

**2020/01218/HYB** Received on 29 October 2020

**APPLICANT:** Mr Phil Worthing C/o Agent

**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 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 and nature of the development, in context of the site, made the potential impact such that an EIA was required.

### Full application

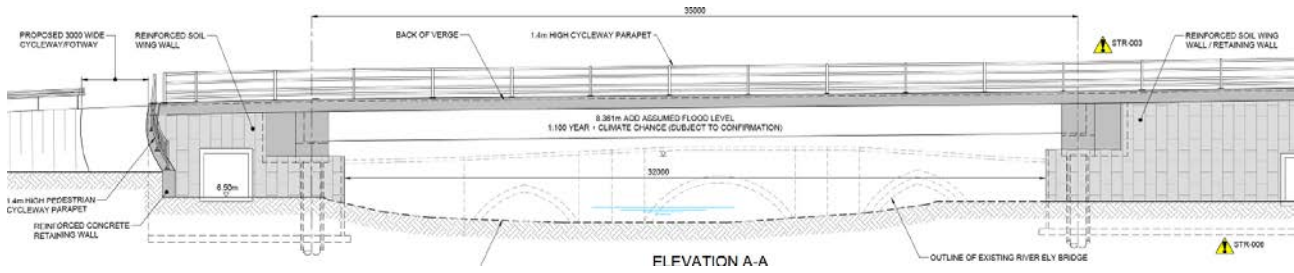
The proposals include details of the realignment of the existing B4267 Leckwith Road link and a new bridge crossing of the River Ely. The existing route runs through the site via an existing viaduct that is stated to be in a poor state of repair and is identified as suffering from 'concrete rot.

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.







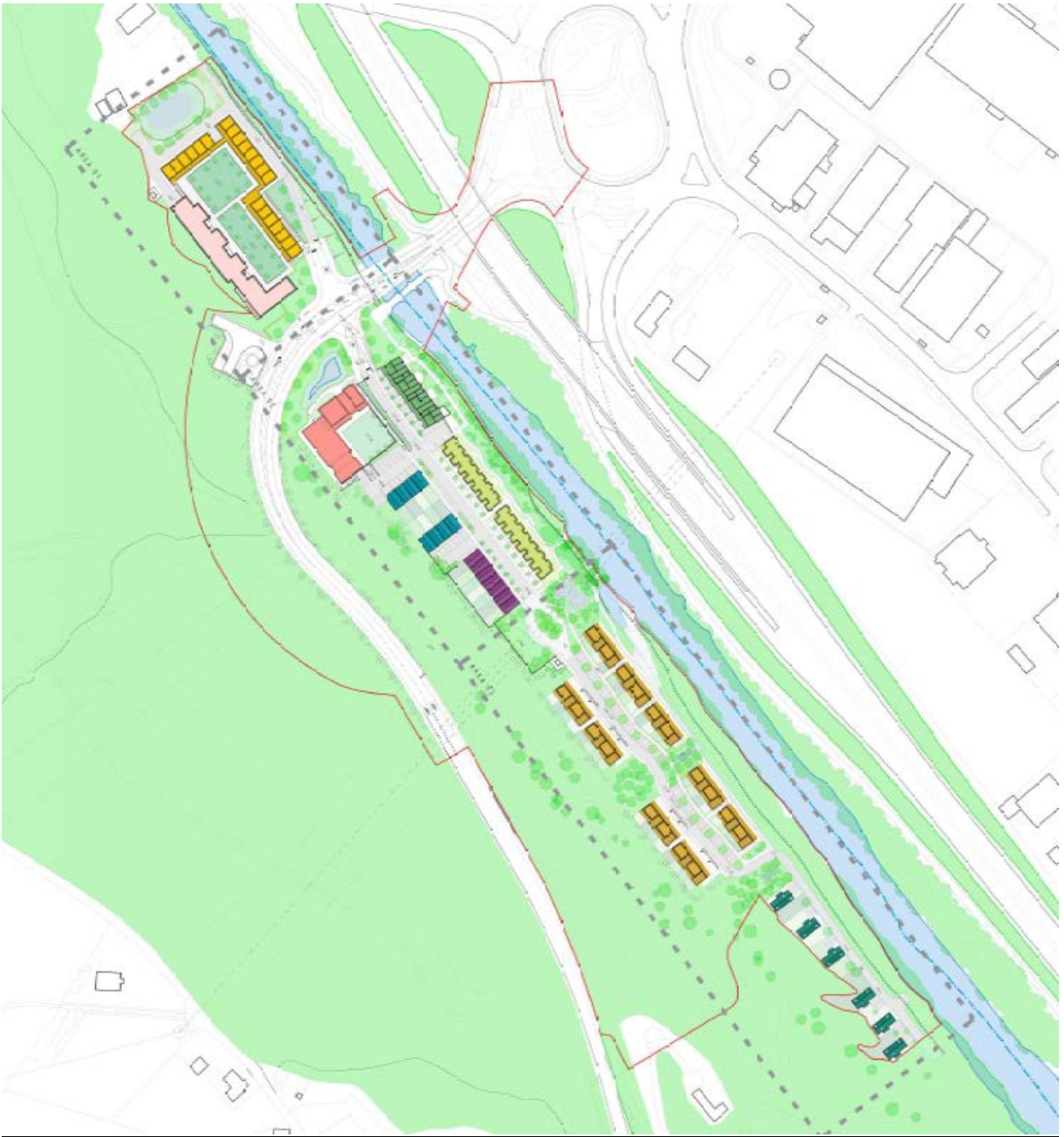
*Elevation of Proposed Bridge*

### Outline planning application

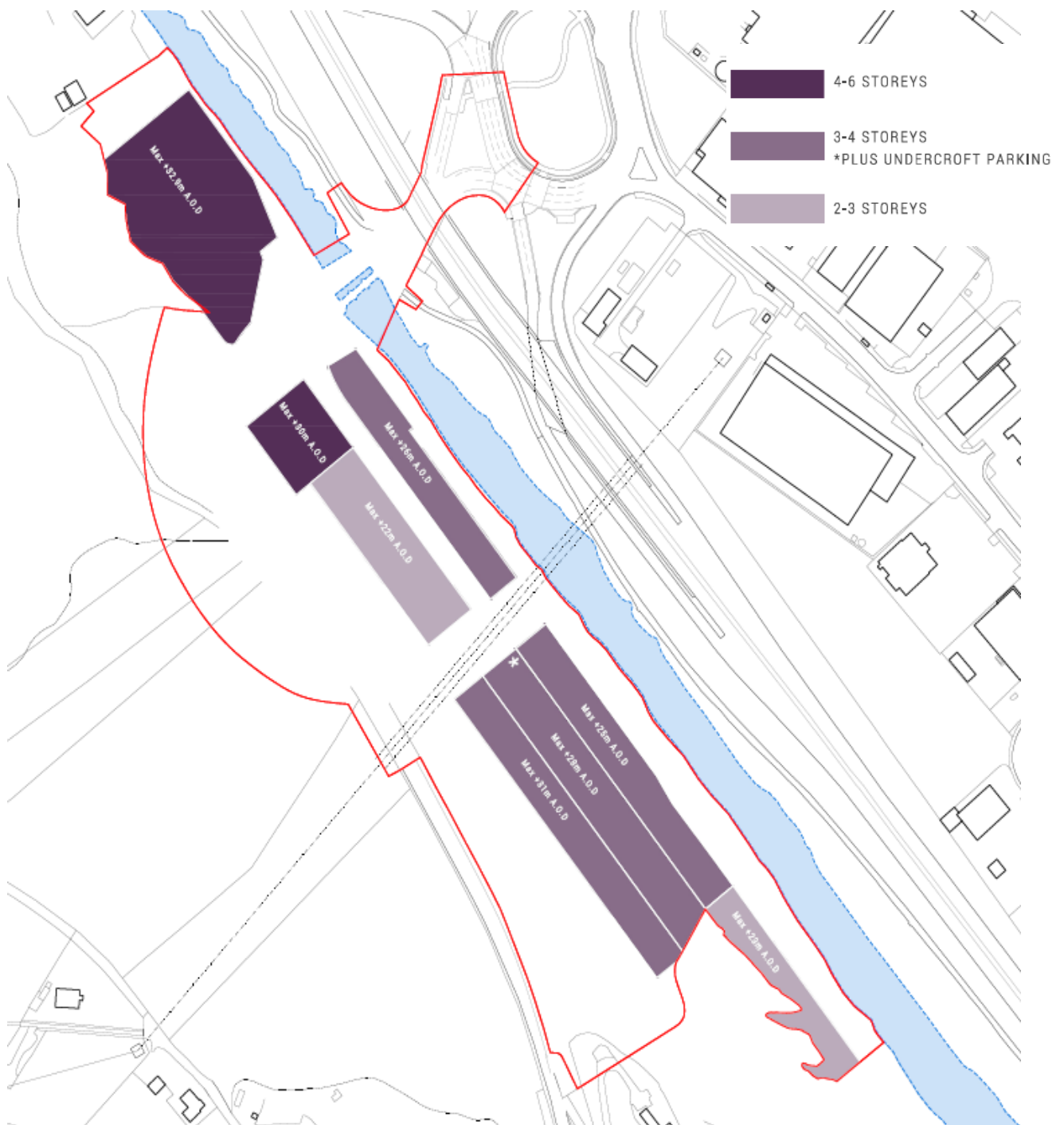
As amended, outline planning permission is sought for the provision of 228 residential units, with access being considered as part of this application and all other matters reserved.

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 table-top; 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 3<sup>rd</sup> 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 3<sup>rd</sup> party land issues fall outside of the planning process whereas the impacts upon the Ely

Trail and Leckwith Gyratory 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 SINCC 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



L VIA 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
<b>Total</b>	<b>322</b>	

Current need within Llandough Ward:

<b>LLANDOUGH</b>	
1 bed	112
2 bed	55
3 bed	27
4 bed	5
5 bed	1
6 bed	1
	201

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.

Comments were also received from **Councillor Ian Johnson** who raised the following queries

- Pedestrian access between the site and the facilities in Cardiff and how these would work in practice
- What discussions have taken place between the Vale and Cardiff Education and Health facilities
- Demand for public sector housing in the area and queries with regard to demand for Llandough Ward
- Availability of viability details

Comments were also received from **Councillor Stallard** raising concern with regard to the lack of priority within the development with for pedestrians/cyclists; lack of bus lane/priority lights for buses within new road alignment and wanting to limit vehicular access over the old listed bridge.

## 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, three 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
- Lack of underpass provision for Ely Trail
- Over-reliance on shared pedestrian/cycleways
- Lack of financial contribution towards Ely Trail
- Cycle parking and charge points not included in residential element
- Position of signs on general arrangement and potential conflict with footway/cycleway users
- Over-engineered junctions
- Lack of linkage from northern parcel to Ely Trail

## 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

4.2.18 .....The 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.

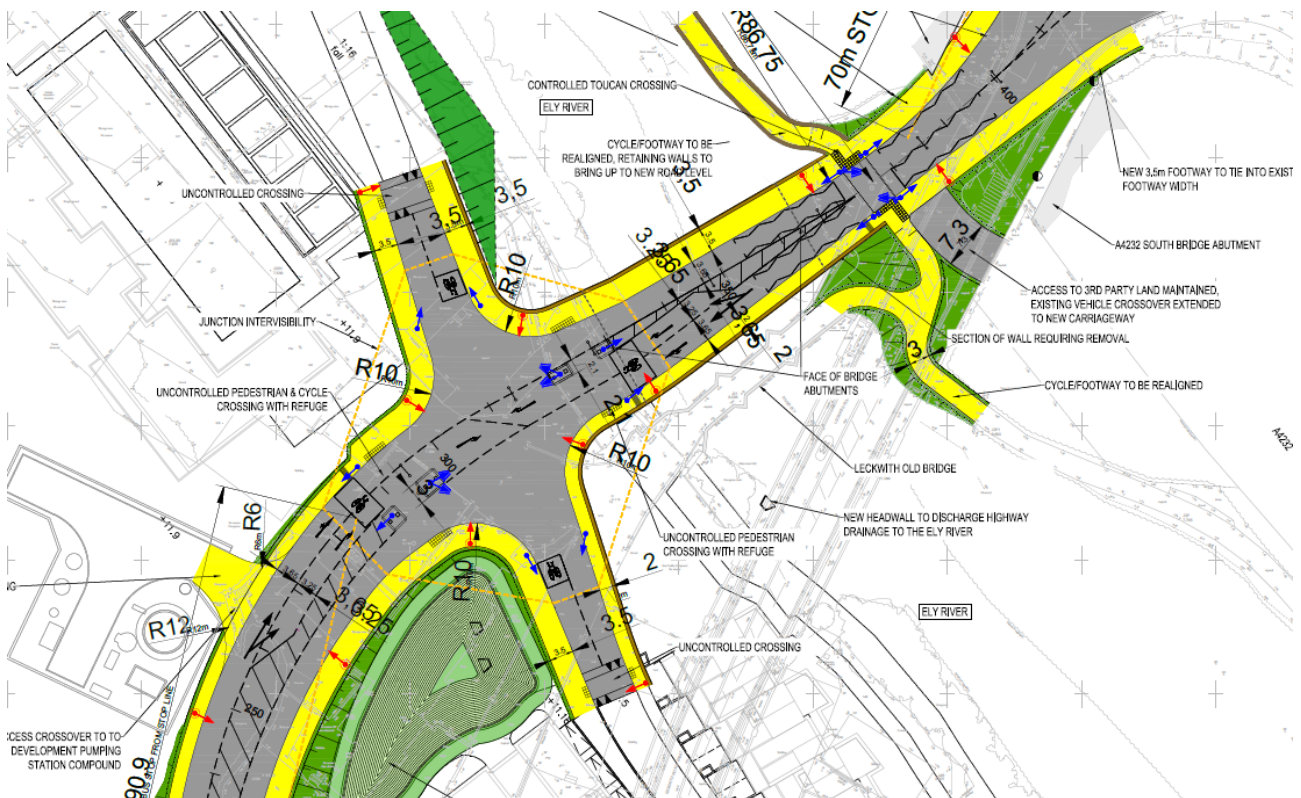
The engineering details of the proposed replacement bridge have also been considered by the structures team within the Highway Development section of the Council. Therefore, subject to the engineering detail of the road being approved, it is considered that it would function safely and positively impact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





Although the proposals would not provide segregated footway/cycleways, the proposals would tie in with existing provision in the area in an urban/rural fringe location and represent a significant betterment in comparison with the existing situation. The proposed arrangements would also tie in with Ely trail cycleway and facilitate pedestrian and cycle access (and the removal of vehicular traffic) 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. Whilst representations have raised issue with the lack of underpass for the Ely Trail, it is noted that any such feature would be within the Cardiff administrative area. Notwithstanding this, following discussion with the Council's Highway Development section there was considered to be concern in terms of cost, design and levels with regard to provision of such a feature. 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. Concerns with regard to the placement of signage and potential interference with pedestrian cycle routes would be a matter that would be further considered within any future highways technical approval.

The provision of a dedicated bus lane, bus stops or other facilities on the realigned road is not considered feasible owing to the geometry of the road and lack of suitable locations along the site frontage in addition to the constrained position of the realigned route adjacent to the listed bridge. 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 and that they are designed in accordance with suitable standards including the Design Manual for Roads and Bridges (DMRB).

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 (inclusive of the provision of parking and cycle parking facilities) is a reserved matter that will be considered under any future reserved matters applications. Such applications would also afford opportunity to consider the scheme in terms of prioritising pedestrian and cycle movements for users within any future layout. 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**

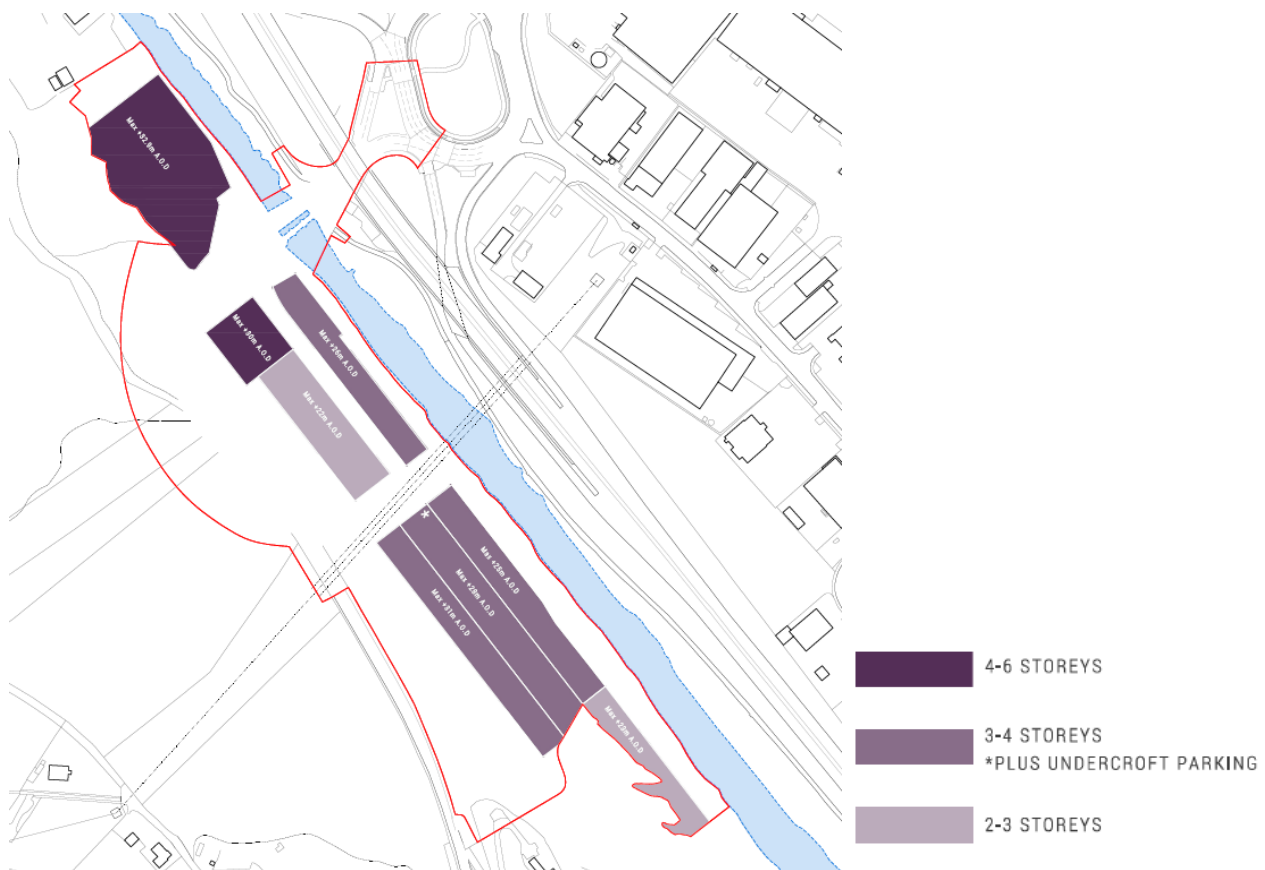
Policy MD2 (Design of New Development) of the Local Development Plan requires that development proposals should be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape 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.'*

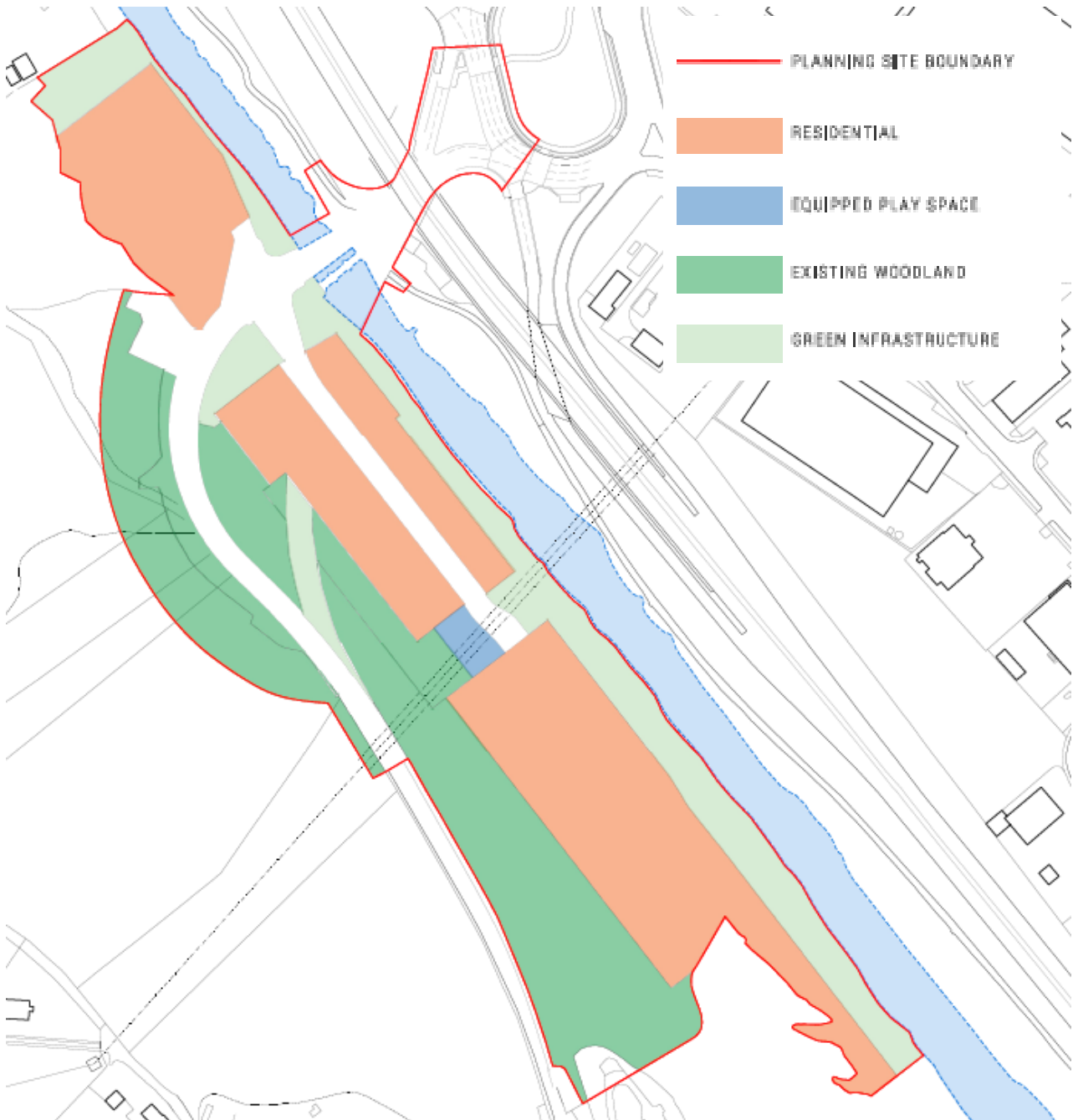
The proposals as originally submitted were supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Novell Tullett dated November 2019, with the impacts further considered within Chapter 6 of the accompanying ES and subsequent addendum. This assessment, as revised following officer concerns, 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:

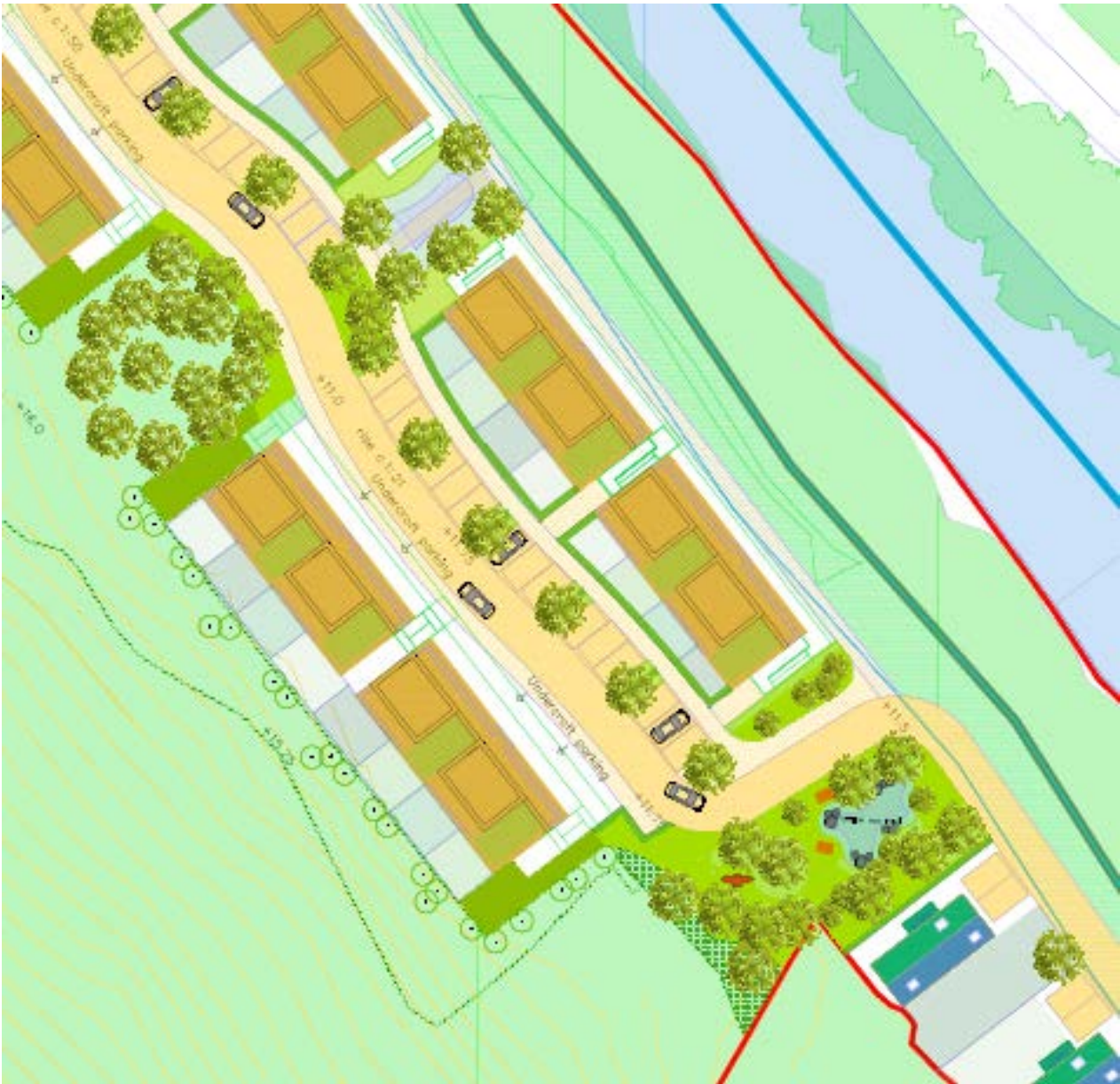


The proposals show flatted blocks to the northern end of the site with greater storey heights (as shown on the height parameter plan attached above), with a mix of flatted development to the northern end of the southern plateau, and a mix of terraced, detached and semi-detached units within the southern 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**

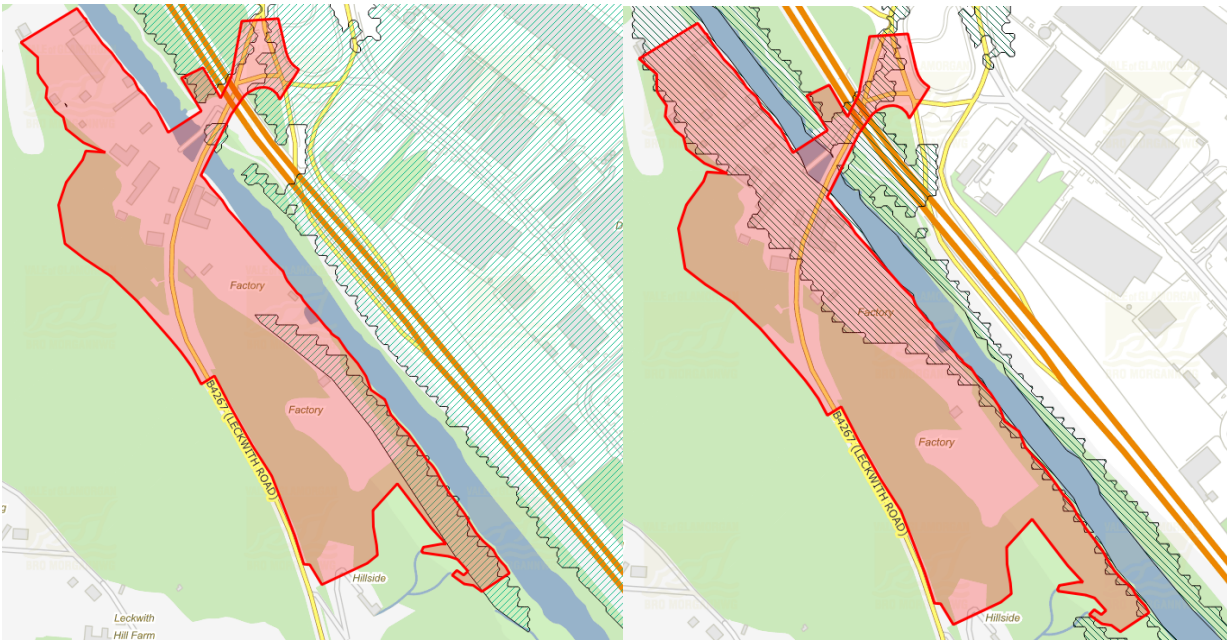
The site also falls adjacent to the River Ely which falls upstream of the Severn Estuary/ Môr Hafren Special Area of Conservation (SAC) and Special Protection Area (SPA) and as such a Habitats Regulation Assessment (HRA) has been undertaken by the Council Ecologist in support of the application, to assess 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 experienced, understood and appreciated and therefore will not have a significant impact on the setting of the scheduled 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**

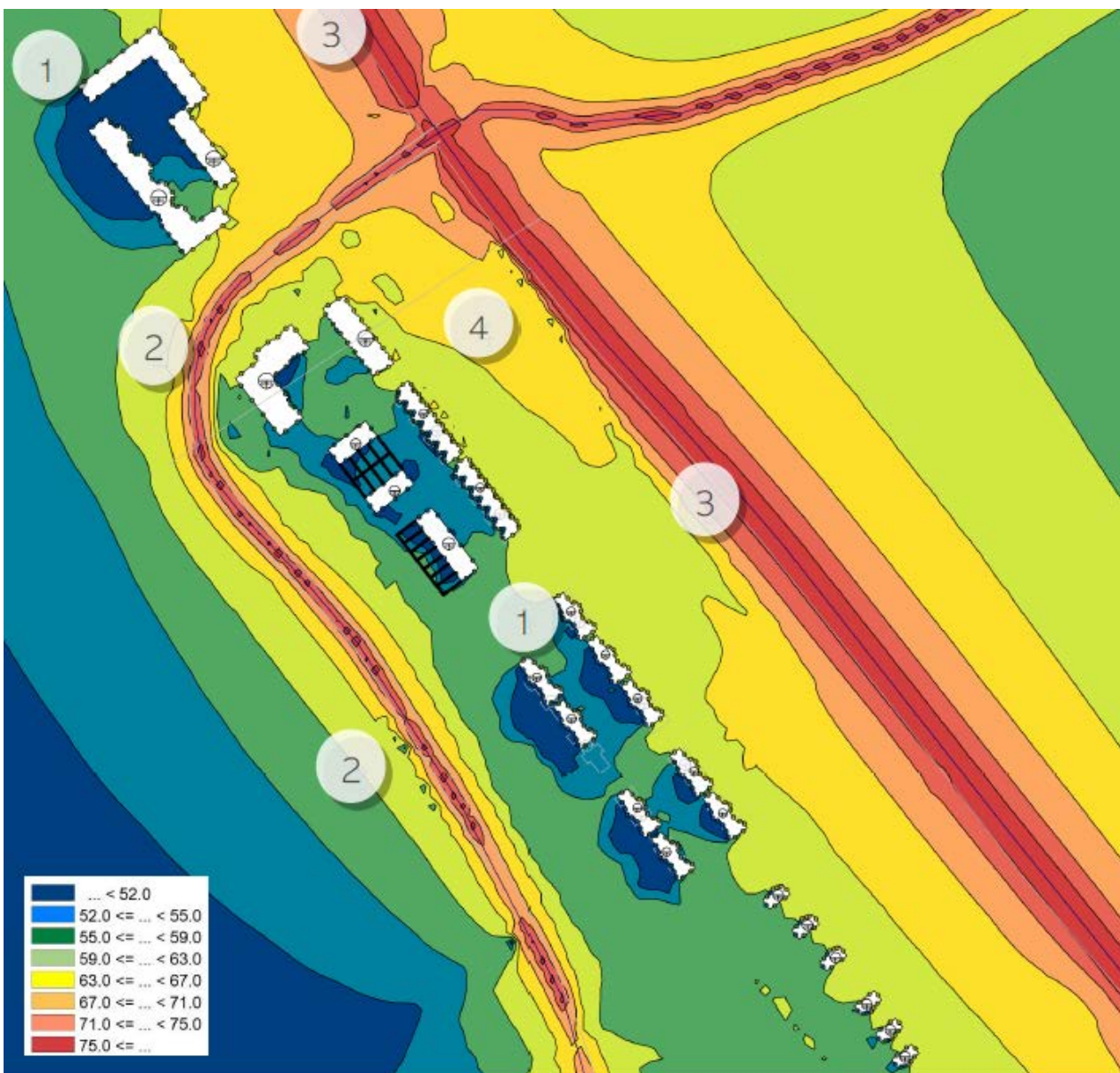
Policy MD7 (Environmental Protection) states that 'development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from' a number of criteria including '4. Noise, vibration, odour nuisance and 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.

