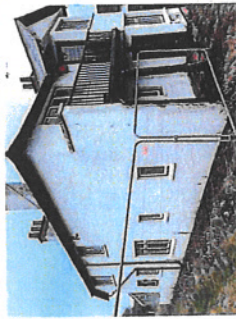
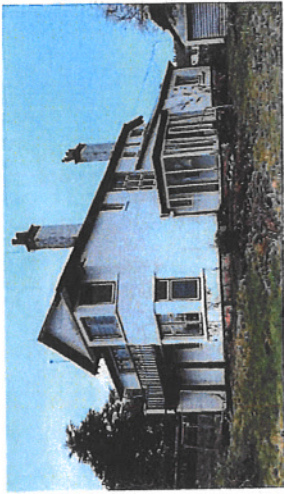
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

**PHOTOS—EXISTING**



SITE LOCATION PLAN 1:1250



**2022/00268/FUL**



**DTB DESIGN**  
 TEMPLE COURT 13a CATHEDRAL ROAD  
 CARDIFF CF11 9HA  
 TEL 029 2096 0088  
 dtbdesignservices@gmail.com

DRAWINGS TO PLANNING STAGE ONLY

REVISIONS

1. *Walls Avenue*  
 2. *Walls Avenue*  
 3. *Walls Avenue*  
 4. *Walls Avenue*

DTB DESIGN Architectural & Property Development Consultants

DESCRIPTION

DEVELOPMENT AT  
 SUNBEAMS  
 THE TWYNCYN  
 DINAS POWIS

FEB 2022

CXZ51

*1/10/c*

**2022/01113/RG3** Received on 12 October 2022

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

**AGENT:** Mr Mark Farrar The Creative Quarter, 8a Morgan Arcade, Cardiff, CF10 1AF

### **Land at Lower Cosmeston Farm, Lavernock**

Proposed new specialised school and associated access, landscape, and engineering works

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

The proposal is a full planning application for the development of the site by the Council's 21<sup>st</sup> Century Schools team for a new Special Educational Needs (SEN) school. The proposal is to expand upon the offer of the existing Ysgol Y Deri facility located in Penarth through the provision of a facility on the above site for 150 pupils.

The proposal would introduce a two storey 'T' shaped building to the northern edge of the site, adjacent to the boundary. The proposed school would be accessed from Fort Road to the south, with associated localised widening of the road to allow for vehicle manoeuvres associated with the school, visibility and a new active travel link from Lavernock Road. This would serve a staff car park towards the southern boundary and a parent pickup/drop off facility adjacent to the western boundary.

The plans also show ancillary outdoor facilities including a Multi-Use Games Area (MUGA), artificial pitch and playing fields inclusive of grass football pitch to the east of the site, in addition to associated drainage infrastructure and ecological mitigation.

The proposal has raised concerns from a number of interested parties and at the time of writing this report, circa 20 letters of representation had been received with regard to this application, in addition to circa 30 letters of representation with regard to application 2021/00876/RG3 which was a submission in outline for a broadly similar development. The main issues for objectors are in respect of contaminated nature, traffic, active travel, sustainability of the location; loss of greenfield land; visual impact; green wedge; impact on Cosmeston Lakes Country Park and the Medieval village; Ecological concerns including bats, loss of hedgerow and upon nearby designations; Archaeological impacts.

Whilst the proposal would result in tension with the allocation of the land as green wedge under Policy MG18, the proposal would provide for an identified need for a facility to provide for special education needs which are considered to outweigh any harm to the green wedge. As such the application is recommended for approval subject to conditions.

## SITE AND CONTEXT

The application site consists of circa 2.3 hectares of land at the junction of Fort Road and Lavernock Road as shown on the plan below:



The site is currently grassed and enclosed by established hedgerow to the roadsides with a former railway embankment running to the eastern edge. The site lies adjacent to the settlement boundary of Penarth but wholly within the countryside and the 'South Penarth to Sully' Green Wedge, in addition to mineral safeguarding areas for limestone, sand & gravel (all category 2) as identified within the adopted Vale of Glamorgan Local Development Plan 2011-2026. Proposed National Cycle Routes run along the north-western boundary of the site on Lavernock Road and along the railway embankment to the south-east, with the Ty-r-Osaf Site of Importance for Nature Conservation (SINC) to the south.

Members are also advised that land to the north of the site is known as 'Land at Upper Cosmeston Farm, Lavernock' and it is allocated under the Local Development Plan- Policy MG2 'Housing Allocations'.

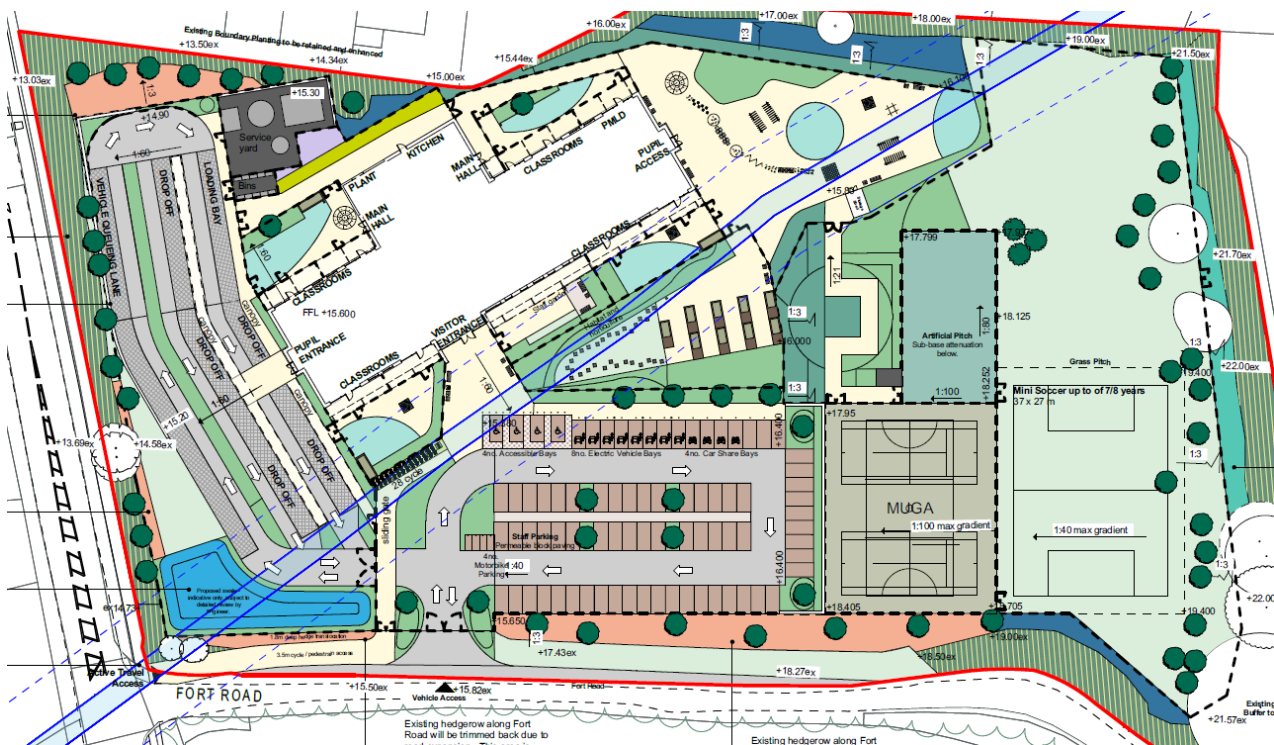
## DESCRIPTION OF DEVELOPMENT

The proposal is a full planning application for the development of the site by the Council's 21<sup>st</sup> Century Schools team for a new Special Educational Needs (SEN) school. The proposal is to expand upon the offer of the existing Ysgol Y Deri facility located in Penarth through the provision of a facility on the above site for 150 pupils.

The proposal would introduce a two storey 'T' shaped building to the northern edge of the site, adjacent to the boundary. The proposed building would have maximum two storey width of circa 78 metres, a depth of approximately 30.5 metres with approximate eaves and ridge heights of 8.2 metres and 9.9 metres respectively. A single storey rear projection of circa 6 metres depth is also proposed to the northern elevation. The building would be finished in a mix of materials, with predominant use of brick to the single storey and ground floor elements with a timber cladding to the upper floors. The roof would be constructed of standing seam material albeit with a predominantly green roof and a 'living wall' to the front facing gable end. Front and side elevations of the proposed principal building are shown below:



The proposed school would be accessed from Fort Road to the south, with associated localised widening of the road to allow for vehicle manoeuvres associated with the school, visibility and a new active travel link from Lavernock Road. This would serve a staff car park towards the southern boundary and a parent pickup/drop off facility adjacent to the western boundary. A site layout plan is shown below:





It is also shown to provide ancillary outdoor facilities including a Multi-Use Games Area (MUGA), artificial pitch and playing fields inclusive of grass football pitch to the east of the site, in addition to associated drainage infrastructure and ecological mitigation.

