

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 26 OCTOBER, 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:

2023/0003/RV	A	41, Gwenfo Drive, Wenvoe, CF5 6BR	Reversion Application - Two storey side/rear extension and single storey extension
2023/0006/PV	AC	1, Vere Street, Barry. CF63 2HX	Conversion of second floor flat to HMO flat
2023/0016/PO	AC	Green Acres, Machen, Caerphilly, CF83 8NX	Erect first floor extension and reconfigure existing roof and dormers, replace existing shed/log store and external alterations
2023/0017/PO	AC	125, Bassaleg Road, Newport. NP20 3NA	Remodelling of first floor flat over a chip shop
2023/0019/PO	AC	123, Gabalfa Avenue, Cardiff, CF14 2PB	Proposed Hip-to-gable roof extension with rear dormer, single storey side and rear extension(s), with part two storey rear extension with associated external works and internal alterations
2023/0314/BN	A	6, Uplands Crescent, Llandough. CF64 2PR	Loft conversion with rear flat roof dormer

2023/0359/BR	AC	38, Windsor Road, Penarth, CF64 1JJ	Conversion of building into restaurant/bar with a 2 storey extension to rear
2023/0427/BR	AC	Broadfields, Twyncyn, Dinas Powys, CF64 4AS	Enclosure of balcony
2023/0431/BR	AC	2, Washington Chambers, Stanwell Road, Penarth, CF64 2AF	Removal of internal non-load-bearing walls (removing walls that constitute store rooms between two small office rooms) to create one large room.
2023/0433/BR	AC	18, Andrew Road, Penarth, CF64 2NS	Proposed loft conversion
2023/0435/BN	AW	28, Pant-y-Celyn Place, St Athau, CF62 4PS	Single storey rear extension
2023/0437/BR	AC	Mary Immaculate School, Caerau Lane, Wenvoe, Cardiff, CF5 5QZ	285m2 new build extension to an existing school to provide additional classrooms and office.
2023/0438/BR	AC	114, Lavernock Road, Penarth, CF64 3RP	Internal remodelling and alterations.
2023/0440/BR	AC	21A, Lakeside, Barry, CF62 6ST	New dormer to the front of the property to replace existing roof lights
2023/0443/BN	A	32, Glastonbury Road, Sully, CF64 5PZ	Single storey extension less than 10m2
2023/0444/BN	AW	36, Munro Place, Barry, CF62 8BU	Single storey extension to enlarge the kitchen area (30m2)
2023/0445/BN	A	9, Caynham Avenue, Penarth, CF64 5RR	External insulation to small part of dwelling
2023/0446/BN	A	46, Brockhill Way, Penarth, CF64 5QD	Part garage conversion to create hallway/front door to create shower room in existing WC for disabled use
2023/0447/BN	A	The Gables, Methodist Lane, Llantwit Major, CF61 1RH	Integral garage conversion

2023/0448/BR	AC	68, Glebe Street, Penarth, CF64 1EG	Refurbishment of existing ground floor flat
2023/0449/BN	AW	15, Denbigh Drive, Boverton, Llantwit Major, CF61 2GQ	Two storey extension
2023/0450/BN	A	76, Fonmon Road, Fontygary, Rhoose, CF62 3BE	Detached garden room
2023/0451/BN	A	21, Trem Y Don, Barry, CF62 6QJ	Proposed single storey rear extension with fenestration alterations and a detached garage structure, all with associated works
2023/0452/BN	A	24, Crompton Way, Ogmore By Sea, CF32 0QF	Two storey side and single storey link to garage (no garage conversion)
2023/0453/BN	A	40, Cilgant Y Meillion, Rhoose, CF62 3LH	Full refurb following fire - notice for replacement windows and doors
2023/0454/BN	A	26, Beaufort Way, Rhoose, CF62 3BU	Single storey extension 19m2
2023/0455/BN	A	The Anstees, Duffryn Crescent, Peterston Super Ely, CF5 6NF	Removing 2 windows on the back elevation and replace with a 3 door sliding patio doors
2023/0456/BN	AW	52, Castle Avenue, Penarth, CF64 3QS	Two storey rear extension
2023/0457/BN	A	13, Coigne Terrace, Barry, CF63 3NU	Replacement of lintel
2023/0458/BR	AC	1-60, Pontalun Close, Barry, CF63 1QJ	New ventilation to roof space, installation of cavity closers at roof level, extending roof to receive EWI, replacement pathways and installation of new porchways to increase door openings.
2023/0459/BN	A	3, John Street, Penarth, CF64 1DN	Single storey extension and conversion of outhouse

2023/0460/BN	A	14, St Johns Place, Fontygary, Rhoose, CF62 3EB	Knock through
2023/0461/BR	AC	1, Kymin Terrace, Penarth, CF64 1AP	Replacement of an existing single storey lean-to shower/WC/Utility area, and internal alterations to relocate the existing Kitchen, with amended and widened window openings
2023/0462/BN	A	The Flying Start Building, Skomer Road, Barry, CF62 9DA	Installation of a single data outlet from the ground floor store where the data cabinet is located to the health visitors room adjacent
2023/0463/BN	A	22, Ffordd Cwm Cidi, Barry. CF62 6LH	Kitchen knock through and open up rear for large doors
2023/0464/BN	AW	65, Jenner Road, Barry, CF62 7HQ	Demolish of existing rear garage and re build with new
2023/0465/BN	A	5, Coleridge Avenue, Penarth. CF64 2SP	Removal of masonry column, install steel and padstones
2023/0466/BN	A	7, Rheidol Drive, Cwm Talwg, Barry. CF62 7HA	Knock through between kitchen and dining room
2023/0467/BR	AC	29, Eastgate, Cowbridge. CF71 7EL	Demolition of existing single storey rear kitchen extension and construction of larger replacement single storey kitchen extension
2023/0468/BN	A	6, Southey Street, Barry. CF62 8EY	New roof
2023/0469/BN	A	20, Davies Street, Barry. CF63 1BX	Re roof
2023/0470/BN	A	4, Llanover Street, Barry. CF63 2HD	Re roof

2023/0471/BR	AC	Treetops, Flanders Road, Llantwit Major. CF61 1RL	Ground floor single storey extension, first floor extension over existing and minor internal alterations.
2023/0472/BN	A	100, Crompton Way, Ogmore By Sea. CF32 0GF	Part conversion of attached garage to office space
2023/0473/BR	AC	Pen Y Lan Farm, Llysworney. CF71 7NQ	Two storey extension
2023/0474/BN	A	24, Lon Y Rheilffordd, Barry. CF62 5BP	Removing wooden plaster partition walls and the removal of a French door covering it into 3 leaf bifolding door
2023/0475/BN	A	30, Purcell Road, Penarth. CF64 3QL	Re roof
2023/0476/BR	AC	40, Clos Maes Dyfan, Barry, CF63 1SJ	Two storey side extension (First floor bedroom for disabled use)
2023/0477/BR	AC	3, Sycamore Avenue, St. Athan. CF62 4JW	Single storey extension to rear of property and addition of two storey extension located to gable side of existing property
2023/0478/BN	A	38, Westbourne Road, Penarth. CF64 3HF	Installation of upvc white d/glazed sliding sash windows (14 in total to front, rear and side)
2023/0479/BN	A	40, Westbourne Road, Penarth. CF64 3HF	Installation of 9 windows (6 no. upvc d/g sliding sash to front and 3 no. upvc d/g casement windows)
2023/0480/BR	AC	16, Rudry Street, Penarth. CF64 2TZ	Single storey rear kitchen / dining extension, stair flip and dormer loft conversion
2023/0481/BN	A	Countisbury, St Lythans. CF5 6BQ	Proposed single storey detached garage and gym.
2023/0482/BN	AW	11, Chantry Rise, Penarth. CF64 5RS	Single storey extension to front, dormer loft conversion and internal alterations

2023/0484/BN	A	31, Ivy Street, Penarth. CF64 2TY	Re roof
2023/0486/BN	A	South Point Primary School, Rhoose Way, Rhoose, CF62 3FD	Installation of multiple data outlets to the ground floor and the first floor of the building.
2023/0487/BN	A	St Helens Rc Junior School, Tynewydd Road, Barry, CF62 8BB	Installation of a single data outlet to provide data to a fire alarm system. Cabling
2023/0488/BN	A	Ty Gwyn, Castle Green, St Georges Super Ely, CF5 6EX	Internal adaption to kitchen/dining area
2023/0490/BN	A	35, Anchor Road, Penarth, CF64 1SL	Internal Alterations to form new showeroom and new door openings for adaptations for disabled child
2023/0491/BR	AC	Purlon Farm, Wick Road, Llantwit Major, CF61 1YU	Proposed double height extension with 18m2 ground floor and mezzanine above. Internal remodelling
2023/0492/BN	A	123, Fonmon Park Road, Fontygary, Rhoose, CF62 3BG	First floor extension over existing garage
2023/0493/BN	A	41, Cae Leon, Barry, CF62 9TF	Single storey extension to rear (3.8 x 3.2), integral garage conversion and loft conversion with dormer
2023/0494/BR	AC	4 Sunnybank, Cardiff Road, Dinas Powys, CF64 4LG	Single storey infill flat roof extension and internal remodelling
2023/0495/BN	A	3, Grange Court, 82, Cardiff Road, Barry, CF63 2NW	Installation of a MVHR system to box room to create a habitable bedroom-upgrade property from 1 bed to 2 bed
2023/0496/BN	A	12, Fairfield Rise, Llantwit Major, CF61 2XG	Re-roof
2023/0497/BN	A	21, Ffordd Cwm Cidi, Barry, CF62 6LH	Integral garage conversion

2023/0498/BN	A	30, Clive Place, Penarth, CF64 1AY	Demolition of single storey rear extension. Construction of single storey rear extension and single storey side extension
2023/0499/BR	AC	29, Merlin Close, Penarth, CF64 5FW	Two storey side extension
2023/0501/BN	A	25, Partridge Road, Eglwys Brewis, St. Athan. CF62 4NF	Re-roof
2023/0502/BR	AC	20, Machen Street, Penarth, CF64 2UB	Structural Alteration
2023/0503/BN	A	60, Beechwood Drive, Penarth, CF64 3QZ	Re-roof
2023/0504/BN	AW	19, Heol Gwerthyd, Barry, CF63 1HJ	Two storey rear extension
2023/0506/BN	A	17, Lon Fferm Felin, Barry, CF62 6LY	Knock through
2023/0507/BN	A	10, Cherry Close, Dinas Powys, CF64 4RG	Garage conversion and new attached garage to side elevation
2023/0508/BR	AC	Pebbles, Beach Road, Southerndown, CF32 0RP	Expansion of existing loft conversion with two new dormers and balcony. Increase in size of first floor dormer
2023/0509/BN	A	1, Old Cogan Hall Cottages, Sully Road, Penarth, CF64 2TQ	Single storey extension to kitchen less than 10m2
2023/0510/BN	A	56A, Plymouth Road, Penarth, CF64 3DJ	Internal alteration and fittings
2023/0512/BN	A	29, John Street, Penarth, CF64 1DN	Single storey rear extension and loft conversion with dormer.
2023/0513/BN	A	97, Cedar Way, Penarth, CF64 3PX	Single storey side extension
2023/0514/BN	A	11, Lavernock Road, Penarth, CF64 3NW	Single story first floor extension

2023/0515/BN	A	12, Cwrt Ty Mawr, Penarth, CF64 3PZ	Remove existing rear door and window, widen the opening by 80cm and replace with tri-fold doors.
2023/0516/BR	AC	32, Redlands Road, Penarth, CF64 2WH	Single storey extension
2023/0517/BN	A	82, Cornerswell Road, Penarth, CF64 2WB	Replacement of rear extension lean to roof and installation of steel lintel for bifold doors
2023/0518/BR	AC	36, Clive Place, Penarth, CF64 1AW	Proposal to join 2 of the 3 flats currently at 36, Clive Place, Penarth (Change of use under Regulation 5g)
2023/0519/BR	AC	42, Oxford Street, Barry, CF62 6NZ	Single storey rear extension
2023/0520/BN	A	29, Station Street, Barry, CF63 4LW	Removal of side and front of ground floor chimney. Installation of steel beams and steel plate.
2023/0522/BN	A	The Mount, City, Cowbridge, CF71 7RW	Installation of new sewage treatment plant
2023/0523/BN	A	Tynewydd, Gileston, CF62 4HX	Garage conversion
2023/0524/BN	A	Sunningdale, Victoria Park Road, Barry, CF63 2JS	Removal of interior walls, replace spiral staircase
2023/0525/BN	A	1, Ringwood Crescent, St Athan, CF62 4LA	Porch (under 10m2)
2023/0527/BR	AC	37, Clos Ogney, Llantwit Major. CF61 2SN	Single storey side and rear extension
2023/0529/BN	AW	1A, Spring Street, Barry. CF63 2PA	Single storey extension to rear

(b) Building Regulation Applications - Reject

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

2023/0426/BN	R	5, Tal Y Bryn, Penarth. CF64 3HT	Dormer loft conversion
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2023/0485/BN	R	18, Chantry Rise, Penarth, CF64 5RS	Rear single storey extension with associated works
2023/0505/BN	R	12, White House, Barry, CF62 6FB	Single storey extension and renewal of thermal element on glass structure. (roof only)

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

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

2023/0123/AI	A	4, Glan y Nant, Treoes, CF35 5EE	Single storey rear extension and associated works
2023/0124/AI	A	Hunters Lodge, Graig Penllyn, CF71 7RT	Single storey extension and structural opening
2023/0125/AI	A	4, Runcorn Close, Barry, CF63 2AN	Loft conversion with rear dormer and associated works
2023/0126/AI	A	3, Clos Yr Erw, Penarth, CF64 3RR	Loft conversion with rear dormer and associated works
2023/0127/AI	A	4, Church Avenue, Penarth, CF64 1AZ	Loft conversion with rear dormers and associated works
2023/0128/AI	A	Tim Vaughan Racing Ltd, Pantwilkin Stables, Aberthin, Cowbridge, CF71 7GX	Conversion of existing stables into a veterinary practice
2023/0129/AI	A	9, St. Quentines Close, Llanblethian, Cowbridge. CF71 7EZ	2 No. structural openings for insertion of windows to garage (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0130/AI	A	Rose Cottage, Westra, Dinas Powys. CF64 4HA	Formation of structural opening to accommodate installation of a lift
2023/0131/AI	A	Summerleaze, Welsh St. Donats. CF71 7SS	Replacement extension

2023/0132/AI	A	26, Crompton Way, Ogmore By Sea. CF32 0QF	Loft conversion with rear dormer and associated works
2023/0133/AI	A	Ty Hafan, Hayes Road, Sully, Penarth, CF64 5XX	Single storey rear extension
2023/0134/AI	A	Verber, Victoria Park Road, Barry, CF63 2JS	Internal structural alteration
2023/0135/AI	A	6, Parc Clwyd, Barry, CF63 1DS	Conservatory roof replacement with a Supalite warm roof
2023/0136/AI	A	14, Heol Fioled, Barry, CF63 1HB	Formation of structural opening to accommodate installation of a lift
2023/0137/AI	A	Foxwood, Treoes, CF35 5DL	Replacement conservatory roof to existing dwelling
2023/0138/AI	A	30, White Farm, Barry, CF62 9EU	Replacement of existing conservatory roof with equinox tiled roof
2023/0139/AI	A	10, Upper Cosmeston Farm, Penarth, CF64 5UB	Single storey rear extension
2023/0140/AI	A	Ty Gwyn, South View, Rhoose, CF62 3EN	Dormer loft conversion with balcony
2023/0141/AI	A	The Pinnacle, Block E, 1- 28 Trem Elai, Cardiff CF64 1TF	Internal and external fire safety remediation works to existing building to include replacement fire doors, firestopping works, drylining, plus cavity barrier remediation to various areas of the external walls including curtain walling, plus alterations to existing fire alarm system
2023/0142/AI	A	6, Cae Rhedyn, Graig Penllyn, Cowbridge, CF71 7SA	Garage conversion
2023/0143/AI	A	15, Cedar Road, Eglwys- Brewis, CF62 4JT	Enlargement of existing external structural openings
2023/0144/AI	A	92, Kingsland Crescent, Barry, CF63 4JS	Conversion of existing 7 No. bedroom dwelling to 3 No. two bedroom

			apartments, retaining existing two bedroom basement apartment
2023/0145/AI	A	39, St John's View, St Athan, CF62 4NZ	Replacement conservatory roof
2023/0146/AI	A	David's Wharf, Glanfa Dafydd and Cei Dafydd, Barry, CF63 4BG	Remediation of the external facades in respect of fire integrity for 11 No. blocks of residential apartments plus localised fire safety remediation internally
2023/0147/AI	A	110, Holton Road, Barry, CF63 4HH	Store fit out, including installation of accessible WC on the ground floor and knocking through the existing stairwell wall to incorporate a new doorway
2023/0148/AI	A	Unit 10 and 11, Llandough Trading Estate, Penarth Road, Penarth. CF11 8RR	Demolition of the existing ancillary accommodation, construction of new accessible WC in the warehouse, installation of LED lighting and internal / external decoration to existing industrial units
2023/0149/AI	A	10, Denbigh Drive, Boverton, Llantwit Major. CF61 2GQ	Replacement of existing porch roof with a GRP roof to provide balcony (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0150/AI	A	The Stables. City, Cowbridge. CF71 7RW	Two storey side extension with garage / basement area beneath (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0151/AI	A	West Lodge, Cross Ways, Cowbridge. CF71 7LJ	Two storey side extension and single storey side extension
2023/0152/AI	A	1, St. Davids Crescent, Penarth. CF64 3LZ	Two storey extension

2023/0153/AI	A	9, Merthyr Dyfan Road, Barry. CF62 9TG	Single storey rear extension and full internal refurbishment (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2023/0154/AI	A	15, Stanton Way, Penarth. CF64 5RQ	Proposed re-construction of existing dormer bungalow roof including gable ends to include structural alterations and associated works
2023/0155/AI	A	Burger King (UK) Ltd, Cross Retail Park, Cophorne Way, Culverhouse Cross. CF5 6EH	Interior rebrand and exterior cladding upgrade
2023/0156/AI	A	Cardiff International Airport, Rhoose. CF62 3BD	Internal alterations to existing building to include refurbishment works to existing first floor kitchen

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 OCTOBER, 2023**

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

2017/00841/6/N MA	A	Land at Northwest Cowbridge	Non Material Amendment - Re-wording of Condition 3. Planning Permission Ref : 2017/00841/RES Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works
2020/00040/FUL	A	Land at The Old Brocastle Quarry, Roman Road, Crack Hill, Bridgend	Alterations to existing access and creation of three traveller pitches to include a static residential

			caravan, touring caravan and day/utility room per pitch (partially retrospective)
2020/00453/1/N MA	A	Glen View, Croft John, Penmark	Non Material Amendment - To replace the approved timber garage doors on the amended PL-302 drawing with aluminium roller shutter type in anthracite grey. This will remain in keeping with the anthracite grey windows on the garage and existing dwelling. Planning permission ref: 2020/00453/FUL - Construction of a new detached garage, stable block and the demolition of an existing garage
2021/00241/1/N MA	A	The Hatches, Whitefield Farm Road, Aberthin	Non Material Amendment - Condition 6 of planning consent to read - Water supply details to be agreed in writing prior to occupation of holiday let. Planning permission ref: 2021/00241/FUL - Convert existing barn to new holiday let tourist accommodation, to include alterations to access and defining curtilage of development - works will incorporate demolition of existing lean to corrugated structures
2021/01555/1/N MA	A	1, Argoed Cottages, Llanharry	Remove Velux from rear hip as originally proposed. Velux will not fit in roof line/not feasible. Add two Velux windows size CK02 - 550mm*780mm to new gable roof at back of property. These Velux windows will be situated on

			<p>the left of the gable if you are looking at the roof from the rear of the property as indicated on the plan and their primary purpose will to be to provide light to the bedroom below.</p> <p>These windows will not project more than 150mm above the roofing plane</p> <p>Add two Velux windows to the side of the hip on the new extension as indicated on drawing. These will be Ck06 size 550*1180mm.</p> <p>These windows will be a light source to the bedroom and upper floor below.</p> <p>These windows will not project more than 150mm above the roofing plane</p>
2022/00786/FUL	A	106-108, Tynewydd Road, Barry	First floor extensions to provide additional bedrooms
2022/00888/FUL	R	Shorkott Farm House, Leckwith	New retaining wall and associated works
2022/00969/FUL	R	300, Holton Road, Barry	Change of use of first and second floor flat to three flats with first floor rear extension
2022/00979/FUL	A	1, Mill Barn, Mill Road, Boverton, Llantwit Major	External renovation to create glazed corner feature
2022/01084/FUL	R	New House, Pantwilkin Stables, Aberthin	Formation of event parking area for equestrian use (part retrospective)
2022/01085/1/C D	A	Pantylladron, St. Hilary	Discharge of Conditions 3 (Materials Details), 6 (Landscaping Scheme) and 8 (Programme of Archaeological Work). Planning permission ref: 2022/01085/FUL -

			Replacement dwelling and improved driveway access
2022/01091/LAW	A	St. Athan Community Council, Church Lane, St Athan	Installation of solar panels on roof
2022/01119/FUL	R	Flat 1, 298, Holton Road, Barry	Extension and conversion of rear annex from 1 to 2 flats
2022/01145/FUL	A	6, Pwll Y Min Crescent, Peterston Super Ely	Replacement of windows and front door
2022/01299/FUL	A	Catwalk, 27, Tynewydd Road, Barry	Change of use from hair/beauty salon (A1) to residential dwelling (C3)
2022/01330/FUL	A	Pen Y Bryn Farm, Llanmaes	Construction of rural enterprise permanent dwelling
2022/01341/OUT	A	Cardiff and Vale Orthopaedic Centre, University Hospital Llandough, Penlan Road, Llandough	Outline planning application with all matters considered in detail except landscaping, for the demolition and redevelopment of operating theatre space to accommodate the Cardiff and Vale Orthopaedic Centre
2023/00027/FUL	R	Badgers Hollow, Graig Penllyn	Proposed alterations to form new separate access and associated works
2023/00055/1/N MA	A	25A Archer Road, Penarth	Non Material Amendment - Original plans included two patio sliding doors on the first floor of the rear of the property. It was subsequently felt that two patio doors was not necessary and the second patio to the right side of the rear of the property would be better replaced with a smaller window instead.

			<p>Planning permission ref: 2023/00055/FUL: Amendment to previously approved rear extension scheme to bring dining area in line with approved games room</p>
2023/00080/LBC	A	73, Eastgate, Cowbridge	<p>Minor design changes to the plans and elevations. approved under listed building consent 2020/01585/LBC: Renovation of Grade II Listed vacant shop at 73 Eastgate and installation mezzanine structure. Renovation of rear cottage to create two apartments. Renovation and extension of rear coach house to create a new family dwelling. Provision of associated access, parking, landscaping and amenity space (amended plans and description)</p>
2023/00091/LAW	R	Plascelyn, Bonvilston	<p>Demolition of existing outhouse. Rebuild on same footprint extending by 0.8m to link to detached garage, new slated pitch roof and knock through existing wall to create larger kitchen. Extend existing garage, replace existing steel corrugated roof with pitch slate roof with roof of kitchen extension tying into garage roof. Renew existing clay sewer and grey water with plastic and create new soak-away for surface water</p>

2023/00094/1/N MA	A	Maerdy Newydd Farm, Bonvilston, Cardiff, CF5 6TR	Non Material Amendment - Condition No. 3 (Bat Mitigation) Planning permission ref: 2023/00094/FUL - Proposed alterations upgrading and extensions to existing farmhouse including demolition of existing sub standard pool room and replacement with new games room, changing room and plant room
2023/00107/FUL	A	The Vale Pavillion, Hensol	Two storey extension to form coach and official's changing areas, a store, boots off room, press conference/lecture hall, and WCs to the lower ground floor, with training and meeting rooms on the ground floor above. Solar panels to the extension roof. Extension of the existing terraced area to the ground floor to provide a viewing platform over the pitches. Two extensions to the lower ground floor, to accommodate the increased activation area (gym) and medical testing area requirements
2023/00118/FUL	A	5, Station Terrace, Peterston Super Ely	Internal alterations and double storey extension to rear annex. Attic conversion to provide additional bedroom
2023/00123/1/N MA	A	2, Wolfe Close, Cowbridge	Non-Material Amendment - An amendment 1. Addition of 1 no. Flush light rooflight over lounge area 2. Addition of 1 no. Flush light rooflight over Cupboard 3. Addition of 2 no. Sun Tunnels to front elevation

			4. Change Dormer wall finish from the tile hanging to vertical Cedar cladding (Natural finish) Planning permission ref: 2023/00123/FUL single storey front, side and rear extension with dormer conversion
2023/00162/FUL	R	272, Holton Road, Barry	New kitchen extract to rear of building
2023/00179/FUL	A	Plasnewydd, Bonvilston	Proposed alterations to existing front boundary wall to improve visibility and safety entering and leaving existing property
2023/00201/FUL	R	Teleview Kennels, St. Lythans	Conversion of existing single storey administration and accommodation building into a two storey dwelling and demolition of existing kennel blocks
2023/00211/CAC	A	Plasnewydd, Bonvilston	Proposed alterations to existing front boundary wall to improve visibility and safety entering and leaving existing property
2023/00244/FUL	R	8, Myrtle Close, Penarth	Existing conservatory demolished. New two storey side/rear extension and part single storey rear extension
2023/00252/FUL	A	Sunnymead, 13, Milton Road, Penarth	Single storey rear extension. Single storey garden store on side of property. New outbuilding encompassing a home office, hobby room and garden shed
2023/00256/LAW	A	19A, High Street, Barry	Use flat for Air BnB

2023/00259/FUL	R	Cwrt Yr Ala, Michealston Le Pit Road, Michaelston Le Pit	Provision of 5 new single storey low impact tourism holiday let properties within the confines of the walled garden at the Cwrt Yr Ala estate on the site of previous walled garden buildings. The application includes for essential repairs to the existing walled garden structure (curtilage structure to Cwrt Yr Ala House) and the re-landscaping of the old kitchen garden portion along with new designated parking spaces on the estate (adjacent to the walled garden) to serve the new accommodation.
2023/00260/LBC	R	Cwrt Yr Ala, Michealston Le Pit Road, Michaelston Le Pit	Provision of 5 new single storey low impact tourism holiday let properties within the confines of the walled garden at the Cwrt-yr-Ala estate on the site of previous walled garden buildings. The application includes for essential repairs to the existing walled garden structure (curtilage structure to Cwrt-yr-Ala house) and the re-landscaping of the old kitchen garden portion along with new designated parking spaces on the estate (adjacent to the walled garden) to serve the new accommodation.
2023/00275/FUL	A	10, Downs View, Aberthin	Proposed remodel of the dwelling, plus a ground floor rear extension to form a new kitchen, dining area, and an open plan family room

2023/00276/FUL	A	Land to the South and West of the Goodsheds, Barry	Variation of Condition 2 of Planning Permission 2021/01123/FUL - Proposed development of tourist accommodation, employment spaces and associated works
2023/00277/LBC	A	Village Farm, Llantrithyd Road, St. Hilary	Replacement of 16 softwood windows and 2 softwood doors with new Accoya hardwood 4/6/4 windows and doors
2023/00287/FUL	A	Unit 21, Atlantic Business Park, Hayes Lane, Sully	Existing empty unit to be changed to a cafe requiring change of use to A3
2023/00301/FUL	A	MOD St. Athan, Cowbridge Road, St. Athan	Construction of a temporary workshop at MOD St. Athan
2023/00309/FUL	R	1A, Hannah Street, Barry	Change of use B1 Commercial to C3 Residential. Coach house conversion to 2 bedroom dwelling
2023/00310/FUL	A	Land Adjacent to 24, Cedar Road, Eglwys Brewis	Proposed construction of 2 No. 4 bedroom detached dwellinghouses
2023/00318/FUL	A	73, Eastgate, Cowbridge	Minor design changes to the plans and elevations. approved under planning permission 2020/01584/FUL: Renovation of Grade II Listed vacant shop and installation of mezzanine structure. Renovation of rear cottage to create two apartments. Renovation and extension of rear coach house to create a new family dwelling. Provision of associated access, parking, landscaping and amenity space

2023/00339/FUL	A	1, Nant Talwg Way, Barry	Proposed two storey side extension with single storey front extension. Loft conversion works with addition of rear box dormer and detached garage with associated works
2023/00351/FUL	R	Homri Barn, Well Lane, St. Nicholas	Proposed garage and greenhouse
2023/00354/FUL	A	Gwreiddyn Farm, Logwood Road, Peterson Super Ely	Provision of turnout area / ménage (private use) with access track. Widening of an existing access to allow deliveries
2023/00372/LAW	A	Allt Isaf Alpacas, Greenfields Farm, Peterston Super Ely, Cardiff	Certificate of lawfulness for a dwelling
2023/00392/FUL	A	5, Heol St. Cattwg, Pendoylan	Loft conversion
2023/00410/LAW	A	21, Tair Onen. St. Hilary	Single storey rear extension within permitted development rights
2023/00416/FUL	A	Land off Chapel Terrace, Twyn y Odyn, Culverhouse Cross	To vary condition no of 1 of planning permission 2021/00017/FUL (Construction of new barn to be used for stabling and animal shelter with areas for feed/hay storage and maintenance of plant and machinery in connection with the land) to amend the design from that approved to that constructed and proposed within the revised drawings.
2023/00418/FUL	A	Greenacres, Llanbethery	Installation of a replacement balustrade on balcony at the front of the house

2023/00421/OBS	B	Penarth Methodist Church, Woodland Place, Penarth	Installation of solar panels to roof
2023/00449/FUL	A	126, Park Crescent, Barry	Provision of new slate roof with ridge parallel to Park Crescent to remove existing defective central valley and gutter
2023/00462/FUL	R	Vacant agricultural land with abandoned rural buildings forming a previous smallholding / farmstead, Bonvilston	Refurb. consolidation repair conversion of derelict farmstead to new dwelling including extension of 43m2
2023/00467/OUT	R	Field and Paddock, Land Near Crossways, Bonvilston	Proposed development is a single dwelling for residential use. This is to be in the form of a detached bungalow/ cottage with rear and front dormer loft rooms
2023/00468/FUL	A	Trinity Methodist Church, Woodland Place, Penarth	Installation of a new sliding door and roof mounted photovoltaic panels at the Penarth Methodist Church Community Hall
2023/00487/FUL	A	Leach Castle Farm, Bonvilston	New two storey side extension for kitchen and bedroom link to indoor swimming pool and new garage facilities
2023/00506/RG3	A	Land at Hayes Wood, The Bendricks, Sully	Removal of Condition 17 of Planning Permission 2021/00378/RG3 for the development of an affordable residential scheme for 53 units and associated works
2023/00520/FUL	A	7, Orchard Close, Wenvoe	Proposed roof conversion to form additional bedrooms including hip to gable roof adaption and raising eaves and ridge heights by approximately 800mm

2023/00538/FUL	A	13, Cwrt Y Vil Road, Penarth	Replacement of existing sash windows to UPVC and block up side door
2023/00540/FUL	A	Ty Hafan, Hayes Road, Sully	Ground floor extension to sanctuary building with external canopy
2023/00542/FUL	A	Morton, St. Mary Church	Erection of single storey rear extension, demolition of existing porch and the erection of a new porch addition
2023/00544/FUL	A	30B, Archer Road, Penarth	Replacement of existing wooden box sash windows with identical uPVC
2023/00545/FUL	A	5, Meadow View Court, Sully	Variation of Condition 2 - Plans Specification of 2021/01645/FUL Extend and change existing store into a family sitting area on ground floor and extend bedroom on first floor to form ensuite and dresser above family sitting and external alterations
2023/00547/FUL	A	5, Trebeferad, Boverton, Llantwit Major	Installation of an Air Source Heat Pump within 3 metres of a boundary wall
2023/00549/FUL	A	Double Cottage, Coldbrook Road West, Barry	Single storey rear extension, two storey side extension and alteration works
2023/00550/LBC	A	United World College Of The Atlantic, East Drive, St. Donats	To remove, restore and conserve three roofs - Building 42, Gatehouse and Brewhouse
2023/00555/FUL	A	37, Elfed Avenue, Penarth	Single/two storey rear extension