## Other Matters

In answer to a query from Councillor Johnson, no extensive discussions have taken place between planners for Cardiff Council and the Vale of Glamorgan with particular regard to education provision, although no objection has been raised by Cardiff Council as Local Planning Authority in response to the application. Officers are unaware of any such discussions between the respective Councils' Education sections.

Notwithstanding this, the administrative boundary is not necessarily considered to represent a barrier to education provision of future occupiers. The site falls within the catchment for Llandough Primary, Ysgol Pen Y Garth (Welsh) and St Andrews and St Josephs (denominational) for primary education provision; and St Cyres and Ysgol Gymraeg Bro Morgannwg (Welsh) for secondary provision that could cater for future education needs whilst services within Cardiff inclusive of Fitzalan High and Kitchener Primary Schools are within 1.2km of the site within the Cardiff administrative area that could serve the development. This would be similar in relationship to those properties within the Cardiff side of the wider Penarth marina/International Sports Village that could access education facilities within the Vale.

In terms of healthcare provision, Cardiff and Vale Health Board note issues within their response with regard to capacity issues within the Eastern Vale Cluster with regard to GP provision and challenges with regard to the delivery of the Wellbeing Hub at Penarth Leisure Centre, in addition to lack of capacity for dentistry and optometry provision. However, they do not object to the proposals on this basis and make no recommendations in this regard. The service-wide issues are acknowledged, however in the absence of an objection from the Health Board and noting that these are generally systemic issues across the whole of the NHS, it is considered that this does not represent a reason to delay or refuse planning permission in this instance.

In terms of maintenance responsibility for the new bridge, following consultation with highway development colleagues, it is officers' understanding that the Vale of Glamorgan Council are currently responsible for the road bridge and viaduct, and would be for new structure also.

## 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
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 2020

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

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.

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

- \* '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](mailto: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](mailto: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. PLACED 1.0M 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.

# 2020/01218/HYB

KEY

- PLANNING SITE BOUNDARY
- EXTENT OF WATERSHIP
- ADMINISTRATIVE BOUNDARY

REVISIONS

A 02.12.2022 JAS

FOR INFORMATION

1844/S.101A

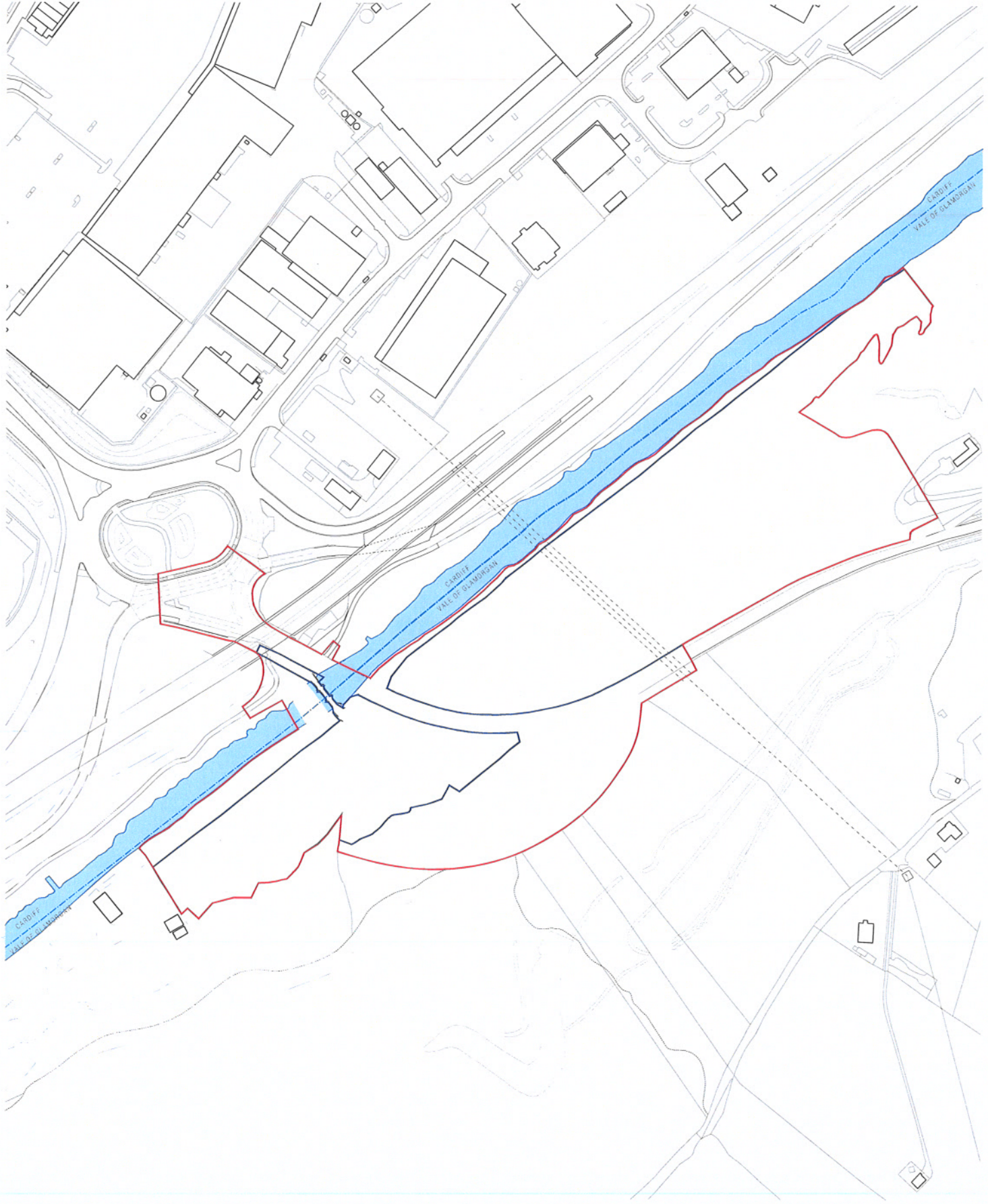
LECKWITH QUAY

SITE LOCATION PLAN

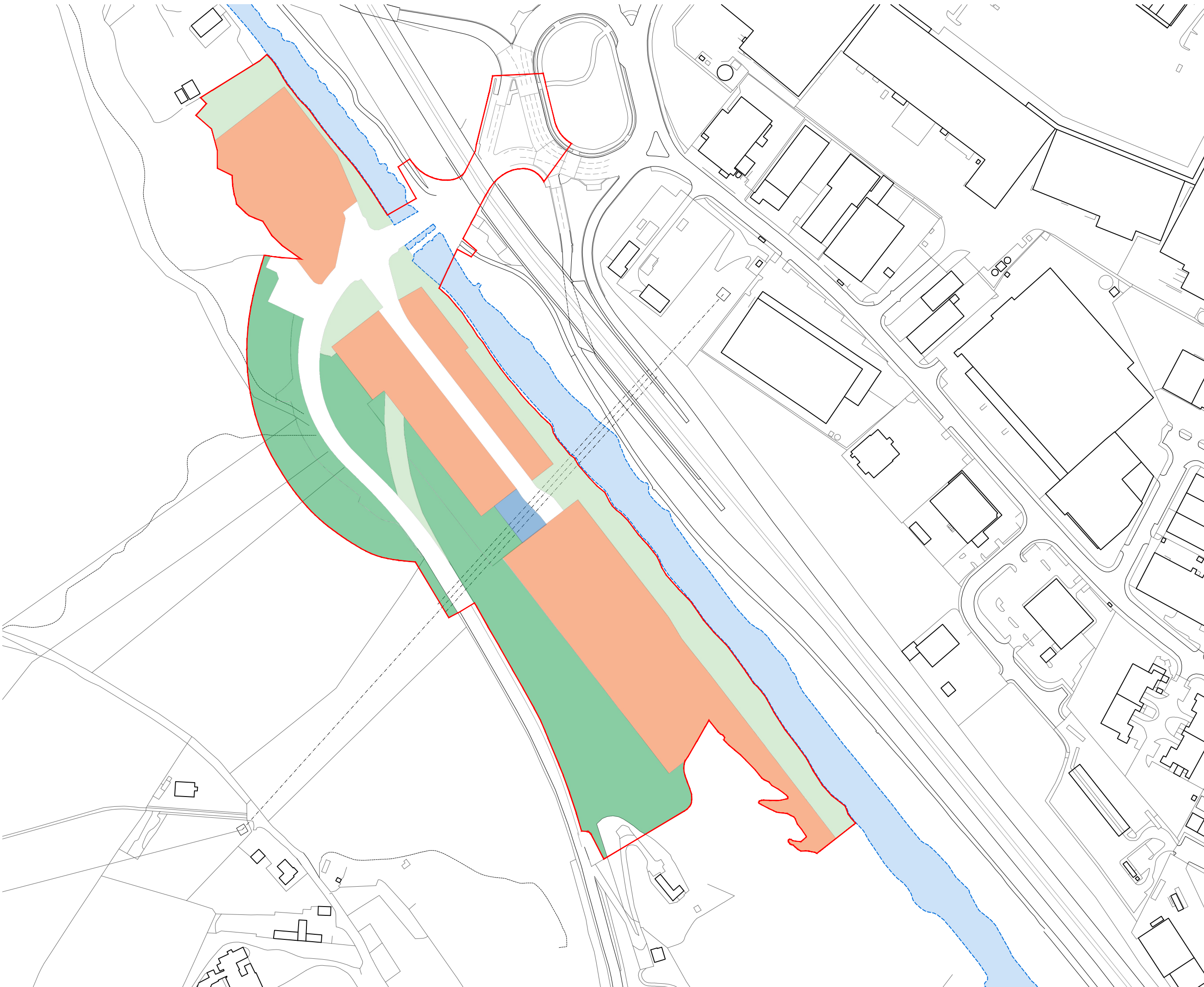
1:2500@A3 DEC 22

**LOYN + CO**  
ARCHITECTS

07970 711437 | architecture@loyn.co.uk  
88 Glebe Street Penarth CT64 1EF | loyn.co.uk  
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**2020/01218/HYB**

- KEY**
- PLANNING SITE BOUNDARY
  - RESIDENTIAL
  - EQUIPPED PLAY SPACE
  - EXISTING WOODLAND
  - GREEN INFRASTRUCTURE

- REVISIONS**
- |   |            |     |
|---|------------|-----|
| A | 13.03.2020 |     |
| B | 28.09.2020 |     |
| C | 11.10.2022 | JAS |
- Plan revised to reflect updated masterplan

PAC SUBMISSION

**1844/S.120C**

LECKWITH QUAY  
PARAMETER PLAN:  
LAND USE

1:2500@A3      OCT 22

**LOYN + CO**  
ARCHITECTS

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88 Glebe Street Penarth CF64 1EF | loyn.co.uk  
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2020/01218/HYB

NOTES:

- 1. MAXIMUM BUILDING HEIGHTS FOR EACH AREA SHOWN ON PLAN

KEY

- PLANNING SITE BOUNDARY
- 4-6 STOREYS
- 3-4 STOREYS \*PLUS UNDERCROFT PARKING
- 2-3 STOREYS

REVISIONS

A	13.03.2020	
B	28.09.2020	
C	11.10.2022	JAS

Plan revised to reflect updated masterplan

PAC SUBMISSION

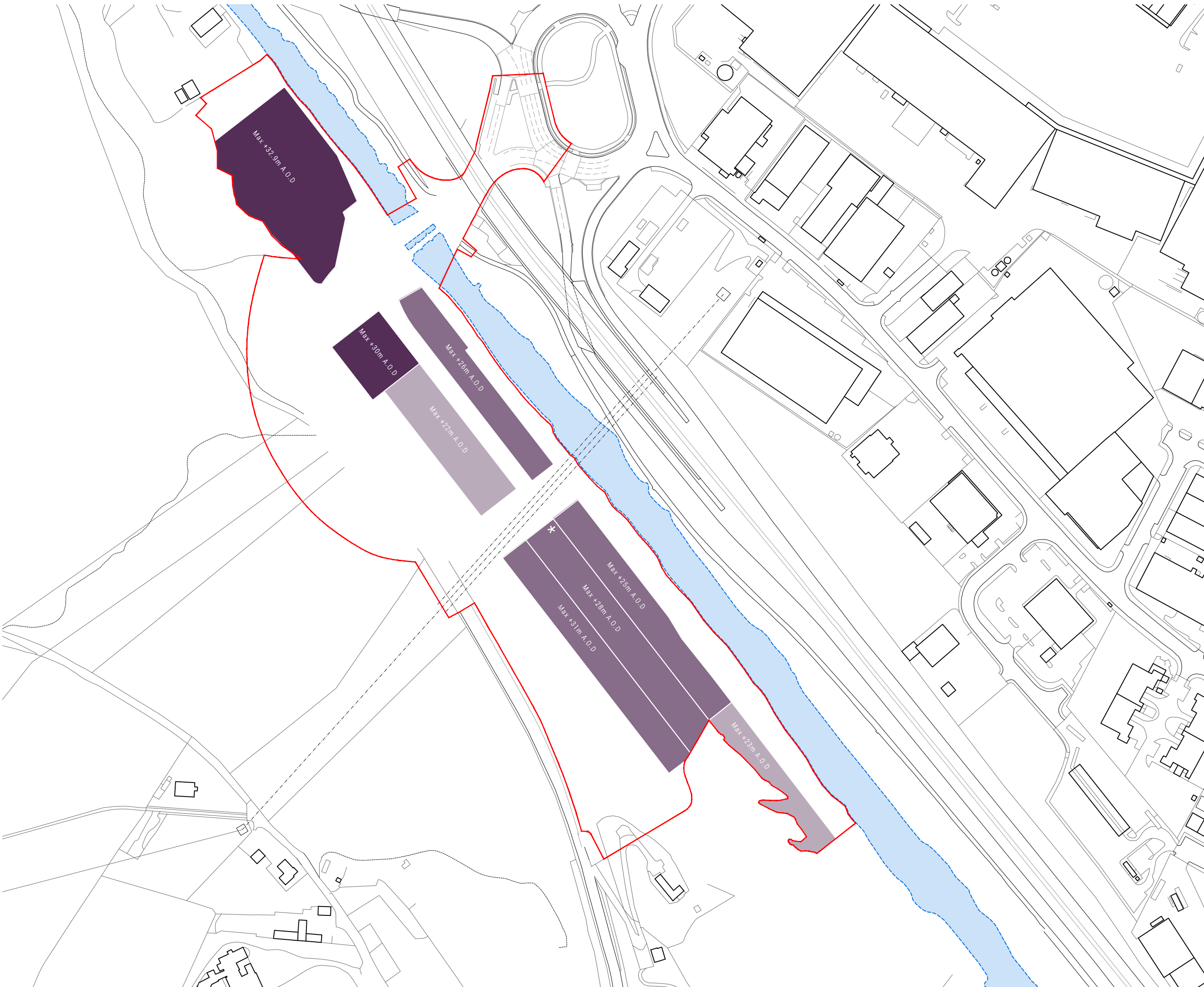
1844/S.121C

LECKWITH QUAY  
 PARAMETER PLAN:  
 BUILDING HEIGHTS

1:2500@A3 OCT 22

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 ARCHITECTS

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 88 Glebe Street Penarth CF64 1EF | loyn.co.uk  
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2020/01218/HYB

- BLOCK A  
50no. 2B 4P apartments.  
Dwelling size average: 70m<sup>2</sup>
- BLOCK B  
19no. 3B 5P houses (HOUSE TYPE B).  
Dwelling size average: 116m<sup>2</sup>  
18no. 2B 4P duplex (Duplex Dwelling Type 7).  
Dwelling size average: 73m<sup>2</sup>
- BLOCK C  
31no. 2B 4P apartments.  
Dwelling size average: 70m<sup>2</sup>
- BLOCK D  
23no. 2B 4P duplex  
(Duplex Dwelling Types 1 + 2)  
Dwelling size average: 94m<sup>2</sup>
- BLOCK E  
54no. 3B 5P duplex (Duplex Dwelling Types 3 + 4)  
Dwelling size average: 113m<sup>2</sup>
- HOUSE TYPE A  
7no. 3B 5P houses  
Dwelling size average: 125m<sup>2</sup>
- HOUSE TYPE C  
8no. 3B 5P houses  
Dwelling size average: 96m<sup>2</sup>
- HOUSE TYPE D  
6no. 4B 7P houses  
Dwelling size average: 165m<sup>2</sup>
- HOUSE TYPE E  
7no. 3B 5P houses  
Dwelling size average: 178m<sup>2</sup>

DWELLING MIX:

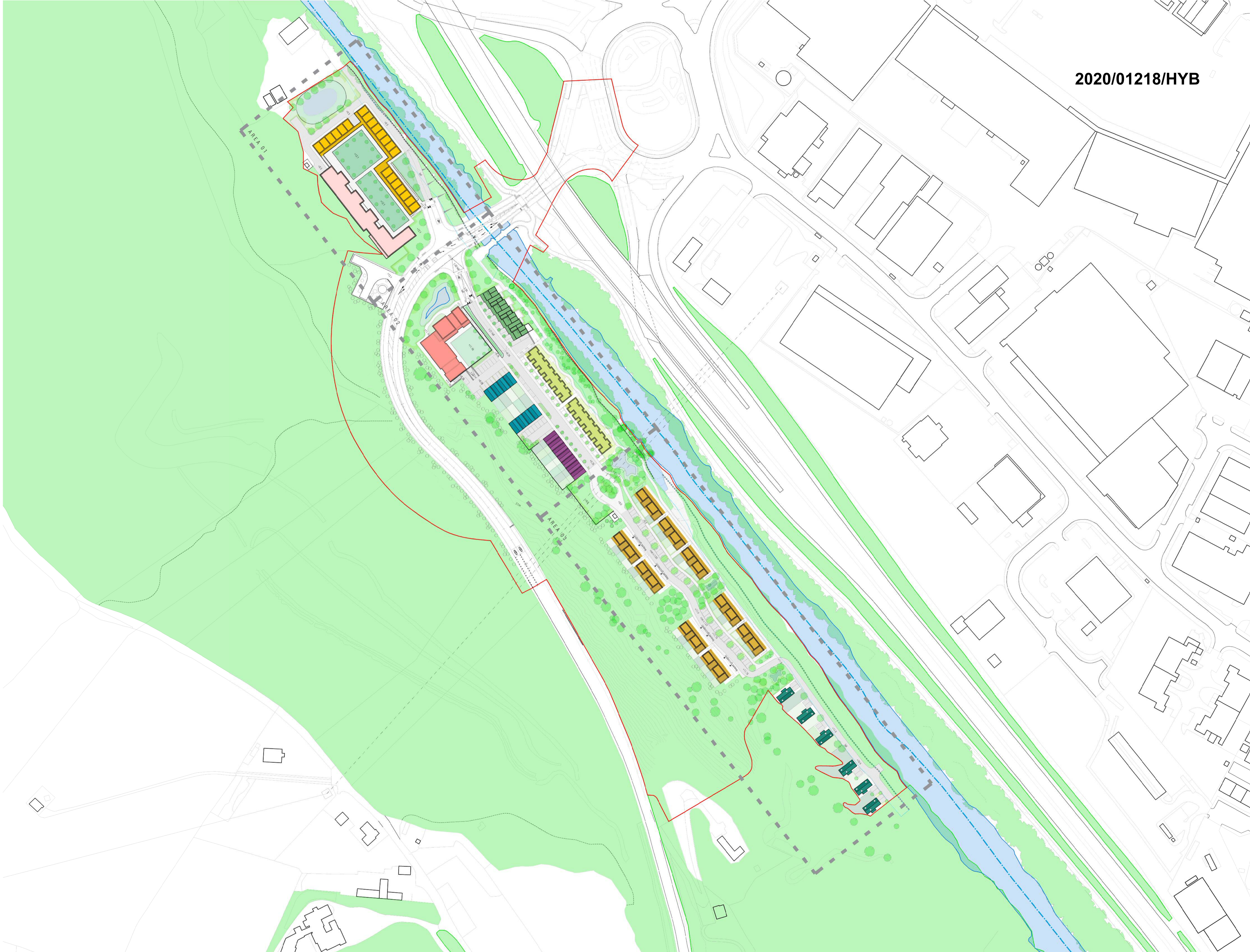
Apartments	81
Duplex Dwelling	100
Houses	47
<b>TOTAL</b>	<b>228</b>

- REVISIONS
- A 19.09.2020 GE  
LEVELS UPDATED TO NORTHERN PLATEAU
  - B 30.10.2020  
05.10.2021
  - C AREA 3 LAYOUT UPDATED  
24.02.2022
  - D BLOCKS B AND E UPDATED  
09.04.2022
  - E LEVELS UPDATED  
12.04.2022
  - F LEVELS UPDATED  
15.06.2022
  - G REVISED BLOCK A  
04.10.2022
  - H UPDATES TO DRAINAGE + LANDSCAPE

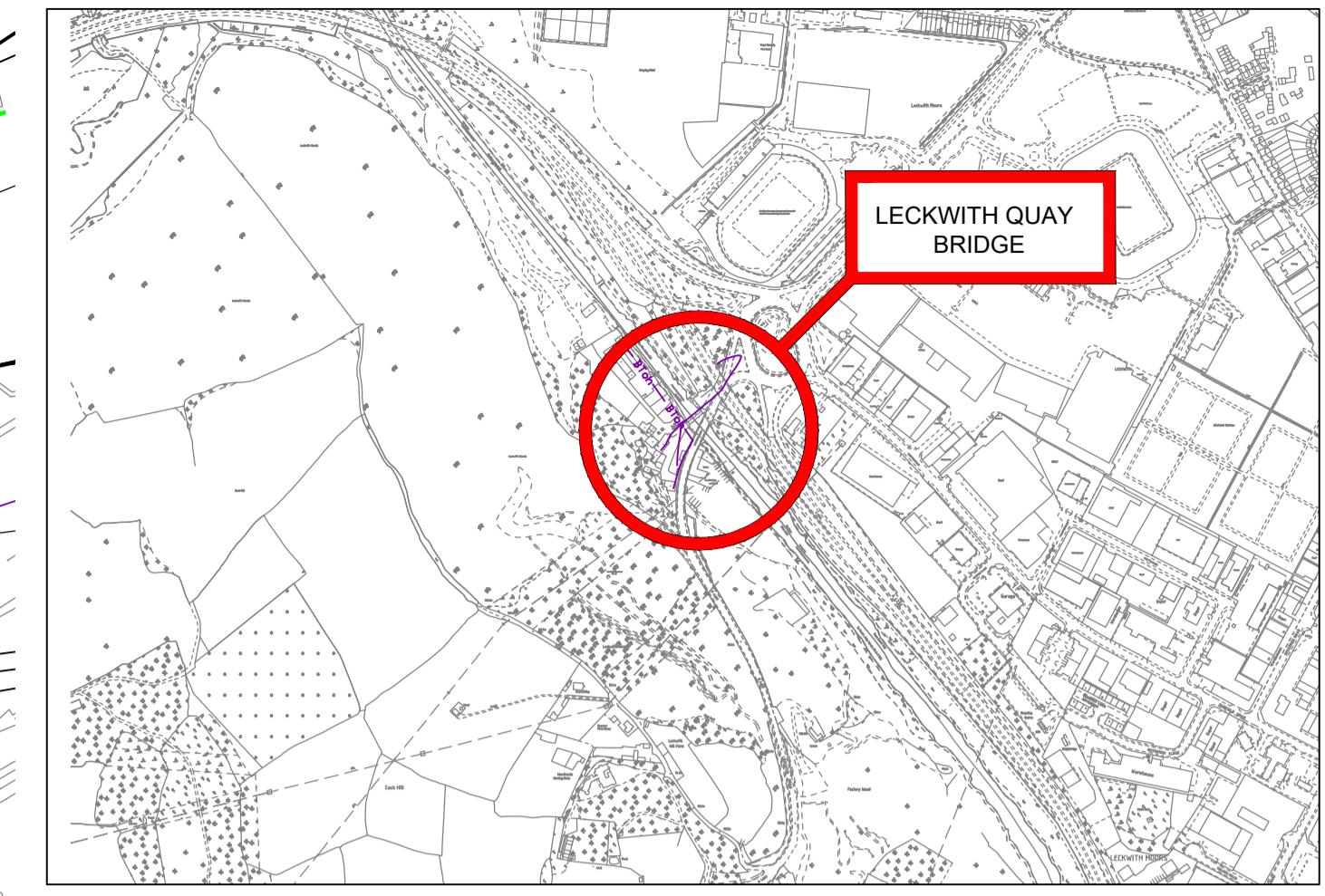
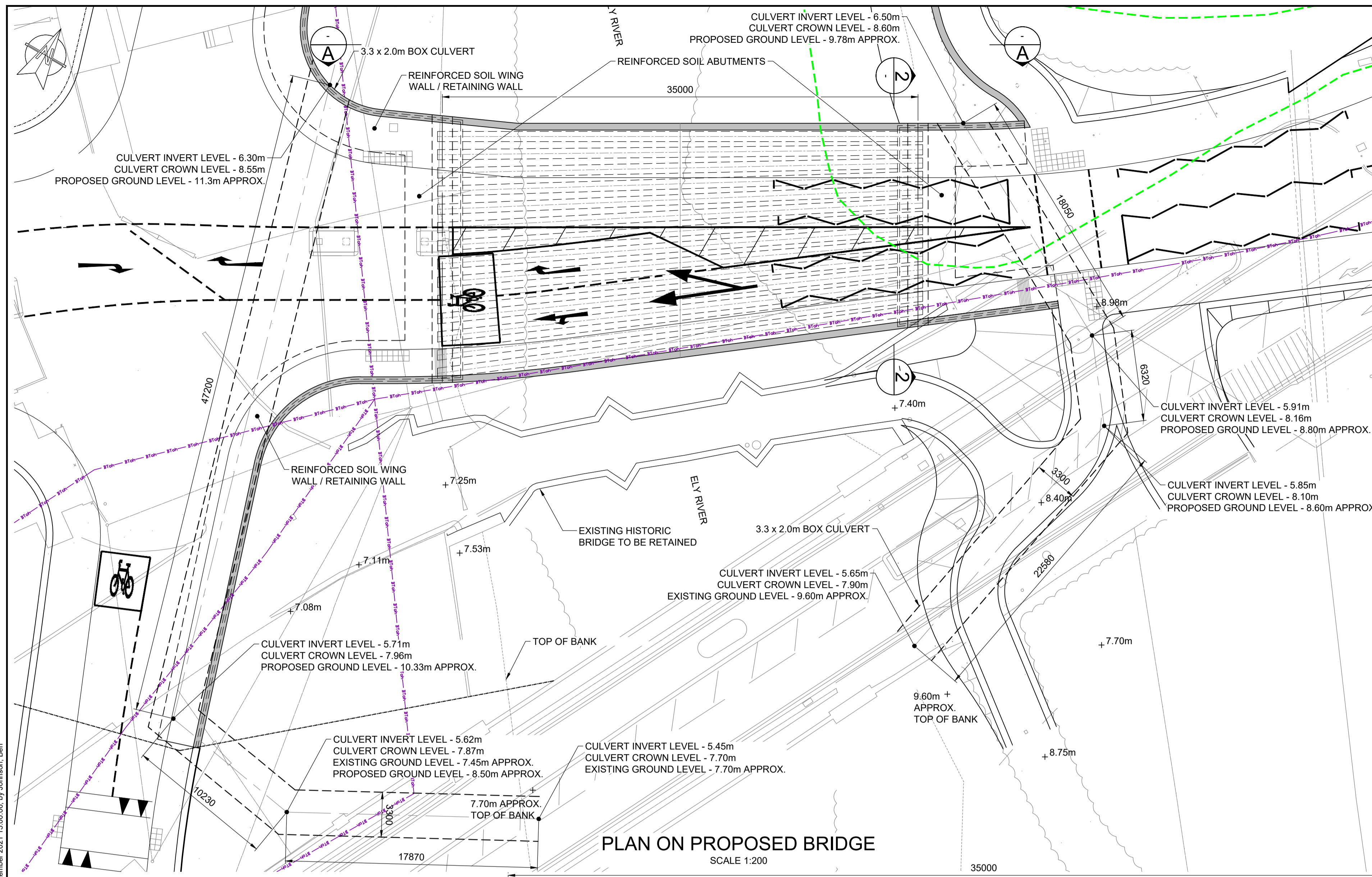
PLANNING  
1844/S.102H  
LECKWITH QUAY

PROPOSED MASTERPLAN  
1:1250@A1 OCT 22

**LOYN + CO**  
ARCHITECTS







LOCATION PLAN  
SCALE 1:10,000

**DO NOT SCALE**

NOTES:

- DO NOT SCALE FROM THIS DRAWING - USE ONLY VALUES OF STATED DIMENSIONS.
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE SHOWN.
- ALL EXISTING STATUTORY INFORMATION SHOWN HAS BEEN PROVIDED BY THE RELEVANT STATUTORY AUTHORITIES. THE CONTRACTOR SHALL CONFIRM THE LOCATIONS AND OWNERSHIP OF THE SERVICES PRIOR TO ANY WORKS BEING CARRIED OUT. ANY DIVERSIONS REQUIRED ARE TO BE CARRIED OUT IN ACCORDANCE WITH THE REQUIREMENTS OF THE RELEVANT STATUTORY AUTHORITY PRIOR TO CONSTRUCTION.

