

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **10 JULY 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

Decision Codes:

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

(a) Building Regulation Applications - Pass

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

2025/0004/PO	AC	Cathedral Road Dental Surgery, 166-168, Cathedral Road, Pontcanna, Cardiff. CF11 9JD	Internal alterations and a rear extension at ground floor level to increase the number of surgeries on the ground floor and increase the footprint of residential units with a proposed extension to rear roof dormers and extension above the existing ground floor flat roof. External alterations will include replacement windows, re-roofing and rear boundary adaptations
2025/0227/BR	AC	Former SET Building, Unit 6, Llandough Trading Estate, Penarth Road, Cardiff. CF11 8RR	Single storey extension to provide new office space an internal alteration
2025/0280/BN	A	16, Cae'r Ffynnon, Barry. CF62 6NS	Knock out enlarging room and knock out to enlarge doors
2025/0283/BN	A W	19, Laburnum Way, Penarth. CF64 3NE	Conversion of detached garage into ancillary accommodation with sleeping accommodation

2025/0288/BR	AC	Gwenfo Primary School, Old Port Road, Wenvoe. CF5 6AN	Foul drainage connection and new outdoor prefabricated timber cabin classroom
2025/0289/BR	AC	Forage Farm Shop & Kitchen, Penllyn Estate Farm, Cowbridge. CF71 7FF	Extend dining into existing takeaway area
2025/0290/BR	AC	Ty Yolo, Ar Y Nant, Barry. CF63 1RT	Creation of new larger bedroom for staff, forming stud partition walls and new door opening
2025/0291/BN	A	19, Heol Sant Bridget, St. Brides Major. CF32 0SL	Re roof. Rebuild existing flat roofed dormer on front of house to include new pitched roof. Add a second pitched roof dormer to front. Add pitched roof to existing porch & removal of internal chimney breast on 1st floor only.
2025/0292/BN	A	Quarry House, Penllyn, Cowbridge, CF71 7RQ	Works to garage, roof and first floor loft conversion
2025/0293/BN	A	4, Cross Street, Barry. CF63 4LU	Installation of lift for disabled use.
2025/0294/BR	AC	81, High Street, Cowbridge. CF71 7AF	Change of use of first floor from residential accommodation to dental
2025/0295/BN	A	83, Cosmeston Drive, Penarth. CF64 5FA	Single storey rear extension
2025/0296/BR	AC	9, Castle Drive, Dinas Powys. CF64 4NN	Single storey rear extension & detached garden office with workshop, living room, bathroom area and sleeping accommodation.
2025/0297/BN	A	8, Heathfield Drive, Barry. CF62 9UG	RSJ install and internal wall removal
2025/0298/BN	A	23, Highwalls Road, Dinas Powys. CF64 4AJ	Removal of a load bearing wall between living room / diner and kitchen

2025/0300/BN	A	Village Farm, St. Hilary. CF71 7DP	Replacement of 16 wooden windows and 2 doors (no new structural openings)
2025/0301/BN	A W	The Old Coach House, Swanbridge Road, Sully, CF64 5UF	Two storey rear extension, new dormer to front and internal structural works. New single storey outbuilding to include garage, carport and study (no sleeping accommodation)
2025/0303/BN	A	6, West Farm Road, Ogmore By Sea. CF32 0PU	External wall insulation using 90mm EPS board with render finish
2025/0304/BN	A W	119, St. Davids Crescent, Penarth. CF64 3NB	Single storey extension
2025/0305/BN	A	16, Cardigan Close, Dinas Powys. CF64 4PL	Knock through, installation of one steel beam
2025/0306/BN	A	15, Murch Road, Dinas Powys. CF64 4NJ	Re roof
2025/0307/BN	A	Ton Yr Deryn, Welsh St. Donats. CF71 7SS	Installation of new oil tank in front garden
2025/0308/BN	A	27, Ceri Avenue, Rhoose. CF62 3HG	Remove existing detached garage. Re build garage as part of a pair of semi detached garages (non habitable)
2025/0309/BN	A	29, Ceri Avenue, Rhoose. CF62 3HG	Remove existing detached garage. New Detached garage
2025/0310/BN	A	28 Ceri Road, Rhoose. CF62 3HF	Single storey rear extension
2025/0311/BN	A W	15, St. Brides Road, Wick, CF71 7QB.	Demolition of outhouse and construction of single storey extension for kitchen
2025/0312/BR	AC	1, Burley Place, St. Athan. CF62 4LB	Internal alterations to form 2 bed children's home
2025/0313/BR	AC	Old Boys Village, St. Athan. CF62 4JA	Construction of 16 new residential units

2025/0314/BN	A	Penybryn, Crossways, Cowbridge. CF71 7LJ	Re roof
2025/0315/BN	A	Stockholm, 4, Green Farm, Sigingstone. CF71 7LP	Knock through
2025/0316/BN	A	30, Fairfield Road, Penarth. CF64 2SL	Concrete panel garage removed and replaced with timber frame garden office (no sleeping accommodation) Domestic use
2025/0318/BN	A	Southdown, Church Close, Ogmore By Sea. CF32 0PZ	New detached building for habitable room with balustrade above (no sleeping accommodation)
2025/0320/BN	A	52, Cardigan Crescent, Llantwit Major. CF61 2GP	Enlarging an existing ground floor utility room into shower room. Steel beam required to receive partition wall
2025/0324/BN	A	10, Sycamore Close, Dinas Powys. CF64 4TG	Replacing pitched perspex roof for flat roof on single storey ground floor extension at rear of domestic property, moving kitchen to extension, putting up stud wall to create utility area
2025/0325/BR	AC	64, Cae Newydd, St. Nicholas. CF5 6JF	Single storey rear extension and new steel to existing dwelling
2025/0327/BN	A	6, Ivor Street, Barry. CF62 5UL	Rebuild of single storey extension to rear of house. Normal block build and rendered exterior, flat roof with roof lantern
2025/0328/BN	A W	53, Cwm Barry Way, Barry. CF62 6LA	Single storey extension and first floor ensuite
2025/0329/BN	A	5, Pembroke Terrace, Penarth. CF64 1DE	Knock Through
2025/0330/BN	A	Orchard View, Turkey Street, Llantwit Major. CF61 1SR	Re roof

2025/0331/BN	A	54, Clive Place, Penarth. CF64 1AW	Single storey extension to rear
2025/0332/BR	AC	47, Cornerswell Road, Penarth. CF64 2UX	Single storey extension
2025/0333/BN	A	15, Four Acre, Llantwit Major. CF61 2XN	Loft conversion (no dormer)
2025/0334/BN	A	Newfields, Buttrills Road, Barry. CF62 8EF	Single storey extension to rear & side
2025/0345/BN	A	Tall Trees, Colwinston. CF71 7NJ	Re roof
2025/0346/BN	A	Flat 3, 143, Stanwell Road, Penarth. CF64 3LL	Loft conversion to create an additional habitable room and bathroom, including installation of rooflights to the side and rear elevations, new staircase, plumbing and drainage connections, installation of heating radiators, insulation and associated internal works.
2025/0350/BN	A	5, Alexandra Crescent, Barry. CF62 7HT	Single storey extension
2025/0351/BN	A	35, Cilgant Y Meillion, Rhoose. CF62 3LH	Single storey extension

(b) Building Regulation Applications - Reject

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

2025/0282/BN	R	REFUSED - 14, Westbourne Road, Penarth. CF64 3HE	REFUSED - Single storey side extension
2025/0299/BN	R	REFUSED - 28, Archer Road, Penarth. CF64 3HJ	REFUSED - Existing single storey extension to be demolished and replaced with a new single storey extension. Internal Alterations to the existing rooms

2025/0302/BN	R	REFUSED - 54, Windsor Road, Penarth. CF64 1JJ	REFUSED - Full roof replacement and the replacement of four existing velux windows
2025/0317/BN	R	REFUSED - 10, Robinswood Close, Penarth. CF64 3JE	REFUSED - Single storey side extension with room in roof & other various internal works
2025/0319/BN	R	9, Samson Street, Llantwit Major. CF61 2SH	New solid roof
2025/0322/BN	R	REFUSED - 13, Plymouth Road, Penarth. CF64 3DA	REFUSED - Loft conversion with dormer to rear
2025/0323/BN	R	REFUSED - 5, Handel Close, Penarth. CF64 3QP	REFUSED - Loft conversion with dormer
2025/0326/BN	R	REFUSED - Cliff Haven Residential Home, 10, Clive Crescent, Penarth. CF64 1AT	REFUSED - Conversion of residential home to 3 apartments with side and rear extensions & new roof
2025/0336/BN	R	REFUSED - 11, Heol Y Coed, Llantwit Major. CF61 1TU	REFUSED - Single storey rear extension

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

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

2025/0064/AI	A	Greenacre, 5, Llantwit Major Road, Cowbridge. CF71 7JP	Proposed internal structural works including the removal of a load bearing wall and the external works to increase an existing opening
2025/0065/AI	A	Darren Farm, Darren Hill, Cowbridge. CF71 7AN	50 residential unit(s)
2025/0066/AI	A	46-48, Holton Road, Barry. CF63 4HD	Internal fit out to existing shop to create restaurant (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0067/AI	A	21, College Road, Barry. CF62 8BE	Rear dormer loft conversion (works to incorporate material alterations to

			structure, controlled services, fittings and thermal elements)
2025/0068/AI	A	32, Ffordd Cwm Cidi, Barry. CF62 6LJ	Internal structural alterations to ground floor, new wc installation and enlargement of existing opening for 1 no. door (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0069/AI	A	1, Mayflower Way, Rhoose. CF62 3HR	Part single storey side / rear, part two storey rear extensions, internal alterations and garage conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0070/AI	A	12A, Maes Glas, Barry. CF62 6LP	Rear dormer loft conversion to existing domestic dwelling
2025/0071/AI	A	28, Blenheim Close, Barry. CF62 8AN	Single storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0072/AI	A	Tesco Store, 44, High Street, Cowbridge. CF71 7AG	Replacement of refrigeration cabinets and associated plant, in addition to general maintenance / internal decoration and shelving replacement

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

22/0203/BN

22/0306/BN

22/0341/BN

22/0351/BN

22/0119/BR

22/0125/BR

22/0169/BR

22/0162/BR

22/0277/BR

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PLANNING COMMITTEE : **10 JULY 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF
SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

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

Decision Codes

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

2018/00597/1/CD	A	Cliff top open space, Clive Road, Barry	Discharge of Condition 9 (Landscaping management plan) for planning ref 2018/00597/RES - Cliff Top public open space- Landscaping Details
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2020/01007/1/CD	A	The Old Rectory, Unnamed Lane From Porthkerry Road To The Old Rectory, Porthkerry	Discharge of Condition 3. (Ecological Enhancement Scheme) 4. (Drainage). Planning Permission Ref 2020/01007/FUL. The reinstatement of a range of domestic garden buildings along with a new WC extension; the reinstatement and extension of adjoining south facing greenhouse; and the reconstruction of the terraced cold frames. The removal of several trees to enable the proposed development at The Old Rectory, Porthkerry
2021/01152/1/NM A	R	52A Glebe Street, Penarth	Non Material Amendment - An amendment to the front elevation. It has been rendered in place of the stone wall. A small shed has been built on the left hand side of the front elevation. For planning ref 2021/01152/FUL - Variation of condition 2 of planning permission 2015/00829/FUL (for the conversion of existing workshop to the rear yard of 52, Glebe Street into one dwelling unit, four-person, three bedroom unit) to alter the fenestration on the front elevation and to add a canopy over the ground floor windows.

2023/00002/DNS/1 /CD	A Land off Five Mile Lane, Bonvilston (Oaklands Solar Farm) (DNS 3245503)	Discharge of Condition 6 (Construction Environmental Management Plan), 7 (Landscape and Ecological Management Plan), 9 (Construction Traffic Management Plan), 12 (Great Crested Newts), 13 (CCTV). Planning Permission ref: 2023/00002/DNS - Proposed ground mounted photo voltaic solar farm and battery energy storage system with associated equipment, infrastructure, grid connection and ancillary work
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2023/00285/1/NM A	A	St Richard Gwyn RC High School, St Andrews Major	<p>Non Material Amendment -</p> <p>An amendment to 1. Atrium - reduced height 2. Main Hall - reduced height 3. Sports Hall - window removed</p> <p>4. Main Hall - window size reduced 5. Louvres above windows - replaced with matching panels (louvres not required) 6. Roof Drainage - downpipes locations confirmed 7. Window Elevation Layouts - amended to accord with internal room arrangement</p> <p>8. New Soldier Courses - added for elevation visual enhancement; 9. Standalone Louvres - added where necessary;</p> <p>10. Materials Update - Red fibre cement cladding replaced with textured red standing seam cladding 11. General Office Curtain Walling - new brick sections added for elevation visual enhancement. For planning ref 2023/00285/RG3 - Proposed replacement St. Richard Gwyn Catholic High School including access, parking, landscape works, formal and informal recreation space, and demolition of the existing school.</p>
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2023/01086/1/CD	A	Red Roofs, 1 Cliff Parade, Penarth	Discharge of Condition 3. (Materials Details) For planning ref; 2023/01086/FUL - Proposed remodelling of existing house together with two storey side and rear existing and detached garage and home office at Red Roofs, 1, Cliff Parade, Penarth
2024/00388/FUL	A	31, Augusta Crescent, Penarth	Application for removal or variation of condition of 2022/00694/FUL - Roof conversion with dormers and Juliette balcony and internal remodelling - Condition 2 (Plans) Condition 3 - Glazing
2024/00520/1/NM A	A	Talar Fôr, 31 Whitcliffe Drive, Penarth	Planning Reference. 2024/00520/FUL. Reduction in length of the single storey kitchen/diner rear extension (the width and height of the extension remain unchanged); consented sliding door NED G04 moved from the western to the northern elevation and the subsequent omission of consented windows NW G03 and NW G04 from the northern elevation; sliding door NED G03 size modified slightly to be centralised along western elevation of shortened extension; rooflights 01 and 02 reduced in size and reconfigured accordingly to fit the reduced length; and slight modification to the patio layout to accommodate the change.

2024/00565/2/CD	A	Former Cowbridge Police Station and Magistrates Courts	Discharge of Condition 4. (Written Scheme of Historic Environment Mitigation) for planning ref 2024/00565/FUL - Conversion of the former Cowbridge Police Station into over 55's affordable residential apartments, alongside the demolition and redevelopment of the former Magistrates Courts into over 55's affordable residential apartments including amenity space, parking, and associated works.
2024/00723/1/NM A	R	Pantwilkin Stables, Barn 1, Unnamed Private Road From A48 To Pantwilkin Stables, Aberthin	Non Material Amendment - An amendment to the Internal layout is amended to suit the needs of the veterinary practice. Glazing and doors have been added, as required by the clients. For planning ref 2024/00723/FUL - Proposed change of use from equine clinic to specialist heart veterinary surgery (Sui Generis) and associated work

2024/00779/1/CD	A	Former Cowbridge Police Station and Magistrates Courts	Discharge of condition 3. (written scheme of historic environment mitigation) For planning ref 2024/00779/CAC - Conversion of the former Cowbridge Police Station into over 55's affordable residential apartments, alongside the demolition and re-development of the former Magistrates Courts into over 55's affordable residential apartments including amenity space, parking, and associated works.
2024/00809/1/NM A	A	Set Office Supplies, Llandough Trading Estate, Llandough, Penarth	Non Material Amendment - An Amendment to external wall materials: of planning permission ref. 2024/00809/FUL - Proposed first floor office extension (and associated works)
2024/00912/FUL	A	Land at Coldbrook Road East, Coldbrook Road East Cadoxton, Barry	Application to Vary/Removal of a condition 2 (Plans) of application 2021/01743/FUL Erection of 20 Walk up units with associated car parking and works
2024/00951/FUL	A	28, Heol Eryr Mor, Barry	Proposed Single Storey Side/Rear Extension, Porch Extension to Front and Garage Conversion
2024/01006/FUL	A	Arosfa, Ewenny Road, Wick	Double height side extension to the existing bungalow and conversion of loft space with dormers and recessed balcony.
2024/01141/PNA	A	Garn Farm, St Hilary	Pre-Cast Concrete Walls for Existing Silage Clamp

2025/00004/FUL	A	1, Wolfe Close, Cowbridge	Extend dormer to side (west) elevation and alterations to conservatory to the rear (south) elevation
2025/00011/FUL	A	Llys Gwinwydd, Boverton Park Drive, Boverton Llantwit Major	Replacement of existing windows and addition of new windows and French doors with internal reconfiguration
2025/00034/FUL	A	32, Seaview Drive, Ogmore By Sea	Proposed loft conversion with front and rear dormers and a single storey side extension
2025/00074/FUL	A	28, Marine Drive, Ogmore By Sea	Proposed two storey extensions and internal alterations.
2025/00096/FUL	A	Unit 30, Atlantic Business Park, Hayes Lane, Sully	Change of use from class B1 (business) or B8 (Storage or distribution) to Class D2 (Assembly and leisure)
2025/00113/ADV	R	Sea View Flats, 12b Esplanade Buildings, Friars Road, Barry	Replacement of the current Static 48 Sheet billboard (18Sqm) with a 48 Sheet P8 LED Billboard
2025/00126/FUL	A	The Marlpits, St Donats	Demolition of existing garage and boiler room, to be replaced by single storey elderly person annex to an existing house
2025/00128/1/NM A	A	100, Lakin Drive, Barry	Non Material Amendment - An amendment to a window to the new extension. For planning ref: 2025/00128/FUL - Proposed single storey side and rear extension

2025/00154/FUL	A	29, Clevedon Avenue, Sully	Permission for a 1.1 high galvanised steel bar fence to the front boundary above existing wall and a 1.8m timber boarded fence along the eastern boundary.
2025/00167/FUL	A	22 Clive Place, Penarth	loft conversion with roof lights to front elevation
2025/00175/LBC	A	The Old Vicarage, Wick Road, St Brides Major	Change of rear (East) access door
2025/00197/FUL	A	84 St David's Crescent, Penarth	First floor extension over existing kitchen, porch to side elevation & loft conversion with dormer to rear elevation and associated alterations
2025/00211/FUL	A	Tresaith, Church Street, Llysworney	Replacement of current oil heating system with an Air Source Heat Pump
2025/00219/FUL	A	Hollys Barn, Port Road, East Aberthaw	Replacing windows in dwellinghouse
2025/00243/FUL	A	Casabruno 18 The Mount, Dinas Powys	Single storey extension to provide a Storage Room partly beneath an existing car port
2025/00244/ADV	A	Lavernock Point Nature Reserve, Fort Road, Lavernock	Two 3mm solid aluminium sign panels mounted in an oak frame on 18mm thick ply backer on 1500 x 100 x 100mm solid oak posts. The panels provide a map and information relating to the Lavernock Point nature reserve.

2025/00251/FUL	A	37, Crompton Way, Ogmore By Sea, Bridgend	Rear dormer extension, turning the second floor of the house into a master bedroom, installation of two Juliet balconies, with an ensuite bathroom.
2025/00252/FUL	A	West Winds, Siginstone Lane, Llanmaes	Demolition of the existing flat roof garage block and rear single storey extension in lieu of a new single storey extension to the side and rear.
2025/00266/FUL	A	18, Victoria Road Penarth	Replacement of existing asbestos composite roof slates with like for like, on main building upper levels.
2025/00269/FUL	A	2, Hazledene Close, Barry	Proposed detached flat roof garden room
2025/00306/FUL	A	The Knoll, 112, Port Road East, Barry	Convert existing bungalow into two storey dwelling with rear loft dormer conversion
2025/00310/LBC	A	9A, Windsor Road, Penarth	Partially remove wall between 9 and 9A Windsor Road.
2025/00311/LAW	A	Lower Greenway Farm, Bonvilston	Establish the use of Unit 1
2025/00312/FUL	A	Old Wick Barn, Purlon Farm, Wick Road, Llantwit Major	To install simple Velux roof window in Bedroom 3 to match the other Velux windows in bedroom 1, 2 and 4

2025/00316/LAW	A	Dinas House, Wick Road, Ewenny	Change of use of part of the existing A1 premises to a laser aesthetics studio. Minimal internal alterations. No external changes or structural works are proposed. Proposed operating hours are Monday to Sunday: 9:00am – 6:00pm
2025/00320/FUL	A	70 Lakin Drive, Barry	Install bay windows to the first floor level of the front elevation
2025/00321/FUL	A	68 Redlands Road, Penarth	Single storey rear extension
2025/00325/FUL	A	61, The Parade, Barry	New Ground Floor balcony to the side of the property
2025/00336/FUL	A	23 Crawshay Court, Boverton, Llantwit Major	Conversion of one number 3-bedroom flat into two number one bedroom flats (ground floor) at retirement home
2025/00339/FUL	A	14 Charteris Close, Penarth	Single storey side & rear extensions, plus internal remodelling and all associated works
2025/00346/FUL	A	28, Heol Eryr Mor, Barry	Proposed First Floor Extension above Garage
2025/00351/FUL	A	Woodlands House, Twyncyn, Dinas Powys	Alterations to window and door openings, and changes to external materials.
2025/00359/LAW	A	Waun Wen, Trebettyn Lane, Llansannor	Continued use for 33 years of former garage as self-contained annex to main residence of Waun Wen, Trebettyn, Llansannor
2025/00362/FUL	A	68, Althorp Drive, Penarth	Erection of single story front extension (porch) with single pitch sloping roof.

2025/00364/LAW	A	8 Crossfield Road, Barry	Demolition of an existing rear single storey extension to be replaced by a new, rear single storey extension to consolidate the kitchen, living, dining area. New sliding doors, windows and velux type rooflights
2025/00366/FUL	A	7 Main Avenue, Peterston Super Ely	Addition of open porch to the front elevation of the property.
2025/00373/FUL	A	165 Stanwell Road, Penarth	Loft conversion with dormers to rear
2025/00378/FUL	A	19 Vale View Crescent, Llandough, Penarth	Proposed single storey side extension
2025/00385/FUL	A	102, Colcot Road, Barry	Proposed single storey side and rear extensions to form granny annexe and to enlarge kitchen. Proposed roof conversion to form additional bedroom including hip to gable and rear dormer with Juliet balcony
2025/00386/FUL	A	Ty Cerrig, Pen Y Waun To Junction A48, Bonvilston	Single storey infill extension to side
2025/00390/FUL	A	Bryn Sion Chapel House, Penylan Road, St Brides Major	Provision of a garden office
2025/00392/FUL	R	33 Teasel Avenue, Cogan, Penarth	Two storey side extension with flat roof dormers to front and rear, with single storey front & rear extension plus all associated works
2025/00394/FUL	A	7 Maes Lloi, Aberthin	Rear double storey extension
2025/00395/ADV	A	Natwest Bank, 117, Holton Road, Barry	ATM tablet signage

2025/00400/FUL	A	10, Cherwell Road, Penarth	Proposed two-storey extension to rear and replacement single storey side extension.
2025/00402/FUL	A	Chiltern, Bridge Road, Llanblethian, Cowbridge	New porch to replace ugly current one. Larger areas of glazing to rear kitchen/diner area. Solar panels on rear roof of kitchen/diner area.
2025/00408/FUL	A	84 Coleridge Avenue, Penarth	Proposed Single storey rear and side extension all finished to match existing.
2025/00412/FUL	A	11, Castle Avenue, Penarth	Proposed ground floor rear extension proposed first floor rear extension. Demolition of existing ground floor rear conservatory
2025/00420/FUL	A	Jenner Park, Barry Town Association Football Club, Barry Road, Barry	Installation of Video Assistant Referee (VAR) Infrastructure comprising the construction of 1no. timber kiosk (Video Operations Room) and associated development foundations.
2025/00422/FUL	A	Middle Stump, Beach Road, Southerndown	Loft conversion with a dormer extension with Juliet balcony to rear of dwelling and an inset terrace to to the front
2025/00424/FUL	A	44 Pontypridd Road, Barry	Single storey extension to rear of existing domestic bungalow
2025/00425/FUL	A	28 Tennyson Road, Penarth	Side and rear single storey extension, enclosure to existing front porch, full width dormer loft conversion

2025/00436/FUL	A	7 Woodland Place, Penarth	Loft conversion with a flat roof dormer to rear.
2025/00438/FUL	A	30 John Street, Penarth	Convert roof of existing basement floor rear extension into a balcony with balustrade
2025/00445/PNA	A	Norton Hall Farm, Southerndown	Internal farm track created from stone collected from the fields
2025/00472/FUL	A	73 Colcot Road, Barry	Proposed single storey extension to rear of existing domestic dwellinghouse

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 10 JULY 2025

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No:	2024/01055/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04176-B7H7Q7
Appellant:	Mr & Mrs Denley
Location:	Treetops, Duffryn Lane, St Nicholas, CF5 6TA
Proposal:	New two-storey dwelling in the grounds of Treetops, with associated double garage and landscape work. Existing outbuilding to be demolished and replaced with double garage to serve existing house.
Start Date:	17 June 2025

LPA Reference No:	2024/00622/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04137-R8Q9N8
Appellant:	Mr Adam Oakley
Location:	Pen Y Bryn, Pen-y-lan Road, Aberthin, CF71 7HB
Proposal:	Orangery extension
Start Date:	18 June 2025

LPA Reference No:	2024/00623/LBC
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04136-H4H7H7
Appellant:	Mr Adam Oakley
Location:	Pen Y Bryn, Pen-y-lan Road, Aberthin, CF71 7HB
Proposal:	Orangery extension
Start Date:	18 June 2025

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2025/00352/TCA
Appeal Method: Written Representations
Appeal Reference No: CAS-04266-Y1X1X9
Appellant: Mr Neil Hart
Location: **1, Porth-y-Castell, Barry, CF62 6QA**
Proposal: Removal of Cedar tree in rear garden and possible re-planting with a more suitable variety
Decision: Appeal INVALID
Date: 17 June 2025
Inspector: N/A
Council Determination: Delegated

LPA Reference No: 2024/00856/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04014-C5T1H4
Appellant: Mr and Mrs Dymond
Location: **8, Harlech Close, Dinas Powys, CF64 4NY**
Proposal: Demolish existing front porch structure and replace with single storey front and side wrap around extension, alterations to fenestration and facade, and associated external works
Decision: Appeal Allowed
Date: 23 June 2025
Inspector: Zoe Baxter
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposal on the living conditions of the occupiers of 7 Harlech Close having regard to outlook. The proposal was for a single storey front and side wrap around extension to accommodate an extension to the lounge, a new porch, cloakroom, washroom and utility area.