### PLANNING HISTORY

With regard to the application site the following application is of relevance:

2021/00876/RG3, Address: Land at Lower Cosmeston Farm, Lavernock, Proposal: Proposed new specialised school and associated works, Decision: Pending consideration (although in effect superseded by the current application).

Members are also advised that the following history is of relevance to land to the north of the site relating the residential allocation aforementioned:

2018/01431/SC1, Address: Land at Upper Cosmeston Farm, Lavernock, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

2018/01432/SC2, Address: Land at Upper Cosmeston Farm, Lavernock, Proposal: Request for scoping opinion, Decision: EIA (Scoping) - Further info required

2020/01170/OUT, Address: Land at Upper Cosmeston Farm, Lavernock Road, Penarth, Proposal: Outline application for residential development, a primary school, community space and public open space with all matters reserved other than access, Decision: Still under consideration

The most up to date amendment of the masterplan for the neighbouring site, indicating the location of the application site in yellow, is shown below for reference:



## CONSULTATIONS

**Sully and Lavernock Community Council** raise concern with regard to the location of the development; contamination of the site; impact upon the Green Wedge; suitability of the site access; potential for archaeological remains at the site; capacity within the local highway network and lack of active travel/public transport infrastructure; Lavernock Road prone to flooding; play space too removed from Sully and ecological impacts of the development.

**The Council's Highway Development section** were consulted and advise that potential queuing along Fort Road at peak times should be minimal in terms of queue lengths during peak times. However, with regard to the originally submitted layout, they requested that the footway cycleway be routed along Fort Road and verge area to the east of the access; footway adjacent to entrance not be obstructed; revised swept path analysis of the access and also that audit responses should be addressed within the submission.

Following the receipt of amended plans, the highway authority indicate that they are 'generally content with the proposals' including with regard to potential congestion on Fort Road; the revised access arrangements and the active travel link along the site frontage. As such they state that they have no objection subject to conditions relating to engineering works for the widening of Fort Road; condition surveys of the existing highway and details of Traffic Regulation Orders for the relocation of existing street furniture including signage. They also request that the applicant enter into a legally binding agreement to secure implementation of the proposed highways work.

**Chief Fire Officer** was consulted and advises 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 about the consultation’.

**The Council’s Economic Development Section** were consulted with regard to the proposals although no comments had been received at the time of writing this report.

**The Council’s Drainage Section** were consulted and initially advised that the site does not fall within a DAM Zone at risk of tidal and fluvial flooding and there is very low risk of surface water flooding to the site. However, they identify that there is a risk of surface water flooding within the adjacent highways of Lavernock Road and Fort Road. In terms of on-site surface water drainage they note that a SAB application is currently under consideration. However, in terms of flooding they initially raised concern with the level of information provided with regard to the magnitude and frequency of surface water flooding in the adjacent highway network and the potential impact upon the proposed use. As such they requested additional information with regard to this element of the works.

Following further discussion with the applicant and the Council’s Drainage Section, and the submission of the Flood Evacuation Management Plan (FEMP) and confirmation from the applicant received on 16 March 2023 that school occupants could potentially remain on site for 24 hours, they confirm that a suitable strategy should be able to be developed. As such notwithstanding the FEMP submitted, they request a condition requiring an amended FEMP be attached to any consent granted, to ensure the FEMP is agreed prior to the commencement of work.

**Head of Adult Services** was consulted although no comments had been received at the time of writing this report.

**Shared Regulatory Services (Pollution Control)** were consulted with regard to the application and request conditions relating to a Construction Environment Management Plan (including control of working hours, piling and asbestos) and further detail of noise/light pollution relating to the use be conditioned to any consent given. Following clarification they provide further advice with regard to noise and light assessments stating that they ‘are not essentially necessary pre-permission and pre-construction’ although advise that they should have regard to the best practice guidance in terms of lighting and acoustic standards.

**Glamorgan Gwent Archaeological Trust (GGAT)** state that ‘there is unlikely to be an archaeological restraint to this proposed development and therefore, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.’

**Cadw (Ancient Monuments)** were consulted. Whilst no comments were received with regard to the current application with regard to the previous application (2021/00876/RG3) they advised that ‘Our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.’

**Dwr Cymru Welsh Water** provided comments stated that they have no further comments to this latest consultation and request that previous condition and advisory note requested in relation to previous application 2021/00876/RG3 be attached to any permission given.

These comments indicate that no operational development shall be carried out within 10m of the centre line of the sewer crossing the site and that conditions be attached requiring details of the precise location of the sewer from the development; a method statement and risk assessment for the protection of the structural condition of the strategic sewer crossing the site and to ensure that no surface water/land drainage be connected directly or indirectly to the public system. Their most recent comments also indicate that no problems are envisaged with the Waste Water Treatment Works. Advisory notes relating to connection to the public sewer network and issues relating to water supply were also requested.

**The Council's Ecology Officer** was consulted and initially raised a 'holding objection' with regard to the original proposals on the basis of the information in relation to European and UK protected species (specifically dormice and bats) being incomplete. They also advise that the proposals should use seed mixes of a local provenance and request that a planning condition requiring details of a lighting plan/strategy be attached to any permission given.

Following the receipt of amended plans, they advise that the revised proposals allow for the retention of most of the hedge along Fort Road except at the location of the entrance, although noting some constriction between Lavernock Road and the entrance. They recommend that alternative tree species are utilised; consideration being given to a temporary dormouse bridge over the entrance to the site and also indicate that hedgerow along the northern boundary and seed material for meadows to be of local provenance.

**Landscape Section** was consulted although no comments had been received with regard to this application.

**The Council's Strategic Property Estates section** was consulted although no comments had been received at the time of writing this report.

**Sully Ward members** Councillor Mahoney and former Councillor Penrose previously provided comment with regard to the previous application at the site (2021/00876/RG3). They advise that in principle they have no objection to an additional school, they object to the site location owing to suggested previous use for landfill with associated risks including asbestos; flooding on site access; increased traffic; air pollution; loss of agricultural land; green wedge designation; ecological impact of the proposed works. Particular concern is raised with regard to previous use of the site and what was dumped there and lack of forward planning on behalf of Council given recent construction of Ysgol Y Deri facility on the existing site. Former Cllr Penrose also indicates that any development would be conditional upon the development of the residential site to the north.

**Transport and Road Safety section** was consulted although no comments had been received at the time of writing this report.

**Natural Resources Wales** were consulted and initially noted that whilst they have concerns with the application as submitted these concerns could be overcome if approved plans and documents are conditioned on the decision notice. They also initially noted that other concerns in terms of contamination and protected species can be dealt with by conditions relation to requirement for a construction environment management plan (CEMP); dormouse conservation plan (DCP) and a remediation plan for contaminated land.

Following the submission of amended plans with regard to the south-western corner of the site and works to Fort Road they do not object subject to the plans being conditioned as part of the suite of approved plans and the conditions noted above. Furthermore, following the submission of a further Protected Species Survey which found that dormice were absent they advise that a condition requiring a DCP would no longer be required subject to a condition subject to the recommendations of the submitted protected surveys report being undertaken.

Following further consultation and submission of the CEMP, NRW confirmed that they were satisfied with the CEMP addressed their concerns.

**Shared Regulatory Services (Contaminated Land, Air and Water Quality)** initially made comments with regard to the previous application and localised hydrocarbon contaminants identified within topsoil that would require further investigation and an appropriate remediation strategy/ground gas mitigation. Following the receipt of further information they confirmed that the ground gas regime would require no further measures. They also detail that subject to the development being undertaken in compliance with the recommendations section of the report, the development should be suitable for use.

As such they request that conditions relating to unforeseen contamination; imported soils and aggregates and use of site won materials, in addition to informative with regard to contamination and unstable land.

**South Wales Police** were consulted with regard to the application and state that they 'do not object to this development' and would like to work with the Developer so that school is able to achieve the Secured by Design Gold Award. As such they make a number of suggestions including with regard to enclosures, public access, car parking and lighting.