KEY

BT OPENREACH

WESTERN POWER HV (33kV)

2020/01218/HYB

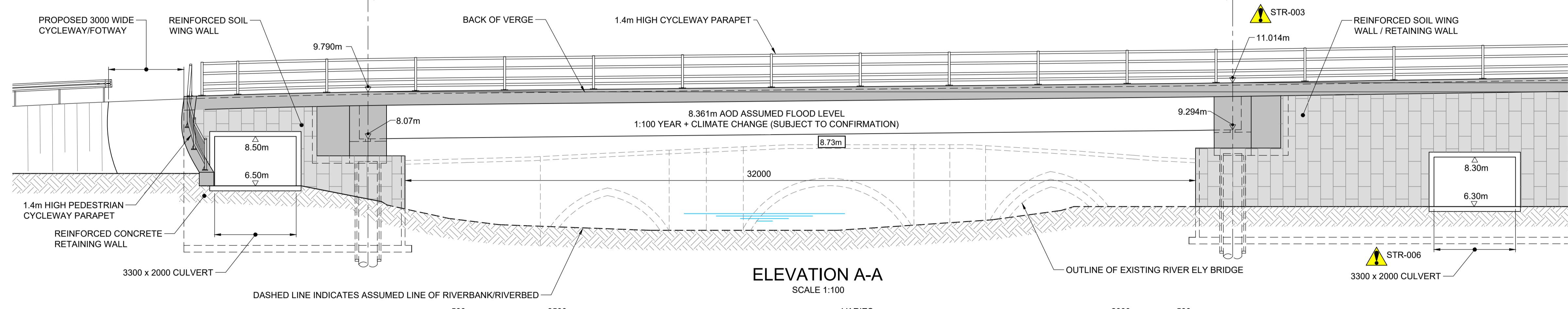
**Health and Safety Symbols Legend**  
All Risks are Recorded in the Significant Residual Design H&S Risk Schedule  
Document Number: 70053561-\*\*\*

1. INDICATES A RESIDUAL RISK AS A WARNING.

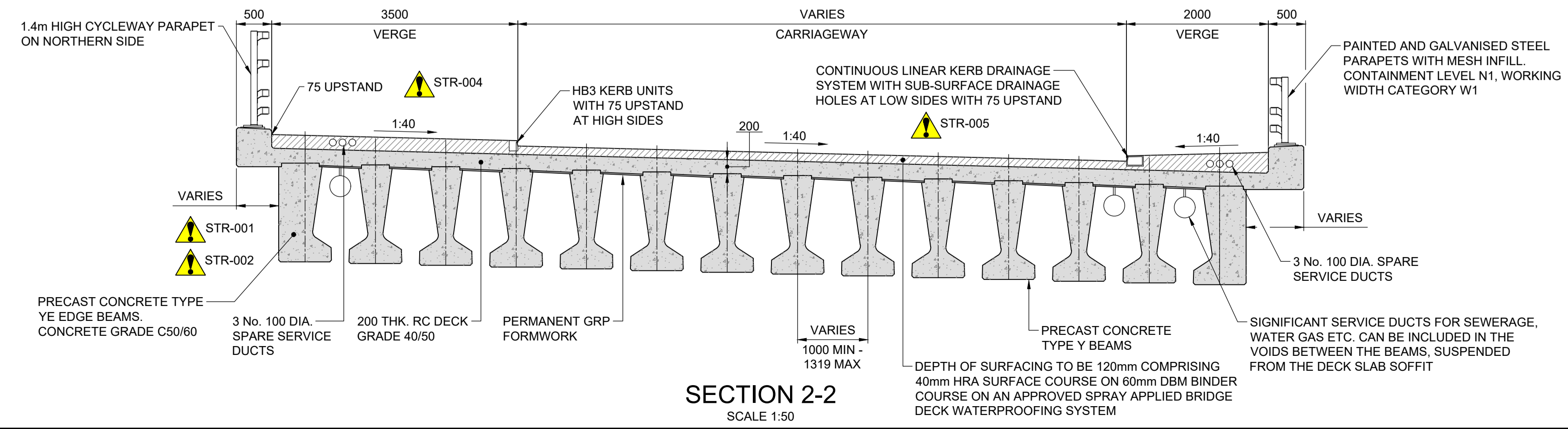
IN ADDITION TO THE HAZARDS/RISKS NORMALLY ASSOCIATED WITH THE TYPES OF WORK DETAILED ON THIS DRAWING, NOTE THE FOLLOWING SIGNIFICANT RESIDUAL RISKS

Construction Risks - STR001 - Lifting of pre-cast beams.	
STR002 - Landing of pre-cast beams onto capping beam.	
STR003 - Superstructure construction.	
STR004 - Proximity of existing Statutory Undertakers apparatus.	
STR005 - Deck Construction	
STR006 - Wingwall construction.	
STR007 - Fixing reinforcement.	
STR008 - Fixing reinforcement (piles).	
Maintenance Risks - No significant maintenance risks identified.	
Demolition/Adaptation Risks - No significant demolition risks identified.	

PO4	01/12/22	GW	Additional soffit level added	GW	GW
PO3	24/09/2021	BJ	CULVERT DIMENSIONS/LEVELS ADJUSTED	SH	SS
PO2	27/08/2020	BJ	SPAN INCREASED	SH	SS
PO1	21/10/2019	BJ	FIRST ISSUE	SH	SS
REV	DATE	BY	DESCRIPTION	CHK	APP



ELEVATION A-A  
SCALE 1:100



SECTION 2-2  
SCALE 1:50

DRAWING STATUS: **S0 - WORK IN PROGRESS**

1 Capital Quarter, Tyndall St, Cardiff, CF10 4BZ, UK  
T+ 44 (0) 292 076 9200  
wsp.com

CLIENT:

ARCHITECT:

SITE/PROJECT: **LECKWITH QUAY DEVELOPMENT**

TITLE: **LECKWITH QUAY BRIDGE PROPOSED GENERAL ARRANGEMENT**

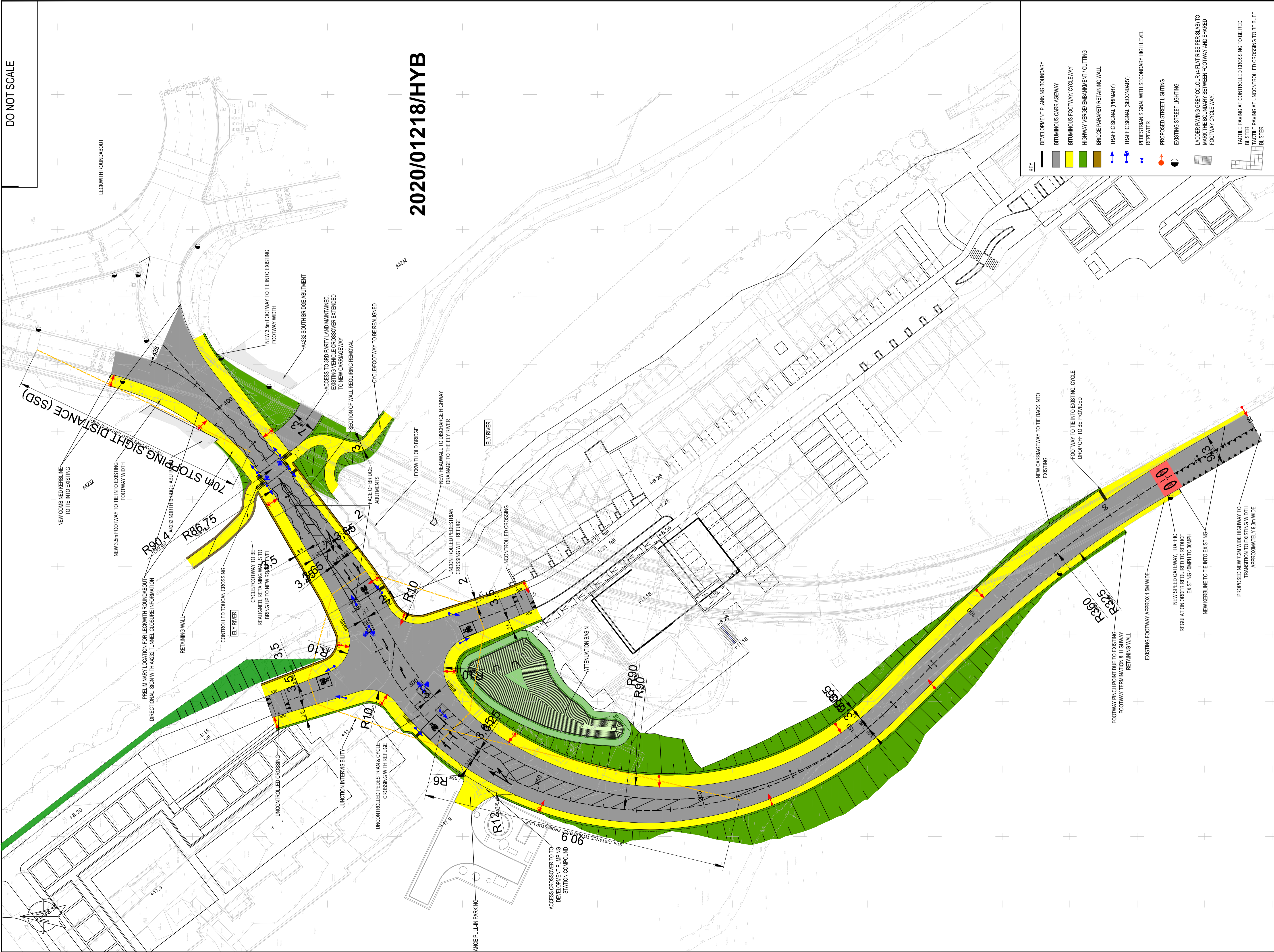
SCALE @ A1:	AS SHOWN	CHECKED:	SH	APPROVED:	SS
PROJECT NO:	70053561	DESIGNED:	SS	DRAWN:	BJJ
DRAWING NO:	70053561-002			DATE:	September 21

REV: **P04**

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File name: \\UK.WSPGROUP.COM\CENTRAL\DATA\PROJECTS\70053561-002.DWG, printed on 24 September 2021 15:00:06, by Johnson, Ben





DO NOT SCALE

2020/01218/HYB

KEY	
[Line]	DEVELOPMENT PLANNING BOUNDARY
[Yellow]	BITUMINOUS CARRIAGEWAY
[Green]	BITUMINOUS FOOTWAY / CYCLEWAY
[Dark Green]	HIGHWAY VERGE / EMBANKMENT / CUTTING
[Brown]	BRIDGE PARAPET / RETAINING WALL
[Blue]	TRAFFIC SIGNAL (PRIMARY)
[Blue]	TRAFFIC SIGNAL (SECONDARY)
[Blue]	PEDESTRIAN SIGNAL WITH SECONDARY HIGH LEVEL REPEATER
[Red]	PROPOSED STREET LIGHTING
[Black]	EXISTING STREET LIGHTING
[Grey]	LADDER PAVING GREY COLOUR (IF FLAT RISERS PER SLAB) TO MARK THE BOUNDARY BETWEEN FOOTWAY AND SHARED FOOTWAY CYCLE WAY.
[Red]	TACTILE PAVING AT CONTROLLED CROSSING TO BE RED BLISTER
[Black]	TACTILE PAVING AT UNCONTROLLED CROSSING TO BE BLUFF BLISTER

SCALE 1:1500	CHECKED: GW	APPROVED: GW
PROJECT: 70053561	DRAWN: SID	DATE: September 19
DRAWING NO: 70053561-1WSP-XX-XX-CE-DR-102	REF: P01	

PROJECT: LECKWITH QUAY
TITLE: B4267 LECKWITH ROAD HIGHWAY IMPROVEMENTS GENERAL ARRANGEMENT (OPTION 2)

CLIENT: PHILIP WORTHING
ARCHITECT: LOVIN ARCHITECTS

1 Capital Quarter Tynhall St Cardiff CF10 4BZ UK T: +44 (0) 292 076 9200 wsp.com
---

NOTES: 1. DO NOT SCALE FROM THIS DRAWING. USE FIGURED DIMENSIONS ONLY. 2. ALL LEVELS ARE IN METRES ABOVE ORDNANCE DATUM (AOD) 3. ALL DIMENSIONS ARE IN METRES UNLESS OTHERWISE STATED. 4. THIS DRAWING IS FOR PLANNING PURPOSES ONLY AND IS SUBJECT TO DETAILED DESIGN 5. HIGHWAY GEOMETRY & DESIGN IS SUBJECT TO TECHNICAL APPROVAL OF THE ADOPTING HIGHWAY AUTHORITIES
FOR PLANNING





**2021/00476/FUL** Received on 27 April 2023

**APPLICANT:** Westbourne School Hickman Road, Penarth, CF64 3EF

**AGENT:** Mr Liam Griffiths Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

### **GM2 House, Plymouth Road, Penarth**

Full planning application for a proposed 2 storey extension and associated works

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation, because the application has been called in for determination by the following Members :

- Cllr Ernest for the reason that the application will have a substantial effect on the amenities of the closely adjacent Retirement Home, Jubilee Court;
- Cllr Rhys Thomas given the public interest in the application and
- Former Cllr McCaffer had raised general concerns over the application.

### **EXECUTIVE SUMMARY**

The application site is an existing two storey building, known as Westbourne Board House used to board children, who attend Westbourne School, located on the western side and at the northern end of Plymouth Road, to the south of the Penarth Town Centre. The railway line is located to the west of the site and immediately to the north is a parking area and a Penarth Jobcentre and other commercial uses within Charnwood House. To the south the site is Cwrt Jubilee, a three storey block comprising of retirement flats with a small car parking area intervening. The site is outside, but adjacent to Penarth Conservation Area and within the settlement of Penarth as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

This is a full planning application, as amended, for planning permission for a 2 storey extension and associated works to the existing Westbourne Boarding House to provide an additional 22 rooms with 28 bed spaces for the boarding the pupils of Westbourne School. The extensions would wrap around the southern and western elevations of the building and will broadly have an L shaped footprint. The proposed extension will comprise of red brick for the main building, with darker red for recessed panels, grey vertical cladding to roof and grey upvc windows.

To date a total of 23 letters of objection have been received, in addition to a petition. The objections received relate in the main, to concerns in respect of the overdevelopment of the site, design, scale and form not in keeping with the area / Conservation Area, impact on amenity of neighbouring properties including loss of light, loss of privacy and overbearing impact, noise and antisocial behaviour, access and parking issue problems and access arrangements to Cwrt Jubilee.

The main issues involved in the assessment of the application, relate to the acceptability of the siting and design of the extensions and the impact on the character of the area. Other



considerations include the impact on residential amenity and privacy, parking, highway safety, environmental impacts, ecology and drainage.

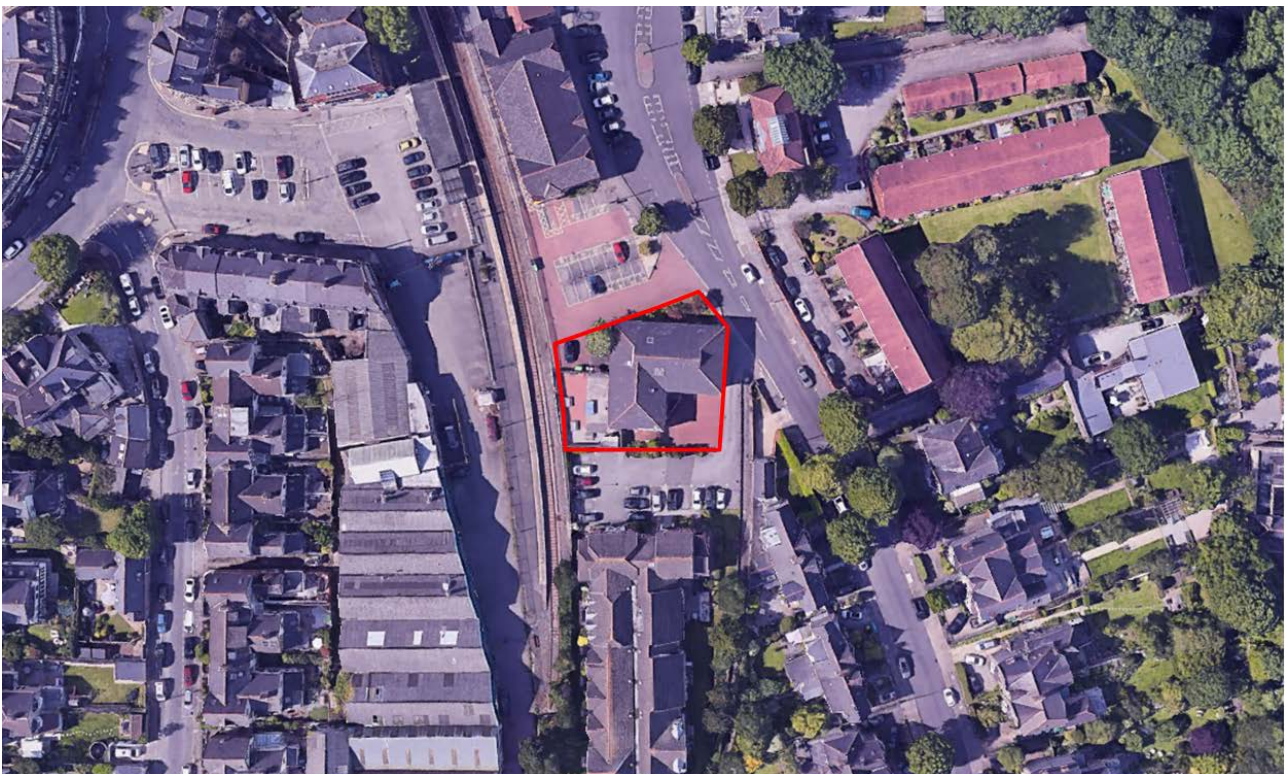
The application is recommended for approval subject to conditions.

## SITE AND CONTEXT

The application site is an existing two storey building, known as Westbourne Board House at GM2 House, located on the western side and at the northern end of Plymouth Road, to the south of the Penarth Town Centre. The existing building is used to board children, who attend Westbourne School, located approximately 120m to the north of the site off Stanwell Road. The existing building was built in the 1990s, originally as an office block and comprises of an L shaped building with a Dutch gable roof, with red brick elevations with an upper band of render.

The railway line is located to the west of the site, with commercial use further to the west. Immediately to the north of the site is a parking area and a Penarth Jobcentre and other commercial uses within Charnwood House. To the south of the site is Cwrt Jubilee, a three storey block comprising of retirement flats with a small car parking area intervening. On the other side of Plymouth Road, to the east (and within Penarth Conservation Area) is Roxborough Garden Court a 1970's three storey town house development. From this point southwards, the road mainly comprises of stone Victorian Semi detached dwellings on both sides of the tree lined road.

The site is outside, but adjacent to Penarth Conservation Area and within the settlement of Penarth as defined by the Vale of Glamorgan Local Development Plan 2011-2026.



## DESCRIPTION OF DEVELOPMENT

The application, as amended is for planning permission for a 2 storey extension and associated works to the existing Westbourne Boarding House to provide an additional 22 rooms with 28 bed spaces for boarding the pupils of Westbourne School.

The extensions would wrap around the southern and western elevations of the building and will broadly have an L shaped footprint. Along the southern elevation, the extension will have a width of circa 30 metres with a cranked frontage and set back elements. This part of the extension will have a maximum depth of 7.1m, which will reduce down to 3m. The west facing elevation will be some 19m in width by a depth of 5.3m, which will increase in width where it abuts the existing building and the southern extension. The extensions will have a general eaves height of some 5m and ridge height of 7m. The extensions will have two hipped roofs which will be separated by a flat roof section where the extensions abut the existing building.

The ground floor accommodation will comprise of 12 dormitory rooms in addition to a communal room, WCs and shower rooms, with stairs leading to the first floor accommodation comprising of 12 dormitory rooms. Six of the rooms will have twin beds

The proposed extension will comprise of red brick for the main building, with darker red for recessed panels, grey vertical cladding to roof and grey upvc windows.

The proposal will not alter vehicle access into the site from the existing arrangements off Plymouth Road to the east. The proposal will result in the loss of circa 5 parking spaces which are not formally laid out. The proposals will not result in the loss of the formal car parking area set out to the north of the building.

Existing elevations of the building are shown below:



*Existing elevation fronting Plymouth Road (left) and from car park to north (right)*



*Existing west elevation as viewed from railway (left) and existing south elevation from shared car park with Cwrt Jubilee*

Elevations of the proposals (as amended) are shown below:



*Proposed elevation from Plymouth Road*



*Proposed elevation from north (staff car park)*

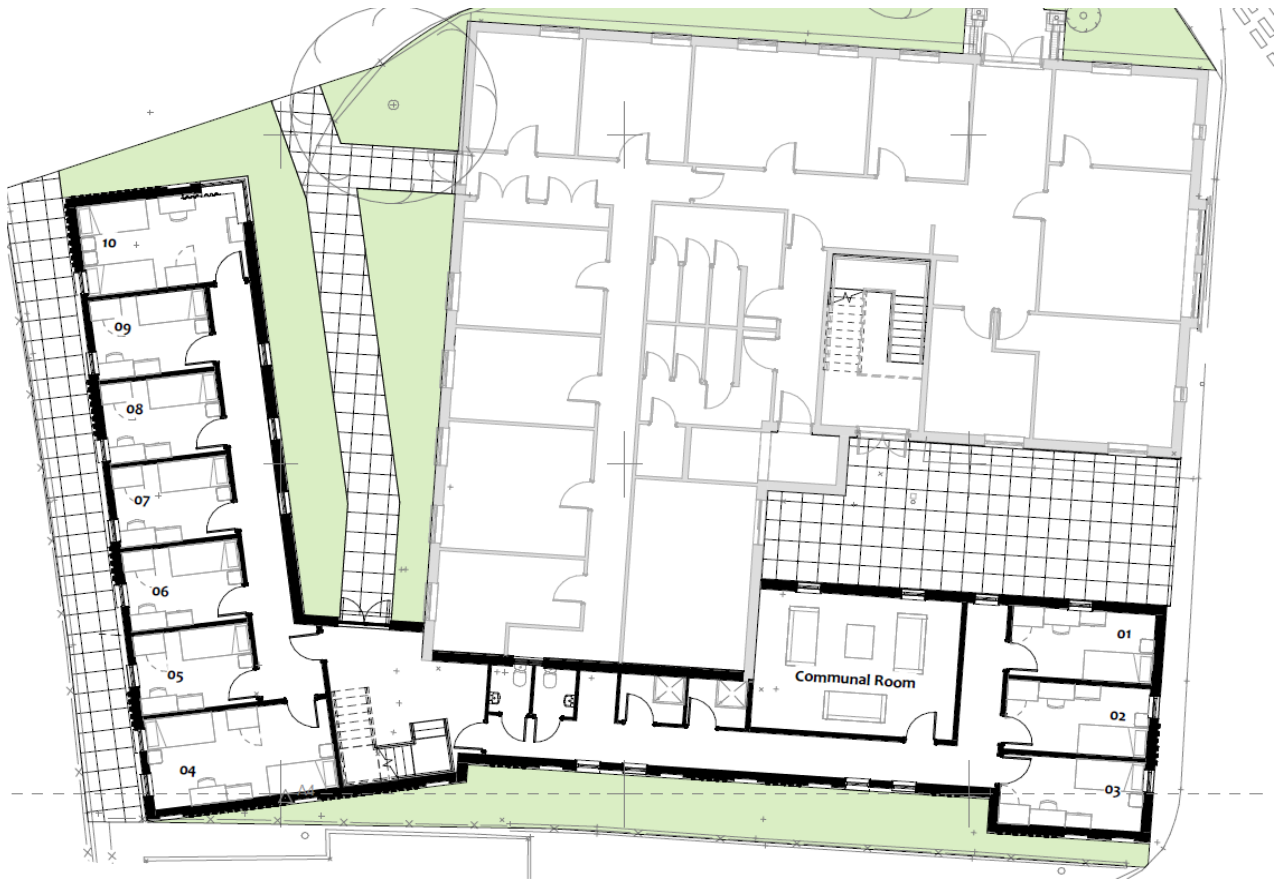


*Proposed west elevation (from railway)*



*Proposed southern elevation*





*Proposed Ground Floor Plan*



*Proposed First Floor Plan*



*Proposed Site Plan*

## PLANNING HISTORY

1974/01345/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Three Storey office block connected to existing block, Decision: Approved

1983/00040/OUT, Address: Rear of Plymouth House, Plymouth Road, Penarth, Proposal: 2,960 square metres of offices and associated car parking, Decision: Refused

1989/00618/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Provide 4 temporary structures for office use for approx. 2 years whilst new offices are being built, Decision: Approved

1990/00286/FUL, Address: Wallace Evans Building, Plymouth Road, Penarth - Adjacent to, Proposal: To form an extension to the existing premises for office space with additional car parking, Decision: Approved

1992/00341/ADV, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Company name/logo/profession, Decision: Refused

1992/00356/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: 4 no. temporary structures for office use, Decision: Approved

1992/00362/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Enclose existing recess/courtyard to create additional office accommodation on ground, first & second floors, Decision: Approved

1997/00773/ADV, Address: Drake House, Plymouth Road, Penarth, Proposal: Shop sign - flat with overhead lighting, Decision: Approved

2000/01389/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Erection of 44 sheltered apartments including House Managers accommodation (duplicate application), Decision: Approved

2001/01042/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: New entrance, making good junction of existing and demolished buildings and internal alterations, Decision: Approved

2001/01324/ADV, Address: Land at Plymouth Road, Penarth, Proposal: Site sales board, Decision: Approved

2002/00855/FUL, Address: Plymouth House, Plymouth Road, Penarth, Proposal: Demolish existing lean-to structure. New entrance porches and rooflights and reorganisation of parking arrangements, Decision: Approved

2002/01229/ADV, Address: GM2 House, Plymouth Road, Penarth, Proposal: Permission to display illuminated sign, Decision: Approved

2003/00248/ADV, Address: Jubilee Court, Plymouth Road, Penarth, Proposal: Two free standing signs, Decision: Approved

2004/01715/FUL, Address: GM2 House, Plymouth Road, Penarth, Proposal: Demolition of the existing two storey pitched roof GM2 house. Erection of a residential building of 25 apartments with associated undercroft car park and ground floor with split level residential unit and commercial unit, Decision: Refused 13 July 2006 for the following reasons :

- 1. The proposed development because of its overbearing scale, form and siting in close proximity to existing residential properties, would constitute an incongruous form of development which would be detrimental to the residential and visual amenities of the area and the adjoining part of the Penarth Area. As a consequence, the proposal is considered to be contrary to Policies ENV17, ENV20 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.*
- 2. The proposal amounts to an overdevelopment of the site, which is deficient in usable car parking provision, and amenity space. As a consequence, the proposal would cause harm to the amenities of future occupants, and will result in an exacerbation of parking problems in the area to the detriment of highway safety. The proposal is therefore contrary to Policy ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and the Council's Supplementary Planning Guidance 'Amenity Standards'.*

A subsequent appeal was dismissed on 8 January 2007.

2008/00021/FUL, Address: GM2 House, Plymouth Road, Proposal: Erection of 4 storey mixed use building, plus semi basement parking for 17 cars. Accommodation comprises 14 apartments, 3 mews houses and commercial unit, Decision: Refused 10 July 2009 for the following reasons :



1. *The development will result in a substandard access to serve the development which will be to the detriment of highway and pedestrian safety and therefore the development does not accord with Policies HOUS2 - Additional Residential Development; HOUS8 - Residential Development Criteria; and ENV27 - Design of New Developments of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011.*
2. *The development fails to meet the Local Planning Authority's adopted standards for the provision of amenity space or on-site parking provision and makes no provision for public open space or sustainable transport facilities and thus fails to meet the requirements of Policies ENV27 - Design of New Developments; TRAN10 - Parking and REC3 - Provision of Open Space Within Residential Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*
3. *The developer has failed to make provision for public art in relation to the development and therefore fails to meet the requirements of Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and adopted Supplementary Planning Guidance Public Art.*
4. *The development will generate a need for school placements and will require expansion of existing school provision with no provision being made for that expansion. The development, therefore, fails to meet the requirements of Policy ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*

A subsequent appeal was dismissed on 9 June 2010.

2011/00623/FUL, Address: GM2 House, Plymouth Road, Penarth, Proposal: Change of use of ground floor from office (Class B1) to student accommodation/student boarding house (Class C1), with associated works and parking, Decision: Approved

2013/00453/FUL, Address: GM2 House, Plymouth Road, Penarth, Proposal: Change of use of first floor from office (Class B1) use to student accommodation/student boarding house (Class C1) use, Decision: Approved

## CONSULTATIONS

**Penarth Town Council** were consulted on the original proposal and raised an 'Objection on the grounds of the proposed development being excessively large in scale and disproportionate design'

Following re-consultation on the final amended scheme, have responded stating "that the application should be approved, subject to the case officer being satisfied with the level of overlooking towards the neighbouring properties."