The rear elevation of the proposed extension would be in close proximity to the boundary with No. 7, which was set back beyond the majority of dwellings in the street. The Inspector observed that No.7's living room was situated to the front of the property, with a single window on the front elevation oriented towards their driveway and the side garden of No. 8. The proposed extension would therefore be in close proximity to the living room window of No. 7.

It was considered that due to the existing boundary fence, the new window on the rear elevation of the proposed extension would not enable direct views to cause harm to the privacy of the occupiers at No. 7. However, due to its height and position in close proximity to the shared boundary, the proposed extension would be in the direct line of sight from No. 7's front window. This window would be faced with an outlook of the existing close boarded fence with the rear

elevation and roof of the proposed extension and as such, would be dominated by these structures adversely impacting on the occupiers' living conditions. The Inspector concluded that the proposal would adversely affect the outlook from the living room of No. 7 to the detriment of the occupiers' living conditions and contrary to Policy MD2 of the LDP and the SPG.

However, the appellants had confirmed that if planning permission were withheld, they would construct a side extension under permitted development rights, which the Inspector considered was an important consideration in the determination of the appeal. It was identified that whilst the depth of a side extension under permitted development rights would be more modest than the appeal scheme, much of the side extension would be positioned up to part of the boundary with No. 7 and up to a greater height and would be oppressive and domineering when viewed from the living room of No.7. As the height of the proposed extension would be below the maximum height specified by permitted development rights and would comprise a sloping roof away from the boundary, the Inspector considered that the fallback position would result in greater harm to the living conditions of the occupiers of No. 7 with regard to outlook. As such, it was concluded that this justified allowing the appeal.

Other Matter

The Inspector agreed with the Council, that the proposed development would not cause harm to the street scene or the character and appearance of the area.

Conclusion

It was therefore concluded that the appeal should be allowed, subject to conditions.

(d) Enforcement Appeal Decisions

None.

(e) April 2025 – March 2026 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	5	1	6	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		(83%)	(17%)	6	-
Committee Determination		1	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	-	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	1
All Appeals	W	5	1	6	2
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		(83%)	(17%)	6	2

Background Papers

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

Contact Officer:

Sarah Feist- Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **10 JULY 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2025/00056/TPO	A	Hendre, Sigingstone - Lane Junction B4270 To Junction Moorshead Farm	Work to Trees covered by TPO No.19 of 2007: Removal of 4 Ash trees due to ash dieback
2025/00374/TPO	A	Cardiff And Vale University Lhb, Llandough Hospital, Penlan Road, Llandough, Penarth	Work to Trees protected by TPO No.13 of 2006: Removal of Ivy and small amounts of major deadwood in all trees on plan. Fell and remove a Common Ash (ID, 1850 once plan) showing signs of Hymenoscyphus Fraxineus at stage, 2-3.
2025/00375/TPO	A	St Mary's Church, Bonvilston	Work to Tree(s) covered by Tree Preservation Order Tree 1973/00008/TREE - Tree Tag – 2499 -Reduce crown over the road and pavement by 4-5m or to a suitable growth point or sister branch. Tree tag – 2500 -Reduce the crown by 4-5m to appropriate growth points.

2025/00414/TPO	A	Boverton Park House, Boverton Park Drive, Boverton, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 2002/00012/TREE - Row of Conifers, reduce tallest trees by 50% around front of house.
2025/00442/TCA	A	21 Clive Place, Penarth	The proposed works are to remove a self-seeded sycamore tree with a trunk approx. 6" in diameter by sawing off at its base.
2025/00444/TCA	A	Cartref, St Hilary	T1- ash - pollard at 5.5 metres, increase light into vegetable growing area as part of garden redesign, applicant is willing to replant smaller growing replacement trees T2- cherry 1.5 reduction to reduce sail and minimise the risk of limb breakage T3 holly r- coppice
2025/00477/TPO	A	Rowan, Llancarfan	Work to Trees in a Conservation Area: Trimming of Sycamore and Leylandi (removing new growth to previously trimmed level) on the boundary between Rowan and Thurlstone house. General trimming of trees within the Roman plot that overhangs the stream and culvert which includes a Yew tree and an unknown evergreen.
2025/00504/TCA	A	Penmark Village Hall, Tredogan Road, Penmark	Work to 2 x Sycamore trees at entrance to Village Hall on corner to Croft John: Prune away from wires, lift to give clearance over building 2-3m and remove lumberous limb

2025/00553/TPO

A The Court House, High
Street, Llantwit Major

Work to Tree covered by
TPO No.03 of 1977:
Removal to ground level of
one Sycamore Tree in front
garden of The Old Court
House

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **10 July 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

8. PLANNING APPLICATIONS

Background Papers

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

APPLICANT: Mr J McQuade The Retreat, Penyturnpike Road, CF64 4HG

AGENT: Mr Richard Whitaker 43 Plas Saint Andresse, Penarth Haven, Penarth, CF64 1BW

Hillcroft, Heol-y-cawl, Dinas Powys

Proposed subdivision of single dwelling to three dwellings with extensions to rear.

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 Councillor Cowpe for the following summarised reasons:

- Access road is narrow and parking difficult,
- Access to existing garage would be restricted,
- Neighbours have raised concerns, and
- Impact on wildlife.

EXECUTIVE SUMMARY

The proposal would beneficially provide additional dwellings within a sustainable location.

The re-submitted application proposes to retain the lean-to extension, where the removal was a refusal reason in the previous application. This would preserve the impact on the conservation area. In all other areas the proposal is considered acceptable with regard the visual and heritage impacts.

The layout has been amended and a proposed window removed from the front elevation. This is considered to overcome the previous refusal reason that there would be harmful overlooking from the front elevation.

Previously a lack of information had been submitted with regard the impact on protected species. The current application is supported by a bat report. NRW and the Council's Ecologist comment the findings are acceptable and the proposal would not have a significant and harmful impact on the population. A European Protected Species Licence would be required.

The final refusal reason, for the previous application, was that a section 106 legal agreement hadn't been agreed for an affordable housing contribution. A viability review has been submitted with the current application that concludes that the scheme would be unviable and a contribution could not be made. This review has been independently assessed by HRT Chartered Surveyors who agree with that conclusion. Therefore, in line with this process as set out in the Council's Supplementary Planning Guidance, it is considered that it would not be reasonable to require a contribution.

Parking and highway safety has been raised as a concern by the Local Member and residents. In summing up the assessment, the previous proposal was not refused on the parking and access issue, and the current proposal is a similar development in this regard. The Council's Highways Section did not object for the previous application, however, have raised concerns in the current application, that there is insufficient parking on site and that could impact on highway safety. In assessing the current application, the use of the access road by 2no. additional dwellings and previously identified by the Council's Highway Section (in the previous application) as recording good overall safety data is not considered significant enough to warrant a refusal. The provision of at least 2no. parking spaces per dwelling, in this edge of village centre location close to shops, services and public transport links, is considered an acceptable level of parking. Planning Policy Wales and the Council's SPG Parking Standards support a reduction from maximum standards for sites in these locations. Therefore, the proposal would be considered acceptable in these terms.

In all other matters: impact on green infrastructure, trees and biodiversity and archaeology the development is considered acceptable.

SITE AND CONTEXT

The site is a dwelling located within the historic centre of Dinas Powys. It is situated within the conservation area and is identified as a 'County Treasure'. Dinas Powys Conservation Area Appraisal details the property is an early 19th Century (possibly earlier) cottage directly fronting the road and it is identified as a positive building.

Vehicle access to the site can be made from Highwalls Road. Access is restricted from Mill Road to the east.

An extract from the site location plan is provided below:



DESCRIPTION OF DEVELOPMENT

Full planning permission, as amended, is sought for the *“Proposed subdivision of single dwelling to three dwellings with extensions to rear”*.

The proposal would involve internal modifications with extensions to the rear of the dwelling.

Some of the existing extensions to the rear of the property would be demolished to make way for the proposed extensions, which are a mix of single and two storey elements with gabled roofs sited to the rear of each of the dwellings. The new extensions would be finished with painted render and the roof covered with fibre cement slate. The new windows and doors are shown to be built with curved heads and are specified as using timber windows and doors. Additional fenestration, roof lights and a new entrance door would be provided on the front elevation.

Plots 01, 02 and 03 would all be three bedroom dwellings. Each dwelling would have a garden that would be separated by 1.8m high timber fencing. A 1.8m high timber fence would also be provided to the rear southern boundary of the site.

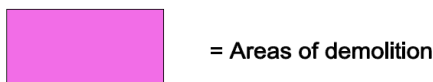
An existing modern detached garage would be demolished to make way for access and parking area. 7no. car parking spaces would be provided and the area surfaced with grey, permeable block paving.

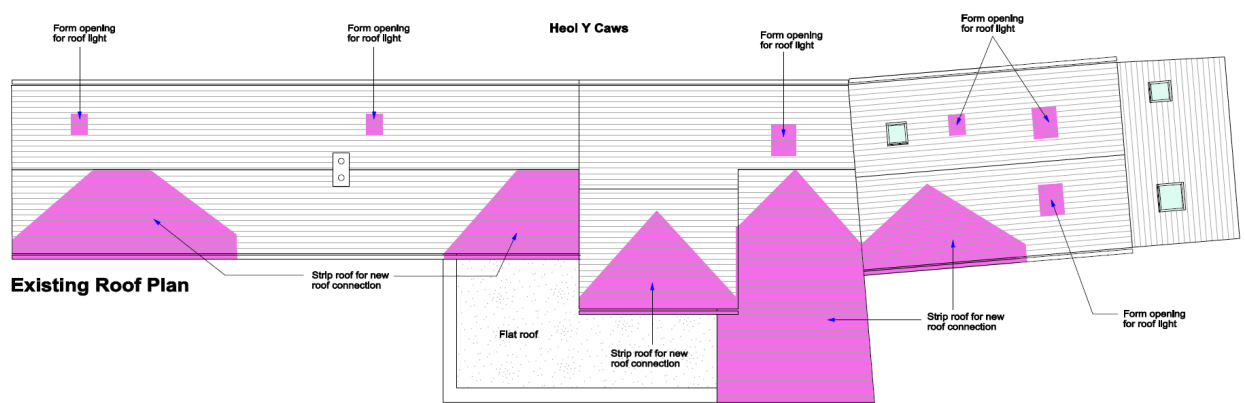
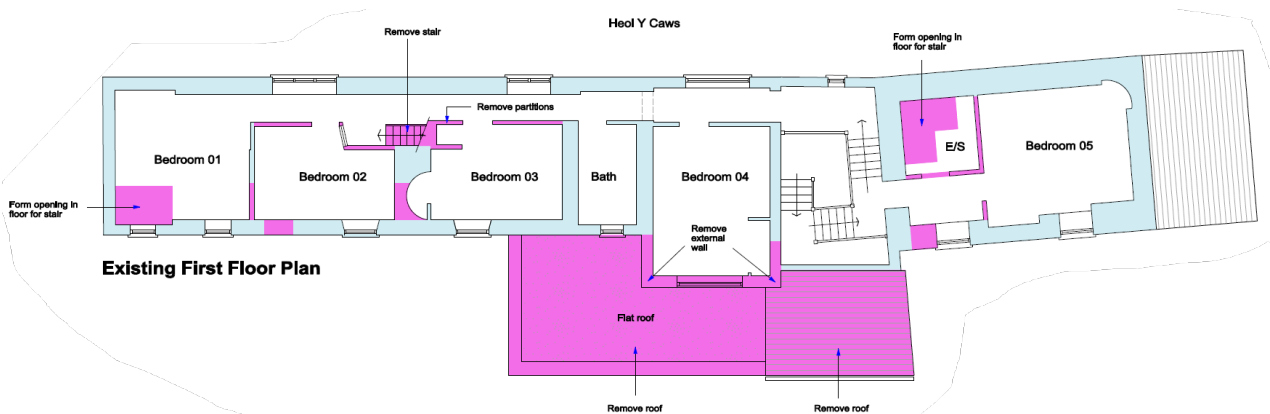
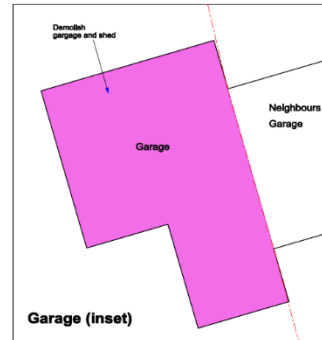
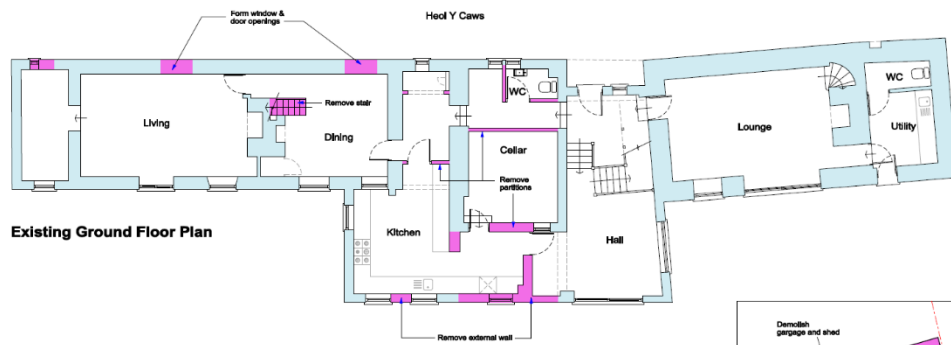
Conservation Area Consent for the demolition of the garage is being assessed separately in application reference 2024/00899/CAC.

The application is supported by the following documents:

- Design and Access Statement and Heritage Impact Assessment Revision B (18th September 2024)
- Green Infrastructure Statement (By TDA October 2024)
- Predevelopment Tree Survey & Assessment (by TDA and dated December 2022)
- Tree Constraints Plan (by TDA and dated December 2022)
- Preliminary Ecological Appraisal V2 by Acer Ecology (February 2023)
- Dusk Emergence Bat Surveys (By Grounded Trees & Ecology conducted August and September 2023)
- Letter titled Biodiversity Mitigation & Enhancement Strategy (By Soltys Brewster Ecology and dated 29th August 2024)
- Development Viability by CTD Consult November 2024

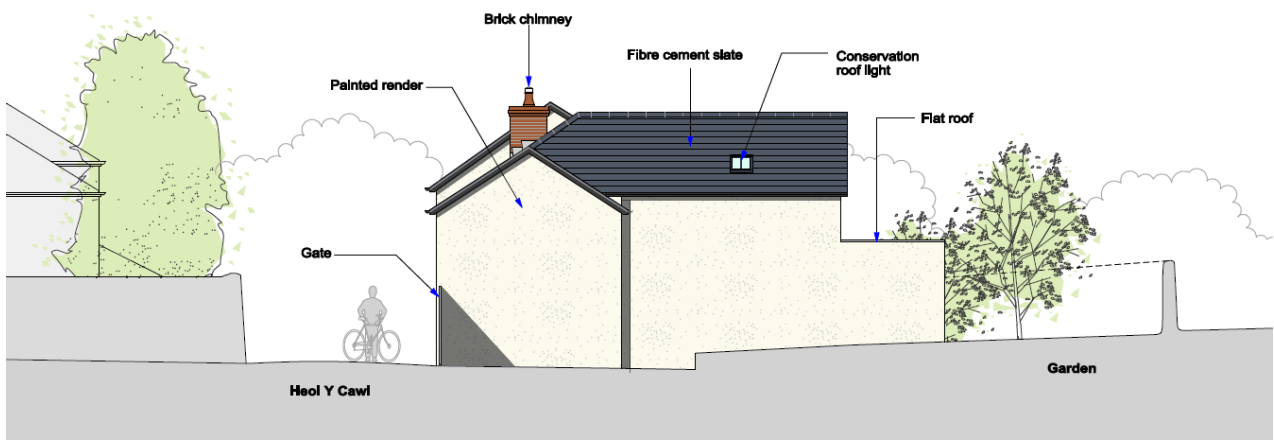
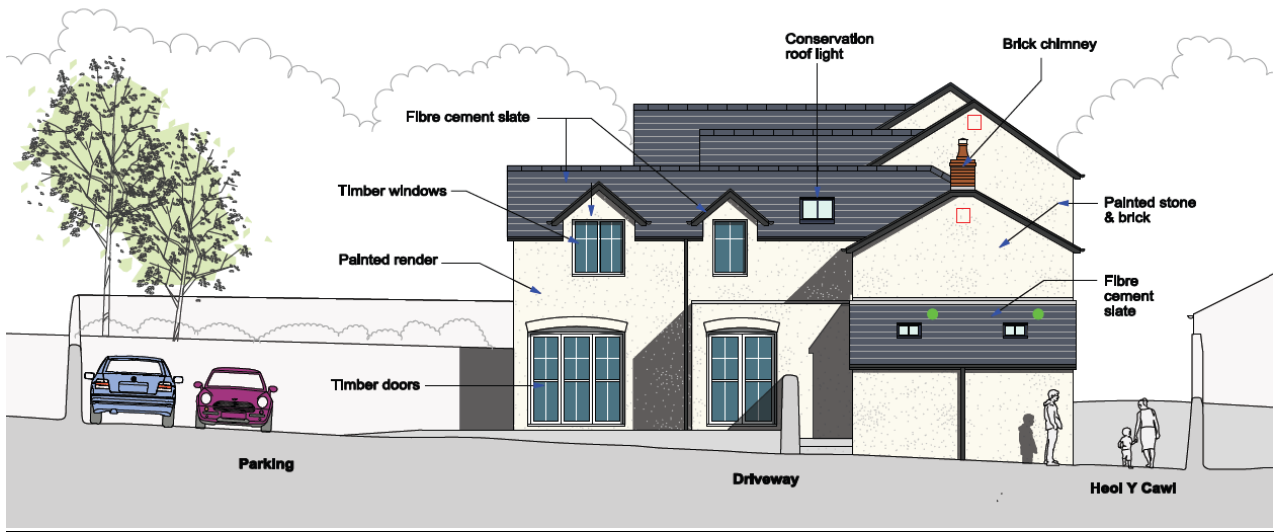
Extracts from proposed plans are provided below:

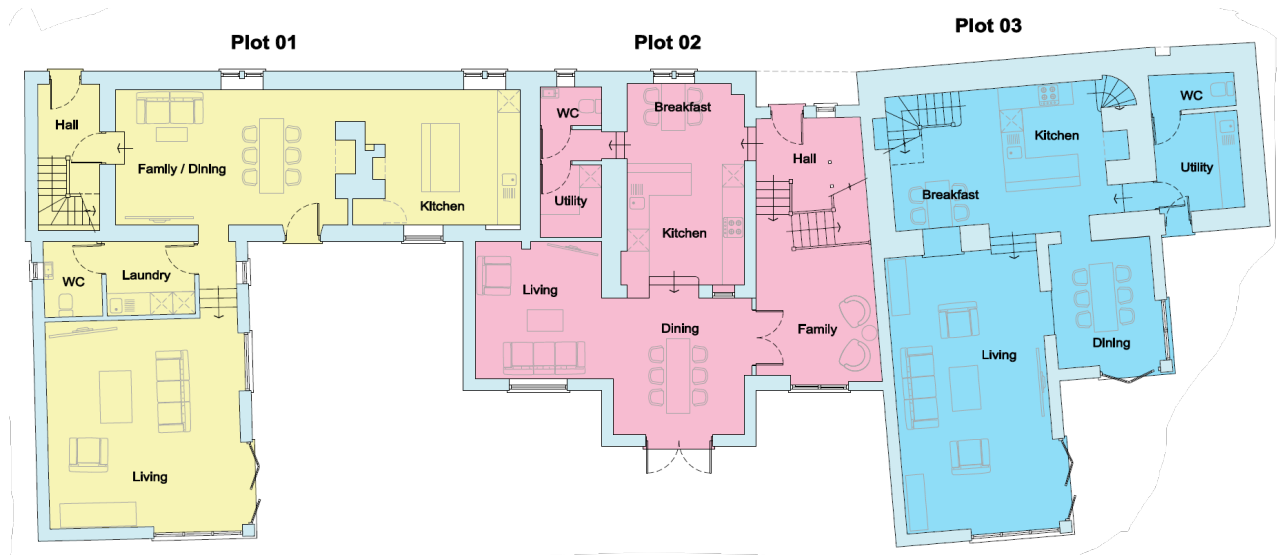




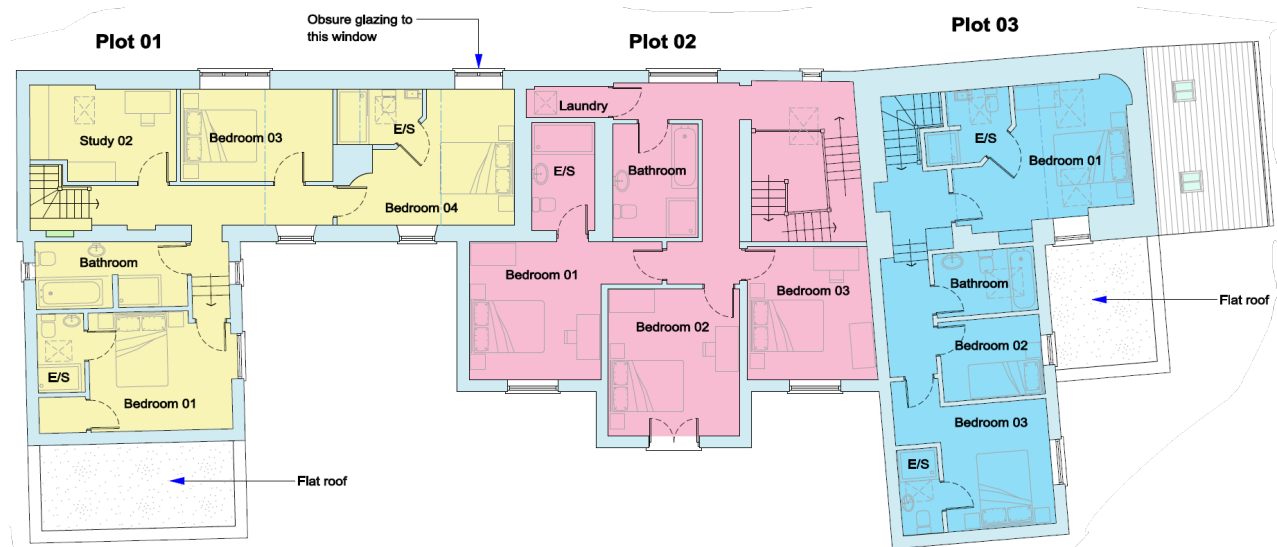
Proposed Plans and Elevations



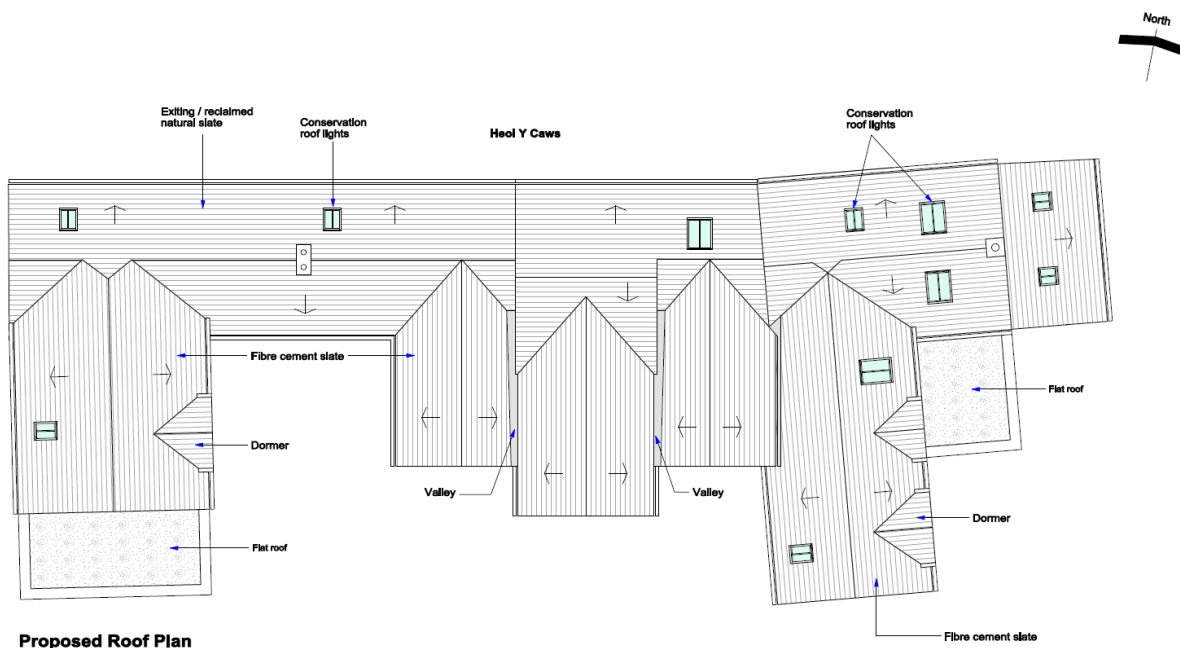




Proposed Ground Floor Plan



Proposed First Floor Plan



PLANNING HISTORY

2022/01016/FUL, Address: Hillcroft, Heol Y Cawl, Dinas Powys, Proposal: Proposed subdivision of single dwelling to three dwellings with extensions to rear, Decision: Refused for the following reasons:

1. *The proposed demolition of part of the existing dwelling would result in the loss of part of a historic locally listed building that is also designated a positive building in the Dinas Powys Conservation Area and which would fail to preserve or enhance the character of the conservation area or surrounding street scene. It would therefore not accord with Policies SP1 (criterion 6), MD2 (criteria 1 and 2), MD5 (criteria 3 and 4) and MD8 (criteria 1 and 2) of the LDP as well as the policies contained within Planning Policy Wales (Edition 12).*
2. *By reason of its location, proximity to and relationship with the neighbouring garden and windows serving Ailsa Craig and North Cottage the proposed first floor bedroom windows serving plot 01 would result in overlooking which would unacceptably impact upon the privacy and living conditions of occupiers of the neighbouring properties. The proposal would therefore fail to comply with Policy MD2 (Design of new Development) of the Local Development Plan 2011-2026 and the guidance set out within the Residential and Householder Development Supplementary Planning Guidance.*
3. *A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19-Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009).*

4. *In the absence of a legal agreement being in place to secure the affordable housing contribution, the proposal is considered contrary to Policies MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Vale of Glamorgan adopted Local Development Plan 2011-2026 and the Vale of Glamorgan Affordable Housing Supplementary Planning Guidance (2018), in that it would not make the necessary contribution towards delivery of affordable housing.*

2022/01063/CAC, Address: Hillcroft, Heol Y Cawl, Dinas Powys, Proposal: Demolition of garage., Decision: Refused for the following reasons:

1. *There is an objection to the substantial demolition of the garage as there is no acceptable scheme for re-development that would preserve or enhance the character of the Dinas Powys Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice within Technical Advice Note 24 – The Historic Environment (2017).*
2. *A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19-Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009).*

2024/00899/CAC, Address: Hillcroft, Heol Y Cawl, Proposal: Demolition of garage and proposed subdivision of single dwelling to three dwellings with extensions to rear, Decision: Pending.

CONSULTATIONS

Dinas Powys Community Council were consulted on 3 October 2024. They have responded as follows:

Dinas Powys Community Council Strongly object to this proposed development of Hillcroft, Heol-Y-Cawl application again. The location of the property has a rich history, and with the proposed changes, it would be completely out of keeping and would spoil the character of one of the oldest places left in Dinas Powys. The property is also a county treasure, and the local authority has a statutory duty to ensure that the character of the area is preserved. The proposed development is far too big for such a small site in an already very congested area, and also to consider that it would be impossible to access the site with the sort of machinery that would be needed. We fear that attempts will create highway safety issues, road capacity, means of access, visibility, car parking, and effects on pedestrians. As the lane is used by local walkers and children as a safer route rather than using Mill Rd Junction, as this can be extremely busy at peak times. Heol-Y-Cawl has no pavements; the amount of work that would need to take place should be considered as a health and safety risk as it could be very dangerous and even fatal. The proposal is likely to affect tress and bats, we feel there needs to be an updated report on the different species, as there should be more of a focus on protecting species, maintaining and enhancing their habitats.

Dinas Powys Ward Members were consulted on 3 October 2024. As detailed above Councillor Cowpe has responded that the application should be determined by Planning Committee as there are concerns with regard access and parking, access to Millbrook, neighbours' concerns and the impact on wildlife.

Council's Drainage Section were consulted on 3 October 2024. They have responded that this site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal / tidal flooding. NRW flood maps (TAN15 2004) indicate that this site is at a very low risk of surface water flooding. This application is subject to SAB approval prior to any commencement of work. As such a detailed design for the surface water drainage will be required to be submitted through the SAB process. Advice on SAB process is provided.

Council's Ecology Officer were consulted on 3 October 2024. A response has been received noting the submitted bat surveys. A Protected Species Licence is required from Natural Resources Wales. The impact on bats can be compensated for through the provision of gaps. Further details on the number of gaps would be required to satisfy the licence. Lighting needs to be the minimum required to secure bat conservation, site boundaries need small mammal gaps at regular intervals, preference should be given to planting native species and a biodiversity benefit is required.

Council's Heritage (Planning) Officer was consulted on 3 October 2024 and has responded to state that the proposal is not considered to harm the character of the conservation area or locally listed building subject to the addition of the following suggested conditions: sample of natural slate, ridge tiles, render and hardstanding; details of the proposed dormers at 1:10 scales; details of new boundary wall including sample panel; flush fitting rooflights and details of new windows and doors and gates including opening surrounds.

Council's Highway Development were consulted on 3 October 2024. Comments dated 21st October 2024 have been received by the LPA dated 9th April 2024 as follows :

The above application has not resolved the concerns raised as part of the consultation for the previous application reference 2022/01016/FUL.

Furthermore, the changes made to plot 3 in extending the building line to the boundary line with the adopted highway has further reduced the available vision of the existing / proposed access serving the offsite parking facilities.

In terms of parking, while the Highway Authority are aware that the Parking Standards are Maximum Standards, there are no opportunities along the frontage and the immediate surrounding areas for on street parking for residents and their visitors and would therefore be requesting that the full provision within the standards apply in this case 10 spaces which leave a shortfall of 3 based on the current provision of 7.

Therefore, in light of the above, the previous objections / comments associated with the previous application reference 2022/01016/FUL still stand.

Following discussions with the Council's Highways Section and clarification that Highways comments for the previous application (2022/01016/FUL) were amended to no objection, as detailed in the officer report, they have updated their comments as follows:

.... the proposals would likely intensify the use of the narrow village lane and access. The Highway Authority also have a number of concerns regarding the parking provisions and vehicle access which need to be addressed / reviewed that we have itemized below:-

- 1. The lean to on the site has been reinstated as per this application, when in the previous application it was taken out. This thereby reduces the available width/space for the parking area and access.*
- 2. The applicant has not indicated on the drawing the existing location of the stone boundary wall and vegetation on the Eastern side of the access which could have further implications on suitability of access into the site.*
- 3. There are existing parking issues in the area where often residents and visitors to Heol Y Cawl will park in front of the church and the junction area with Highwalls Road. The development could potentially exacerbate highway safety issues there due to sub-standard parking provisions provided and high demand for parking in the area.*
- 4. Bays 6 and 7 are insufficient by way of suitable dimensions (i.e. 6m long) and therefore could likely not be used.*
- 5. Even with the possibility of providing 5 parking spaces for the site, this is half of the provision, based on open market 3-4 bedroom houses and as such would not be considered a suitable provision for such.*
- 6. The width between parking bay 7 and the new stone wall is ~ 3.4/3.5m. This could present issues with vehicles waiting on the highway for other vehicles to exit the site.*
- 7. The Garage/access for Hillcroft could be impacted on due to insufficient space and parking for the development.*
- 8. In light of the recognised parking pressures in the area the applicant is required to provide a 3 day parking survey to justify the parking numbers.*

Following an amended plan detailing a change to the wall for plot 3 and confirmation from the applicant that no parking survey would be submitted, the Council's Highways Team have been contacted to comment. No further response on the changes have been received at the time of writing this report. However, they have clarified, since the previous application, there are no accident records for Heol y Cawl.

Council's Housing Strategy (Affordable Housing) were consulted on 3 October 2024. An updated response dated 09 December 2024 and based on the current SPG on Affordable Housing has been received as follows:

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2023 Local Housing Market Assessment (LHMA) which determined that 1025 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Dinas Powys:-

DINAS POWYS	
1 BED	212
2 BED	102
3 BED	55
4 BED	9
5 BED	2
TOTAL	380

The application is for the subdivision of a single dwelling to three dwellings with rear extensions, thus providing an additional 2 units of residential accommodation.

In line with the SPG a 40% contribution to affordable housing is required by way of an off-site contribution of $AHC \times 0.8 \times$ the ACG of a property of the size most in demand, in this case a one-bedroom unit at £162,733.

$$0.58 \times 0.8 \times £162,733 = £75,508.12$$

Following the updated Supplementary Planning Guidance on Affordable Housing their comments have been updated as below:

The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Dinas Powys:-

Dinas Powys	
1 Bed	207
2 Bed	101
3 Bed	52
4 Bed	9
5 Bed	2
Total	371

In line with the SPG a 40% is required by way of an off-site ACG of a property of the size one-bedroom unit at £167,127.

contribution to affordable housing contribution of $AHC \times 0.8 \times$ the most in demand, in this case a

$$0.58 \times 0.8 \times 167,127 = £77,546.93$$

Council's Shared Regulatory Services (Environment) were consulted on 3 October 2024. No comments received to date.

Council's Shared Regulatory Services (Pollution) were consulted on 3 October 2024. No comments received to date.

Council's Waste Management Section were consulted on 15 November 2024. They have responded that, "This will be fine from a waste and recycling perspective - The property will remain on a kerbside weekly collection for recycling and food waste, and 3 weekly for residual. Residents will need to present their waste and recycling separately and not in a communal stacked pile".

Dŵr Cymru/ Welsh Water were consulted on 3 October 2024. They have responded and raise no objection subject to a condition that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network. The reason for this is 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. Advisory notes on sewers and water supply are also provided.

Heneb, The Trust for Welsh Archaeology (GGAT) were consulted on 3 October 2024. They have responded that the internal alterations and extensions impact on archaeological resources would be low. They however detailed that whilst not listed, the building is in the conservation area and is prominent in the street scene. They detail the building is of historical importance and recommend a historic building survey to level 2.

Natural Resources Wales were consulted on 3 October 2024. They have responded that they have concerns however they would be overcome if the list of documents and plans submitted were included in the approved decision notice.

A European Protected Species Licence would be required and should meet the tests in the Conservation of Habitats and Species Regulations 2017 (as amended). Advice on informatics and other matters is provided.

REPRESENTATIONS

The neighbouring properties were consulted on 3 October 2024. A site notice was also displayed on 09 October 2024. 16 responses have been received to date and their comments are summarised below:

- The revised application does not change the previous proposal.
- It is not in keeping with the Wellbeing of Future Generations Act which main goal is sustainability.
- An additional 2 houses are not vital to housing numbers as larger housing developments have been allowed nearby.
- It would have a detrimental impact on the character of the building which is a County treasure, conservation area and historic part of Dinas Powys.
- Removal of garage would have a detrimental impact on conservation area
- It would be an overdevelopment of the site.
- The lane is narrow and is unsuitable for additional cars and parking and would result in highway safety issues. Large refuse vehicles cannot use lane and delivery vans struggle.
- It will result in overlooking and an impact on privacy.
- Trees are to be removed including a rare Gingko Biloba.
- A large area of garden would be paved over/removed.
- It would result in a loss of amenity space for the community.
- It would have a detrimental impact on ecology. Bats and other animals will be impacted.

- It will increase flood risk from the car park area.
- The open car park would impact security to properties behind.
- Construction works would result in access problems to properties on the lane.
- Scaffolding will be required on the lane blocking it.
- Construction deliveries may block the lane.
- It may result in increased dust and noise pollution from additional vehicles.
- There has been a severe water leak over the front door from the first floor of the property resulting in deterioration of the brickwork which could become dangerous & is unsightly in our county treasure area.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP5 – Employment Requirements
 POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
 POLICY MG20 – Nationally Protected Sites and Species
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD4 - Community Infrastructure and Planning Obligations
 POLICY MD5 - Development within Settlement Boundaries
 POLICY MD6 - Housing Densities
 POLICY MD7 - Environmental Protection
 POLICY MD8 - Historic Environment
 POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

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

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

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing and affordable housing)

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed...

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)

6.1.9 Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.2.1 Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales... At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. ... Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits.

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)

4.4.2 "Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result (PPW (edition 10) paragraph 5.5.3)".

- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

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

4.5 “In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

4.8 “Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

5.6.1 In conservation areas there should be regard to the desirability of preserving or enhancing their character and appearance.

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

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

6.2 “Conservation area designation provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area’s special interest: this might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail. Green infrastructure may also be important, but conservation area designation is not likely to be an appropriate means of protecting landscape features, except where they form an integral part of the historic built environment”.

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)

5.5.2. Checks should be made prior to demolition to identify and define any biodiversity issues, such as the presence of protected species e.g. bats, the impact on which will need to be addressed prior to commencing demolition. In advance of any planned demolition of a building or structure, advice may be obtained from the Council's Ecologist on any requirements for surveys or precautions to be taken in respect of protected species. All UK bats are protected by European and UK legislation and it is an offence to disturb or destroy their habitat.

9.2.1. All UK species of bats are 'European Protected Species' and are protected by UK and European Legislation (LDP Policy MG19 refers). Their use of man-made structures means that they are frequently encountered as a part of small scale development proposals. Survey information for bats should always be provided up-front as part of your planning application as development proposals that could impact on bats cannot be determined until you provide all the necessary information. The survey report and any mitigation proposals should always be undertaken and prepared by a licenced bat surveyor (Bat survey licences in Wales are supplied by Natural Resources Wales).

- County Treasures
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)

9.1.1. Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded.

9.1.2. Key principles:

- i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.*
- ii. Development should not unreasonably enclose a neighbour's immediate outlook.*
- iii. Development should not cast large shadows onto a neighbour's house or garden.*
- iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e. living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.*

- v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.*
- vi. Consideration should be given where there is a change in levels between your property and a neighbouring property must ensure that your neighbour's existing residential amenity is safeguarded.*

9.2.1. A sense of privacy within a house and a private garden area is fundamental to the enjoyment of a residential property (i.e. residential amenity).

9.2.2. New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.

9.2.3. For the purposes of this guidance, a habitable room means a room that occupiers spend a significant amount of time in undertaking activities that require a degree of privacy. These can include bedrooms, bathrooms, living rooms, dining rooms and kitchens.

9.2.4. Where windows in the neighbouring property or within the proposed development are obscurely glazed this may mitigate overlooking issues.

9.2.5. Key principles:

- i. Habitable room windows directly overlooking a neighbour's garden, in close proximity to boundaries, are likely to be harmful.*
- ii. A minimum distance of 21 metres between opposing windows in habitable rooms should be achieved (see figure 14).*
- iii. Where habitable room windows of a neighbouring property are at an angle of less than 90° to the habitable room windows in new development (i.e. windows not directly opposing), the minimum distance between the opposing windows may be reduced (see figures 14 and 15).*

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

Design Standards:

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

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

10.3. Key principles:

- i. *Proposals for new houses or conversions to create new dwellings and new householder development must ensure that an adequate provision of amenity space is provided and maintained.*
 - ii. *Private (usually rear) gardens should be of a useable shape, form and topography.*
- Sustainable Development - A Developer's Guide
 - Trees, Woodlands, Hedgerows and Development (2018)
 - Dinas Powys Conservation Area Appraisal and Management Plan

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 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Background

As detailed above, a previous application for a similar residential development of three dwellings (Ref: 2022/01016/FUL) was refused. This application is a similar residential development for three dwellings and has been amended to try and overcome the above refusal reasons.

Issues

In assessing the proposal against the above policies, guidance and planning history it is considered that the main issues include:

- (i) The Principle of Development;
- (ii) The Previous Refusal Reasons (2022/0106/FUL):
 - 1. Heritage and Visual impact on the Dinas Powys Conservation Area
 - 2. The impact on neighbouring and residential amenity
 - 3. The Impact Protected Species (i.e. bats), and
 - 4. Section 106 planning obligations for affordable housing; and
- (iii) Other Planning Matters not considered refusal reasons for the previous application (2022/0106/FUL) including: parking and highway safety, impact on green infrastructure – trees and biodiversity, amenity space, drainage and flooding and impact on archaeology.

The Principle of Development

With regards the principle of the subdivision of the dwelling to three at the site, it is noted that the site is located within the settlement boundary for Dinas Powys as defined in the current LDP.

It is noted that Objective 7 of the LDP is to provide the opportunity for people in the Vale of Glamorgan to meet their housing needs. Policy MG1 refers to Housing Supply in the Vale of Glamorgan and specifies how the identified housing need will be met, which, in addition to allocated sites, includes unallocated windfall sites in sustainable locations, such as the current site.

As such, the principle of additional residential development would be acceptable given the residential character of the area, subject to the criteria outlined in policy MD5-Development within Settlement Boundaries and other relevant national and local planning policies and guidance.

Previous Refusal Reasons (2022/01016/FUL):

Refusal Reason - 1. Heritage and Visual Impact

“The proposed demolition of part of the existing dwelling would result in the loss of part of a historic locally listed building that is also designated a positive building in the Dinas Powys Conservation Area and which would fail to preserve or enhance the character of the conservation area or surrounding street scene. It would therefore not accord Policies SP1 (criterion 6), MD2 (criteria 1 and 2), MD5 (criteria 3 and 4) and MD8 (criteria 1 and 2) of the LDP as well as the policies contained within Planning Policy Wales (Edition 12)”.

In policy terms the site is located within the Dinas Powys Conservation Area as identified by the LDP and therefore Policy MD8 (Built and Natural Environment) is relevant and states development within conservation areas must preserve or enhance the character and appearance of the area and where appropriate the built environment. The dwelling is also identified as a 'County Treasure'.

The previous application (2022/01016/FUL) was refused due to the proposed loss of the existing lean-to at the eastern end of the building (see photograph below). This is part of the building is now to be retained as part of the current proposal, including replacing the non-original roof lights with 'conservation' style ones that are flush to the line of the roof and replacing the rear entrance door. These are considered minor amendments and the retention of this element and the alterations proposed would preserve the existing character of this part of the building and impact on the wider area.



Concerns have been raised in public responses that the proposal would be an overdevelopment, would have a detrimental impact on the character of the building, conservation area and wouldn't preserve the historic part of Dinas Powys. It has also been raised that the view along the lane would change completely. Therefore, the following assessment of the above is included for completeness.

The application site currently contributes to character and appearance of the conservation area through its evidential value forming part of the historic street pattern of Heol y Cawl.

The proposal seeks to extend and reorder the existing dwelling to provide 3 no.

dwellings. The additions and changes to fenestration the front of the dwelling would be relatively minimal and considered acceptable. It is noted that the gardens of properties on Heol-y-Cawl, Mill Road, Highwalls Road and 'The Square' back on to each other. Many of these properties have extensions on to the rear of the properties. Hillcroft has a wider than normal frontage to the lane and the resulting dwellings would be proportional to some other dwellings in the area. The proposed extensions to the rear of Hillcroft would be relatively deep and would result in the loss of some of the existing garden. However, each resulting dwelling, would have sufficient amenity space and it would not be considered to be an over development of the site. Furthermore, some alterations to the rear of the building could be carried out under permitted development rights for extensions.

Whilst the extension to Plot 03 would be visible from the entrance to the car park area, its size and design would be acceptable. It is noted that the roofs of two parts of the extension are shown to be taller than the main roof. These additions would not be easily visible from the front of the site and due to the varying roof heights along the building and would not result in a significant impact on the street scene. No objection has been raised by the Council's Conservation Officer subject to a condition for details. Finishing materials and the design of the windows, particularly the front elevation, would generally match or be complementary to the existing. Roof lights are shown as 'conservation style' and should be flush to the roof. Full details of materials can be obtained by a suitably worded condition if permission is granted (**Condition 6 refers**). It is noted an existing chimney on the eastern side of the building is now shown on the proposed elevations to be retained (this was not shown in the previous application - 2022/01016/FUL).

Concerns have also been raised with regard the visual impact of the parking area. The existing site entrance is already an open area of parking, albeit on a smaller scale. Some of the parking would be behind plot 3 and the proposed stone wall for plot 03 would provide some screening. It is now detailed that a 1.8m high (as opposed to 0.8m in the previous application) stone wall would provide better screening and would be more appropriate. The proposed block stone paving finish would also be appropriate for the proposed parking areas. No details of how the remaining wall (on the boundary with the garage to be retained) would be finished have been submitted. These details are required to ensure the impact on the character of the site and conservation area would be acceptable and can be required by a suitably worded condition if permission were to be granted (**Condition 6 refers**). The concerns raised with regard the integrity of the garage (to be retained) would be a matter outside the planning application. A party wall agreement would need to be entered in to between the two landowners. If permission were to be granted an informative note with regard this is recommended (**Informative Note 1 Refers**).

Therefore, taking account the above, the extensions and other alterations, in principle, would preserve the character and appearance of the conservation area.

Some concerns have been raised about the loss of trees and impact on the character of the dwelling. The rear garden is relatively overgrown with many small trees and shrubs. Whilst it is proposed to remove the majority of the vegetation many of the trees and shrubs do not contribute significantly to the wider conservation area and with a few being non-native species. Some trees would be retained and if permission were granted it would be necessary to require an acceptable replacement planting scheme which would mitigate any losses (**Condition 9 refers**). The assessment in respect of the impacts on green infrastructure is considered separately below.

In summing up, this amended proposal from the previously refused application would retain the existing 'lean-to' extension at the eastern end of the building. Its previously proposed demolition was the reason for refusal. Other changes as detailed above are considered acceptable. Therefore, the proposal would have an acceptable impact on this locally listed building that is also designated a positive building in the Dinas Powys Conservation Area. The proposal would therefore preserve the character of the conservation area and surrounding street scene.

Refusal Reason - 2. Overlooking Impact on neighbours

“By reason of its location, proximity to and relationship with the neighbouring garden and windows serving Ailsa Craig and North Cottage the proposed first floor bedroom windows serving plot 01 would result in overlooking which would unacceptably impact upon the privacy and living conditions of occupiers of the neighbouring properties. The proposal would therefore fail to comply with Policy MD2 (Design of new Development) of the Local Development Plan 2011-2026 and the guidance set out within the Residential and Householder Development Supplementary Planning Guidance”.

Criterion 8 of policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places, development proposals should:

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

Additional guidance with regards to impact on neighbouring dwellings is included with the Council's Supplementary Planning Guidance on Residential and Householder Development which.

Para 9.1.1 states:

Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded.

Para 9.2.1 states that a sense of privacy within a house and a private garden area is fundamental to the enjoyment of a residential property (i.e. residential amenity).