2023/00559/FUL	A	86, Crompton Way, Ogmore By Sea	Convert the existing roof to accommodate a new bedroom with a bathroom and study. Inclusion of a sea facing recessed dormer
2023/00562/FUL	A	2, Adenfield Way, Rhoose	Conversion of existing garage to utility room, provide new roof over alleyway between house and new utility room. Internal alterations and removal of rear conservatory. Provide bird and bat boxes to rear and side elevations
2023/00580/FUL	A	4, Bradenham Place, Penarth	New garage to rear of site accessed from lane. Provision of ancillary accommodation above garage to existing residential property
2023/00582/FUL	A	32, Redlands Road, Penarth	Demolition of the existing kitchen and utility room at the rear and replacement with a single storey kitchen and living area extension.
2023/00591/FUL	A	12, Llanmead Gardens, Rhoose	Ground floor rear and side extension
2023/00593/FUL	A	3, Station Terrace, East Aberthaw	Proposed remodel of the dwelling to include internal alterations, an attic conversion to form a master bedroom and en-suite bathroom, plus a ground floor rear extension and detached double garage
2023/00594/FUL	A	9, Heol Y Coed, Llantwit Major	Rear and side extension
2023/00595/FUL	A	142, Plassey Street, Penarth	Demolish existing single storey rear extension and side annex and construct new

2023/00599/FUL	A	70, Lakin Drive, Barry	Erect a conservatory and porch to the front elevation
2023/00600/FUL	A	15, Kestrel Way, Penarth	Demolish existing porch and construct new. Adapt existing garage (detached) and construct new single storey garden room
2023/00601/LAW	A	1A, Spring Street, Barry	Demolish existing conservatory, erect flat roof extension (single storey) to rear. Internal remodelling
2023/00603/FUL	A	Gorllwyn Forestry Holding, Pendoylan	Two storey side extension
2023/00604/FUL	A	55, Trebeferad, Boverton, Llantwit Major	Single/double storey extension plus associated works
2023/00609/FUL	A	21, Clement Place, Barry	Single storey rear extension and internal changes
2023/00612/FUL	A	16, St. Peters Road, Penarth	Double and single storey rear extension
2023/00614/FUL	A	8A, Friars Road, Barry Island, Barry	To convert from former care home to two bedroom residential dwelling with associated works (refer to planning application 2022/00423/FUL)
2023/00615/FUL	A	16, Rudry Street, Penarth	Ground floor rear extension and dormer loft conversion
2023/00622/FUL	R	Land adjacent Littlemoor Farm, Squire Street, Llysworney	Erection of a single dwelling house, single storey detached garage, landscaping, and associated works
2023/00623/FUL	A	54, Rhodfar Morwydd, Penarth	Install a gate to the driveway situated at the rear of the property

2023/00626/FUL	A	26, Crompton Way, Ogmore By Sea	Loft conversion with rear dormer
2023/00628/LAW	A	14, Cledwen Close, Barry	Single storey extension to rear of property
2023/00630/FUL	A	The Salt House, Church Street, Cowbridge	Proposed extension to roof on existing summer house (Salt Cellar) ridge height to remain as approved 2020/01057/FUL to provide shelter for new barbecue area. The application also confirms constructed heights of new wall adjacent to existing car park area
2023/00631/FUL	A	29, Merlin Close, Penarth	Erect a new two storey side extension and new off road parking space to front of property
2023/00633/FUL	A	75, Redlands Road, Penarth	Proposed single storey rear and side annexe extension
2023/00635/FUL	A	22, Norseman Close, Rhoose	Proposed loft conversion extension
2023/00637/FUL	A	11, Chantry Rise, Penarth	Demolish existing rear conservatory. Construct single storey front extension, hip to gable loft conversion with dormers, plus associated external works
2023/00638/FUL	A	92, Kingsland Crescent, Barry	Conversion of seven bedroom house (above existing apartment) into 3.no self contained 2 bedroom apartments
2023/00649/FUL	A	Tymynydd Farm, Welsh St. Donats	Two storey side extension to western elevation

2023/00650/FUL	A	Goodsheds, Hood Road, Barry	Proposed erection of an additional train carriage for the purpose of A1, A3, B1, D1 and/or D2 use
2023/00653/FUL	A	Primrose Cottage, Llancarfan	Development of existing garage and hobby room that forms part of Primrose Cottage
2023/00655/FUL	A	Merevale, 73, Boverton Road, Llantwit Major	Proposed single storey rear extension, dormer loft conversion and 3 storey stairwell extension to side elevation and associated internal alterations. Proposed detached garden annex
2023/00657/FUL	A	Wardens Flat, Gwenog Court, Cwm Parc, Barry	Installation of 8 number scooter store sheds
2023/00663/FUL	A	3, Park Road, Penarth	Demolition of an existing rear annexe and construction of a new single storey rear extension and a new attached garage to the side, with associated works to the garden and driveway
2023/00664/FUL	A	12A, Parklands, Corntown	Rear single storey extension / Internal re-arrangement / Cill drop of front window
2023/00667/LBC	A	East Hall, Fonmon	Undertake remedial repairs to structures of existing building: Like for like replacement of rotted floor joists, removal of damp plasterwork to make safe supporting structures
2023/00671/FUL	A	8, Denbigh Drive, Boverton, Llantwit Major	Continue the building line on the porch at the front of the house, to within 500mm to the edge of the house. Single storey with tiled roof to include main

			entrance to house and forward facing window
2023/00676/FUL	A	Wyndham House, Llantwit Road, St. Athan	Loft conversion with dormers to front and rear of property
2023/00677/LAW	A	5, Despenser Road, Sully	Use of the land for siting a mobile home for use ancillary to the main dwelling
2023/00678/FUL	A	Angelwood Lodge, Wick Road, Ewenny	Proposed first floor front and side extension and internal alteration
2023/00687/FUL	A	Tynytwod Cottage, Sandy Lane, Ystradowen	Demolish existing sunroom and build new single storey extension
2023/00690/FUL	A	6, Kennedy Rise, Barry	Single and double storey extensions to the side and rear, including material alterations
2023/00692/FUL	A	42, Oxford Street, Barry	Demolish existing ground floor rear lean to extension and construct new. All finishes to match existing
2023/00694/FUL	A	Ty Waun, Southerndown Road, St. Brides Major	Front and rear elevation roof extension to form feature glazed gables and single storey rear extension to form kitchen, family dining room
2023/00695/FUL	A	St. Brides Court, St. Brides Major	Construction of a garage outbuilding to compliment proposed two storey detached dwelling
2023/00696/FUL	A	H S B C, 1, Herbert Terrace, Penarth	Minor internally and external works to accommodate for branch closure. Removal of external ATM, with internal and external apertures in-filled with matching materials. Removal of

			external signage. Removal of internal branch furniture/equipment
2023/00698/FUL	A	21, Lakin Drive, Barry	Proposed first floor extension over existing garage and utility room, to provide 2 bedrooms, one with an en-suite bathroom and one with a Juliet balcony
2023/00699/FUL	A	10, Cherry Close, Dinas Powys	Conversion of existing garage to a day sitting room. Single storey extension to form new garage. Re-configuration of windows to east elevation, within lounge and kitchen/dining rooms
2023/00701/FUL	A	Ty Gwisgoed, West Street, Broughton	First floor extension with glazed balcony
2023/00702/FUL	R	4, St. Brides Road, Ewenny	New close boarded timber fence to front side of rear garden
2023/00710/FUL	R	29, John Street, Penarth	Three storey rear extension and Loft conversion with dormer.
2023/00712/FUL	A	18, Masfield Road, Penarth	Single storey rear extension, rear dormer loft conversion, double storey side extension and porch
2023/00714/CAC	A	72, Stanwell Road, Penarth	Demolition of lane wall and replace with metal gate and provide hardstanding
2023/00717/LAW	A	Ty Cadno, Pont Sarn Lane, Clawddcoch	Breach of agricultural occupancy conditions for a consistent period of 10 or more years.

2023/00718/FUL	A	16, Britten Road, Penarth	Expansion of existing loft conversion with 2x dormers, Juliet balcony to rear. Single storey extension to existing garage. New roof lights to existing single storey extension
2023/00719/FUL	A	Ruthin Fawr Farm, Ruthin Road, St Mary Hill	Construction of new annexe to house swimming pool, located to the side of the existing farmhouse
2023/00721/LAW	R	Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely	Certificate of lawfulness in respect of use as a storage yard (B8)
2023/00724/FUL	A	The Haywain, St. Mary Church	Variation of Condition 1 and removal of Condition 2 of 382(Z)1453 (3) Cord 175/70 - Dwelling in connection with pig unit adjoining Church Farm, St. Mary Church
2023/00727/FUL	A	3, Greenmeadow Close, Dinas Powys	Demolition of existing garage & construction of new storage area with one bedroom self contained studio
2023/00729/FUL	A	18, Rhodfar Morwydd, Penarth	Single storey rear extension
2023/00730/FUL	A	27, Heol Tre Forys, Penarth	Single storey rear extension
2023/00735/FUL	A	The Croft, Port Road, Nurston	Existing garage converted to utility room with window to front elevation. Brickwork and window to match existing. Rear single storey extension to kitchen area with flat roof and orangery style rooflight with bi-fold doors and windows in white to match existing house

2023/00736/FUL	R	Kailily Farm, Cnepyn Lane, Peterston Super Ely	Proposed adaptation of existing stable block to form 2 no. holiday accommodation units including new office/administration infill unit
2023/00737/FUL	A	Old Police Station, St. Johns Hill, St. Athan	Demolish existing toilet and rebuild with new roof layout. Adding external insulation to entrance porch and new access gate to drive
2023/00739/FUL	A	1, Old Cogan Hall Cottages, Sully Road, Penarth	Single storey extension on the side elevation of the existing property
2023/00742/FUL	A	ATC Centre, Dingle Road, Penarth	Construction of wheelchair accessible entrance lobby in order to form a link between the existing buildings
2023/00748/FUL	A	Southwinds, St. Lythans Road, St. Lythans	Demolition of existing two storey rear extension and erection of new two storey extension incorporating balcony and recessed glazed gable, the demolition of the existing rear balcony and replacement with new
2023/00749/FUL	A	12A, Market Street, Barry	Change of use from existing childrens play centre (D1) to Shops (A1) on ground floor
2023/00757/FUL	A	Agricultural field on Heol Y Nant, Llandow	Installation of Elsan waste tank, concrete block wall and drinking water stand pipes
2023/00760/FUL	A	1, Westward Rise, Barry	Proposed 1st floor side extension and part 2 storey front extension, two storey rear extension, new porch

			extension and 2nd floor mezzanine. Associated internal alterations and remodelling of property. Removal of existing 2 storey porch / part bathroom extension and 1st floor bay window
2023/00767/FUL	A	Holmwood Bungalow, Treoes	Proposed extension and conversion of garage into bedroom and en suite with link extension
2023/00768/FUL	A	7, Caer Worgan, Llantwit Major	Creation of a front porch
2023/00770/FUL	A	75, Penlan Road, Llandough, Penarth	Extension at the rear (6 metre). Juliette balcony. Knock front room and back room into one
2023/00771/ADV	A	Unit C, (Mothercare World), Culverhouse Cross	New internally illuminated fascia signage above shopfront in existing signage zones
2023/00774/FUL	A	Windways, 105 Main Road, Ogmere By Sea	Erect a tiled roof conservatory to the front elevation
2023/00776/FUL	A	237B, Holton Road, Barry	Change of use to Class A2 (Financial and Professional Services)
2023/00779/FUL	R	5, Ringwood Crescent, St Athan	Dormer loft conversion - Finishes as existing, dark tiles finish to dormer cheeks, grey/black upvc window unit, black fascia
2023/00783/FUL	A	The Cottage, Corntown Road, Corntown	Two storey rear extension and alterations

2023/00787/PNA	A	Groes Farm, Heol Y Mynydd, Southerndown	The proposal is to demolish an existing 1980s breeze block building and erect a new building in its place which is more suited to the farms machinery and modern day use
2023/00788/FUL	A	Pendinas, Southra, Dinas Powys	Removal of existing porch to front and garage to rear. New porch to front of property. New single storey extension to rear of property
2023/00791/FUL	A	18, Clos Cradog, Penarth	Single storey rear extension in place of existing conservatory
2023/00792/FUL	A	44, Pontypridd Road, Barry	Proposed rear dormer loft conversion with Juliet balcony and 2 small dormers to front to replace existing non dormer loft conversion
2023/00802/FUL	A	6, Purdey Close, Barry	Single storey rear extension to existing bungalow
2023/00806/FUL	A	58, Coleridge Avenue, Penarth	Proposed single storey rear extension and garage conversion
2023/00808/LAW	A	11, The Meadow, Ystradowen	Single storey extension to the rear elevation of the existing dwellinghouse
2023/00812/FUL	A	3, Ringwood Crescent, St. Athan	Conversion of existing roof space into consulting rooms and clinic
2023/00813/FUL	A	Hunters Lodge, Graig Penllyn	Single storey side extension
2023/00817/FUL	A	23, Crompton Way, Ogmore By Sea	Proposed ground floor side extension to create a utility room

2023/00819/ADV	E	Dyffryn Business Park, Llantwit Major Road, Llandow	Erection of 3x Totem signs
2023/00824/FUL	A	23, Woodland Place, Penarth	Proposed single storey side extension off rear annex to provide increased living/kitchen area plus revised new window opening to side elevation facing Woodland Place
2023/00825/FUL	A	12, Drylla, Dinas Powys	Rear extension and French doors on front elevation to be replaced with window
2023/00828/FUL	A	4, Glan Y Nant, Treoes	New flat roof dormer to front elevation
2023/00829/FUL	A	2, Denbigh Road, Dinas Powys	Self contained granny annexe to consist of bedroom, bathroom, open plan kitchen / dining / living area and freestanding garage
2023/00830/FUL	A	19, Timbers Green, Llangan	Single storey rear extension to rear of house. Open fronted porch in recessed area (does not extend beyond current house elevation)
2023/00834/PNT	R	Church Place South, Penarth	Proposed 15m 5G telecoms installation: H3G street pole and additional equipment cabinets
2023/00836/FUL	A	The Barns, Crossways, Cowbridge	Rebuilding run down outbuilding that currently contains a swimming pool to remove pool and create a family space for grown up children and relatives to use.
2023/00837/FUL	A	Melrose, Swanbridge Road, Sully	Two storey side and rear extension. Single storey rear extension. Proposed entrance porch

2023/00840/LAW	A	10, Tathan Crescent, St Athan	Single storey rear extension and garage conversion
2023/00845/FUL	A	5, Mountjoy Place, Penarth	Erect a porch extension to front and side elevation of property
2023/00846/FUL	A	15, Stanton Way, Penarth	Proposed loft conversion comprising hip to gable and new dormers to front and rear. To include new flat roof in place of pitched roof to existing rear extension
2023/00858/FUL	A	10, Love Lane, Llanblethian, Cowbridge	Creation of enclosed shelter for tractors
2023/00860/FUL	A	7, Hickman Road, Penarth	Replacement roof to include felt, battens, and slates, with existing hip and ridge tiles to be retained
2023/00861/FUL	A	The Vines, 22A, Evenlode Avenue, Penarth	Replacement dwelling including replacement outbuilding and associated works
2023/00864/LAW	A	17, Stallcourt Avenue, Llantwit Major	Kitchen extension
2023/00865/LAW	A	38, Morel Street, Barry	38 Morel Street is an end of terrace house that was converted into two self contained flats in the 1990's, 38A Morel Street is a one bedroom 1st floor self contained flat, 38B is a one bedroom ground floor self contained flat. Each flat has been on the council tax roll since at least 1993 (evidence attached) Each flat has separate entrances and separate water/gas and electrical supplies. A certificate of lawful development is requested

			as the conversion took place more than 10 years ago.
2023/00869/FUL	A	42, Plas St. Pol De Leon, Penarth	We propose to replace the existing garage door with French doors and the garage will become a dining room
2023/00870/FUL	A	16, Cwrt Y Vil Road, Penarth	Rear single storey extension and alterations to existing lean to
2023/00872/FUL	A	1, The Gardens, West End, Llantwit Major	Installation of solar panels on garage roof. Garage has a pitched roof and is an external building
2023/00874/FUL	A	13, Somerset View, Sully	Proposed re-model to include: New pitched roof to garage, Courtyard infill. New external insulation/render, windows and doors to entire property. Alterations to existing fenestration on rear elevation.
2023/00877/LAW	A	The barns at Howe Mill, St. Athan Road, St. Mary Church	Agricultural building that has had roof, windows and doors replaced to create a climate controlled and sterile environment for the purpose of creating an incubation unit for rearing of avian species. Other agricultural buildings onsite will used for the purpose of finishing avian species
2023/00884/FUL	A	50, Andover Close, Barry.	Single storey extension to the side and front elevation
2023/00889/FUL	A	6, Wimbourne Close, Llantwit Major	Two storey extension to rear and side of dwelling. Attic conversion with rear dormer. Associated external alterations

2023/00898/LAW A Oaklands Cottage, Hensol Two side extensions added to the house in 1997 and 2011

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 OCTOBER 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

None.

(b) Enforcement Appeals Received

LPA Reference No: ENF/2021/0107/PC
Appeal Method: Written Representations
Appeal Reference No: CAS-02659-R8F4N6
Appellant: John Russell Jarrett & Angela Jarrett
Location: Land adjoining 10, New Barn Holdings, St Athan Road, Flemingston, CF62 4QL
Proposal: Without planning permission, the material change of use of the Land to the storage of construction items and waste, vehicles and vehicle parts, plant/machinery, containers and other items and structures and operational development comprising the construction of structures.
Start Date: 4 September 2023

(c) Planning Appeal Decisions

LPA Reference No: 2022/01182/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-02634-Z2D1M5
Appellant: Mr & Mrs John Blain
Location: Rectory Mews, Rectory Road, Penarth
Proposal: Proposed 2 bedroom mews house
Decision: Appeal Dismissed
Date: 7 September 2023
Inspector: I Stevens
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development on the living conditions of nearby occupiers with regard to outlook and privacy and whether the development would provide acceptable

living conditions for existing and future occupants with regard to amenity space.

Living conditions

The appeal site comprised the garden of No. 1 Rectory Mews which was in the Penarth Conservation Area (CA). The proposal was for a two-bedroom dwelling within the garden plot, with a roof terrace on the second level. The height of the dwelling was considered to be visually dominant in views from the communal garden and contribute towards a sense of confinement. There had been no objections from occupants at Rectory Court, however this did not justify the harm that had been identified. On the other side of the appeal site, the proposed dwelling would be close to the garden of No. 2 Rectory Mews and would be an overbearing feature that harmfully disrupted the outlook from that space.

Whilst concerns had been raised that the windows would contribute to a sense of perceived overlooking towards Rectory Court, it was noted that the ground-floor windows would only be partially visible above the existing boundary fence. Together with the obscure glazing, neither window would be fully visible and the effect of any perceived overlooking would therefore not be harmful.

The proposal was therefore considered to have a harmfully overbearing impact on the outlook from neighbouring gardens to the detriment of the living conditions of occupants of those properties and be contrary to Policy MD2 of the LDP and the Residential & Householder Development SPG.

Amenity space

The proposed dwelling would occupy most of its plot and little external amenity area would be provided around the boundary areas. An external roof terrace was proposed on the second floor of the dwelling, however this was considered to be particularly small, with limited opportunity for essential functions such as clothes drying or outdoor play. The proposal would therefore result in a cramped living environment that would significantly detract from the occupants' enjoyment of the property.

Through development of the garden space for No. 1 Rectory Mews, there would be a reduction in remaining amenity space for that dwelling which was considered to be small and cramped, relative to the reasonably sized dwelling that it served. The amount of remaining amenity space would result in poor living standards that would be significantly less than the recommended standards set out in the SPG.

The Inspector acknowledged that the provision of garden space was a matter of choice for existing and future residents, however residents should still be afforded sufficient outdoor amenity space to fulfil a range of everyday activities and he failed to see that the appellant's personal preference for amenity space was sufficient justification to override development plan policy.

Whilst the appeal site was in an accessible urban location with access to recreation facilities at nearby Alexandra Park, several of the functions of private amenity space described in the SPG would not be available in the

public open space and would not provide for basic needs such as clothes drying, and sufficient private outside space for relaxation and play. The amounts of amenity space for the existing and proposed dwellings would not be adequate and would result in poor and unsatisfactory living conditions for existing and future occupants. The proposal would therefore be contrary to LDP Policy MD2 and the amenity standards set out in the Residential & Householder Development SPG.

Whilst the Inspector was satisfied that the proposal would preserve the character of the Penarth CA, it was concluded that the appeal should be dismissed.

LPA Reference No:	2022/01193/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-02832-W5B9X6
Appellant:	Mr. Michael Hatter
Location:	Caerleon House, 4, Rhoose Road, Rhoose
Proposal:	New two storey extension to front/side elevations to infill space formed by a previous extension. New single storey extension to rear to replace existing conservatory and utility room. Reconfiguration of main roof and inclusion of new dormer provision at front and rear
Decision:	Appeal Dismissed
Date:	22 September 2023
Inspector:	R James
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposal on the character and appearance of the area, having regard to its location in the Rhoose Conservation Area (CA). The inspector identified that the appeal dwelling, whilst not listed as a positive building itself, was visible within the CA's main street frontage and within the context of neighbouring heritage assets, therefore occupying a prominent and sensitive position within the CA.

The Inspector noted that residential buildings along the appeal site's immediate street frontage, whilst distinctive in their designs, sequentially stepped down in ground level and ridge heights, consistent with the gently sloping topography and considered that this provided a logical and pleasing visual rhythm to the frontage. The existing dwelling had a contemporary but modest character within its immediate street frontage, which had a muted impact on the character and appearance of the CA.

The appeal proposal sought to raise and extend the existing hipped roof to a gable on each side, with a realigned ridge line between. The Inspector considered that this would significantly alter the dwelling's appearance to a wider and taller, two and a half storey dwelling and the extended roof would subsume the chimneys, which were a notable feature of the existing building

and the CA. The proposal would also increase the dwelling's visual prominence to a disproportionate level and the resulting dwelling would have a new commanding status within the street frontage, disrupting the current visual rhythm of falling ridge heights. This would cause significant harm to the character and appearance of the dwelling and street frontage that presently formed a legible and positive feature of the CA.

The Inspector considered that the proposal would fail to preserve or enhance the character or appearance of the CA contrary to LDP Policies MD2, MD5 and MD8, the strategic purpose of Policy SP10 to protect the Council's natural and built environmental assets and the objectives of the SPG. It was therefore concluded that the harm arising from the proposal and conflict with the LDP were compelling factors and that the appeal should be dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2023 – March 2024 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	9	2	11	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		9 (82%)	2 (18%)	11	-
Committee Determination		1	1	2	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	-	1	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1	-	1	1
All Appeals (excludes non validation appeals)	W	10	2	12	1
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		10 (83%)	2 (17%)	12	1

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 OCTOBER, 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

2023/00343/TPO	A	20, Longmeadow Drive, Dinas Powys	Fell English Oak (Quercus Robur) in rear garden of property
2023/00455/TPO	A	2 Primrose Cottage, West Drive, St Donats	Work to Tree(s) covered by Tree Preservation Order No.1 1960 : T1 - Removal of one Pine tree. T2 - Removal of one Sycamore tree
2023/00464/TPO	A	7, Windyridge, Dinas Powys	T1 - Reduce crown Beech tree. 2.5m to 3m reduction to the top of the crown and a 1-2m reduction to the lateral limbs
2023/00561/TPO	A	Brookside, 34, Mill Road, Dinas Powys	Proposed work to trees covered by TPO No. 2 of 1954. Comprising crown lift to approx. 7m on South side over garage only by removing 2 no. lowest branches of Sycamore tree ref 1399

2023/00618/TCA	A	94, Stanwell Road, Penarth	Work to Trees in a Conservation Area: Remove to ground level two lime trees
2023/00646/TPO	A	20, Pwll Y Min Crescent, Peterston Super Ely	Proposed work to 3x Western Red Cedar
2023/00660/TPO	A	Secret Garden, Llanbethery	Work to tree covered by TPO No.94 of 1990: T1 - Minor reduction of lower crown projecting out towards property of approximately 1-2 metres
2023/00662/TPO	A	Llandough Hospital, Penlan Road, Llandough	Works to trees covered by Tree Preservation Order No. 13, 2006 - Various work to trees
2023/00670/TPO	A	Brooklands, Millbrook Road, Dinas Powys	T1: Lime, front, over road - remove all unstable deadwood over 20mm in diameter, remove all suckers on main stem up to main branch break, leaving a well balanced lower crown, clear BT wires by up to 0.5m, visual Inspection of main structure, only reporting back of defects are found
2023/00725/TPO	A	Little Orchard, Pendoylan	Work to Tree(s) covered by Tree Preservation Order 1972, No. 4: T1 - Sectioning down and removal of one mature Ash tree
2023/00731/TPO	A	Roxburgh Garden Court, Plymouth Road, Penarth	Work to Trees covered by TPO No. 7 of 1971: T1 - Cedar - Remove exposed limb, reduce end weighted limbs. G1 - Ash trees - Hymenoscyphus Fraxinus infection - fell.

2023/00756/TCA	A	30, Archer Road, Penarth	Fell T1 Lime and replace with Magnolia or Cherry and fell G1 Leyland Cypress
2023/00772/TPO	R	23, Duffryn Crescent, Peterston Super Ely	Work to Tree Preservation Order 1959, No. 2: Reduce back by 2-3 metres, large Horsechestnut located to the side of the property in the hedge between road
2023/00781/TCA	A	39, Plymouth Road, Penarth	Work to Trees in a Conservation Area: Pollarding work to 5 trees in the rear garden. The trees are 2 mature Sycamores, 1 large Ash tree, 1 Lime tree and one tree shrouded in ivy which appears dead. Pollard back to around 25-30ft.
2023/00782/TCA	A	Upper House Farm, Port Road, East Aberthaw	Work to Trees in a Conservation Area: T1 Tilia roadside crown lift to statutory height over public highway and abate nuisance to building roof. T2, T3 Malus boundary of rear garden reduce overhanging limbs following failure due to decay
2023/00800/TPO	A	Cefyl Du, Llancarfan	Work to Tree(s) covered by Tree Preservation Order 1973, No. 24 - To fell two ash trees
2023/00805/TCA	A	Langlands, 1, Kymin Road, Penarth	Work to Tree(s) in a Conservation Area: T1 - Ash to be felled. T2 - Ash to be felled. T3 - Conifer to be felled. T4 - Ash to be felled. T5 - Ash to be felled

2023/00810/TCA	R	47, Plymouth Road, Penarth	Work to Tree(s) in a Conservation Area: Two roadside Beech trees, one roadside Lime tree and three backyard Conifer trees to be taken to ground level and treated to prevent regrowth
2023/00822/TPO	A	3, Hawthorn Close, Dinas Powys	Work to Tree covered by TPO No.07 of 1986: T1. Oak - Reduce East side of crown. Remove Ivy
2023/00843/TCA	A	Beechcroft, Llancarfan	Work to Tree(s) in a Conservation Area: T1 - Pollarding of one Willow tree, T2 - Removal of one Apple tree, T3 - 1-2 metre reduction of one mature Apple tree, T4 - Removal of sapling self seeded Sycamore tree, T5 - Crown lift of one Maple tree and removal of various pegs left from utility works, T6 - Reduction of various branches going into property and highway on one Cherry tree, T7 - Removal of one Black Cherry tree damaging wall, hitting property and impeding highway
2023/00851/TPO	A	Butleigh, Pendoylan	Fell protected Ash tree
2023/00879/TCA	A	77, Eastgate, Cowbridge	Work to Tree(s) in a Conservation Area: Removal of Yew tree in rear garden
2023/00896/TPO	A	Picketston House, Picketston	Work to Trees covered by TPO No.02 of 1984 : Removal of 2 x Macrocarpa trees to ground level T1 and T2

2023/00912/TCA	A	Pendoylan Church In Wales Primary School, Pendoylan, Cowbridge	Work to Tree in Pendoylan Conservation Area: Removal of tree
2023/00934/TPO	A	Sycamore, Sigingstone	Work to Tree covered by Tree Preservation Order No. 19, 2007 : Re-pollard to retain good form and keep the tree at an appropriate size for the location in the garden, next to the boundary wall
2023/00944/TCA	A	60, Plymouth Road, Penarth	Work to tree in Penarth Conservation Area: Reduction of Walnut tree in rear garden by 1.5 to 2m all over
2023/00945/TCA	A	Trinity Methodist Church, Woodland Place, Penarth	Work to tree in Penarth Conservation Area: Removal of Eucalyptus tree on Stanwell Road side of church
2023/00950/TCA	A	Pear Tree House, Ysticl Garu, Llysworney	Work to trees in Llysworney Conservation Area: Pruning/crown thinning one Sycamore tree at front of property. Removal of 12 Leylandii trees at rear of property
2023/00956/TCA	A	38, Westgate, Cowbridge	Work to tree in a Conservation Area: Ash Tree - reduction of sides to move branches away from building and other sides to remove from phone line

THE VALE OF GLAMORGAN COUNCIL

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REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

ENFORCEMENT ACTION AUTHORISED BY THE HEAD OF SUSTAINABLE DEVELOPMENT AND OPERATIONAL MANAGER (PLANNING AND BUILDING CONTROL) UNDER DELEGATED POWERS

Introduction

Under Section 26 of the Council's Constitution relating to Officer Delegations, provision is made for the Head of Sustainable Development and Operational Manager (Planning and Building Control) to authorise Enforcement and Stop Notices as follows:

6.2 In consultation with the Head of Legal and Democratic Services, to authorise the preparation of Enforcement and Stop Notices under the Town and Country Planning Act 1990 (as amended), after consultation with the Chair of Planning Committee, where reference to the Planning Committee would occasion detrimental delay and to instruct the Head of Legal and Democratic Services to issue such notices, if appropriate, and to pursue a prosecution in respect of any failure to comply with the terms of the Notice issued.

It has been necessary for the Head of Sustainable Development and Operational Manager to authorise enforcement action recently in relation to a case, where the reporting to Planning Committee would have resulted in detrimental delay and details of this case is reported below for Members' information.

(i) LAND AND BUILDINGS AT HOLIDAY INN EXPRESS, PORT ROAD, RHOOSE

Authorisation was sought to issue a Temporary Stop Notice (TSN) under section 171E of the Town and Country Planning Act 1990 (as amended) and an Enforcement Notice (EN) under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the installation of a solar panel array on the roof of the Holiday Inn Express building in Rhoose. The issuing of a TSN and EN was considered appropriate as there was the potential for the panels (through glint and glare), to adversely affect the safety of flight operations at Cardiff Airport, which was considered unacceptable.

Following the receipt of a complaint on 5th September 2023 and investigation undertaken by officers, it was identified that a solar panel array had been installed on the roof of the hotel building which required planning permission as it was located within three kilometres of the perimeter of the airport. In the absence of a planning application which demonstrated that the solar panels did not have any implications on the safety of flight operations at the airport, it

was considered that enforcement action needed to be taken as a matter of urgency in the form of a Temporary Stop Notice, to prevent any further panels from being installed and an Enforcement Notice, to require the existing solar panels to be removed.

Confirmation was provided by the Chair of Planning Committee that delegated powers could be used for this purpose and the TSN and EN were issued on 20th September 2023 (ENF/2023/0275/PC (A) ENF/2023/0275/PC (B)). The TSN required the installation of solar panels on the building and land to cease and the EN requires the solar panels to be removed from the roof of the building.

The Planning agent confirmed on 13th October 2023 that a planning application and an appeal against the enforcement notice have been submitted. This means that the effect of the EN is suspended until the outcome of the appeal is known, however it has been confirmed that all installation work had ceased and will not recommence unless a valid planning application is in place.

Relevant enforcement files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 OCTOBER, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

6. PLANNING APPLICATIONS

Background Papers

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

APPLICANT: Mr Phil Worthing

AGENT: Mrs Emma Fortune Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

Leckwith Quay, Leckwith Road, Leckwith

Hybrid planning application for residential development for up to 228 dwellings (submitted in OUTLINE), associated highway and bridge improvement / realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge

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 / or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The planning application is a hybrid application with the works to provide a replacement bridge and associated highway realignment submitted in full; and residential development, for up to 228 dwellings, on the northern and southern plateaus of the existing industrial site submitted in outline (with all matters reserved except for access).