**The Council's Highway Development** section was consulted on the original scheme and note that the proposals will reduce the off-street parking available to 4 spaces, and note that given students will not have their own vehicles and limited visitors during term time, the level of parking proposed for staff/occasional visitors is acceptable. They do however raise concern with regard to the beginning and end of terms when students are arriving/departing. As such they note they have no objection subject to allocation of time slots for students on pick up drop off days and that information is provided to students with regard to public transport options.

Following re-consultation in respect of the final amended scheme the highway engineer notes that the plans have changed slightly with the re-orientation of the proposed extension for student accommodation for Westbourne School.

The proposals are not envisaged to remove any dedicated parking bays and it is unlikely that the proposals will have a detrimental impact on the surrounding highway network. Therefore, the original highway comments are still applicable.

**Councils Drainage Section** were consulted and have responded stating that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site. As the area for this development is over 100 sq m, this application is subject to SAB approval prior to any commencement of work. Although some drainage information has been submitted with this application, a full drainage plan will need to be provided and reviewed. An advisory note is requested as the development will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

**Shared Regulatory Services (Pollution Control)** were consulted on the original application and recommend that the garden terrace use is restricted from 9am to 9pm with no music audible beyond the boundary of the property

Following re-consultation in respect of the amended scheme have in summary requested a Construction Environmental Management Plan (CEMP); no burning of waste, or other materials, shall take place on site so to so to protect residential amenity and prevent nuisance and no use of security lighting and generators on site outside normal construction hours.

Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation, restrictions should include deliveries;

Monday – Friday	8:00 until 18:00
Saturday	8:00 until 13:00
With no Sunday or Bank Holiday working	

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday	8:30 until 17:30
Saturday and Sunday	Nil

As well as advised above regarding noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour, the applicant should take into account the risk of asbestos containing building materials during the demolition works required with appropriate surveying and removal being undertaken.

**Dwr Cymru / Welsh Water** was consulted and in respect of the final amended scheme have advised that the proposed development site is crossed by a public sewer. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. However, having regard to the proposed site plan, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. We kindly request the applicant contact our Build Over Sewer Team on 0800 917 2562 to establish if a Build Over Sewer application will be required / likely to be approved.

Alternatively, it may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act or we recommend the proposed development is repositioned to accommodate for the required protection zone.

They have requested a condition to ensure that no development shall take place until details of a scheme to protect the structural condition of the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No other development pursuant to this permission shall be carried out until the approved protection measures has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

In addition, an Advisory Note is also requested in respect of a sustainable approach in considering water supply; that the applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991 and that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

**Network Rail** were consulted and have raised no objection in principle to the proposal and have provided comments with regard to asset protection including fencing, covenants on land given previous British Rail ownership; drainage features being further than 5m from Network Rail land; alterations to ground levels; piling; foundations; drainage; ground disturbance; recommendation that buildings be at least 2 metres from boundary fence; control on location of plant and lighting.

**South Wales Police** - Designing Out Crime Officer was consulted and has provided comments in respect of perimeter security; footpath to entrance points of the accommodation should be well lit; control of planting height; parking area should be lit, CCTV; need for surveillance, management plan; bin and cycle storage should be lockable, ensure recessed areas are eliminated; access control should be managed robustly; ground floor windows and those easily accessible must comply with PAS 24: 2022 or equivalent.

**Plymouth Ward Members** were consulted and comments were received from a former Councillor, Councillor McCaffer, requesting that the application be reported to committee.

Following re-consultation on the amended scheme, **Cllr Ernest** has requested that the application be call into Planning Committee for determination and has stated that despite the applicant's amended proposals, remains concerned about the size and bulk of the development, the loss of all parking spaces (in a heavily parked on -street area), and the likely impact on the amenities currently enjoyed by the elderly residents of the adjacent Residential Home, the application fails to satisfy those matters.

**Cllr Rhys Thomas** has also requested that the application be call into Planning Committee for determination.

## REPRESENTATIONS

The neighbouring properties were consulted on 29 April 2021 and 22 September 2021. In addition site notices were also displayed on 11 May 2021 and 13 October 2021. Some 16 letters of representation and a petition had been received raising the following:

- Loss of parking spaces and resulting traffic implications
- Impact upon access/safety to occupiers of Cwrt Jubilee given lack of footpaths and restricted access for emergency vehicles
- Out of character including incongruous flat roof design, excessive height, loss of visual break and scale
- Overdevelopment of site
- Impact upon Penarth Conservation Area
- Safety risk for future occupiers from use of roof garden and question suitability for children
- Noise impact from use of roof garden
- Impact upon amenity of neighbouring properties including from loss of light, loss of privacy and overbearing impact
- Potential health risks near to retirement complex
- Loss of trees and shrubs
- Concern over use of access by delivery vehicles during construction
- Similar schemes previously dismissed at appeal
- Issues viewing plans online

Following re-consultation on the final set of amended plans, a further 7 letters of representation have been received which continue to raise the same objections as broadly set out above, in respect of the overdevelopment of the site, design, scale and form not in keeping with the area, impacts on privacy, noise and antisocial behaviour, exacerbation of parking problems and access arrangements to Cwrt Jubilee.

In addition, a 30 name petition has also been submitted from the residents of Cwrt Jubilee, objecting to the amended proposal, on the following grounds (summarised) :

- It would severely restrict access to all residents, visitors, public or private services and most importantly ambulances and emergency vehicles.
- The proposed aesthetic is not in keeping with the area or the immediate neighbouring dwelling.

- It has not sufficiently removed the issues with overlooking from the windows into the residential properties on Cwrt Jubilee.

## 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 MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 – Promoting Biodiversity

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

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

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

#### Chapter 3: Setting and achieving our ambitions

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

#### 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 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

## **Planning Policy Wales:**

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

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

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

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

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

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

### Chapter 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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

## **Welsh National Marine Plan:**



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

### **Supplementary Planning Guidance:**

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

- Parking Standards (2019)
- Penarth Conservation Area
- Residential and Householder Development (2018)
- Penarth Conservation Area Appraisal and Management Plan
- Biodiversity 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
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

### **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

### Background

Planning permission was granted under ref. 2011/00623/FUL and 2013/00453/FUL, respectively for the change of use of ground floor and first floor office (Class B1) to student accommodation/student boarding house (Use Class C1) associated with Westbourne School.

Consideration should also be given to the earlier planning history at the site, particularly the two planning applications which sought to demolish the existing building and construct a 25 apartment block with ground floor commercial over 5 floors and application ref. 2004/01715/FUL and the subsequent application for 14 apartments, 3 mews houses, and commercial unit under application ref 2008/00021/FUL. Both of these planning applications were refused and dismissed at appeal. In this regard whilst these schemes are materially different, in both size and scale and use, to what is now being proposed, some of the considerations and comments by the Inspector particularly in respect of the impact on neighbouring occupiers are considered relevant in the consideration of this application.

### Principle of Development

The proposal seeks to provide additional boarding accommodation for pupils as an extension of the existing established use of the building for pupil boarding.

The site is located within the Service Centre Settlement of Penarth, where the LDP under Policy SP1 (Delivering the Strategy) seeks to reinforce the role of service centre settlements as providers of cultural, commercial and community services. The development is proposed to support the on-going operation of an educational establishment, providing ancillary accommodation for students.

The building is located in an area which is at a transitional point between the residential areas to the south and the town centre to the north, where there is a mix of residential, and commercial and educational uses. The location is highly sustainable due to its close proximity to public transport links and the nearby Penarth Railway Station and shops etc. It is also noted that the building is in close proximity to Westbourne School, some 120m to the north of the site off Stanwell Road.

Therefore the expansion of the existing accommodation is considered acceptable in principle in relation to the sustainability principles of Policy MD1 – Location of New Development, subject to and on the basis that all other policy considerations can be satisfied. To control the nature of the use it is considered appropriate that a suitable condition is imposed that restricts the occupancy of the building solely to students of the college (**Condition 14** refers).

### Impact upon character

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 11) and TAN12- Design (2016).

The site, is located at the northern end of Plymouth Road, the western side of which comprises of a series of modern buildings circa 1990's, predominantly two storey, albeit Cwrt Jubilee is a three storey block located to the south.



*3D Aerial photo looking westwards towards application site – Source Google Earth*

There are industrial units to the western side of the railway line and more traditional development with the nearest property being 1 Plymouth Road, that falls within the Penarth Conservation Area. Whilst the property itself falls outside of the Conservation Area, the boundary runs along the eastern boundary of the site.

It is acknowledged that the existing building is of limited architectural merit, albeit two storey in height with a large Dutch gable roof and is somewhat characteristic of the architectural approach to commercial buildings in the 1990's. The building is considered to have a neutral contribution to the character of the area. Therefore whilst there are no special features of the existing building that should be retained, the main consideration is that any extensions to the building are acceptable in terms of their scale, form and design and reflect the context of the site and character of neighbouring buildings.

Furthermore, whilst the site lies outside of the Penarth Conservation area, it is adjacent to it and the most direct / immediate views of the site are from within the Conservation Area. As such consideration should still be given on the potential impacts on the character and setting of this part of the Penarth Conservation Area.

Given the somewhat open aspect of the site, all elevations of the existing building are visible and therefore, by implication any form of extension would also be visible from the northern part of Plymouth Road, the railway line, from various viewpoints along Stanwell Road as well as views from the east, at Station Approach.

The planning application was originally submitted on the 1<sup>st</sup> April 2021 and originally proposed a 3 storey flat roof extension which had a roof terrace on the southern elevation of the building. Officers raised concerns primarily in respect of the impacts of the flat roof 3 storey building, due to its height and resulting prominence and impact on the character of the area. In addition concern was also raised in respect of the impacts of this extension, due to window placement, on the privacy and amenities of the occupiers of Cwrt Jubilee to the south.



*First design iteration – 3 storey flat roof extension*



*Second design iteration – 3 storey pitched roof extension*

The second design iteration sought to provide a pitched roof in place of the flat roof, but was also considered harmful and out of keeping with the character of the area. The proposed scheme evolved on the basis that the authority would not support an extension for more than two stories to the south elevation of the building and as such the proposals progressed with the provisions of an extension to the west as well as the south.





*Third design iteration – 2 / 3 storey extension to south and west of the original building*

The final proposal, unlike that shown above, is for a two storey extension throughout with pitched roof and hipped extension to south and west of the original building.



*CGI Perspective View from Railway Walk*

The final scheme has evolved in respect of its design, not only to reduce the massing and impact on the character of the area but also in respect of how the south elevation addresses Cwrt Jubilee, particular in respect of window placement. The impact on the occupiers of Cwrt Jubilee are considered below, however, during discussions a number of options were presented to address overlooking, such as the use of obscure glazing or cowed / angled windows. However, whilst these may have resolved overlooking, they would have resulted in a building with a poorly detailed and monotonous design and the elevations previously proposed were poorly articulated and lacked interest. For instance the southern elevation of approximately 30 metres in width, was originally shown to comprise of nominal setbacks to break up its mass and a number of obscure glazed windows of uniform style and design. Although this element principally faces the car park serving Cwrt Jubilee, there is a publicly accessible footpath running along the side of the site in addition to views from Plymouth Road.

The final scheme has sought to reconfigure the internal layout where the boarding rooms will be laid out with in a linear corridor with windows looking northwards, westwards or eastwards, depending on which side of the building rooms are on. As such the only windows on the south elevation are those which serve the corridor / landing at ground and first floor level. It is accepted that this has resulted in what is a wide elevation with limited fenestration. However, these are designed as feature full height windows to each floor. Moreover, these windows are set within a darker feature brick panel. In addition, the architect has broken up the elevation with the use of contrasting bricks, set back darker brick panels and the use of a pattern of protruding bricks, all of which adds depth and a richness to the façade in what would otherwise be a wide largely blank elevation. The same detailing is also shown on the other elevations.



*CGI Perspective View from Plymouth Road to north of site*

The proposed extension will be the same eaves height as the existing building with a lower ridge height. The south and west facing extensions, having regard to their resulting scale and massing, would not unacceptably impact on the character of the existing building. The use of hipped roof forms linked by a central flat roof section is considered an acceptable design approach. This is particularly so noting the difficulties in achieving a connected pitched roof at the pivot point around the corner of the existing building and the axis on which the extensions are to be built, where the west facing extension is parallel to the boundary of the site and railway line and not the building.

The alignment of the west facing elevation is such that the separation from the side of the building results in a grassed entrance area with central footway leading to the entrance into the proposed extension.

In terms of the wider impacts, as shown in the CGI perspective views, the extension which appears at some views as being a separate building nevertheless is considered to tie in with the massing of the host building. Whilst the materials and finishes, particularly the brick detailing as discussed above, result in an extension which will not necessarily reflect the detailing on the existing building, such a variation is not considered harmful to the host building or to the immediate context of the site where Cwrt Jubilee to the south and the block containing Penarth Jobcentre to the north which are principally constructed of various red / multi bricks.

In respect of impacts on the setting and character of the adjacent Conservation Area, it is considered that the final amended scheme whilst resulting in additional massing when viewing the site from a number of viewpoints within the Conservation Area, will not unacceptably impact and will preserve the setting and character of the adjacent Conservation Area. Views of the building will principally be against the host building and within the immediate context of the modern buildings to the north and south, which also fall outside of the Conservation Area. In addition, the extension is not considered to impact on the setting of Grade 2 Listed Building at the Turner House Art Gallery.

For the reasons set out above the siting, scale and form of the extensions and their resulting massing and impact are considered acceptable in line with Policies MD2 and MD5 of the LDP, subject to the development being constructed in accordance with the requirements of the conditions set out above and below.

Whilst the use of grey vertical cladding to the roof is a modern material, its dark grey colour will ensure that it is sympathetic to the predominant use of slate within the area. The use of grey upvc windows is also considered acceptable. Given the importance of materials and finishes in the development, it is necessary to secure full details and samples of both types of brick as well as all other external building elements, which shall be subject to the approval of full details by condition (**Condition 4** refers).

#### Impact upon amenity of neighbouring residential properties and of future occupiers

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

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



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

As shown on the amended plans and as a result of ongoing discussions, the rooms have been laid out with linear corridors mainly along the southern side of the extension with windows looking northwards, westwards or eastwards depending on which side of the building rooms are on. The rooms looking north will overlook the staff car park / amenity space and existing eastern wing of the building whilst the rooms looking west will overlook the railway line and industrial uses beyond.

In respect of Cwrt Jubilee to the south, this residential block has windows over three floors, with habitable windows which directly face onto the car park which serves the site. Due to the stepped detailing/building line in the south extension, the distance from the southern elevation of the proposed extension to Cwrt Jubilee, will vary from between 16m to 19m, as illustrated below.



The proposal would introduce a 30m wide extension within the above specified distance. Owing to the separation and position to the north of this block, whilst the proposed extension will no doubt alter the outlook for these residents, the revised scheme by bringing the extension down to two stories (with a 5m eaves height) which together with the distance between, will not result in a massing which would as a result, unacceptably enclose the outlook of these occupiers whose rooms are in the north elevation of the flats, or result in any undue detriment by virtue of loss of light or overbearing impact.





*CGI Perspective View from Railway Walk*

In respect of impacts on privacy, the Council's adopted Residential and Householder Development SPG, includes Design Standard 3 that requires '*a minimum distance of 21 metres between opposing windows in habitable rooms should be achieved*'.

The original scheme introduced a number of windows including those serving habitable rooms at a distance less than that set out within the Council's adopted SPG, which would have resulted in a loss of privacy to the occupiers of Cwrt Jubilee. Whilst the subsequent iterations of the scheme did show these windows to be obscure glazed which may have addressed issue of overlooking, the LPA were not satisfied that such an arrangement would provide future occupiers of the development with adequate or satisfactory form of outlook, having regard to health and wellbeing. Whilst technically not dwellings, these openings would provide the only form of outlook from these rooms, which for a significant part of the year would be occupied by students, The lack of clear glazing or functional openings would have made these already small rooms increasingly oppressive and unwelcoming spaces in which to stay.

Indeed, the relationship with the neighbouring Cwrt Jubilee was considered by the previous Inspector in consideration of the appeal for application reference 2008/00021/FUL. Although comments are made with regard to the effectiveness of proposed planting they are considered to remain of relevant in this case:

*19. The planting along the site boundary and on the elevations could reduce direct overlooking. However if this were to completely screen the new windows it would result in blocking all light from those windows. This would be unacceptable to future residents. In addition the perception of being overlooked can be just as intrusive as direct overlooking. The presence of vegetation could result in occupiers being uncertain whether or not they are being overlooked and therefore not know whether to close their curtains or not. In my view there would be an unacceptably harmful degree of overlooking between the proposal and Cwrt Jubilee. In the circumstances of this case a separation of 21m is insufficient to avoid this problem. In addition the separation to what appears to be habitable room windows on the north elevation of 3 Plymouth Road is marginal.*

The final scheme has addressed these concerns with habitable windows being removed from the south elevations, where the windows serving the dormitory rooms are now located on less sensitive elevations to maintain the privacy of nearby occupiers.

As stated above, there are two pairs of windows on each floor on the south elevation, which serve the corridor and landing, which are not habitable rooms, based on the definition with the Residential and Householder Development SPG. On this basis these windows are not considered to impact on the privacy of the occupiers of Cwrt Jubilee.

In terms of impacts on other neighbouring occupiers, it is acknowledged that the proposed extension would be situated approximately 7.5 metres from the boundary with 3 Plymouth Road at its nearest point. There are windows in the east elevation at first floor of the extension serving rooms 12 and 13. However, these views would predominantly be towards the outbuilding and parking area to the northern end of the property, that is already significantly open to views from the public domain and is not considered to constitute the neighbouring property's main or private area of amenity space. It is acknowledged that there are a number of openings within the neighbouring dwelling including those within the northern elevation. However, owing to the separation distance and angle of view between openings within the proposal and those within the neighbouring dwelling, it is considered that relationship would accord with the standards within the Residential and Householder Development SPG that allows for distances to be reduced depending on the angle of view. As such any impact upon No 3 Plymouth Road is considered on balance, not to warrant refusal of planning permission on privacy grounds. Moreover, the proposal is not considered to unacceptably enclose the outlook of the occupiers of this dwelling.

The distance of the extension to the dwellings on the eastern side of Plymouth Road would be in excess of 21m, and as such the proposal would not result in the loss of privacy for these occupiers, it would not impact on their outlook and would not have an overbearing impact on these occupiers.

#### Amenity provision

The Council's adopted Residential and Householder Development SPG provides standards for amenity provision for flatted blocks and dwellings. It should be noted that there are no adopted standards for student accommodation such as this, on the basis that a C1 use is being proposed and not a C3 use and as such the developer does not have to provide any set provision of amenity space.

The existing building and accommodation is served by an enclosed area of hard surfaced outdoor space between the building and the railway line, some 140 sq m in area. The proposed extension will result in the loss of this space, albeit the reconfigured layout will provide an area of grass, with a pathway of some 78 sq m, between the existing building and the west facing extension to serve the extended accommodation. In addition, there is a small first floor balcony located above the wavey flat roof, over the entrance, which will provide a further area of outdoor space.

In addition the existing building is shown to be served by an outdoor area of some 40 square metres within a courtyard area which will be created as a result of the extension to the south, which could provide outdoor space. There is also an area of some 76 sq m to the front of the existing building, although this is more of a landscaped entrance for the existing building and would not likely provide any usable outdoor relaxation / recreational space for the boarders.

There is communal space provided internally on each of the floors and whilst the outdoor space is limited, there is no policy requirement for a set provision of space for this type of use and it is considered on balance that the outdoor space would provide a basic external space. However this has to be weighed up against that fact that the pupils would in any event be attending Westbourne School, with extensive provision of outdoor facilities. Indeed the agent has stated that the students will have access to the MUGA within the school grounds, a short distance to the north of the site, which can be accessed both during school hours and outside of school hours.

### Highway safety

It is acknowledged that the proposals would result in an increase in habitable accommodation at the site and a loss of parking, albeit that the parking to the rear is informally laid out. However, noting the nature of the use of the building and likely age of the occupants, it is unlikely that there would be an unacceptable increase in demand for parking, whilst the site falls within a highly sustainable location of the development adjacent to public transport.

Due in particular to the concerns raised by the public in respect of traffic and car and cycle parking and operation of school coaches, the agent has produced a parking note to clarify matters.

The statement acknowledges that there is a car park adjacent the entrance to GM2 House and that these spaces are used by staff who operate the boarding house, which can accommodate 5 / 4 cars. The agent states that, notwithstanding the loss of the car parking spaces (part of which will be retained to provide a paved courtyard and entrance to the existing building), these are entirely within the control of the school and only used by staff during school hours / term time. The agent emphasis that the site is in a highly sustainable location adjacent Penarth train station and Penarth Station bus stops. The loss of this parking area is in the opinion of the agent (in this town centre location) not considered to be detrimental to the area as there is significant opportunity for public transport and active travel.

On the matters of coach / bus parking in connection with the school, there is evidence that the school buses are currently parked in the area to the rear (northern) elevation of the building, which would be lost as a result of the development. The agent states that this is not a permanent fixture and the buses are only parked here as the school is currently applying for a new licence to allow them to operate the buses. This means they have had to temporarily use a private bus operator for transport and have taken parking facilities in the Westbourne School grounds as a result. The agent has stated that once the new licence has been successful, buses will no longer need to park adjacent GM2 House.

With respect of cycle parking, there is provision to the front of the existing building adjacent to the parking area. The agent also states that the school also has internal secure cycle parking within the school grounds which students can use and access to store bikes, which is circa 150m to the north of the site. However in reality it is not considered that remote cycle parking would be a viable or practical solution to serve the proposed development. The Parking Standards SPG does not have any direct specification for boarding accommodation, although the most comparable would be the standards for purpose built student accommodation, which requires 1 stand per 2 bedrooms. The proposals would therefore require 11 stands as a result of 22 new rooms, the provision of which shall be secured by condition (**Condition 6** refers).

The Council's Highway Development section have considered the application and the final amended scheme and are of the view that the proposals are not envisaged to remove any "dedicated parking bays" and it is unlikely that the proposals will have a detrimental impact on the surrounding highway network. Therefore, the original highway comments are still applicable in which they have no objection to the proposal, noting the loss of parking, subject to a means of controlling drop off and pick ups at the beginning of and end of term and also that further information is provided to students with regard to public transport options. It is considered that these details can be secured by way of condition by way of a combined management and travel plan in relation to drop off pick ups (**Condition 5** refers) aimed at both staff and parents of students to maximise the opportunities of using public transport given the highly accessible location of the site, particularly have regard to the adjacent Penarth Railway Station.

Concerns of residents with regard to construction traffic are noted. Whilst similar concerns have not been raised by the highway engineer, it is considered necessary to secure details for delivery and construction vehicles, timings and access routes to the site, to minimise impacts on the local highway network and minimise traffic congestion, by way of a Construction Traffic Management Plan (CTMP), which shall be secured by condition (**Condition 7** refers).

Whilst not a highway matter, given the existence of commercial wheelie bins, within the site, it is considered necessary, noting the increase in pupil numbers, that details of a scheme of lockable bin storage should be submitted, which shall be secured by condition (**Condition 6** refers) having regard to the comments made by the Designing Out Crime Officer.

### Environmental Impacts

The Comments made by the SRS are noted. In respect of the comments made with regard to the restriction on the use of the garden terrace, with no music audible beyond the boundary of the property, as the proposal no longer includes the use of the roof area, no such restriction is considered necessary.

In addition to the CTMP as required above, in light of the comments made by SRS it is also considered necessary to secure Construction Environmental Management Plan (CEMP), by way of condition (**Condition 8** refers). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. As well as a system for the management of complaints from local residents which will incorporate a reporting system.



In addition, given the proximity of the site to residential dwellings, in line with the comments by SRS, it is also considered necessary to restrict construction hours as set out below :

Monday – Friday                      8:00 until 18:00  
Saturday                                8:00 until 13:00  
With no Sunday or Bank Holiday working

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday                      8:30 until 17:30  
Saturday and Sunday                Nil

This shall be required by condition (**Condition 9** refers).

The requirements for the applicant to be aware of the risk of asbestos shall be secured by an informative (**Advisory Note 2**)

#### Impacts on Network Rail Land

The comments made by Network Rail are noted, which in the main relate to recommendations, as the proposal is next to Network Rail land and their infrastructure, to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway with asset protection which the agent has reviewed. Network Rail add that any works on the land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3 months notice before works start. The applicant should be advised of these requirements by way of an informative (**Advisory Note 3**)

#### Flooding and Drainage

From a flooding perspective, the Councils Drainage Section have stated that the site is not located in DAM zones at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the site.

In addition as the development is over 100 sq. m, this development will be subject to SAB approval prior to any commencement of work and an informative (**Advisory Note 4**) is necessary to ensure that the applicant is aware of the need for the approval of a scheme of drainage by the SuDS Approval Body (SAB).

Dwr Cymru / Welsh Water have stated that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record and, having regard to the proposed site plan, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline. They add that, it may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act or recommend the proposed development is repositioned to accommodate for the required protection zone.

If the authority is minded to grant consent they have requested a condition to ensure that no development shall take place until details of a scheme to protect the structural condition of the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. This requirement can be secured by condition (**Condition 12** refers) in addition the required informative (**Advisory Note 1**) shall also be imposed in line with their comments.

### Green Infrastructure and Biodiversity Enhancement

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. Although it is to be included in the forthcoming revision to PPW, the letter confirms that the Chapter 6 policy is updated with immediate effect. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Given the location of the building within the site and the surrounding hard surfaced parking areas to the north and south, the road to the east and railway line to the east, the site does not currently benefit from any meaningful green infrastructure or form part of a wider green infrastructure corridor or connectivity route. Whilst the site has some small linear ornamental pocket landscape areas, principally consisting of small shrubs along the southern boundary, which will be lost as a result of the development, this will not be to the detriment of any meaningful green infrastructure at the site. There is a small ornamental tree adjacent to the north-west corner of the existing building, which is shown to be retained in the development. There is however an opportunity to reinstate some of the landscaping along the southern boundary of the site, which can be secured as part of a wider scheme of landscaping for the site secured by condition (**Condition 11** refers) which shall include details as to how the existing tree will be safeguarded during development, in the interest of both visual amenity and Green Infrastructure.

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

1. The need for the development clearly outweighs the biodiversity value of the site;
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

Para. 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that :

*"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity....."*

The applicant has not provided any details in respect of biodiversity enhancement, given the scale and nature of the development, it is considered appropriate to secure a Biodiversity Enhancement Strategy to include details of any bird/bat box provision, details of any landscaping features and / or details of any additional ecological enhancements. These biodiversity enhancements will be required in addition to the scheme of landscaping as set out above, and shall be secured by condition (**Condition 13** refers).

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

N278 - A040 - Site Location Plan  
N278 - A046 - Proposed Site Plan  
N278 - A047 - Proposed Ground Floor Plan  
N278 - A048 - Proposed First Floor Plan  
N278 - A049 - Proposed Roof Plan  
N278 - A050 - Proposed Elevations  
N278 - A051 - Proposed Site Sections  
Planning & Design Statement April 2023

All received 27 April 2023

Reason:

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

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

Reason:

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

4. Notwithstanding the submitted details, a schedule and samples of all external finishes and materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

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.

5. Prior to the first beneficial use of the development hereby approved, a Management Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use and identify how the means by which pupils will arrive and how this will be managed , which shall include:

- Measures to encourage and educate a modal shift away from the private car for staff and parents.
- Details how the pupils will arrive and leave the site at the start / end of each term, in respect of any allocated time slots for students on pick up drop off days.
- A report to be provided to the Council annually reviewing the effectiveness of the Management Travel Plan and shall include any necessary amendments to the Management travel plan or additional measures to be implemented.

Reason:

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

6. The development shall not be occupied until facilities for secure / lockable cycle parking for 11 bicycles and secure / lockable bin store have been provided in accordance with a scheme that shall first be submitted to and approved in writing by the Local Planning Authority. The agreed scheme of cycle parking and bin storage shall be provided prior to the first beneficial occupation of the building and shall be retained or the lifetime of the development.

Reason:

To ensure that satisfactory secure parking for cycles and bin storage is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.



7. Prior to the commencement of development or any site clearance, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for all construction traffic, the proposed routes for all construction vehicles, timings of construction traffic (which shall be in accordance with the timings specified in Condition 9), where materials will be unloaded from vehicles onto the site and the means of defining and controlling such traffic routes and timings. The construction phase development shall be carried out in accordance with the approved Management Plan.

Reason:

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

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

- i) the location of parking of contractors vehicles, site operatives and visitors;
- ii) loading and unloading of plant and materials and where these will be stored on the site ;
- iii) location of areas for the 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 (which shall be in accordance with the timings specified in Condition 9)
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

9. All phases of construction on site and any deliveries in respect of the construction phase of the development shall only be permitted in respect of the following :

Monday – Friday	8:00 until 18:00
Saturday	8:00 until 13:00
With no Sunday or Bank Holiday working	

Should there be a requirement to undertake foundation or other piling or drilling on site, these operations are restricted to :

Monday – Friday	8:30 until 17:30
Saturday and Sunday	Nil

Reason:

To ensure that the amenities of neighbouring occupiers is safeguarded and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall relate to all areas of soft and hard landscaping, which in particular, shall have regard to the provision of soft landscaping planting scheme along the southern boundary of the site. The scheme shall include indications of all existing trees (including spread and species) and set out measures for their protection throughout the course of development.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

12. No development shall take place until details of a scheme to protect the structural condition of the public sewer crossing the site has been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, construction method statement and risk assessment outlining the measures taken to secure and protect the structural condition and ongoing access of the public sewer. No other development pursuant to this permission shall be carried out until the approved protection measures has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

Reason:

To protect the integrity of the public sewer and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

13. Prior to the first beneficial occupation of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
  - a) Details of any bird/bat box provision
  - b) Details of any landscaping features
  - c) Details of any additional ecological enhancements

Reason:

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

14. The use hereby approved shall only be as a student boarding house as detailed in the Planning & Design Statement April 2023 (received 27 April 2023) and at no time shall the extension be used for any other purpose falling within Class C1 of the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments), MD5 (Development Within Settlement Boundaries) and MD8 (Environmental Protection) of the Local Development Plan.

### REASON FOR RECOMMENDATION

The decision to approve 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, MD1 - Location of New Development, SP10- Built and Natural, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection, MD8 - Historic Environment and MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026, and Future Wales – the National Plan 2040. Planning Policy Wales (Edition 11), the Council’s Supplementary, Biodiversity and Development and Parking Standards the proposed development in respect of its siting, design and scale and visual impact on the character of the area is considered acceptable and would preserve the character of the adjacent Conservation Area. The proposal is also considered acceptable having regard to its impacts on residential amenity and privacy, parking, highway safety, drainage, ecology and green infrastructure.