The refusal reason only related to the new dwelling at Plot 01 and the current proposal has been amended to that previously refused (2022/01016/FUL). The previously proposed new window on the front elevation, at first floor level and serving bedroom 02, for Plot 01 has been removed. This room is now proposed to be a study and would instead be provided with a roof light. As such, the removal of the window, has overcome the overlooking concerns from new windows for that plot.

With regard the other two windows of Plot 01 that face towards the affected dwellings, it should be recognised that these are existing and already overlook those properties. The existing plans detail they currently serve a hallway which normally would be described as 'non-habitable', however this would not prevent overlooking from the windows as an existing situation. The new proposal involves the re-configuring of the internal areas adjacent the windows as bedrooms (rooms 03 and 04). In assessing this issue, the internal re-configuring of the existing dwelling as shown on the proposed floor plan, could be carried out without the need for planning permission. Therefore, in this case, as there would be no new front windows for plot 01 this has overcome the refusal reason.

The plans detail the window serving bedroom (room 04) of plot 01 identified on the proposed first floor plan 541-P10 Rev B could be obscurely glazed. It is noted this bedroom also benefits from another window to the rear and this would provide suitable outlook for the occupiers, if the front window was obscurely glazed and non opening. As this has been detailed on the plans noting the concerns raised by neighbours, full details of this window could be required by a suitably worded condition (**Condition 7 refers**).

The following is an assessment of other amenity issues that whilst were not considered refusal reasons for the previous application but are included here for completeness.

The other first floor windows, on the front elevation, and serving the proposed plot 02 would remain serving a landing as the existing. As detailed above, this was not a refusal reason for the previous application and therefore would be acceptable.

Two additional new windows would also be provided at ground floor level serving the living areas/kitchen of Plot 01. These would look towards the existing boundary treatment of Ailsa Craig and this would prevent overlooking to the property. Therefore, it is not considered there would be a greater loss of privacy as a result of these windows.

Turning to the impact on Mews Cottage (adjacent Hillcroft to the west), the rear extension on the resulting Plot 01 would extend beyond its rear elevation. The two-storey element would extend 5.5m beyond the rear wall of the existing dwelling. The majority of this would be against the blank side wall of the affected dwelling, however approximately 0.8m would be beyond and the single storey element would extend a further 2.5m. The single storey element would have a flat roof approximately 3.15m in height. A lane, serving number 10 Highwalls Road, separates the boundary of the affected dwelling to the site and the extension would replace two trees close to the boundary. There would be some impact on the outlook of the occupiers, however due to the small depth of two storey extension beyond the rear of the affected dwelling and set back of the single storey element from the boundary, it would not warrant a refusal reason. There would be some impact from the extension on light reaching the rear of the affected dwelling however as the extension would be to the east this would be limited to early mornings. For the majority of the day there would be limited impact. No first floor windows are proposed on the side and rear. If permission were to be granted, despite no access being indicated, it would be necessary to restrict access onto and use of the flat roof part of the rear extension to Plot 01 to protect the amenity of the neighbour, which could be secured by condition (**Condition 8 refers**).

Turning to the impact on 10 Highwalls Road, the two storey extension at Plot 01 would be approximately 10.5m from the rear of the dwelling and the single storey element would be approximately 8.7m. It would also be close to the rear boundary and garden amenity space. As a result, there would be some impact on the outlook of the occupiers. The property is already affected by Mews Cottage in relative close proximity. However, the impact would not be considered significant enough to warrant a refusal reason. The only window facing the property would be ground floor, however this is angled across the rear boundary and furthermore the existing boundary treatment and proposed 1.8m high timber fence would protect privacy.

Turning to the impact on number 8 Highwalls Road the property is further away from the rear extension of Plot 01 and the extension to the north. As such there would be little impact on the outlook and from light. The only window facing the property would be ground floor of the extension on Plot 01. However, this is angled across the rear boundary and furthermore the existing boundary treatment and proposed 1.8m high timber fence would protect privacy. The nearest first floor window on the extension on Plot 02 is approximately 22m away and angled away. Therefore, this would not result in any significant overlooking. The dwellings further along at 2-6 Highwalls are further away and the proposal would not have a significant impact on these properties.

Wild Thyme Cottage on The Square, to the south of the site, is a significant distance from the nearest resulting dwelling at approximately 35m. This property benefits from a large rear garden with its rear boundary adjacent that of the application site. The two storey extension of Plot 02 and Plot 03 would be relatively close to the rear boundary with the extension on plot 02 being 9.6m away. There would however be no significant impact on the outlook of the occupiers of the dwelling when using the garden. Plot 03 is closer at 5m however the extension, in relation to the affected property, would be situated to one corner of the garden and would have little impact. A 1.8m high fence is proposed against the existing rear boundary and this would protect the privacy of the occupiers from movements along the rear access to the car park.

Turning to the impact on Ty Twyn this dwelling is over 40m away from the proposed rear extension and the rear boundary approximately 12m away (from the proposed extension). As such the extensions would not impact on the outlook or light to this dwelling and garden. No first floor windows are proposed in the rear of the extension (for Plot 03) and due to the distances to other windows there would be no significant overlooking. The parking area would be adjacent their rear boundary which would have some impact from noise and disturbance. There is an existing boundary wall and a 1.8m high fence is proposed to be provided on the application site side. This would reduce the impact from cars using the car park to an acceptable level.

Concern has been raised with regard to the security of Ty Twyn being affected by the proposal. Whilst the site would be more open it would not impact on the existing boundary treatment and additional wooden boarded fence to 1.8m high would be provided. This would provide a suitable level of security and its provision could be controlled by a suitably worded condition if permission is to be granted (**Condition 6 refers**).

Millbank House on Mill Road is situated over 30m to the south of the application site. As such there would be no significant impact on the occupiers of the dwelling. As with Ty Twyn adjacent its rear garden borders the proposed parking area.

The garage connected to the existing garage to be demolished is used by the occupiers of Millbank House. In their correspondence they state they have a legal right of way from the garage to Heol Y Cawl. The proposal could increase traffic movements from the access, however this would not impact significantly on the amenity of the owners. It would also not prevent access and would be a matter between the landowners to resolve. A condition restricting any boundary treatment on the boundary of the site is considered necessary to ensure the existing area is kept open (**Condition 4 refers**).

In relation to other concerns raised by public responses, construction works could result in some noise and disruption to neighbours. It is noted there are residential properties in close proximity to the site. The Council's Shared Regulatory Services (Pollution) have been consulted, however no response has been received to date. Notwithstanding this, the type of issues highlighted are controlled under Environmental Health legislation and if permission were granted an informative note could be attached highlighting the issue to the developer.

In the previous refused application concerns were raised with regard the increase in noise from the proposal and potential for air pollution from increase car movements. Whilst the proposal would intensify the use and create additional traffic movements, the level of intensification of the residential development at the site is not considered to be significant to request the submission of a noise / air quality assessment.

Consequently, the proposal has overcome the previous refusal reason and the impact on neighbouring amenity would be acceptable.

Refusal Reason - 3. Impact on Protected Species (i.e. bats)

"A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19- Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009)".

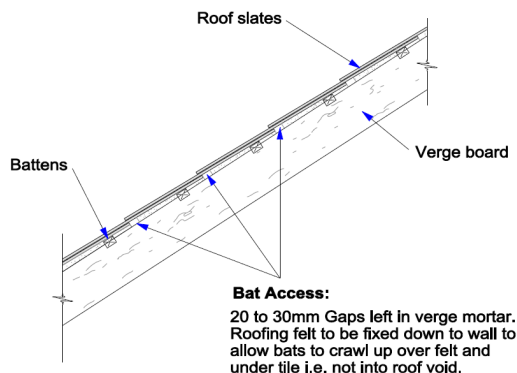
Chapter 6 of Planning Policy Wales relates to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Paragraph 6.4.5 of Planning Policy Wales (Edition 12, 2024) 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 previous application (2022/01016/FUL) was refused as it was considered, a lack of information had been submitted to fully assess the application in relation to the potential impact on protected species i.e. bats. On this basis, it had not been demonstrated that the proposal will not adversely affect protected species at the site. That application was supported by an Ecological Survey Report by Acer Ecology Preliminary Ecological Appraisal (February 2023) has been submitted. This concluded, *“The full extent of ecological impacts and potential constraints of the proposed development cannot be fully determined, based on the results of the preliminary ecological appraisal survey alone. Further survey work will be required before such assessments can be comprehensively made”*. The current application is now supported by a ‘Dusk Emergence Bat Survey’ conducted in August and September 2023.

In summary, the original survey deemed the trees have negligible roosting potential. No evidence of bats were found in the house or outbuildings. The house was deemed to be of moderate bat roosting suitability, the garage of low, one of the outbuildings low and the other four outbuildings were deemed to be negligible. The emergence survey observed some bats emerging from the roof areas of the house and four different access points were identified in the form of gaps under ridge tiles and/or slates and a gap in the roof area by the chimney. No bats were noted to emerge from the garage and the outbuilding. It recommends the works are likely to have a negative impact on bats and a bat mitigation plan should be designed from the survey results. In addition, as evidence of a bat roost was found a European Protected Species Licence would be required from Natural Resources Wales

A letter from Soltys Brewster Ecology supports the application. This states it is a Biodiversity Mitigation & Enhancement Strategy. An extract of the mitigation is detailed below. The elevations in the above section on the Proposed Development details bat boxes and the gable ends where bat access would be provided as below.



Elevation of Verge

Natural Resources Wales have been consulted and they identify they would have concerns unless the submitted elevations, verge detail bat access plan and Soltys Brewster Biodiversity Mitigation & Enhancement Strategy are included. It is noted Elevations Sheet (01) has been updated to rev E since the comments were received, however the amendments relate to other matters on the plan. A condition requiring the development is carried out with the approved plans is necessary (**Condition 2 Refers**)

They also identify a European Protected species (EPS) Licence would be required for the development. Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under 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 the Local 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 respect of Test 1, this is an existing property within the settlement boundary as identified in the Local Development Plan. As such, some alterations and maintenance, to the roof could be carried out without the need for planning permission. The proposal would re-develop the site for the three dwellings of an acceptable level of living accommodation. This would beneficially provide additional housing in the settlement boundary and a sustainable location. It would also preserve access to the roof space by ensuring the development is carried in accordance with the bat mitigation details submitted and approved by NRW. This would be in the public interest by meeting the objectives of the Local Development Plan.

In respect of Test 2, and alternatives, as stated above the re-development would provide additional dwellings in a sustainable location providing needed housing. It would also contribute to reducing demand for additional housing on undeveloped 'green field' land which would be considered a lesser acceptable alternative.

With regard to Test 3, NRW have not objected and 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, provided that the measures stipulated in the above documents are adhered to. This is covered above and the required listing of the approved documents (**Condition 2 refers**)

Therefore, subject to an informative (**Informative 3 refers**) in respect of the need for an EPS License, there would be no objection on these grounds.

Therefore, it is considered that sufficient information has now been submitted to fully assess the application in relation to the potential impact on protected species. As detailed above the application would be acceptable in these terms and subject to a European Protected Species Licence from NRW.

Refusal Reason - 4. Planning obligations (Section 106)

“In the absence of a legal agreement being in place to secure the affordable housing contribution, the proposal is considered contrary to Policies MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Vale of Glamorgan adopted Local Development Plan 2011-2026 and the Vale of Glamorgan Affordable Housing Supplementary Planning Guidance (2018), in that it would not make the necessary contribution towards delivery of affordable housing”.

Development Plan Policies and Supplementary Planning Guidance (SPGs) on Affordable Housing and Planning Obligations provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. Officers have considered the need for planning obligations based on the policy framework; the type of development proposed; the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. These are summarised here:

- 40% affordable housing

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2023 Local Housing Market Assessment (LHMA) which determined that 1075 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in the area in the ward of Dinas Powys. These figures and the required contribution are updated from the previous application and original requirement and are based on the most recent SPG on Affordable Housing:-

DINAS POWYS	
1 BED	207
2 BED	101
3 BED	52
4 BED	9
5 BED	2
TOTAL	371

The application is for the subdivision of a single dwelling to three dwellings with rear extensions, thus providing an additional 2 units of residential accommodation.

In line with the SPG a 40% contribution to affordable housing is required by way of an off-site contribution of $AHC \times 0.8 \times$ the ACG of a property of the size most in demand, in this case a one-bedroom unit at £167,127.

Thus, the contribution required will be $0.58 \times 0.8 \times £167,127 = £77,546.93$

It should be noted this amount is greater than originally requested and detailed in the submitted viability assessments (discussed below). This greater figure is based on the update to AHC values in the revised SPG dated April 2024 and came into force after the application was submitted.

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

Development Viability

The applicant has been informed of the affordable housing contribution and has submitted a Development Viability report by CTD Consult Ltd. This concludes that a viable residential project should return a 15-20% profit and that the results of the assessment show the development is not capable of supporting any Section 106 contributions. It identifies a loss of circa £827,550. It is further stated that the identified short fall is unlikely to be offset by sales value growth or cost savings over the development's lifespan.

Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

Para 4.2.22 of PPW states that *"Where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage."*

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

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

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

As detailed in the Section 8.2.3 of the Council's SPG on Affordable Housing, “All information submitted will need to be independently verified by either a suitably qualified quantity surveyor with local market knowledge and/or the District Valuer, the cost of which should be borne by the developer”.

The review of the viability assessment has been provided by the head of professional valuations at Herbert R Thomas and is a Chartered Surveyor.

The report states that in respect of Gross Development Value (GDV), based on market evidence of other sales they consider that the gross development value quoted could be increased slightly from the applicants figure of £1,518,551 to £1,565,000

In respect of Development Costs and construction costs, it is noted to the applicants as utilised BCIS costs adopting the mean quarter range for rehabilitation and conversion. The review is of the opinion that the cost provided by the applicant are acceptable and they note that the appraisal includes specific costs (which reflect its location in the conservation area) such as York stone paving and stone walls etc and have also applied a market facing contingency of 5%. The total Development Costs including acquisition, finance, fees are stated to be £2,059,004.

In summary, the review of the appraisal concludes that the proposed development is not financially viable despite adopting a higher Gross Development Value and adopting the applicants' lower professional fees than market percentages. It concludes a loss of circa £494,004 reflecting a profit on cost of -23.99%.

The sensitivity analysis also shows that the size of the financial deficit forecast is such that any incremental improvements of up to 5% of increased values and 5% decrease in build costs would not be sufficient to make the scheme financially viable.

It is noted that both reports identify the development would result in a loss and the applicant's agent has been requested to comment on this. They have responded, *“Our view is that the development is going to make a loss either by re-development of a single dwelling, or by sub-divisions into three units. In our opinion the subdivision of the units is likely to mitigate our losses with smaller units to dispose of. Furthermore, it opens up a secondary market where the property can be sold to a developer with the benefit of planning permission, or indeed re-development of the single dwelling”.*

The above is noted and that this issue would not be a material planning consideration that could be used as a refusal reason and would be a matter for the applicant/developer.

Section 8.1.4 of the Affordable Housing SPG states.. *“The Council considers that reduced planning obligations or affordable housing contributions will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development, such as:*

- The delivery of a strategically important development site in the context of the Local Development Plan;*
- There are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building, contaminated land, urban renewal project etc.)*
- or;*
- The development itself is being used as a means of delivering / subsidising a mixed use, commercial or community project (in the public interest) which would not be deliverable without financial support.”*

It is recognised that the development is a conversion of an existing building which would carry more risk than developing on ‘greenfield’ land. In addition, the small scale of the scheme, to alter the mix of units or design is unlikely to provide more scope of reducing costs and achieving greater profits. The site is within the Primary Settlement boundary of Dinas Powys and policies in the plan (SP1-Delivering the Strategy and MD1-Location of New Development) directs development in such areas. As such the development would be considered in the public interest of providing new housing in locations where it is preferred in local policy. In addition, this is reinforced nationally in Planning Policy Wales.

In conclusion the required process in line with the Council’s SPG on Affordable Housing has been carried out and this demonstrates that the scheme is unviable. Accordingly, the removal of the required affordable housing contribution has been justified.

Notwithstanding this, in circumstances whereby viability demonstrates that a scheme cannot provide for any or only part of a financial contribution, the viability assessment undertaken is time sensitive. Markets can change and schemes that were previously unviable can become more profitable to a point where they can provide some or all of the required contributions. That being the case, national guidance states that reduced commencement periods are appropriate and a limited time for the implementation of the consent is recommended. In this instance it is recommended that development should commence within a year of the date of any permission granted (**Condition 1 refers**).

The values identified in the viability assessment and review were based on residential dwellings. It has not been demonstrated that the values equate to uses that could be from a general residential use that allows changes to for example short term holiday lets. Therefore, if permission is granted a condition requiring the use is only C3 residential use is recommended (**Condition 3 refers**).

Other Planning Matters

The following is an assessment of other Planning Matters that whilst were not considered refusal reasons for the previous refused application (2022/01016/FUL), are included here for completeness.

Parking and Highway Safety

Concerns have been raised from the public responses due to access being narrow with no pavement and having poor visibility. It is raised that the additional use of access would result in highway safety issues and would result in congestion and reversing if cars meet each other. It is also detailed the proposal would increase demand for parking space in the vicinity of Highwalls Road.

Members are advised, in the previous planning application at the site (2022/0106/FUL), no objections were raised by the Council's Highways Section. Their final comments for that application are provided below:

1. In according to the Council's Car Parking Standards for residential development a requirement of 1 space per bedroom (maximum of 3 spaces per unit) normally applies to residential development with an additional requirement of 1 space per 5 units for visitors. From the submitted plans, the proposed dwellings are 2 x 3 bedrooms and 1 x 4 bedrooms, therefore, maximum of 10 parking spaces plus a visitor space would be required to be provided. From the drawing of the proposed parking and access arrangements, only 7 parking spaces are provided. However, due to the sustainable location of the development, reduction in parking provision to 2 parking space per dwelling and 1 visitor parking is permitted in this instance.

2. The vehicular access to the parking area is from an existing access on Heol Y Cawl and from examining the personal injury collision data for the past 5 year period, good overall safety has been recorded.

Based on the above, an objection could not be sustained in relation to the highway aspects of the development in this instance.

The current application includes the same number of dwellings and a very similar parking layout (with seven spaces), albeit the lean-to extension which was to be removed in the previous application is being retained to overcome the previous refusal in respect of the beneficial impact on the historic street scene and conservation area of retaining it.



Proposed Parking and Access Arrangements

In relation to the vehicular access to the parking area this would be to and from Heol Y Cawl. The Council's Highway Section have now detailed they have some concern from an intensification of its use due to potential increased on-street car parking.

From the previous application, they however detail that '*good overall safety has been recorded*' for the street and they did not object. Members are advised that the Council's Highways Section clarify that there are no recorded incidents of accidents, since the previous application. It is noted that the proposal may result in some increase in the movement of car and vehicle traffic on the lane and that the lane is narrow which somewhat restricts access, albeit the lane accesses and serves the existing property. However, the through lane is already used for access by various properties and the addition of two additional residential units would not result in a significant increase in its use. Furthermore, due to the narrowness of the lane, traffic speed would be expected to be much lower than on surrounding streets. As such having regard to the absence of any data in respect of accidents, the degree of intensity of use, it is not considered that the proposal would result in unacceptable impacts on public and highway safety, to refuse the application, on the grounds of intensification of the use of Heol Y Cawl.

Turning to the level of parking, the Council's Highways Section have commented that the Council's SPG Parking Standards for residential development requires 1 car parking space per bedroom (maximum of 3 spaces per unit) with an additional requirement of 1 space per 5 units for visitors. A *maximum* of 10 parking spaces plus a visitor space would be required to be provided. They identify sub-standard on street parking provisions and a high demand in the area, mainly in the vicinity of the junction with Highwalls Road and Ebenezer Church. They suggest a parking survey should be carried out to identify the on-street parking demand within the area to justify the parking numbers.

Their comments have been sent to the agent and applicant in addition to the request for the parking survey. The applicant has responded to state that the previous application was not refused on this issue and that the application is a similar development and it would therefore be unreasonable to go to the significant cost of providing a survey. Their reasoning for this is acknowledged in light of the previous comments made by the Council's Highway Authority. The applicant has however provided an updated site plan which reduces the stone boundary wall adjacent to plot 1, increasing the access area. This would result in an improvement to vehicle movement within the site. The Council's Highways Section have been informed of the above response and updated plan. They have responded and reiterate their previous comments still stand and which are summarised in the paragraph above.

In relation to the parking numbers, it should be recognised the requirement within the SPG Parking Standards are maximum requirements and should be applied on a place by place basis. The proposal would provide 7no. parking spaces (2no. parking space per dwelling and 1no. additional parking space). Albeit, it is recognised that, as identified by the Highways Section, parking spaces number 6 and 7 are too short and do not meet the standards. Whilst this is the case, space 6 could be increased in size to a standard length if required. The applicant has suggested these two spaces could be allocated to one of the dwellings (with an additional standard space). This would provide 2no standard spaces for each dwelling, with one potentially having 3 spaces (either 2no standard spaces or 1no standard space and 2no non-standard spaces). The use of the two non-standard spaces would potentially require a parked vehicle to be moved to enable them both to be used. As they would be controlled by one dwelling this would be an acceptable situation and this arrangement is not uncommon. Details of the allocation and materials to mark out bays can be required by a condition (**Condition 12 refers**).

In relation to providing additional parking at the site as required by the Council's Highways Section, Members are advised, Section 4.1.51 of Planning Policy Wales states, "*Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must (emphasis added) support schemes which keep parking levels down, especially off-street parking, when well designed..*"

This is reiterated in Section 5.2 of the Council's SPG Parking Standards where it states, "*It is considered that using maximum standards which limit the amount of parking provided on developments can help focus attention on the overall travel context of a development including the availability of more sustainable modes of transport such as public transport, walking or cycling. Such an approach will enable more flexibility to the application of the parking standards (where supported by appropriate and robust evidence) to reflect local conditions and the availability of alternative forms of transport and may result in a reduction in the level of vehicle parking required*".

As detailed above, each dwelling would have at least 2no standard parking spaces. Furthermore, the plans also identify cycle parking can be provided within the garden areas for each dwelling (**Condition 13 refers**). It is considered this parking provision is normally a sufficient amount of off-street parking for a new dwelling, particularly within a town/village centre location close to shops, services and public transport links. Furthermore, as the site is within a conservation area and town centre, there could be an argument for providing less parking than proposed in any case. This would be beneficial in reducing the impact of the parking area on the historic and visual qualities of the area. In contrast, providing further parking at the site, is likely to have a greater impact on historical and visual amenity and would reduce amenity space for the dwellings.

Concerns have been raised with regard to on-street parking particularly around Highwalls junction. It is envisaged if a resident or visitor approaches the site from Highwalls and wants to park in an available on street parking space they could do so without creating a highway safety issue. If the available spaces are full and they continue to travel down Heol y Cawl they could then park at the site. If parking spaces at the site are full they would either turn on site and return to the Highwalls area to seek a parking space further afield. Alternatively, they could continue past the site and down to Mill Road to park on Mill Road or surrounding streets. From previous site visits, parking in this area, is usually less busy than the Highwalls area. This situation is most likely the same as experienced by existing residents on Heol y Cawl and their visitors and other dwellings in the area. Due to the scale of the proposal, this development would not result in a significantly different situation to the existing, that would lead to significant on-street parking concerns and congestion to a point that it would unacceptably impact on highway safety.

Turning to the concern raised, in relation to access to the garage used by Millbank House, the proposal would not prevent access to and from the garage. Parking space no 7 would not extend greater than where the footprint of the existing garage is. Therefore, in this regard, there would be no change to the existing situation.

The Council's Highways Section have also detailed the small stone boundary wall and vegetation between Heol Y Cawl and the access has not been identified on the proposed site layout. Whilst this is the case, its removal is not being proposed and can be rectified by requiring an updated site plan if permission is granted (**Condition 6 refers**).