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

The proposals include details of the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The existing route runs through the site via an existing viaduct that is in a poor state of repair and is identified as suffering from 'concrete rot'. The proposals would include the realignment of the road further to the north and west of the existing realignment, inclusive of access points into the prospective residential development within the existing industrial/commercial area.

Outline planning permission is sought for the provision of 228 dwellings, with access being considered as part of this application and all other matters reserved. The land is split into two development parcels, the northern plateau of circa 1.3ha, and the larger southern plateau of 6.4ha. The proposed masterplan indicates the provision of circa 228 dwellings (95 apartments, 78 duplex dwellings and 55 houses). This would be a mixture of flatted development and also dwellings of varied form. In essence this would be enabling development to facilitate the renewal of the road as detailed above and as such a reduced S106 package of 10% affordable housing and circa £300,000 towards replacement tree planting and education provision has been proposed following full consideration of the viability of the development.

The principal issues for consideration with the application are the principle of development; highway matters; loss of employment land; design & visual Impact; impact upon amenity of neighbouring occupiers; trees; landscape; ecology; flood risk and drainage; historic environment; noise & air quality; contaminated land and planning obligations and viability.

Whilst the proposal would result in tension with the development plan in terms of its location and lack of allocation for such a use within the adopted development plan, officers considered that significant weight must be afforded to the renewal of an identified element of the strategic highway network. As such the application is recommended for approval subject to conditions and a legal agreement.

Members should also note that under the Town and Country Planning (Major Residential Development) (Notification) (Wales) Direction 2020, planning applications made on or after 15 January 2020 require that the Welsh Ministers be notified of applications made on or after that date for any proposed residential development of more than 10 residential units, or residential development on more than 0.5 hectares of land, which is not in accordance with one or more provisions of the development plan in force and which the local planning authority do not propose to refuse.

SITE AND CONTEXT

The site, comprising an area of circa 8.3 ha is located adjacent to the River Ely on the border between the administrative boundaries of Cardiff (to the east) and the Vale of Glamorgan (to the west). The site is known as Leckwith Yard/Works and is accessed off the B2673 Leckwith Road via two bridges, the Leckwith Road Viaduct, which crosses the site and the site is directly access over the Grade II* listed building and Scheduled Ancient Monument 'Old Leckwith Bridge'. An aerial photograph showing the location of the site is shown below:



To the south and west of the site are large areas of woodland comprising Leckwith Wood and Factory Wood. The River Ely runs along the north-eastern boundary of the site, with the A4232 Ely-Grangetown Link Road. The site is made up of two plateaux either side of the bridge, both largely cleared and levelled land for industrial and commercial use with associated buildings and two existing residential properties.

The site is situated outside of any settlement boundaries and within the defined countryside. The site is bordered by the Factory Wood Site of Importance for Nature Conservation (SINC) and the Ely Valley & Ridge Slopes Special Landscape Area (SLA). The site is adjacent to the River Ely and is also partly within Flood Zone C1 as identified within the development advice maps accompanying the current TAN15. A Health and Safety Executive Consultation Zone is located to the northern end of the site.

DESCRIPTION OF DEVELOPMENT

The planning application is a hybrid application with the works to provide a replacement bridge and associated highway realignment submitted in full; and residential development, for up to 228 dwellings, on the northern and southern plateaux of the existing industrial site submitted in outline (with all matters reserved except for access).

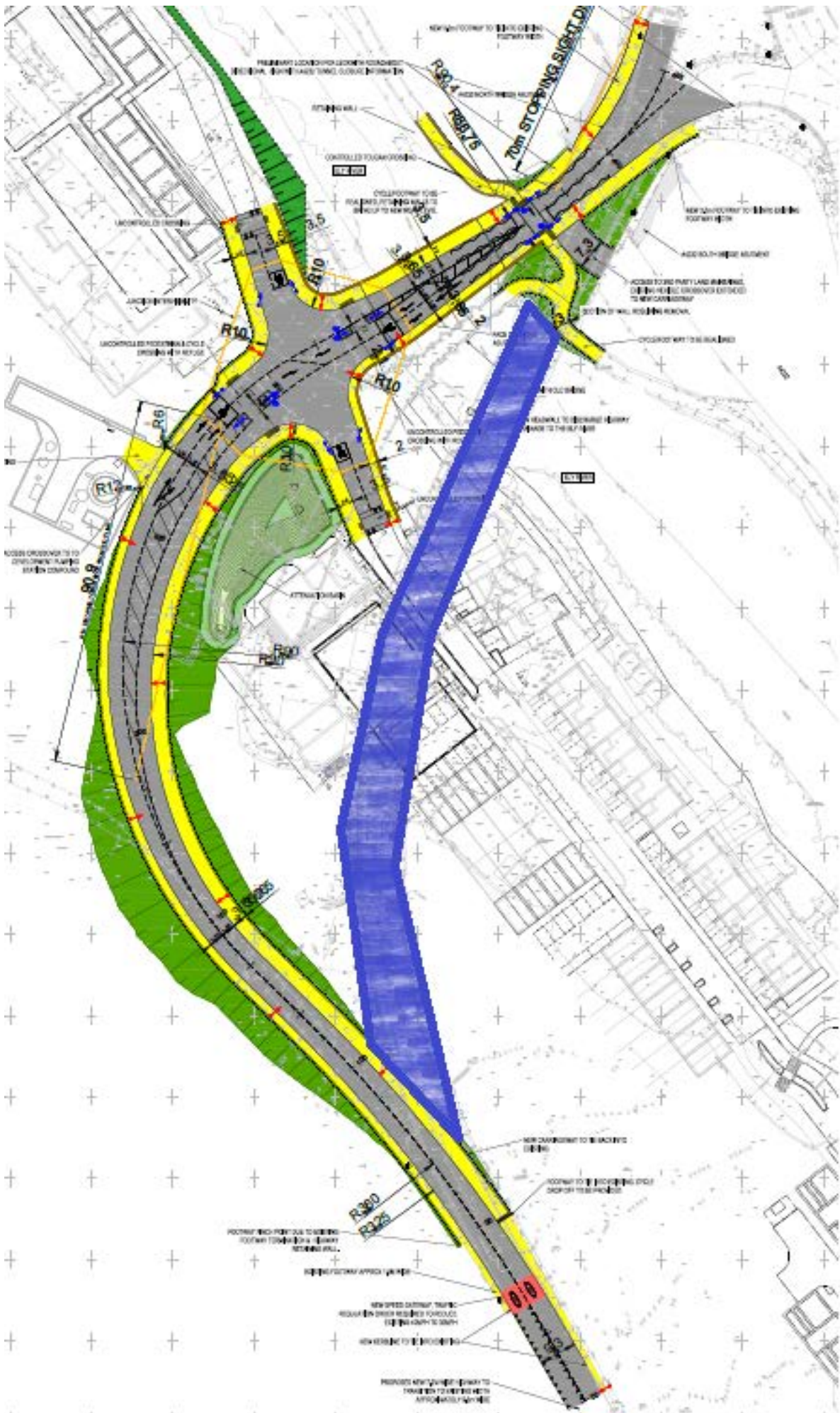
This application is supported by an Environmental Statement since the Council determined that an Environmental Impact Assessment (EIA) was required, following a screening request in 2018. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, it was concluded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

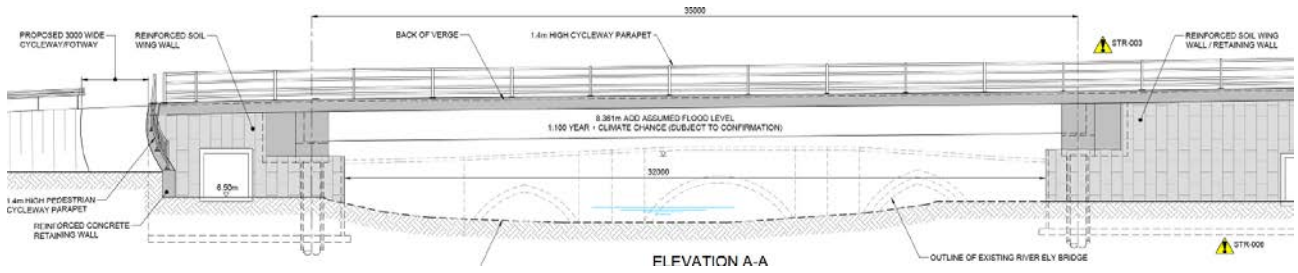
Full application

The proposals include details of the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The existing route runs through the site via an existing viaduct that is stated to be in a poor state of repair and is identified as suffering from 'concrete rot.

The proposals would include the realignment of the road further to the north and west of the existing realignment, inclusive of access points into the prospective residential development within the existing industrial/commercial area. It would also involve works within the Cardiff City Council administrative area (subject of application 20/02288/MJR). A plan showing the proposed route of the realigned road (existing alignment shown in blue)

Circa 700 metres of road with a 3.5m wide cycleway and footway on one side of the road and a 2m wide footway and signalised junction providing access to the wider site, where the new bridge and highway works will link into the works proposed within Cardiff.





Elevation of Proposed Bridge

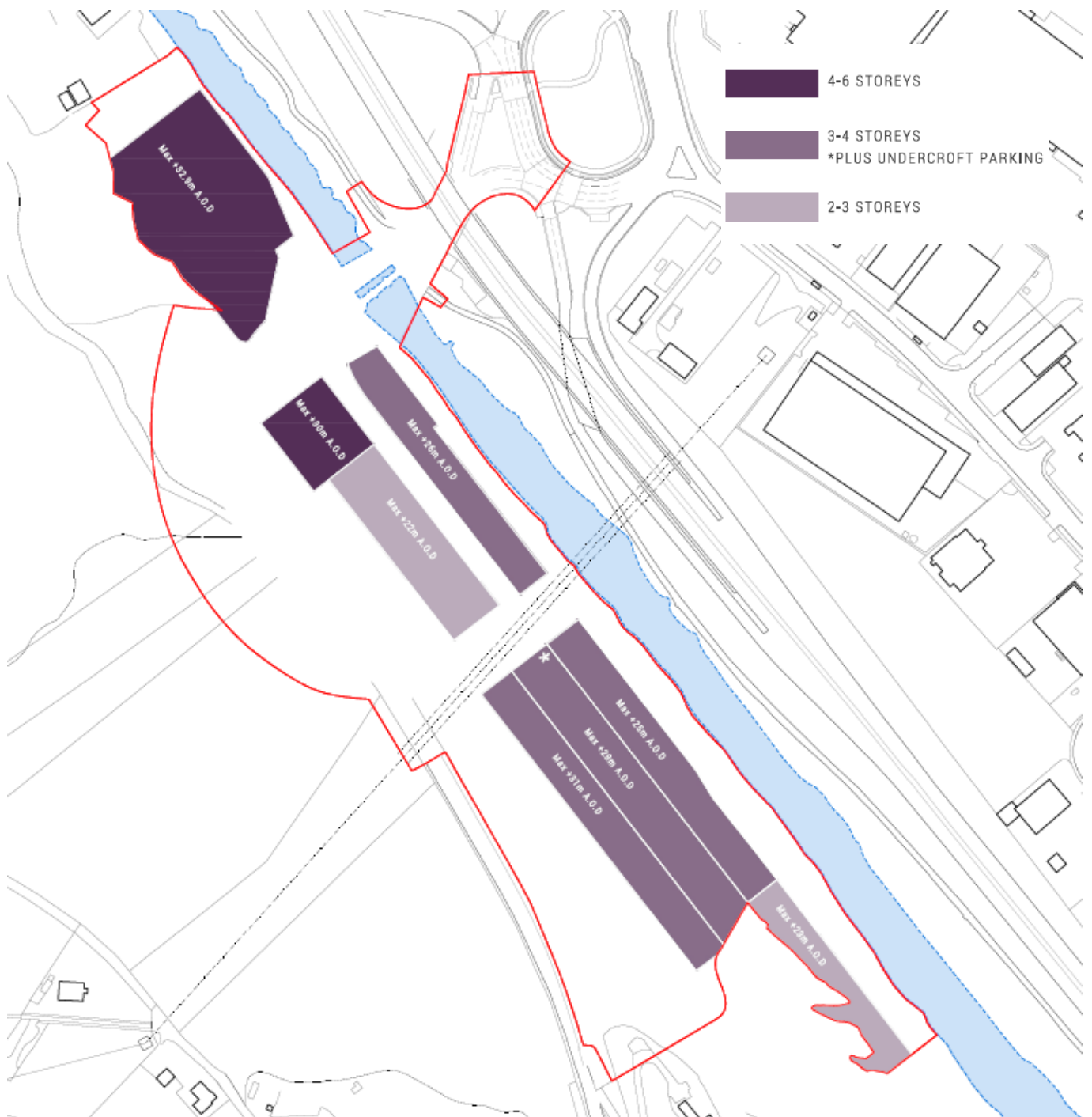
Outline planning application

As amended, outline planning permission is sought for the provision of 228 residential units, with access being considered as part of this application and all other matters reserved.

The land is split into two development parcels, the northern plateau of circa 1.3ha, and the larger southern plateau of 6.4ha. The proposed masterplan indicates the provision of circa 228 dwellings (95 apartments, 78 duplex dwellings and 55 houses). This would be a mixture of flatted development and also dwellings of varied form. Based on the submitted viability appraisal, the proposed mix of dwellings is as follows:



The application has been supported by a scale parameter plan and indicative masterplan, that indicate a mixed form of development inclusive of flatted blocks of between 4-6 storeys in height to the north of the site and dwellinghouses of both 3-4 storeys and 2-3 storeys towards the southern end, as shown on the plan below:



PLANNING HISTORY

1981/01768/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Retention of existing use of land for concrete product manufacture and associated storage and sales, Decision: Refused

1982/00383/FUL, Address: Land adjoining Leckwith Bridge House, Leckwith Bridge, Cardiff, Proposal: Sale of tropical and exotic fish, aquaria and aquarium equipment, Decision: Approved

1982/01951/FUL, Address: Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Engineering operations, involving filling and grading of land, to produce area for industrial use, Decision: Refused

1982/01952/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Use of land for concrete product manufacture and associated storage and sales, Decision: Refused

1983/00885/FUL, Address: Bridge House, Leckwith Road, Cardiff, Proposal: Garage and games room, Decision: Approved

1984/00632/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Extension of enclosed display area and new workshop, Decision: Refused

1984/01059/FUL, Address: Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Erection of bridge and new access road, Decision: Approved

1986/00222/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Engineering operations, involving filling and grading of land to produce level area, Decision: Approved

1986/00406/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Retention of existing use of land for concrete product manufacture and associated storage and sales, Decision: Approved

1986/01036/FUL, Address: J. M. Lincoln, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: Use of land for concrete product manufacture, Decision: Refused

1990/00929/OBS, Address: Leckwith Bridge House, Cardiff, Proposal: Reposition of existing 11Kv line, Decision: Permittal (OBS – no objections :request conditions)

1990/01187/OUT, Address: Leckwith Bridge, Cardiff, Proposal: Starter Industrial Units, Decision: Withdrawn

1991/01145/FUL, Address: Leckwith Bridge, Leckwith, Nr. Cardiff, Proposal: Proposed workshop units. Pattern shop & glass fibre moulds workshop, Decision: Approved

1994/00148/FUL, Address: J. M. Lincoln Concrete Products Site, Leckwith Bridge, Cardiff – Jetty located within, Proposal: Retention of Jetty, Decision: Approved

1998/00090/FUL, Address: Leckwith Bridge Yard, Leckwith Road, Cardiff – Land to north west of, Proposal: To clear and level area to provide a storage area for clean re-cyclable hardcore (Phase I), Decision: Refused

1998/01040/FUL, Address: Leckwith Bridge Yard, Leckwith Road, Cardiff – Land to north west of, Proposal: To reinstate excavated former overgrown/self seeded meadow, Decision: Approved

1998/01077/FUL, Address: Leckwith Bridge Arches, Leckwith Road, Leckwith, Proposal: Single storey extension to provide staff facilities and secure storage, Decision: Approved

1999/00083/FUL, Address: Leckwith Quay, Leckwith Road, Cardiff, Proposal: Vehicle maintenance and storage buildings, Decision: Approved

1999/00198/FUL, Address: Leckwith Quay, Leckwith Road, Cardiff, Proposal: Office extension and car park, Decision: Approved

2000/00143/FUL, Address: Leckwith Bridge Yard, Leckwith, Proposal: New site access including steel bridge, Decision: Approved

2000/00189/OBS, Address: Leckwith Bridge Yard, Leckwith Road, Canton, Proposal: Road works to form new access and steel bridge over river

2001/01017/FUL, Address: Leckwith Bridge Yard, Leckwith, Proposal: New access bridge over River Ely, Decision: Approved

2001/01127/OBS, Address: Leckwith Bridge Yard, Leckwith Road, Cardiff, Proposal: New access bridge using second hand steel bridge, Decision: Permittal (OBS – no objections :request conditions)

2003/00349/FUL, Address: Leckwith Yard, Leckwith (north secure compound), Proposal: Erection of car stacking system (resiting from southern yard), Decision: Approved

2003/00833/FUL, Address: Compound B, Mobile Gas, Leckwith Bridge, Leckwith Road, Cardiff, Proposal: To remove existing metal cladding roof and replace with pitched roof of timber & tile construction, to include retention of whole building., Decision: Approved

2003/01516/FUL, Address: Leckwith Quay, Leckwith Road, Cardiff, Proposal: Temporary change of use of part of yard for parking 20 transporters for a three year period, Decision: Approved

2005/01797/FUL, Address: Leckwith Yard, Leckwith, Proposal: Erection of car stacking system for a temporary period of two years. Renewal of planning permission 03/000349/FUL, Decision: Approved

2008/00964/RG3, Address: Leckwith Wood, Leckwith, Proposal: To surface an existing forest timber/management access track over a total length of 10nviron. 1500 m with approved recycled hardcore to a depth of 10nviron. 45 cms and width of 10nviron 3m. Level turning/stacking bays instated 10nviron. every 150m, Decision: Approved

2010/00087/FUL, Address: Leckwith Concrete Products, Leckwith Bridge Yard, Leckwith R, Proposal: Retention of steel building for storage, Decision: Approved

2016/00620/LAW, Address: Old Leckwith Bridge, Leckwith Road, Canton, Proposal: The works involve minor ground raising along the West bank of the River Ely throughout the Leckwith Bridge Industrial Estate, and the construction of two new low flood walls adjacent to Leckwith Old Bridge, Decision: Approved

2019/01198/SC2, Address: Land at Leckwith Quays, Leckwith Road, Proposal: Request for a formal opinion on the scope of an Environmental Statement (ES) to be submitted in conjunction with a hybrid planning application for residential development (to be submitted in Outline), associated highway and bridge improvement works (to be submitted in Full), Decision: EIA (Scoping) – Further info required

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council were consulted with regard to the application and initially raised a strong objection to the proposals, noting its scale and visual impact; impact on woodland; the erosion of the green area around Cardiff; traffic impacts; impact on SINC's and that heritage matters have not been fully considered within the submissions. Further comments were received raising concerns with regard to transport impacts including relating to matches at Cardiff City Stadium; need for an arboricultural impact assessment; landscape and visual impact of the proposals; climate change and flooding and inadequate assessment of archaeology in the submissions.

The Council's Highway Development section was consulted with regard to the application and noting the nature of the scheme were involved in extensive negotiations throughout the application.

The Transport Assessment has been assessed by the Council's Highway Development team and audited by Asbri Transport. It was concluded that the findings of the Transport Assessment were accepted and that outstanding matters would be resolved through the detailed design stage of the proposals.

With regard to highways structures including those relating to the provision of the new bridge, following extensive discussion, Highway Development have confirmed that they have 'no further adverse comment' to make.

They have provided comments with regard to the currently submitted indicative masterplan, including those with regard to the provision of raised tabletop; the provision of the footway cycleway; removal of internal roundabout and incorporation of turning head; parking space provision and other details of highway geometry.

They also request conditions relating to full engineering details with regard to road layout, junctions and structures; applicant entering into a suitable agreement to secure implementation of works; technical approval of the bridge; construction environmental and traffic management plans; details of diversionary routes, temporary signage, traffic lights and TROs associated with the redevelopment of the bridge; Sustainable Drainage Systems; Condition Surveys and associated remedial works.

The Council's Public Rights of Way Officer was consulted who advise that Public Right of Way No. 1 Leckwith (status-Footpath) crosses the development and advised that this must be available for safe use by the public at all times; no materials be stored on the footpath and a legal diversion be secured from the Council if necessary. Following reconsultation they note that additional documents provided did not reference the public right of way and ask how the proposals would accommodate this within the development.

Cardiff County Council was consulted as an adjoining authority and state that they have 'no objections to the development' subject to comments being considered during application or subsequent highways agreement with regard to "access to 3rd party land" being unacceptably close to the controlled toucan crossing on the Ely Trail and lighting column to other side; pinch point adjacent to Leckwith Gryatory cycle track and that the concept road layout needs to be subject of a Road Safety Audit.

Officer note: With the exception of the consideration of future layout of any reserved matters submission, the 3rd party land issues fall outside of the planning process whereas

the impacts upon the Ely Trail and Leckwith Gyrotory fall within the Cardiff Council administrative area.

Dinas Powys Community Council were consulted and object to the proposals due to concerns that public health concerns including those relating to noise and air pollution have not been properly assessed; impact on local facilities including lack of public transport linkages; ecological impact; impact upon busy commuter route; highways impacts; water and flooding impacts upon main route (including if a hydraulic modelling assessment has been undertaken); impact upon heritage assets and visual impact.

Shared Regulatory Services (Pollution Control) were consulted and initially requested that a noise report be submitted in support of the application to assess traffic and plant noise impacts and also request a demolition and construction environmental management plan.

Following the submission of additional details (including a noise assessment and amended masterplan design), further comments were received acknowledging the amended layout and that the principles of using building mass and design to screen amenity areas and 'It is advised that the applicant continue to consider providing external acoustic shadows and havens across the site especially noting the detached standalone blocks and higher external noise levels to the south of the site.' With regard to internal noise they state they note that 'the applicant has advised with good design including the development of dual aspect accommodation they can achieve BS8223 stated internal noise levels.' As such they conclude that the application should be conditioned to achieve the following:

1. That external amenity areas in the form of and due to building mass, acoustic shadows and havens be developed across the whole site so to achieve a minimum of below 55dB(A) with ideally a level of 50dB(A) being achieved.
2. The internal noise levels as per *British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings'*, be achieved with the minimal use of sealed glazing units and mechanical ventilation so that future occupants are not living in sealed boxes.
3. As acknowledged by the applicant further thermal modelling shall take place so to ensure both a high level of thermal comfort is achieved, the requirements of Building Regulation Document O aside, along with a good quality internal acoustic environment.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) were consulted with regard to the application. Following consideration of the details provided they request that conditions be attached to any consent granted with regard to ground gas protection; contaminated land assessment; contaminated land remediation and verification plan and subsequent implementation of necessary measures; unforeseen contamination; imported soils and aggregates; use of site won materials and informative with regard to extent of contamination and unstable land.

In terms of air quality, separate comments were received noting that an Air Quality Assessment (AQA) has been undertaken and advise with regard to construction impacts from dust be controlled by a suitable condition requiring a Construction Environmental

Management Plan. With regard to the operation phase, clarification was initially received raising queries with regard to suggested travel plan measures and reduced vehicular trips. Following further clarification, they indicate that they have 'no immediate concerns or comments in regard to air quality due to the low risk assessment during construction phase, the modelled concentrations provided in the Chapter 11 [of the Environmental Statement] and the comments/assessments provided' in reply to previous comments. They request however that detailed mitigation measures to control construction traffic should be discussed with the Vale of Glamorgan Council to establish most suitable access and haul routes; cleaning of vehicles and timing of large-scale movements.

The Council's Conservation (Planning) Officer was consulted, who noted that Cadw's views should be sought with regard to the impact of the proposals upon the ancient monument. With regard to the archaeological desk-based assessment they note that it makes a number of recommendations including a watching brief and a Level 3 building survey of Leckwith Bridge House and a photographic survey of the Leckwith New Bridge and Viaduct, and Drain cover to mitigate their loss. I see no reason to disagree with these recommendations and would welcome conditions requiring this.'

The officer also notes the comments of the Community Council but confirmed that the only designated historic assets within 1km of the site are scheduled monument of Leckwith Bridge (GM014); Grade II* listed buildings of Old Leckwith Bridge (Ref 13748 & 26487 (one reference for separate community areas)).

The Council's Archaeological Advisors Glamorgan Gwent Archaeological Trust was consulted and most recently state that 'it remains the case that the proposal requires archaeological mitigation'. The retention of structures in-situ is recommended and two conditions requested for a scheme of historic building recording and analysis and also for a written scheme of investigation to be submitted prior to commencement of development.

Cadw, Ancient Monuments were consulted and advise that circa 13 scheduled ancient monuments (SAM) and 11 registered parks and gardens fall within 3km of the proposed development and note that apart from the SAM of Leckwith Bridge, that the only assets with intervisibility with the development would be the historic parks and gardens of Thompson's Park (Sir David's Field) and Fairwood House. However, they note the 'proposed development will not have an impact on the settings of these registered parks and gardens.'

With regard to Leckwith Bridge they note that Leckwith New Bridge is a substantial structure which dominates the scheduled monument, its demolition will therefore benefit the setting of the old bridge: however, the replacement bridge will also dominate the scheduled monument and have an impact on its setting. The new bridge is a simpler structure to the Leckwith New Bridge and the proposed residential development will provide paths and public access that will allow the scheduled monument to be observed. As such whilst the proposed bridge will have a considerable impact on the setting of scheduled monument GM014 Leckwith Bridge this will be slightly less than the current impact of the Leckwith New Bridge.'

Further clarification was sought with regard to any potential impacts upon the historic assets as a result of the residential development. In this regard Cadw advised that '*As noted in our original advice the setting of the bridge relates to its' position crossing the river and the local topography rather than any views from it. The residential development is situated in an area that has already been significantly altered by modern development.*

Whilst the change to a residential use will increase the number of buildings in this area and be a visual alteration, this will not significantly alter the way that the bridge is experienced, understood and appreciated and therefore will not have a significant impact on the setting of scheduled monument GM014.'

Dwr Cymru Welsh Water were consulted who advise that a 975mm surface water sewer crosses the site and that no part of any building would be permitted within a protection zone of 5 metres either side of the centreline (although the assets in question are shown on the attached maps to fall within Cardiff's administrative area). With regard to foul flows they advise that no problems are envisaged for domestic discharges with capacity within the local wastewater treatment works from the site although identify a point of connection (ST16751201). They however advise that water supply would need further hydraulic modelling assessment.

They recommend that conditions relating to foul water only discharging to public sewerage network and a scheme of potable water be attached to any consent granted in addition to informative with regard to connection to DCWW assets and those that are not shown on their records.

The Council's Ecology Officer initially raised objection to the proposals due to the lack of clarity with regard to the significant loss of woodland SINC habitat and the lack of suitable mitigation; further details required for protection and mitigation of protected species that would be impacted by the proposals and wider impact of the change of use on adjacent Leckwith and Factory Woods.

Following extensive negotiation and the submission further ecological survey work, the Council ecologist raises no objection and requests notes and conditions in connection with further precautionary work for tree clearance with regard to bats; a wildlife protection plan for each species and mitigation required; a Construction Environment Management Plan including measures to protect biodiversity interest at the site and a biodiversity management plan. They also request further details with regard to mitigation for the loss of trees as a result of the works; lighting strategies for each subsequent phase; permeable boundaries for wildlife such as hedgehogs and also request that access to the River Ely be restricted.

The Council's Landscape Section was consulted with regard to the works and initially asked for clarification with regard to a number of factors including but not limited to details contained within the LVIA including a potential additional viewpoints and photomontages and clarification of details within suggested views; concerns over woodland impact and the loss of trees and lack of suitable information to detail number of trees to be lost; additional cross-sections through the development and a more refined landscape strategy.

Following extensive negotiation and the receipt of amended documents, still raised some concern with regard to the loss of trees and the lack of potential suitable space within the development to provide the necessary number of replacement trees/planting to mitigate their loss. In terms of impacts to trees they request that an arboricultural method statement and tree protection plan be conditioned as part of any consent granted and reserved matters consents would need to address comments with regard to 'ecotone' adjacent to woodland. They also provided comments noting the general distribution of play through the site would appear to be acceptable albeit provide comments with regard to their position relative to dwellings and position relative to power lines. They request further details with regard to the landscaping of drainage areas including swales and attenuation ponds and

potential conflict with tree planting and below ground drainage. Additional viewpoints for LVIA are welcomed and comments provided in terms of visual impact acknowledging local impact but that 'wider impact appears to be minimal'.

Comments have also been received from the **Cardiff and Vale University Health Board** who make recommendations with regard to the LPA being satisfied with regard to defined noise mitigation is not achieved at the detriment of health and wellbeing and that this is suitably controlled by condition; site investigation and preliminary risk assessment and suitable remediation strategy be sought to protect human health and suitably conditioned; consideration being given to the range and form of users of green spaces within the development; needs of different cycle users being considered; priority to pedestrians and cyclists in new development; development to be designed to reflect the needs of disabled people and development designed to meet needs of varied ages and for those homeworking.

Environmental Health (Private Sector Housing) was consulted although no comments had been received at the time of writing this report.

The Councils Strategic Property Estates section was consulted although no comments had been received at the time of writing this report.

The Council's Waste Management section had been consulted although no comments had been received at the time of writing this report.

Health and Safety Executive online module was consulted and advised Against issuing planning permission. *'The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.'*

Following consultation with a HSE Officer they have confirmed that *'although a site may no longer be operational, the HSE consultation distance will remain in place until HSE is notified by hazardous substances/planning authority that the hazardous substances consent(s) which apply to the site have been formally revoked. Until the hazardous substances consent is formally revoked, HSE's consultation zones will remain in place. HSE's advice on planning application 2929/01218/HYB will only be withdrawn when the hazardous substances consent has been formally revoked under Section 14 of the Planning(Hazardous Substances) Act 1990 and confirmed by the Secretary of State in accordance with Section 15.'*

Housing Strategy (Affordable Housing) advise that there is an evidenced need for affordable housing within the Vale of Glamorgan. They have confirmed that the most up-to-date information for the ward indicates the following level of need within the Dinas Powys ward:

Homes4u		%
1 Bed	176	55
2 Bed	88	28
3 bed	50	15
4 bed	8	2
Total	322	

Whilst noting their disappointment with the provision of 10% affordable housing, opposed to the policy requirement of 40% they advise that the following requirement would be sought:

23 units

14 x 1 bed

6 x 2 bed

3 x 3 bed

National Grid (previously) Western Power Distribution were consulted with regard to the application and initially advised that they have assets within the site with LV, 11KV, 33KV and 132KV lines potentially affected by the proposal. They note that if planning permission were to be granted this does not mean Western Power distribution grant consent to build within proximity of the apparatus and as such requested that the applicant make separate request to investigate, noting health and safety legislation in place, noting proximity of dwellings, playgrounds and other restrictions adjacent to or beneath their apparatus.

Following further discussion and the submission of further information from the applicant they have advised that they 'have provided multiple budget estimates for the proposed works, to divert our assets, as per the email below we believe to be correct, but this is subject to any possible third party request and the applicant will need to make their own full application to us for any diversion or new connection works.'

The Council's Transport and Road Safety section was consulted and their comments have been included within the Highway Development observations noted above.

Natural Resources Wales was consulted and initially raised significant concerns including with regard to flood risk and the requirement for the hydraulic modelling to be submitted for review; further information with regard to bats; the need for a compliance assessment against the Water Framework Directive and the need for a Habitats Regulation Assessment to be undertaken.

Following the submission of further information and discussion with NRW the submitted hydraulic modelling was considered to be appropriate and a revised Flood Consequences Assessment dated December 2022 was submitted. They note that the advice with regard to increased flood risk elsewhere is heavily dependent on the proposed culverts being constructed and operating as indicated in the final model of the FCA and note if any changes to the design are undertaken the consequences of flooding must be reassessed.

In terms of flood risk elsewhere they advise a predicted increase in floods of 20mm in the extreme 0.1% annual probability event (1 in 1000 year) to a wooded area immediately downstream of the site. They note that no structures or buildings are shown to be impacted. Noting the reductions in flood risk in the wider areas described within the FCA they advise the LPA to consider this in the planning balance noting the provisions of paragraph A1.12 of TAN15. ("A site should only be considered for development if the following conditions can be satisfied; - No flooding elsewhere.").