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. Dwr Cymru / Welsh Water**

**In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.**



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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## **2. Asbestos**

The applicant should take into account the risk of asbestos containing building materials during the construction / demolition works required with appropriate surveying and removal being undertaken.

## **3. Network Rail**

Due to the proposal being next to Network Rail land and their infrastructure, no part of the development shall adversely impact the safety, operation and integrity of the operational railway in respect of the following :

**Fencing** - Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

**Former BR Land** - The development is located on an area of land previously under the ownership of Network Rail. Often these sites are sold and are subject to a demarcation or covenant agreement which may include particular rights in relation to the safe operation of the railway and associated infrastructure. It must be considered when Network Rail has access rights over the development site; access must not be blocked or restricted at any time. The applicant must comply with all post sale covenants in the demarcation agreement and understand the implications this will have on the implementation of this development.

**Any representations made are without prejudice to those rights and obligations and on the basis that they do not imply that Network Rail's approval under the demarcation agreement will be given for the proposed development or for any part of it.**

**Site Layout - It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.**

**Piling - Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.**

**Excavations / Earthworks - All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.**

**Plant, Scaffolding and Cranes - Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.**

**Lighting - Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.**

**Drainage - Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be**

provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage is not to show up on Buried service checks.

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk) .

#### **4. SuDS Approval Body**

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

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

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

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

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

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

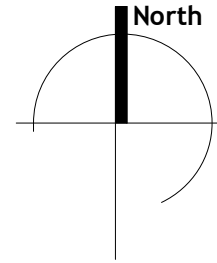
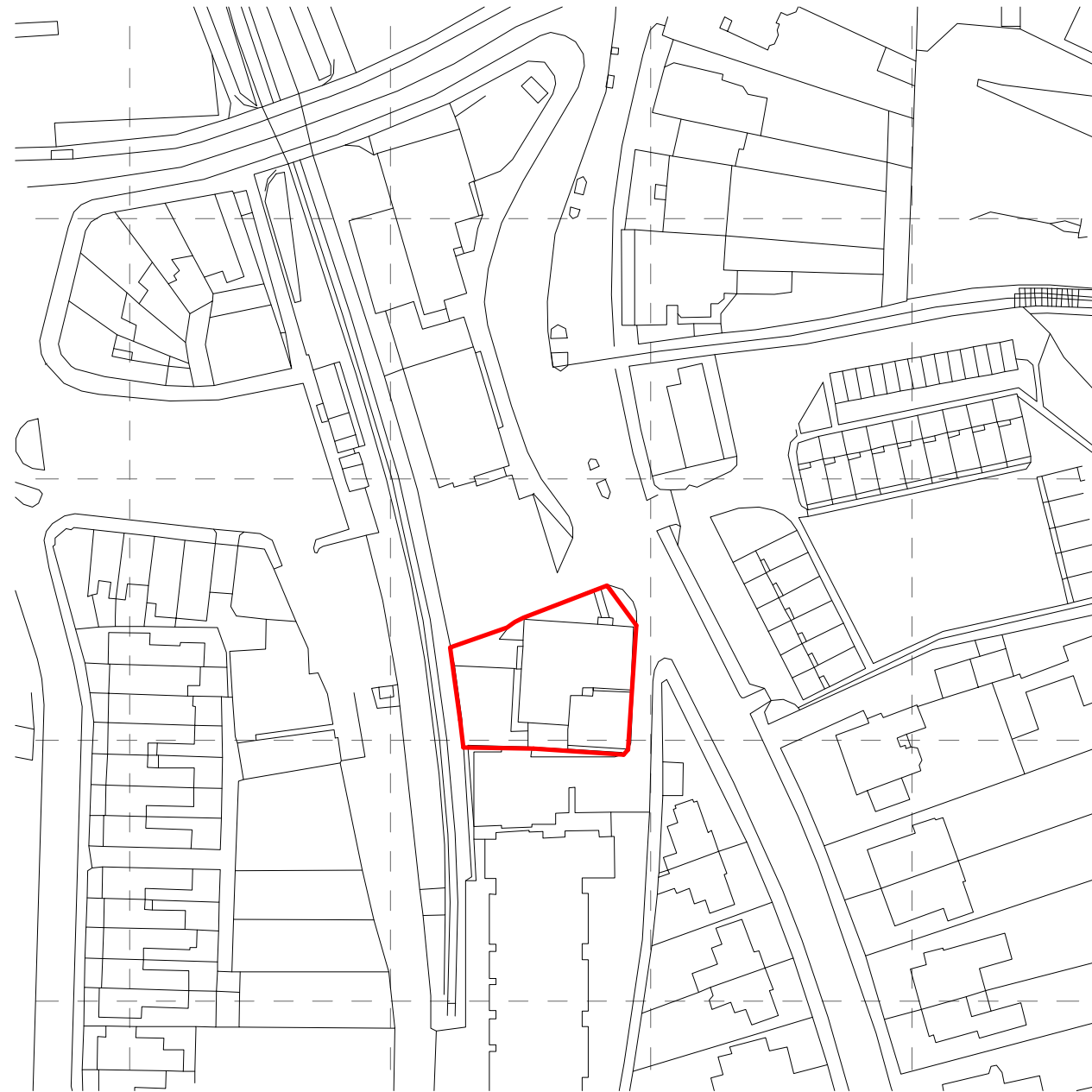


2021/00476/FUL

10 0 10 20 30 40 50 m



1:1250



**01** SITE LOCATION PLAN  
1 : 1250

Notes

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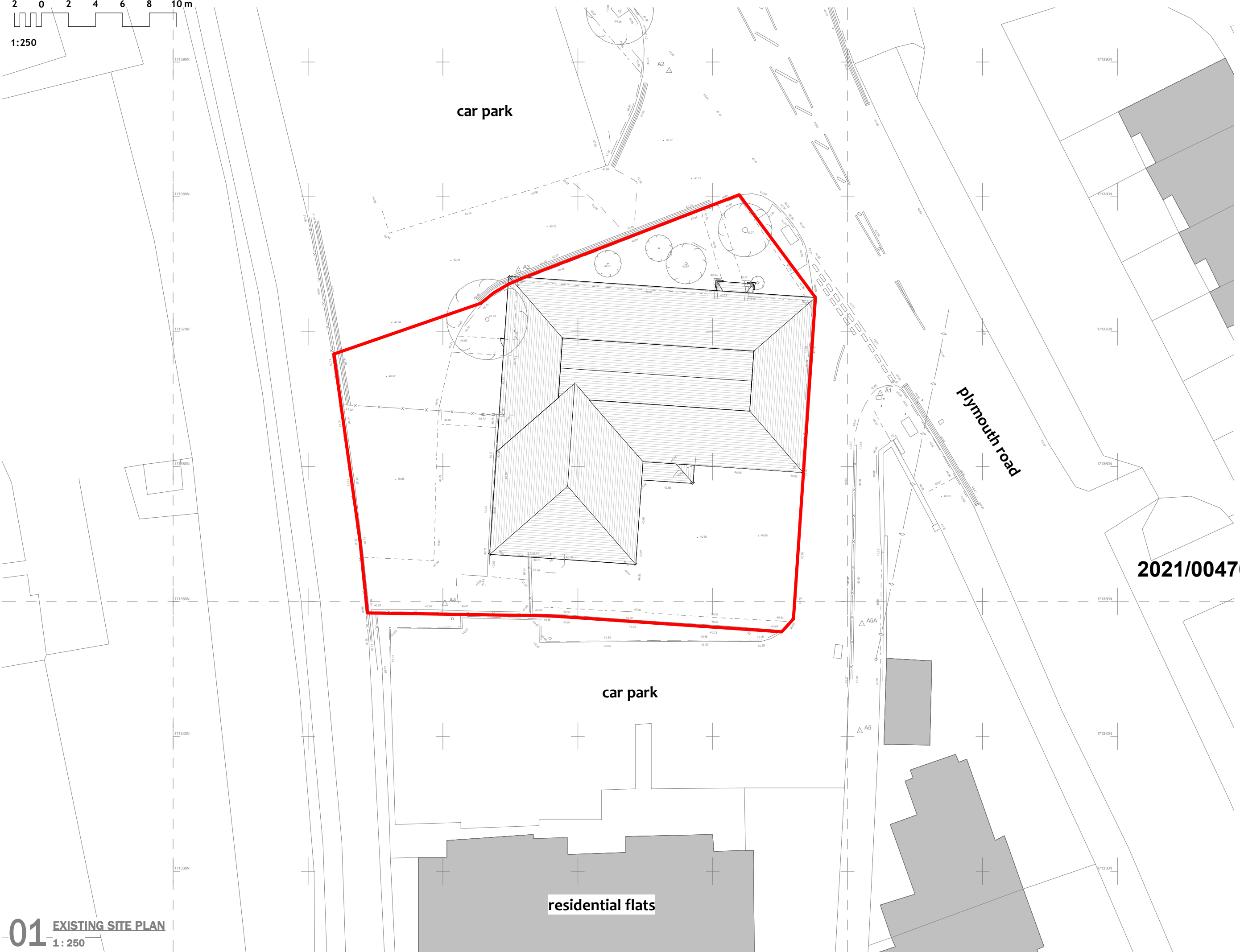
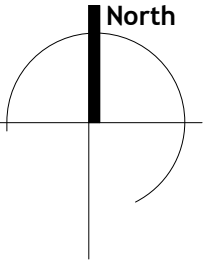
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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Site Location Plan
Drawing number	A040
Scale	1 : 1250 at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23



2 0 2 4 6 8 10 m

1:250



car park

Plymouth road

2021/00476/FUL

car park

residential flats

Notes

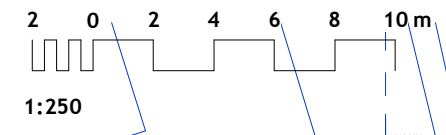
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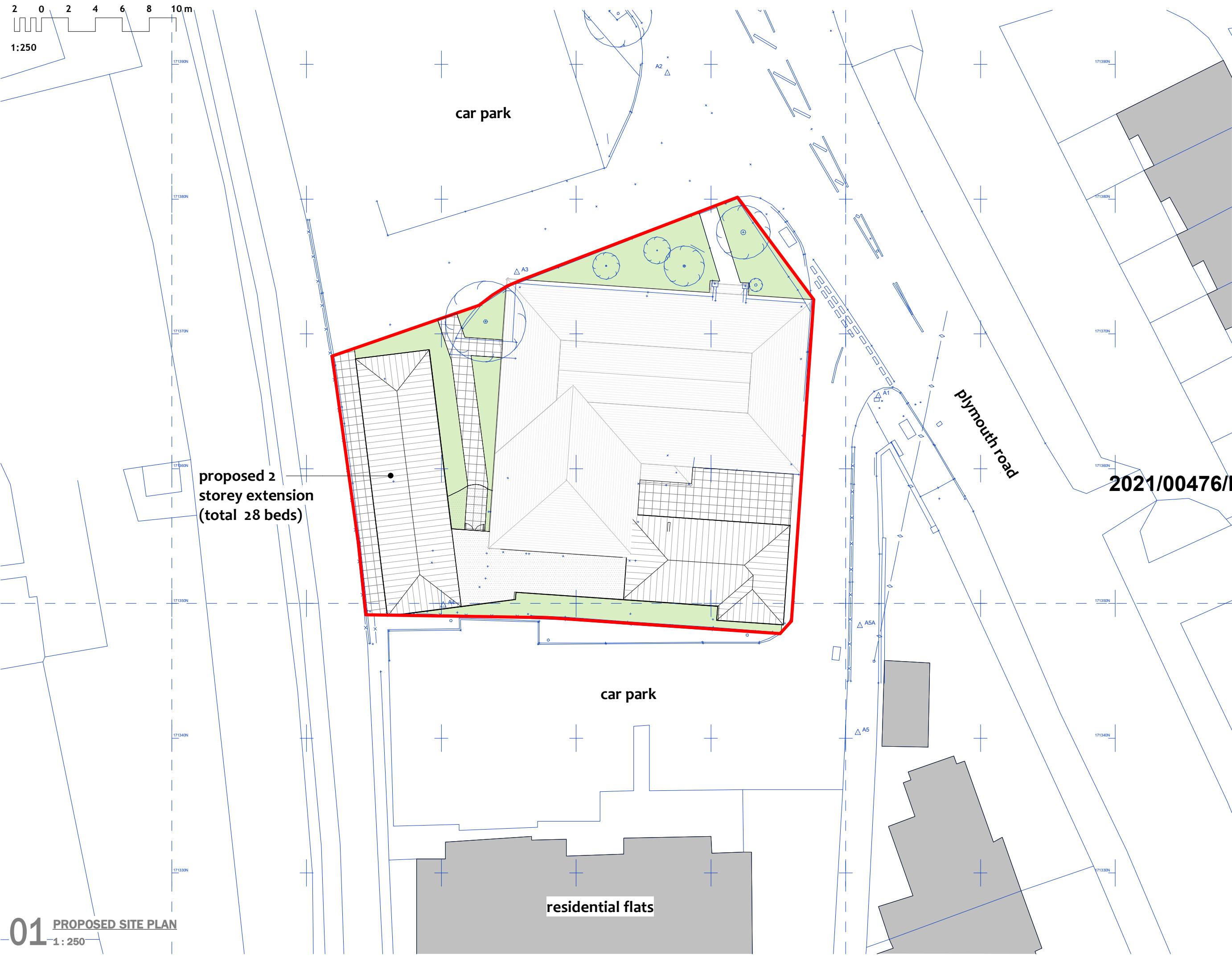
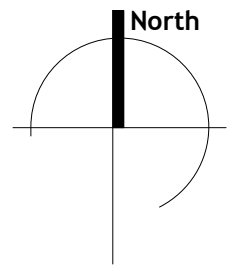
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Project	Westbourne School, Boarding House, Penarth N278
Project number	N278
Client	Westbourne School
Title	Existing Site Plan
Drawing number	A041
Scale	1 : 250 at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23



Revisions

A	communal room added to ground floor	PC 25.04.23
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proposed 2 storey extension (total 28 beds)

car park

plymouth road

car park

residential flats

2021/00476/FUL

ACCOMMODATION

6 x double bedrooms  
16 x single bedrooms

total 28 bed spaces

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Project	Westbourne School, Boarding House, Penarth N278
Project number	N278
Client	Westbourne School
Title	Proposed Site Plan
Drawing number	A046
Scale	1 : 250 at A3
Revision	A
Status	Planning
Drawn	PC
Date	16.03.23



**01** EXISTING ELEVATION FROM PLYMOUTH RD  
1 : 100

2021/00476/FUL



**03** EXISTING ELEVATION FROM STAFF CAR PARK  
1 : 100

Notes

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Project	WESTBOURNE SCHOOL - BOARDING HOUSE
Project number	N278
Client	WESTBOURNE SCHOOL
Title	EXISTING ELEVATIONS SHEET 1
Drawing number	A015
Scale	1 : 100 at A3
Revision	
Status	INFORMATION
Drawn	PC
Date	17.03.21





**01** EXISTING ELEVATION FROM RAILWAY  
1 : 100

**2021/00476/FUL**



**02** EXISTING REAR ELEVATION  
1 : 100

Notes

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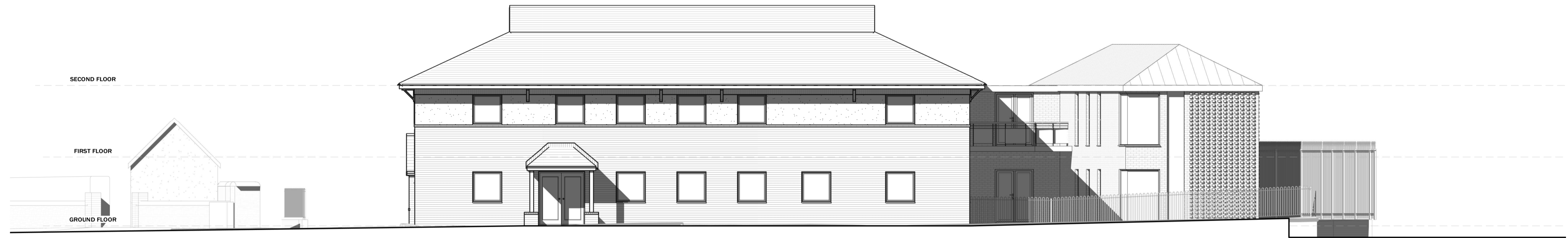
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Project	WESTBOURNE SCHOOL - BOARDING HOUSE
Project number	N278
Client	WESTBOURNE SCHOOL
Title	EXISTING ELEVATIONS SHEET 2
Drawing number	A016
Scale	1 : 100 at A3
Revision	
Status	INFORMATION
Drawn	PC
Date	17.03.21





**01** PROPOSED ELEVATION FROM PLYMOUTH RD  
1 : 100



**02** PROPOSED ELEVATION FROM STAFF CAR PARK  
1 : 100



**03** PROPOSED ELEVATION FROM RAILWAY  
1 : 100



**04** PROPOSED REAR ELEVATION  
1 : 100

2021/00476/FUL

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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Proposed Elevations
Drawing number	A050
Scale	1 : 100 at A1
Revision	
Status	Planning
Drawn	PC
Date	16.03.23





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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Perspective View 1 - Plymouth Road
Drawing number	A052
Scale	at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23





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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Perspective View 2 - Railway Walk
Drawing number	A053
Scale	at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23





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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Perspective View 3 - Plymouth Road
Drawing number	A054
Scale	at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23





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Project	Westbourne School, Boarding House, Penarth
Project number	N278
Client	Westbourne School
Title	Perspective View 4
Drawing number	A055
Scale	at A3
Revision	
Status	Planning
Drawn	PC
Date	16.03.23



**2023/00337/FUL** Received on 29 March 2023

**APPLICANT:** Ceri Jones, 7 Sycamore Close, Llandough, Penarth, Vale Of Glamorgan, CF64 2NP

**AGENT:** Nicky Watkins, Studio 1, The Platform, Hemmingway Road, Cardiff, CF10 5LS

### **7, Sycamore Close, Llandough, Penarth**

Proposed two storey extension to rear elevation with hipped roof

#### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Councils approved scheme of delegation due to the planning application having been called in for determination by Cllr George Carroll on the grounds of public opposition to proposal, and because there is a dual recommendation for the approval of the application and the authorisation of enforcement action.

#### **EXECUTIVE SUMMARY**

The application site relates to 7, Sycamore Close, Llandough, a detached dwelling located within the Settlement Boundary of Llandough. This is a partially retrospective application for the construction of a two storey extension to the rear elevation of the dwelling, with the addition of a hipped roof.

The key issues to consider in the assessment of this application includes the principle of development, the design and visual impact, the impact upon neighbouring amenity, parking and amenity space provision, and the impact upon green infrastructure and biodiversity enhancement provision.

During the course of the planning application, a number of amended and revised plans have been received, and were subsequently reconsulted upon. The most recent plans, which form the basis of this application, has received ten letters of objection from neighbouring dwellings. These objections include, but not limited to, the visual impact of the extension, the impact upon neighbouring amenity, the consultation procedure undertaken, the construction methods used and the potential of future development.

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

Whilst an approval of the revised scheme is recommended, due to the structure as constructed being unauthorised, in order to ensure that the approved scheme is completed, the authorisation to take enforcement action requiring the completion of the extension as proposed is recommended.

#### **SITE AND CONTEXT**

The application site relates to 7, Sycamore Close, a detached, two storey dwelling located on a relatively uniform street scene of circa 1970s dwellings, although the application dwelling has been previously extended and has been rendered. To the north of the application dwelling is a terraced block of three storey dwellings. In Policy terms, the site

is located within the Settlement Boundary of Llandough as identified in the Adopted LDP 2011-2026.



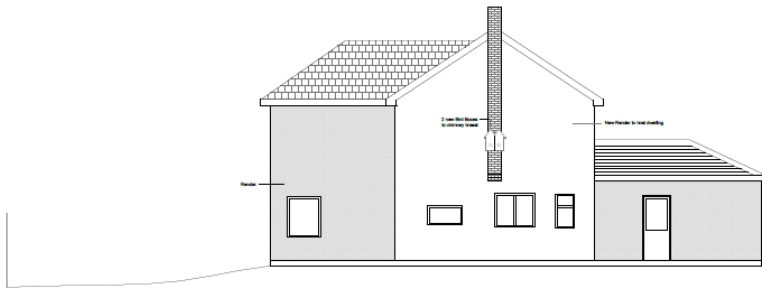
## DESCRIPTION OF DEVELOPMENT

This is a partially retrospective, full planning application, as amended, for the construction of a two storey extension to the rear elevation of the dwelling, with a hipped roof.

The extension measures approximately 8.5m in width, 3.8m in depth. The proposed hipped roof would have an eaves height to match that of the host dwelling, measuring approximately 4.9m, and the ridge being set below that of the host dwelling, measuring approximately 6.8m.

The extension has been constructed with a partial curved wall element at ground floor level to the south-east corner, due to the location of a manhole. To the rear elevation, 6m wide bi-folding doors have been installed to the ground floor, with the first floor being served by three windows, serving two bedrooms and a bathroom. To the side elevation, at ground floor, two additional windows have been installed (one serving the existing kitchen area and within the extension).

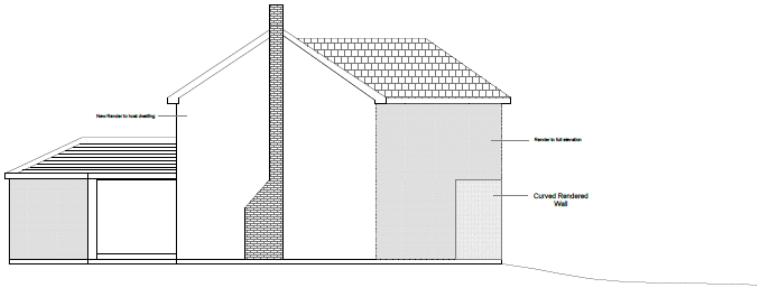
The external materials are confirmed to comprise of render to the ground and first floor, with the whole dwelling being rendered, and new roof tiles to match those to the front elevation of the dwelling.



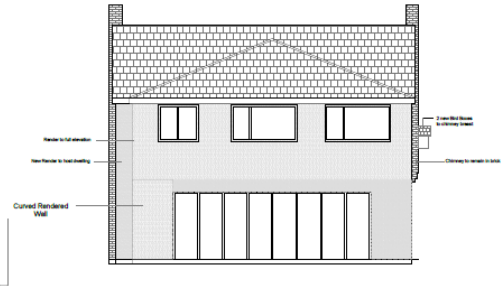
PROPOSED LEFT SIDE ELEVATION



PROPOSED FRONT ELEVATION

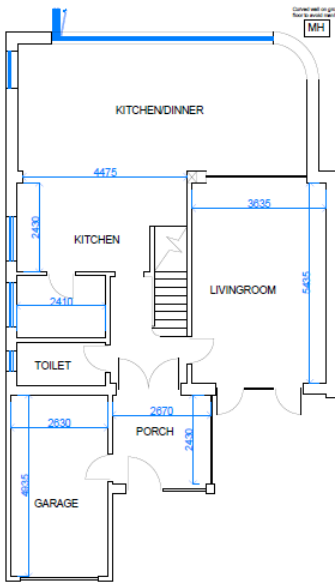


PROPOSED RIGHT SIDE ELEVATION

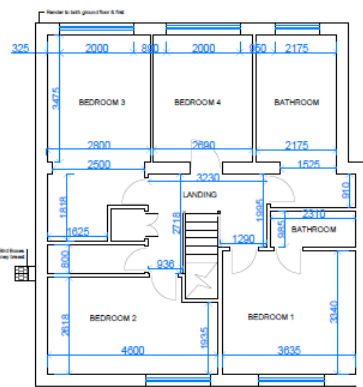


PROPOSED REAR ELEVATION

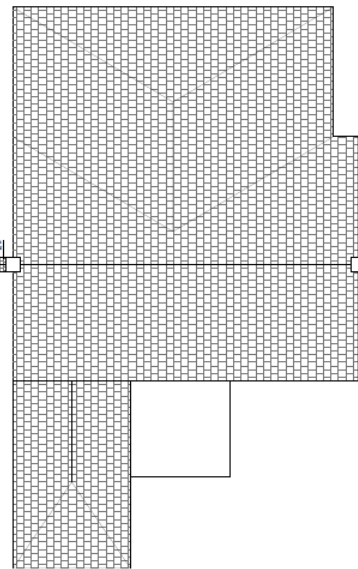
- Note:
- Extension to be fully rendered on both Floors
  - 2 no of bird boxes added to enhance bio-diversity
  - Existing host dwelling to be fully rendered



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

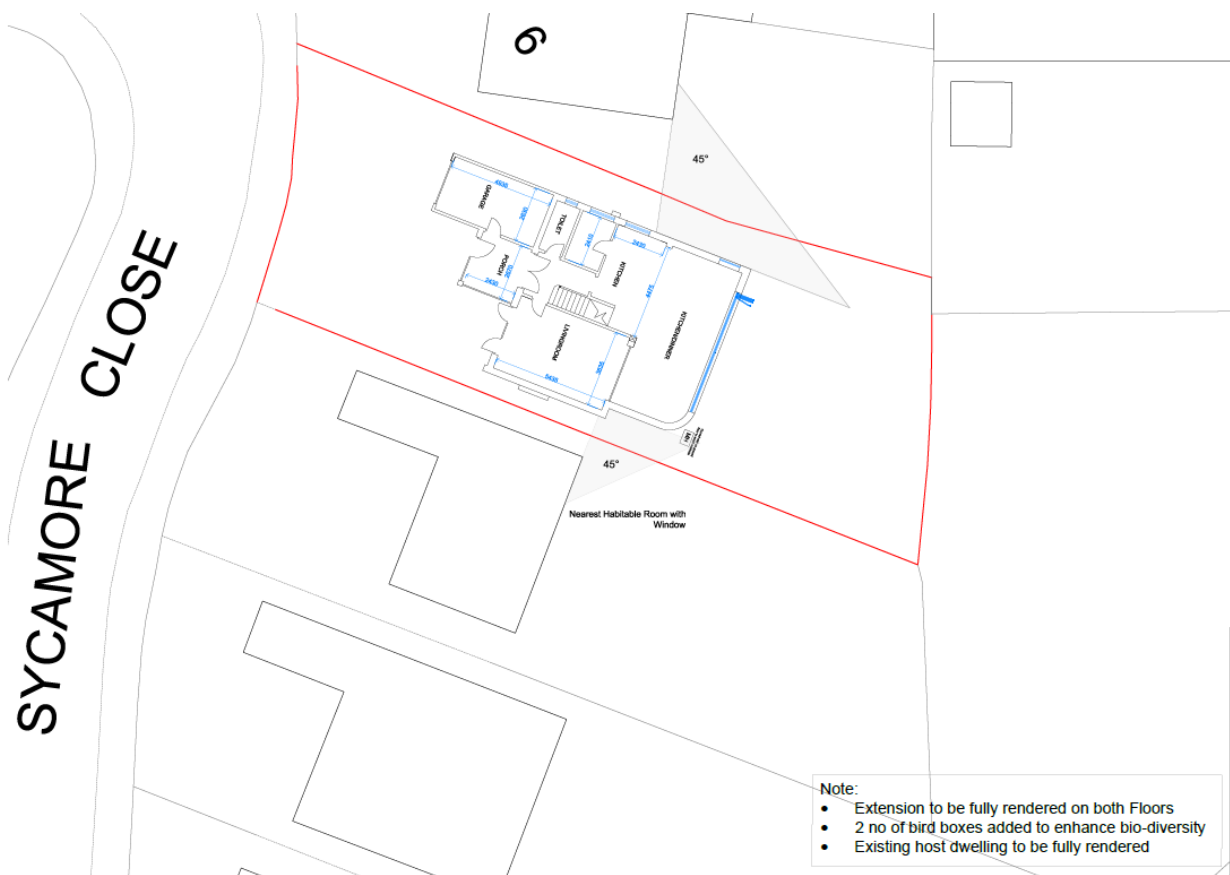


PROPOSED ROOF

- Note:
- Extension to be fully rendered on both Floors
  - 2 no of bird boxes added to enhance bio-diversity
  - Existing host dwelling to be fully rendered



Proposed Elevations



## PLANNING HISTORY

2017/00636/FUL, Address: 7, Sycamore Close, Llandough, Penarth, Proposal: Addition of a porch to the front elevation, Decision: Approved

2019/00507/FUL, Address: 7, Sycamore Close, Llandough, Penarth, Proposal: Part three storey part two storey rear extension with raising of ridge height and alteration works, Decision: Refused 3 July 2019, for the following reasons:

*By reason of the scale and design of the proposed extension and roof alteration, the proposal would significantly increase the massing and scale of the existing two storey dwelling and would fail to have regard to the character of the existing house and the scale of the two storey dwellings located in Sycamore Close and would therefore be detrimental to the character and amenity of the street scene. The proposal is therefore considered to be contrary to Policies SP1, MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan, the Council's Residential and Householder Development SPG and the advice and guidance contained within Planning Policy Wales 10th Ed. and TAN12 - Design.*

*By reason of its height and design, the proposed rear extension and increase in roof height would result in an overbearing and unneighbourly form of development when viewed from the rear gardens of No. 6 & 8 Sycamore Close, unacceptably impacting upon the amenities of the occupiers. The proposal would therefore be contrary to the aims of Policies MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 10th Ed. and TAN12 - Design.*



2019/01201/FUL, Address: 7, Sycamore Close, Llandough, Proposal: Part three storey part two storey rear extension with raising of ridge height & alteration works, Decision: Refused 18 December 2019, for the following reasons:

*By reason of the scale and design of the proposed extension and roof alteration, the proposal would significantly increase the massing and scale of the existing two storey dwelling and would fail to have regard to the character of the existing house and the scale of the two storey dwellings located in Sycamore Close and would therefore be detrimental to the character and amenity of the street scene. The proposal is therefore considered to be contrary to Policies SP1, MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan, the Council's Residential and Householder Development SPG and the advice and guidance contained within Planning Policy Wales 10th Ed. and TAN12 - Design.*

*By reason of its height and design, the proposed rear extension and increase in roof height would result in an overbearing and unneighbourly form of development when viewed from the rear gardens of No. 6 & 8 Sycamore Close, unacceptably impacting upon the amenities of the occupiers. The proposal would therefore be contrary to the aims of Policies MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Policy Wales 10th Ed. and TAN12 - Design.*

A subsequent appeal against this refusal was dismissed, with the inspector considering that "by virtue of its scale, form and overall design, the proposed development would represent an insensitive and incongruous addition to the appeal property" and that "the development would cause material harm to the living conditions of the occupiers of Nos. 6 and 8, by reason of loss of outlook from rear amenity areas".