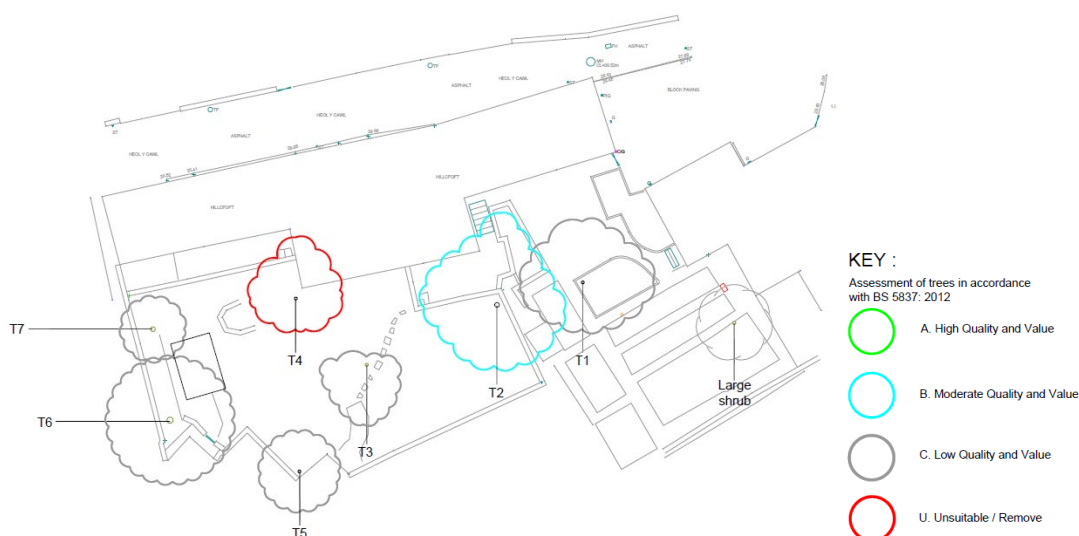
In summing up, the previous proposal was not refused on the parking and access issues, and the current proposal is broadly similar. The use of the access road by 2no. additional dwellings, with good overall safety data is not considered to result in an unacceptable impacts on public and highway safety, to refuse the application, on the grounds of intensification of the use of Heol Y Cawl. The provision of at least 2no. parking spaces per dwelling, in this village centre location, is considered an acceptable level of parking provision. Therefore, taking into account of the above assessment, the proposal would be considered acceptable in respect of highway impacts.

Green Infrastructure, trees and biodiversity

In terms of green infrastructure, the site is an existing dwelling and garage, a rear garden area and hard surfaced parking area to the side. The land to the rear is mainly domestic garden with a few outbuildings. The proposed building footprint and parking area would replace some of the lawned grassed area and it is proposed to remove some trees and shrubs.

Firstly, in relation to trees, concerns have been raised from public responses, with regard to the loss of trees, including one detailed as a rare tree (*i.e. a Ginko Biloba*) and that it would have an adverse impact on wildlife and the environment including bats.

A number of relatively small trees and shrubs are located in the rear garden. The rear garden is generally overgrown and from a site visit, it is evident has not been managed recently. The application is supported by a Predevelopment Tree Survey & Assessment and Tree Constraints Plan prepared by Tirlun Design Associates Ltd and an extract is included below:



Tree / Tag no.	Species	Height (m)	Stem dia.(mm)	Branch spread (m)	Crown clearance (m)	Age	Physical condition	Structural condition	Management recommendations	Est.remaining contribution (years)	Category
1	Aco	14	200	N 4 E 4.5 S 3 W 4	2	Y/ EM	F	PD, UB, V2	Constrained by brick planter, fused with tree surround	40+	C
2	Gbl	14.5	300, 250, 100 MSx3	N 6 4.5E S 5 W 5	1.5	EM	F	WS, V2	Roots constrained by retaining wall	40+	B
3	Malus Spp.	5	150	N 0.5 E 2 S 4 W 3	1	M	P	UB, TD, V3	None	10-20	C
4	Malus Spp.	5	250	N 4 E 3 S 2 W 3	1	M	P	UB, TD, V3	Leaning heavily towards building. Remove	<10	U
5	Iaq	7	100 MSx5	N 2.5 E 2.5 S 2.5 W 2.5	2	Y/ EM	P	WS, UB, V2	Growing out of debris pile. Constrained by adjacent shed and wall	40+	C
6	Bpe	16	275	N 4 E 4 S 4 W 4	6	EM/ M	P	PD, UB, V2	Unsympathetic surgery in the past. Growing out of wall base	20-40	C
7	Iaq	9	200	N 2 E 2 S 2 W 2	2	EM/ M	P	UB, V2	Inoculation of branches at 1.5m	40+	C

Only one tree was identified as having moderate quality (Category B) with most being of low quality. The tree in Category B is identified as a Ginko Biloba. It is noted this is relatively tall and provides some amenity value. In Conservation Areas, consent is required to conduct works or fell trees of a certain size and this would only be refused if the tree is suitable for a Tree Preservation Order. In assessing this, the tree is in fair condition, has a lifespan of 40 years plus, is quite high and its roots have however been identified as being constrained. Whilst the tree species is relatively unusual it is not significantly rare and is also non-native species. The tree provides some amenity value from its immediate setting, however it is not widely visible from public vantage points in the Conservation Area. It is therefore concluded the tree would not merit a TPO. Most other trees to be removed (six in total) are low quality or affected by the existing built structures in the rear. The birch tree (Bettula Pendula) is detailed as being retained and does offer some wider amenity value.

Whilst it is regretted some trees would be lost, it is considered retention of some trees and the introduction of a suitable native species planting scheme would mitigate the proposal and provide an overall amenity and biodiversity benefit in time. Details of this would be controlled by a suitably worded condition if permission were to be granted (**Condition 9 refers**).

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

1. The need for the development clearly outweighs the biodiversity value of the site;
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 12) 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 (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems..."

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

The provision of additional dwellings on a 'brownfield' site is recognised as being preferable to the use of 'greenfield' land which could have a greater biodiversity impacts. Full details have not been submitted to fully demonstrate a biodiversity enhancement can be provided. However, notwithstanding this, additional tree planting and other biodiversity measures such as maintaining gaps in boundary treatments for hedgehogs and similar animals and providing bird and bat boxes could meet this requirement. Details of these could be secured by a suitably worded condition if permission is granted (**Condition 11 Refers**).

Therefore, the proposal is considered to have an acceptable impact on Green Infrastructure and would provide a biodiversity gain in accordance with Policy MD9- Promoting Biodiversity and Planning Policy Wales.

Amenity space

The Council's Residential and Householder Supplementary Planning Guidance requires that dwellings should be served by a minimum of 20 sq. m amenity space per person, the majority of which should be private garden space.

Each proposed dwelling would be provided with their own private amenity space to the rear of each property as shown in the plan below.



Proposed Layout of Amenity Space

Plot 01 would have approximately 115 sq m for a 3 bedroom house, Plot 02 would have approximately 102 sq m for a 3 bedroom house. Plot 03 would have approximately 62sq m for a 3 bedroom house. Plot 01 and 02 would have amenity space over the requirements in the SPG. Plot 03 is a little under the 80 sq m requirement for a 3 bedroom house. However, this is a relatively small dwelling and would still provide usable amenity space. On balance it is considered this would most likely be an acceptable level for the occupiers and is not a significant shortfall and would not warrant a refusal reason for the planning application.

Therefore, in these terms the application would be considered acceptable.

Drainage and Flooding

Concerns have been raised that the area is at risk from flooding and the proposal would increase run off from the parking area and Heol y Cawl towards Mill Road.

The Council's Drainage Section have responded that this site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal / tidal flooding. NRW flood maps (TAN15 2004) indicate that this site is at a very low risk of surface water flooding. They also state a detailed design for the surface water drainage will be required to be submitted through the SAB process(Sustainable Drainage Systems). An informative note advising the applicant of this is considered necessary (**Informative Note 4 refers**).

The site is located within a mains sewered area and therefore the proposal is considered acceptable in terms of foul drainage. The developer will need to discuss connection with Dŵr Cymru/Welsh Water prior to any works. They further detail no surface water and/or land drainage shall be allowed to connect with the public sewerage network. An advisory note would be imposed advising the applicant of their requirements and to contact Welsh Water.

It is considered that subject to conditions, the proposed development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

Archaeology

Heneb (The Welsh Trust for Archaeology) have advised that the building is historically important and recommend a condition for a historic building survey (level 2) prior to works commencing. Details of this could be obtained by a suitably worded condition if permission were to be granted (**Condition 5 Refers**).

Overall, the proposal is considered acceptable in respect of impact on archaeological resources and Policy MD8 – Historic Environment.

Construction Impacts

Further to concerns raised that there would be no room for scaffolding to be erected on the lane and that construction vehicles may block the lane. It is noted there is some land in front of the existing garage where materials and vehicles could be stored/parked. Furthermore, the blocking of a public highway would be an offence enforced under traffic regulations. In relation to the placement of scaffolding, as it is a public highway, a licence would be required from the Council's Highways Section.

In relation to the issues with regard to increased dust and noise pollution from construction vehicles, these are noted and are temporary impacts.

If permission is granted a Construction Environment Management Plan is recommended and would provide measures to minimise the impacts of the construction works on the surrounding residents and streets (**Condition 14 refers**)

Other Matters

With regard the concerns raised that detail a water leak at the front door/porch, these are noted. However, maintenance would be a private matter for the owner/occupier. Whilst the property is identified as a 'County Treasure', the Council would not have any responsibility for maintenance.

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 Biodiversity and Development, Residential and Householder Development; and national guidance contained in Planning Policy Wales (12th Edition), and TAN12 (Design); the proposals are considered acceptable in terms of the principle of development, heritage and visual impact, impact up on neighbouring properties, impact on protected species, affordable housing contributions, parking and highway safety, green infrastructure and biodiversity enhancements, flooding and drainage, amenity space, archaeology.

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.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall begin no later than twelve months 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 unless otherwise required by any other condition relating to this permission:

Hillcroft Location Plan
541-P08 Rev E Proposed Site Plan
541-P09 Rev A Proposed Ground Floor Plan
541-P10 Rev B Proposed First Floor Plan
541-P11 Rev B Proposed Roof Plan

541-P12 Rev E Proposed Elevations (Sheet 01)
541-P13 Rev C Proposed Elevations (Sheet 02)
541-P14 Rev B Proposed Site Sections
541-P15 Rev A Demolitions Ground Floor Plan
541-P16 Rev A Demolitions First Floor Plan
541-P17 Rev A Demolition Roof Plan
541-SK01 Verge Detail Bat Access

Green Infrastructure Statement (By TDA October 2024)
Design and Access Statement and Heritage Impact Assessment Revision B (18th September 2024)
Predevelopment Tree Survey & Assessment (by TDA and dated December 2022)
Tree Constraints Plan (by TDA and dated December 2022)
Preliminary Ecological Appraisal V2 by Acer Ecology (February 2023)
Dusk Emergence Bat Surveys (By Grounded Trees & Ecology conducted August and September 2023)
Letter titled Biodiversity Mitigation & Enhancement Strategy (By Soltys Brewster Ecology and dated 29th August 2024)
Development Viability by CTD Consult November 2024

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. Each dwelling hereby permitted shall be used for a residential dwelling (C3 Use Class) and for no other purpose (including any other purpose in the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification)).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) of the Local Development Plan.

4. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D, E and H and Part 2, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall not be altered in any way other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policy MD2 (Design of New Developments) and MD8 (Historical Environment) of the Local Development Plan.

5. No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis (level 2) has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact in accordance with Policy MD8-Historical Environment of the Local Development Plan.

6. Notwithstanding the submitted details, the following details and samples to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

- i.) stone covering for parking area (including delineation of parking spaces)
- ii.) natural slate and ridge tiles for roofs
- iii) windows, flush fitting rooflights, doors and gates including opening surrounds
- iv) render (including colour)
- v) finishing materials for adjacent garage following demolition of garage on site.
- vi) Details of the proposed dormers at 1:10 scale
- vii) Details of new stone boundary wall (to plot 03) including sample panel.
- viii) Finishing details for elevation of adjacent garage wall following demolition.
- ix) Boundary Treatments
- x) wall adjacent Heol y Cawl at the junction of the access and adjacent property.

The development shall be completed in accordance with the approved details prior to the first occupation of any dwelling hereby approved.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

7. Any part of the bedroom window (room 04) of plot 01 that is below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. No part of any flat roof area shall be used as a storage area, balcony, roof garden or similar amenity area.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 Design of New Developments of the Local Development Plan.

9. Notwithstanding the submitted details 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, to include details of replacement trees. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD8 (Historic Environment)] of the Local Development Plan.

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD8 (Historic Environment)] of the Local Development Plan.

11. 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.

12. The parking spaces identified on plan number 541-P08 Rev E Proposed Site Plan shall be allocated to each dwelling in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. A minimum of 2no. spaces shall be provided to each dwelling and spaces number 6 and 7 on the above plan shall be allocated to one of the dwellings (and including another space). Thereafter, the parking shall be adhered to in perpetuity.

Reason:

To ensure each dwelling has an adequate level of off-street parking in accordance with Policy MD2 of the Vale of Glamorgan Local Development Plan.

13. Prior to the first beneficial occupation of each dwelling hereby permitted, the cycle parking identified on plan number 541-P08 Rev E Proposed Site Plan shall have been provided. Thereafter it shall be maintained as such in perpetuity.

Reason:

In the interest of promoting sustainable modes of transport in accordance with Policies MD1-Location of New Development and MD2-Design of New Development of the Local Development Plan.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

NOTE:

1. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk. (I71).
2. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), CIfA regulations, standards and guidance | Chartered Institute for Archaeologists and it is recommended that it is carried out either by a CIfA Registered Organisation or a MCIfA level accredited Member Looking for an archaeologist? | Chartered Institute for Archaeologists.
3. NRW advise the following:

Warning: A European Protected Species (EPS) licence is required for this development. This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

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) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en> .

We may wish to discuss minor aspects of the proposed 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.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

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

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

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.

APPLICANT: Mr J McQuade The Retreat, Penyturnpike Road, Dinas Powys, CF64 4HG

AGENT: Mr Richard Whitaker 43 Plas Saint Andresse, Penarth Haven, Penarth, CF64 1BW

Hillcroft, Heol-y-cawl, Dinas Powys

Proposed subdivision of single dwelling to three dwellings with extensions to rear.

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 Councillor Cowpe for the following summarised reasons:

- Access road is narrow and parking difficult,
- Access to existing garage would be restricted,
- Neighbours have raised concerns, and
- Impact on wildlife

EXECUTIVE SUMMARY

The proposed demolition relates specifically to the garage only. It is being assessed in conjunction with a planning application (ref 2024/00846/FUL) for the proposed re-development of the site into three separate dwellings. The planning issues raised in this application with regard parking, access, neighbour amenity concerns and the impact on wildlife are being assessed in that application.

The building subject of the application is identified as making a positive contribution to the character and appearance of the conservation area in the Dinas Powys Conservation Area Management and Appraisal Plan. In relation to demolition this only relates to the garage. This is a modern building and not widely visible or in the historical context of the street scene. Therefore, its heritage status, is not on a similar level to that of the main part of the building.

No objection has been raised by the Council's Heritage Officer to the demolition and the re-development scheme. The proposed scheme (2024/00846/FUL), as detailed in the officer report, is considered acceptable.

Therefore, the application is recommended for approval.

SITE AND CONTEXT

The site is a dwelling located within historic centre of Dinas Powys. It is situated within the conservation area and is identified as a 'County Treasure'.

Dinas Powys Conservation Area Appraisal details the property is an early 19th Century (possibly earlier) cottage directly fronting the road and is identified as a positive building.

Access to the site can be made from either Highwalls Road or Mill Road to the east.

An extract from the site location plan is provided below:



Photographs of the garage to be demolished (with painted roller shutter door on right) are provided below. The garage on the left is not part of the application site:



DESCRIPTION OF DEMOLITION WORKS

Conservation Area Consent is sought for the demolition of a garage to make way for access and parking in relation to a proposal for converting a property to residential is sought. The description of the works has been amended to relate to just the works being assessed in this application i.e. the demolition of the garage shown in the photographs above.

The application has been submitted in tandem with a full planning application (Reference 2024/00846/FUL) for, "*Proposed subdivision of single dwelling to three dwellings with extensions to rear*". This is being determined separately to this application and would involve, as well as demolishing the garage, internal modifications with extensions to the rear of the dwelling. Extensions to the rear of the property would also be demolished to make way for the proposed extensions and conversion.

The application is supported by the following documents:

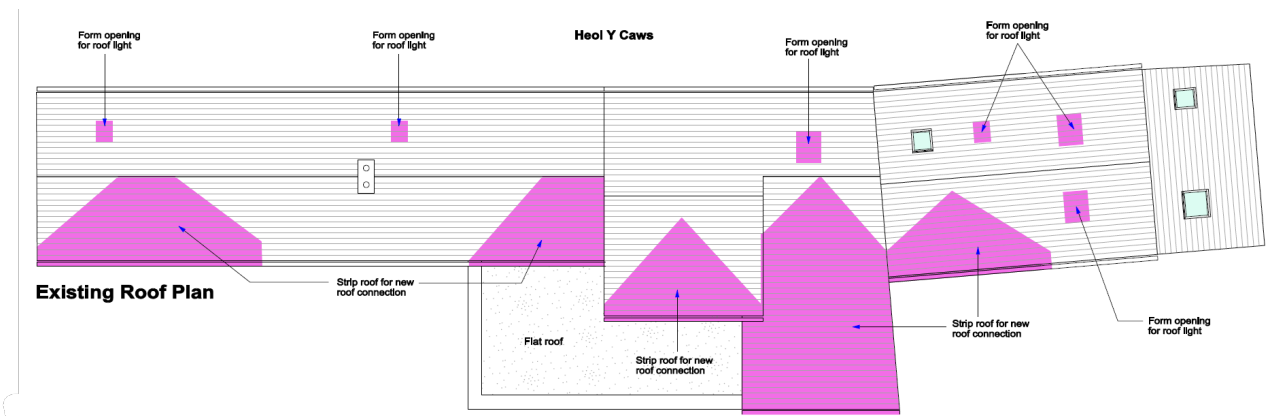
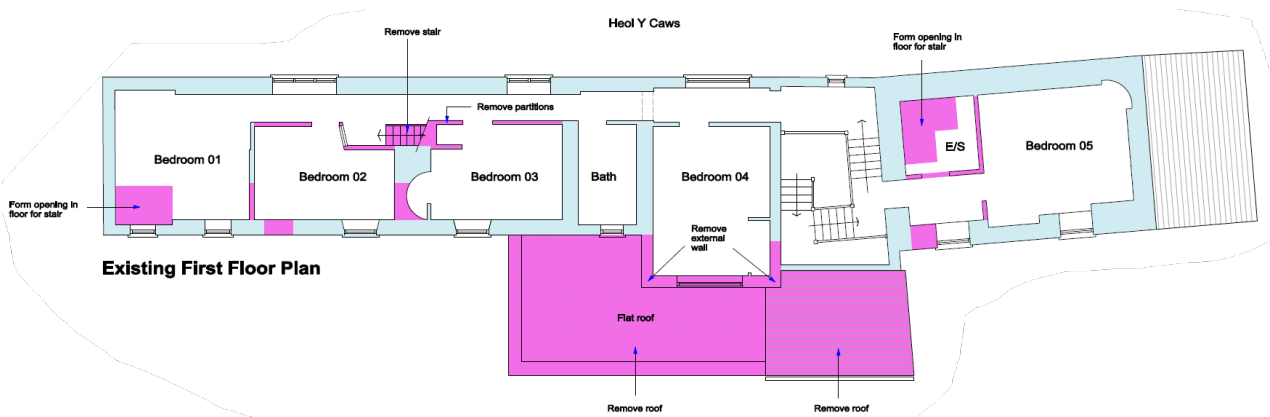
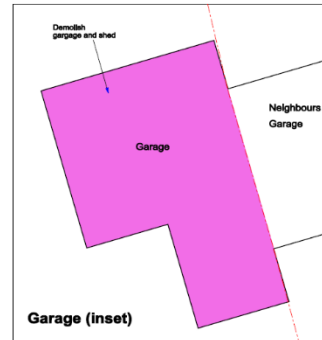
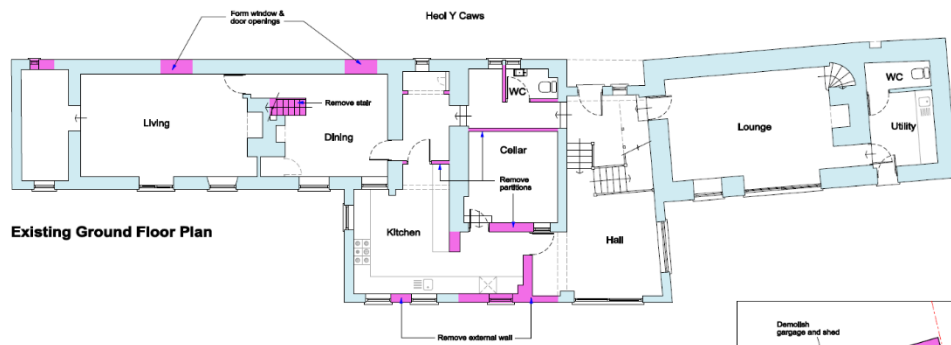
- Design & Access Statement & Heritage Impact Assessment Revision B September 2024
- Predevelopment Tree Survey & Assessment (by TDA and dated December 2022)
- Tree Constraints Plan (by TDA and dated December 2022)
- Acer Ecology Preliminary Ecological Appraisal (February 2023)
- Dusk Emergence Bat Surveys (By Grounded Trees & Ecology conducted August and September 2023)
- Letter titled Biodiversity Mitigation & Enhancement Strategy (By Soltys Brewster Ecology and dated 29th August 2024)
- Green Infrastructure Statement

Extracts from the demolition plans are provided below which identify the garage to be demolished in the inset:

Extracts from proposed plans are provided below:



= Areas of demolition



PLANNING HISTORY

2022/01016/FUL, Address: Hillcroft, Heol Y Cawl, Dinas Powys, Proposal: Proposed subdivision of single dwelling to three dwellings with extensions to rear, Decision: Refused for the following reasons:

- 1. The proposed demolition of part of the existing dwelling would result in the loss of part of a historic locally listed building that is also designated a positive building in the Dinas Powys Conservation Area and which would fail to preserve or enhance the character of the conservation area or surrounding street scene. It would therefore not accord Policies SP1 (criterion 6), MD2 (criteria 1 and 2), MD5 (criteria 3 and 4) and MD8 (criteria 1 and 2) of the LDP as well as the policies contained within Planning Policy Wales (Edition 12).*
- 2. By reason of its location, proximity to and relationship with the neighbouring garden and windows serving Ailsa Craig and North Cottage the proposed first floor bedroom windows serving plot 01 would result in overlooking which would unacceptably impact upon the privacy and living conditions of occupiers of the neighbouring properties. The proposal would therefore fail to comply with Policy MD2 (Design of new Development) of the Local Development Plan 2011-2026 and the guidance set out within the Residential and Householder Development Supplementary Planning Guidance.*
- 3. A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19- Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009).*
- 4. In the absence of a legal agreement being in place to secure the affordable housing contribution, the proposal is considered contrary to Policies MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Vale of Glamorgan adopted Local Development Plan 2011-2026 and the Vale of Glamorgan Affordable Housing Supplementary Planning Guidance (2018), in that it would not make the necessary contribution towards delivery of affordable housing.*

2022/01063/CAC, Address: Hillcroft, Heol Y Cawl, Dinas Powys, Proposal: Demolition of garage., Decision: Refused for following reasons:

1. There is an objection to the substantial demolition of the garage as there is no acceptable scheme for re-development that would preserve or enhance the character of the Dinas Powys Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice within Technical Advice Note 24 – The Historic Environment (2017).
2. A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19-

Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009).

2024/00846/FUL, Address: Hillcroft, Heol-y-cawl, Dinas Powys, Proposal: Proposed subdivision of single dwelling to three dwellings with extensions to rear., Decision: Pending.

CONSULTATIONS

Dinas Powys Ward Members were consulted on 10 October 2024. As detailed above Councillor Cowpe has responded that the application should be determined by Planning Committee as there are concerns with regard access and parking, access to Millbrook, neighbours concerns and the impact on wildlife.

Dinas Powys Community Council were consulted on 10 October 2024. They have responded as follows:

Dinas Powys Community Council Strongly object to this proposed development of Hillcroft, Heol-Y-Cawl. The location of the property has a rich history, and with the proposed changes, it would be completely out of keeping and would spoil the character of one of the oldest places left in Dinas Powys. The property is also a county treasure, and the local authority has a statutory duty to ensure that the character of the area is preserved. The aim of this planning application is to revert Hillcroft back to three two-storey houses covering a large area of the existing single garden, demolishing garages to increase car parking spaces to 7, and also an increase from 5 bedrooms for one family to 10 bedrooms for three families should not be allowed.