With regard to other increases in flooding within the wider area in circumstances of 80% blockage to centre arch of historic bridge and 30% of upper section of both bypass culverts, NRW advise that that they 'have no concerns over these changes which are likely

to be modelling instabilities rather than representing actual flooding mechanisms during this flooding event.’ In the same eventuality and a 1% Climate Change Adaptation event, they also indicate shallow flooding of circa 50mm may be experienced in ‘external and ancillary areas only’ which they understand to be landscaped areas, although advise they have no further concerns subject to the LPA being satisfied.

They also advise that the soffit level of the proposed bridge being set at 8.73m AOD, represented in the modelling.

NRW’s most recent comments indicate that further details of an otter ledge (600m wide and 600mm below the bridge soffit) be provided. Whilst they note that these details should be provided prior to determination they indicate that subject to the general arrangement drawing of the bridge not being listed as an approved plan and conditions requiring soffit levels to be set at 8.73m AOD and an Otter Conservation Plan condition be attached to any permission granted.

With reference to the Habitats Regulation Assessment, a response was prepared by the Council Ecologist and submitted to NRW. Following this, NRW confirm that they ‘agree with the conclusions of the HRA.’ They note they are satisfied that the concerns with regard to impacts upon Severn Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR and SSSI have been suitably addressed.

With regard to the Cwm Cydfin Site of Special Scientific Interest they indicate that to avoid damage to the SSSI through increased public access via the SINC woodland adjacent to the site they recommend that ‘permanent fencing and/or a design that minimises access to the adjacent woodland should be proposed at Reserved Matters stage when full details are being prepared. The fencing and/or design features should be maintained during the lifetime of the development in order to reduce damage to the SSSI.’

Further to the above, they also recommend that conditions requiring a Bat Conservation Plan; Otter Conservation Plan and Lighting Scheme, be required in addition to the need for a European Protected Species Licence.

With regard to pollution prevention they request a condition requiring a Construction Environment Management Plan and a Biodiversity Risk Assessment with regard to invasive non-native species be attached to any permission given. In terms of land contamination they also request conditions requiring a scheme to deal with risks relating to contamination; contamination verification report; unsuspected contamination; surface water drainage (with reference to ensuring no unacceptable risk to controlled waters) and piling/foundation design be attached to any consent given.

The **Joint Committee of the National Amenity Societies** was consulted with regard to the application and comments were received from the **Society for the Protection of Ancient Buildings** who state that ‘given the nature of the development and without visiting the site, we have no further observations to make in addition to those raised in the consultation response by Cadw and the Local Conservation Officer.’

South Wales Police were consulted and provided a number of observations and recommendations in line with Secured by Design guidance. These include those relating to footpaths, perimeter security, orientation of dwellings, parking (including avoidance of undercroft parking), planting, lighting, overlooking of communal areas, doors, windows and access control.

Dinas Powys Ward members were consulted, whilst there was some discussion with Cllrs Driscoll and Franks no formal comments have been received.

The Council's Education Section provided comments with regard to the initially submitted proposals for 250 dwellings based upon the capacity at the time, indicating the need for education contributions to provide for 25 nursery places (no capacity available); 63 places for primary age children (English medium and denominational) and 52 places for Secondary and Post 16 education students. As such they indicate a contribution of circa £3,054,408 would be required.

First Minister – Welsh Government was consulted with regard to the development being EIA development although no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 4 November 2020 and 20 December 2022. Site notices were also displayed on 13 November 2020 and 8 February 2023 and the application was also advertised in the press on 11 November 2020 and 29 December 2022. At the time of writing this report, two letters of representation have been received raising the following:

- Scale of development
- Traffic problems
- Pollution impacts including on occupiers of the development
- Lack of suitable affordable housing provision
- Lack of consultation of neighbouring properties

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY 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 MG4 – Affordable Housing
POLICY MG16 – Transport Proposals
POLICY MG17 – Special Landscape Areas
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 MD6 – Housing Densities
POLICY MD7 – Environmental Protection
POLICY MD8 – Historic Environment
POLICY MD9 – Promoting Biodiversity
POLICY MD16 – Protection of Existing Employment Sites and Premises

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 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

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.

Policy 36 – South East Metro

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 – Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

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

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling

4.2.18The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.

Chapter 5 – Productive and Enterprising Places

- Transportation Infrastructure

5.3.13 The process of designing new road schemes and road improvements should take into account the transport hierarchy, whereby active and sustainable transport is considered before private motor vehicles. This will help to minimise community severance from a scheme and its impacts on the safety, convenience and amenity of routes for journeys on foot, bicycle and public transport.

Chapter 6 – Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 – Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Renewable Energy (2019)
- Residential and Householder Development (2018)
- Sustainable Development – A Developer’s Guide
- 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 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 – Planning Obligations
- The Planning (Listed Buildings and Conservation Areas) Act (1990)

Section 66 of the Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

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

Issues

This is a major EIA application that proposes the development of a predominantly brownfield site for residential development for a maximum of 228 dwellings and the provision of a replacement bridge over the River Ely and realignment of the B2673 Leckwith Road.

Having regard to the key issues identified in Schedule 3 of the 2017 EIA Regulations, an Environmental Impact Assessment has been submitted in support of this application, owing to the characteristics of the development and location of the site.

Within this context the proposal is assessed against the above policies and guidance, with many of the key issues identified within the supporting ES being considered of primary concern, including:-

- Principle of development
- Highway matters
- Loss of employment land
- Design & Visual Impact
- Impact upon amenity of neighbouring occupiers
- Trees
- Landscape
- Ecology
- Flood risk and drainage
- Historic environment
- Noise & air quality
- Contaminated land
- Planning obligations and viability

Principle of Development

Housing Development

The proposals fall to the eastern edge of the Vale of Glamorgan administrative area and outside of any settlement boundary identified within the adopted Local Development Plan. Notwithstanding this, it falls in close proximity to the edge of the city of Cardiff. 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; benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment; where possible promote sustainable construction and make beneficial use of previously developed land; have no unacceptable impact on the best and most versatile agricultural land.

Part of the site comprises of a number of buildings of varying form and large areas of hardstanding, and evidently therefore comprises previously developed land. The site does not have a particularly strong visual relationship with development in Cardiff, although it would be viewed in association with a number of substantial urban features including the elevated A4232. It is also located on an existing bus route and close proximity to a number of services within Cardiff, including the retail facilities within the Leckwith Retail Park.

Noting this, it is considered that although the proposals would not reinforce the role and function of identified settlements and the settlement hierarchy within the Vale of Glamorgan administrative boundaries, the development would however relate to existing built form in Cardiff, being in a sustainable location with sustainable connections to Cardiff, utilising a significant proportion of brownfield site. To this end, it is considered that although the proposals would not strictly accord with the provisions of Policy MD1 in terms of its location to settlements within the Vale of Glamorgan, would still accord with the wider aims of national planning policy in that the redevelopment of the site, which is in part brownfield, for housing where its connectivity and relationship to Cardiff would secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

Furthermore members are advised that, in essence, the residential development of the site, would act as 'facilitating development' for the provision of a replacement road, viaduct and bridge, a key piece of highways infrastructure, that would potentially have to be funded by alternative means, and in the absence of such development, likely by the public purse, as discussed in further detail below, including correspondence from the Council's Highways and Engineering Operational Manager.

Replacement road and bridge

As noted above, the full element of the planning application relates principally to the realignment of the existing B4267 (Leckwith Road) and the construction of the new road and bridge.

The LDP identifies the B4267 as part of the strategic highway network within the LDP Strategy for the Vale of Glamorgan within the Plan Period. This is shown on the extract of Figure 2 (page 39) of the LDP as below:



— Strategic Highway Network

Policy SP7 'Transportation' states that 'sustainable transport improvements that serve the economic, social and environmental needs of the Vale of Glamorgan and promote the objectives of the South East Wales Regional Transport Plan and the Local Transport Plan will be favoured.'

The provision of a replacement bridge and realigned road do not form one of the key priorities identified within this policy or the wider LDP, although it does state that 'All new developments that have a direct impact on the strategic transportation infrastructure will be required to deliver appropriate improvements to the network'.

Criterion 9 also indicates that bus priority measures on Leckwith Road between Llandough and Cardiff as a key priority.

The supporting text to this Policy states:

5.81 The provision of a strategic highway network is vital to the efficient movement of people and goods throughout the Vale of Glamorgan. The Council will continue to press for improvements to the strategic highway network, with particular emphasis on providing improvements in access to Barry, the Airport and St. Athan from the M4. Likewise, all new developments that have an impact on the strategic highway network will be carefully assessed in terms of the need to improve strategic access.

Policy MG16 'Transport Proposals' identifies a number of schemes for highway and sustainable transport to be progressed through the Local Development Plan, although again works identified within the scope of this application are not explicitly referenced.

Policy MD1 (Location of New Development) states that 'new development on unallocated sites should amongst other things 'benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment.'

Although not explicitly referenced within one of the aforementioned policies within the LDP, it has however become apparent, following survey work that the viaduct supporting the existing B4267, is identified and agreed to be in a poor state of repair with significant structural issues. In the absence of significant repair or replacement of the bridge, it is highly likely that the route would need to be closed or limited in terms of weight and in turn would close or significantly disrupt the flow of traffic for all highway users on this major arterial route into and out of the Vale of Glamorgan. The proposals therefore seek to provide a replacement road on an alternative alignment to allow the construction of a replacement road and bridge through the site, without need for the closure of the existing bridge.

The application provides a detailed report stating that the existing viaduct is structurally deficient, a matter that has been verified and acknowledged by the Council's Highways section.

The development would firstly make the route more fundamentally safe and user friendly, and would allow for the strategic highway network and one of the principal connections with the City of Cardiff to remain open. Although there is no explicit policy position detailing that these works are acceptable, the thrust of the above policies and strategy within the LDP, clearly identify that works to maintain and improve the strategic highway network which will incorporate sustainable transport measures and associated infrastructure should be given significant weight in the determination of the application. The proposals would provide substantial benefits through the replacement of an important piece of highways infrastructure, and this therefore weighs heavily in favour of the proposals.

Following consultation with the Council's Operational Manager for Engineering they have advised of their support for the proposed highways works as detailed in full below:

The existing Leckwith Viaduct and River Bridge have been subject to a monitoring regime over the last 15 years following detailed inspection and structural assessment which proved them to be in poor condition and structurally unable to carry all possible traffic loading. Accordingly, a 7.5 tonne weight limit was imposed to protect the structures from damage associated with highway loading and they have been inspected at regular intervals to monitor their condition.

The B4267 route which crosses the Leckwith Viaduct and River Bridge represents a key highway and traffic link between Cardiff and the Vale which is used by many motorists as well as commercial vehicles and bus / coach services on a daily basis and it is essential that this highway link is maintained in a safe and robust condition and future improvements are made to ensure that it is suitable and fit for purpose in the future.

The current condition of the structures is such that remedial works to their reinforced concrete fabric would be prohibitively expensive and would not necessarily enable the weight restriction to be removed. Therefore, replacement is likely to be the most cost-effective option to follow in the future. The structures have recently been re-inspected and are currently undergoing a structural re-assessment to re-establish their safe load carrying capacity and for what length of time this capacity would apply.

The proposed development at the Leckwith Quays which includes the replacement of the existing Leckwith Viaduct and River Bridge structures represents a significant benefit to the Vale by removing the existing liability associated with the existing structures and will provide much needed durable new infrastructure essential to ensure that the B4267 road link is maintained and enhanced to meet the future transport needs of the Vale and the wider Cardiff City Region.

The new, replacement structure over the River Ely will be designed and built to all current Highways Agency and Welsh Government standards and, with no weight restrictions, will enable its use by all traffic for the next 120 years, continuing to provide an important link between the Vale of Glamorgan and Cardiff.

The new road alignment will be constructed on embankment to reduce the length of any new structure to the length required to cross the River Ely thereby further reducing the council's future liability by limiting the length of any new structure required. The new road will also be constructed to all current Highways Agency and Welsh Government standards to meet necessary and appropriate safety standards and traffic volumes.

The council's highways and engineering team has worked closely with the developer to ensure that the specification and design of the new road and bridge structure meet the future needs of the council.

Any such benefits are to be weighed against any harm arising from the development, in the above policy context, and the issues associated with each of these points are considered below. A balance of any benefits and/or harm is set out at the end of the report.

Highways alignment/geometry

As aforementioned, the proposals seek to replace the existing viaduct that provides a main arterial route that connects the Vale of Glamorgan with Cardiff.

Vehicular access to the residential element site is proposed from the new bridge/road alignment, via a new signalised 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 Council's Highways Development section have advised that the development would adhere to the design standards in the Design Manual for Roads and Bridges (DMRB)

which will ensure a safer and more attractive route for all traffic, including HGVs. This is considered to also represent a significant benefit to the development, given the identified issues with the existing viaduct.

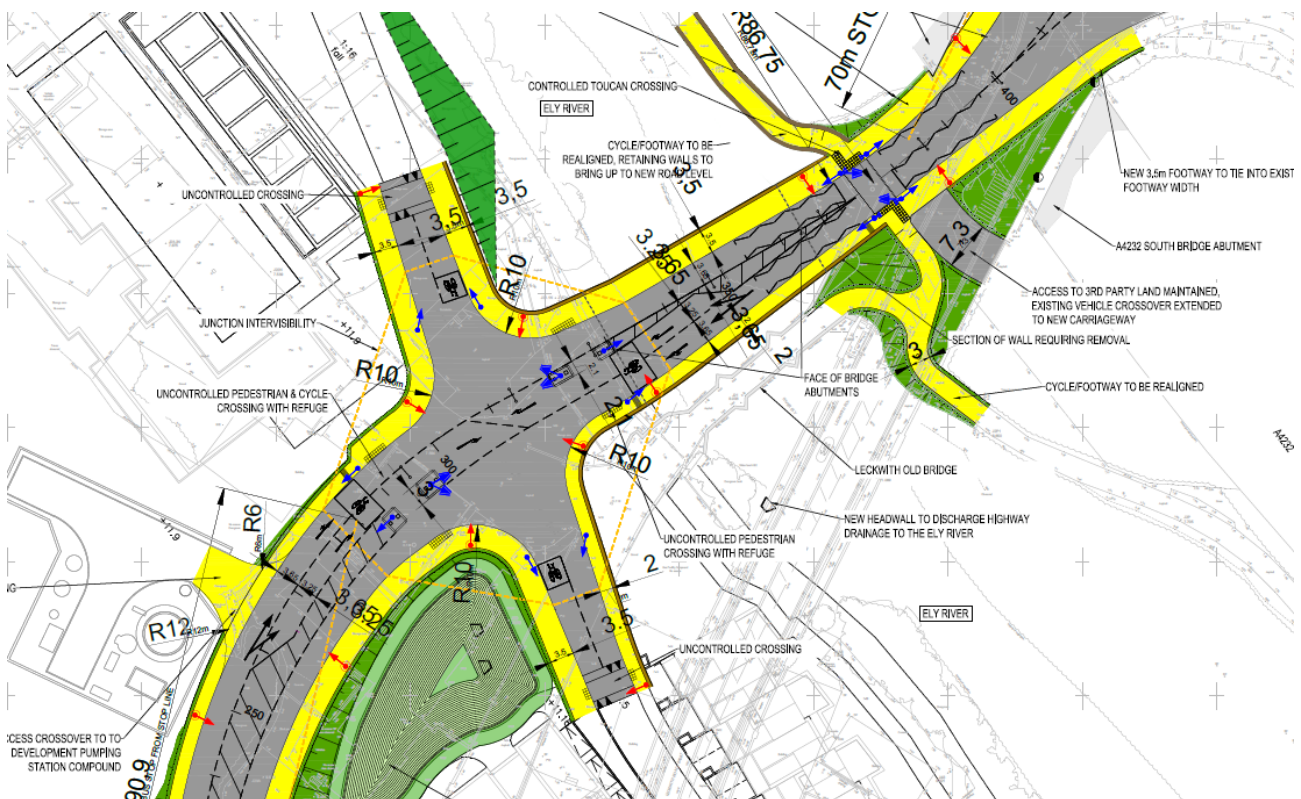
The engineering details of the proposed replacement bridge have also been considered by the structures team within the Highway Development section of the Council. Therefore, subject to the engineering detail of the road being approved, it is considered that it would function safely and positively impact upon highway safety within the highway network.

The Highway Authority have confirmed their satisfaction that the proposals are acceptable in terms of their geometry, subject to conditions attached to any planning permission and further technical approval being sought through the necessary highways agreements. **Conditions 12, 13, 19, 20, 21, 22, 27, 28, 48 and 49** have been proposed to address the points raised by the Highway Development Department.

Cycling, Pedestrians and Public 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.

Currently there are existing footways to both sides of Leckwith Hill and over the viaduct with associated safety barriers. The development would result in enhanced footway/cycleway provision with a 3.5m wide shared facility on one side of the road along its length, switching sides of the carriageway adjacent to the entrance points to the respective entrance points to the northern/southern elements of the outline residential development as shown on the plan below:



The proposed arrangements would also tie in with Ely trail cycleway and facilitate pedestrian and cycle access over the Old Leckwith Bridge to the Cardiff side of the River Ely, in addition to the active travel routes into the site. A controlled toucan crossing across the revised road design also represents a significant improvement for users of the trail from the existing uncontrolled arrangement.



Old Leckwith Bridge

It is considered that this arrangement would result in the route being significantly more attractive to cyclists, including for the prospective future occupiers of the development, and this would encourage cycle trips as an alternative to the car. This is considered to be a further benefit to the scheme. Pedestrian facilities would also be improved, relative to the existing situation. This would provide improved and safer pedestrian facilities along a significant length of the road and would provide for better pedestrian access, including to those services contained within Cardiff.

There are 95 and 95A bus services that currently use the B4267 providing routes between Heath Hospital & Barry and Cardiff & Penarth respectively, with the nearest bus stop (Hadfield Road) being circa 400 metres away. It is also noted that the Ninian Park railway station is circa 1 mile to the north. The development would not provide additional bus stops but would create a safer, quicker and more attractive route, with future users of the site having access to bus services within a suitable walking distance.

It is considered that the development would provide much improved facilities and a safer environment for cycle and pedestrian movements, in addition to future proofing for buses.

Residential development (Highways)

The proposed residential development will be accessed off the amended highway alignment and new junction allowing separate access to each of the development parcels

to the north and southern extent of the road. The position of these access points is shown below:



Following review of the access positions and their associated geometry the Council's Highways Development Section have confirmed that they are satisfied with their position, in terms of highway and pedestrian safety.

Chapter 4 of the supporting Environmental Statement details the likely transport effects arising from the construction and operation of the proposals, and is supported by a Transport Assessment and an Outline Travel Plan. These elements principally focus upon the impacts of the proposed development on the local highway network, including cumulative effects with other developments within both Cardiff Council and the Vale of Glamorgan (although no such schemes were identified). This identifies that during the construction phase the effects of the proposed development would be medium term, minor adverse not significant, whilst during the operational phase would be long term but limited to minor adverse or no change. It must be acknowledged that the existing use of the site generates a number of trips, albeit of a different nature, with more commercial vehicles and lower volume to that of the proposed residential use. Following the review of the Transport Assessment and subsequent addendum, by the Highways Department and their appointed consultant, it is agreed that no significant highways impacts are expected from the introduction of a residential development of the size proposed.

The movement hierarchy parameter plan details the road layout shown as part of the indicative layout:



Owing to the general linear form of the site, the development would largely be accessed off single spine roads running to each of the northern and southern plateaus. The proposals do however indicate that a degree of separate pedestrian/cycle infrastructure could be accommodated within the development with connections to existing off-site provision.

It is noted that the Council's Highway Development section have provided comments in this regard during the course of the consideration of the application and some minor changes have been incorporated into the indicative masterplan. However, no objections are maintained by the Council's Highway Development team and fundamentally the internal layout of the residential development is a reserved matter that will be considered under any future reserved matters applications. It is however, acknowledged that development of the southernmost development parcel would need to be carefully considered to ensure suitable deflection or alternative measures are undertaken to ensure that vehicular speeds are kept to a suitable level for the form of development proposed and any future submissions would need to suitably demonstrate that the highways layout achieves a suitable and safe layout.

The site is considered to be a favourable location for walking and cycling to a number of facilities within Cardiff, particularly those within the Leckwith retail park circa 300 metres away, active travel facilities immediately adjacent to the site, and access to bus and train services from the B4267 within Cardiff. 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.

Loss of employment land

Although not allocated as a designated employment site within the Vale of Glamorgan Local Development Plan, it is noted however, that access to the existing site and uses within, are currently via the existing historic bridge.

It is evident that the continued use of this bridge which is both a Grade II* listed building and Scheduled Ancient Monument and associated damage caused particularly by commercial vehicles, represents a significant constraint to providing a usable, safe and viable long term access to the commercial uses within the site.

Policy MD16 (Protection of Existing Employment Sites and Premises) seeks to ensure that at existing employment sites and premises proposals for non B1, B2 and B8 employment uses will only be permitted where:

1. The proposal is for ancillary or sui generis uses that would not singularly or cumulatively lead to a material change in the nature of the employment site; or
2. The existing employment use has unacceptable adverse impacts on amenity or the environment; or
3. Land of equal or better quality is made available for employment uses elsewhere; or
4. It is demonstrated that the site or premises is no longer suitable or viable for employment purposes; and
5. The proposal would not prejudice existing or neighbouring employment uses, have an unacceptable impact on amenity or the environment and would not lead to a material change in the nature of the employment site



The brownfield part of the site has historically had a varied range of commercial uses including vehicle recovery, gas storage and concrete product manufacturing. As such these uses have principally been based more around the site being used for open storage, albeit with a number of buildings on the site, but is materially different to a business park or industrial estate where such sites provide serviced commercial units.



View towards northern section of site from viaduct



View towards northern section of site from viaduct

The agent has confirmed that currently there is very little activity at the site and most tenants have left and haven't been replaced and each tenant lease can be ended with 28 days notice.

As such whilst the loss of the existing site for business use is regrettable, given the nature of the uses at the site, due to access constraints, it is the view of officers that the site is no longer suitable or viable for employment purposes going forward, therefore complying with Criterion 4 of Policy MD16. It is also a material consideration that the removal of commercial vehicles from the historic bridge will result in the future safeguarding of this historic asset.

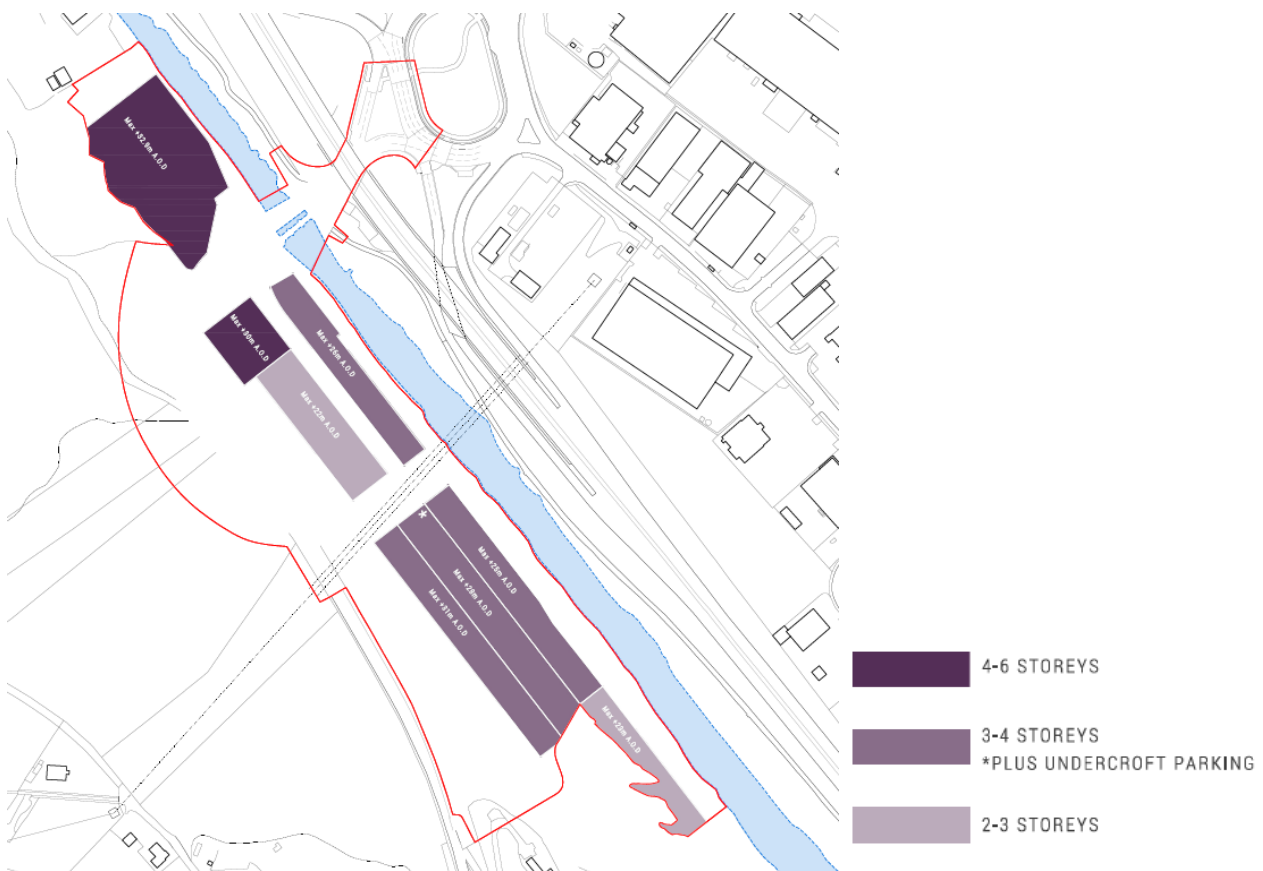
Design, Landscape & Visual Impact

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 topography of the site and to facilitate the road realignment, a relatively substantial degree of engineering works will be required to develop the site as described above, including the access from the residential elements onto the revised road alignment and to elevate the slab level (including by up to 1.3 metres within the northern plateau) in accordance with the recommendations of the submitted Flood Consequence Assessment.

The proposals will result in the removal of an existing viaduct, with a replacement road and bridge with associated engineering works on a revised alignment. Whilst noting the revised alignment, the removal of the existing highways infrastructure with new, would to some extent balance out any visual harm associated with the revised road arrangement. The elevational details indicate a bridge of a suitable design whilst the other submissions detail that the revised alignment would not require excessive engineering works. Subject to suitable tree planting (discussed in a later section of the report) it is considered that the works to provide the road itself would not give rise to any unacceptable visual impacts having regard to the visibility of the road and having regard to the degree of impact of the existing viaduct and road.

The residential development, however, falls on two relatively flat plateaus that would not require significant levelling or changes to facilitate the development of the site. The application has been supported by a scale parameter plan and indicative masterplan, that indicate a mixed form of development inclusive of flatted blocks of between 4-6 storeys in height to the north of the site and dwellinghouses of both 3-4 storeys and 2-3 storeys towards the southern end.



Although the site falls outside of any settlement identified within the Vale of Glamorgan LDP, it must be acknowledged that the site is visually contained by the significant escarpment, behind and viewed in the context of a number of significant buildings and

other urbanising features, which border Cardiff inclusive of the existing road that is significantly elevated. In respect therefore of the visual impact of the residential development, whilst the submission is accompanied by indicative elevation details of buildings within the site, detailed design and appearance of the buildings is a reserved matter for consideration within a subsequent application. It is considered that the site is suitably located to accommodate a development of the identified scale parameters proposed. Full details of the design and form of each of these buildings would need to be carefully considered through the submission of detailed reserved matters applications. On the basis of the information provided it is considered that a policy compliant scheme to comply with the requirements of the Local Development Plan, including Policies MD2 and MD5 could be achieved and this would need to be carefully considered with any reserved matters submission.

Notwithstanding the above, the application site (with the exception of the works that cross the River Ely) falls within the Cwrt-yr-Ala Basin Special Landscape Area (SLA), adjacent to a significant wooded escarpment that forms a distinct feature in close proximity to the edge of the urban area of Cardiff.

Policy MG17 'Special Landscape Areas' of the LDP identifies areas protected and states that within the special landscape areas identified, *'development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.'*

The background paper 'Designation of Special Landscape Areas' for the currently adopted LDP Cwrt-Yr-Ala Basin SLA, identifies that the SLA 'is surrounded on three sides by large conurbation representing a significant threat through housing and infrastructure development.' The majority of the SLA is focussed on the Cwrt-yr-ala valley although with regard to the area subject of this the background paper states the following:

To the north and east a scarp slope acts as a western edge to Cardiff basin. The slope is dominated by broadleaf and mixed woodland giving way to riverside vegetation and limited commercial development. The exposed hillside rises steeply to overlook the flat land of Cardiff Bay and City. There are detractive views to Leckwith Industrial Estate and noise from the A48. The natural landscape has been significantly altered by urban expansion and, despite the SLA area itself having few settlements, it feels very settled due to the proximity to Cardiff.'

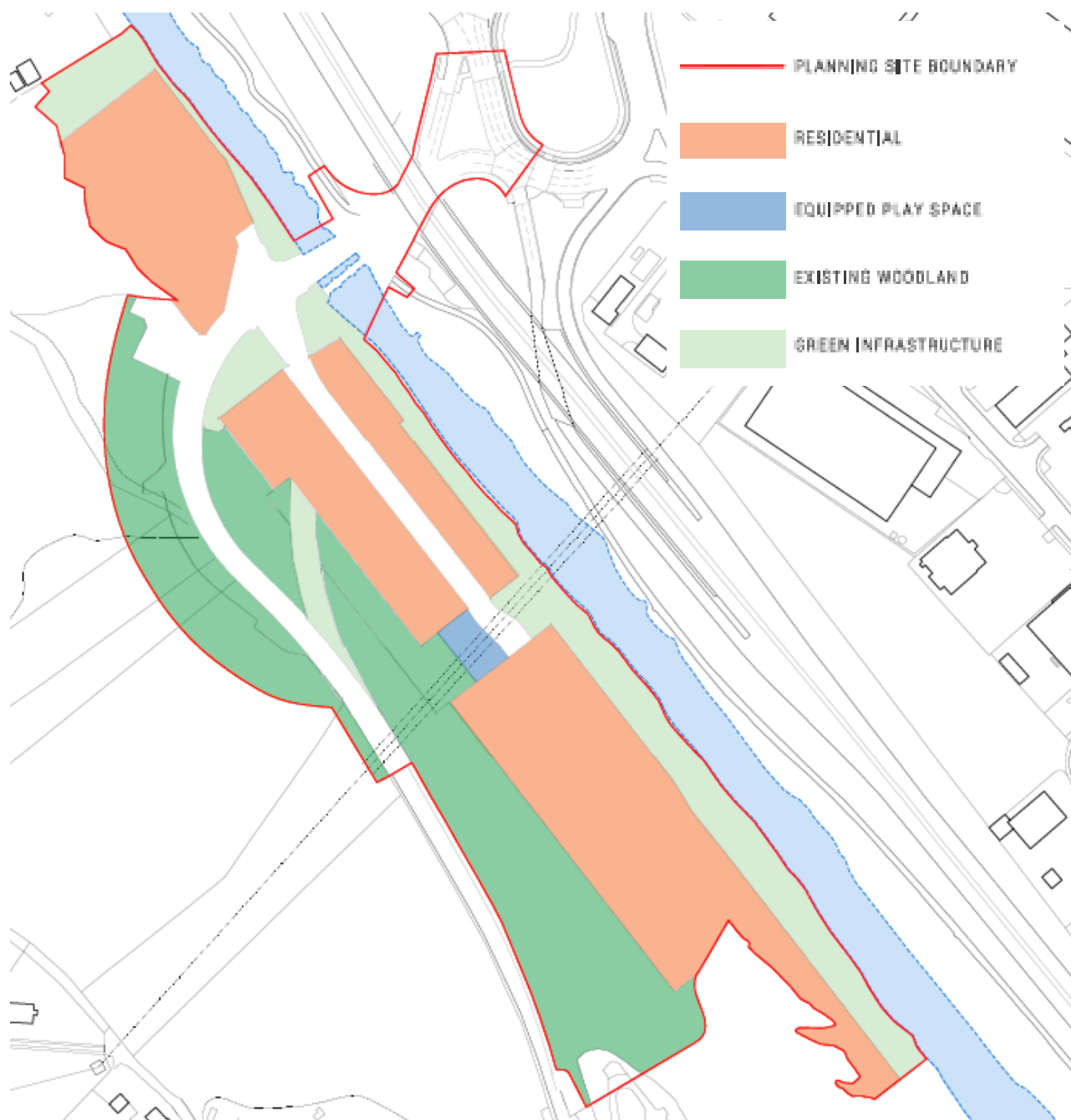
The proposals as originally submitted were supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Novell Tullett dated November 2019, with the impacts further considered within Chapter 6 of the accompanying ES and subsequent addendum. This assessment, as revised following officer concerns, provided detail of the potential landscape impacts from 10 landscape receptors, that detail that as a result of the construction phase, 6 were considered to have a moderate to major adverse impact, predominantly owing to the loss of trees as a result of the development, as discussed at length above. However, the submissions detail that once built and operational, predicted impacts from receptors including the SLA, adjacent SINC's and the Old Leckwith Bridge were to be no significantly adverse impacts, with six being beneficial owing to the potential for a high quality landscaping scheme, increased links through the site between woodland and the river corridor and improvement of setting of listed bridge through the removal of vehicular traffic across its span.