2020/00467/FUL, Address: 7, Sycamore Close, Penarth, Proposal: Rear double storey extension, Decision: Approved

2020/00467/1/NMA, Address: 7, Sycamore Close, Llandough, Proposal: Non Material Amendment - Amendments to the roof. Planning permission ref: 2020/00467/FUL - Rear double storey extension, Decision: Withdrawn

## CONSULTATIONS

**Llandough Community Council** were consulted on 17 April 2023, and were reconsulted on 26 April 2023 and again on 13 September 2023, and responded on 12 May 2023 with the following comment:

*The comment of Llandough Community Council is that it is assumed that the planning officer will assess whether there will be any loss of privacy on the part of the neighbours in considering the application.*

**Llandough Ward Members** were consulted on 17 April 2023 and were reconsulted on 26 April 2023 and again on 13 September 2023 and Cllr George Carroll responded stating that following discussion with neighbouring residential, I request that the application is called into planning committee.

## REPRESENTATIONS

The neighbouring properties were consulted on 17 April 2023 and a summary of the responses relating to planning considerations received are below:

- Out of keeping with streetscene
- Oppressive design
- Overdevelopment
- Loss of privacy to neighbours
- Constructed without benefit of planning permission
- Lack of neighbour consultation
- Concerns regarding potential future development
- Impact on neighbouring property value
- Disruption from ongoing building works

The neighbouring properties were reconsulted on 26 April 2023 on the basis of new plans and to retain what has been constructed and neighbours had raised the same concerns as the previous consultation response.

The neighbouring properties were reconsulted on 22 June 2023 on the basis of new plans to retain the flat roof extension and parapet, and the comments received again raised the same concerns to the dwelling as previous consultation periods.

The neighbouring properties were reconsulted on 13 September 2023 on the basis of amended plans, which form the basis of this application. A summary of the planning consideration responses received are below:

- The hipped roof would overshadow and be overbearing to neighbours
- Overlooking into private gardens
- Approved plan should be adhered to
- Pitched roof more acceptable, however height of the building is still excessive
- Out-of-keeping
- Concerns regarding durability of timber cladding
- Same concerns as previously raised

## 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:

#### 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

### **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)

### **Supplementary Planning Guidance:**

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

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

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

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

### **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

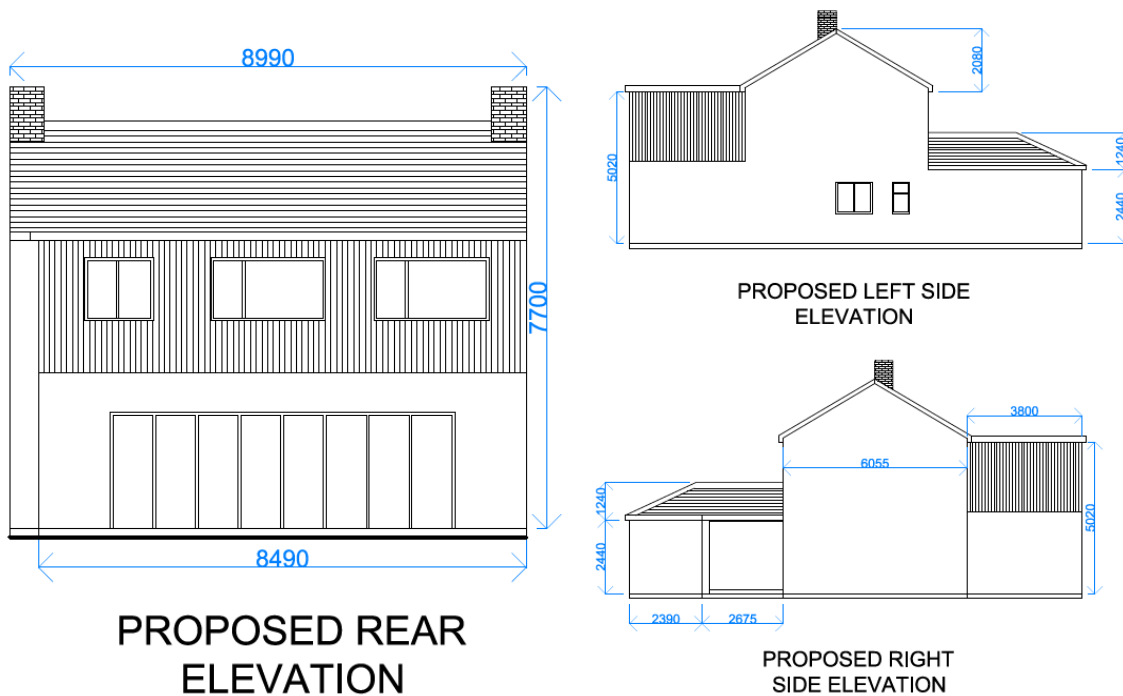
The primary issues to consider in the determination of this planning application includes the background and planning history of the site, the principle of development, the design and visual impact of the amended scheme and its impact upon neighbouring amenity. Consideration will also be given to the impact upon amenity space and parking provision, and biodiversity enhancement provision.



## Background

The application property has considerable planning history, with two previous applications for part two and part three storey extensions having previously been refused, where the latter application was dismissed at appeal by the Planning Inspectorate due to concerns regarding the design and visual impact of proposal and its impact on neighbouring amenity.

Following these refused applications, approval was granted under planning application ref: 2020/00467/FUL, for a two storey extension which extended the full width of the dwelling to the rear elevation, comprising of a flat roof, with the approved plans as detailed below:



*Approved Plans: 2020/00467/FUL*

However, an enforcement complaint was received and a case was opened in January 2023, citing that the extension had not been constructed in accordance with the approved plans, with the flat roof of the extension exceeding the eaves height of the host dwelling, in addition to the construction of a parapet above the extension.

Following an investigation by the Councils Planning Enforcement Department, it was concluded that the approved plans for application ref: 2020/00467/FUL were inaccurate, and the measurements provided on both the existing and proposed plans were not representative of the existing dwelling, particularly respect of its height. The plans were approved on the basis that the flat roof height was shown to match that of the eaves of the dwelling, as a relative comparison and it was on this basis that planning permission was granted.

The eaves height of the existing dwelling was however incorrectly drawn on the submitted plans, as being 5.02m above rom ground level, however in reality, the eaves height of the dwelling is 4.7m above ground level. Therefore, when the extension was constructed, it was built based on the height measurements of the eaves in the approved plans, which was some 0.3m higher lower than the dwelling. Notwithstanding this, a parapet was then added to the extension, with a height of 500mm. This has therefore resulted in an extension some 1 metres higher than the eaves height of the host dwelling.

A non-material amendment application was initially submitted to regularise the breach of planning control, however due to the extent of the breach and the additional impacts over the approved scheme, the development was considered to be a material change to the original consent.

In addition, due to the inaccuracies of the original approved plans and the associated measurements, officers are also of the view that the development has no “fall back” position as the dimensions of the existing house are incorrect and as such the extension approved under application ref: 2020/00467/FUL, in relation to how it abuts the existing dwelling could never be built, in respect of the approved plans.

In light of the above the agent was advised to submit a new full planning application, without prejudice, to retain the development.

Throughout the duration of this full application, proposed plans have been received, however following officer and on site assessments, these plans were still not considered to accurate in respect of what has been constructed in comparison to the host dwelling, with continued issues regarding the accuracies of the measurements submitted.

The final set of amended plans subject to this application are now considered to accurately detail exactly what has been constructed, and the existing and proposed plans are considered accurate in terms of their measurements, as confirmed by officers.

### Design and Visual Impact

In policy terms the site is located within the Settlement Boundary of Llandough, as identified in the LDP. 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 a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
- 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 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.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The principle of a two storey extension to the rear elevation of the dwelling has previously been considered acceptable under planning application ref: 2020/00467/FUL, and this extension, was considered acceptable in terms of its design and visual impact, despite its flat roof, and its impact upon neighbouring amenity in terms of overshadowing and loss of outlook. Moreover, it is agreed that the width and depth of the extension subject to this application, is the same as the planning permission ref : 2020/00467/FUL, the dimensions of which have been confirmed on site.

Having regards to the extension as built, it has been constructed with a flat roof and parapet to a total height, inclusive of the parapet, of 5.9m, breaking into the rear roof slope of the dwelling. As shown below, the resulting construction as built, due to its elevated wall plate, results in an incongruous extension that is not sympathetic to the character of the dwelling and one which is also visible and highly prominent from a number of adjoining rear gardens.



*View from rear garden of 6 Sycamore Close to the north*

Following officer concerns as to the visual impact of the constructed extension and having regard to the comments made in the letters of representation received, the applicant and agent was advised that the application to retain the extension as built would not be supported by officers. The amended scheme therefore seeks to address officers concerns in respect of the impact of the parapet roof and extended wall plate above eaves level.

The revised scheme proposes a reduction of the wall plate of the extension to a height of 4.9m from ground level, which would match the eaves height of the host dwelling, and would form a continuation of the host dwelling eaves height. This would therefore result in

an eaves height that would be the same height that was thought to have been “approved” as a flat roof under application ref: 2020/00467/FUL, albeit the incorrect eaves height of the dwelling was shown. The revised extension would also include a hipped roof above, which would have a ridge height of 6.8m, and would be set below the ridge of the host dwelling by 400mm.

With respect to the amended proposals, complete with the hipped roof, and its impact upon the character and visual appearance of the application dwelling, the reduction of the height of the wall plates of the extension to match the eaves height of the host dwelling is considered to greatly reduce the bulk and massing of the extension. It is considered that the reduction of the wall plate of the extension would result in a considerably more subservient extension than that of the existing extension, and whilst it would still result in an extension of a sizeable scale and massing, due to the amended roof form, despite the ridge of the hipped roof being higher, the extension as a whole it is now considered to be much better balanced and proportionate to the host dwelling, and would not result in an overly dominant and incongruous addition, in comparison to the existing inappropriate form of the extension. In terms of the design of the amended extension, whilst a flat roof was previously considered acceptable, due to the limited visibility of the extension from public vantage points, the Councils Residential and Householder SPG states that *flat roofs are generally not supported unless they form part of a high quality contemporary scheme*. Given that the extension as built is not considered to be particularly contemporary in its design, the addition of a hipped roof to the extension is considered to enhance the visual appearance of the extension and would aid in improving the overall visual impact of the development.

In terms of the visual impact from public vantage points, given that the extension is located to the rear elevation, its impact upon the street scene is limited. Nevertheless, the extension is glimpsed through the gaps between the application site and its adjacent neighbours on Sycamore Close, and the gaps between the dwellings to the east on Oakwood. In terms of the impact from Sycamore Close and Oakwood Close, due to the wall plate of the extension as built far exceeding the eaves height of the host dwelling, this increases the prominence of the extension as built when viewed from the gaps between dwellings. The reduction of the wall plate, and the introduction of a hipped roof would reduce the visual impact of the extension on the area and would result in an acceptably sized and scaled extension when glimpsed through the gaps in the dwelling.

In addition, given the height and size of the existing extension, concerns have been raised by neighbouring properties as the visual impact of the extension from their private residential amenity spaces. With respect to the impact of the extension when viewed from neighbouring properties, it is acknowledged that poor design and visual massing can have a detrimental impact upon the enjoyment of private neighbouring amenity spaces. The extension as constructed is considered to represent a prominent and imposing extension, particularly when viewed from the private amenity space of 6 Sycamore Close, due to the differing ground levels between the amenity spaces of the dwellings. The reduction of the wall height of the extension, and the installation of a hipped roof, as proposed, would reduce the overall visual massing of the extension, and increase the subservience of the extension to the host dwelling. This would result in an extension that, whilst undeniably visible from the private amenity space of this neighbour, would represent an acceptable addition to the dwelling that would not unacceptably impact upon the character and visual amenity of the dwelling and wider public and private viewpoints to a degree which would warrant a refusal of the application on this basis. Moreover, the width and depth of the extension is the same as that which has already been approved.



The proposed external materials will also aid in reducing the visual massing and overall impact of the revised extension. The revised plans initially proposed timber cladding to the first floor of the extension, however concerns were raised by officers and neighbours as to the durability of timber cladding and the resulting “bulk” that would arise with the addition of timber cladding and how it would be detailed at corners and junctions.

Consequently, the amended plans detail that the extension and the side elevations of the host dwelling are to be fully rendered in white to match the front of the dwelling. In addition, the hipped roof will be finished in roof tiles to match the roof tiles to the front elevation of the dwelling. The use of these materials would ensure continuity with the already rendered front elevation of the host dwelling, and would modernise the dwelling, without introducing elements of design which would require maintenance and would detrimentally impact upon the visual impact of the dwelling.

Consequently, having regard to the bulk, massing and prominence of the revised extension and associated hipped roof, and the use of appropriate materials which would reduce its visual impact, the revised extension, comprising of the reduction of the wall plate to match the eaves height of the host dwelling, and the installation of a hipped roof, is considered appropriately sized and scaled, and would be subservient to the host dwelling. It is therefore considered compliant with Policies MD2 and MD5 of the Adopted LDP, and the guidance laid out within the Councils Residential and Householder SPG.

#### Impact upon Neighbouring Amenity

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development (2018).

Due to the number of representations received, the impact of the extension on each neighbour with a shared boundary to the application property will be discussed in turn. Additional consideration will be given to those neighbours in close proximity to the application site:

#### *8 Sycamore Close*

Having regards to 8, Sycamore Close, this neighbour is located to the south of the application site and is located at the same ground level as the application property. In terms of overshadowing and loss of outlook, the extension as constructed remains at the same depth as the extension approved under ref: 2020/00467/FUL, and the proposed eaves height of the extension will match that of the previously approved extension, albeit the extension now proposes a hipped roof. The depth of the extension and height of the eaves height of the extension has previously been considered acceptable under the application ref: 2020/00467/FUL. Moreover, given that the depth of the extension is the same as approved, the additional impacts in respect of massing is that created by the hipped roof. The hipped roof would taper away to the ridge of the roof, which would reduce its impact particularly when considering the reduction of the wall height. In addition, the extension is located 1.5m off the shared boundary, and approximately 2.5m off the side elevation of the dwelling. Therefore, given this separation distance, the orientation of the dwelling and its location south of the application site, and the depth of the extension, the

revised scheme is not considered to unacceptably impact upon the neighbouring amenity of this dwelling in terms of overshadowing and loss of outlook.

In respect of privacy and overlooking, no openings have been fitted or are proposed to the south facing side elevation of the extension, and whilst the openings to the rear of the extension provide views towards the rear section of this neighbour's private amenity space, the degree of overlooking has been reduced in comparison to the original dwelling, due to the depth of the extension reducing the scope of overlooking.

Consequently, the proposed extension is not considered to overlook the private amenity space or the dwelling to an unacceptable degree.

### *6 Sycamore Close*

With regards to 6 Sycamore Close, this dwelling forms the end terrace dwelling of the row of three storey townhouses to the north of the application site. The private amenity space of this dwelling is located at a lower level than that of the application site, by approximately 670mm. The relationship between the as constructed extension, and the amenity space of 6 Sycamore Close can be viewed below:



Having regards to overshadowing and loss of outlook, the extension is located 1.7m off of the shared boundary with this neighbour, and 5.6m from the side elevation of this neighbouring dwelling. In respect of the windows contained within the rear elevation of 6 Sycamore Close, due to the orientation of the application dwelling, of which the shared boundary tapers away from 6 Sycamore Close, and the separation distance from the rear elevation of the neighbour, it is not considered that the revised extension (on the basis the depth is the same as previously approved) would have an unacceptable impact upon the outlook from these windows which would warrant the refusal of this application.

In respect of the impact from the rear private amenity space of this dwelling, it is acknowledged that the application property is located at a higher ground level, therefore the impact of the extension as built is exacerbated by a combination of the levels difference and the impact of the increased wall height and parapet. In addition, the patio serving the neighbouring dwelling is located directly adjacent to the extension. Nevertheless, the proposed, revised scheme would result in the reduction of the wall height adjacent to the shared boundary by 1m, and whilst the hipped roof would add some additional massing, given that the roof planes would taper away from the boundary, this would reduce the overall bulk and massing of the extension.

Whilst the extension is undoubtedly visible from the rear private amenity space, the reduction of the wall plate of the extension, and the installation of a hipped roof would not detrimentally impact upon the outlook and use of the private amenity space of this dwelling. In respect of overshadowing, whilst this neighbour is located to the north of the application site, and the proposed extension would result in a degree of overshadowing to this neighbour, particularly during the evening and winter months. Nevertheless, given the depth of the extension, at approximately 3.8m, the additional degree of overshadowing created by the hipped roof, having regard to the distance from the shared boundary with 6 Sycamore Close, is not considered to result in the unacceptable loss of light or overshadowing to a degree that would justify the refusal of this planning application.

In respect of privacy and overlooking, as a result of the depth of the extension, the proposal reduces the degree of overlooking from the original dwelling, particularly from the first floor windows to the area of garden immediately next to the dwelling. In addition, due to the orientation of the dwelling, it is not considered that the windows within the rear elevation have any unacceptable impact upon overlooking to this neighbour.

Notwithstanding these windows, concerns have been raised in regards to two windows that have been installed on the side elevation of the dwelling. The smaller window provides views towards the blank side elevation of 6 Sycamore Close and has no unacceptable overlooking impact towards this neighbour. The larger window serves the kitchen / dining area of the extension and has a lintel height of 1.9m from ground level. This window provided views towards the shared boundary with 6 Sycamore Close, however due to the existing boundary treatment between the application site and this neighbour, it is not considered to provide any views that would detrimentally impact upon the privacy of this neighbour.

### *7 Oakwood Close*

Having regards to overshadowing and loss of outlook, the extension is of the same depth as previously approved and is located approximately 9m from the shared boundary at its closest point, extending to approximately 12m. The extension is located approximately 26.5m from the rear elevation of this dwelling. Whilst it is acknowledged that 7 Oakwood Close is located at a lower ground level than the application site, it is considered that given the separation distance between the extension and the shared boundary and rear elevation of the neighbouring dwelling, these neighbours are not unacceptably impacted by the extension in terms of overshadowing and loss of outlook to a degree that would justify the refusal of the application on this basis.

Having regards to privacy and overlooking, concerns have been raised as to the level of overlooking from the proposed extension, in particular from the first floor windows contained within the extension. As aforementioned, the rear elevation of the extension is

located approximately 26.5m from the rear elevation of 7 Oakwood Close. In respect of privacy and overlooking, the Councils Residential and Householder SPG states the key principles for development to adhere to, including *inter alia* a minimum distance of 21m between opposing windows in habitable rooms should be achieved. Whilst noting that the application property is located at a higher ground level than 7 Oakwood Close, the rear elevation and windows contained within are located in excess of 21m from the habitable rooms of 7 Oakwood Close. Consequently, whilst the concerns raised regarding overlooking and loss of privacy are acknowledged and noted, the extension and its associated windows are considered to be located at a sufficient distance from the habitable rooms of 7 Oakwood Close to result in have no unacceptable overlooking or loss of privacy impacts.

### *8 Oakwood Close*

Having regards to overshadowing and loss of outlook, the application site is located at a higher ground level than this neighbour to the rear of the site and is visible from the private amenity space and rear windows of this dwelling. Nevertheless, despite the differences in ground levels, the extension is set off the shared boundary with 8 Oakwood Close by approximately 8.5m at its closes point and is approximately 24m from the rear elevation of this dwelling. This dwelling is located at a lower ground level than that of the application site, resulting in an increased degree of prominence of the extension. Nevertheless, given that the revised proposal would result in the reduction of the wall plate by approximately 1m, and the separation distance between the application site and this neighbour, whilst the revised extension and new roof form would be visible, the revised scheme is not considered to unacceptable impact upon this neighbour in terms of loss of outlook and overshadowing to a degree that would justify refusal of the application.

In respect of privacy and overlooking, a minimum distance of 21m between opposing, habitable rooms should be achieved, as aforementioned. The proposed extension and rear windows are located approximately 26m from the rear windows contained within 8 Oakwood Close, therefore the proposal would not unacceptably overlook, or result in an unacceptable loss of privacy to this neighbour. In addition, a degree of overlooking is expected within residential contexts such as this, and the impact upon this neighbour in terms of privacy and the degree of overlooking was previously considered acceptable.

### *5, 4, 3, 2 & 1 Sycamore Close*

These neighbours relate to the townhouses to the north of the application property, and whilst they do not share a boundary with the application site, concerns have been raised in regards to the extension, therefore the impact of the extension upon their neighbouring amenity will be considered.

In regards to loss of outlook and overshadowing, whilst the application site is located at a higher ground level than the private amenity spaces of these dwellings, given that the boundary of 5 Sycamore Close is located approximately 9.6m off the boundary with 7 Sycamore Close, and is separated by the existing boundary treatments, it is not considered that the extension, comprising of the revised hipped roof, would have an unacceptable impact in terms of overshadowing, and given the orientation of the rear windows of neighbouring properties, has no material impact in terms of loss of outlook, whilst acknowledging the visibility of the extension from these private gardens,



Consequently, the proposal would not have an unacceptable impact upon the amenity of these neighbours. With regards to overshadowing, the extension would be located to the south of these neighbours, and whilst the application site is located at a higher ground level, given the separation distance, the appropriate depth of the extension and the reduction of the wall height, it is not considered that the revised extension and hipped roof would result in an unacceptable degree of overshadowing to these neighbours.

Having regards to privacy and overlooking, the principal views offered from the extension relate to the east facing windows contained within the rear elevation of the extension, and due to the orientation and depth of the extension, have no material impact upon these neighbours in terms of overlooking and loss of privacy. Nevertheless, as noted, two new windows have been installed in the north facing side elevation of the extension, and concerns have been raised as to the potential overlooking impacts resulting from these. In terms of the smaller window serving the kitchen, this provides limited views due to it being obscured by the side elevation of 6 Sycamore Close, therefore acceptable. With regards to the larger window serving the kitchen / dining area of the extension, it has a lintel height of 1.9m from ground level, and provides views towards the shared boundary with 6, Sycamore Close. Nevertheless, due to the existing boundary treatment between the application site and 6 Sycamore Close, this window does not result in any unacceptable impacts in terms of overlooking and loss of privacy to these neighbours.

#### *Dwellings located on Uplands Crescent and 9 & 10 Oakwood Close*

These neighbours are located to the north and north-east of the application property, and whilst they do not share a boundary concerns have been raised in regards to the extension, therefore the impact of the extension upon their neighbouring amenity will be considered.

In terms of loss of outlook and overshadowing, these neighbours are located in excess of 35m from the extension, and whilst it is acknowledged that the extension is located at a higher ground level, given the separation distance between the extension and these neighbours, the revised scheme is considered acceptable, and would have no unacceptable impact upon these neighbours in terms of overshadowing and loss of outlook.

Due to the orientation of the dwelling and separation distance, it has no unacceptable impact in terms of overlooking and loss of privacy to these neighbours.

#### Amenity Space

The Councils Residential and Householder SPG states that for houses, a minimum of 20 sq. m amenity space per person should be provided, and the majority should be private garden space. The extended dwelling would contain four bedrooms, equating to a minimum of 80sqm of amenity space to be provided. The extension has resulted in the loss of amenity space, however approximately 125 sq. m of amenity space has been retained to serve the extended dwelling and its occupants, therefore the proposal is compliant and acceptable in terms of amenity space provision.

#### Parking Provision

In relation to any highways and parking issues, it is acknowledged that although the proposal increases the size of the dwelling from a three to a four bedroom property, this

does not result in any additional on-site car parking requirement under the Council's adopted Parking Standards SPG. In addition, the proposal does not affect the existing on-site car parking arrangement to the front of the dwelling. As such, the proposal does not cause any detriment to highway safety.

### Green Infrastructure and Biodiversity enhancement'

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

1. The need for the development clearly outweighs the biodiversity value of the site;
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

Para. 6.4.5 of Planning Policy Wales (Edition 11, 2021) states that :

"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity..... "

Furthermore, Planning Policy Wales Edition 11 (PPW11) Chapter 6, as amended October 2023, places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that Green Infrastructure Statements should accompany all planning applications albeit that this will be proportionate to the scale and nature of the development proposal.

In this case a Green Infrastructure Statement is not considered necessary due to the minor nature of the development which does not proposed the loss of any existing Green Infrastructure such as trees or vegetation. Notwithstanding this, PPW11 requires the development to provide a biodiversity benefit. The agent has provided an amended plan which has proposed the installation of two bird boxes on the chimney of the dwelling, which is considered an appropriate and proportionate biodiversity enhancement measure for this proposal, the implementation of which shall be secured by condition.

### Enforcement Action

As aforementioned, this application is partly retrospective following an investigation undertaken by the Council's Planning Enforcement Team, which identified that the extension had been built contrary to the approved plans, of which were also inaccurate. This application therefore seeks to regularise this breach of planning control.

In order to ensure that the plans approved under this planning application are implemented, the agent has confirmed the agreement of a six month timeframe from the date of this decision for the implementation of the plans approved under this application, comprising of the reduction of the wall height of the extension, and the installation of the hipped roof in accordance with the submitted plans.

However, the extension has been started (implemented) and the authority will require, despite the comments made by the agent, the completion of the new extension, in so far as it relates to the reduction of the wall height of the extension and the installation of the hipped roof in accordance with the submitted plans.

In order to ensure that this timeframe will be met and to provide certainty, it is considered necessary at this stage to seek authorisation to serve an Enforcement Notice to ensure that the specified works which form part of any planning permission, if approved, are completed within a reasonable timeframe. Officers will monitor the situation on site to ensure that works are carried out on site within 2 months of the planning permission in order to ensure that the agreed 6 month timeframe is met. Should appropriate works not be undertaken officers will issue an Enforcement Notice. This is considered to be a proportionate action in view of the willingness of the applicant to carry out works should planning permission for this amended scheme be forthcoming.

### Other Matters

Concerns have been raised in regards the neighbour consultation procedure, however it is considered that the statutory procedure with regards to the consultation of neighbouring properties has been sufficiently undertaken.

The impact upon property values has also been noted, however this is not a material consideration in the determination of planning applications therefore has not been considered.

Complaints were also raised as to the number of resubmitted plans during the course of the application, however there is no policy or guidance which limits the number of amendments to be submitted during the course of a planning application and is instead assessed on a case by case basis.

Concerns regarding the lack of enforcement action have also been raised, however it is considered that the breach has been sufficiently investigated, and enforcement action undertaken where required.

The possibility of future development, such as the installation of a dormer window or roof lights to the rear have also been raised, however this application can only consider what has been proposed as part of the proposed plans. Should the plans deviate from the approved plans, then the appropriate enforcement action will be undertaken to rectify the breach.

Concerns regarding the use of taxpayer money and council resources has also been raised, however this is not a material planning consideration therefore has not been considered in the determination of this application.

## RECOMMENDATION

### APPROVE Subject to the following conditions:

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

Reason:

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

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

Site Location Plan

AMENDED PL1100 Rev 01 - Proposed Floor Plans

AMENDED PL1200 Rev 01- Proposed Elevations

AMENDED PL400 Rev 01- Proposed Site Plan

Reason:

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

3. The biodiversity enhancement measures set out in plan ref: AMENDED PL1200 Rev 01- Proposed Elevations comprising of the installation of two bird boxes to the side elevation of the dwelling shall be carried out in full within one month from the date of this decision notice and thereafter retained in accordance with the approved details 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.

### AUTHORISE ENFORCEMENT ACTION:

- (1) 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 development; or

(ii) the completion of the development in accordance with planning permission 2023/00337/FUL.

In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.



## REASON FOR RECOMMENDATION

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), MD2 (Design of New Development), MD5 (Development Within Settlement Boundaries) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Residential and Householder Development; and national guidance contained in Planning Policy Wales (11th Edition), and TAN12 (Design); the revised proposal is considered acceptable in terms of the design and visual impact, impact up on neighbouring properties, parking, amenity space and will secure biodiversity enhancements.