**Plymouth Ward members** were consulted and comments have been received from Councillor Ernest who indicates that noting the nature and complexity of the application, he believes a site visit and meeting with local members would be beneficial to allow them to understand the proposals. Notwithstanding this, he notes concerns with regard to the lack of transport orders, suitability of Fort Road, amount of traffic that would be anticipated for a development of this type along Lavernock Road, Fort Road and the wider highway network. Lack of right turn facility on Lavernock Road, active travel route and lack of suitable pedestrian safety measures.

## REPRESENTATIONS

The neighbouring properties were consulted on 25 October 2022, site notices erected on 1 November 2022 and advertised in the press on 3 November 2022. At the time of writing this report circa 20 letters of representation had been received raising the following concerns:

- Contaminated nature of the land owing to proximity to now closed Council run refuse facility and potential impact upon health
- Proximity to chemical works
- High levels of existing traffic and impacts from development
- Lack of adequate footpath/cycle infrastructure or public transport to serve the site
- Lack of suitable facilities for coaches
- Unsustainable location
- Damage to the environment

- Loss of greenfield land and visual impact upon landscape
- Design concerns
- Suggested alternative sites including existing school site
- Merging of settlements as a result of development within the green wedge
- Impact on Cosmeston Lakes Country Park and the Medieval village
- Overprovision of special education needs school within Penarth
- Ecological concerns including bats, loss of hedgerow and upon nearby designations
- Archaeological impacts
- Presumption for further development on sites adjacent to the site
- Flooding concerns including surface water flooding to local road network
- Concerns over drainage capacity within the local area
- Queries re consultation exercise and who had been consulted
- Contrary to Policy MG6 'Education Facilities' of the LDP
- Lack of community benefit

Members are also advised that circa 30 letters of representation were received with regard to application 2021/00876/RG3 at the site that raised commensurate points to the above in addition to concerns relating to:

- Use of Section 106 contributions would be inappropriate
- Sewerage capacity

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
 POLICY SP7 – Transportation  
 POLICY SP9 – Minerals  
 POLICY SP10 – Built and Natural Environment

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

POLICY MG6 – Provision of Educational Facilities  
 POLICY MG7 – Provision of Community Facilities  
 POLICY MG16 – Transport Proposals  
 POLICY MG18 – Green Wedges  
 POLICY MG19 – Sites and Species of European Importance  
 POLICY MG20 – Nationally Protected Sites and Species  
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

## POLICY MG22 – Development in Minerals Safeguarding Areas

### **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 MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

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

### **Future Wales: The National Plan 2040:**

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

#### Chapter 3: Setting and achieving our ambitions

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

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

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

#### Chapter 5 – The Regions

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

#### Policy 1 – Where Wales will grow

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

#### Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

#### Policy 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 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

#### Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

### **Planning Policy Wales:**

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

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

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

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

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

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Managing Settlement Form –Green Wedges

Paragraph 3.73 states that *‘When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation.’*



*3.74 Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.*

*3.75 The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:*

- justified rural enterprise needs;*
- essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
- limited extension, alteration or replacement of existing dwellings; or*
- small scale diversification within farm complexes where this is run as part of the farm business.*

#### Chapter 4 - Active and Social Places

- Transport
- Community Facilities

#### Chapter 6 - Distinctive and Natural Places

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

#### **Technical Advice Notes:**

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 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 – The Historic Environment (2017)

#### **Welsh National Marine Plan:**

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

## **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- 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 application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Severn Estuary Shoreline Management Plan Review (SMP2)
- The First Severn Estuary Shoreline Management Plan (2010)
- Green Wedge Background Paper (2013)
- Education Facilities Assessment (2013)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment

## **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 application is for the development of the site for a new Special Educational Needs School at land at Lower Cosmeston Farm. The development was originally proposed under application 2021/00876/RG3, an outline application (with landscaping and appearance as reserved matters), although this previous submission has been superseded by this application for full planning permission.

The site has historically formed part of the wider holding of Lower Cosmeston Farm. However, the land is currently being purchased by the Vale of Glamorgan Council from Welsh Government, and it is understood that the tenant farmer has now vacated the site.

### Principle of Development

Whilst the settlement boundary of Penarth runs in close proximity to the northern boundary of the site, this boundary is inclusive of the allocation within the current Local Development Plan for development at Upper Cosmeston Farm for up to 576 dwellings and a primary school. The application for the development of that site (2020/01170/OUT) currently proposes the provision of a single form English medium school. Noting this and the location of the application site beyond the settlement boundary, the site subject of this application falls within the countryside.

LDP Policy MD1 (Location of New Development) requires that new development on unallocated sites should: (inter alia) have no unacceptable impact on the countryside; reinforce the role and function of [...] the service centre settlements ... as key providers of [community] facilities; where appropriate promote new [community facilities] in the Vale of Glamorgan.

The site is currently pasture land although the site does have a particularly strong visual relationship as existing with the farmstead and associated buildings to the north of the site. Noting this and the allocation of the site to the north (that is also currently subject to a planning application) its development, including the new buildings extending outside the line of the settlement boundary, would satisfy this policy as the development would in time, visually relate to and support the role and function of the Penarth settlement. Any future review of settlement boundaries in an LDP review could address any settlement boundary issue.

Policy MG6 (Provision of Educational Facilities) of the LDP identifies land that is allocated within the plan period for educational facilities including The Penarth Learning Community, Sully Road, Penarth where the existing Ysgol Y Deri school is located. The supporting text indicates that this facility was intended to respond to existing demands for educational facilities rather than as a result of growth forecast in the LDP.

The application has been submitted to provide additional accommodation for children across the Vale of Glamorgan, with differing physical, health and educational needs that cannot be accommodated within mainstream education establishments. The proposals seek to supplement the existing Ysgol Y Deri Site, located off Sully Road in Penarth and will result in the education offer being provided across the 2 sites, with the proposed building primarily catering for education needs for primary-aged children although providing facilities for all ages (subject to individual needs).

The supporting information indicates that the existing Ysgol Y Deri was originally constructed to accommodate circa 205 pupils although this capacity has been extended to 320 places (now exceeded with 380 pupils currently on roll, suggestive of a requirement to address the shortfall in existing and future provision). The current proposals seek to provide a further 150 spaces on the Cosmeston site, with the submitted Design and Access Statement indicating that expansion on the existing site has been considered and exhausted.

## *Sequential Assessment*

Both Planning Policy Wales and Future Wales advocate a town centre first approach and indicate that a sequential approach to site selection should apply. Whilst this generally applies to retail, paragraph 4.2.31 states that 'the sequential approach applies to retail and all other complementary to retail and commercial centres. Other complementary uses include, for example [...] educational and other non-residential establishments (D1).' However, it goes further to state that 'some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary'. This advice is largely echoed within Policy 6 'Town Centres First' of Future Wales that states that 'significant new [...] education [...] facilities must be located within town and city centres', and that advice broadly relates to developments of a significant scale including those with a region-wide catchment. It is not considered that this proposal would be classed as such.

The supporting details provide an explanation of how expansion of the current Ysgol y Deri site was not feasible without significantly reducing the available space for pupils at the Penarth Learning Community campus. Having regard to the availability of sites of a comparable size (2 hectares), the statement identifies that no suitable sites were available within the settlement of Penarth and that this site, being relatively unconstrained and adjacent to the identified settlement boundary was the most suitable available site to allow for the provision of the expanded education offer, near to the existing school site and that would meet the requirements of the above policy provision. It is also acknowledged that much of the western extent of Penarth between Dinas Powys is also identified as Green Wedge, although there is currently only a separation between these settlements of circa 400 metres.

## *Green Wedge*

The site also falls within the 'South Penarth to Sully' Green Wedge as defined by Policy MG18 (6) of the LDP. Policy MG18 indicates that green wedges have been identified to prevent the coalescence of settlements to retain the openness of land, by restricting inappropriate development that prejudices its open nature, consistent with the advice within PPW. The Green Wedge Background Paper (2013) indicates that the South Penarth to Sully Green Wedge was designated to prevent urban coalescence between the settlements; ensure development does not prejudice the open nature of the land; to protect undeveloped land from speculative development and maintain the setting of built up areas.

Green wedges afford similar levels of protection to Green Belts, except as noted within paragraph 3.68 of PPW they '*are proposed and be subject to review as part of the LDP process.*' Paragraph 3.73 indicates that substantial weight should be afforded to harmful impact on the purposes of the green wedge designation, expanded upon by paragraph 3.75 that indicates inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the green wedge. Paragraph 3.75 of PPW provides a definition of forms of development that would not be inappropriate that include those *justified for rural enterprise needs; essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it; limited extension, alteration or replacement of existing dwellings; or small scale*

*diversification within farm complexes where this is run as part of the farm business. As such the provision of education facilities is not one of the listed exceptions.*

On the basis that the site forms part of the green wedge and the proposal seeks built development that does not meet the listed exceptions, the proposal would result in tension in terms of Policy MG18. 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. As such consideration must be given to all the policies within the LDP and whether the proposal as a whole would be considered in accordance with that plan and the weight of “material considerations” which could outweigh the proposal being contrary to one policy within the Development Plan.