Council's Heritage (Planning) were consulted on 10 October 2024. A response has been received and in summary and in relation to demolition the following is stated:

"The proposal would result in the loss of the current garage and policy states that 'There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings'. In this case it is considered that the value of the site is not that of making a positive but neutral impact and that it has been identified in its relationship with the wider site. Its loss and the redevelopment of that portion of the site with a replacement garage of a smaller scale and new access/driveway would have a neutral impact on the character of the area and an objection is not raised".

Royal Commission on Ancient & Historical Monuments were consulted on 10 October 2024. No response received to date.

Joint Committee of the National Amenity Societies were consulted on 10 October 2024. No response received to date.

REPRESENTATIONS

A site notice was displayed on 09 October 2024. The application was also advertised in the press on 17 October 2024. One response has been received at the time of writing this report and summarised below:

- I strongly object to the planning application.
- It would be an over development.
- Traffic and parking would be an issue as the only access is a very narrow lane. Increasing usage will potentially be dangerous for pedestrians using it.
- It will have an impact on wildlife.
- There would be overlooking from the proposed rear extensions.
- The old village needs to be protected from such over developments so that it can retain the character that these cottages have.

REPORT

Planning Policies and Guidance

Local Development Plan:

The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

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

Managing Growth Policies:

POLICY MG19 - Sites and Species of European Importance

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

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

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- 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)

6.1.6 Safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed.

Technical Advice Notes:

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

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

4.4.2 “Where the information is necessary to adequately assess the potential harm to nature conservation, but it is not provided (because the applicant cannot or will not provide it), planning permission will need to be refused if significant adverse effects on the nature conservation interests are possible and the benefits of the development do not clearly outweigh the harm that could result (PPW (edition 10) paragraph 5.5.3)”.

- Technical Advice Note 12 – Design (2016)

2.2 The Welsh Government is strongly committed to achieving the delivery of good design in the built and natural environment which is fit for purpose and delivers environmental sustainability, economic development and social inclusion, at every scale throughout Wales – from householder extensions to new mixed use communities.

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

4.5 “In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

4.8 “Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

5.6.1 In conservation areas there should be regard to the desirability of preserving or enhancing their character and appearance.

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

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

6.2 “Conservation area designation provides the basis for policies designed to preserve or enhance all the aspects of character or appearance that define an area’s special interest: this might include the pattern of settlement and the organisation of space and routes as well as the style and type of building, and the use of materials and detail. Green infrastructure may also be important, but conservation area designation is not likely to be an appropriate means of protecting landscape features, except where they form an integral part of the historic built environment”.

6.13 “There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area.....In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable”.

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)

5.5.2. Checks should be made prior to demolition to identify and define any biodiversity issues, such as the presence of protected species e.g. bats, the impact on which will need to be addressed prior to commencing demolition. In advance of any planned demolition of a building or structure, advice may be obtained from the Council's Ecologist on any requirements for surveys or precautions to be taken in respect of protected species. All UK bats are protected by European and UK legislation and it is an offence to disturb or destroy their habitat.

9.2.1. All UK species of bats are 'European Protected Species' and are protected by UK and European Legislation (LDP Policy MG19 refers). Their use of man-made structures means that they are frequently encountered as a part of small scale development proposals. Survey information for bats should always be provided up-front as part of your planning application as development proposals that could impact on bats cannot be determined until you provide all the necessary information. The survey report and any mitigation proposals should always be undertaken and prepared by a licenced bat surveyor (Bat survey licences in Wales are supplied by Natural Resources Wales).

- County Treasures
- Dinas Powys Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 160 of the Historic Environment (Wales) Act 2023 imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Background

A previous application (ref: 2022/01063/CAC) was refused for the following reasons:

- 1. There is an objection to the substantial demolition of the garage as there is no acceptable scheme for re-development that would preserve or enhance the character of the Dinas Powys Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the advice within Technical Advice Note 24 – The Historic Environment (2017).*
- 2. A lack of information has been submitted to fully assess the application in relation to the potential impact on protected species. On this basis, it has not been demonstrated that the proposal will not adversely affect protected species at the site. As a result, the development is contrary to the requirements of Policies MG19-Sites and Species of European Importance and MD2-Design of New Development (criterion 10) of the Vale of Glamorgan Local Development Plan 2011 - 2026 and Supplementary Planning Guidance on Biodiversity and Development as well as national policy contained within Planning Policy Wales (Edition 12) and Technical Advice Note 5 – Nature Conservation and Planning (2009).*

Issues

An analysis of the development proposed is being considered under a separate application (2024/00846/FUL). It is noted the response to the public consultation included comments related to the planning application and these are addressed in that application.

The primary issue to consider when assessing this application against the above policies and guidance is whether the proposed demolition would preserve or enhance the character of the Dinas Powys Conservation Area, in line with Section 160 of the Historic Environment (Wales) Act 2023. In addition, the impact on any protected species will also be looked at.

Paragraph 6.1.17 of PPW states:

"Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available."

Paragraph 6.13 of TAN 24 provides additional guidance relating to the demolition of unlisted buildings in conservation areas:

“There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed P.9

plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

The defining characteristics of the Conservation Area are considered to be:

- Historic core of a former rural settlement beside a Norman castle;
- Location on valley side of River Cadoxtan with views over the Bristol Channel;
- Historic street pattern including Heol y Cawl which retains its rural character;
- The architectural and historic interest of some of the area's historic buildings and structures including six grade II listed buildings and a Scheduled Ancient Monument (Dinas Powys Castle);
- Notable architecture from three phases of development reflecting the expansion of the village: pre-1880s, 1880s to 1930s, late 20th century;
- Prevalence of local lias limestone in the construction of pre-1880 building, use of red and buff brick in the post-railway 1880-1930 development;
- Two typical 19th century non-conformist Welsh chapels;
- Fourteen 'Locally Listed County Treasures' including converted former farm buildings;
- The Twyn/Square, a former village green at the heart of the village, enclosed at the end of the 19th century;
- The Mount, a 1970s residential development in a contemporary Modernist style;
- Small items of historic interest e.g. iron street name signs, King Edward VII drinking fountain; *Late 19th century houses contribute to the historic character of the village.*
- Stone boundary walls and well tended cottage gardens;
- Trees especially around Dinas Powys Castle, the lime trees in the Twyn and in the grounds of The Mount House (now The Mount estate);
- River Cadoxtan.

The application site currently positively contributes to character and appearance of the conservation area through its evidential value forming part of the historic street pattern of Heol y Cawl.

The building subject of the application is identified as making a positive contribution to the character or appearance of the conservation area in the Dinas Powys Conservation Area Management and Appraisal Plan. Whilst this is the case, this reference relates to solely the dwelling, rather than the garage. The garage is set back from the adjacent lane and is not visible from wider view points from the conservation area. The garage is also more modern and does not reflect the historical setting or context of the site. As such its demolition itself would have a neutral impact and is likely to preserve the character conservation area and is considered, in principle, acceptable subject to an acceptable proposal for the reuse of the site.

The Council's Conservation Heritage officer has not objected and comments on the new proposal (2024/00846/FUL), "*The proposal is not considered to harm the character of the conservation area or locally listed building subject to the addition of the...suggested conditions*". As this is being dealt with in that application the suggested conditions are not needed for this application. Whilst that is the case, the restoring of the garage and ground surface relies on the implementation of the new proposal. Therefore a condition requiring a contract for the development be in place prior to demolition is recommended (**Condition 3 refers**). In addition, as the demolition would be on a party wall an informative detailing the legal requirements in relation to this are necessary (**Informative note 2 refers**).

Considering the above, there is no objection to the demolition and the proposed works would preserve the character of the Penarth Conservation Area, in accordance with Section 160 of the Historic Environment (Wales) Act 2023.

Impact on Protected Species

Turning to matters of the potential of protected species at the site the previous application was refused as there was a lack of information on this matter. The accompanying planning application (Ref: 2024/00846/FUL) has now been submitted with the required information to assess this issue fully. This is being assessed under the planning application and had been assessed as being acceptable.

Therefore, it is considered that sufficient information has been submitted to fully assess the application in relation to the potential impact on protected species and this is being dealt with under the planning application.

REASON FOR RECOMMENDATION

The recommendation to approve conservation area consent is made having regard to Section 160 of the Historic Environment (Wales) Act 2023. In consideration of whether to grant conservation area consent, this requires the local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The demolition works hereby permitted shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of the Historic Environment (Wales) Act 2023

2. The demolition works only relate to the garage identified on the following approved plans and documents:

Location Plan

541-P15 Rev A Demolitions Ground Floor 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. No demolition shall take place until a contract for carrying out the re-development works approved in application reference 2024/00846/FUL has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interest of the historic environment and in accordance with Policies MD8-Historic Environment and Technical Advice Note 24: The Historic Environment.

NOTE:

1. The permission should be read in conjunction with planning permission reference 2024/00846/FUL

- 2. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk. (I71).**
- 3. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.**

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.

APPLICANT: Mr George Martin & Family C/o Agent,

AGENT: Mr Andrew Vaughan-Harries The Planning Studio, Hayston Bridge, Johnston, Haverfordwest, SA62 3HJ

Existing yard, opposite April Cottage, Drope Terrace, Drope, St Georges Super Ely

The provision of one gypsy traveller pitch incorporating one static caravan, one touring caravan and day/utility room, two parking spaces, retention of boundary fencing, installation of private treatment plant and ecological enhancements (partly retrospective)

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 nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The applicant and his family are from a Romany Gypsy family background, have been unable to continue living at the site they were previously at (i.e. April Cottage on Drope Road) and has demonstrated a need for a new gypsy/traveller pitch. They currently occupy the application site in a static caravan.

With regard the acceptability of living at the site the Council has a duty to meet an identified need for gypsy/traveller sites and a need is identified in the Council's Gypsy and Traveller Accommodation Assessment (2022). The Council's Housing Section clarify there are no Council owned pitches or transit sites available in the area to cater for the applicant's need. It is also noted this need is unlikely to be met in the near future. The retention and regularisation of the application site as a gypsy/traveller pitch, for the applicant, would therefore fulfil the current need and avoid the family becoming homeless.

In terms of the Local Development Plan, the site is outside the settlement boundary and there are some concerns with the sustainability of the site for general residential development and the visual impact on the character of the area. Welsh Government Guidance on the provision of gypsy traveller sites however does not discount countryside locations and in this instance the site is near existing built development on Drope Road. Taking into account the identified need, on balance, these impacts are considered acceptable.

The impact on the occupiers in terms of the impact from road noise, impact from air pollution and the provision of suitable amenity space would be acceptable.

The impact on green infrastructure and ecology, subject to the provision of the proposed landscaping and mitigation (including a pollution prevention plan) identified in the Preliminary Ecological Appraisal would be acceptable. In addition, the development subject to condition requirements, would provide a net biodiversity benefit.

NRW have originally raised concerns that foul drainage would be to a septic tank within a sewered area. Further information has been submitted to justify that it is unfeasible to connect to the sewer and the type of treatment system and porosity tests have been provided. NRW have been consulted and still have concerns, however they state the private system has been justified and the type of system acceptable to a maximum occupancy of six people. The surface water drainage would be acceptable subject to Sustainable Drainage approval.

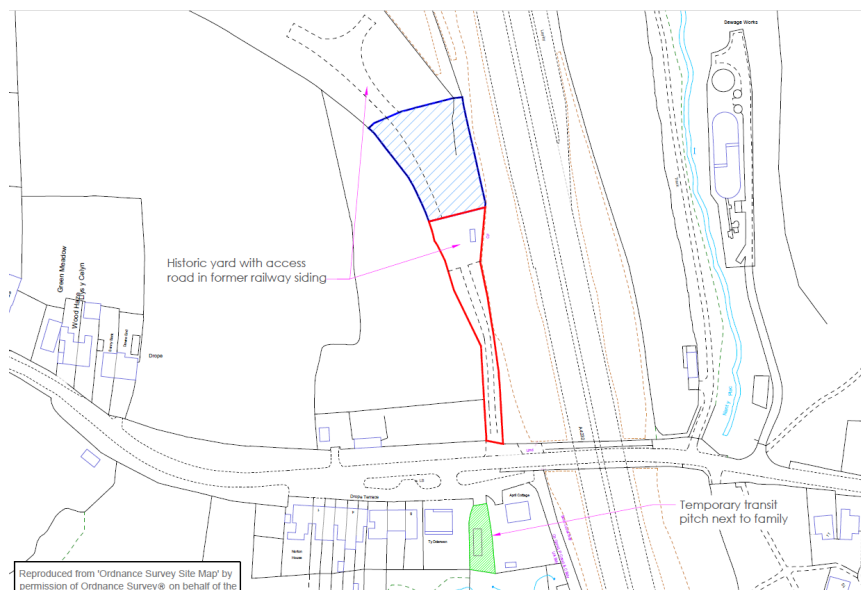
The impact on highway safety, contamination and archaeology and other matters would be acceptable and the application is recommended for approval.

SITE AND CONTEXT

The application site relates to a parcel of land located to the immediate north of Drope Terrace in St George's Super Ely. It borders the A4232 road to the east which separates the Vale of Glamorgan from Cardiff.

The site is located within the 'Ely Valley and Ridge Slopes' Special Landscape Area and on the edge (however outside) the 'North and East of Wenvoe' Green Wedge which lies to the south of the application site. The Ely Valley Site of Special Scientific Interest is approximately 250m to the north. The Drope Conservation Area is situated approximately 200m to the west.

An extract from the site location plan is provided below:



Access into the site can be achieved from Drope Road, via an existing track and gated access. The single-track lane runs alongside a field to the west and a line of mature trees forms the boundary to the east, separating the site from the A4232. The lane opens out into a wider area of land which has been laid with stone. The site stretches approximately 100m north of the highway and at its widest point measures approximately 25m. It has been surrounded by a timber boarded fence approximately 2m in height. It was evident from a site visit that some land raising has occurred with the provision of the stone surface and moving of existing material.

An area of land to the north is indicated as being in the control of the applicant and is outlined in blue. This has also been covered in stone and enclosed mainly with a post and rail fence. At the time of a site visit some containers and vehicles were being stored on part of the site. A foul drainage tank serving the caravan was also evident. The Council's Enforcement Section are aware and are investigating the matter. In addition, NRW have been informed of the in situ foul drainage tank. This is proposed to be updated to the treatment package.

On the site the applicant has provided a static caravan and is currently living in this with his family. In addition, some storage sheds have been provided. A septic tank, electricity and water has been provided to facilitate the living accommodation on the site.

It was evident on site that a connection had been provided below the road into the site with the road and the access area which is within the adopted highway being re-surfaced. The Council's Highways Authority are aware of this and are investigating the matter.

Photographs of the site taken on site visits in February 2025 are provided below:



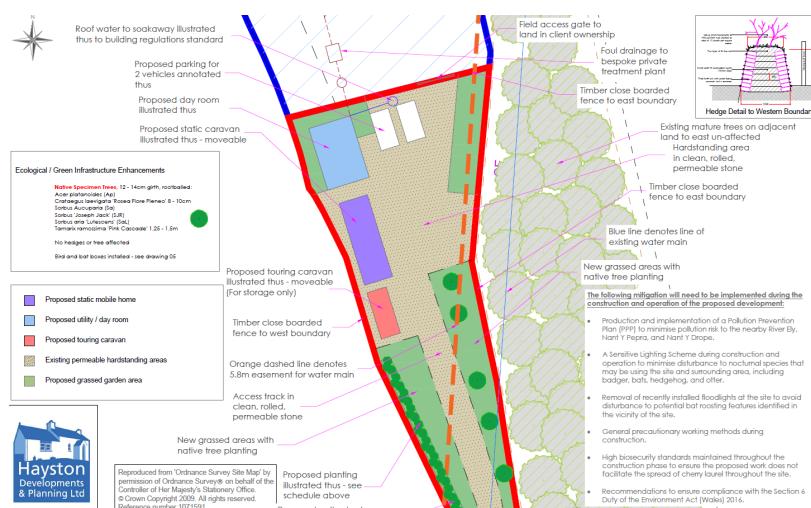
DESCRIPTION OF DEVELOPMENT

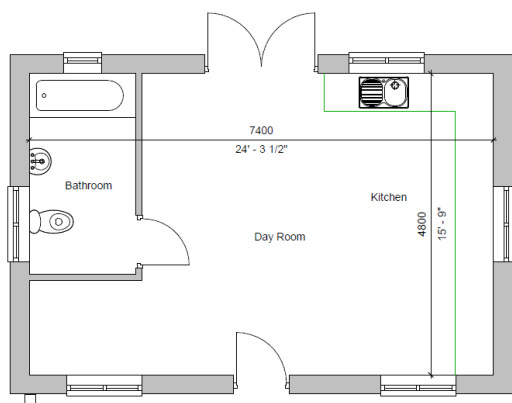
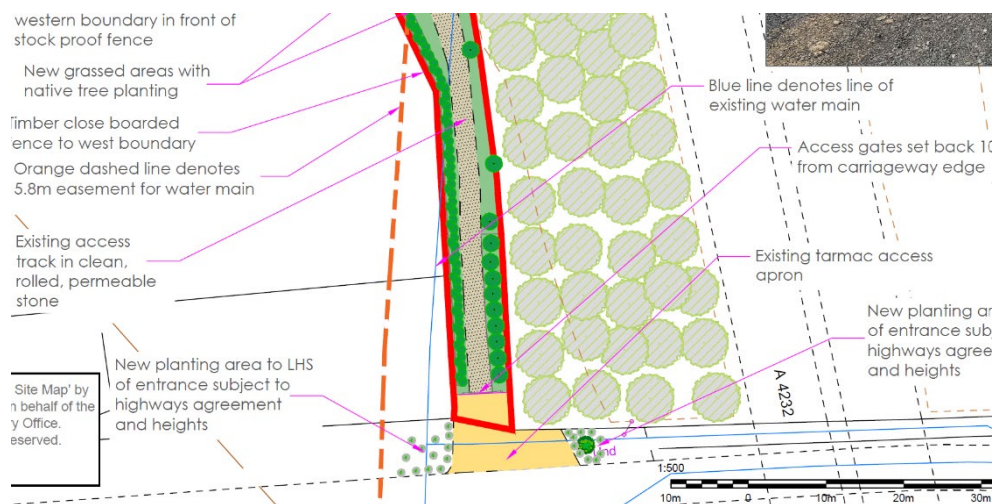
The application proposes, *“The provision of one gypsy traveller pitch incorporating one static caravan, one touring caravan and day/utility room, two parking spaces, retention of boundary fencing, installation of private treatment plant and ecological enhancements (partly retrospective)”*.

The supporting statement details the current and previous living arrangements and explains that a breakdown in relations have necessitated re-locating to the application site. For this reason, the submissions state that the applicant has a genuine and immediate need for an alternative site to accommodate his family.

The site has already been finished with a stone surface and a 1.8m high wooden boarded fence provided around the site. An area of tarmac has been provided at the access to the site and carriageway edge. A gate is situated approximately 10m back from the edge of the highway. The site layout details grassed areas would be provided and also some tree and hedge planting within the site area.

- Planning Statement and Justification Report.
- Appendix A – Supporting Letter from Travelling Ahead: Gypsy, Roma and Traveller Advice and Advocacy Service dated 20th August 2024 (Private and Confidential).
- Appendix B – Recent and relevant appeal decisions relating to land outside of any settlement in Carmarthenshire, Bridgend, Monmouthshire and Rhondda Cynon Taff.
- Appendix C - Green Infrastructure Statement incorporating the recommendations put forward by I & G Ecological Consulting Ltd (December 2024).
- Appendix D - Preliminary Ecological Appraisal by I & G Ecological Consulting dated 4th December 2024.
- Appendix E – Updated Family Statement on behalf of the applicant prepared by Travelling Ahead Roma and Traveller Advice & Advocacy Service & Hayston Developments and Ltd (Private and Confidential).
- Tricel Novo Treatment Plant Details.

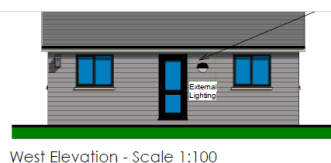




Floor Plan - Scale :50
Gross internal floor area - 35.52 sqm

EXTERNAL FINISHES

1. Roof Covering	Blue/black man-made slate
2. Walls	Composite cladding boards with horizontal emphasis - grey
3. Rain Water Goods	Black uPVC Half Round Guttering with Circular Downpipes
4. Doors / Windows	Profiled uPVC - grey in colour



West Elevation - Scale 1:100



East Elevation - Scale 1:100



North Elevation - Scale 1:100



South Elevation - Scale 1:100

(See manufacturer data sheet)
Tamilite Lighting - Hurricane Model

Proposed external lighting
(See manufacturer data sheet)
Tamilite Lighting - Hurricane Model

Beaumaris midi bat boxes

Bird box



Detail for Wall Downlight
(See datasheet for details)

PLANNING HISTORY

2002/00423/FUL, Address: Site 1 - April Cottage, Drope Terrace and Site 2 - Land opposite April Cottage, Drope Road, Michaelston-Super-Ely, Proposal: Site 1 - Redevelopment of April Cottage into detached house, Site 2 - Redevelopment of stable sheds into modern stable block plus temporary mobile home (2 years), Decision: Refused for the following reasons:

1. In the opinion of the Local Planning Authority the proposed replacement dwelling is contrary to Policy HOUS7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 and would adversely affect the unspoilt rural character of the area.

2. *In the opinion of the Local Planning Authority the proposed stables and piggery represent an unjustified intrusion into the rural landscape contrary to Policies ENV1 and ENV8 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 and would adversely affect the unspoilt rural character of the area.*

2002/01294/FUL : Site 1 - April Cottage, Drope Terrace Site 2 - Land opposite April Cottage, Drope Road - Site 1 - redevelopment of April Cottage into detached house. Site 2 - redevelopment of stable sheds into modern stable block plus temporary mobile home (2yrs). Approved 16 January 2003.

2009/00164/FUL, Address: April Cottage, Drope Terrace, Michaelston-Super-Ely, Proposal: Retention of as built 3 bedroom dwelling house with raised deck extension, Decision: Approved.

2010/00640/FUL, Address: Drope Stables, Drope Terrace, St. Georges Super Ely, Proposal: Change of use and retrospective planning permission for a two pitch traveller caravan site on agricultural land, Decision: Refused for the following reasons:

1. *The proposed two pitch traveller site and hardcore material laid to facilitate the use, represents an unjustified and intrusive form and type of development in the open countryside which would impact to an unacceptable degree on the visual appearance and character of the surrounding landscape and the Ely Valley and Ridge Slopes Special Landscape Area, an area recognised for its high visual and sensory value, contrary to Policies ENV1 – Development in the Countryside; ENV4 – Special Landscape Areas; ENV10 – Conservation of Countryside; ENV27 – Design of New Developments and HOUS14 – Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*
2. *Development of the site would result in issues of access and potential damage to a 1000mm diameter public watermain which crosses through the proposed development site. Dwr Cymru / Welsh Water has rights of access to its apparatus at all times and development of the site would impact upon the Health and Safety of both existing and proposed residents contrary to Policies ENV27 - Design of New Developments; and HOUS14 - Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*

2016/01328/FUL, Address: Meadowlands Estate, Drope Road, The Drope, Proposal: Removal of waste material stored on site since 1983 and the restoration of the land, Decision: Approved.

2016/01328/1/CD, Address: Meadowlands Estate, Drope Road, The Drope, Proposal: Discharge of conditions 4-Further details of restoration works, 6-Wheel wash, 13-Scheme for protection of reptiles and birds, 19-Noise survey and attenuation and 21-Method statement and risk assessment for the protection of the structural condition of the strategic water main - Removal of waste material stored on site since 1983 and the restoration of land, Decision: Approved.

CONSULTATIONS

Llancarfan Community Council were consulted on 29 January 2025. No response received to date.

St Fagans Community Council have responded as follows:

- We are unfamiliar with where the relocation is from and why it is happening.
- Is the touring caravan being stored or will it be used for storage?
- Is the temporary transit pitch next to April Cottage be for a transit caravan or additional. There is uncertainty of how many caravans and people there will be.
- Concerned about number of vehicle and caravan movements impacting the character of the area.
- Concerned the 'private treatment plant' would not be adequate for the site.
- Concerned the proposed day room could be used for sleeping and in time become a residence.

St Georges & St Brides-Super-Ely Community Council were consulted on 29 January 2025. They have responded as follows:

The St Georges' and St Brides Super Ely Community Council strongly objects to this application with regard the summarised issues that follow:

The nature of retrospective planning applications, no previous advice sought from Planning Department and previous concern over an earlier, unauthorised trenching of a public road to take a water supply to the envisaged site.

The applicant has not sought any Neighbour or Community Consultation there was no Pre-Application Advice sought from the local authority.