The submissions also identified seven viewpoint receptors, four of which were indicated as having moderately adverse significant adverse impacts during the construction phase. three of which were considered to be moderately adverse, which was considered significant when the development was operational, including those identified from those closest to the site from the Old Leckwith Bridge and Ely Trail, owing in part to proximity of the site to the walking trail and the increased height and lessened views toward the escarpment. These viewpoints are however considered to be relatively localised with the impacts arising from the increased height of built form, albeit of likely better quality subject to reserved matters consent when compared to the existing development at the site.

With regard to the SLA, this is a strategic landscape designation and one that considers wider landscape impacts. The part of the proposal which extends into the SLA will be viewed in the context of the existing development within Cardiff, inclusive of the A4232 and large commercial buildings as acknowledged within the relevant background paper, as aforementioned. The nature of existing development at the site, is not a positive contributor to the fundamental landscape character of the SLA and whilst the proposals would certainly increase the extent and height of built form within the site, this would largely be visually contained by the escarpment and viewed within an already developed context. The loss of vegetation, as discussed within the previous part of this report, is certainly regrettable although noting the extent of replacement planting and the indicative landscaping strategy proposed, that will increase the vegetative cover within the site, it is considered that some of the localised visual and landscape harm would likely be mitigated to a significant degree. To this end, it is considered that the proposals, inclusive of both the full element for the road, and the outline proposals for residential development, will not fundamentally or cause a significantly harmful impact upon the wider landscape value of the SLA. To this end, for the purpose of Policy MG17 of the LDP.

Density & Layout

As noted above, the application is in outline with all matters except access reserved and consequently, the only information relating to an internal layout are the indicative master plan and parameter plans (including the storey height plan noted above). The land use plan is shown below:



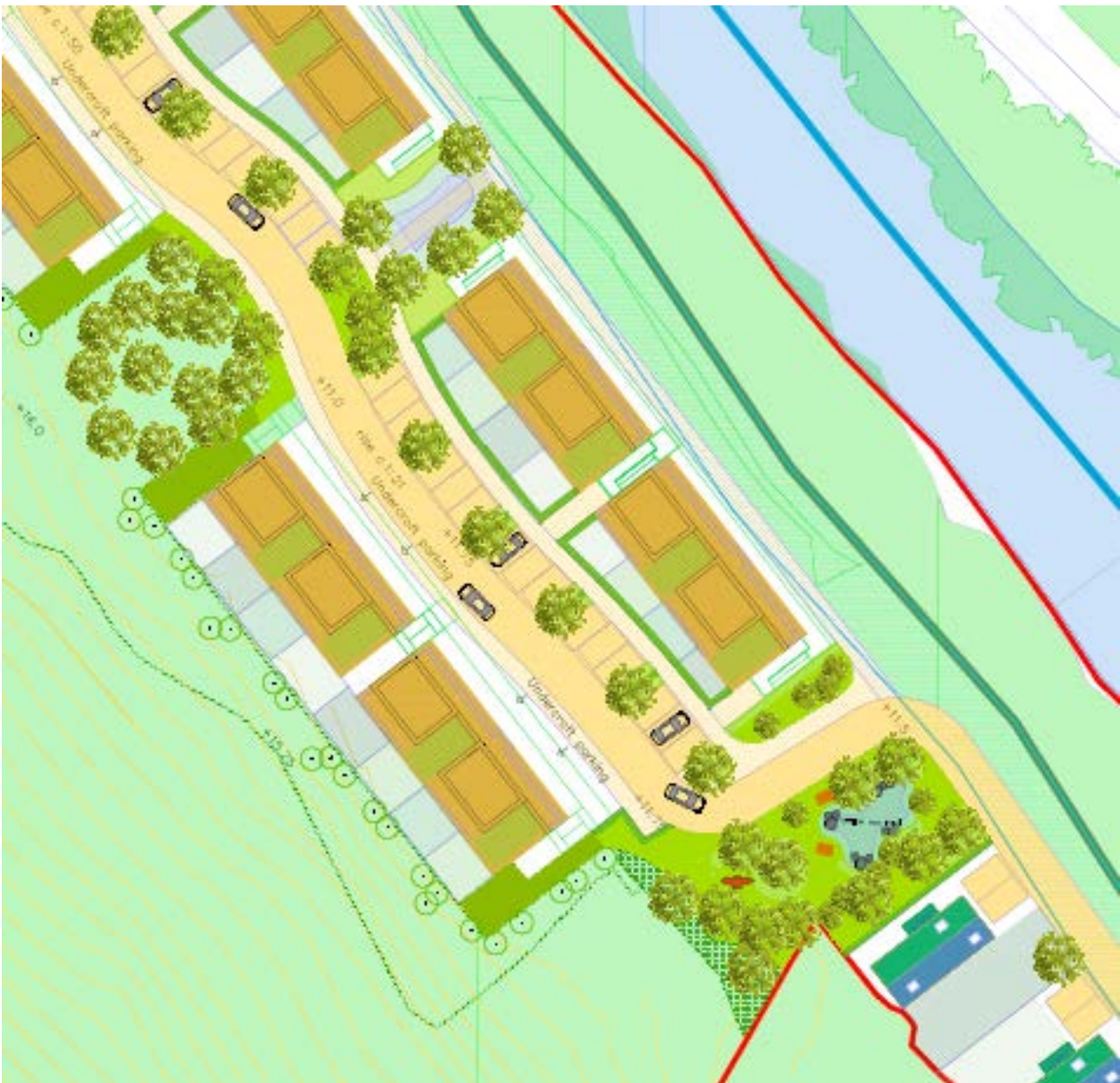
The proposed land use plan provides a high level assessment of the land uses within the residential element of the proposals with centralised Public Open Space ('POS') provision and green infrastructure to the river edge. This has been further interpreted within the indicative masterplan shown below:



The proposals show flatted blocks to the northern end of the site with greater storey heights (as shown on the height parameter plan attached above), with a mix of flatted development to the northern end of the southern plateau, and a mix of terraced, detached and semi-detached units within the southern end of the southern plateau. The parameter plans and indicative layouts are not intended to be prescriptive, but do demonstrate that the quantum of development, can in principle, be laid out in such a way to provide an appropriate form of development, providing amenity provision, parking, open space and ecological mitigation within the confines of the site.

Although little in the way of elevational detail has been provided, noting the context of the site, it is considered that the site could accommodate a varied form of development (as evidenced within the masterplan), and it is not considered necessary to be overly prescriptive with a detailed design code or similar at this point. Layout and design are matters reserved for subsequent applications, and officers are confident that an appropriate high quality form of development can be achieved within the confines of the site, subject to necessary scrutiny with any reserved matters submission(s).

The application, as amended, is also supported by a landscape strategy indicates that the proposals would provide landscaping around identified 'green fingers' running through the site in 3 locations, as shown indicatively on the plan extract for the south-eastern part of the site below:



Whilst full details of landscaping and layout are matters reserved for consideration under subsequent applications, it is considered that the landscape strategy demonstrates that the future development of the site can be designed in a manner to provide a suitable scheme of landscaping, with scope for biodiversity connections running through the site. When considering biodiversity and climate change implications of the development, the indicated layout allows any reserved matters proposal to incorporate a significant amount of tree cover as possible/practicable.

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 228 dwellings on site area of circa 5 ha (not inclusive of the road), and the density on site would be above the minimum 30d.p.h. that is required within key settlements, which is considered appropriate given its context adjacent to the built form within the Cardiff administrative area. Accordingly, the proposal is considered acceptable in respect of its density.

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, inclusive of shared areas, roof terraces, balconies and for a number of dwellings private garden areas. However, whilst there is some concern about the amount and quality of amenity space that would be available for some residents of the proposed development (on the basis of the indicative masterplan), members are advised that the internal layout is a reserved matter. Whilst the provision would likely need to be amended in terms of its position, layout and amount in some instances, to be found acceptable, there is sufficient room within the confines of the site to provide an acceptable amenity space whilst still accommodating the number of units being applied for, to serve at least the basic needs of prospective occupiers in the arrangement at this scale and form of development. This would need to be reflected in detailed layout plans, to include for practical needs such as bin and cycle storage.

Impact upon amenity of neighbouring and existing occupiers

It is noted that residential units (2) within the site would be lost as a result of the development and these properties have been served notice by the applicant and notified by the Vale of Glamorgan Council. Given the proposals would result in the comprehensive redevelopment of the entirety of the site, any existing residential use would cease and the units be removed and are not shown to be retained within the development. The removal of the units to facilitate development would mean that the proposals would not unacceptably impact upon any existing development at the site.

The nearest neighbouring property to the site is Hillside Cottage/Chalet which is located adjacent to the southern end of the development, in an elevated position. The significant highway works are set a substantial distance away from the property (circa 300 metres to the west) and as such with the exception of some limited construction impacts would be unlikely to cause any unacceptable detriment, with any such detriment controlled by way of a robust CEMP to be required by way of condition attached to any consent granted (condition 27 refers). Furthermore, although the boundary with residential development would be relatively close to the dwelling, it is noted that the current layout is indicative in its form and would be subject of further review and at a lower level. As such it is not considered in principle that there are likely to be any unacceptable impacts arising from the residential use of the site.

Other nearby properties including those on Woodland Road are set a significant distance away from the development site and as such would be unlikely to be unacceptably impacted by the development, particularly with the requirement for a robust CEMP as noted above. Furthermore although concern is noted with regard to the extent of notification of the development, the LPA has fulfilled its statutory obligations in this regard with immediately neighbouring properties having been notified, site notices erected and the application advertised appropriately in the press.

Noting all of the above, it is considered that the proposals in principle would not give rise to unacceptable detriment to the amenity of neighbouring residential occupiers. Full consideration of specific impacts can only be undertaken at reserved matters stage.

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 updated tree survey provides a detailed assessment of the trees across the development site and categorises the trees in terms of their age, condition and species and provides an assessment of their quality ranging from Category A 'High Quality' to C 'Low Quality' in addition to Category U 'those that cannot realistically be retained in context of current use for longer than 10 years.' They are mainly identified as a category C and U, although there are 7 no individual trees and 4 groups of trees that are identified as either category A or B.

The survey is also accompanied by an Arboricultural Impact Assessment that details the trees to be lost to the development that states that the site is dominated by mature woodland containing mostly Ash Trees infected with Ash Dieback Disease' with infected trees likely to die within 'the next five years and many trees now require removal on public safety grounds.'

It goes further to state that natural regeneration of the woodland would be anticipated within 10-15 years of the trees being lost. A high number of trees are therefore identified for removal for arboricultural reasons, principally ash dieback and elms infected with Dutch Elm Disease (22 individual trees, 16 groups), with the AIA noting that 'all category U trees require removal irrespective of any development proposals and therefore the loss of these trees should not be a material consideration'.

A number of trees are identified however as being lost to facilitate the development inclusive of 10 groups of trees, 12 partial loss of groups of trees and 5 individual trees. The submitted AIA indicates that 167 individual trees and circa 211 trees within identified groups (based upon 1,100 trees per ha) will be removed to accommodate the proposed road and residential development on the plateaus. Of those trees to be removed these are 22 groups to be affected with partial or complete removal, 19 of which are identified as category C, 2 x category B for partial removal and the complete removal of a category A group of beech (G72). 2 no. category A trees would be removed and 1 no category B.

Although the number of trees to be lost is evidently substantial, the vast majority identified for removal are those of limited quality or life expectancy. It is however acknowledged that cumulatively, the tree cover currently evident contributes significantly to the verdant character of the escarpment and to the overall vitality of the adjacent SINC.

The vast majority of the trees proposed to be removed would be associated with the realignment of the road, as shown on the plan extract below from the AIA:

- Trees to be Removed for Arboricultural Reasons ●
- Trees to be Removed for Development Reasons ●
- Category A Trees to be Retained ●
- Category B Trees to be Retained ●
- Category C Trees to be Retained ●



Although it is acknowledged that such loss is regrettable, the absence of the works could lead to the loss of this arterial route into the Vale of Glamorgan, noting the aforementioned issues with regard to the current structural condition of the bridge. Where tree loss occurs as a result of development, the Council's adopted Trees, Woodlands, Hedgerows and Development SPG does seek 2:1 for replacements for non-protected trees **wherever possible** (officer emphasis).

The SPG (9.1.3) indicates that each case must be assessed on a case by case basis and indicates that this requirement need not be slavishly adhered to. In this instance, significant weight must be given to the current health and status of the trees, noting a significant majority are dead or diseased or identified as being of poor quality or unsuitable for retention. To this end, coupled with significant weight that must be afforded to the critical need for the provision of a piece of critical infrastructure in the form of the realigned road and replacement bridge, consideration must be given to whether suitable mitigation can be achieved to safeguard local amenity and provide suitable ecological and sustainability benefits.

To this end, the application is supported by a detailed landscape strategy and details of tree planting following extensive negotiation with a view of achieving replacement within the confines of the site of circa 2:1 to meet the requirements of the Trees, Woodlands, Hedgerows and Development SPG. However, it is acknowledged that noting the density and constraints of the residential development site, the indicative landscaping strategy based upon the submitted masterplan demonstrates that a 2:1 replacement within the confines of the application site would be inherently difficult to secure. Furthermore, whilst the SINC woodland would naturally regenerate and areas have been identified adjacent to the realigned road for replacement planting, it is evident that this still fall short of the required level, albeit would likely provide suitable mitigation for the visual impacts of the development.

As noted the revised road alignment, would account for the removal of the majority of trees that are identified to be removed, noting the issues and limited remaining lifespan of the existing viaduct, is a significant consideration that weighs heavily in favour of the application.

Following negotiation with the applicant and the Council's Countryside team, it is considered that an appropriate mechanism is available to mitigate any such loss by requiring a commuted sum for the provision of replacement trees within suitable sites available to the Council.

Indeed such an approach is advocated within the Trees, Woodlands, Hedgerows and Development SPG. This states at paragraph 9.1.4. that *'the Council will normally require replacement planting to be accommodated within the boundary of the development site. However there may be instances where off-site replacement planting on public or other land in the control of the applicant will be considered and further information with regard to off-site planting.'* Whilst it is preferable that such planting occurs on neighbouring land available to the applicant, in this instance that such sites are not available.

Paragraph 9.1.5. of the SPG expands upon this and states *'under some circumstances off-site replacement planting may be acceptable and the Council will consider each situation individually. This approach is considered to be consistent with the Council's Tree Strategy and the LDP which seeks to increase overall tree coverage within the Vale of Glamorgan. All replacement planting will form part of the planning conditions or where necessary planning obligations (via a section 106 agreement) attached to the planning permission.'* It is acknowledged that paragraph 9.1.6. that such an arrangement should be considered as 'a last resort', however, it is considered that significant material considerations exist in this case. To this end, as part of the legal agreement attached to any consent given the requirement for a commuted sum of £60,000 to ensure tree planting of in excess of 2:1 shall be secured through both on and off-site mitigation, which would equate to the planting of in excess of 200 trees (circa 0.18 ha of woodland) on suitable receptor sites to be identified by the Council's Countryside Team. This would be broadly commensurate with the trees in groups/woodland identified within the submitted AIA (including those of limited value/poor health) and would assist in balancing their loss and maintaining suitable tree cover throughout the Vale of Glamorgan.

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.

Some of the works, including a number of trees to be removed fall within the Factory Wood Site of Importance for Nature Conservation (SINC), albeit it is noted that this SINC extends for a significant distance beyond the confines of the site. The River Ely, running along the boundary of the site is also recognised as a SINC. The Cym Cufdin, Leckwith Site of Special Scientific Interest (SSSI) lies just under 1km to the south-east of the site, downstream along the River Ely.

As such policy MG21 'Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species' would be of relevance in determination of the application. This is a criteria based policy that states that proposals likely to have an adverse impact upon such areas will only be permitted where it can be demonstrated that:

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

The application has been supported by survey work conducted by David Clement Ecology, with the most recent Ecological Assessment, dated November 2022. The survey identifies that the great majority of the habitats within the site comprise either bare ground, hardstandings or cleared and levelled ground supporting secondary ruderal vegetation along the north-eastern fringe of the site where it abuts the river' but also notes the presence of buildings and neglected garden areas that includes a large artificial pond. The River Ely, is noted as a major wildlife corridor with numerous species noted along its length including bats, otter, kingfisher and barn owl.

The supporting survey work has found some of the buildings within the site support roosting bats, with a suggestion that a 'comparatively low number of pipistrelle bats and brown long eared bats' roosting with the buildings identified as being of High Local Value. However, no evidence of roosting bats was found within the trees, including those to be lost. Surveys of the pond on site have found smooth and palmate newts and indicated the likely absence of great crested newts, whilst dormouse surveys of the woodlands immediately adjacent to the site found no evidence of dormouse or within adjacent suitable habitats. Evidence of the use of the river by otters was also found, although the survey suggests that there is no evidence to suggest an otter resting place or natal holt is evident within the site boundary.

The applicant's ecologist goes on to indicate that the some of the semi-natural habitats within the site were also considered to be of SINC quality, potentially of district value. Japanese knotweed was also noted as being present. Whilst noting the ecological constraints, the survey states that 'provided that adequate resources are made available for the mitigation and compensation of any adverse impacts, it is not currently considered that redevelopment of the site is unacceptably constrained by biodiversity and wildlife considerations.'

The assessment goes on to make a number of recommendations with regard to mitigation and compensation measures which include the following:

- Bat Conservation Plan – to include but not be limited to measures such as updated ground surveys of trees; demolition of buildings within the site during winter months; the provision of a suitably designed bat house within the confines of the site/suitable bat box provision within woodland (both prior to demolition of any existing buildings within the site); suitable roosting opportunities within new buildings within the site
- Otter Conservation Plan – to include details of an otter ledge (or similar) beneath new bridge; undisturbed 5m vegetation strip adjacent to the river, including lack of access; consideration of lighting arrangements to prevent lightspill onto river corridor; provision of artificial holting sites
- Mitigation for nesting birds including timing of clearance of vegetation; provision of bird boxes throughout the site and woodland; kingfisher nesting site
- Reptile mitigation strategy
- Hedgehog friendly fencing to be used
- Wildlife pond to be created within the southern end of the site
- Suitable replacement of circa 378 trees to be lost, including use of native species
- Provision of green fingers to provide connectivity between woodland and river corridor, and other landscaping measures inclusive of buffer planting to woodland
- Suitable highway lighting scheme to minimise light spill to woodland and River
- Wildlife Protection Plans and a long term Biodiversity Management Plan

Throughout the course of the application there has been extensive consultation with both NRW and the Council's Ecologist with regard to the ecological issues at the site.

Most recent comments from NRW, indicate that a revised general arrangement drawing of the new bridge to the River Ely should be provided to demonstrate that a suitable otter ledge can be accommodated above the 1 in 100 year flood event. However, in the absence of such they note that conditions relating to the bridge's soffit level (8.73m AOD) and an Otter Conservation Plan, could be attached to any consent given.

In this regard, the applicant has provided, informally, details that demonstrate that such an otter ledge could reasonably be achieved on the Vale of Glamorgan side, noting the change in levels across the site allows for sufficient clearance above anticipated flood levels and below soffit at the Vale end of the bridge for the bearing inspection shelf. To the Cardiff side, it is indicatively shown that dry passage could be accommodated through the abutment. Although these details have not been agreed with NRW, it is nevertheless considered that this demonstrates that in principle, this matter can be dealt with through an appropriately worded otter conservation plan condition (Condition 41 refers) and to condition soffit level (condition 17 refers)

With regard to the Cym Cyfin SSSI, NRW detail that any development of the site should seek to restrict access from the development into the SSSI, as such they advise that any residential development of the site should be designed in a manner that seeks to restrict access into the woodland, inclusive of building design and/or a suitable form of enclosure, although advise that this should be secured at reserved matters stage. The indicative layout as amended, does not identify recreational access into the woodland, with buildings generally facing into the development site. Although these details are indicative, it is apparent that a suitable layout could be achieved, and this will need to be secured through any reserved matters submission to follow.

Following consultation with the Council's Ecologist, they acknowledge the findings of the ecological submissions and suggested mitigation and indicate that this should be brought together into a more logical framework to avoid confusion. Nevertheless, although they do not object to the scope of the proposed mitigation they also note that replacement trees should be of local provenance. In addition lighting should be carefully considered to minimise detriment to species that utilise the site and edges of the development should be designed to ensure restricted access from the development to sensitive neighbouring sites. To this end, it is considered that the mitigation identified is considered to be appropriate and suitable conditions will be attached to any consent granted (**Conditions 42 and 43** refer) in addition to further details with regard to mitigation for trees (as covered previously).

Bats, otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is acknowledged that the submissions detail that there is no evidence of otter holts found within the site, although it is considered appropriate to take a precautionary approach with regard to the regulations. Where bats and/or otters are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. 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.
- ii. There is no satisfactory alternative and
- iii. 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.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that a Local Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In light of the above requirements, the three tests that need to be applied to this planning application are:

In respect of test no 1, the proposal would have an overriding benefits in terms of providing much needed infrastructure, housing , in addition to a number of affordable housing units, in the wider public interest within the Vale of Glamorgan.

In order to satisfy test no 2, the failure to replace the viaduct could eventually result in the building being at risk of falling down. Any redevelopment of this brownfield site would likely result in the loss of any existing buildings on the site in any case.

With regard to test no 3, as stated above, NRW 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 its natural range, subject to identifying the approved plans and documents on the decision notice and suitable conditions relating to lighting plan; bat and otter conservation plan for full and outline consents (conditions 14, 23, 40, 41 refer);

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, NRW request that an informative is attached to any planning permission granted, advising that planning permission does not provide consent to undertake works that require an EPS licence. This shall be secured by way of an Informative.

Habitats Regulation Assessment

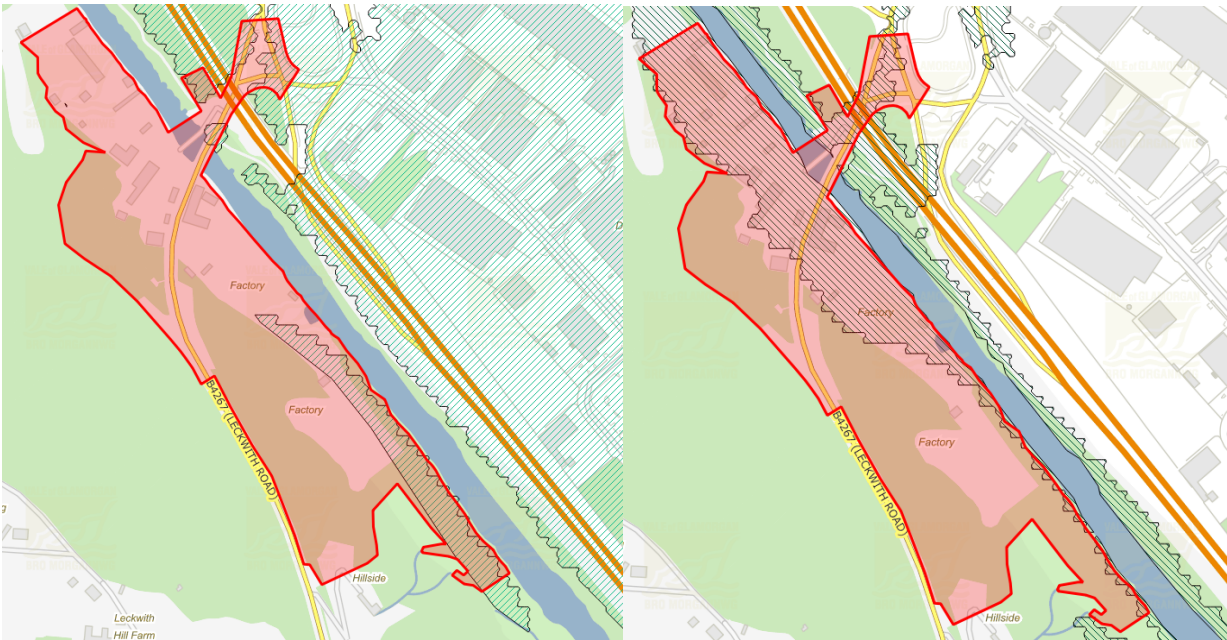
The site also falls adjacent to the River Ely which falls upstream of the Severn Estuary/ Môr Hafren Special Area of Conservation (SAC) and Special Protection Area (SPA) and as such a Habitats Regulation Assessment (HRA) has been undertaken by the Council Ecologist in support of the application, to assess the direct and indirect impacts upon species using the River Ely, namely the Twaite Shad, River Lamprey and Sea Lamprey.

The appropriate assessment concluded that the development has the potential to have a significant effect on the integrity of the site and therefore recommends conditions/restrictions on the way the proposal would be carried out. The concluding section concludes a number of measures that could be implemented, including but not limited to pollution prevention strategy; toolkit talks; long term water management; maintenance of undisturbed access along the boundaries with the River Ely and provision of better access for otters in river channel. Following consultation with NRW, they agreed with the conclusions of the HRA prepared by the Council and it is therefore considered that any impacts could be suitably controlled by way of condition.

Flood Risk and Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2.

The application site is largely located within Flood Zone C1 with land to the south-east within Zone B under the currently adopted TAN15. The River Ely corridor is shown as being within Flood Zone C2, albeit that does not extend into the site. As shown on the map extracts below:



Application site highlighted in red with indicated Flood Zone B (left) and Zone C1 (right)

With regard to development within Flood Zone B, TAN15 advises that such areas are ‘generally suitable for most forms of development. Assessments, where required, are unlikely to identify consequences that cannot be overcome or managed to an acceptable level. It is unlikely, therefore, that these would result in refusal of planning consent on the grounds of flooding. Within the table it identifies planning requirements and acceptability criteria that need to be met. This includes the planning requirement stating ‘if site levels are greater than the flood levels used to define adjacent extreme flood outline there is no need to consider floor risk further.’ With regard to highly vulnerable development (such as the residential use) it advises acceptability criteria, including acceptable consequences for nature of use; occupiers being aware of flood risk and no increase in flooding elsewhere.

With regard to Flood Zone C1, TAN15 advises that ‘plan allocations and applications for all development can only proceed subject to justification in accordance with section 6 and acceptability of consequences’ in terms of the acceptability criteria listed within the table and Section 7 of TAN15.

The justification test details that development, including transport infrastructure, within either flood zone C1 or C2, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;
 - ii. or, ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- iii. iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

The application, as amended is supported by an updated Flood Consequences Assessment dated December 2022 prepared by WSP, based upon a hydraulic modelling assessment undertaken by the applicant and agreed with NRW. The FCA concludes that the proposed development is 'considered to have a low risk of flooding from all sources. This FCA demonstrates that the scheme can be considered compliant with TAN15 and beneficial to the developed Afon Elai floodplain, subject to the interpretation of blockage scenarios'.

The FCA details a number of mitigation measures including but not limited to the minimum habitable floor levels of 8.96m AOD at upstream end of site and 8.5m AOD at downstream end of the site; review of undercroft parking areas at detailed design stage and suitably designed surface water strategy at detailed design stage.

Noting the above comments within the ecology section, the concerns of NRW with regard to the otter ledge required and the lack of such detail on the general arrangement, could be accommodated outside of the flood depth and should not therefore impact upon the conclusions of the modelling and FCA in terms of flooding impacts. To this end, and in the absence of any substantive objection to the FCA document submitted, the proposals are considered as follows against the justification tests detailed within TAN15:

- i) Whilst the site is not allocated and falls outside of a settlement boundary, it is evident that the replacement road infrastructure is of strategic importance, in maintaining connectivity between settlements in the Vale of Glamorgan and a neighbouring authority
- ii) The loss of the link with the neighbouring authority would limit access from occupiers of the Vale of Glamorgan to employment opportunities within Cardiff and would place increased strain upon other highways infrastructure to maintain any such links
- iii) The majority of the site is previously developed land
- iv) The submitted FCA and modelling demonstrates that flood related impacts can be suitably mitigated including through the design of the bridge and suitable floor levels AOD for the future development of the site.

Concern is noted from NRW with regard to the compliance with A1.12 criteria of TAN15, in terms of flooding elsewhere, noting that the submitted FCA identifies that in a 0.1% event (1:1000 year), increases in water levels would be constrained to the river channel, except in a small area of woodland to the south of the site, on the southern bank, would experience an increase in flooding of circa 2cm. Also in a 1 in 1000 year event, coupled with blockage (80% of central arch of the historic bridge, 30% of culvert) a limited degree of flooding would occur within suggested landscaped/ancillary areas. Whilst these instances are noted, they are considered to be significantly rare in occurrence, limited in its extent and would not give rise to any significant impact to any third party, that it is not considered a reason to restrict the grant of planning permission in this instance.

The applicant provided details of a Water Framework Directive assessment prepared by WSP dated February 2021 and having reviewed the document NRW have confirmed their satisfaction in this regard.

Dwr Cymru Welsh Water advised of concerns with regard to sewerage assets crossing the site, although the plans provided show no DCWW maintained assets within the footprint of either the residential development area or realigned road, albeit there may be a degree of overlap within the extend site area adjacent to the large Leckwith roundabout within the Cardiff administrative area. To this end, this is not considered to be a constraint to the grant of this planning application. Within DCWW comments they advise that a foul sewerage connection could most likely be accommodated to a manhole at the end of Hadfield Road on the Cardiff side of the bridge and recommend a condition be attached to any consent granted to this effect (condition 10). Whilst matters relating to water supply are raised it is indicated that this can be dealt with by way of a condition to any consent given and as such does not represent a reason to delay the grant of planning permission (condition 11 refers).

Comments received from the Council's Drainage Section, advise that it is suggested within the submitted drainage strategy that sustainable drainage techniques are achievable and whilst further information is required this would be secured through a SuDS Approval Body (SAB) application and an informative be attached to any consent given (informative 12 refers). Comments from NRW limiting such methods in the interest of safeguarding water quality are also noted and as such a condition relative to this has been proposed (condition 45).

Noting all of the above, it is considered that flooding and drainage constraints do not represent reason to refuse planning permission, subject to the conditions noted above.

Historic Environment

Policy SP10 'Built and Natural Environment' of the LDP states that 'development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan, including 1. The architectural and/or historic qualities of individual buildings...'. Policy MD8 'Historic Environment' requires that 'development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan specifically...2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses... and 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.'

Chapter 9 of the Environmental Statement provides an appraisal of the impacts upon the historic environment, including the impact upon archaeological resource and other designated heritage assets. The application is also supported by an archaeological desk-based assessment prepared by Glamorgan Gwent Archaeological Trust (GGAT) dated August 2019.



The application site includes part of the Old Leckwith Bridge (as shown above) that is designated as a Grade II* Listed Building, and as a scheduled ancient monument (GM014(GLA)), being a bridge dating back to the medieval period. The proposals indicate that this would be retained in situ and protective measures be undertaken during construction work, such as barriers and appropriate signage, to ensure no adverse impact from construction traffic.