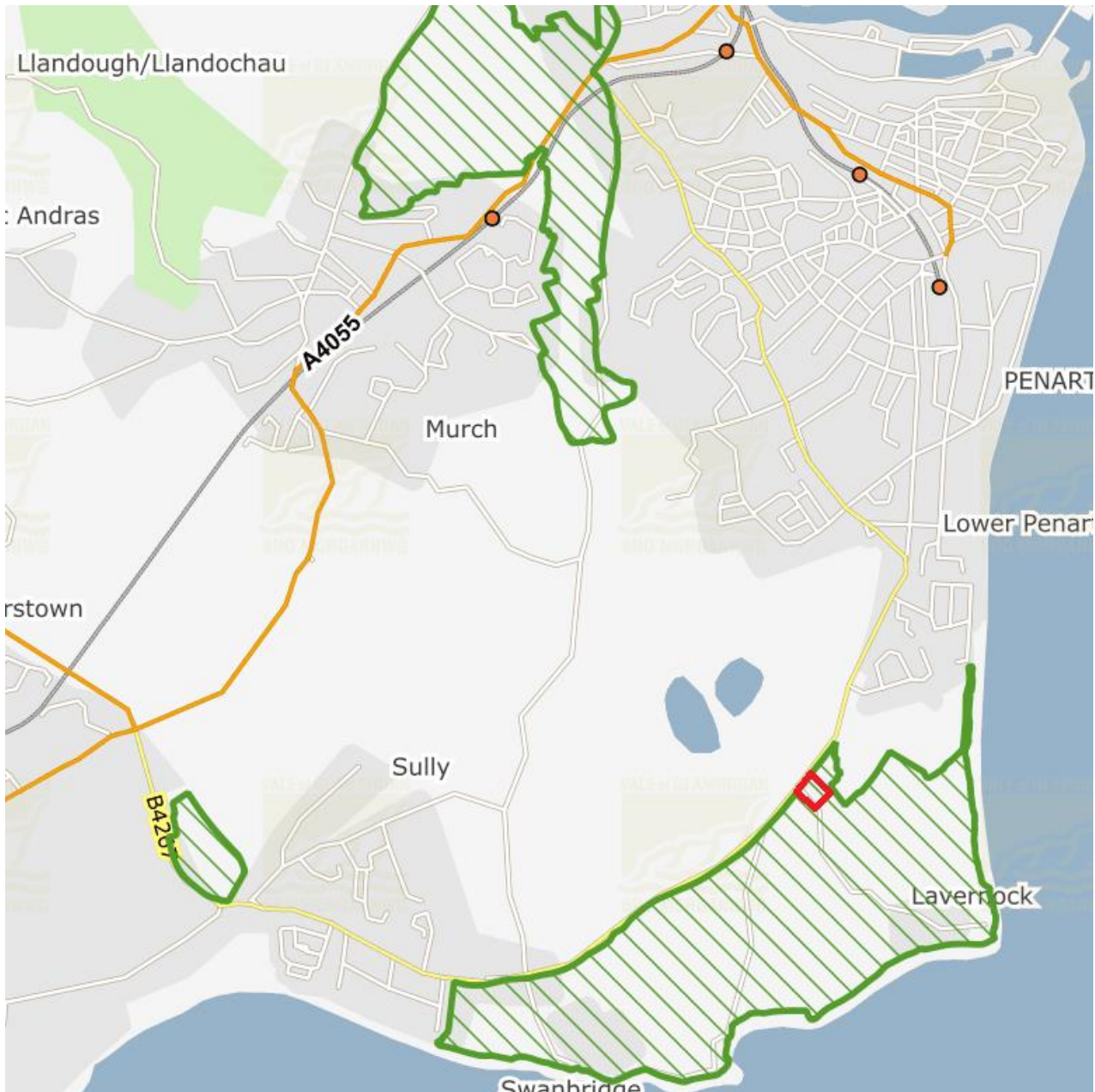
Notwithstanding this, PPW paragraph 3.78 does state that ‘other forms of development would be inappropriate development unless they maintain the openness of the... green wedge and do not conflict with the purposes of the designation.’

It is considered that significant weight should be afforded to the proposed use of the site, to provide for increased provision for special educational needs of pupils of Ysgol Y Deri, which has exceeded the anticipated capacity. Owing to the nature of the facility and the exhaustive site selection process detailed by the applicant, it is recognised that there are limited suitable sites within close proximity of the existing facility and this is considered to add significant weight in favour of the development in the balance against the designation as green wedge.

The proposed location of the building would be adjacent to the existing agricultural buildings in situ at the time of this application, some of which are statutorily protected owing to their listing. At the time of writing this report, those buildings recognised as being of historic significance are shown on the masterplan for the development of the neighbouring allocated site (2020/01170/OUT refers) to be substantially retained. Without seeking to prejudge the landscape and visual impacts associated with that development, it is considered that such a location would result in any development appearing contiguous with both existing and proposed neighbouring development within the allocated site and the settlement boundary, particularly in the event that the site allocated for residential development is constructed (noting the development subject of that application includes a relatively small area of green wedge (see plan further below). That outline application is at an advanced stage and there is no appreciable reason to assume that the allocated development should not be likely to materialise in time.

Noting the location and size of the building, the development as proposed has sought to largely maintain the openness of the land with circa 93% comprising the more visually open parking areas and green space that would remain free from buildings. As noted, the position of the building, adjacent to existing built form to be retained within built form and that allocated for future development under the LDP, currently subject of a planning application, would also assist in limiting the level of overall encroachment of buildings into the Green Wedge so as not to significantly impact upon its openness.

Noting the stated purpose of the green wedge within Policy MG18 to prevent coalescence of settlements, given the proximity to the defined settlement boundary of Penarth and the separation with Sully (circa 1 mile), it is considered that the proposal would not result in coalescence. Indeed a plan is shown below, detailing the position of the site and the extent of the currently allocated green wedge areas in the context of Penarth:



Much of the land excluded from the green wedge area that would be accessible from primary road infrastructure near to the existing Ysgol Y Deri, comprises Cosmeston Lakes and the Glamorganshire Golf Club and is therefore not available or suitable for such development.

Noting the identified need for such a facility, the need to be proximate to the existing Ysgol Y Deri campus and the lack of available sites it is considered that there exists an exceptional circumstance to allow a departure from the provisions of the Development Plan, particularly Policy MG18.

#### Agricultural Land Classification

The application site is primarily agricultural land which is made up of a single agricultural field, with hedgerows to the west, south and eastern boundaries.

Technical Advice Note 6 and Planning Policy Wales note that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output. Planning Policy Wales (11<sup>th</sup> edition) paragraph states that 'when considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance.'

Although the site is classed as agricultural land it has not been identified as Best and Most Versatile (BMV) land using Welsh Governments Predictive Agricultural Land Classification (ALC). The Predictive ALC identifies the land as Grade 4 which is poor agricultural land. On this basis it is considered that the proposals would not result in the loss of the BMV agricultural land and as such this does not represent an in principle reason to refuse planning permission.

### Design, layout and visual impact

The proposals would introduce a new, two storey building located towards the northern end of the site, served by car parking and drop off areas adjacent to the southern and eastern boundaries of the site. As a result, the building would be set back from the Fort Road street frontage owing to the location of the proposed access and associated parking and servicing facilities. As such, the principal building would be set approximately 45 metres from the boundary with Fort Road at its nearest point and 33 metres from Lavernock Road to the west.

The proposed school is contemporary in terms of its form and materials and would introduce a two storey building within what is currently a grassed parcel of land (albeit the proposal has a low slung shallow pitch to the roof). The proposed material palette would predominantly utilise brick at ground floor level, timber cladding for the upper floors beneath a green roof and a green wall to the front projecting gable end. It would be read in the context of the adjacent farmstead buildings and the land allocated and proposed for residential development to the north.

The submissions are supported by a Landscape and Visual Impact Assessment prepared by HLM Architects dated May 2022, that provides an analysis of the likely visual impacts on landscape character and visual amenity, including from sensitive receptors, including Cosmeston Lake Country Park to the west. The LVIA concludes that the proposals will impose an additional backdrop of built form to the adjacent Medieval village that may have a moderate adverse effect, although this would be mitigated in time by maturation of landscaping. With regard to other impacts, the LVIA considers that these would be minor in their nature and only a minimal impact upon the openness of the green wedge would occur due to the largely open nature of the development.