Such a development will increase the disturbance that will be occasioned to local residents, both in terms of further construction at the site and in the future increased volume of vehicular activity. The neighbouring council (Cardiff Council) has the intention to create a further 200 plus houses of the old Glan Ely High School site this will exacerbate an already appreciable traffic congestion problem, as will this proposed development.

The application states that there is no contaminated material on the site, but the Community Council wishes to draw the Vale of Glamorgan's attention to the fact local people say there is a substantial quantity of unacceptable waste at the land.

The Ecological Appraisal recognises itself to be preliminary, hence the Community Council cannot deem it as adequate. Quite remarkably, it states no further surveys are required. However, it instances potential for the pollution of the Ely River courses with subsequent potentially negative effects upon the Severn Estuary. In addition, there are other concerns from this appraisal with partial redactions obscuring some other possible detail. There is concern that the appraisal recognises that even if a Pollution Prevention Plan is put in place and executed that will not guarantee there would be no risk from potential pollution. It recognises a further HRA screening report could be necessitated. Section 5.3.2 of the appraisal is most concerning in that it recognises the presence on the site of ten solar powered floodlights. Should they remain, and the appraisal states they should immediately be removed, not only would they continue the current light pollution but cause concern in relation to Potential Roosting Features, which are nearby.

The included documents referencing applications at Hirwaun, Llanelli and Pontyclun respectively, are in the Community Council's view utterly irrelevant to this application.

With relation to the questions on the application concerning Residential/Dwelling Units, the application states it does not include any change, gain or loss of any residential units. A chalet building was moved onto the proposed site from the applicant's home. If this is the case, then there would seem to have been a change of residential status after June 2024. As the application includes introducing a "touring caravan" that would be a gain of residential accommodation.

The Community Council is aware of all of Welsh local authorities' requirement to provide gypsy and traveller accommodation but does not see this application as fitting within the Vale of Glamorgan's measures. The current application site is not one within the Council's nominated sites.

This application falls short of some essential requirements: The guidance considers that an area for children and young people to play and congregate is considered to be particularly important. There has been no public consultation and engagement: Accompanying this is the essential need for a site to have "Compatibility with other residents. This is important for the sustainability of the site. Incompatibility can occur for a variety of reasons; religious practices, ethnicity, lifestyle and personality clashes."

St Nicholas and Llanccarfan Ward Members were consulted on 29 January 2025. No response received to date.

Council's Building Control were consulted on 24 February 2025. No response received to date.

Council's Drainage Section were consulted on 29 January 2025. No response received to date.

Council's Ecology Officer were consulted on 29 January 2025. A response has been received and is summarised as follows:

The issue in deciding if a Habitat Regulations Assessment is required is the significance of any effects on the River Severn SAC/SAP/Ramsar site. If a planning condition for a Pollution Prevention Plan is requested then this should reduce the potential for impact so that it is not significant.

I fully concur with the findings of the PEA in respect of reducing the current impact of spotlights and reducing the light impact, it would be beneficial to make the fence barrier more permeable by providing hedgehog gaps at the base every 15 metres or so and an alternative bird box is required if they cannot be provided 3m above ground.

Council's Highways Section were consulted on 29 January 2025. They have responded originally that the site is located along Drope Road which is subject to 60mph speed limit and in order to fully comment a 7-day speed assessment must be provided to ascertain the required visibility splays.

Following discussions with Highways detailing that a previous application at the site where a speed survey was carried out and approved and the previous application for 2no gypsy traveller pitches where no objection was made the following updated comments have been received on 13 May 2025:

No objection in principle subject to conditions that existing means of access is maintained and not gates shall open out over the adopted highway. An advisory with regard the works in the highway is recommended.

Council's Housing Strategy (Affordable Housing) were consulted on 29 January 2025. They have responded as follows:

Section 87 of the Local Government Act 2003 requires local authorities to produce Local Housing Strategies (LHS) and that this must consider the accommodation needs of gypsies and travellers in order to comply with the Housing Wales (2014) Act.

A study undertaken by Opinion Research Services in 2021 quantified the accommodation needs of Gypsies and Travellers. Following this approach, the overall estimated provision that is needed in the Vale of Glamorgan for the first 5 years (from 2021) is for 9 pitches. A further 2 pitches are then required over the period to 2036, meaning that overall estimated provision of pitches up until 2036, is 11.

To confirm there are no Council owned pitches or transit sites available in the area.

Council's Legal Services were consulted on 29 January 2025. No response received to date.

Council's Shared Regulatory Services (Environment) were consulted on 29 January 2025. They have responded as follows:

The site and land to the north has been identified as former railway land, partly infilled. In addition, Planning Enforcement records indicate that the site has been used for unregulated waste disposal. The nature and extent of waste materials at and in close proximity to the site is unknown. This use may have caused the land to become contaminated and may give rise to potential risks to human health and the environment for the proposed end use.

The inclusion of conditions requiring contamination and ground gas assessment and any necessary remediation is requested. In addition, conditions with regard materials imported to site and informative with regard contamination and unstable land.

Council's Shared Regulatory Services (Pollution) were consulted on 29 January 2025. They have responded as follows.

Given the site is also at an elevated position when compared to the A4232, in addition to the distance over 10 metres, I do not believe there is a risk of exceedance to air quality objectives at the proposed site.

Having looked through the submitted noise report I have no further observations.

Cardiff Council were consulted on 03 February 2025. No response received to date.

Dŵr Cymru/Welsh Water were consulted on 29 January 2025. They have responded that the foul goes to a private system and NRW should be contacted. It is advised the site is near a public sewerage system which is prioritised as a foul water drainage destination and that they should be re-consulted if circumstances change. A condition that no surface water and/or land drainage shall be allowed to connect directly to the public sewerage network is recommended. An advisory note for the installation of a water connection is also recommended.

Advice on sustainable drainage (SuDS) is given. No objection is given to disposal of surface water to a soakaway subject to agreement with regulatory body or riparian owner.

In addition, it is detailed the site is crossed by a trunk watermain and it may be necessary to divert this. An advisory note is recommended.

Following the submission of further details with regard to foul drainage they have been reconsulted on 08 May 2025. They have responded with no further comments and defer to NRW's comments regarding the suitability of foul water disposal via private treatment plant.

Heneb (The Welsh Trust for Archaeology) were consulted on 03 February 2025. They have responded the proposed development site is located in close proximity to the Archaeological Sensitive Area (ASA) of Cardiff, specifically the St Fagans/Michaelstone-super-Ely area, as well as the St Fagans and Drope Conservation Areas. A review of historic mapping shows the Barry Railway Line intersecting the site from North to South, on Ordnance Survey (OS) maps dated 1888-1915. The proposal is located in an area of high archaeological potential. Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks required for the development, should be attached to any consent granted.

Natural Resources Wales were consulted on 03 February 2025. They have responded with concerns with regard to the lack of information regarding foul drainage.

Foul Drainage - We note that the intention is to dispose of foul drainage to a non mains system, i.e. a Package Treatment Plant (PTP). At its closest point, the site's redline boundary is 30m from a foul sewer line. Therefore, in line with our permitting guidance, we consider it is reasonable for a development of this type to connect to that sewer, unless it can be demonstrated by the applicant that it is not feasible.

Contamination - Given that the proposed development site is partially located on an historic landfill site and its previous use as former railway sidings, we request a condition for any contamination not previously identified.

Surface Water Drainage – they advise a SuDS system should consider the legacy waste materials that appear to underlie the site.

Pollution Prevention - We welcome that the Preliminary Ecological Appraisal by I&G Ecological Consulting Ltd dated 4 December 2024 recommends a pollution prevention plan be prepared for the construction phase. Appropriate pollution prevention measures must be employed during construction.

Other Matters – We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

Following updated details with regard to foul drainage being received they have provided updated comments on 5th June 2025 as summarised below:

In relation to foul drainage they have responded that they have concerns but provide the following comments. The site is within a sewered area, however sufficient information has been provided by the applicant to justify the use of private sewerage system. With regard the system proposed it is noted the calculations are based on a maximum occupancy of 4 persons and clarification is needed that this is correct. If it is, the concerns would be fully addressed. Advice is provided with regard the operation of a private sewerage system.

In addition, the same comments as above in relation to contamination, surface water drainage, pollution prevention are provided.

Following updated details with regard the foul drainage system NRW were re-consulted. They have clarified the system proposed can accommodate up to 6 persons on site.

South Wales Police were consulted on 24 February 2025. No response received to date.

Welsh Government (Transport) were consulted on 03 February 2025. They have responded that they do not issue a direction in respect of this application. The following points should be brought to the attention of the applicant. The development site is within an area highlighted in the strategic noise maps of Wales, for details see web page: <http://extrium.co.uk/walesnoiseviewer.html>. Due to the site's proximity to the trunk road, it is the applicant's responsibility to provide any noise mitigation deemed necessary at their expense.

REPRESENTATIONS

The neighbouring properties were consulted on 29 January 2025 and a site notice was also displayed on 05 February 2025. Seven responses, including three from residents in Cardiff, have been received to date and their comments are summarised below:

- Caravan is already there, and Welsh Water and electricity carried out work.
- Fence put up by bridge with no permission.
- It doesn't comply with MD18. The site is not in a sustainable location. It is too big for just one gypsy family. As it has a private foul system in a sewered area it cannot be classes as an appropriate extension to an existing/established gypsy site.
- Site was an illegal tip and concern whether it safe for residential use
- The application states 2 parking spaces, however there are normally more vehicles.
- There are existing antisocial behaviour issues
- Next to April Cottage a static caravan and tourer has been placed without approval.
- The erection of fence resulted in felling of trees.
- It has encroached on to highways land.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG5 – Gypsy and Traveller Site
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

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD18 - Gypsy and Traveller Accommodation

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 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

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

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

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

2.15. The national sustainable placemaking outcomes should be used to inform... the assessment of development proposals.

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

3.12. Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.19 The built and natural environment is a key determinant of health and well-being..

3.20 Disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution...

3.38 The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

3.39 For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

3.58 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a finite resource for the future.

3.60. *Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.*

Chapter 4 - Active and Social Places

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

4.1.13 *The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.*

4.1.30... *Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.*

4.2.25 *In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*

4.2.36 *Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. Planning authorities will need to demonstrate that sites are suitable for development and deliverable in the identified timescales. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers communities and landowners in areas likely to be appropriate for site provision. The consultation should be undertaken in a manner that is consistent with the planning authority's Community Involvement Scheme.*

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.39 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or play of a particular locality, or perform a beneficial and identified green infrastructure function....

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

6.6.21 Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible...'

6.7.4 The planning system should maximise its contribution to achieving the well-being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long-term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.6 In proposing new development, planning authorities and developers must, therefore: • address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;...

- 6.7.7 *To assist decision making it will be important that the most appropriate level of information is provided and it may be necessary for a technical air quality and noise assessment to be undertaken by a suitably qualified and competent person on behalf of the developer.*
- 6.7.11 *Air and noise pollution are often, but not exclusively, emitted from the same sources, notably road transport, commercial and industrial activities. Consequently, areas of poor air quality often coincide or overlap with areas subject to high noise levels. Even where they do not, poor air quality at one location and high levels of noise at a neighbouring location may be related to one another, depending on the characteristics of the place in question, including the way in which people use and occupy places and the way in which traffic is managed in the wider area. Where air and noise pollution are generated from the same source they should be considered and addressed together and links should be made with active travel and other strategies for reducing vehicular use so as to reduce or minimise, pollution and to ensure an appropriate soundscape.*
- 6.7.12 *Planning authorities must consider current and future sources of air and noise pollution as part of developing their strategies for locating new development. The pattern of proposed development should be informed by the sensitivity of, and compatibility of, uses in relation to the sources of airborne pollution and the importance of ensuring appropriate soundscapes. Green infrastructure provision will be an important means of addressing the cumulative impacts of air and noise pollution and soundscapes on individuals and society and provide benefits for social and ecosystems resilience.*
- 6.7.20 *Where sensitive developments need to be located close to existing transportation infrastructure for sustainable movement and access they should be designed, as far as practicable, to limit harmful substances and noise levels within and around those developments both now and in the future. This may include employing the principles of good acoustic design and the inclusion of active travel or travel management measures as part of development proposals. Such development, however, should preferably be located away from existing sources of significant noise, which may include aircraft noise or roads, particularly new roads or those with programmed route improvements*

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)

7. Noise Exposure Categories (NECs) (see Annex A) have been derived to assist local planning authorities in their consideration of planning applications for residential development near transport related noise sources.

10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Table 2: RECOMMENDED NOISE EXPOSURE CATEGORIES FOR NEW DWELLINGS NEAR EXISTING NOISE SOURCES				
Noise Levels⁽¹⁾ corresponding to the Noise Exposure Categories for New Dwellings L_{Aeq,T}dB				
Noise Source	Noise Exposure Category			
	A	B	C	D
road traffic 0700-2300	<55	55-63	63-72	>72
	2300-0700 ⁽²⁾	<45	45-57	57-66
				>66

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Gypsy and Traveller Site Assessment Background Paper September 2013

- Gypsy and Traveller Accommodation Needs Assessment (2016) (Also see LDP Hearing Session 16, Action Point 2, 3, 4 & 5 response)
- Gypsy and Traveller Accommodation Assessment (2022)
- Green Wedge Background Paper (2013)
- Sustainable Settlements Appraisal Review (2016)
- Designation of Special Landscape Areas (2013 update)

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 Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018.
- Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015.
- Noise and Soundscape Plan for Wales 2023-2028 (Consultation draft June 2023)

Environmental noise has been ranked as the second biggest environmental contributor to the burden of disease in Western Europe after air pollution. Our 2017 noise maps suggested that the homes of more than 200,000 people across Wales are exposed to external road traffic noise exceeding the World Health Organisation (WHO)'s 2009-night noise guidelines.

- Welsh Government Circular 008/2018 Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.

2.1 The responsibility for demonstrating a new development is effectively served by a sewerage system rests with the developer. Before deciding a planning application, the planning authority needs to be satisfied the sewerage arrangements are suitable. If the non-mains sewerage and sewage disposal proposals are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission.

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.

Other Legislation

- The Human Rights Act 1998 (the HRA).
- United Nations Convention of the Rights of the Child (UNCRC).
- Mobile Homes (Wales) Act 2013.

Issues

Planning History and Background

Information from historical maps details the site was formerly part of a railway line between Barry and Peterston Super Ely and beyond and being near to the Drope junction. It is understood this line closed at some time in the 1960's.

More recently the site has had some planning history as listed in the relevant section above. In relation to this proposal, most notably an application on a larger site for "change of use and retrospective planning permission for a two pitch traveller caravan site on agricultural land" (ref 2010/00640/FUL) was refused for the following reasons:

1. *The proposed two pitch traveller site and hardcore material laid to facilitate the use, represents an unjustified and intrusive form and type of development in the open countryside which would impact to an unacceptable degree on the visual appearance and character of the surrounding landscape and the Ely Valley and Ridge Slopes Special Landscape Area, an area recognised for its high visual and sensory value, contrary to Policies ENV1 – Development in the Countryside; ENV4 – Special Landscape Areas; ENV10 – Conservation of Countryside; ENV27 – Design of New Developments and HOUS14 – Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*
2. *Development of the site would result in issues of access and potential damage to a 1000mm diameter public watermain which crosses through the proposed development site. Dwr Cymru / Welsh Water has rights of access to its apparatus at all times and development of the site would impact upon the Health and Safety of both existing and proposed residents contrary to Policies ENV27 - Design of New Developments; and HOUS14 - Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*

Following this, an application to remove material deposited on land adjoining the site and from the construction of the nearby A4232 highway (ref 2016/01328/FUL) was granted. This application mainly relates to land to the north of the current application site.

Council aerial photograph records show the site previously had some structures and were removed by the most up to date image.

2013



Most recent aerial image from Google Maps prior to the development.



As detailed above, the site has been surfaced with a stone covering and the first part of the access surfaced with tarmac. It is understood from the Council's Enforcement Section that the fencing erected and gravel surface was provided some time in early 2024. The access surfacing has been carried out more recently. The following photographs were taken at site visit on 05 February 2025.



Principle of the development

The application site lies outside of any defined settlement boundary, as identified within the Council's adopted Local Development Plan and therefore falls within the countryside.

As such, the provisions of policy MD1 (Location of New Development) is relevant to the determination of this application, noting the site is not allocated for any particular purpose within the LDP. Whilst there is no specific reference to gypsy and traveller sites in policy MD1, there is support for development that is sustainable and does not have an unacceptable impact on the countryside, among other criteria. The relevant criteria of Policy MD1 in relation to the proposal are considered in more detail below and in relation to the requirements of the following related Policy.

Policy MD18 (Gypsy and Traveller Accommodation) provides for an objective, criterion-based assessment against which planning applications for additional gypsy and traveller accommodation (i.e. additional to the site allocated via LDP policy MG5) can be assessed. The policy requires that:-

1. *There is reasonable access from the site to day to day services, facilities and employment, including schools, medical facilities, shops and community facilities;*
2. *The size of the site and the number of pitches are appropriate to its location and accommodation needs of the applicant;*

3. *Adequate on site services for water supply, drainage, sewage, power and waste disposal are available or can be provided without causing any unacceptable environmental impact; and*
4. *The existing highway network is adequate to serve the site and a satisfactory means of access can be provided, including provision for parking, turning, servicing and emergency vehicles.*

The policy also states that there will be a preference for accommodation needs to be met on any of the following:

- *Allocated gypsy and traveller sites;*
- *Existing gypsy and traveller sites or on appropriate extensions to those sites; or*
- *Sites within existing settlements.*

It is noted that the location of the site is not within an area identified as a preference in Policy MD18. However, this policy does not infer a restriction upon the consideration of non-preferable sites provided the other criteria are met. As such, providing compliance is achieved with the relevant criteria of policy MD1 and MD18, a Gypsy and Traveller site in the location proposed is not considered to be in conflict with local planning policy.

Welsh Government Circular 005/2018: 'Planning for Gypsy, Traveller and Showpeople Sites', is also of relevance to this proposal. The guidance suggests that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller accommodation, but this is not without consideration of other factors such as sustainability. The guidance states that, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, the determination of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 58 of the circular indicates that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, and the existing level of provision and need for sites as evidenced as part of the Gypsy and Traveller Accommodation Assessment for the area. The following is an assessment of the main areas in relation to the principle of development:

A) Accommodation need for Gypsy Travellers

Paragraph 14 of the Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites states, "*The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need. This does not necessarily mean that additional local authority owned sites will be required but where they are needed the local authority is responsible for ensuring they are provided*".

In terms of the general need for traveller sites in the Vale of Glamorgan, the policies in the LDP, including MG5 and MD18, are informed by the Gypsy and Traveller Accommodation Needs Assessment (GTAA).

The Council's current GTAA was completed by Opinion Research Services Ltd in 2022. The GTAA identified the need for nine additional pitches for Gypsy Travellers to 2026 and a further two in the period up to 2036. This gives a total need to the end of the replacement LDP period to 2036 for 11 pitches. There is an identified need for gypsy and traveller sites within the Vale of Glamorgan however, from the evidence available the applicant for the planning application did not form a part of the GTAA considerations. Therefore, there is currently a need for more sites to fulfil the identified need in the GTAA and the applicants and the Council is unable to currently offer a satisfactory alternative site at this time. There are also no suitable identified transit sites available in the Vale that could temporarily accommodate the family.

Paragraph 12 of the circular references the provision of private sites, noting:-

“Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision.”

Furthermore, it is appropriate for private sites, such as proposed here, to be considered alongside any Local Authority provision and furthermore, neither national planning guidance nor LDP policy MD18 require the applicant to first demonstrate a local connection to the area and that their need cannot be met elsewhere.

The application is made by Mr George Martin and family including his partner and two children. The supporting information, including a letter from Travelling Ahead: Gypsy, Roma and Traveller Advice & Advocacy Service, describes the applicant as coming from a Welsh Romany-Gypsy traveller background and this is not disputed.

As detailed in the submission the applicant previously lived within the grounds of April Cottage on Drope Road (opposite the site). The Council's Housing Officer states there are no gypsy or traveller sites or transit sites within the Vale of Glamorgan which can cater for this need. Moreover, there is a need for further sites for the following plan period to 2036 as identified in the GTAA. Therefore, the need for a pitch is not disputed and there are no pitches to cater for this need.

The loss of the previous site, and the resulting displacement of its family members with no alternative base, engages the rights under the Human Rights Act (1998) and the Equality Act 2010. Article 8 and Article 1 of the European Convention on Human Rights, as private and family life and the home, and the peaceful enjoyment of their possessions. Given the protected characteristics of the appellant, due regard must also be had to the equality aims set out in the Equality Act. As the application site is occupied by a number of children, the rights of the occupiers also need to be considered within the context of Article 3 of the United Nations Convention on the Rights of the Child which requires the best interest of the children to be a primary consideration. Indeed, it is well-established in law that no other factor can inherently carry greater weight in the planning balance.

The following is relevant to an assessment of whether any permission should be granted for a specifically named individual(s) and their family.

In the supporting text to Policy MD18 it states in paragraph 7.86 that, *“Where the proposal is considered to be justified, planning permission will be restricted to the applicant and their dependent resident family”*. However, paragraph 59 of the Circular states, *“PPW makes it clear personal permissions are exceptions and would rarely outweigh more*

general planning considerations. The availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances can be material considerations, provided a condition is attached to the permission making it personal to the occupiers. Personal permissions are only relevant to situations where uses or operational development must cease and be removed once the occupiers move or their material circumstances otherwise change”.

Based on the above policies, guidance and supporting information, there is a demonstrable need for the development of a gypsy/traveller site. Furthermore, in the event that the applicant did not live or continue to live at the site as intended, the site would otherwise be available to other qualifying occupiers and a general local need for this type of development has already been established within the GTAA. Therefore, a personal condition restricting occupation to a named person is not recommended in relation to the need for a gypsy/traveller site. However, to ensure the development would accord with the above policy framework in relation to allowing exceptions for residential developments in countryside locations and meeting the need for gypsy/traveller sites a condition to ensure the site is only occupied by a gypsy/traveller person is recommended (**Condition 2 refers**). A further condition requiring the site is restored following cessation of the use is also required (**Condition 3 refers**).

Therefore, in summary, the need for a pitch has been demonstrated and it has been demonstrated there is no available alternative provision within the Vale. As such the use of the site for the applicant is in principle would be considered acceptable subject to consideration of the matters discussed below.

B) Impact on Agricultural Land

Policy MD1 and MD7 of the LDP require new development to have no unacceptable impact upon the best and most versatile agricultural land.

Council records detail the site is likely to be within Category 2 (Very good quality) and this is identified in PPW to be the “the best and most versatile” and needs to be conserved. PPW states in paragraph 3.59 that grade 2 category land “*should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.*”

The site is however a relatively small area of land and historically was part of a railway junction which ceased a long time ago. Whilst it is within a high-quality category it is evident the site has mainly been used as an access to the land to the north. This land has been subject to previous tipping which may have reduced its quality and is subject to current Enforcement action by the Council. The proposal details the site would be partially surfaced with stone and would be cut off from surrounding fields. It is considered unlikely the land could be used for significant agriculture practices and if the proposal was approved it would not prevent bringing the land into an agricultural use.

Therefore, on balance, the impact on agricultural land and its loss would not be a significant constraint.

C) Sustainability

As noted above, there is no policy objection to the principle of such development outside of settlements, however, the sustainability of the site should be considered.

In terms of its location in relation to nearby infrastructure and access to sustainable transport; Policy SP1 and MD2 are also of relevance. Criterion 4 of Policy SP1 identifies that the LDP's strategy (alongside the other criterion within that policy) will be achieved by: promoting sustainable transport. Criterion 5 of Policy MD2 prescribes that development proposals should: provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Paragraph 37 of Circular 5/2018, 'Planning for Gypsy, Traveller and Showpeople Sites' highlights the sustainability of sites as important in identifying suitable sites.

However, the circular goes on to state in paragraph 39, "*Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries*". The Circular goes on to say that decision makers should be realistic about the availability of transport modes other than the car and avoid an overly rigid application of national and local policies which seek to reduce car borne travel. The guidance in the Circular, which was published after the adoption of the LDP and provides flexibility when assessing the location of proposals.

From the nearest settlements in the Vale of Glamorgan, the site is (*as the crow flies*) approximately 2.5km from Peterston Super Ely and St Nicholas. It is approximately 800m (*as the crow flies*) from Culverhouse, however access would be via roads through Cardiff and approximately 1.8km away. The nearest settlement is in Cardiff with the site being approximately 200m from the edge of Michaelston-super-Ely. To the nearest shops and primary school at the junction of Drope Road and Michaelston Road it is approximately 600—700m away.