The development will result in the demolition of the more modern Leckwith New Bridge and viaduct that are currently within circa 5m of the ancient monument to its southern site, that Cadw recognise has a dominating impact upon the bridge. It is however recognised that the proposals would introduce a new road bridge and viaduct to the north of the bridge (within circa 2.5 metres), that Cadw also recognise will dominate the scheduled monument. However, Cadw state *'The new bridge is a simpler structure to the Leckwith New Bridge and the proposed residential development will provide paths and public access that will allow the scheduled monument to be observed. As such whilst the proposed bridge will have a considerable impact on the setting of scheduled monument GM014 Leckwith Bridge this will be slightly less than the current impact of the Leckwith New Bridge.'*

It is however, also acknowledged that the proposed residential development would result in the introduction of built form of potentially up to six storeys in height and similarly could have an impact upon the setting of the identified heritage asset. Cadw, however, have clarified that the 'setting of the bridge relates to its position across the river and the local topography rather than any views of it'. To this end, they advise further that 'the residential development is situated in an area that has already been significantly altered by modern development. Whilst the change to a residential use will increase the number of buildings in this area and be a visual alteration, this will not significantly alter the way that the bridge is experience, understood and appreciated and therefore will not have a significant impact on the setting of the schedule monument.' Noting this, the comments received from the Planning Department's Conservation Officer (in post at the time) and having regard to the

provisions of the relevant policies, it is considered that the proposed development and associated highway works would assist in the preservation and enhancement of the Leckwith Bridge, in compliance with both criteria 2 and 4, as well as the removal of motorized vehicles from the bridge, in favour of cyclists and pedestrians.

Conditions will be attached to any permission given require further details of construction phasing and traffic management to ensure that site remediation / construction related traffic would not pass over and cause damage to the listed bridge (conditions 1, 20 and 28 refer).

13 ancient monuments and 11 registered parks and gardens fall within 3km of the site, albeit the desk based assessment notes that with the exception of the SAM of Leckwith Bridge (impacts considered above) and the registered parks and gardens of Thompson's Park (Sir David's Field) and Fairwood House, would not be impacted upon by the development owing to intervening topography, built form and vegetation. Following consultation with Cadw, they advise that although the proposals would likely be visible from the identified Parks and Gardens, owing to the extent of separation, the proposals would not have an impact on their settings.

The statement identifies 42 sites of archaeological interest within the study area of 750m from the site, inclusive of 10 within the site, including Leckwith New Bridge and Viaduct and Leckwith Bridge House, both of which are not statutorily protected and will be lost as a result of the proposals. The submitted survey suggests that this loss would be mitigated by undertaking a photographic survey and building survey respectively. With regard to other features to be directly impacted by the development, inclusive of a lime kiln and old weir, the ES and archaeological assessment recommend that these could potentially be preserved in situ or preservation by record if not and mitigated by a suitable archaeological watching brief.

The Council's archaeological advisors, GGAT, advise that the suggested approach to mitigation is considered appropriate and advise that they have 'no objection to the determination of the consent' providing that conditions relating to a historic building recording and analysis (condition 38 refers) and a written scheme of investigation (condition 39 refers), are attached to any permission granted.

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

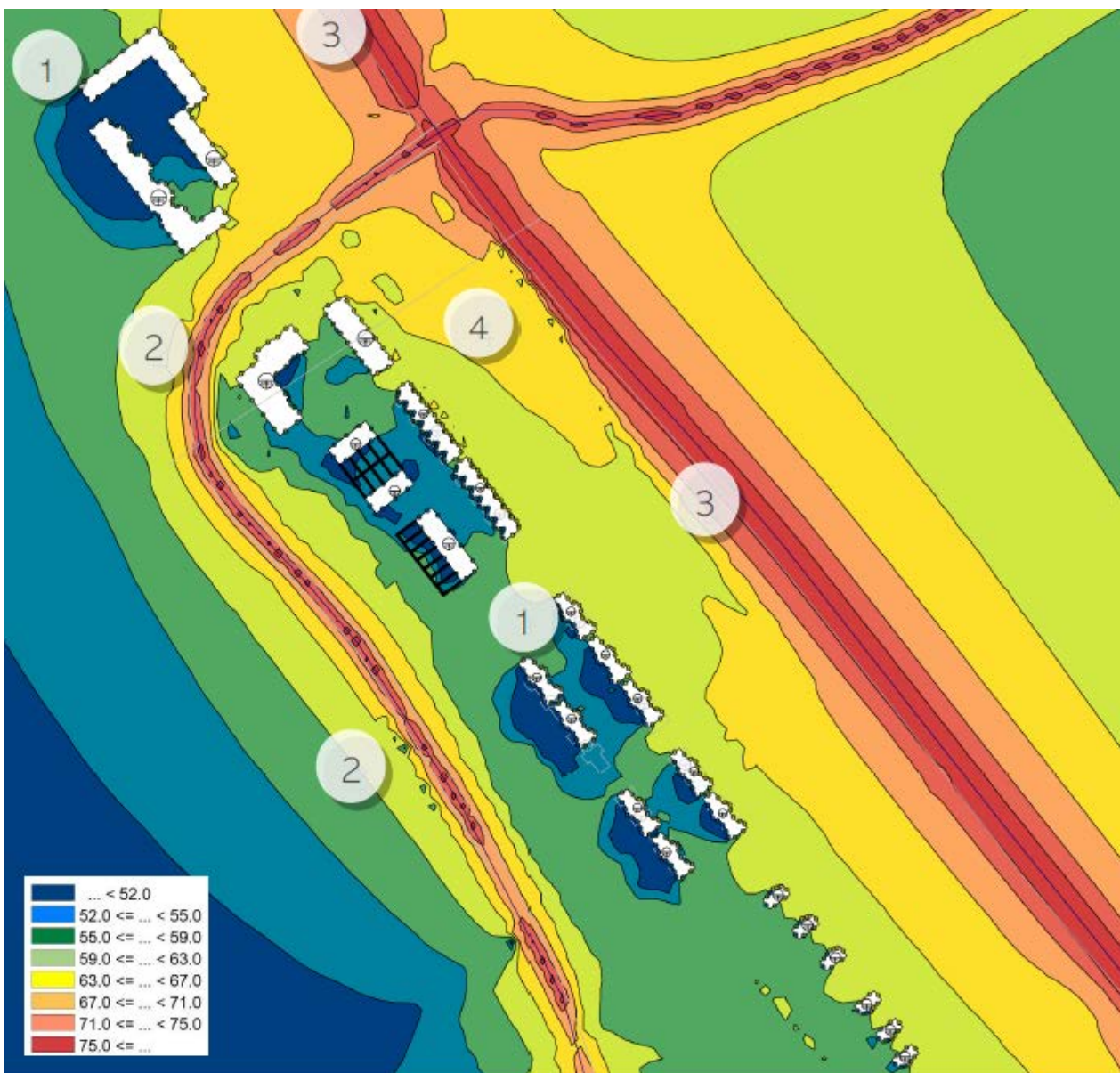
Noise

Policy MD7 (Environmental Protection) states that 'development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from' a number of criteria including '4. Noise, vibration, odour nuisance and light pollution... Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

Technical Advice Note 11: Noise (1997) (TAN11) provides guidance for consideration of noise in the determination of planning permission for residential development depending upon which of the four noise exposure categories (A-D) the application falls.

During the course of the application, concern was raised by the Council's Shared Regulatory Services (SRS) with regard to noise exposure of future residents of the site. Originally there were areas of concern including the potential need for noise barriers to both the A4232 and the B4267, the effectiveness of these barriers and also their associated visual impact; external noise levels; ventilation and overheating. As such the LPA entered into lengthy dialogue with the applicant with a view to having details that in principle could achieve a satisfactory layout.

In response, an Environmental Noise Assessment Report by Mach Acoustics was submitted in support of the application. This included a noise exposure model of the proposed masterplan layout as shown below, detailing within which of the NECs each part of the development falls (Blue = Category A; Green Category B; Yellow Category C and Red Category D):



Noting this, the frontages of the development upon the 'southern plateau' would largely be subject to noise levels with NEC B, although the frontage of the block within the 'northern plateau' would experience Noise levels within NEC C to its eastern elevation fronting the A4232 and the southern elevation adjacent to the B4267. The proposals also indicate that the illustrative masterplan would generally provide amenity provision within NEC A and B.

With regard to development within NEC B, TAN11 indicates that 'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection'.

TAN11 states that with regard to development within NEC C: '*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.*'

Pursuant to the receipt of additional information, it was established that practically the installation of barriers as noted previously was not considered suitable or necessary. As such the application documents have revisited the layout, seeking to utilise building mass and layout to screen amenity areas and ensure lower noise levels. The amended details indicate the provision of a more suitable layout to provide acoustic shadows on the site, including that with good design, inclusive of the use of dual aspect style accommodation to those within NEC C, that BS8223 compliant internal noise levels can be achieved. It is acknowledged that the applicant has advised that further modelling will be required for overheating, although it must be recognised that the current submissions are in outline only and detailed design is an issue that will need to be established under any subsequent reserved matters submission.

Following the review of the submissions the Council's Shared Regulatory Services, have advised that any subsequent layout should be conditioned to achieve the following:

1. *That external amenity areas in the form of and due to building mass, acoustic shadows and havens be developed across the whole site so to achieve a minimum of below 55dB(A) with ideally a level of 50dB(A) being achieved.*
2. *The internal noise levels as per British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings', be achieved with the minimal use of sealed glazing units and mechanical ventilation so that future occupants are not living in sealed boxes.*
3. *As acknowledged by the applicant further thermal modelling shall take place so to ensure both a high level of thermal comfort is achieved, the requirements of Building Regulation Document O aside, along with a good quality internal acoustic environment.*

As aforementioned, permission has not been sought for the detailed design of the units, although the information submitted indicates that the above can satisfactorily be achieved. To this end, it is considered that in principle a layout and form of development can be achieved that would comply with the provisions of both MD7 of the Development Plan and TAN15 subject to the works being undertaken in accordance with the approved FCA (condition 29 refers).

Contaminated land

The application is supported by a Preliminary Risk Assessment prepared by WSP that determines that owing to the historic use of the site, inclusive of historic landfill uses, that 'the risk to human health receptors from a contaminated land perspective is considered to be high.' It also indicates that the likelihood of direct contact with ground gases and risk to controlled water is also likely to be high.

Following review of the proposals by the Council's Shared Regulatory Services they note that 'the report confirms in-house records in relation to potentially contaminative historical activities in and around the site and the need for a ground investigation.' As such they note that a contamination and ground gas assessment of the site, including site based investigations and monitoring would be required to ensure that the site is made suitable for use. As such they request a number of conditions and an informative be attached to any consent granted including those relating to ground gas protection (condition 32 refers); contaminated land assessment (condition 31 refers); contaminated land remediation and verification plan and measures to be carried out (conditions 33 and 34 refer); unforeseen contamination (condition 35 refers); imported soils and aggregates (condition 36 refers) and use of site won materials (condition 37 refers). 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 the identified conditions. NRW also request conditions relating to the provision of a CEMP (condition 27 refers); biodiversity risk assessment from invasive species (condition 44 refers); contamination and associated verification and unforeseen contamination (as above conditions 33 and 34 refer). Noting the nature of the site, they also request conditions relating to control over surface water drainage and piling with regard to water quality (conditions 45 and 46 refer).

The site also includes an historic hazardous substance facility (HSE ref H3348 Flogas UK), where the Health and Safety Executive (HSE) zones remain in effect and as such following consultation with the HSE online consultation tool it advised against development. The applicant's agent has provided details that the associated use has not been in effect for in excess of 5 years and as such it is considered that any associated hazard has ceased. The Vale of Glamorgan Council in its role as the hazardous substances authority can therefore consider the revocation of the consent under section 14 (2b) of the Planning (Hazardous Substances) Act 1990 states '*(2)The hazardous substances authority may also by order revoke a hazardous substances consent if it appears to them....(b)that planning permission [F1 or development consent] has been granted for development the carrying out of which would involve a material change of use of such land and the development to which the permission [F2 or development consent] relates has been commenced.*' To this end, should the LPA be minded to grant planning permission, it is considered that there would be reasonable grounds for the revocation of the consent noting its apparent cessation and in accordance with guidance within the appropriate Act, that an alternative use for the site has been granted.

Air Quality

Chapter 11 of the Environmental Statement discusses air quality issues relating to the development of the site. 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) and no objections have been received from the Council's Shared Regulatory Services section with regard to the prospective residential use. Noting the above, 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.

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, noting the physically constrained nature of the site and , it is considered that owing to the position within an SLA, and proximity to built form, including residential properties and those within Cardiff, that the proposal would meet criterion 2 of this policy.

National Grid

As noted within the consultation section, the site as existing is crossed by apparatus belonging to Western Power, that may represent a constraint to the future development of the site, including impact on the location of dwellings and open space areas within the site. It is however, noted that the residential development of the site is in outline and could be subject to change, whilst any requirement for works that may impact upon this apparatus would be subject of a separate consenting regime with the statutory undertaker and may require planning consent in its own right (subject to the nature of any such works).

Within the amended submissions, the applicant has advised that following consultation with Western Power that they had confirmed that there was no objections to development beneath the 132kv lines subject to suitable clearances whilst the 33kv could be undergrounded and diverted along the bridge. National Grid have confirmed that the applicant has sought budget estimates for the proposed works to divert their assets and would be subject to an application to them for any diversion or connection works. Noting the indicative nature of the residential scheme and the separate consenting regime of National Grid (previously Western Power), it is considered that this does not represent a reason to delay planning permission in this instance.

Planning Obligations

The Council's Supplementary Planning Guidance on Planning Obligations states that developments of this size (on the basis of 228 units) would usually require contributions as follows:

40% affordable housing provision – up to **92 units**

Sustainable Transport - £2300 per dwelling = **£524,400**

Education Contribution - £13,811 per dwelling = **£3,148,908 (although this would likely be lower when excluding 1 bedroom units)** and it is noted that the Council's Education section have advised a scheme for 250 dwellings that a contribution of £3,054,408.

Community Facilities – £287,280

Public Open Space – provided on-site or £2,668 per dwelling = **£608,304**

Public Art – **1% of build costs**

As aforementioned, there are a number of abnormal costs associated with the development of the site whilst the proposed full element of the hybrid application proposes the provision of a revised viaduct arrangement.

As such, the submissions are supported by a viability assessment prepared by Peter Thomas Consulting, that details that in addition to the construction of the replacement bridge and viaduct; 10% affordable housing provision and a contribution of circa £300,000, suggested by the applicant as being towards public open space, would be sustainable without undermining the viability of the site.

In line with the guidance contained within paragraphs 6.3 and 6.4 of the adopted Planning Obligations SPG, this viability information has been reviewed by HRT and TC Consult. The report provides the following analysis with regard to the viability of the site should a suite of planning obligations in addition to the provision of the replacement road infrastructure be provided:

It is clear from the three DVMs appended to this letter that, if a policy compliant 40% provision of affordable housing is demanded at the proposed scheme, in addition to the replacement of Leckwith Bridge and the associated highways improvements, then the proposed scheme is not financially viable and would not be deliverable.

With regard to the order of costs provided with regard to the replacement bridge and highway works the report states that:

The Cost Estimate which was provided to us by TC Consult confirms that the estimated cost of the replacement bridge and highways works that had previously been submitted by the planning applicant are fair and reasonable.

However, it advises that *'there is a wide discrepancy between the proposed development costs put forward by Gleeds and TC Consult in their respective reports. We have noted this elsewhere in this letter, but it is worth repeating, that both Gleeds and TC Consult are companies of long standing and of good repute, with experience of costing such schemes. Herbert R Thomas are not qualified to decide which cost estimate is accurate nor do we have sufficient experience or skills to provide an opinion on what the correct development cost should be.*

The Second DVM illustrates that by reducing the affordable housing contribution to 10%, but adopting the proposed development costs put forward by TC Consult, the proposed scheme is profitable but not at a level sufficient to deem it viable.

The Third DVM, which utilises the development costs put forward by the planning applicant as part of their prior viability work and which are supported by the Gleeds Order of Cost Estimate, demonstrates that if a reduced affordable housing contribution of 10% is permitted, then a deliverable, financially viable and profitable scheme could be produced, which would also provide a replacement bridge at Leckwith Road and improvements to the surrounding highways.

Although acknowledging the discrepancies identified it is considered by officers that the provision of the needed replacement bridge, coupled with the full suite of contributions arising from the development would render the development of the site unviable. The provision of the road and the 10% affordable housing on site would however provide a profitable scheme. Whilst the viability of the development would depend based on the different schedule of costs, it is considered that it has been evidenced that the provision of the road and the full suite of obligations would render the site unviable. It is evident from the submitted costs/valuation schedule that such a contribution could threaten the viability of the development.

With regard to the guidance contained within the Planning Obligations SPG, paragraph 6.7 states that 'it may not always be possible for developers to satisfy all the planning obligation requirements.' Paragraphs 6.8 and 6.9 go on to indicate how planning obligations may be prioritised and the Council will consider the specific needs arising from the development. This includes Essential and Necessary Infrastructure as defined by paragraph 6.9 and 6.10 of the SPG as follows:

Essential infrastructure is defined by the SPG as being 'required to enable the development of the site (LDP Objectives 1, 2, 3, 4 & 8 refer) e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic; service and utilities infrastructure; ecological mitigation (where a protected species is affected by the development) and flood prevention.'

As aforementioned it is evident that the existing road infrastructure is in need of replacement owing to structural issues with the existing viaduct and the arterial nature of the route. The proposed residential development of the site that would facilitate the delivery of this infrastructure and in turn the road would enable access to the site. To this end, it is considered that that the proposals would meet the definition of essential infrastructure and therefore it is considered reasonable to prioritise this over other contributions as noted above. As required by paragraph 6.11 of the SPG this has been considered in conjunction with a viability assessment.

Consequently, on balance it is considered that with the exception of the provision of 10% affordable housing within the confines of the site and a further contribution of circa £300,000 that it has been suitably demonstrated that the renewal of the existing road link represents a material reason to accept a lesser level of planning contributions in this instance.

Whilst within the viability report it is suggested that the £300,000 would be utilised towards public open space, it is noted that this is an 'in kind' contribution that would need to be provided within any reserved matters submission through a suitable layout and

landscaping scheme to demonstrate that a suitable provision would be accommodated within the confines of the site and this could be suitably be controlled by way of condition. As noted above, noting the constraints at the site, it is considered more appropriate to require contribution of circa £60,000 towards replacement tree planting with the remaining £240,000 providing a contribution towards educational needs arising from the site, and this would be required by way of a legal agreement attached to this consent.

Conclusion/balance

It is acknowledged through the body of the report that there is a degree of tension with certain policies within the development plan, including those relating to the location of development, impact upon trees and planning obligations arising from the residential development. However, this must be weighed against the significant benefits of the scheme, namely the provision of upgraded transport infrastructure along one of the main arterial connections between Cardiff and the Vale of Glamorgan. As such subject to suitable mitigation to be secured through conditions and mechanisms within the legal agreement, it is officers' view that the proposed provision of the road holds significant weight and as such when weighed in the planning balance the proposals are considered to be acceptable and Members are advised to approve planning permission for the reasons given above.

RECOMMENDATION

APPROVE, subject to conditions and a Section 106 Agreement to provide for the following:

- Procure that 10% (up to 23) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity.
- Pay a contribution of £240,000 for the provision or enhancement of education facilities to meet the needs of future occupiers
- Pay a contribution of £60,000 for the off-site planting of trees to mitigate loss as a result of the development

APPROVE subject to the following conditions:

1. Prior to the commencement of any part of the development hereby approved (including demolition and site clearance) or the submission of any application for reserved matters or discharge of conditions, a phasing plan, inclusive of a timetable for the construction/delivery of the road and bridge link, each phase of residential development and demolition of the existing viaduct and bridge, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timing and delivery of the following:
 - Demolition and site clearance
 - Remediation and mitigation
 - Temporary construction access and associated works
 - Construction deliveries including, machinery, materials and importation of clean materials
 - Removal of existing B4267 bridge and viaduct and associated remediation

All works shall thereafter be carried out in full accordance with the approved details.

Reason:

For the avoidance of doubt and to ensure suitable delivery of required infrastructure for demolition, construction and operation of the development, to safeguard the historic Leckwith Bridge and to ensure the development is carried out in a comprehensive and sustainable manner, in accordance with Policies MD2, MD7 and MD8 of the Local Development Plan.

2. Prior to the commencement of any part of the development hereby approved (including demolition and site clearance) or the submission of any application for reserved matters or discharge of conditions, details of implementation and delivery of connection between the works approved under this permission and the associated works within the Cardiff City Council administrative boundary shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason:

To ensure the delivery of infrastructure and to safeguard the integrity of the Strategic Highway Network in compliance with Policies MG16 and MD2.

OUTLINE ONLY CONDITIONS

3. 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.

4. 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.

5. 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.

6. The development shall be carried out in accordance with the scale parameters specified within drawing reference 1844/S.120C 'Leckwith Quay Parameter Plan: Land Use'; 1844/S/121C 'Leckwith Quay Parameter Plan: Building Heights'; and 1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy'.

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

7. No more than 228 residential units shall be erected on the application site.

Reason:

For the avoidance of doubt

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

1844/S.102H 'Proposed Masterplan'; 1844/S.120C 'Leckwith Quay Parameter Plan: Land Use'; 1844/S/121C 'Leckwith Quay Parameter Plan: Building Heights'; and 1844/S.122C 'Leckwith Quay Parameter Plan: Movement Hierarchy'; 1844/S.301E 'Proposed Site Massing Sections'; 1844/S.101A 'Site Location Plan' received 6 December 2022

1844/S.101 Rev A Site Location Plan

Environmental Statement: Leckwith Quays, Leckwith Road, Cardiff prepared by RPS dated October 2020

Environmental Statement Addendum: Leckwith Quays, Leckwith Road, Cardiff prepared by Carney Sweeney dated December 2022

Design and Access Statement prepared by Loyn & Co dated May 2020

Design and Access Statement Addendum prepared by Loyn & Co dated November 2022

Planning Report: Leckwith Quays prepared by RPS dated October 2022

Planning Statement Addendum prepared by Carney Sweeney dated November 2022

Leckwith Quay: Flood Consequences Assessment ref 7005-3561-C-RP-0003-07-FCA prepared by WSP and dated December 2022

Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022

Transport Assessment (TA) document project Number 60608933 A093950-2 dated March 2020.

Ecological Assessment prepared David Clement Ecology dated November 2022

Archaeological Desk Based Assessment report no 2019/041 prepared by Glamorgan Gwent Archaeological Trust dated August 2019

Arboricultural Impact Assessment Revision A dated 22nd September 2022 prepared
Treescene

Tree Survey dated 18th August 2022 prepared by Treescene

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.

9. Any reserved matters application shall be designed in accordance with the principles and noise levels identified within the 'Environmental Noise Assessment Report prepared by Mach Acoustics' dated 4 March 2022 and include details of background noise sources/levels and measures to protect the amenity of residents in the development. This shall achieve the following:
 1. That external amenity areas in their form and location, and due to building mass, acoustic shadows and havens be developed across the whole site so to achieve a minimum of below 55dB(A) with ideally a level of 50dB(A) being achieved.
 2. The internal noise levels shall be as per British Standard 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' (or any other order/Standard revoking and re-enacting that Standard with or without revocation), be achieved with the minimal use of sealed glazing units and mechanical ventilation so that future occupants are not living in sealed boxes.
 3. As acknowledged by the applicant further thermal modelling shall take place so to ensure both a high level of thermal comfort is achieved, the requirements of Building Regulation Document O aside, along with a good quality internal acoustic environment.

The development shall thereafter be carried out in accordance with the approved details and any building shall not be occupied until the approved measures have been implemented. The measures shall thereafter be maintained in perpetuity.

Reason:

To safeguard the amenities of occupiers of the development, and to ensure compliance with the terms of Policies SP1 and MD7 of the Local Development Plan.

10. 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 1600mm foul sewer between manhole reference number ST16751201 as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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 Development Plan.

11. 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 occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason:

To ensure the site is served by a suitable potable water supply and to ensure compliance with Policy MD7 of the Development Plan.

12. Notwithstanding the submitted Plans, prior to the commencement of any construction works or development on any phase as agreed by condition 1 of this permission (or part thereof, exclusive of the full element of the permission for the replacement B4267), full Engineering details of the internal road layout for the site inclusive of turning facilities, street lighting, highway drainage, onsite parking, and any associated highway retaining structures within the vicinity of the site have been submitted and approved by the Local Planning Authority.

This shall include any additional improvements identified and agreed to through the Transport Assessment and its review to cover the development and the surrounding highway infrastructure network.

These details shall fully comply with Design Manual for Roads and Bridges and Vale of Glamorgan Councils Standards for adoption.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to ensure compliance with Policy MD2 'Design of New Development'.

13. Notwithstanding the submitted details, prior to the beneficial occupation of any respective phase as agreed by condition 1 of this permission (or part thereof, exclusive of the full element of the permission for the replacement B4267)), 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 (s) 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.

14. Any reserved matters submission shall be supported by a lighting scheme. The scheme is to include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.
- Details of lighting to be used both during construction and operation.

The lighting shall be installed and retained in accordance with the approved details as approved during construction and operation of the development or phase of development (as identified by condition 1 of this consent).

Reason:

To protect the habitats and the commuting corridors of protected species (including bats and otters) along the western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan

FULL ONLY CONDITIONS

15. 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.

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

70053561-WSP-XX-XX-CR-DE-1300 'B4267 Leckwith Road Highway Improvements Street Lighting & Traffic Signals'; 70053561-WSP-XX-XX-CD-DE-100 'B4267 Leckwith Road Highway Improvements Existing Arrangement'; 7005361-WSP-XX-XX-CE-DR-103 'B4267 Leckwith Road Highway Improvements Highway Design Vision Splays, Departures & Relaxations from Standards'; 70053561-WSP-XX-XX-DR-CE-105 'B4267 Leckwith Road Highway Improvements Cross Section Location Plan Sheet 1 of 4'; 70053561-WSP-XX-XX-CR-DE-106 'B4267 Leckwith Road Highway Improvements Highway Cross Section 2 of 4'; 70053561-WSP-XX-XX-CR-DE-107 'B4267 Leckwith Road Highway Improvements Highway Cross Section 3 of 4'; 70053561-WSP-XX-XX-CR-DE-108 'B4267 Leckwith Road Highway Improvements Highway Cross Section 4 of 4'; 70053561-WSP-XX-XX-DR-CE-104 'B4267 Leckwith Road Highway Improvements Highway Long Section'; 70053561-WSP-XX-XX-CR-DE-500 'B4267 Leckwith Road Highway Improvements Proposed Drainage'; 70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path Analysis'; 70053561-WSP-XX-XX-CR-DE-109 'B4267 Leckwith Road Highway Improvements Swept Path

Analysis'; 70053561-WSP-XX-XX-CR-DE-200 'B4267 Leckwith Road Highway Improvements Demolition/Carriageway Tie In' received 24 April 2022

700536561-WSP-XX-XX-CE-DR-102 Rev P01 'B4267 Leckwith Road Highway Improvements General Arrangement (Option 2)'; 70053561-WSP-XX-XX-CR-DE-400 Rev P01 'B4267 Leckwith Road Highway Improvements Barriers & Guardrails'; 70053561-WSP-XX-XX-CR-DE-600 P01 'B4267 Leckwith Road Highway Improvements Levels and Contours'; 70053561-001 Rev P01 'Leckwith Access Bridge Existing General Arrangement' and 70053561-002 Rev P04 'Leckwith Quay Bridge Proposed General Arrangement' received 6 December 2022

1844/S.101 Rev A Site Location Plan

Environmental Statement: Leckwith Quays, Leckwith Road, Cardiff prepared by RPS dated October 2020

Environmental Statement Addendum: Leckwith Quays, Leckwith Road, Cardiff prepared by Carney Sweeney dated December 2022

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Leckwith Quay: Flood Consequences Assessment ref 7005-3561-C-RP-0003-07-FCA prepared by WSP and dated December 2022

Environmental Noise Assessment Report prepared by Mach Acoustics dated 04 March 2022

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Ecological Assessment prepared David Clement Ecology dated November 2022

Archaeological Desk Based Assessment report no 2019/041 prepared by Glamorgan Gwent Archaeological Trust dated August 2019

Arboricultural Impact Assessment Revision A dated 22nd September 2022 prepared Treescene

Tree Survey dated 18th August 2022 prepared by Treescene

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.

17. The soffit level of the bridge approved shall be set at least at 8.73m AOD.

Reason:

To manage and reduce the risk of flooding to the proposal and elsewhere and to ensure compliance with Policy MD7 of the Development Plan and TAN15.

18. The road, bridge and associated junctions shall be substantially complete such that it is operational as a highway suitable for use by vehicular traffic, pedestrians and cyclists prior to the beneficial occupation of the 1st dwelling approved under this permission and associated reserved matters permissions.

Reason:

To ensure the proper and timely delivery of the link road to safeguard the historic Leckwith Bridge and provide improvements to the highway network to meet the requirements of policies MD2 and MD7 of the Local Development Plan.

19. Notwithstanding the submitted Plans, no development shall commence on the development until full Engineering details to include design calculations (certified by a Professional Engineer) of any structures, details of the vehicular / pedestrian access inclusive of vision splays, street lighting, highway drainage systems, onsite parking, any associated highway retaining structures within the vicinity of the site and any carriageway resurfacing on the Leckwith Road interchange & B4267 Leckwith Hill as agreed and required by the Local Planning Authority have been submitted and approved by the Local Planning Authority.

This shall include any additional improvements identified and agreed to through the Transport Assessment and its review to cover the development and the surrounding highway infrastructure network.

These details shall fully comply with Design Manual for Roads and Bridges and Vale of Glamorgan Councils Standards for adoption.

The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to ensure compliance with Policy MD2 'Design of New Development'.

20. Prior to the commencement of the demolition of the existing B4267 Leckwith bridge & all associated works and/or the construction and implementation of the new Leckwith bridge & all associated works, a scheme detailing full proposals for diversionary routes, temporary signage and traffic lights and all associated temporary TRO's shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall thereafter be implemented throughout the demolition/construction period.

Reason:

In the interests of maintaining highway efficiency and safety in accordance with Policy MD2 of the Development Plan.

21. Notwithstanding the submitted plans no development shall commence on the construction of the proposed Leckwith Bridge replacement or any other associated structural works including highway supporting embankment earth works with slope gradients of 1:4 until full technical highways approval and an approval in principle for structures have been granted. The design and construction of all bridge and structural works must comply with the requirements of the Design Manual for Road and Bridgeworks, (DMRB), the Manual of Contract Documents for Highway Works, (MCHW). The design of the works must also follow the Technical Approval, (TA), process contained with the DMRB. The works must thereafter be carried out in accordance with the approved details.

Reason:

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway and Public Safety and to ensure compliance with Policy MD2 of the Development Plan

22. Prior to the beneficial use of the realigned B4267, a scheme for the Traffic Regulation Orders (TRO's) to include the speed limits on the B4267 Leckwith Bridge, carriageway markings, signage and street lighting to ensure a safe means of access and to prevent parking, 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.

23. Prior to the commencement of construction works or development of the road and bridge subject of this permission a lighting scheme, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of the siting and type of external lighting to be used.
 - Drawings setting out light spillage in key sensitive areas that demonstrate that the River Ely and associated buffer and the woodland surrounding the site shall be unlit by external lighting and be maintained as dark corridors.
 - Details of lighting to be used both during construction and operation.

The lighting shall be installed and retained in accordance with the approved details as approved during construction and operation.

Reason:

To protect the habitats and the commuting corridors of protected species (including bats/otters) along the Western boundary of the site and the River Ely in accordance with the requirements of Policies MG19 and MD9 of the Development Plan.

24. Prior to the commencement of any construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a strategy setting out a scheme of replacement/supplementary tree planting for the whole site,

in addition to any off-site mitigatory planting, 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 drawings JSL-4323-RPS-XX-EX-DR-L-9001 Rev P03 'Landscape Strategy General Arrangement (Whole Site)', in accordance with the specification contained within JSL-4323-RPS-XX-EX-DR-L-9008 Rev P02 'Indicative Landscape Planting Schedule and Specification' and shall include details of planting on the site boundaries, woodland edges, car parking areas, amenity spaces and open spaces. The scheme shall be implemented in accordance with the approved details.