Although the proposals would introduce a new form of built development, its general form, massing and design would reflect the function of the building and would not be out of character in terms of its scale to that found within the immediate vicinity, including the farmstead to the north. The established hedgerow to the western boundary with Lavernock Road would be maintained that would, coupled with the setback of the proposed building from this vantage point, assist in softening the impact of the development. Notwithstanding this, at least glimpsed views of the development would be possible from different vantage points surrounding the site, owing to the two storey height of the development and its large footprint.

The design of the building would introduce a positive composition of elevations that would reflect the purpose and proposed use of the site. The proposed materials and form of the building are intended to make the building appear more agrarian in terms of its finish and design. Whilst noting the more traditional and agrarian form of development to the north, it is considered that the scale of the proposals are appropriate, and would not appear incongruous in its context, particularly noting the existing farmstead and allocated residential use of the land to the north. Furthermore, noting the position of the building away from site boundaries, the retention of vegetated features and robust landscaping scheme proposed, it is considered that the proposals would not unacceptably impact upon the setting of the surrounding area including that of the Medieval Village and Cosmeston Country Park.

The submitted palette of materials reflect that the building has been designed to meet the needs of the 21<sup>st</sup> Century school programme and also to achieve a BREEAM 'Excellent' rating. The proposed material palette including the cladding and green roof, whilst not strictly matching that in the immediate street scene, in combination with the building's design, represents an interesting composition of elevations that are considered to be appropriate in their context. The use of a green roof would also assist in reducing the wider visual impact of the development by providing a vegetated feature to the most likely visible element of the proposed building. A condition should be attached to any consent granted however, requiring the submission of further details and samples (Condition 3 refers).

To accommodate suitable access and facilities to serve the proposed school, works are proposed to land adjacent to Fort Road, to facilitate localised widening, visibility splays and the footway/cycleway running along the site frontage. As existing Fort Road is a single track lane enclosed on both sides by established, mature hedgerow. Noting this, some trees and hedgerows would be removed to the northern edge of the road to accommodate the development particularly along Fort Road to the south to provide the access and footway cycleway (discussed in more detail later in the report). However, the amended layout indicates that much of the hedgerow would be translocated, behind the area to the widened, and that would in time and subject to suitable aftercare, re-establish. Whilst there would be a degree of alteration to the character of the lane as a result of the widening, it is considered that subject to a suitable scheme of translocation and a robust landscaping scheme, that the proposals would suitably mitigate any significant concerns with regard to the access works noted above. The existing lines of dense vegetation along the western and eastern boundaries would be retained with additional planting proposed, to help soften some aspects of the development.

Overall, whilst the proposed building would undoubtedly introduce a visible and contemporary designed building to the site, it is considered to be of an appropriate size, siting and design for its setting and proposed function. The proposed setback from the both the Fort and Lavernock Road frontages assists in mitigating the increased massing of the building and would result in the proposed building not appearing visually intrusive or incongruous, in accordance with policies SP10 and MD2 of the LDP.

### Historic Environment

The application is supported by an Archaeological and Heritage Assessment. This identifies that within 1km of the site there is one scheduled ancient monument and 2 listed buildings, although it concludes that the significance of these designated assets would not be affected by the proposed development of the site.



The application is also supported by a Heritage Impact Assessment, prepared by HCUK, dated September 2021. This indicates that owing to the loss of the wider agricultural context in which the farmstead may be appreciated, the proposals would result in a slight negative change in the significance of the building. The proposed building would have a degree of intervisibility with the listed farmhouse at Upper Cosmeston Farm itself, recognised for its special architectural and historic interest as a rare surviving pre-1700 farmhouse. However, owing to the maintained separation (circa 44 metres), it is considered that the proposal would not unacceptably detract from the recognised significance of this building or the reasons for its listing. Whilst there may be a limited degree of impact to its setting owing to the change from agricultural land to the use of the site as a school, it is considered that owing to the maintained separation and largely open nature of the proposed use of the site, it would adequately preserve its setting. It is however considered that while the impact on the setting of listed building is afforded not insignificant weight, any change to the setting is outweighed by the above issues relating to the critical need for this important development.

In terms of archaeology, the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, note that following the identified potential for archaeological remains, a field investigation including 14 trenches was undertaken. As a result they indicate that it is therefore unlikely that significant archaeological remains would be encountered during the course of the application, whilst also noting that the farm would be preserved in situ. Noting this they advise that there would not be archaeological constraint that would restrict the grant of planning permission.

Cadw have also been consulted with regard to the potential impact of the works upon scheduled ancient monuments within the vicinity of the application site, although advise that they do not consider that they would be adversely affected.

Noting the above, it is considered that the development would not adversely affect the identified historic assets, in accordance with Policies SP10 and MD8 of the LDP and the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

### Ecology

The application is supported by a Preliminary Ecological Appraisal dated June 2021, that recognised the potential for invertebrates, reptiles, common amphibians, breeding birds, bats, dormouse, badger and hedgehog. It recommended additional survey work to assess the presence of important hedgerows and surveys for dormice, reptile and bats.

As a result the application is supported by further survey work within an Interim Note relating to Protected Species prepared by Soltys Brewster dated July 2022. This survey work found no evidence of the use of the site by badgers, dormice or reptiles, although low bat activity was recorded across the site with common and soprano pipistrelle bats identified foraging along the site boundaries, in addition to Noctule, Serotine and Myotis. Further Protected Species Survey Reports prepared by Soltys Brewster dated October 2022 and February 2023 provide further details of bat surveys and note the lack of presence of dormice, in addition to a proposed scheme of mitigation in support of the application.

The hedgerow appraisal provided in support of the application, also undertaken by Soltys Brewster, details that neither hedgerow is classified as 'important' for the purposes of the Hedgerow Regulations, although this does not definitively judge their identified ecological value.

As such it is considered that there may be impacts upon protected species including bats and dormouse, although it is noted that this could be adequately addressed through appropriate mitigation and enhancement, including a suitable lighting plan. NRW indicate that surveys in 2022 confirmed the presence of Dormice on the wider Cosmeston Farm site. They welcome the retention of the majority of boundary hedgerow and that an appropriate lighting scheme would be sought, that would also be of benefit to bats utilising the site. Following the submission of amended ecological reports NRW have confirmed that a Dormouse Conservation Plan would not be required, and are satisfied that that provided works are undertaken in accordance with the approved plans, lighting plan and with the recommendations of the submitted ecological reports, that this can be sought by way of condition attached to any permission granted (condition 20 refers).

Concerns were initially raised by the Council Ecologist with regard to the lack of updated survey work with regard to bats and dormice. Concern was also raised with regard to the loss of hedgerow to facilitate the access requirements and to the north-eastern boundary in addition to the lack of adequate proposed landscaping. Following the receipt of amended plans, the Council's Ecologist stated that they were satisfied the revised proposals allow for the retention of most of the hedge along Fort Road except at the location of the entrance, although noting some constriction between Lavernock Road and the entrance. Subject to suitable conditions requiring the details to be carried out in accordance with the approved details, a revised scheme of landscaping to include further details of enclosure to the north, seed mix and amended tree species adjacent to the entrance, potential dormouse bridge to the entrance that could be requested through the amended landscaping plan to ensure suitable species of tree/hedge are used adjacent to the entrance, it is considered that the matters raised can be adequately dealt with (conditions 18, 19 and 20 refer).

Policy MD9 of the LDP is most relevant to biodiversity, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. As such condition 21 has been added requiring further details of biodiversity to be provided.

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

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

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

In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

Policy MG20 seeks protection of nationally protected sites and species and requires development that is likely to affect protected species will only be permitted where it can be demonstrated that:

1. The population range and distribution of the species will not be adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate avoidance, mitigation and compensation measures are provided.

Following the receipt of amended plans and consultation with the Council's Ecologist and NRW they confirm that they are satisfied that the works can be undertaken subject to suitable conditions. NRW request that the works are undertaken in accordance with the submitted plans and that the implementation measures detailed within the protected species report, including hedgerow management and translocated, be required by way if condition. It is considered that that these matters, in addition to the matters raised by the County Ecologist, can be adequately controlled and secured in perpetuity by planning condition attached to any consent granted.