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.**

**2023/00337/FUL**

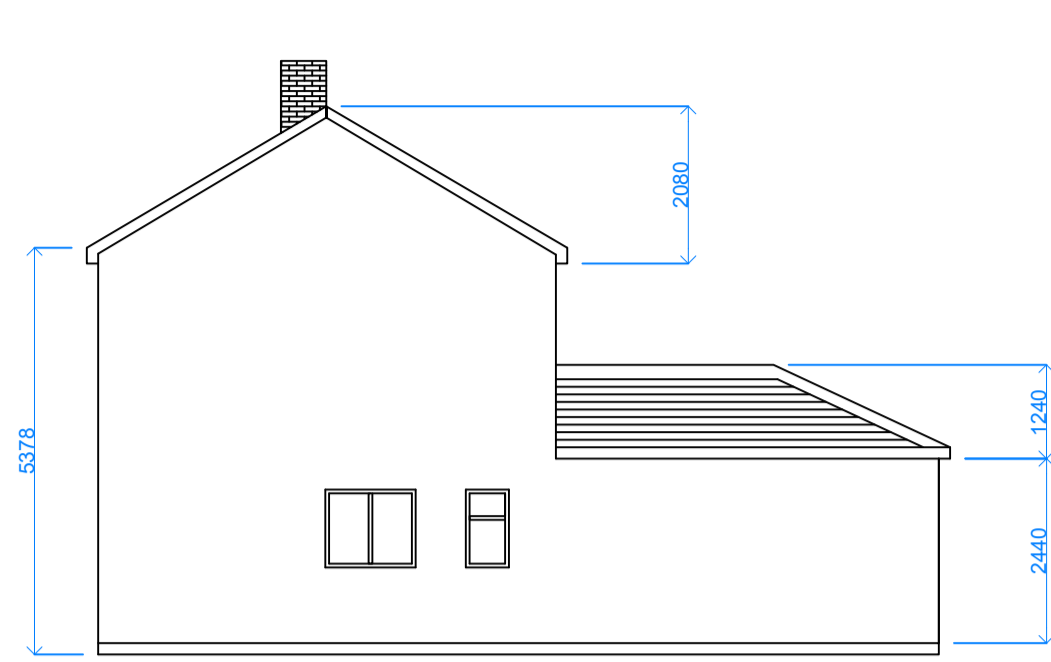
7, Sycamore Close, Llandough, Penarth, Vale Of Glamorgan, CF64 2NP



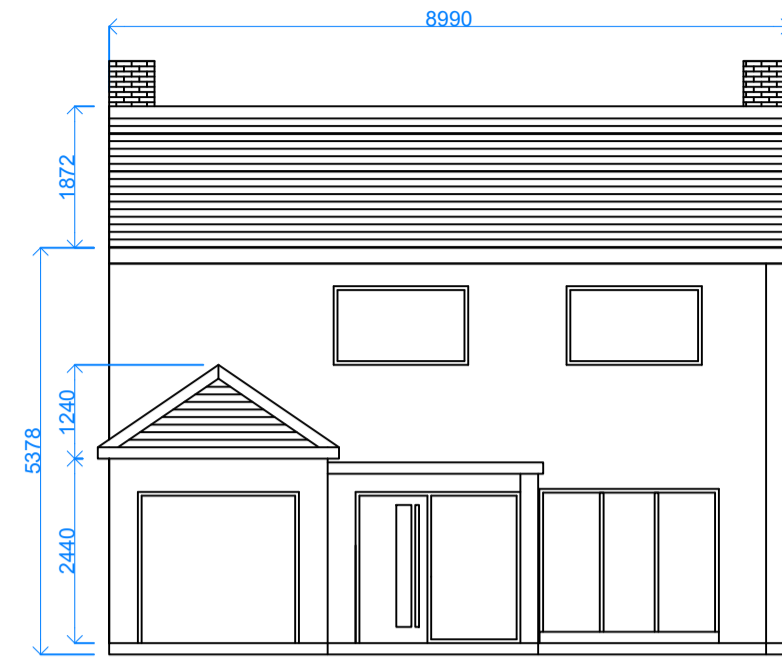
Site Plan shows area bounded by: 317134.97, 172597.26 317276.39, 172738.69 (at a scale of 1:1250), OSGridRef: ST17207266. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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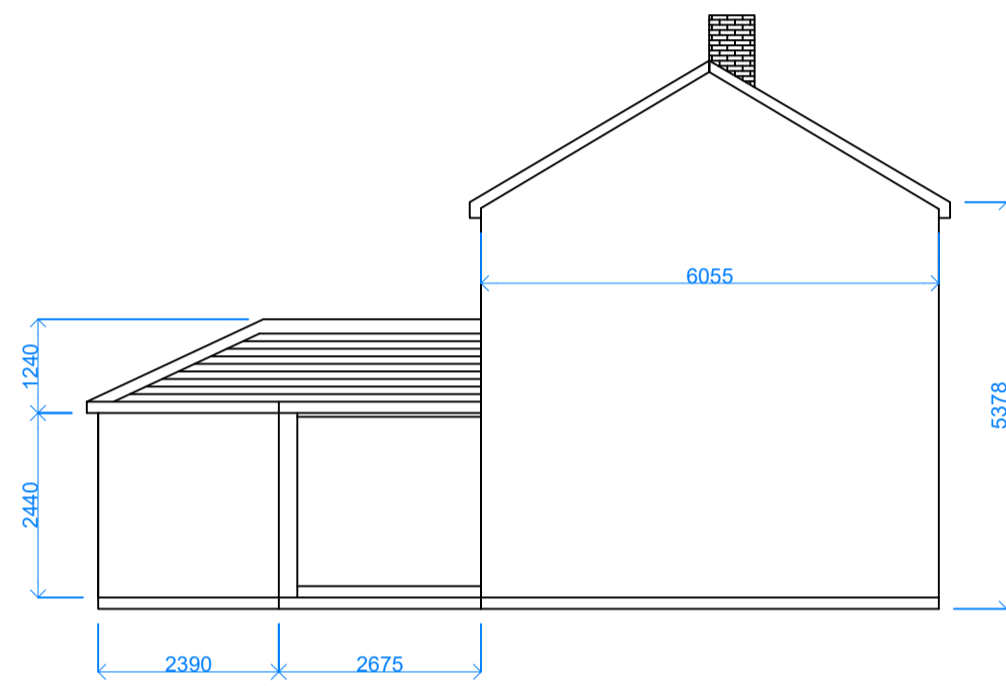
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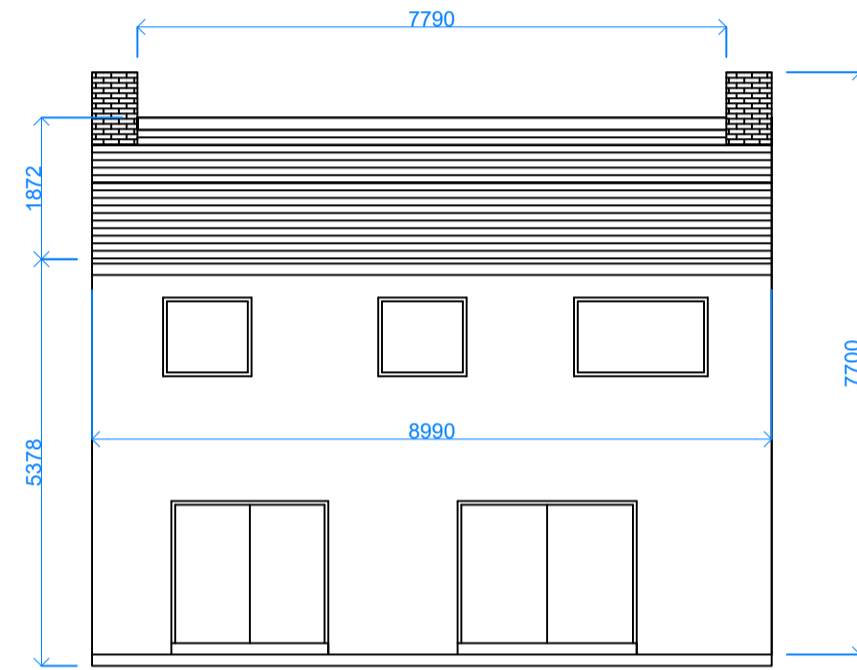
EXISTING LEFT SIDE ELEVATION



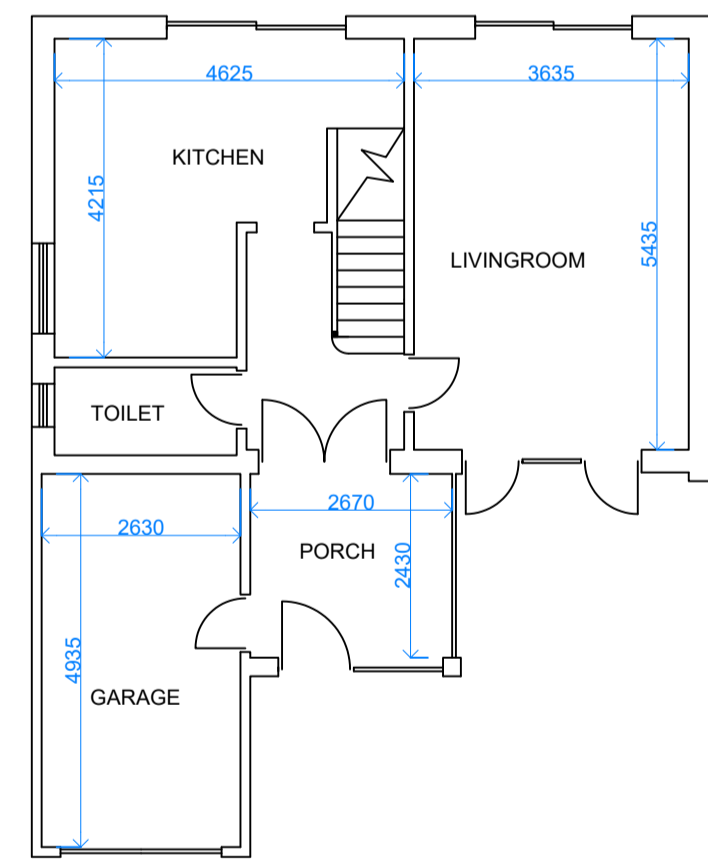
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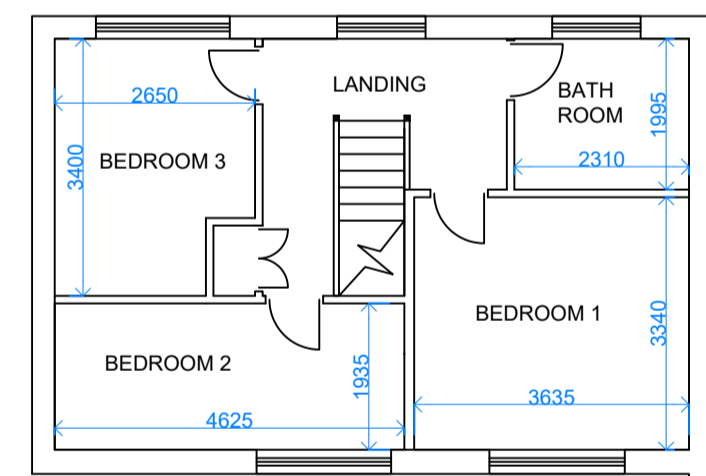
EXISTING RIGHT SIDE ELEVATION



EXISTING REAR ELEVATION

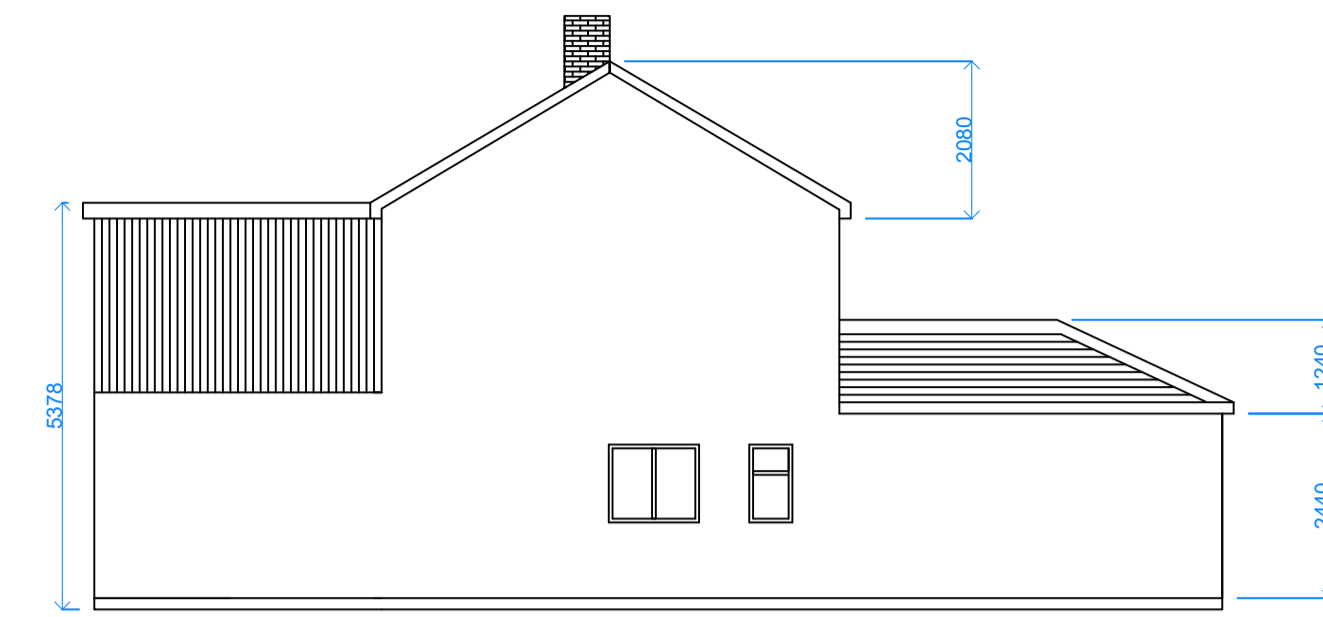


EXISTING GROUND FLOOR PLAN

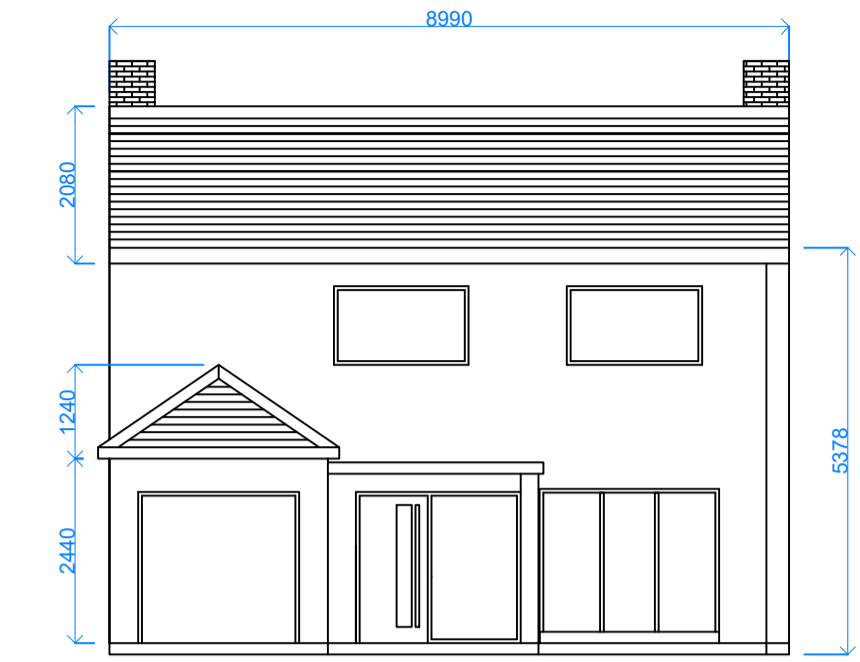


EXISTING FIRST FLOOR PLAN

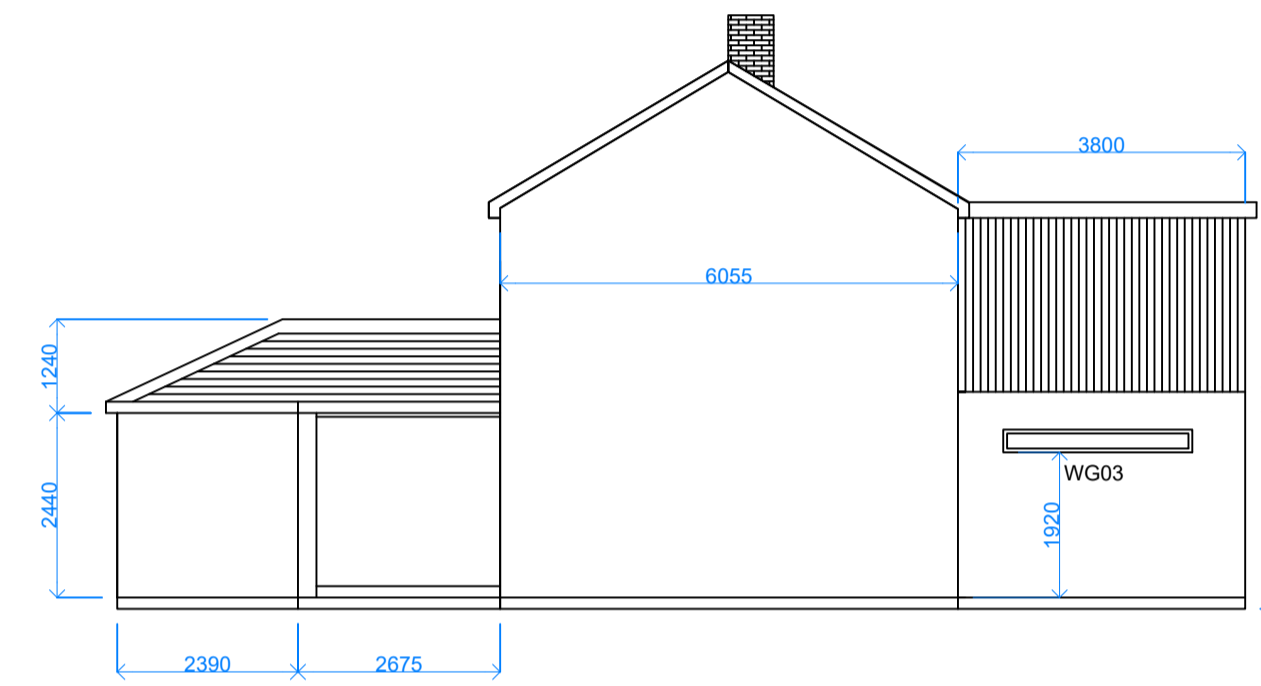
Original Existing



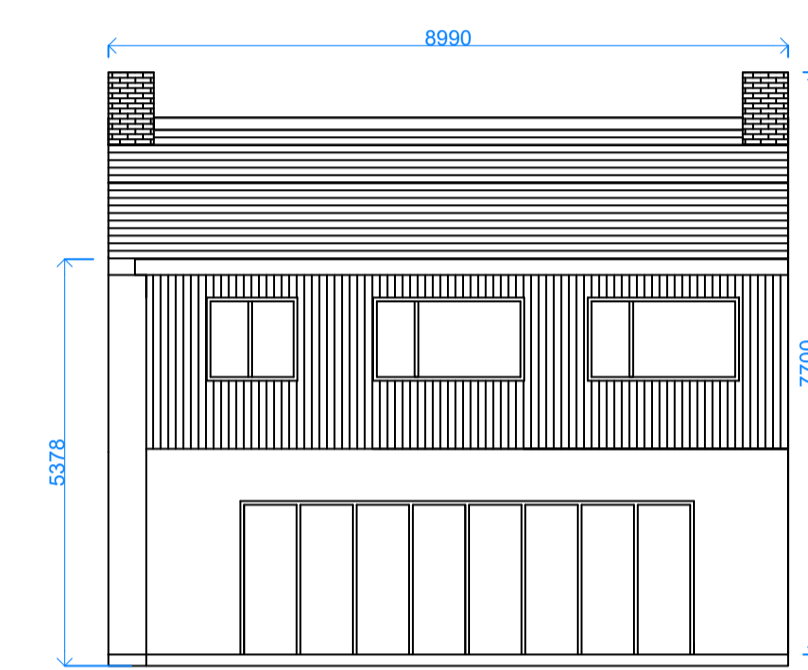
PROPOSED LEFT SIDE ELEVATION



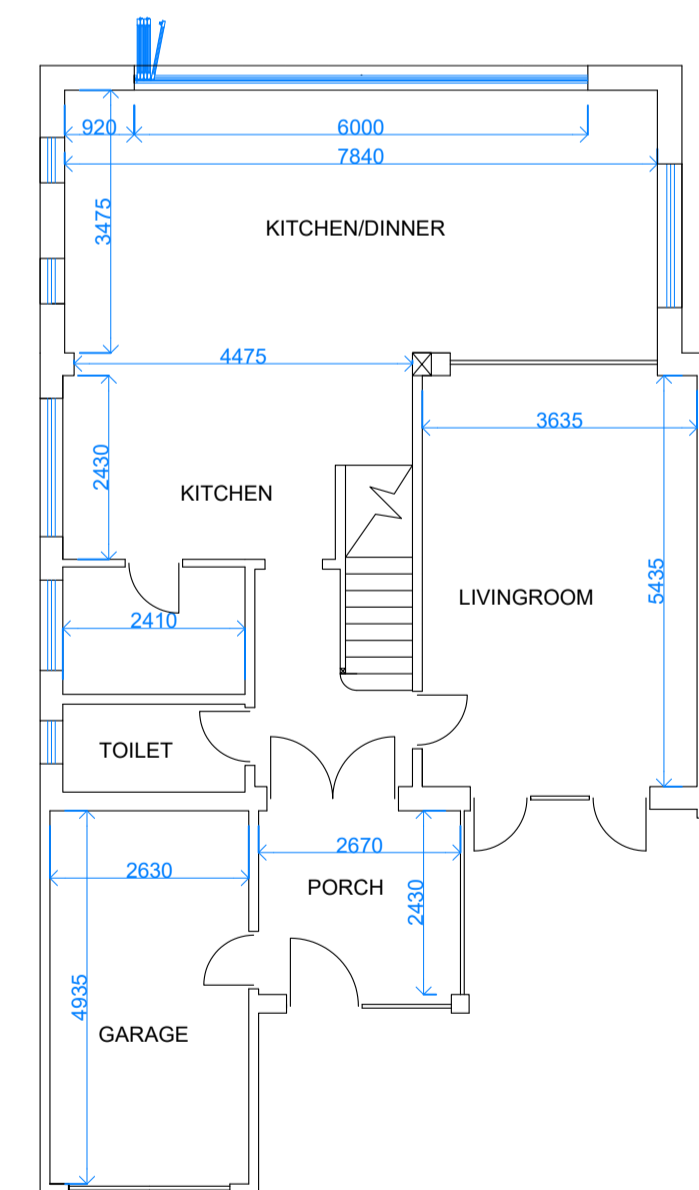
PROPOSED FRONT ELEVATION



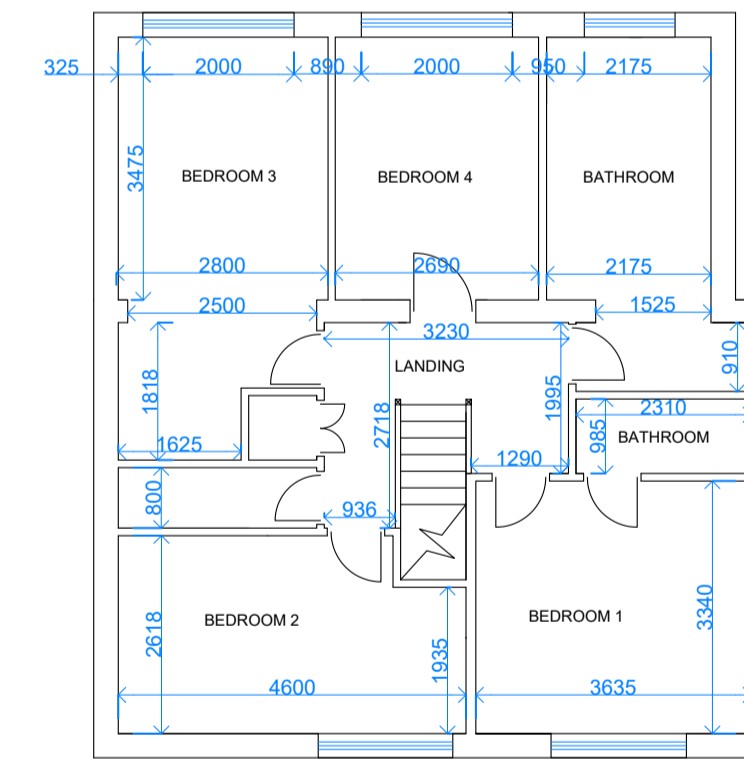
PROPOSED RIGHT SIDE ELEVATION



PROPOSED REAR ELEVATION



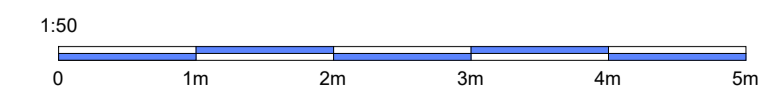
PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

Original Proposed

2023/00337/FUL



Revisions

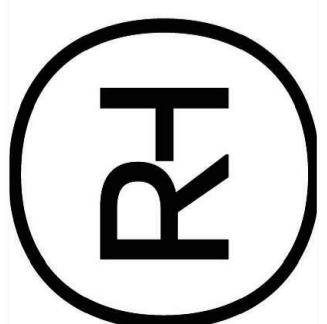
Rev #

Date

Client: Ceri Jones  
Address: 7, Sycamore Close, Llanidloes, Penarth,  
Vale Of Glamorgan, CF44 2NP  
Date: 04/01/2023  
Title: Existing Plans - PL200  
Drawn By: CA  
Scale: @ A1

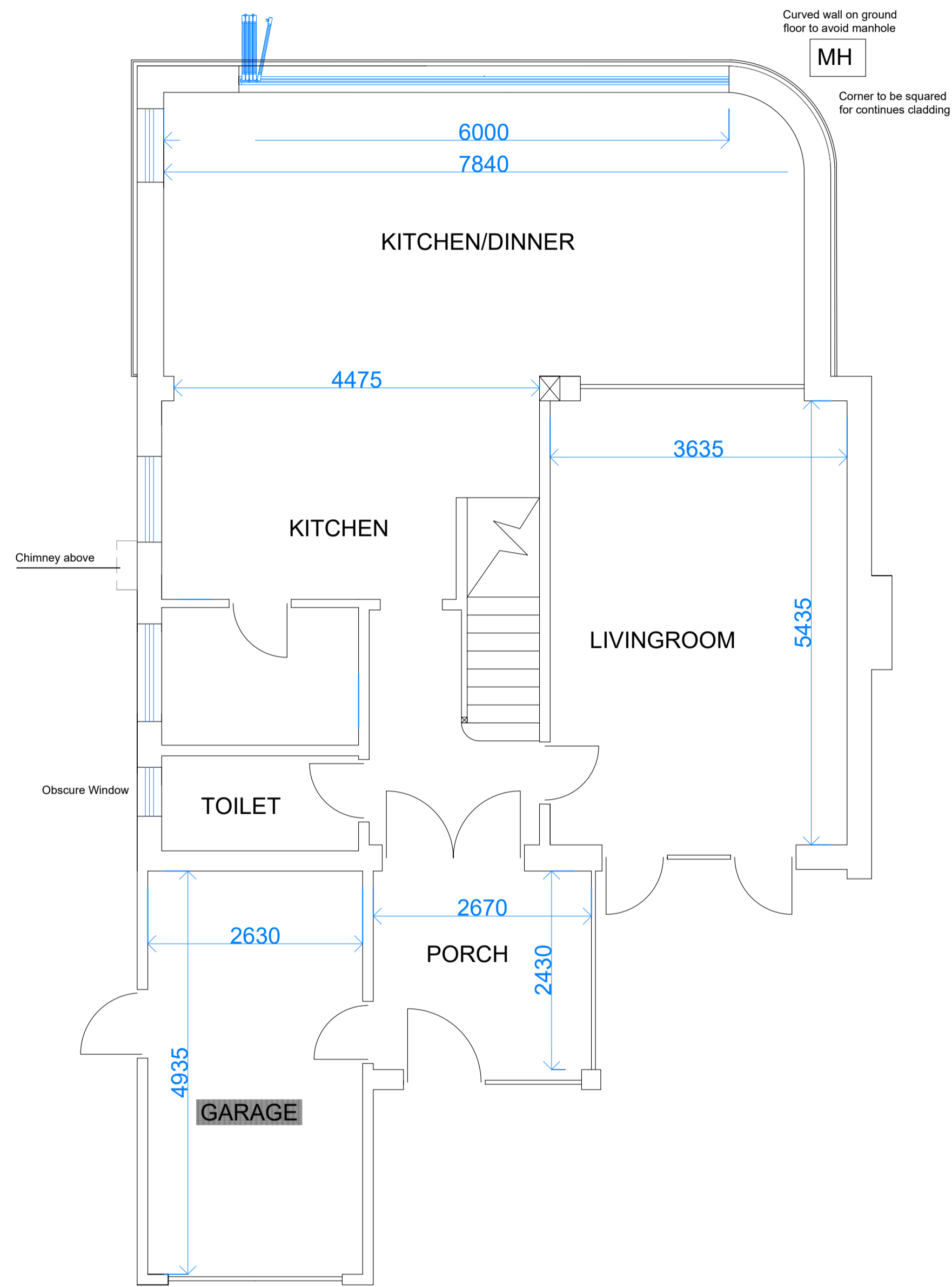
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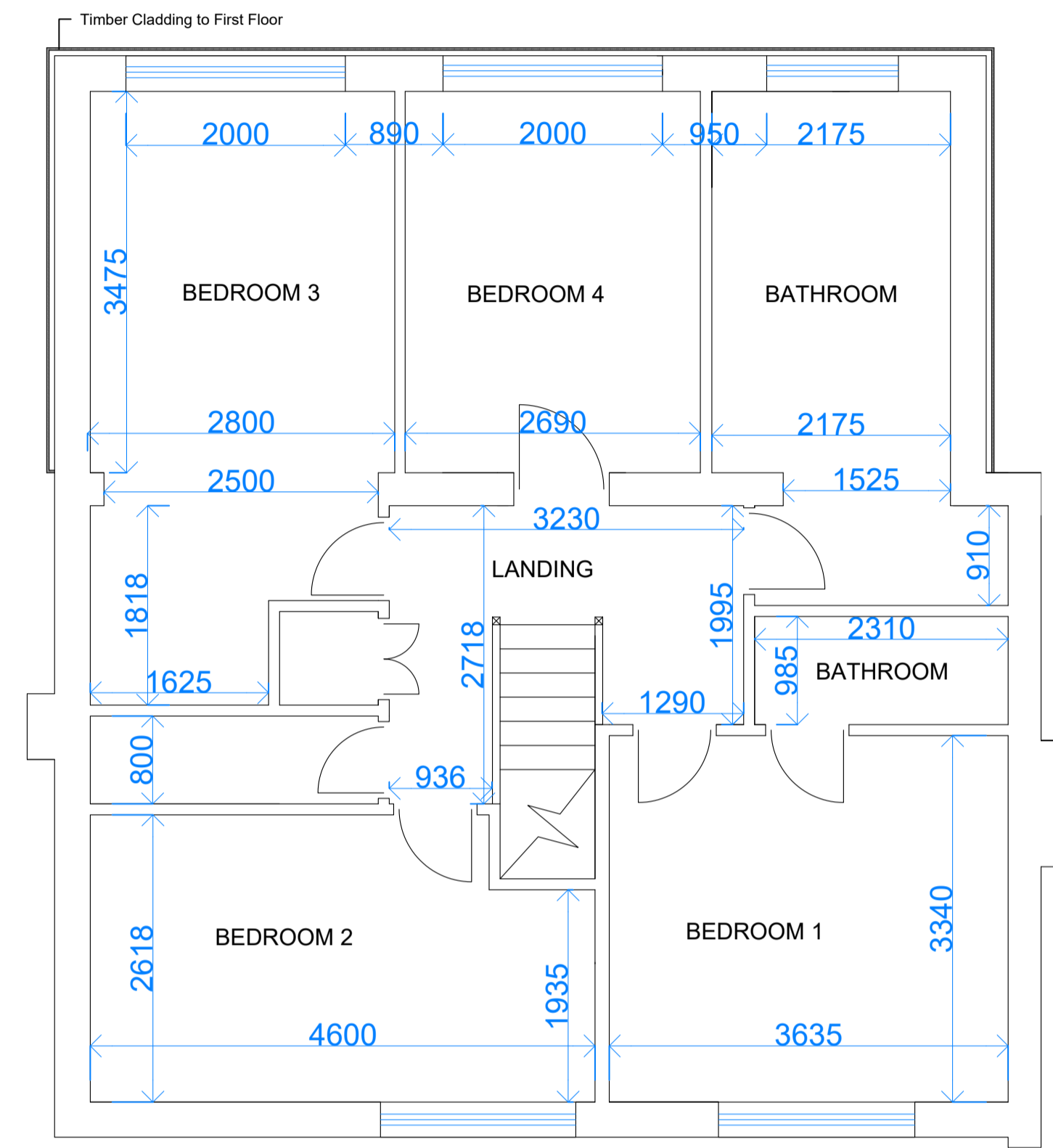