Reason:

To provide suitable replacement and new tree planting on the site, in accordance with Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

25. 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 within any particular phase (as agreed by condition 1 of this permission), 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 Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

26. Prior to the commencement of any site clearance, demolition, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a revised Arboricultural Implications Assessment and Method Statement for that particular phase, shall be submitted to and approved in writing by the Local Planning Authority. This should include:

a) the protection of all retained trees within the development or phase of development

b) the proposed pruning, felling or other tree work to be carried out by a professionally qualified tree surgeon and in accordance with BS 3998:2010;

c) the appointment of a Project Arborist responsible for the marking of trees to be felled, monitoring the implementation of all tree protection measures, demolition activity and foundation works and keeping an auditable record of monitoring.

d) further details of the full implementation of all recommended barrier fencing and ground protection measures

e) the removal and installation of all hard surfacing, drainage excavations and specialist foundation to be undertaken in accordance with recommended construction techniques and working methodology to be approved.

The works shall thereafter be carried out in accordance with the approved details.

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), MD2 (Design of New Developments), MD8 (Historic Environment) of the Local Development Plan.

27. Prior to the commencement of any site clearance, demolition, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), until a Construction Environment Management Plan (CEMP) for that particular phase shall be submitted to, and approved in writing by, the Local Planning Authority, for the respective part of the site. 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, chemical and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
- xiv) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- xv) Soil Management: details of topsoil strip, storage and amelioration for re-use.
- xvi) Water Quality Monitoring Plan - to include:
 - o Details of monitoring methods

- o Frequent assessment of the visual water quality, particularly whilst carrying out bridgework, or working in or near the watercourse.
- o Instructions to notify NRW in the event of a pollution being caused.
- o A requirement to stop work and review further measures in the event that existing pollution mitigation is not effective.
- o Details of triggers for specific action and any necessary contingency actions, for example the need to stop work, introduction of drip trays, make use of spill kits and shut-off valves.
- xvii) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- xviii) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations
- xviii) Detailed Demolition Method Statement of the existing B4267 bridge and viaduct to include safeguards for water quality, biodiversity and Old Leckwith Bridge

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.

28. Prior to the commencement of any site clearance, demolition, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a Construction Traffic Management Plan for that particular phase, shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

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

29. The development shall be undertaken in full accordance with the recommendations of the Flood Consequences Assessment reference 7005-3561-C-RP-0003-07-FCA dated December 2022 including the mitigation detailed within part 6 with regard to habitable floor levels of the development Above Ordnance Datum (AOD) (Newlyn).

Reason:

To reduce the risk of flooding to the proposed development and future occupants, in accordance with the requirements of Policies SP1 and MD1 of the Adopted Local Development Plan 2011-2026 and TAN15- Development and Flood Risk

30. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), details of the finished levels of the site and dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded and in the interests of flood risk, and to ensure the development accords with Policies MD2 and MD7 of the Local Development Plan.

31. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), an assessment of the nature and extent of contamination affecting that particular phase 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) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004)

and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

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

32. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a scheme to investigate and monitor the site for the presence of gases (as defined within attached informative) being generated at the site or land adjoining thereto of that particular phase, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

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.

33. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a detailed remediation scheme and verification plan to bring the phase of 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.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policy MD7 of the adopted Local Development Plan 2011-2026.

34. The remediation scheme approved by condition 33 above, must be fully undertaken in accordance with its terms prior to the occupation or use of any part of the development within a particular phase. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

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.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policy MD7 of the adopted Local Development Plan 2011-2026.

35. 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.

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

Reason:

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

37. 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.

38. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), an appropriate programme of historic building recording and analysis relating to any particular phase shall be completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic

Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

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

39. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), the Local Planning Authority shall be informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence on that particular phase until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason:

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

40. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), a Bat Conservation Plan for that phase shall be submitted to and approved in writing by the Local Planning Authority and shall include:

- Details of impacts (direct and indirect) from the highway and bridge works upon any bat roosts identified within structures, buildings and trees on site.
- Details of measures to avoid potential harm to bats, including details of pre-commencement surveys or checks where required.
- Details of measures to mitigate the impacts upon bats, including details of the design and location of replacement roosts appropriate to the species and nature of the roosts identified.
- Details of timing, phasing and duration of construction activities and conservation measures.

The Bat Conservation Plan shall be carried out in accordance with the approved details thereafter.

Reason: To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development and to ensure compliance with Policies MG19 and MD9 of the Development Plan.

41. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), an Otter Conservation Plan shall be submitted to and approved in writing which shall include:

- A plan of the vegetated buffer to be retained alongside the river showing the width of the buffer, extent and location of habitat to be retained and created.
- Measures to protect the buffer from human disturbance.
- Details of protective measures to prevent incidental killing, injuring or capture of otters during construction.
- An assessment of the impacts of the proposals upon otter. This should consider direct and indirect impacts and address the construction and operational phases. Clarification of the extent, distribution and structure of existing habitat; habitat lost, habitat to be retained, enhanced, and any habitat to be created; and an assessment of their condition and value for otter. A plan should identify these areas at an appropriate scale.
- Details of initial aftercare (if new habitat is to be created) and ongoing management proposals for the long-term maintenance of retained/created vegetation along the river bank as suitable for otter.

The Otter Conservation Plan shall be carried out in accordance with the approved details thereafter.

Reason:

To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development in accordance with Policies MG19 and MD9 of the Development Plan.

42. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof) a wildlife habitat protection and enhancement plan for that phase for each species/species group identified within the Ecological Assessment dated November 2022 prepared by David Clements Ecology has been submitted to and approved in writing by the Local Planning Authority. The wildlife habitat protection and enhancement plan shall include details of the impacts of the mitigation required, locations and timings of clearance works and mitigation for each species detailed within the aforementioned document.

The wildlife habitat protection and enhancement plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

43. Prior to the commencement of development, a landscape, woodland and ecological enhancement, monitoring and management plan for the whole site lasting no less than 10 years (from the approval of the plan) 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 development shall thereafter 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.

44. No site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), with the potential to impact on non-native invasive species (including Japanese knotweed or Himalayan balsam) shall commence until a site wide Biosecurity Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The risk assessment shall include measures to control, remove or for the long-term management of Japanese knotweed and Himalayan balsam during site-clearance, construction and operation. The Biosecurity Risk Assessment shall be carried out in accordance with the approved details.

Reason:

To ensure that an approved Biosecurity Risk Assessment is implemented, to secure measures to control the spread and effective management of invasive non-native species at the site, in accordance with Policies MD7 and MD9 of the Development Plan

45. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution in accordance with Policy MD7 of the Development Plan.

46. Prior to the commencement of any site clearance, construction works or development on any phase as agreed by condition 1 of this permission (or part thereof), details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater shall be submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason:

To ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to ensure compliance with Policy MD7 of the Development Plan

47. Prior to the beneficial occupation of any phase of development as agreed by condition 1 of this permission (or part thereof), a scheme (including details of the timing of such provision) for the provision and maintenance of Public Open Space (including any children's play equipment) for that phase of development shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided and retained in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

48. No development (including site clearance and demolition) 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.

49. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 48 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.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040. In accordance with Regulation 25(1) of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, the Local Planning Authority has examined the environmental information submitted with this application.

Having regard to Policies SP1 'Delivering the Strategy'; SP2 'Strategic Sites'; SP3 'Residential Requirement'; SP4 'Affordable Housing Provision'; SP7 'Transportation'; 'SP10 – Built and Natural Environment'; MG1 'Housing Supply in the Vale of Glamorgan'; MG4 'Affordable Housing'; MG16 'Transport Proposals'; MG17 'Special Landscape Areas'; MG19 'Sites and Species of European Importance'; MG20 'Nationally Protected Sites and Species'; MG21 'Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species'; MG22 'Development in Minerals Safeguarding Areas'; MD1 'Location of New Development'; MD2 'Design of New Development'; MD4 'Community Infrastructure and Planning Obligations'; MD6 'Housing Densities'; MD7 'Environmental Protection'; MD8 'Historic Environment', MD9 'Promoting Biodiversity' and MD16 'Protection of Employment Sites'

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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 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.
4. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or <https://naturalresources.wales/permits-and-permissions/species-licensing/when-you-need-to-apply-for-a-protected-species-licence/?lang=en>.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead.
We may wish to discuss aspects of the proposed bat mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.
5. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
6. 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.

- 7. You should note that the building may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.**
- 8. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
- 9. You will need to apply for Flood Risk Activity Permit from NRW. All Permit applications must be approved prior to the commencement of any works and due to the stand-alone nature of the legislation must be sought alongside any granted planning permission.
Please contact Carl Llewellyn at carl.llewellyn@cyfoethnaturiolcymru.gov.uk to discuss the Flood Risk Activity Permit requirements. Please see our website for further details: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk-activity-permits-information/?lang=en>**
- 10. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 11. 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.**
- 12. 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

- 13. The applicants are reminded of the requirement for compliance in full with the conditions imposed upon the outline planning permission.**
- 14. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
- 15. The applicant/developer will be required to enter into a legally binding agreement with the Vale of Glamorgan County Council and Cardiff Council to secure the proper implementation of the proposed highway works, connections with the existing highway network and associated works which shall incorporate the appropriate bond.**

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

1. WHERE TOPOGRAPHICAL SURVEY INFORMATION IS MISSING, ASSUMED CONTOURS ARE SHOWN IN DASHED LINE.
2. EXACT LINES OF HIGH BANK UNKNOWN IN PLACES DUE TO DIFFICULTY OF ACCESS.
3. EXISTING INFORMATION IS BASED ON TOPOGRAPHICAL SURVEY - WHERE SURVEY INFO IS NOT AVAILABLE, INFORMATION IS BASED ON OS DATA.

KEY

- PLANNING SITE BOUNDARY
- EXTENT OF OWNERSHIP
- ADMINISTRATIVE BOUNDARY

2020/01218/HYB

REVISIONS
A 02.12.2022 JAS

FOR INFORMATION

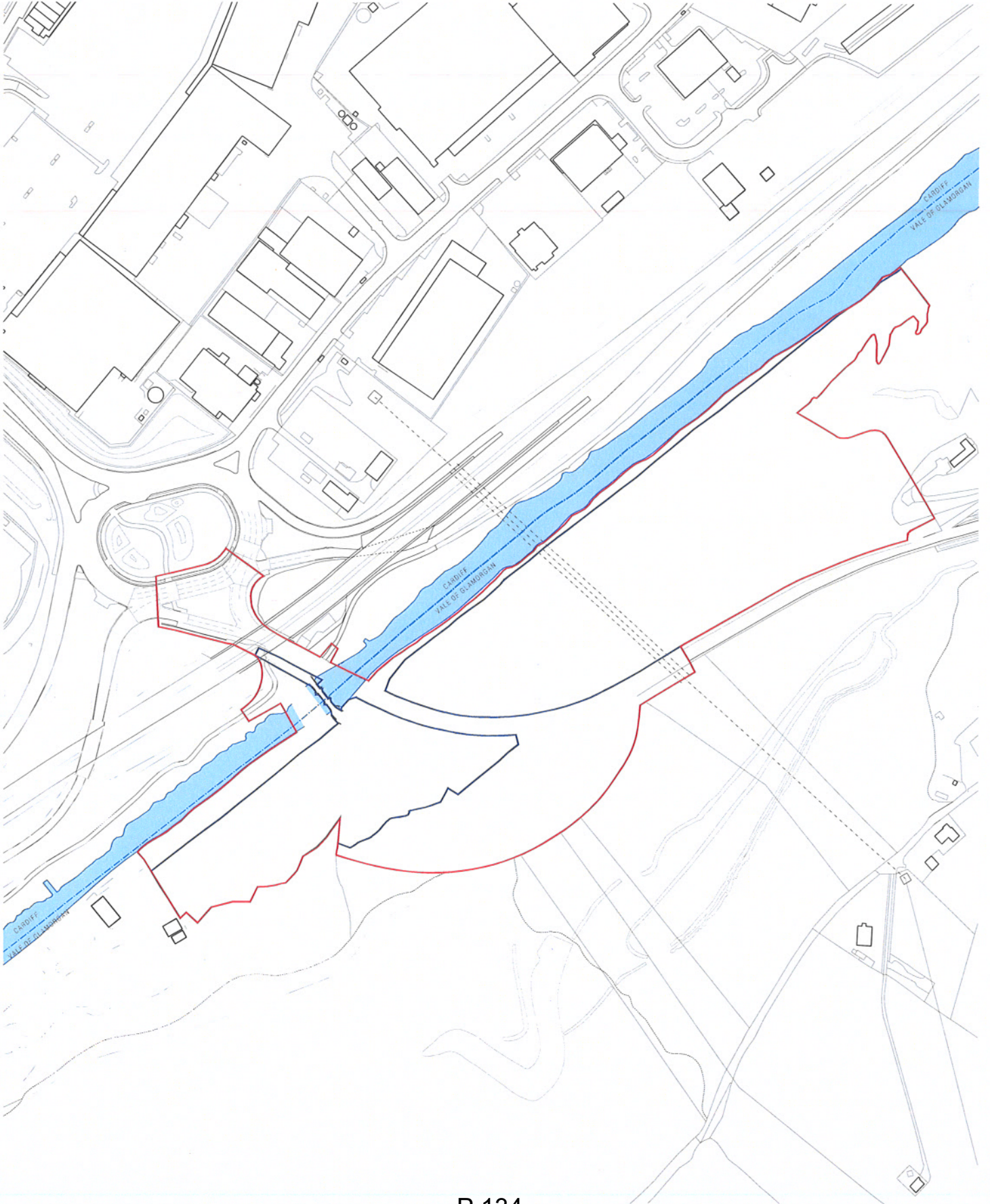
1844/S.101A

LECKWITH QUAY

SITE LOCATION PLAN
1:2500@A3 DEC 22

LOYN + CO
ARCHITECTS

07970 711432 | architectureloyn.co.uk
88 Cleve Street Penarth CF64 1TF | loyn.co.uk
Copyright: Loyn+Co Architects | Do not scale



2021/01046/RG3 Received on 14 August 2021

APPLICANT: Vale of Glamorgan County Borough Council The Alps, Quarry Road, Cardiff, CF5 6AA

AGENT: Mr John Griffiths Tecta Associates Limited, Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

10, Dyffryn Close, St. Nicholas

Retrospective application for the reinstatement of chimney stack and replacement roof tiles

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas Conservation Area Appraisal Management Plan ('CAAMP') identified 'positive building' and designated County Treasure.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles, and the reinstatement of the chimney stack. The replacement roof tiles used are Marley 'Ashmore' smooth brown interlocking roof tiles. The reinstated chimney would be of a traditional brick construction, with painted render to match the original chimney. It should be noted that this is one of two applications submitted for the retrospective permission for the replacement roof tiles, and the reinstatement of the chimneys to Council owned properties within Dyffryn Close, which is subject to a separate planning application.

Prior to the agreement of the reinstatement of the chimney the submission of details regarding its reinstatement, one letter of objection was received from St Nicholas Community Council, raising concerns in respect of the impact that their removal has on the character of the locally listed buildings and the impact upon the conservation area. A further letter of objection was received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'. Following receipt of amended plans detailing the construction of the chimney, Cllr Ian Perry confirmed St Nicholas Community Councils objection to the roof tiles.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles, and the impact of the reinstatement of the chimney on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

SITE AND CONTEXT

The application site relates to 10, Dyffryn Close, St. Nicholas, a two storey end-of-terrace dwelling located at the head of the close. The site is located within the St Nicholas Conservation Area and is identified as being a Positive Building and Country Treasure. The property falls within the St Nicholas Settlement Boundary.



DESCRIPTION OF DEVELOPMENT

This is a full, part retrospective planning application for the replacement of the roof tiles, and the reinstatement of a chimney.

The roof tiles that have been fitted are Marley 'Ashmore' smooth brown interlocking roof tiles.

The proposed chimney would be sited in the same location as the removed chimney. It would have a width of 547mm and depth of 993mm, and would have a cast in-situ concrete crown, and a 300mm clay chimney pot above.

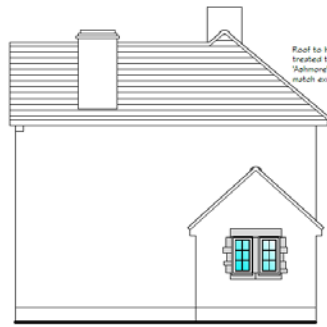
The lower part of the chimney would be finished in painted render, with a course of exposed brickwork above 660mm wide and 1.1m deep with 50mm overhang around the perimeter, and a further three courses of brickwork above 750mm deep by 1.2m deep with a 50mm perimeter overhang. The brickwork is specified as being an Ibstock Britley Brown Waterstruck brick.

It should be noted that this is one of two applications where works have been undertaken to the Councils owned properties within Dyffryn Close, with No. 12 also being subject to a separate planning application and reported to planning committee.



Chimney to be re-built in brick or blockwork and finished in fine down render and decorated to match the property. See detailed drawing

Proposed Front Elevation

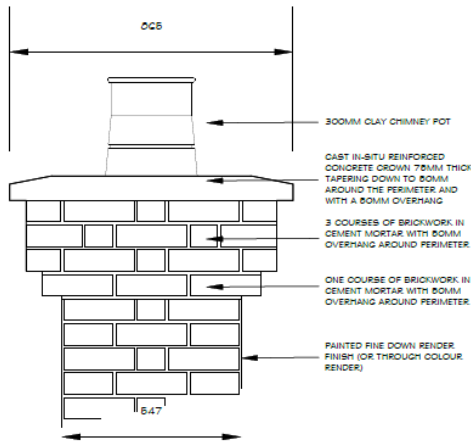


Proposed Side Elevation

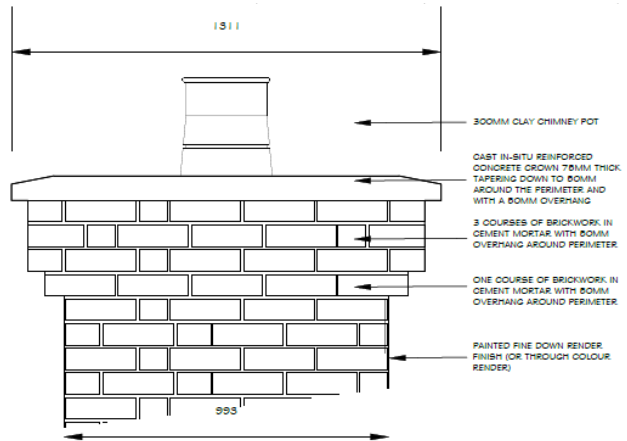


Proposed Rear Elevation

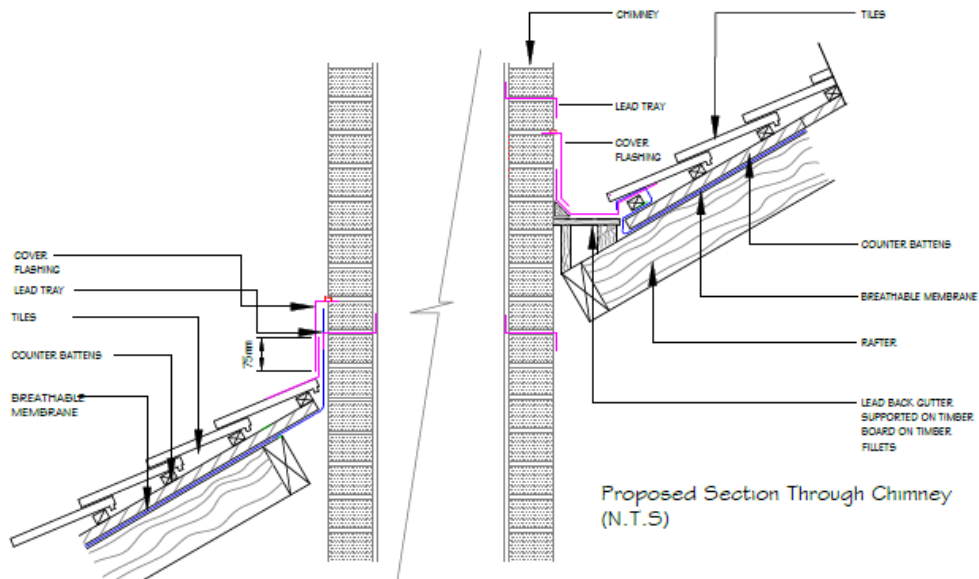
Roof to have vapour barrier underlay on new treated timber battens and covered with Marley 75mm smooth brown interlocking roof tiles to match existing tiles as close as possible



Proposed Cross-Section Through Chimney @ 1:10 scale



Proposed Long-Section Through Chimney @ 1:10 scale



Proposed Section Through Chimney (N.T.S)

ASHMORE

A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



COLOUR AVAILABILITY



Key
(S) Smooth finish

PLANNING HISTORY

2019/01125/RG3, Address: 10, Dyffryn Close, St. Nicholas, Proposal: Cladding walls with external wall insulation to improve energy efficiency, Decision: Approved

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were originally consulted on 3 August 2021, and responded objecting to the replacement roof tiles and removal of the chimney stack, with a summary of these comments below:

- Chimney stacks are important features of buildings, particularly within a Conservation Area, and these buildings have been Locally Listed in order to preserve their award-winning architecture and character.
- Members were informed of two cases within the Penarth Conservation Area where a chimney removal was proposed. In one case, the applicant withdrew their application, and in the other – 2007/00508/FUL 52, Clive Place – the application was refused.
- Community Council stated that they expect the Planning Authority to show no favour to the Housing Department of the Vale of Glamorgan Council in determining this application.
- No Heritage Impact Assessment/Statement accompanying the retrospective application for the Community Council to consider.
- Planning inspector has upheld the decision to refuse permission for the removal of chimney stacks.
- The replacement roof tiles are very different to the original tiles and undermine the uniformity of the roof plane of the Locally Listed County Treasures and harms the character and appearance of the Conservation Area.
- Replacement roof tiles are considered “disrespectful” to the Conservation Area.
- Surprise when a property not owned by the Vale of Glamorgan Council submitted a retrospective planning application in March 2020 – 2020/00316/FUL, in which the replacement tiles for this property match those of the adjoining property owned by the Vale of Glamorgan Council.

- Concerns that this vulnerable resident was targeted to set a precedence for approval of replacement roof tiles that are not appropriate for a locally listed county treasure.
- Concerns that the Vale of Glamorgan Council could be regarded by members of the public as attempting to circumnavigate or exempt itself from planning law and policies set out in Planning Policy Wales, the Local development Plan (LDP) and Supplementary Planning Guidance.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications.
- The original roof covering is a concrete granular faced plain, double lapped tile. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.

St. Nicholas and Bonvilston Community Council were reconsulted on 20 April 2023 and on 24 August 2023 following the submission of additional details regarding the reinstatement of the chimney, and Cllr Ian Perry responded stating:

- These applications will need to be called in (to planning committee).
- The Community Council continues to object to the roof tile that doesn't match the original, the use of plastic and loss of swept time valleys.

The Wenvoe Ward Member was consulted on 3 August 2021, 20 April 2023 and 28 August 2023, and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 2 August 2021 and were reconsulted on 3 April 2023 and 24 August 2023, and to date no comments have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

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.

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

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 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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

Section 3.0 of the Councils Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials and the reinstatement of the chimney against the above policies and guidance is the impact on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of 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.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 10 Dyffryn Close is prominent within the cul-de-sac, being located at the head of the close and forms part of the wider roof plane of the adjoining terraced property.

Correspondence received from the Council's Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a three month delay and therefore not be a viable alternative in the replacement of the roof. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The roof tiles that have been installed are Marley Ashmore, a double plane roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile, which together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 10, Dyffryn Close are, for the reasons set out above, not considered to be harmful.

Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer at the time of submission stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement. In addition, retrospective applications for the replacement of the original Marley Ashmore roof tiles at 13 and 4 Dyffryn Close were approved at planning committee. (REF: 2021/01388/RG3) and (REF: 2021/01387/RG3).

Also proposed as part of this planning application is the reinstatement of the chimney stack to the south facing side elevation roof plane. The original chimney was removed during the replacement of the roof tiles, and was unauthorised, as was the removal of the chimney at 12 Dyffryn Close, of which a separate application has been submitted for the retrospective replacement of the original roof tiles, and the reinstatement of its chimney, under REF: 2021/01047/RG3.

Chimneys are often a particularly important feature of many house designs which, even if non-functional, provide interesting and distinctive patterns in the roof line, often making a positive contribution to the particular quality and general appearance of an area. For this reason, it is rarely appropriate to alter or remove a chimney stack, particularly in instances where such a chimney is prominent within a street scene of dwellings which, as well as being within a Conservation Area, are all identified as Positive buildings within the St Nicholas Conservation Area Appraisal and Management Plan and County Treasures.

It is for this reason that the authority considered it necessary to require the reinstatement of the original chimney stack, in order to restore the character and visual amenity of the dwelling and the adjoining terrace and its contribution to the character of the Conservation Area. The proposed chimney has been designed to replicate the former chimney at the property, whilst having regard to the chimneys within the wider close, some of which are original and some having been altered and the replacement chimney will be constructed using a stepped brick coping set on a rendered chimney.

Consequently, as the proposed replacement chimney replicates as far as is practical, the former chimney on the property, its reinstatement will restore the character of the property, a County Treasure and the contribution that it makes to this street of former rural district housing within the Conservation Area.

A street view image of the original chimney is visible below:



Therefore, as a result of the above, the works when completed would not be considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of the applicants of 11 Dyffryn Close, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case for the reasons set out above given the application is considered acceptable.

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:

AMENDED TAL23 10 01 Proposed and Existing Elevation - Received 07/08/2023
email from agent specifying brick received 04/10 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.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the replacement of the roof materials, and the proposed reinstatement of the chimney stack is considered to be acceptable in terms of its impacts on the character of 10 Dyffryn Crescent, the street scene and will preserve the character of the St. Nicholas Conservation Area.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

NOTE:

Please note that 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.

2021/01047/RG3 Received on 14 July 2021

APPLICANT: The Vale of Glamorgan Council The Alps, Quarry Road, Cardiff, CF5 6AA
AGENT: Mr John Griffiths Tecta Associates Limited, Blacksmiths Shop, The Forge, Cantref, Brecon, LD3 8LR

12, Dyffryn Close, St. Nicholas

Retrospective planning for the reinstatement of chimney stack and replacement roof tiles

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Perry due to concerns regarding the visual impact of replacement roof tiles on the application dwelling, which is a St Nicholas Conservation Area Appraisal Management Plan ('CAAMP') identified 'positive building' and designated County Treasure.

EXECUTIVE SUMMARY

This is a full, Vale of Glamorgan Regulation 3 planning application for the retrospective replacement of the roof tiles, and the reinstatement of the chimney stack. The replacement roof tiles used are Marley 'Ashmore' smooth brown interlocking roof tiles. The reinstated chimney would be of a tradition brick construction, with painted render to match the original chimney. It should be noted that this is one of two applications submitted for the retrospective permission for the replacement roof tiles, and the reinstatement of the chimneys to Council owned properties within Dyffryn Close, which is subject to a separate planning application.

Prior to the agreement of the reinstatement of the chimney the submission of details regarding its reinstatement, one letter of objection was received from St Nicholas Community Council, raising concerns in respect of the impact that their removal has on the character of the locally listed buildings and the impact upon the conservation area. A further letter of objection was received from St Nicholas Community Council regarding the design of the replacement tile, its impact on the St Nicholas Conservation Area and on the County Treasures and 'Positive Buildings'. Following receipt of amended plans detailing the construction of the chimney, Cllr Ian Perry confirmed St Nicholas Community Councils objection to the roof tiles. The Wenvoe Ward Member Cllr Russel Godfrey responded to the most recent consultation, stating that he supports this application.

The primary issues involved in the determination of this planning application include the design and visual impact of the replacement roof tiles, and the impact of the reinstatement of the chimney on the character of the application site and wider street scene and whether the works preserve the character of the Conservation Area.

Whilst having considered the letters of representation received and taking matters into consideration, the retrospective application is recommended for approval.

SITE AND CONTEXT

The application site relates to 12, Dyffryn Close, St. Nicholas, a two storey semi-detached dwelling located at the head of the close. The site is located within the St Nicholas Conservation Area and is identified as being a Positive Building and Country Treasure. The property falls within the St Nicholas Settlement Boundary.



DESCRIPTION OF DEVELOPMENT

This is a full, part retrospective planning application for the replacement of the roof tiles, and the reinstatement of a chimney.

The roof tiles that have been fitted are Marley 'Ashmore' smooth brown interlocking roof tiles.

The proposed chimney would be sited in the same location as the removed chimney. It would have a width of 547mm, and a depth of 993mm. It would have a cast in-situ concrete crown, and a 450x150mm clay plain ridge tile capping to the top of the chimney.

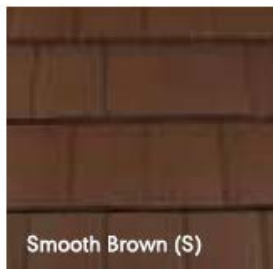
It would be finished in painted fine down render below the concrete crown, with two courses of brickwork above to match the original chimney, with a maximum width of 440mm and 880mm depth. The brickwork is specified as being an Ibstock Britley Brown Waterstruck brick.

ASHMORE

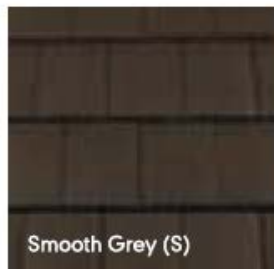
A single lap, interlocking double plain tile, with the engineered precision and ease of installation of an interlocking tile.



COLOUR AVAILABILITY



Smooth Brown (S)



Smooth Grey (S)



Old English Dark Red (S)

Key
(S) Smooth finish

PLANNING HISTORY

2019/01126/RG3, Address: 12, Dyffryn Close, St. Nicholas, Proposal: Re rendering of external walls and replacement of existing UPVC windows with white UPVC triple glazed windows, Decision: Approved

CONSULTATIONS

St. Nicholas and Bonvilston Community Council were originally consulted on 3 August 2021, and responded objecting to the replacement roof tiles and removal of the chimney stack, with a summary of these comments below:

- Chimney stacks are important features of buildings, particularly within a Conservation Area, and these buildings have been Locally Listed in order to preserve their award-winning architecture and character.
- Members were informed of two cases within the Penarth Conservation Area where a chimney removal was proposed. In one case, the applicant withdrew their application, and in the other – 2007/00508/FUL 52, Clive Place – the application was refused.
- Community Council stated that they expect the Planning Authority to show no favour to the Housing Department of the Vale of Glamorgan Council in determining this application.
- No Heritage Impact Assessment/Statement accompanying the retrospective application for the Community Council to consider.
- Planning inspector has upheld the decision to refuse permission for the removal of chimney stacks.
- The replacement roof tiles are very different to the original tiles and undermine the uniformity of the roof plane of the Locally Listed County Treasures and harms the character and appearance of the Conservation Area.
- Replacement roof tiles are considered “disrespectful” to the Conservation Area.

- Surprise when a property not owned by the Vale of Glamorgan Council submitted a retrospective planning application in March 2020 – 2020/00316/FUL, in which the replacement tiles for this property match those of the adjoining property owned by the Vale of Glamorgan Council.
- Concerns that this vulnerable resident was targeted to set a precedence for approval of replacement roof tiles that are not appropriate for a locally listed county treasure.
- Concerns that the Vale of Glamorgan Council could be regarded by members of the public as attempting to circumnavigate or exempt itself from planning law and policies set out in Planning Policy Wales, the Local development Plan (LDP) and Supplementary Planning Guidance.
- The Vale of Glamorgan Council has a general duty to ensure the preservation and enhancement of the St. Nicholas Conservation Area in the determination of planning applications.
- The original roof covering is a concrete granular faced plain, double lapped tile. These are available from roofing merchants.
- The replacement single lap, interlocking double plain tiles are not appropriate replacement tiles for the double lapped granular faced plain tiles, on a Locally Listed County Treasure, within a Conservation Area.
- The Community Council believes that the retrospective planning application must be refused and the unlawful work reversed.

St. Nicholas and Bonvilston Community Council were reconsulted on on 20 April 2023 and on 24 August 2023 following the submission of additional details regarding the reinstatement of the chimney, and Cllr Ian Perry responded stating:

- These applications will need to be called in (to planning committee).
- The Community Council continues to object to the roof tile that doesn't match the original, the use of plastic and loss of swept time valleys.

The Wenvoe Ward Member was also consulted on 3 August 2021, 20 April 2023 and 28 August 2023, and Cllr Russell Godfrey responded on 25 August stating: 'I support this application'.