Although presence of dormice have not been established through the survey effort provided, it is acknowledged that the site to the north (subject of the application for residential development) is known to provide suitable dormouse habitat connected to the site and bats are known to forage across the site. As such as a precaution, the three tests relating to derogation are carried out below:

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

The use of the land would improve and complement specialist education facilities within the Vale of Glamorgan. The proposals subject to suitable conditions would also provide some degree of enhancement and ongoing management in the interests of identified species and provide potential benefits to biodiversity at the site.

Test ii) - There is no satisfactory alternative

The site has been identified as the most suitable site to address an identified educational need and is key to the meeting the Vale of Glamorgan's education needs. As such there are not considered to be satisfactory alternatives within the identified allocation.

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

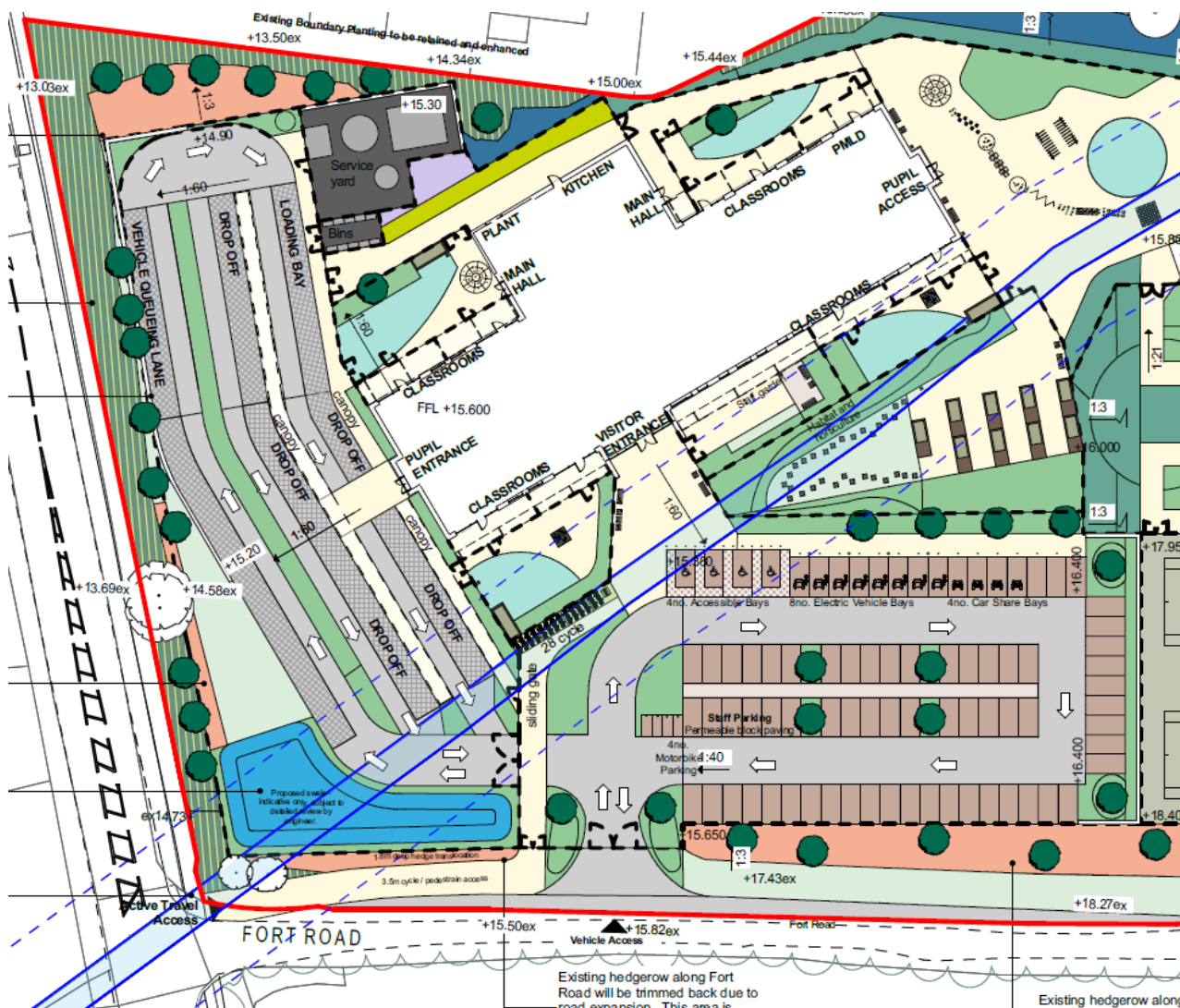
Natural Resources Wales have advised that on the basis of the recommendations contained within the submitted plans and ecological assessment, the assumed presence of dormice and the provision of conditions to secure suitable mitigation that they have no objection to the proposals. Similarly following receipt of amended plans the Council's Ecologist considers remaining issues can be dealt with by way of condition attached to any consent given. Therefore, subject to conditions attached to any consent granted, it is considered that the development would not be detrimental to the maintenance of the population of the protected species identified within the submissions.

Overall, subject to conditions, the proposal is considered acceptable in respect of the sites ecological value and enhancements in compliance with Policies MG19, MG20 and MD9 of the LDP.

### Transport and Access

The school site would be accessed from Fort Road, via Lavernock Road to the west. As aforementioned, the works, as amended, would include some localised widening along Fort Road, to facilitate the access, visibility splays to both the east and west and the provision of a footway cycleway along the frontage of the site. The site would be served loading facilities and a pick up and drop off facility in addition to a car park providing a total of 77 car parking spaces, inclusive of 4 accessible spaces, 8 Electronic Vehicle (EV) Bays and 4 car share bays. Following clarification between the Council's Education and Highways Development Sections, it has been confirmed that coaches would not access the site, although the site can suitably accommodate refuse vehicles.

The proposed layout and access arrangements are shown below:



The application is supported by a Transport Assessment (TA) prepared by Aecom dated March 2022 and subsequent Technical Notes (TN) in response to concerns raised by the Council's Highway Development Section. Based on the suggested capacity of the proposals for 150 pupils, the TA details that 154 two-way movements would occur during the AM peak hour (110 from the west and 44 from the east). Peak PM trips (16:30-17:30) are forecast to be significantly lower (80 movements), noting that the end of the school day would likely be earlier (circa 15:00). Associated traffic modelling within the TA and TN indicate that there is sufficient capacity within the local and wider highway network to accommodate the proposed development without causing unacceptable adverse impacts.

Following consultation with the Council's Highway Development section they have confirmed that they are satisfied with the submissions, including evidence that the impact, in terms of potential queuing and stacking along Fort Road would not be unacceptable during peak times. As noted, the proposals have been amended during the consideration of this and previous applications, to address some initial concerns including the routing of the active travel route to the front of the site and to ensure the access is suitable for future users.

Following these amendments, the Council's Highway Development section confirm they are satisfied with the proposals subject to conditions requiring further details relating to the access, widening of Fort Road, a condition survey and details of traffic regulation orders (conditions 13, 14, 16 and 17 refer).

Policy 6 'Town Centres First' of Future Wales requires that development of this form should be well served by active travel infrastructure and public transport. In this regard the proposals are providing active travel improvements along the site frontage that would link with existing infrastructure on Lavernock Road. In terms of public transport it is noted that there are two frequent bus services (88 and 94) that provide services to Barry, Penarth and Cardiff, with stops available on Lavernock Road adjacent to the junction with Fort Road and Cosmeston Lakes. Furthermore, noting the nature of the proposals and future users, it is likely that the number of trips by pupils by active travel/p would likely be limited noting the likely range of special requirements. The site would be well served by parking with pick up and drop facilities within the site.

The provision of 8 EV charging points would comply with the requirements of Policy 12 'Regional Connectivity' of Future Wales, that requires that requires a minimum of 10% EV provision where car parking is proposed for non-residential development.

Overall, therefore the highways impacts of the proposals have been assessed with a transport assessment, including of the potential impacts of the increased traffic generation that would result from the proposals. It is considered that the increase in traffic movements associated with the school would not be so significant to be unacceptable in planning terms. Furthermore, the submissions indicate that potential measures could be incorporated within a Travel Plan. Following consultation with the Council's Highway Development section it is considered that, subject to conditions, that the development would not cause any unacceptable impacts upon the local highway network or highway safety and would comply with relevant Policies within the adopted LDP including SP1 and MD2.