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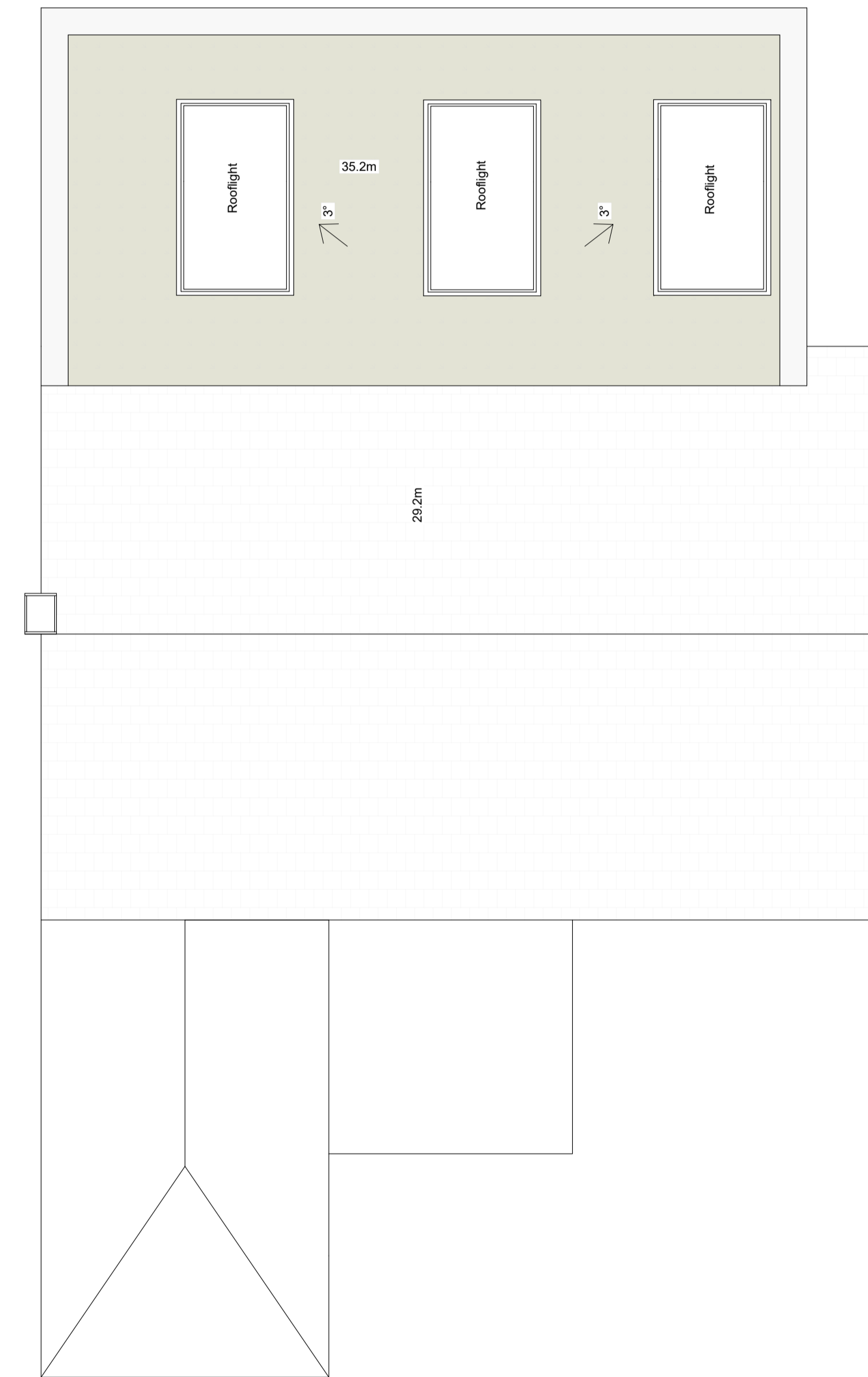




(As built) PROPOSED GROUND FLOOR

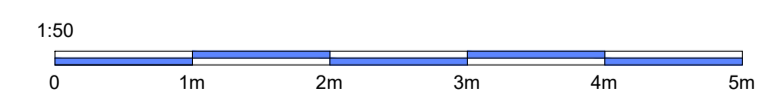


(As built) PROPOSED FIRST FLOOR



(As built) PROPOSED ROOF

2023/00337/FUL

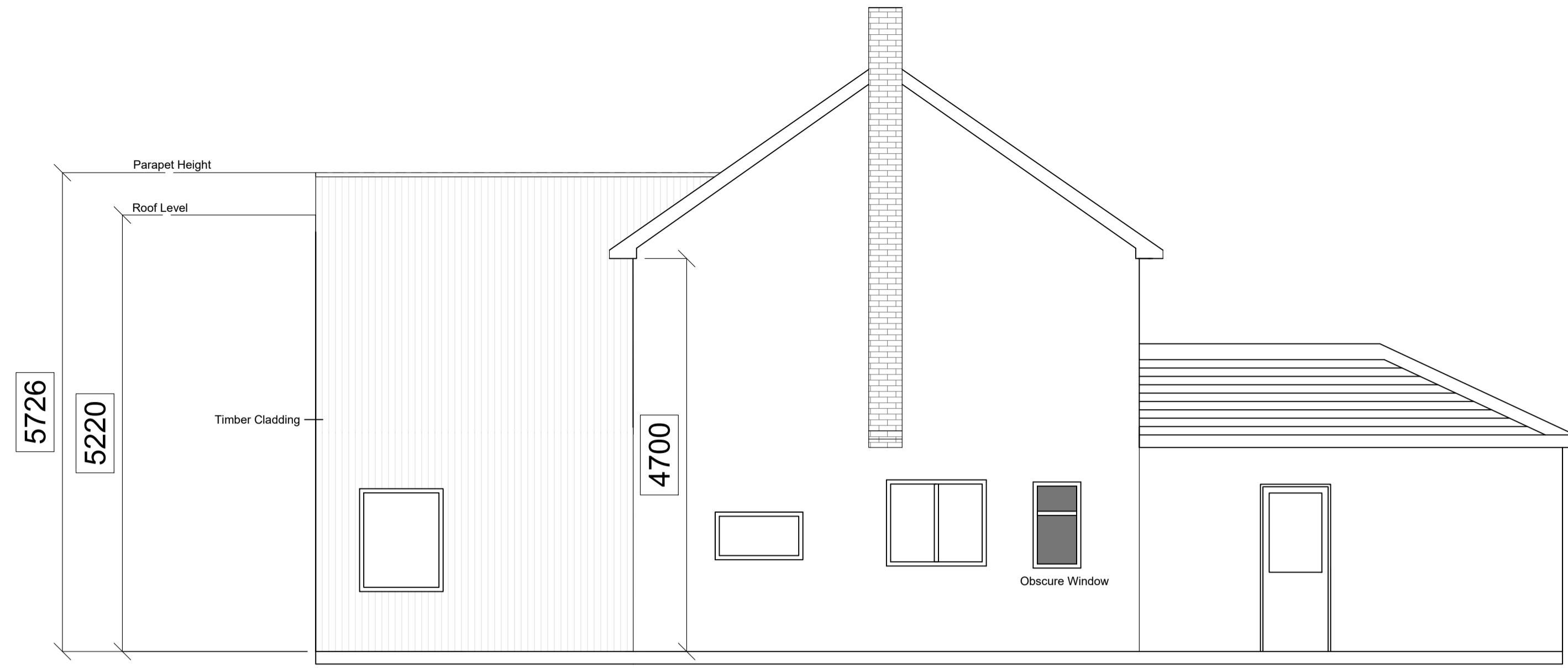


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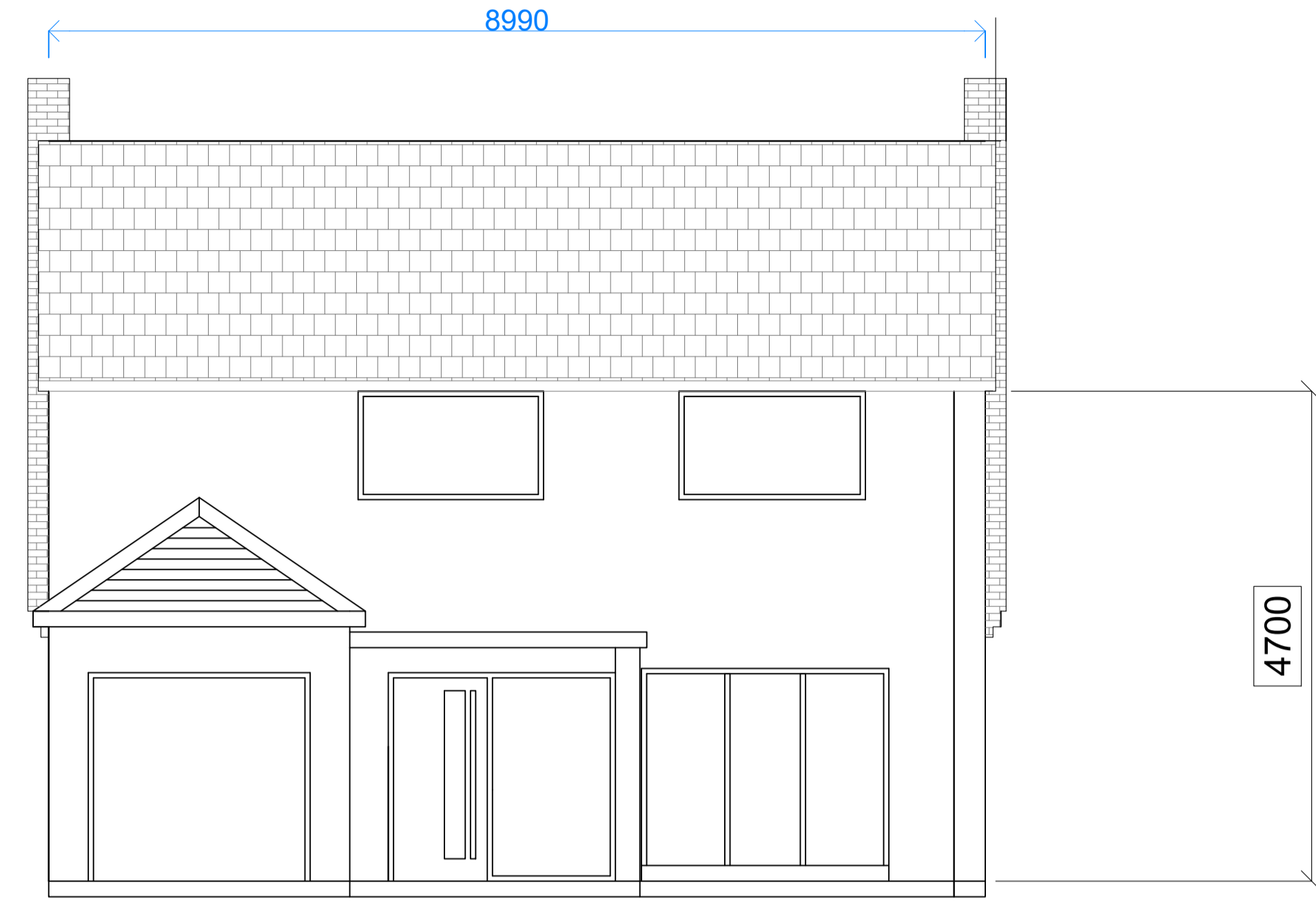
Client: Ceri Jones  
Address: 2, Littlewest Bungalows,  
Bridgend, CF32 0PY  
Date: 04/01/2023  
Title: R100 - Proposed Floor Plans  
Drawn By: CHM  
Scale: @ A1

Revisions  
Rev 1 22/06/22 xxx

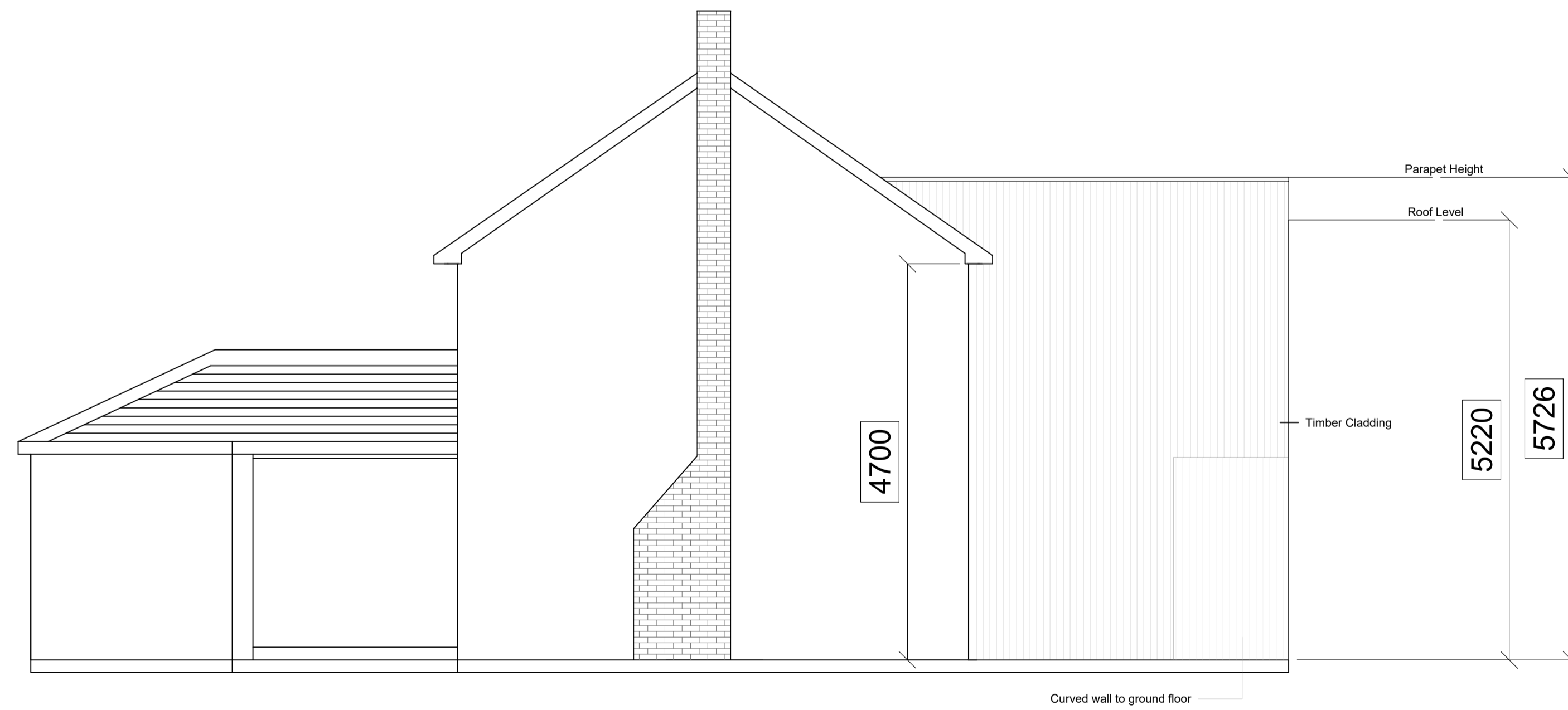
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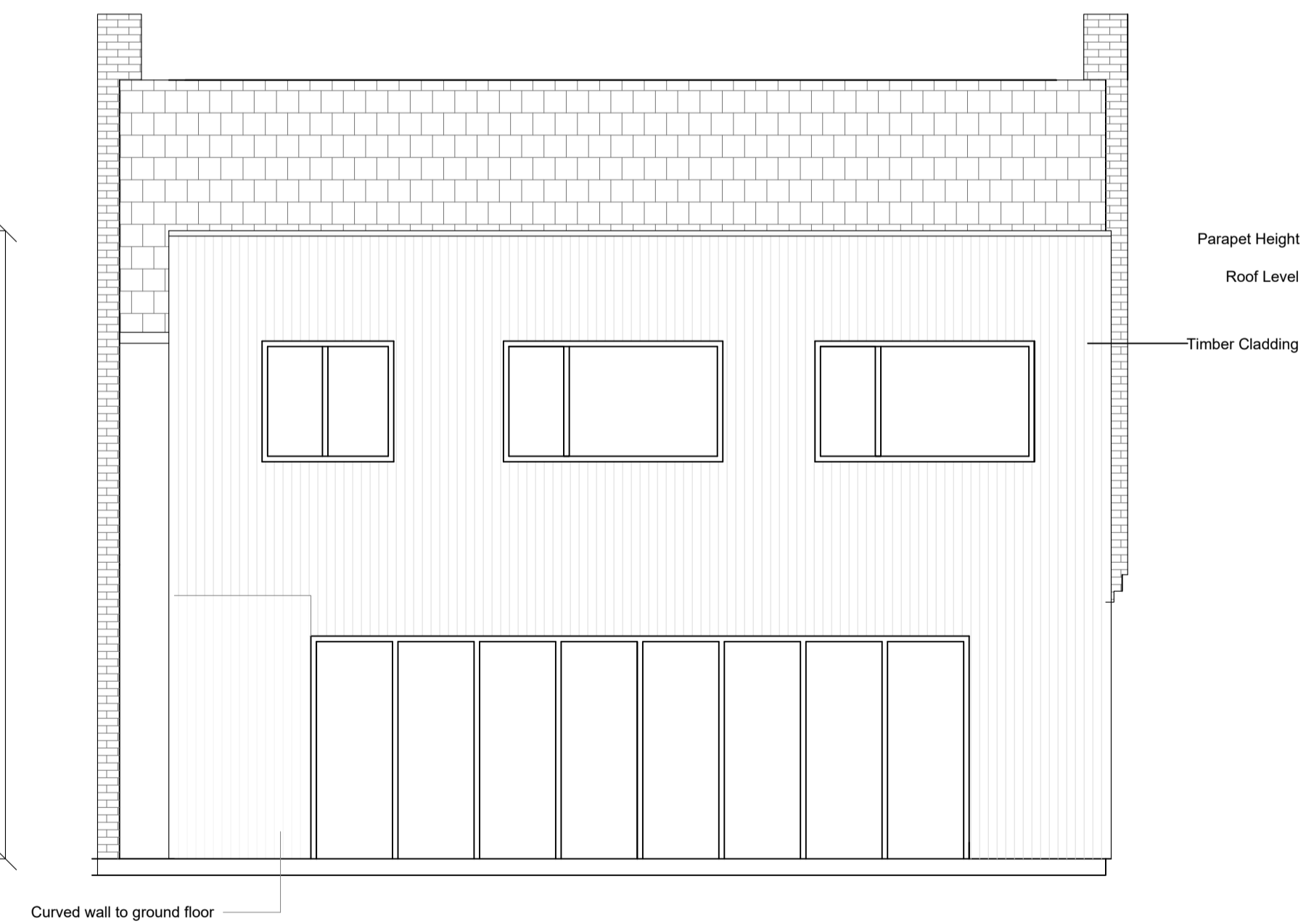
AS BUILT LEFT SIDE ELEVATION



AS BUILT FRONT ELEVATION

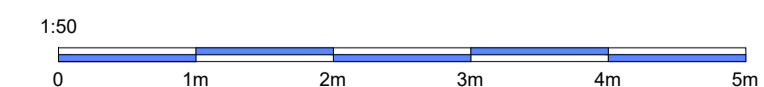


AS BUILT RIGHT SIDE ELEVATION



AS BUILT REAR ELEVATION

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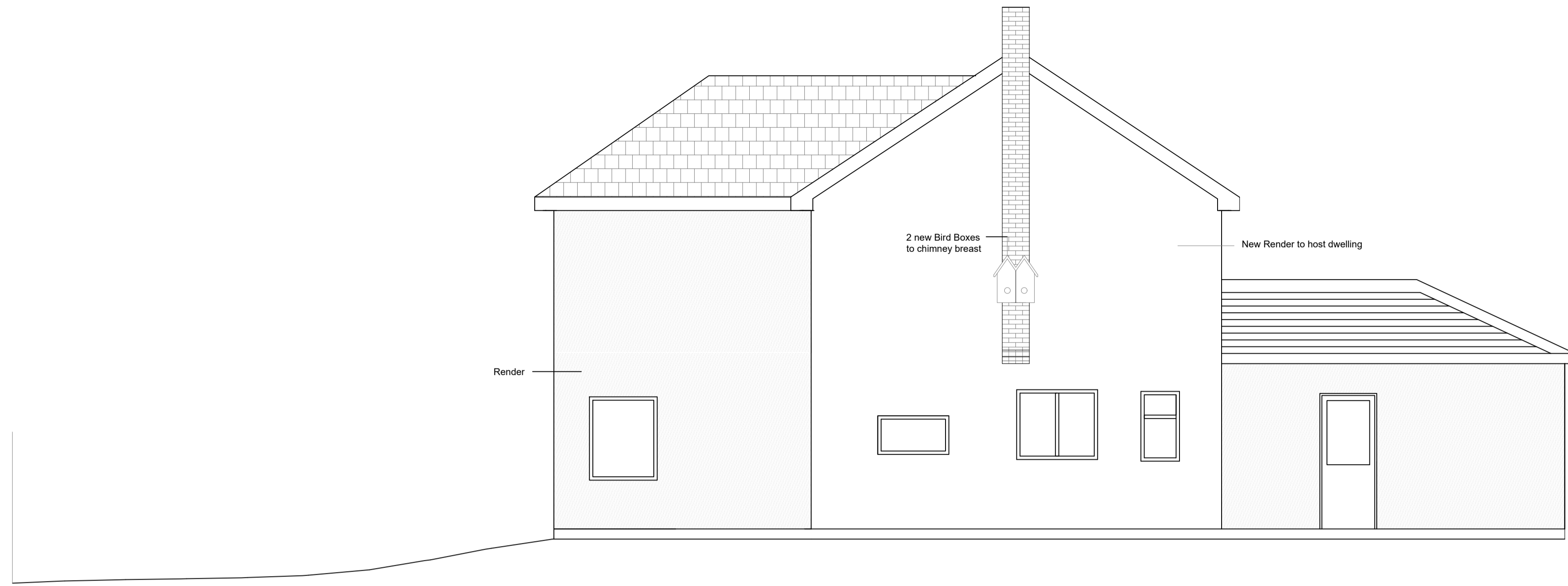
Revisions  
Rev 1 22/08/22 xxx

Client: Ceri Jones  
Address: 7, Sycamore Close, Llandough,  
Penarth, CF64 2NP  
Date: 04/01/2023  
Title: PL1000 - Proposed Elevations  
Drawing No: PD  
Scale: @ A1

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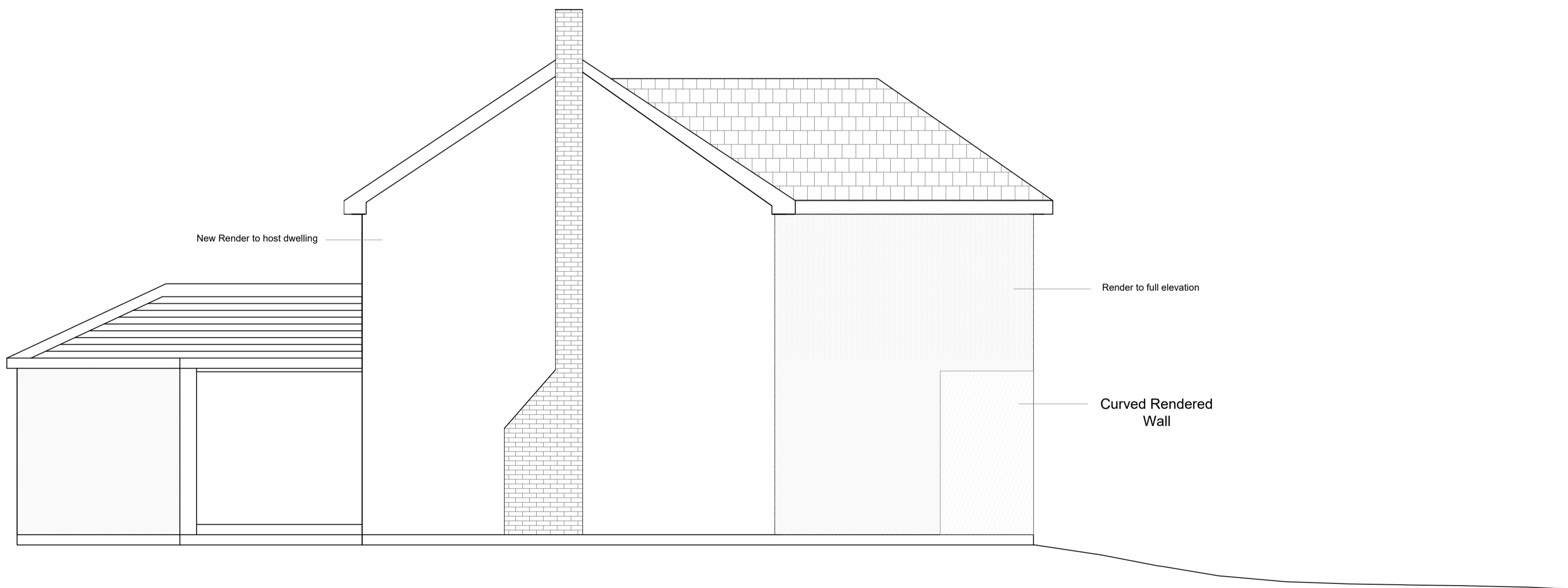




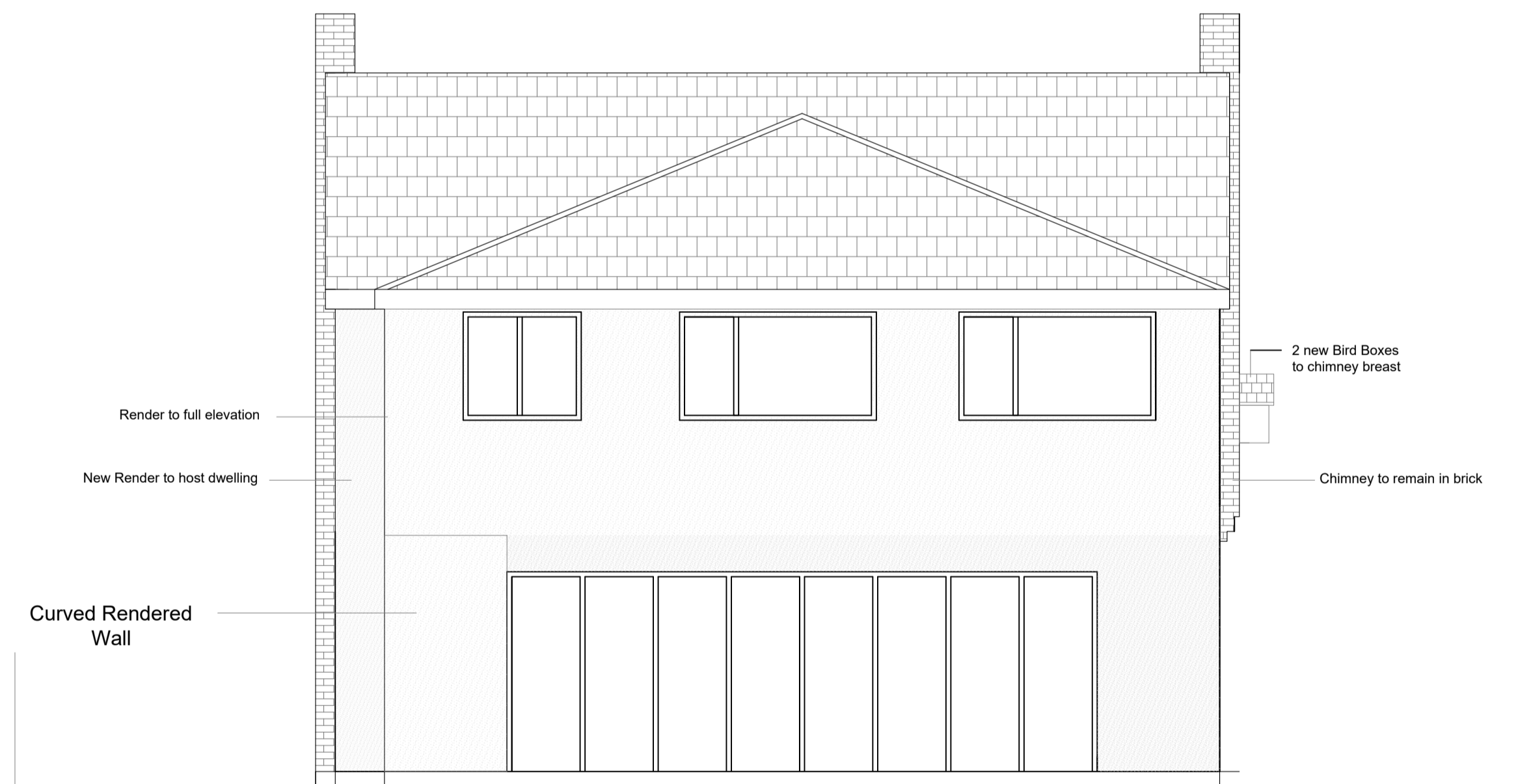
PROPOSED LEFT SIDE ELEVATION



PROPOSED FRONT ELEVATION



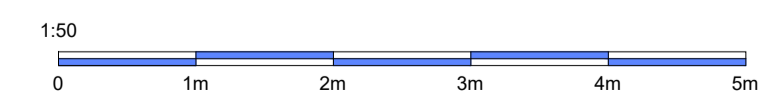
PROPOSED RIGHT SIDE ELEVATION



PROPOSED REAR ELEVATION

Note:

- Extension to be fully rendered on both Floors
- 2 no of bird boxes added to enhance bio-diversity
- Existing host dwelling to be fully rendered



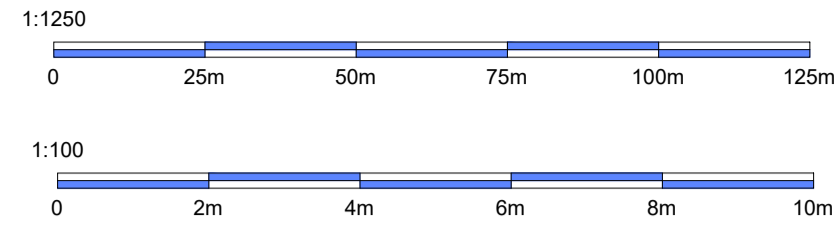
Revisions  
Rev 1 - 22/08/22 xxx

Client: Ceri Jones  
Address: 7, Sycamore Close, Llandough,  
Penarth, CF64 2NP  
Date: 04/01/2023  
Title: PL1200 - Proposed Elevations  
Drawn By: RD  
Scale: @ A1

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# SYCAMORE CLOSE



**2023/00337/FUL**

- Note:
- Extension to be fully rendered on both Floors
  - 2 no of bird boxes added to enhance bio-diversity
  - Existing host dwelling to be fully rendered



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