REPRESENTATIONS

The neighbouring properties were consulted on 2 August 2021 and were reconsulted on 20 April 2023 and 24 August 2023, and to date no comments have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

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- 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.

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:

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 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 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- County Treasures
- Residential and Householder Development (2018)
- St Nicholas Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

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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

Section 3.0 of the Council's Supplementary Planning Guidance on County Treasures stipulates that County Treasures within the Vale are considered to have special architectural or historic interest and of significance to the local community and therefore deserves preservation.

The principal issue to consider when assessing the replacement of the roof materials and the reinstatement of the chimney against the above policies and guidance is the impacts on the character of the building, the street scene and the conservation area.

Design and Visual Amenity

In policy terms the site is located within the settlement boundary for St. Nicholas, as identified by the Vale of Glamorgan Adopted LDP 2011-2026. Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of 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.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

- Be of a high standard 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The roof plane of 12 Dyffryn Close is prominent within the cul-de-sac, and forms part of the wider roof plane of the adjoining semi-detached property.

Correspondence received from the Councils Housing Department states that the rationale for replacing the roof tiles with the Marley Ashmore tiles was the result of a shortage of supply of the 'original' tiles, and the production of these tiles would result in a three month delay and therefore not be a viable alternative in the replacement of the roof. The date of this correspondence also coincides with the first national lockdown of the Coronavirus Pandemic in the first quarter of 2020, which would have also inevitably caused further delays to the supply of the 'like-for-like' roof tiles.

The roof tiles that have been installed are Marley Ashmore, a double plane roof tile. This roof tile is of a larger format than the original tiles that they have replaced, however it is still a small plain tile, which together with the head lap used, will have a similar character and appearance on the roof to the original tiles, when viewed as a whole, particularly from the public realm within the conservation area. There is some minor variation to the colour used, however any replacement roof tile would not realistically be able to exactly replicate weathered tiles of this age and the roof as installed will weather in time.

Although not identical to the original roof materials that exist elsewhere on Dyffryn Crescent, the roof tiles that have been installed on 12, Dyffryn Close are, for the reasons set out above, not considered to be harmful.

Notwithstanding this, a retrospective application for the replacement of the original roof tiles with the same Marley Ashmore Smooth Brown at 11, Dyffryn Close has been approved (REF: 2020/00316/FUL) prior to the submission of this retrospective application, with the authority's Conservation Officer at the time of submission stating that, whilst the loss of the original tiles is regrettable, the Marley Ashmore Smooth Brown tile specified in the application at 11, Dyffryn Close was considered an acceptable replacement. In addition, retrospective applications for the replacement of the original Marley Ashmore roof tiles at 13 and 4 Dyffryn Close were approved at planning committee. (REF: 2021/01388/RG3) and (REF: 2021/01387/RG3).

Also proposed as part of this planning application is the reinstatement of the chimney stack to the south facing side elevation roof plane. The original chimney was removed during the replacement of the roof tiles, and was unauthorised, as was the removal of the chimney at 10 Dyffryn Close, of which a separate application has been submitted for the retrospective replacement of the original roof tiles, and the reinstatement of its chimney, under REF: 2021/01046/RG3.

Chimneys are often a particularly important feature of many house designs which, even if non-functional, provide interesting and distinctive patterns in the roof line, often making a positive contribution to the particular quality and general appearance of an area. For this reason, it is rarely appropriate to alter or remove a chimney stack, particularly in instances where such a chimney is prominent within a street scene of dwellings which, as well as being within a Conservation Area, are all identified as Positive buildings within the St Nicholas Conservation Area Appraisal and Management Plan and County Treasures.

It is for this reason that the authority considered it necessary to require the reinstatement of the original chimney stack, in order to restore the character and visual amenity of the dwelling and the adjoining dwelling and its contribution to the character of the Conservation Area. The proposed chimney has been designed to replicate the former chimney at the property, whilst having regard to the chimneys within the wider close, some of which are original, and some have been altered and the replacement chimney will be constructed with a rendered chimney, a tapered crown, finished with two brick courses and a clay pain ridge tile capping.

Consequently, as the proposed replacement chimney replicates as far as is practical, the former chimney on the property, its reinstatement will restore the character of the property, a County Treasure and the contribution that it makes to this street of former rural district housing within the Conservation Area.

A streetview image of the original chimney is visible below:



Therefore, as a result of the above, the works when completed would not be considered harmful to the property and the wider street scene and would preserve the character of this part of the Conservation Area, in accordance with Section 72 of the Act.

Other Matters

The comments submitted by Councillor Perry have been taken into consideration in the determination of this application, and, whilst applications are assessed on their own merit, the approval of the same roof tile - Marley Ashmore in Smooth Brown - at 11 Dyffryn Close is a material consideration in the assessment of this retrospective application.

Whilst concerns have also been raised by Cllr Perry regarding personal circumstances of the applicants of 11 Dyffryn Close, the assessment and determination of planning applications does not take these circumstances into account, and applications are determined on their planning merits alone.

With regards to the comments received from Cllr Perry stating that the 'retrospective application be refused, and the unlawful work be reversed', officers are of the view that enforcement action would not be expedient in this case for the reasons set out above given the application is considered acceptable.

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:

AMENDED TAL23 10 02 Proposed and Existing Elevations - Received 07/08/2023
email from agent specifying brick received 04/10 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.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of new Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) as well as the County Treasure SPG, the St. Nicholas CAAMP, and Planning Policy Wales Edition 11, the replacement of the roof materials, and the proposed reinstatement of the chimney stack is considered to be acceptable in terms of its impacts on the character of 12 Dyffryn Crescent, the street scene and will preserve the character of the St. Nicholas Conservation Area.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

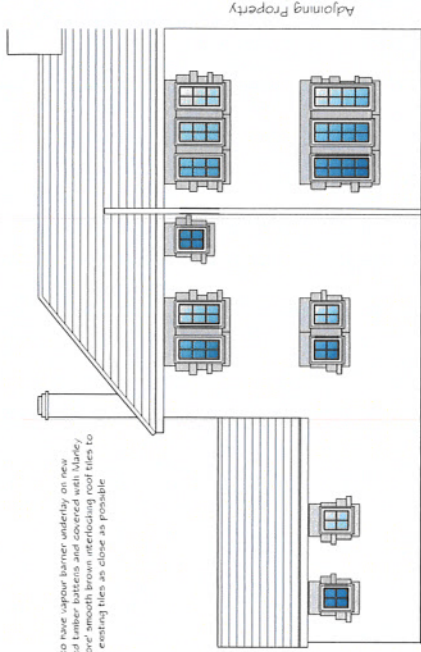
NOTE:

Please note that 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.

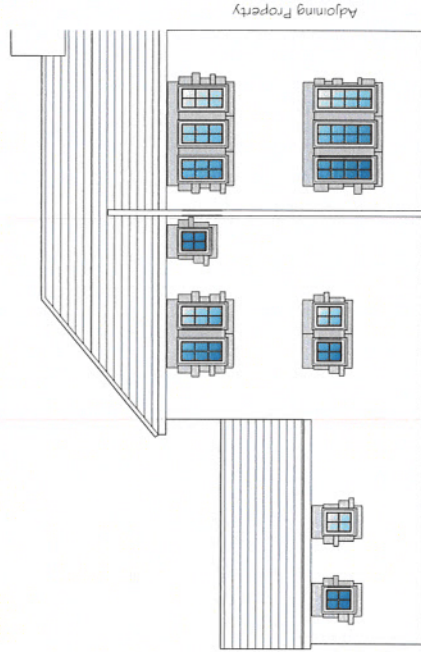
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

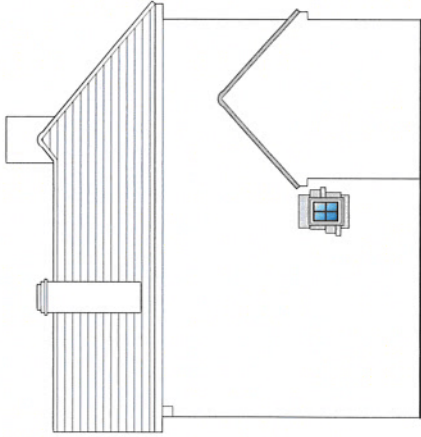
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



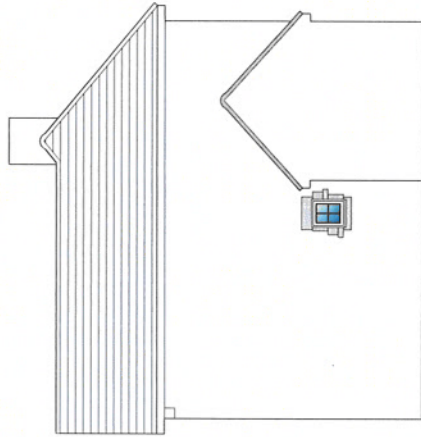
Previous Rear Elevation



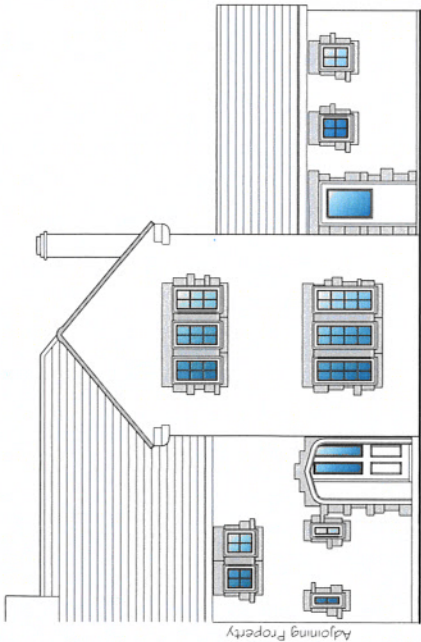
Existing Rear Elevation



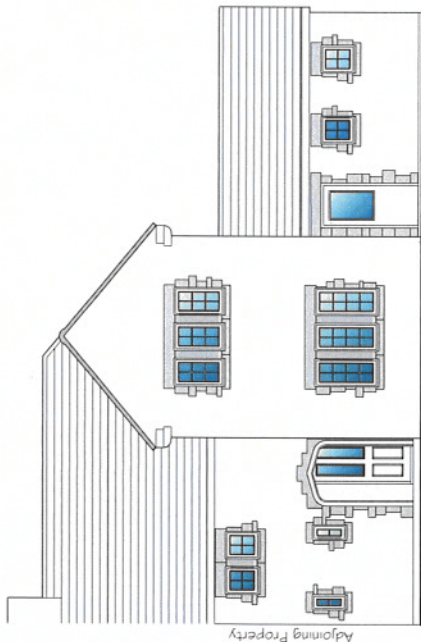
Previous Side Elevation



Existing Side Elevation



Previous Front Elevation



Existing Front Elevation



Site Location Plan at 1:1250 Scale



Existing Site Plan At 1:500 Scale



Proposed Site Plan At 1:500 Scale

Tecta Associates Ltd		Tel: - 01685 352731 / Mobile: - 07765900405	
E-mail: info@tecta-associates.co.uk		Date: July 2021	
Title: Retrospective Application - Chimney Removal		Scale: 1:50 (A1/A1)	
Previous & Existing Elevations		Number: TAL2/13002	
Client: Vale Of Glamorgan County Council		Number: TAL2/13002	
The Alps Depot, Alps Quarry Road, Tremorh, CF5 6AA		Number: TAL2/13002	

© Tecta Associates Limited

2023/00740/FUL Received on 12 July 2023

APPLICANT: Mr and Mrs Richard and Anne Prosser 16 Heol-y-Frenhines, Dinas Powys, CF64 4UH

AGENT: Mr and Mrs Richard and Anne Prosser 16 Heol-y-Frenhines, Dinas Powys, CF64 4UH

16, Heol Y Frenhines, Dinas Powys

Retention of a 6ft fence to the side / rear of the property to enclose the garden. The fence is set back from the boundary line approximately 20 cm

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the report contains a dual recommendation including planning enforcement action in the form of a Planning Enforcement Notice, which is outside the scheme of delegated powers.

EXECUTIVE SUMMARY

The application was considered by the Planning Committee on 7 September 2023, where it was the officer's recommendation to refuse the application and to seek authorisation for planning enforcement action in the form of a planning enforcement notice to remedy the breach of planning control.

The retrospective planning application relates to a 1.9m high close boarded fence erected at the above-mentioned site which fronts the adopted highway and therefore requires the benefit of planning permission. The fence is located on a prominent location on the corner of Heol Y Frenhines alongside the side boundary of No. 16 and measures a length of approximately 14m.

Planning Committee resolved not to refuse the application in accordance with officer's recommendation and not to authorise enforcement action. The application was therefore deferred for officers to consider the matter of relevant conditions for Members to further consider before making a decision on the application. Such conditions are necessary to minimise the visual impact of the development and to comply with biodiversity enhancement requirements.

A copy of the original Officer's report is appended to this report for further information.

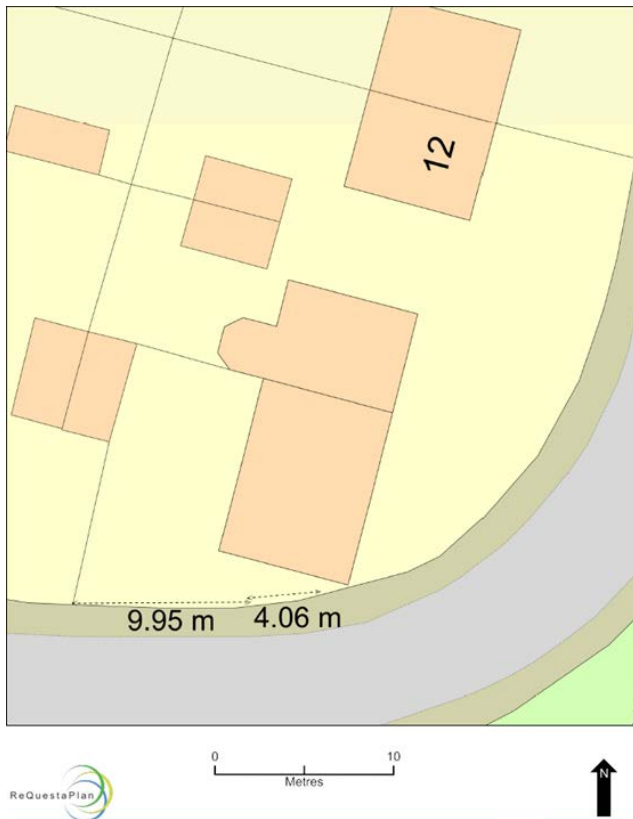
Following discussions with the applicant, a condition has been recommended for imposition requiring the entirety of the outer facing side of the fence to be painted either grey, black or brown, to minimise the visual impact of the development. It has also been confirmed that a birdbox will be erected on a fence in the rear garden of the property as an ecological enhancement.

SITE AND CONTEXT

The application site is at No.16 Heol y Frenhines, Southra Park, located on the corner of a residential street within the settlement boundary of Dinas Powys as identified by the Vale of Glamorgan Local Development Plan 2011-2026. The site relates to a two storey, semi-

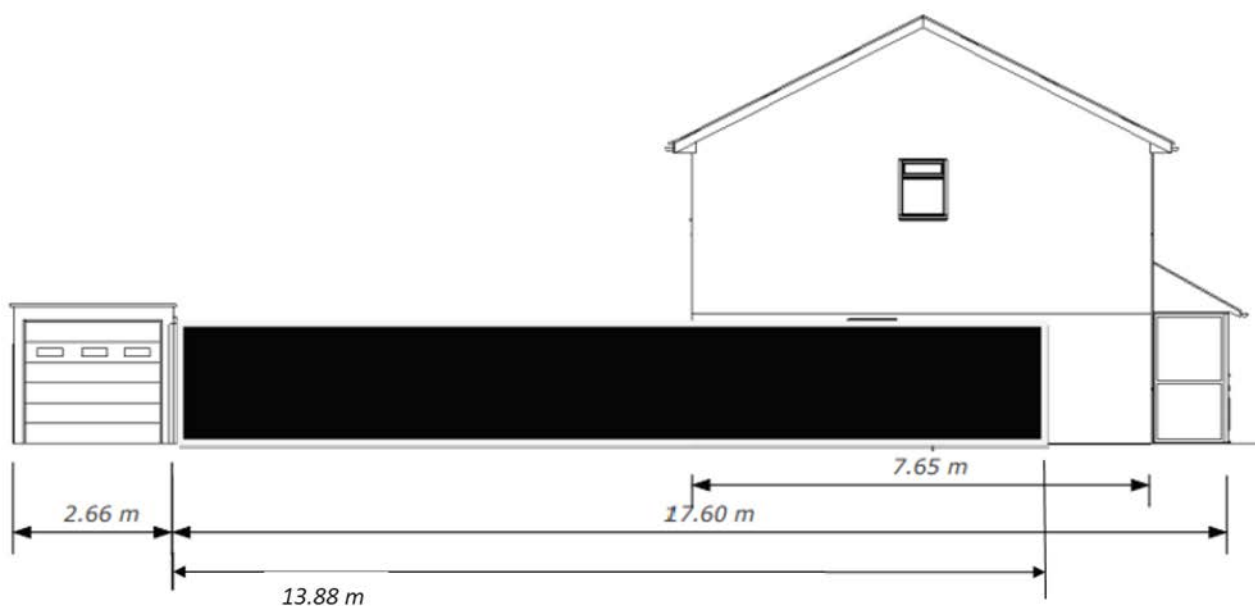
detached dwelling, which is situated within a street of other similar properties. Prior to the recent development which has been undertaken, the boundary of the property was defined by a hedgerow.

Location of the fence:



DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought to retain a 1.9m high close boarded fence along approximately 14m of the side of the property adjacent to Heol Y Frenhines.



Photographs of the fence in question are provided below.

Images of fence taken from Heol Y Frenhines, August 2023:





PLANNING HISTORY

2015/00037/FUL, Address: 16, Heol Y Frenhines, Dinas Powys, Proposal: Two storey extension, to provide a family room. extend the kitchen and add a bedroom with en suite to the first floor, Decision: Approved, Decision Date: 10/03/2015.

CONSULTATIONS

The Council's Highway Development were consulted on the 17th of July 2023. The highway authority has no objection to the proposed fencing as it was considered that the proposal would not have a material impact along the adjacent highway.

Dinas Powys Community Council were consulted on the 17th of July 2023 and a comment was received on the 2nd of August 2023 stating that they have no objections to the application.

Dinas Powys Ward Members were consulted on 17 July 2023, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 17 July 2023 and a site notice was displayed on the 16th of August 2023.

To date, one letter of representation has been received outlining objections due to the following reason:

- The fence is more than 6ft high and restricts vision on a restricted corner of Heol Y Frenhines.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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:

Planning Policy Wales:

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The Planning Committee discussed the proposals at the meeting on the 7th September 2023 and during the debate the majority of Members considered that the application should be approved and as a consequence enforcement action was not authorised. A copy of the Officer's Committee Report is attached as below:

Taking the above into consideration and if Members are minded to grant planning permission, the following conditions are suggested:

1. The development shall be retained in accordance with the following approved plans and documents which were received on 12 July 2023:

- Block Plan showing location of Fence
- Site location Plan
- Fence Measurement Plan
- Left Side Elevation Drawing

Reason:

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

2. Notwithstanding the submitted details, the entirety of the outward facing side of the fence shall be painted either grey, brown or black, within 3 months of the date of this decision and thereafter retained in such a colour whilst the development remains in existence.

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.

3. A birdbox shall be erected on a fence in the rear garden of the property within 3 months of the date of this decision and thereafter retained whilst the development remains in existence.

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.

16, Heol Y Frenhines, Dinas Powys, Vale Of Glamorgan, CF64 4UH



Location Plan shows area bounded by: 315141.25, 170474.28 315282.67, 170615.7 (at a scale of 1:1250), OSGridRef: ST15217054. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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APPENDIX 1

APPENDIX 1: Officer's Report to Planning Committee (7 September 2023)

2023/00740/FUL Received on 12 July 2023

APPLICANT: Mr and Mrs Richard and Anne Prosser

16, Heol Y Frenhines, Dinas Powys

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

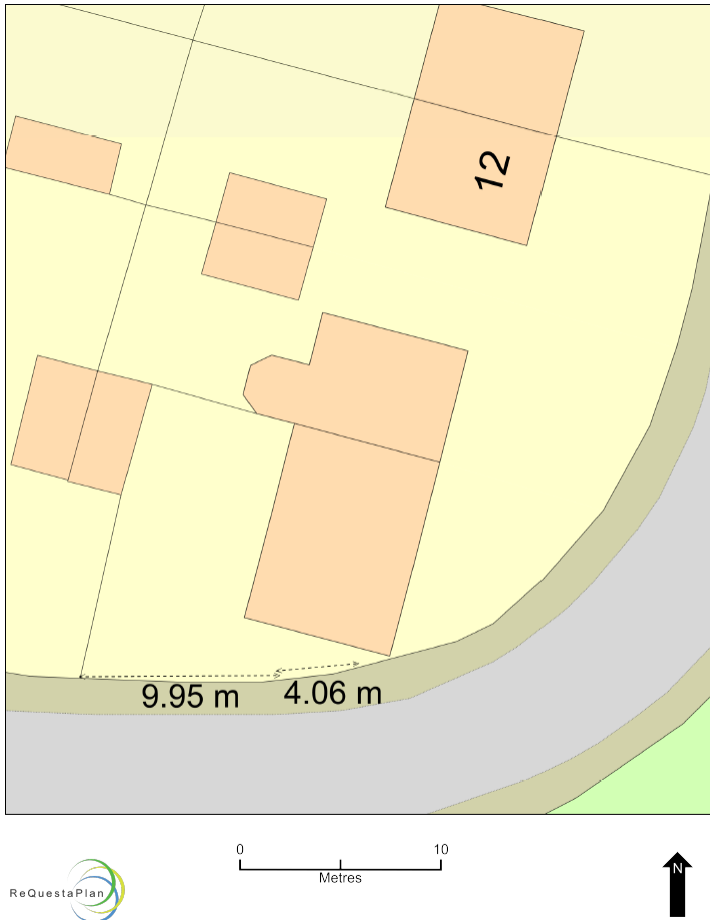
This retrospective planning application relates to a 1.9m high close boarded fence erected at the above-mentioned site which fronts the adopted highway and therefore requires the benefit of planning permission. The fence is located on the corner of Heol Y Frenhines alongside the side boundary of No. 16. The principal issue to consider is the impact on the character on the street scene and the appearance of the surrounding area.

The erection of this length of fence along the boundary of the site immediately adjacent to the highway has resulted a visually incongruous and prominent feature in this street scene. On this basis it is recommended that the application is refused, and that planning enforcement action be authorised for a planning enforcement notice to be issued in order to remedy the breach of planning control that is considered to have an unacceptable impact on the visual amenities of the locality and the application site. In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal action that may be required.

SITE AND CONTEXT

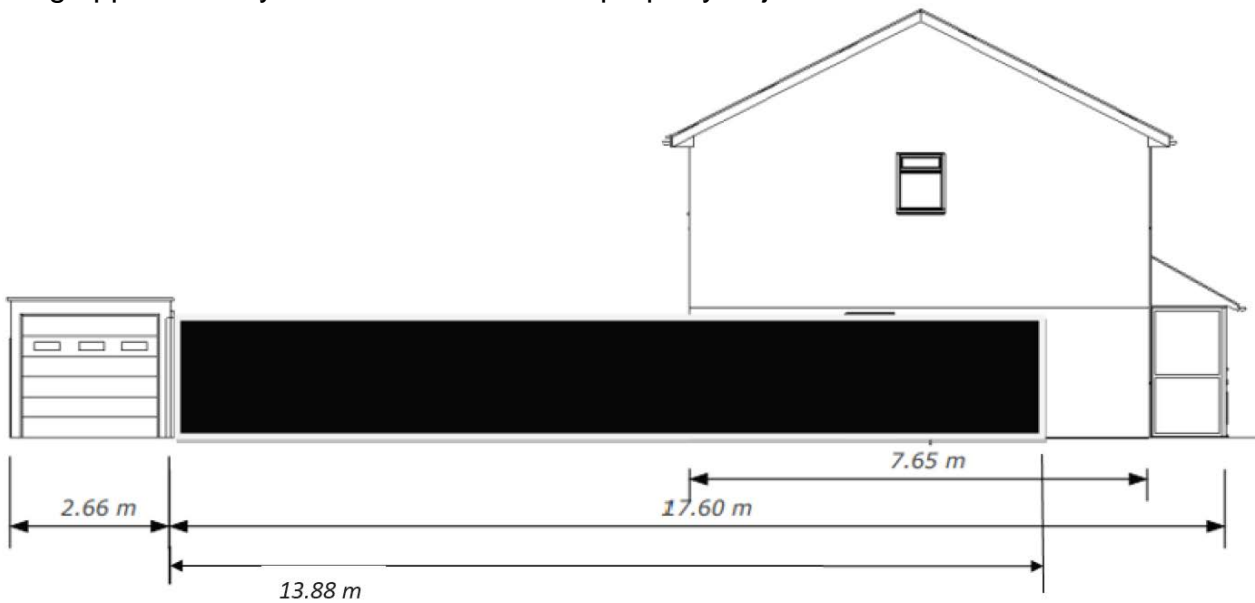
The application site is at No.16 Heol y Frenhines, Southra Park, located on the corner of a residential street within the settlement boundary of Dinas Powys as identified by the Vale of Glamorgan Local Development Plan 2011-2026. The site relates to a two storey, semi-detached dwelling, which is situated within a street of other similar properties. Prior to the recent development which has been undertaken, the boundary of the property was defined by a hedgerow.

Location of the fence:



DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought to retain a 1.9m high close boarded fence along approximately 14m of the side of the property adjacent to Heol Y Frenhines.



Photographs of the fence in question are provided below.



Images of fence taken from Heol Y Frenhines, August 2023:





PLANNING HISTORY

2015/00037/FUL, Address: 16, Heol Y Frenhines, Dinas Powys, Proposal: Two storey extension, to provide a family room. extend the kitchen and add a bedroom with en suite to the first floor, Decision: Approved, Decision Date: 10/03/2015.

CONSULTATIONS

The Council's Highway Development were consulted on the 17th of July 2023. The highway authority has no objection to the proposed fencing as it was considered that the proposal would not have a material impact along the adjacent highway.

Dinas Powys Community Council were consulted on the 17th of July 2023 and a comment was received on the 2nd of August 2023 stating that they have no objections to the application.

Dinas Powys Ward Members were consulted on 17 July 2023, but no comments have been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 17 July 2023 and a site notice was displayed on the 16th of August 2023. No comments have been received at the time of writing this report.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD9 – Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.9

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Para 2.6

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

Para 6.16

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Residential and Householder Development (2018)

The following sections contained within the Residential and Householder Development is of relevance:

7.3.1. It is then important to establish the character of the buildings (i.e. other buildings, houses and outbuildings) that are within the context of your property. The context of your property is the area within which your new development will sit and within which it will be viewed. The 'street scene' is often an important element of the context to your property.

8.1.2. New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including

residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions and garages / outbuildings

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues to consider relate to the design and visual impact of the development on the street scene and its effect on the wider character of the site.

Visual Impact

Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should be of a high standard that positively contribute to the context and character of the surrounding and natural 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) states, amongst other things, that new development should 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 on the character and appearance of the locality.

It is considered that the character of the street scene is generally open plan with the residential boundaries being defined, in the main by hedgerows, planting and original yellow and red brick boundary walls which enclose properties including the side elevations and rear gardens which are generally side on the highway .

Photograph of Heol Y Frenhines from Google Maps, November 2022:



Photograph of Heol Y Frenhines from Google Maps, July 2012:



Prior to the close boarded fence being constructed, the boundary of the 16, Heol Y Frenhines was defined by a hedgerow of a similar species to the neighbouring properties which can be seen below:

Photograph of 16, Heol Y Frenhines from Google Maps, July 2012:



Photograph of fence at 16, Heol Y Frenhines from Google Maps, November 2022:



The Council's Residential and Householder Development Supplementary Planning Guidance (SPG) requires that the area within which new development will sit and within which it will be viewed is considered when assessing proposals for new householder development.

Paragraph 8.1.2 of the SPG states that new development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials and regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene.

The application site is located on the corner of Heol Y Frenhines where the highway bends. Due to the property's prominent positioning, the close boarded fence is highly visible from the street scene and delineates the entirety of the street corner at this junction.

It is noted that there are examples of similar fencing being recently erected in the surrounding area, for which planning enforcement cases are currently open.

The applicant has stated the need for a means of enclosure for privacy, amenity and security for the garden of 16, Heol Y Frenhines following the removal of the hedgerow. It is noted that during the enforcement investigation, the owner of the site was advised to either reduce the height of the fence, or to set the fence back into the site in order to be in accordance with permitted development rights and to alleviate some of the visual impacts of the development, however no alterations to the fence were made. The owner was subsequently advised that an application would not be considered favourably to retain the fence as built.

Therefore, although enclosures are often necessary for reducing the opportunity of crime and to ensure the privacy of the occupiers, it is considered in this instance that this can be achieved by an alternative design / form of enclosure, which would not result in an unacceptable visual impact on the street scene.

The letter from the applicant and their planning agent is attached as APPENDIX A.

The significant length of fencing along the boundary of the site immediately adjacent to the highway has resulted in a visually insensitive and incongruous, prominent feature in this street scene. It is not considered that painting or staining the fence would mitigate its impacts. As such refusal and enforcement action are recommended

It is therefore considered that the fence in its current form in respect of its siting, scale and design results in a visually insensitive and incongruous, prominent feature negatively impacting on the appearance and character of the largely open plan street scene, contrary to Policies MD2 (criterion 1) (Design of New Development) and MD5 (criterion 3) (Development within Settlement Boundaries) of the Local Development Plan, and advice under Paragraph 8.1.2 of the Residential and Householder Development SPG.

The recommendation to refuse the application is also considered to follow paragraph 3.16 of Planning Policy Wales, which advises that where developments are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design, they should be rejected. Similarly, paragraph 6.16 of Technical Advice Note 12: Design advises that developments that do not follow the objectives of good design should not be accepted.

Given the above, it is considered that the siting, scale and design of the boundary fence would have a detrimental impact on the character of the site and the street scene as a whole and is therefore contrary to Policy MD2 of the Local Development Plan. It is therefore recommended that planning permission is refused, and enforcement action be taken to reduce the height of the fence to 1 metre above ground level in accordance with the permitted development rights for enclosures afforded by the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Other Issues

The fence is not considered to significantly impact on neighbour amenity.

In respect of highway safety concerns, it is noted that the Council's Highways Development Team has not raised any objections on this ground.

Paragraph 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.....*" Furthermore Policy 9 of Future Wales states that in all cases, 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. Whilst the application does not indicate measures for ecological enhancement it is reasonable to conclude that there is a realistic proposition that such enhancement can be provided on site and meet the policy requirements. Had the planning application been recommended for approval then such details could have been sought or an appropriate planning condition to require details of ecological enhancement to be approved and implemented.

ENFORCEMENT ACTION

APPENDIX 1

In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of a Section 172 Enforcement Notice, in relation to the operational development which has been undertaken at the site. Therefore, the service of an enforcement notice is recommended to remedy the breach of planning control at the site by reducing the height of the fencing to be in accordance with permitted development.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

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

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

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

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

REASON FOR RECOMMENDATION

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

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

RECOMMENDATION

REFUSE AND AUTHORISE ENFORCEMENT ACTION

(1) Planning permission for the retention of the fence be refused for the following reason:

By virtue of its siting, scale and design the fence is considered to result in a visually harmful and incongruous form of development, which is damaging to the largely open plan street scene and character of the site. Therefore, the retention of the fencing is considered unacceptable and contrary to the requirements of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale

APPENDIX 1

of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).

- (2) That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) The removal of the fence and resulting materials from the land, or reduction of the fence to a height of not more than 1 metre above ground level where it is located adjacent to the highway.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASONS FOR ISSUING ENFORCEMENT NOTICE

1. It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.
2. By virtue of its siting, scale and design the fence is considered to result in a visually harmful and incongruous form of development, which is damaging to the largely open plan street scene and character of the site. Therefore, the retention of the fencing is considered unacceptable and contrary to the requirements of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan adopted Local Development Plan 2011-2026, the Vale of Glamorgan Residential and Householder Development Supplementary Planning Guidance (2018) and national policy contained with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design).
3. It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.