#### Impact upon amenity of neighbouring residential properties

The nearest residential property to the proposed school site is the farmhouse at Lower Cosmeston Farm immediately to the north of the site, that would be located in excess of 50 metres away from the building itself. Owing to the separation of the proposed building from neighbouring properties, it is considered despite the associated mass and bulk and position of the building, that the proposed building would not result in any unacceptable impact upon the amenity enjoyed by neighbouring residents in terms of overbearing or loss of light. Furthermore, noting the position of buildings associated with the farm, first floor openings within the proposed building and their separation from boundaries, it is considered that the proposal would not result in any unacceptable loss of privacy for the properties mentioned. Other properties are set significantly further from the proposal and therefore the impact of the building would not in itself result in any unacceptable detriment by virtue of loss of light or privacy.

There would be a level of noise emanating from the site when operational, particularly as a consequence of break times and outdoor sport. The Multi-Use Games Area (MUGA) has been positioned near the south-eastern boundary, a significant distance from the dwelling to the north. Whilst the school would undoubtedly result in a degree of associated noise and disturbance including the MUGA that would formalise the use of this particular part of the existing school grounds, it is considered that owing to the general operational hours of the use of the facility, that any potential noise or disturbance arising from the introduction of the school and its associated use would not be so significant to warrant refusal of planning permission. Furthermore, the applicant has confirmed that no lighting is proposed to the sports pitches or MUGA and therefore it is unlikely that any related statutory

nuisance would arise at this time and would require a subsequent planning application should they be required in the future.

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

### Land contamination

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including pollution of land, land contamination and hazardous substances.

It is acknowledged that concerns have been raised in the consideration of the application with regard to the historic use of the site and neighbouring site, including as a former Council landfill site. The submissions for the development of the site were initially supported by a Ground Investigation Report and a Ground Conditions Desk Study prepared by Hydrock, that include assessment of ground gas and contamination at the site. These assessments identify that some localised hydrocarbon contaminants at the site that will require further investigation to delineate the extent of exceedances and to determine the appropriate form of remediation strategy. In terms of ground gas, it was suggested that this assessment was ongoing.

Further documents including a Phase 2 Ground Investigation Report and additional to soil testing were subsequently submitted. Following consultation with SRS, it is noted that further ground gas measures would not be required, although radon measures would be required, however, SRS have advised that this matter can be dealt with adequately through the building regulations without need for further planning conditions. In terms of hydrocarbon contamination of the site, the additional report identify localised contamination, within the school footprint which SRS advise 'would need to be removed prior to construction of the school stockpiled separately and exported to an appropriately licensed waste facility.' Whilst SRS advise if the school footprint was to be moved these measures would need to be reviewed, they confirm that 'subject to compliance with the proposals within the 'Recommendations' section of the report, the development should be suitable for use.'

Natural Resources Wales also indicate that they acknowledge the proximity of the site to the historic landfill and request that a condition relating to unknown contamination be attached to any consent given. Whilst therefore it is acknowledged that one of the primary concerns relating to the development of this

It is noted that one of the primary concerns received within neighbouring representations relates to potential contaminants at the site. However, following consultation with relevant technical consultees, Shared Regulatory Services and Natural Resources Wales, it is considered that based on the information available, noting all of the above, and subject to suitable conditions (8-12 refer) it is considered that the safety of future users of the site would not be prejudiced in accordance with the requirements of Policy MD7 of the Development Plan.

## Drainage

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including flood risk and consequences (5).

The application has been supported by a Flood Consequence Assessment and associated addendum prepared by Hydrock.

This site is located within DAM Zone A considered to be at little or no risk to fluvial or coastal / tidal flooding, although it is noted that part of Lavernock Road to the north falls within DAM Zone B. NRW flood mapping indicates that in general there is a very low risk of surface water flooding to the site, although some of the areas to south and west of the site on Lavernock Road are noted as being prone to potential surface water and small watercourse flooding to be of medium and high risk on Lavernock Road to the south and west, including at the junction with Fort Road from which the proposed school would be accessed, with Fort Road also noted as being at medium risk of flood risk. Whilst therefore the site itself is at low risk of flooding, there are potential issues with regard to the surrounding highway network. NRW have raised no objection with regard to this matter, although following the initial round of consultation the Council's Drainage section they raised concern in relation to surface water flooding that could affect the access and egress from the site. Following discussion with the applicant and the Council's Drainage Section, it was confirmed that facilities would be provided to allow users of the site to take refuge within the site for at least 24 hours, if ever required. In consultation with the Council's Drainage section, it is considered that the principle of development of the site is acceptable subject to suitable measures being incorporated within a Flood Evacuation Management Plan (FEMP), to ensure that in the event of flash flooding that suitable refuge would be provided for all occupiers of the site. Whilst the submitted FEMP has not yet fully addressed the issues raised by the Council's Drainage Engineer, it is considered that subject to a suitable condition, requiring the submission and agreement of a revised document prior to any works commencing on site, officers are satisfied that this matter can be adequately dealt with to safeguard the health and wellbeing of future users of the site. As such, condition 22 is proposed to address these concerns.

It is indicated from the submitted details that surface water generated by the proposed development will be treated and attenuated by the use of SuDS features in the form of permeable surfaces, rain gardens and swales. During the course of the application, the layout and form of the drainage attenuation feature to the south west of the site has been amended to allow for the necessary alterations to the alignment of Fort Road and the associated changes to the active travel route to the site. Following consultation with the Council's Drainage Section they advise that the SAB scheme is suitable and has been approved under the SAB application process.

As noted on the plans the site is crossed by a large diameter sewer. Dwr Cymru Welsh Water have considered the submissions and advise that the main area of the site is outside of the 20 metre easement serving the development and indicate that they are satisfied that the associated sewer trace and associated risk assessment can be dealt with by way of condition attached to any consent. Whilst matters relating to water supply are raised it is indicated that this can be dealt with by way of an informative to any consent given and as such does not represent a reason to delay the grant of planning permission.



Whilst it is recognised that concerns have been raised with regard to drainage matters in representations received, in the absence of objections with regard to drainage constraints at the site have been received from the Council's Drainage Engineers, Dwr Cymru Welsh Water (DCWW) or Natural Resources Wales. The drainage of the site would be subject of SAB approval from the Council under the appropriate regime, and subject to the suite of suitable conditions and informatives suggested, it is considered that there is not a drainage constraint at the site that would prevent the grant of planning permission.

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

### Mineral safeguarding

As noted previously the site lies within a Mineral Safeguarding Area and as such Policy MG22 of the LDP is of relevance. This policy requires that known mineral resources of sandstone, sand and gravel and limestone to be safeguarded, with new development only being permitted where the identified criteria are met as follows:

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

Having regard to the above, it is considered that owing to the position within a green wedge and adjacent to the settlement boundary identified within the LDP, that the proposal would meet criterion 2 of this policy.

### RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

YYDE-HLM-00-00-DR-L-00001 (P05) 'Ysgol Y Deri – Primary School. Site Location Plan' by HLM Architects;

Historic Environment Desk Based Assessment Project Ref 06365A prepared by HCUK Group dated September 2021;

Heritage Impact Assessment 06365B prepared by HCUK Group dated September 2021;

Archaeological Evaluation report no 2022/024 prepared by GGAT;

Design and Access Statement ref YYDE-HLM-XX-XX-RP-A-00001 Revision P08;

Hedgerow Appraisal ref: E22107901/Doc 02 dated July 2022 prepared by Soltys Brewster;

Interim Survey Note, Protected Species Note ref: E22107901/Doc 03 dated July 2022;

Ysgol Y Deri Primary School Preliminary Ecological Appraisal Report ref: 60629450 prepared by Aecom dated June 2021;

Stage 1 – Road Safety Audit March 2022 prepared by ISG;

Technical Note 60629450 prepared by Aecom dated 09/09/2022; Planning Statement dated September 2022

Lighting Strategy 0002228379-EX-R2-270922; Tree Survey, Categorisation & Constraints Report dated May 2022; Tree Constraints Plan Ysgol Y Deri BS5837 20-048;

First Floor Plan YYDE-HLM-01-01-DR-A-00101 Rev P15; Sections - YYDE-HLM-01-XX-DR-A-00201 Rev P15; Elevations - YYDE-HLM-01-XX-DR-A-00301 Rev P15; Roof Plan YYDE-HLM-01-R1-DR-A-00101 Rev P13; Ground Floor Plan - YYDE-HLM-01-00-DR-A-00101 Rev P15

Site Access Circulation YYDE-HLM-00-00-DR-L-00008 P06; Proposed Boundary Treatments YYDE-HLM-00-00-DR-L-25001 Rev P12; Hard Landscape Sheet 1 of 3 YYDE-HLM-00-00-DR-L-30002 Rev P06; Hard Landscape Sheet 2 of 3 YYDE-HLM-00-00-DR-L-30003 Rev P05; Hard Landscape Sheet 3 of 3 YYDE-HLM-00-00-DR-L-30004 Rev P06

Soft Landscape Planting Plan Sheet 1 of 3 YYDE-HLM-00-00-DR-L-45002 Rev P05; Soft Landscape Planting Plan Sheet 2 of 3 YYDE-HLM-00-00-DR-L-45004 Rev P05;

Soft Landscape Strategy YYDE-HLM-00-00-DR-L-45001 Rev P13

Plant Schedule YYDE-HLM-00-00-SH-L-45005 Rev P06

Soft Landscape Planting Plan Sheet 3 of 3 YYDE-HLM-00-00-DR-L-45004 Rev P07

Electrical Engineering Services – External Lighting Services Layout ~YYDE MCP 01 XX DR E 29002 Rev P03 (As discussed Mark this is the other lighting plan which NRW have not signed off – can you confirm on this)

Document ref: YYDE-HYD-XX-XX-RP-G-00004 from Hydrock – Additional topsoil testing at Ysgol Y Deri 2 dated August 2021

Ysgol Y Deri 2 – Phase 2 Ground Investigation Report prepared by Hydrock dated 5 August 2021 ref YYDE-HYD-XX-XX-RP-G-00003

Proposed Site Layout – Facing Fort Road - YYDE-HLM-00-00-DR-L-00005 Rev P16;

Temporary Works Access YYDE-HLM-00-00-DR-L-00050 Rev P01

Protected Species Survey Report dated February 2023 prepared by Soltys Brewster  
Construction Environment Management Plan SWW0066 prepared by ISG

Proposed Drainage Layout Sheet 1 of 2 YYDE-JUB-XX-XX-DR-C-00500 Rev P7

Reason:

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

3. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved 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 their use in the development hereby approved.

Reason:

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

4. No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the strategic sewer adjacent to the development site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety in accordance with Policy MD7 of the Local Development Plan.

5. No development shall commence until a scheme demonstrating the distance and relationship of the development, for the protection of the structural condition of the 4m diameter public sewer located within the boundary of the development site, has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason:

To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety and to ensure compliance with Policy MD7 of the Local Development Plan.

6. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

Reason:

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

7. 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) 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.;
  - 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.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
  - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
  - xiv) Resource Management: details of fuel and chemical storage and containment and wastewater.
  - xv) 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.
  - xvi) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
  - xvii) 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 Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

8. All works shall be undertaken in accordance with the recommendations section of Hydrock, 11 August 2021; Additional topsoil testing at Ysgol Y Deri 2. Doc Ref: YYDE-HYD-XX-XX-RP-G-00004.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

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

9. 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 Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

10. 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.

11. 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.

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

Reason:

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

13. No development shall take place until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic

- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey

No building or use hereby permitted shall be occupied or the use commenced until any damage to the adopted highway has been made good to the satisfaction of the Highway Authority.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

14. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 13 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

15. Prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall include:
- Measures to encourage and educate a modal shift away from the private car to travel to school and minimise highway conflicts not only for staff but for all pupils and parents of the proposed school
  - A travel survey to be undertaken not more than six months of the facility and the results to be provided to the council's transport/highways departments. This should then be carried out on an annual basis.
  - A report to be provided to the Council annually reviewing the effectiveness of the travel plan and shall include any necessary amendments to the travel plan or additional measures to be implemented.
  - Measures to ensure appropriate and effective management of pedestrian and vehicular traffic
  - A timetable for monitoring and review of the travel plan for a period of not less than 5 years from the date of occupation and shall include any new measures as a result of monitoring
  - Measures for how the school will liaise with the Community regarding and traffic and transport issues.

The Travel Plan shall thereafter be completed/implemented in accordance with the approved details.

Reason:

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

16. Notwithstanding the submitted details, prior to the commencement of development, Full Engineering details (including details the proposed widening of Fort Road, active travel, street lighting and new vehicular access) shall be submitted and approved by the Local Planning Authority. The works shall thereafter be carried in accordance with the submitted details.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Public Safety in accordance with Policy MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

17. Prior to the first beneficial use of the development hereby approved, a scheme of localised improvements to Fort Road as required by condition 21 of this consent (including relocation of 30mph gateway and timescales for implementation) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented (by means of a Traffic Regulation Order if necessary) in accordance with the approved details.

Reason:

In the interests of highway safety and the free flow of traffic and to ensure compliance with Policies MD2 and MD5 of the LDP.

18. Notwithstanding the details shown on the approved landscaping plans, prior to the beneficial occupation of the development hereby approved, further details of the following shall be submitted to and approved by the Local Planning Authority:
  - Amended tree species either side of the vehicular entrance from Fort Road
  - Details of a temporary dormouse bridge to allow for the trees to mature
  - Further details for the continuity of the hedgerow to the northern boundary
  - The use of local provenance seed material for establishing wildflower meadows

Reason:

To safeguard local visual amenities and in interests of biodiversity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Biodiversity) of the Local Development Plan.



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

20. The development shall be carried out in full accordance with the recommendations set out in the Protected Species Survey Report dated February 2023 prepared by Soltys Brewster, including sections 3.36, 3.37 and 3.41 for ongoing management and monitoring.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

21. Prior to the commencement of development, an ecological design strategy (EDS) addressing enhancement measures shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved strategy. The EDS shall include the following:

- a) Details of bird box provision
- b) Details of any additional ecological enhancements

Reason:

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

22. Notwithstanding the submitted details, development shall not be commenced unless and until a revised Flood and Evacuation Management Plan (FEMP) has been submitted to and approved by the Local Planning Authority. The FEMP must include, but not be strictly limited to, details of Flood Risk and Protection Measures; site management and Flood Emergency Procedures before, during and after flooding.

The management and operation of the site shall thereafter be carried out in accordance with the approved details.

Reason:

To protect the health and safety of future users of the development and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan

### REASON FOR RECOMMENDATION

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

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Having regard to Policies SP1 'Delivering the Strategy'; SP7 'Transportation'; SP9 'Minerals'; SP10 'Built and Natural Environment'; MG6 'Provision of Educational Facilities'; MG7 'Provision of Community Facilities' MG16 'Transport Proposals'; MG18 'Green Wedges'; MG19 'Sites and Species of European Importance'; MG20 'Nationally Protected Sites and Species'; bMG21 – 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' MD4 'Community Infrastructure and Planning Obligations'; MD7 'Environmental Protection'; MD8 - Historic Environment and MD9 'Promoting Biodiversity' of the Vale of Glamorgan Adopted Development Plan 2011-2026, PPW 11, Future Wales, TANs 11, 12, 16 and 18 and the Councils SPG on Biodiversity and Development, Parking Standards, Sustainable Development – A Developers Guide and Travel Plans, whilst the proposal will result in tension with the allocation of the land as green wedge under Policy MG18, the proposal would provide for an identified need for a facility to provide for special education needs which are considered to outweigh its allocation as green wedge is considered acceptable, subject to conditions, having regard to the design, scale and visual impact of the buildings, impact on residential amenity and privacy, parking, highway safety, traffic, noise and odour ecology, archaeology and drainage.

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

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

### NOTE:

- 1. The proposed development is in an area where there are water supply problems for which there are no improvements planned within our current Capital Investment Programme AMP7 (years 2020 to 2025). In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network. For you to**

obtain a quotation for the hydraulic modelling assessment, we will require a deposit of £250+VAT. This fee is non refundable, however, if the developer wishes to proceed with the assessment the £250+VAT will be deducted from the final modelling costs.

2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.
3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
4. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.
5. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.
6. 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](mailto:sab@valeofglamorgan.gov.uk)

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

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

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

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

Notes

Check all dimensions on site. Do not scale from this drawing.  
Report any discrepancies and omissions to HLM Architects  
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Rev	Description	Date	By	Chk	Submittal
P05	ISSUED FOR PLANNING	06.10.22	SL	IB	
P04	Issue for Planning	23.03.2022	AMS	AMS	
P03	ISSUE FOR OUTLINE PLANNING	20.05.2021	AMS	GW	
P02	Issue for Planning	18.12.2020	AMS	AMS	
P01	FOR INFORMATION	18.12.2020	AMS	GW	

Revisions

Project

**15-1077-01**  
**Ysgol Y Deri -**  
**Primary School**



Client

**Vale of**  
**Glamorgan**  
**Council**



Title

**Site Location Plan**

Drawing No.

**YYDE-HLM-00-00-DR-L-00001**

Revision

**P05**

Scale @ A3

**1:1250**

Drawn

**SL**

Date

**06.10.22**

Checked

**IB**



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