Whilst there is not a continuous pavement to the nearest shops and services this is the same situation for other dwellings along this road. There is a bus stop approximately 60m to the west of the access which serves a bus service to either Cardiff or Talbot Green.

As such the site can be considered represents a reasonably accessible location as a single pitch gypsy and traveller site, by modes of transport other than the private car when compared to the rural area as a whole. Whilst the site would most likely not be recognised as a sustainable location for general residential development, it is noted that gypsy/travellers due to the type of work carried out (the applicant has a landscaping business) normally rely on motor vehicles for work purposes. This reasoning has similarly been applied in the appeal decisions supplied by the applicant which recognised the harmful impacts but were outweighed by the overriding need of the applicant.

Taking the above into account, on balance, whilst there are some issues identified with the sustainability of the location, it would be difficult to refuse the current application on these grounds taking into account the occupiers gypsy/traveller way of life and need for work vehicles.

D) Visual impact on rural area.

The site lies within the countryside and is identified as being within Ely Valley and Ridge Slopes a Special Landscape Area.

The previous application (2010/00640/FUL) for two gypsy traveller pitches on a larger site area was refused as a result of the visual impact. This included the following refusal reason: *“The proposed two pitch traveller site and hardcore material laid to facilitate the use, represents an unjustified and intrusive form and type of development in the open countryside which would impact to an unacceptable degree on the visual appearance and character of the surrounding landscape and the Ely Valley and Ridge Slopes Special Landscape Area, an area recognised for its high visual and sensory value..”*

Due to the size of the site and enclosure constructed these features would have some harmful impact on the wider openness function of the countryside. The site is a relatively extensive intrusion into the countryside but is recognised as being a smaller area than the previous refused proposal. In addition, the site due to its location on the edge of the authority and land bordering the A4232 is a more marginal area of the Special Landscape Area.

It is noted the site area has been changed in character with the surface of stone and wooden board fence. Potentially the provision of this type of fencing, up to 2m in height, could be carried out and retained at the site under permitted development rights. The fencing provided is mainly under or near the 2m height, however there are areas where land has been raised which would not meet it being permitted development. A reduction to the 2m height above natural ground level, to bring it within permitted development, would however not significantly change the visual impact. Potentially, if the application were to be refused on this issue, the fencing (with some amendments to bring it within permitted development) could remain. The Council's Enforcement Section have also not considered it expedient to take action with regard the stone surfacing of the site. Notwithstanding this, the proposal includes a proposed landscaping scheme that would change and soften what has been provided on site and replace a large area of the surfacing. The proposed tree and hedge planting would also be visible outside the site adding to the rural character of the area. A condition requiring the landscaping is provided within the first planting season is considered necessary (**Condition 9 refers**).

The mobile home and touring caravan would need to conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960. The applicant's site plan details the siting and need for two caravans on the site, however only one static caravan is currently located on site. It is considered appropriate to control the number of caravans on site to the two detailed on the site plan and is in line with the Welsh Government guidance on site design for one pitch. Annex B of the Circular states in this regard:

“Any maximum number of caravans to be sited on any particular site should be identified through a planning condition after having regard to the circumstances of the individual planning application which would include specific size of site, surrounding population size and density and the requirements of the applicant.” (**Condition 4 refers**).

The caravan and related parking itself are not widely visible from public viewpoints within the surrounding landscape from longer views.

The proposal also includes the additional provision of a utility/day room, that would have a ridge height of approximately 3.9m. The size of the proposed amenity day room building is relatively modest and commensurate to its ancillary function. It is proposed to finish this in

composite cladding boards and with a blue/black slate. This type of structure is expected on a gypsy/traveller pitch and the size, scale and design are considered acceptable.

In summing up, it is recognised there is some harm to the visual character of the area identified as a Special Landscape Area. However, in consideration and with weight afforded to the identified need for the site, together with what boundary treatments could be provided under permitted development rights and the proposed landscaping and other measures identified above, on balance, the impacts of the development are accepted subject to appropriate conditions identified above. This reasoning is similarly applied in some of the allowed appeal decisions supplied by the applicant which recognised the harmful impacts but were outweighed by the overriding need of the applicant.

E) Suitability of the site for the occupants

(i) Size of the site

The site and number of pitches should be appropriate to the location and accommodation needs of the applicant. The site area is described as 0.119 Ha (approx. 1190 sqm), while this is generous for what would normally be required, it is accepted that a large proportion of the site accommodates the access road and proposed landscaping and overall, can accommodate the proposed level of use.

(ii) Noise and air pollution.

Due to the proximity of the main A4232 road there is potential that the occupiers would be impacted by noise and air pollution. The Council's SRS (Pollution) have identified that there is sufficient distance and also height above the road so that air pollution should not be a significant issue.

It was evident on site that there is some noise from the nearby A4232 which is a concrete road which may exacerbate this. Whilst this situation is acknowledged, the applicant has detailed he has lived near the road (at April Cottage) for his entire life. At the site visit the noise was noted to be quieter inside the caravan.

The emerging 'Noise and Soundscape Plan for Wales 2023-2028 (Consultation draft June 2023)' states the following in section 2.1 as a key message as a determinant of well-being:

"Noise, meaning unwanted or harmful sound, can disrupt sleep and increase stress, irritation and fatigue, as well as interfering with important activities such as learning, working and relaxing. It reduces people's quality of life. Exposure to loud sounds can cause immediate or gradual hearing damage, while exposure to noise over the long term can increase risk of hypertension-related illnesses and cardiovascular disease.

.... The sound of busy roads has been shown to be detrimental to the health of the population, particularly those who experience it in their homes".

Welsh Government Environmental Noise Mapping for road traffic noise identify the noise class as between the 70-74.9 and >75 db (<https://datamap.gov.wales/maps>). TAN 11-Noise identifies these noise levels to be in category C and D and that planning permission should not be normally granted or refused for such sites.

TABLE 1: NOISE EXPOSURE CATEGORIES	
A	Noise need not be considered as a determining factor in granting planning permission, although the noise level at the high end of the category should not be regarded as desirable.
B	Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.
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.
D	Planning permission should normally be refused.

The applicant has been advised of the issue and given the opportunity to provide a noise survey to provide site specific results and whether any mitigation is needed. Noise monitoring by Inacoustic Ltd has been carried out and subsequently a noise report submitted. This concludes that with the existing wooden boarded fence, that mitigates some noise, the site would be categorised as Category B of TAN 11. This states, *“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise”*. The Council’s SRS (Pollution) has not now raised an objection. A condition requiring the fence erected is maintained as such is considered necessary (**Condition 10 refers**).

(iii) Amenity space.

Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018 states in paragraph 3.7 that sites should have, amongst other things, “suitable nearby or on-site safe play areas”. In addition Designing Gypsy and Traveller Sites Guidance May 2015 specifically deals with play areas and the safety of children. Paragraph 4.1 states *“4.1 Due to limited indoor space, the outdoor environment is particularly important to Gypsy and Traveller children. An area for children and young people to play and gather is important, especially if there is not suitable provision within walking distance on a safe route”*.

Furthermore, whilst the Council’s Residential SPG deals mainly with dwellings, it covers new residential development and requires a suitable level of outdoor amenity and safe play space. The site layout proposes some grassed and landscaped areas mainly to the south of the caravan and either side of the access. It is considered the space detailed would provide adequate space for the single pitch. A condition requiring the landscaped areas are provided would be necessary (**Condition 9 refers**).

F) Services and drainage

Policy MD18-Gypsy and Traveller Accommodation requires adequate on site services for water supply, drainage, sewage, power and waste disposal are available or can be provided without causing any unacceptable environmental impact. The application site seemingly has electricity supply and waste disposal would be similar to the dwellings opposite i.e from Drope Road. In relation to other services the following is noted:

(i) surface water drainage

The previous application for two gypsy traveller pitches on an extended site (Ref: 2010/00640/FUL) and was refused for the following reason in relation to drainage issues:

“Development of the site would result in issues of access and potential damage to a 1000mm diameter public watermain which crosses through the proposed development site. Dwr Cymru / Welsh Water has rights of access to its apparatus at all times and development of the site would impact upon the Health and Safety of both existing and proposed residents contrary to Policies ENV27 - Design of New Developments; and HOUS14 - Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011”.

Dŵr Cymru have commented for this application that a watermain crosses the site and that it appears the proposed development would however be outside the protection zone. A site plan submitted with the application identifies the built development and this seems to clarify the case. They recommend an advisory note to inform the applicant of the matter if permission were to be granted. Therefore, this application has overcome that previous reason for refusal.

In relation to surface drainage the Council's Drainage Section have been consulted and provide advice on sustainable drainage is provided and the requirement for SAB approval if the development is for one dwelling or over 100sq m. An Informative note is considered necessary to advise the applicant (**Informative Note 3 refers**). No objection has been raised by Dŵr Cymru /Welsh Water subject to a condition requiring no surface water or land drainage shall be allowed to connect to the public sewerage network (**Condition 21 refers**).

(ii) Water Supply

Turning to a water source, this was raised as an issue of note in the previous application (2010/00640/FUL). Dŵr Cymru recommend an advisory note that the applicant will need to apply to them for a potable water supply under the Water Industry Act 1991. It is evident from a site visit that the applicant has already sourced a water supply as detailed previously in this report. Dŵr Cymru have been informed, and it has been queried with them if the occupier of the site has applied for the connection. They have replied and re-iterate that they do not object and recommend an advisory note with regard an application for a connection (**Informative Note 4 Refers**). They also detail that they would not be in a position to share details of data sensitive information from an application for a water connection. Whilst it is not known if the applicant has applied to Dŵr Cymru or not, this would be a matter for them to resolve. As no objection is raised to this issue it would not warrant a refusal reason for the planning application.

(iii) Foul Drainage

Turning to foul drainage it is proposed to connect to a private treatment facility. Currently a treatment tank is provided to the north of the site on land indicated as owned by the applicant and NRW have been informed of this.

Government guidance on private sewerage in Welsh Government Circular 008/2018 stresses that the first presumption must be to provide a system of foul drainage discharging into a public sewer. Only where having taken into account the cost and/or practicability it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, should non-mains foul sewage disposal solutions be considered.

NRW originally stated that inadequate information has been provided in support of the proposal in relation to foul drainage. In relation to connecting to the existing sewer they note at its closest point, the site's redline boundary is 30m from a foul sewer line and comment as follows: *Therefore, in line with our permitting guidance, we consider it is reasonable for a development of this type to connect to that sewer, unless it can be demonstrated by the applicant that it is not feasible.*

The applicant has been informed of the situation and requested to demonstrate its not feasible and provide justification for not connecting to the public sewer. The applicant has stated that due to distance and crossing an existing large water main it is deemed unviable. Whilst Council records show sewers on Drope Road these are approximately 100m away from the source i.e. the position of the caravan. It would be difficult to re-position the caravan and living accommodation suitably closer to the sewer connection on Drope Road as this would block the access. In addition, any connection towards Drope Road would have to cross the water main running through the site. Council records also show a sewer approximately 65m to the west of the caravan. This would be approximately 65m away and across third party land. Subsequently the applicant's agent has provided quotes for connecting to the main in comparison to providing the treatment package from Sherwood Groundworks Ltd. These detail connecting to the mains would be £65,700 and the treatment plant would be £14,940. Therefore, it is considered the distance to the nearest connections, cost and constraints identified is likely to make connection unfeasible.

NRW have been reconsulted and still maintain concerns that the private sewer is in a public sewer area. However, they detail the submitted justification that connection is unfeasible is now acceptable.

Taking this into account, the applicant will also need to demonstrate that the proposal would not pose an unacceptable risk to the water environment. The installation of private sewage treatment facilities within publicly sewer areas is not normally considered environmentally acceptable because of the greater risk of failures leading to pollution of the water environment compared to public sewerage systems. Welsh Government Circular 008/2018 advises that a full and detailed consideration be given to the environmental criteria listed under paragraph 2.6 of the Circular, in order to justify the use of private sewerage.

Originally NRW clarified that details of the septic tank need clarifying and porosity tests should also be provided. Further information has been submitted by the applicant with regard the system, treatment plant and its design. In addition, infiltration tests have been received.

NRW have commented that the details of the sewer system proposed, and porosity tests are now acceptable. They note the tests have been calculated on the occupancy of the site being for four people. The information submitted with the application clarifies that this is currently the correct position. A condition requiring the approved treatment plant is provided and that occupancy is limited to this number or otherwise amended drainage details are submitted for further assessment is therefore considered necessary (**Condition 5 refers**). Subsequently, updated details of the treatment package with the herringbone system have been provided to cater for 6 people, in case the family increases in size. NRW have been consulted and comment the updated details would be acceptable for this number of occupiers. Therefore condition 5 would be amended to 6 people.

Therefore, it has been demonstrated that it is unreasonable and unfeasible to connect to the foul sewer and that the effects on the environment, amenity and public health in the locality of a non-mains sewage connection would be acceptable. As such the development would accord with Policies MD7-Environmental Protection and criterion 3 of MD18-Gypsy and Traveller Accommodation and paragraph 6.6.21 of Planning Policy Wales (Edition 12).

G) Highway Safety and Parking

Policy MD18-Gypsy and Traveller Accommodation *a/so* requires a suitable access and parking. It is proposed to use the existing access which has been recently surfaced in tarmac. The Council's Highways Section have originally commented that Drope Road is subject to 60 mph speed limit and in order to provide full and comprehensive comment would require a 7 day speed assessment.

The access is existing and would only be for one traveller pitch and therefore it is considered the proposal would not result in a significant increase in use of the access that would be harmful to traffic levels to the local highway network.

It has been highlighted to the Highways Section that the applicant doesn't control any adjoining land to improve visibility and that the adjoining land is the Council's adopted highway. A previous planning application (2016/01328/FUL) at the site included a Transport Assessment and this had a speed survey and visibility splay assessment, and that application was approved. Furthermore, for the application for 2 gypsy pitches at the same site and served by the same access (Ref:2010/00640/FUL), there was no Council Highways objection.

The Council's Highways Section have been re-consulted and do not object subject to conditions that the existing visibility splays are maintained, and no gates open out over the highway (**Conditions 19 and 20 refers**). It is noted that some planting has recently been provided in the visibility splays which are outside the planning application site. The Council's Highways Section has been informed and as this is adopted highway this matter can be controlled by them under their powers.

In relation to concerns raised that the applicant has brought in services to the site under the road and erected fencing on or adjoining the adopted highway, these have been passed on to the Highways Section. They have contacted the applicant in relation to this issue and as such this is being dealt with separately. Dŵr Cymru /Welsh Water have been informed of the connection of water services.

There is sufficient parking area on site which is identified on the site plan.

Therefore, taking account of the above the application is considered acceptable in terms of the impact on parking and highway safety.

Other matters of principle

The concern raised by St Fagans Community Council that the proposed 'Day Room' could become a separate residence is noted. However, the building is relatively small and this type of building is a standard requirement for a gypsy pitch. To use the building as a separate dwelling would require further planning permission and can be controlled as such.

Finally, from a site visit, it was noted some vehicles were parked on the land to the north of the site. Whilst this is outside the site area and is being investigated by the Enforcement Section, this raises concerns about potential commercial use of the site. Due to the location outside the settlement boundary and not within a commercial/industrial area a condition requiring no commercial use or storage is considered necessary if permission were to be granted (**Condition 6 refers**).

Conclusion

Having regard to the assessment of the above material planning considerations, it is considered that there would be concerns with regard the site for general residential development in relation to its sustainability and the visual impact. However, the retention and regularisation of the site as a gypsy/traveller pitch fulfils an identified need that is not currently met within the Vale of Glamorgan, nor is it likely to be met elsewhere in the near future. Therefore, taking into account the identified needs of the gypsy and traveller family, it is considered this need would outweigh the other concerns raised.

Other Planning Considerations

Impact on the Amenity of Neighbours

In these regards the nearest residential dwellings are on the opposite side of the site from the access. The coming and goings to the site in relation to the proposed use as a single gypsy/traveller pitch is unlikely to raise significant impacts. The caravans and structures themselves are located further into the site. As such there would be no significant impact from loss of outlook, overlooking or impact on sun light. Therefore, a residential use of the site should have an acceptable impact on the amenity of neighbouring residential properties.

Green Infrastructure

Welsh Government have made changes to Planning Policy Wales (PPW) in relation to the declared 'nature emergency'. The main policy changes which are of relevance to planning relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

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

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

Para. 6.4.5 of Planning Policy Wales (Edition 12) 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....."

A Green Infrastructure Statement (GIS) has been submitted which identifies the submission of a Preliminary Ecological Appraisal (PEA) prepared by I & G Ecological Consulting Ltd. This identifies the site has a low ecological value and found no evidence of any protected species such as bats and amphibians such as Great Crested Newts at the site. These and other species of note were evidenced within the vicinity of the site. However, it is noted the survey was carried out after the site was surfaced and fencing provided. Notwithstanding this, the report recognises there has been some disturbance to bare ground habitat and some impact on potential roosting features in adjacent trees to the east. The GIS details the landscaping to be provided and that this would result in benefits to green infrastructure and biodiversity.

Some concerns have been raised from the public consultation that the erection of the fence has resulted in felling of trees. No evidence of this has been provided and from a site visit no sawn tree stumps were visible. It is recognised that the provision of the fence and surfacing of the site has reduced the sites previous green infrastructure. However, the previous ecological value is not fully known. Aerial photographs provided above show the site previously had some structures and potentially surfaced areas and that there was little tree cover. It is likely that most soft landscaping that has been removed was shrub or grassland.

Concerns have been raised by St Georges & St Brides-Super-Ely Community Council that the initial ecology report is 'preliminary' and no further reports are required as part of this assessment. They also raise concerns about areas of the report that have been redacted. Members are advised the redaction relates to certain species which their habitat locations are protected due to persecution when their details are in the public domain. As detailed in the report there is no evidence on the site.

In relation to the PEA this has however been carried out by a qualified ecologist and is considered a suitable professional report for this type of application. Therefore, the need for no further species reports is accepted. It does identify an assessment of whether a Habitat Regulations Assessment (HRA) could be required for the impact on the Severn Estuary (Wales) Special Area of Conservation (SAC) and Special Protection Area (SPA).

The PEA details the risk to the Severn Estuary would be from pollution from the works getting into the River Ely (approximately 211m to the north) which feeds in to the Severn. It does only detail a low risk of pollution to the nearby River Ely watercourse and the works to be carried out are limited. It does however state a Pollution Prevention Plan (PPP) is required to protect nearby watercourses which feed in to the Seven Estuary. The Council's Ecologist has stated if the PPP condition is requested the impact should not be significant. NRW also advise in relation to this issue that suitable pollution measures are required, however based on the information submitted, they consider that the proposed development is not likely to damage the features for which Ely Valley Site of Special Scientific Interest (SSSI) is of special interest. Therefore, subject to the requirement of the PPP a HRA screening report is not required and the details are acceptable.

In addition, further mitigation is required with a lighting strategy and removal of existing floodlights, landscaping mitigation for the loss of bare earth, hedgehog access points. It is noted the landscaping details includes different planting details to that identified as being required in the PEA therefore some amended details would be required. Details of a PPP and all the required mitigation measures highlighted in the PEA can be secured by suitably worded conditions (**Condition 8 refers**).

Therefore, whilst some development has already occurred and impacted on green infrastructure, it is considered this proposal subject to the requirements identified above, would be acceptable in these terms and would provide an acceptable impact on green infrastructure and a net biodiversity benefit.

Contamination

Concerns have been raised that the site potentially has been illegally tipped on and could be contaminated as that this could impact on the health of the occupants.

The Council's SRS (Environment) identify the site was former railway land and partly infilled in the past. Furthermore, that it formed part of the access/hardstanding area for a 2016 development in relation to (2016/01328/FU) for the removal of the waste and land restoration. This related to a larger area of land to the north of the site.

It is understood the above works were not carried out in full and potentially further waste has been brought on to the land to the north in the last few years. The Council's Planning Enforcement Section are aware of this tipping and investigating the matter (ENF/2020/0051/PC).

The Enforcement Section comment that, "the land was originally used in the 1980s for the storage of material that was excavated to create the A4232, adjoining the site. In 2016, planning permission was granted to remove the stockpiled material and restore the land (2016/01328/FUL). They partially implemented this consent by scraping the top soil off and storing it on site. However, it was around that time and later throughout the pandemic that they began importing various waste to the site as an unlawful landfill, which has subsequently been buried under the top soil, spread back over the land as a cap. A temporary stop notice was served by my predecessor on 14th May 2020. However, it remains unclear how much material has been imported to date and up to that point in time".

If this waste is to be removed, access would be required through the application site. In relation to the site area it is noted this mainly can be seen as serving access to the land to the north, however it is evident that potentially some land raising has taken place to the area where the caravan is located albeit any material has seemingly been previously spread to create a level area for the site and then covered with stone.

The Council's SRS (Environment) Section are aware of the above situation and detail that it is indicated that unregulated waste has been deposited that may be a risk to human health. They request conditions for an assessment of contaminated land and gas, remediation and unforeseen contamination (**Conditions 11-14 refers**). A condition for the importation of soil or aggregates is also advised (**Conditions 15-17 refers**). As some ground works may be required for the new day room an informative with regard unstable land and potential contamination would be prudent (**Informative Note 1 refers**). In addition, as some remedial work could affect levels on the site along with the provision of any landscaping requirements it is considered prudent to require details of levels as this may have a visual impact (**Condition 18 refers**).

Impact on Archaeology

Heneb (The Welsh Trust for Archaeology) have been consulted and respond the proposed development site is located in close proximity to the Archaeological Sensitive Area (ASA) of Cardiff, specifically the St Fagans/Michaelston-super-Ely area, as well as the St Fagans and Drope Conservation Areas. A review of historic mapping shows the Barry Railway Line intersecting the site from North to South, on Ordnance Survey (OS) maps dated 1888-1915. The proposal is located in an area of high archaeological potential.

Therefore, in order to mitigate the impact of the development on the archaeological resource we recommend that a condition, for a programme of archaeological work, taking the form of an archaeological watching brief during the groundworks (**Condition 7 refers**)

Other Matters

Concerns have been raised about a caravan has been placed without approval next to April Cottage. This is not within the application site area and the Council's Enforcement Section is aware of this issue.

Some concerns have been raised by local residents that there are existing antisocial behaviour and that the granting of this would exacerbate these issues. Members are advised that the application however refers solely to the use of the site as a residential gypsy pitch only. The proposal is for a residential use and as such should not raise significant concerns for neighbours in this sense. However, in a residential setting, the issues raised are not matters that could be controlled by planning permission or would warrant a refusal reason. As a residential gypsy pitch, these are matters, beyond the remit of this planning application and would either be dealt with by the police or, if it were to be the case, as statutory nuisance such as noise pollution and burning waste that can be pursued through the Council's SRS Neighbourhood Services Officers.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG5-Gypsy and Traveller Site, MG17-Special Landscape Areas, MG18-Green Wedges, MD1-Location of New Development, MD2-Design of New Development, MD7-Environmental Protection, and MD18-Gypsy and Traveller Accommodation of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Biodiversity and Development, Design in the Landscape, Trees, Hedgerows, Woodland and Development and Parking Standards; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities and TAN12-Design and Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018 and Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015; it is considered that the proposal for the use of the site as a gypsy pitch in this countryside location is acceptable and outweigh concerns about sustainability and the impact on the character and appearance of the rural area and Special Landscape Area. The impact on the amenity of the occupiers, highway safety, green infrastructure and biodiversity, potential contamination, neighbouring amenity, drainage and archaeology would be acceptable.

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.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents unless otherwise required by another condition on this permission:

- 02e - Existing Location and Block Plans
- 03e - Overall Site Plan
- 04d - Site Plan
- 05a Utility Room Details
- 06 Aerial Photograph
- 07 Treatment Plant Details
- 08a - Foul Drainage and Location of Site Plan Percolation Test Holes

Planning Statement and Justification Report REV A (8th May 2025)

Appendix A – Supporting letter from Travelling Ahead

Gypsy, Roma and Traveller Advice and Advocacy Service dated 20th August 2024 - Confidential

Appendix B – Appeal Decisions

Appendix C Rev A - Green Infrastructure Statement

Appendix D - Preliminary Ecological Appraisal

Noise Assessment by inacoustics 31st March 2025
Site Infiltration Results
Herringbone Soakaway Size v2 dated 12/06/2025
Soakaway system for Bespoke Treatment Plant
Options for Soakaways from Private Treatment Plant
Brochure Tricel Novo Wastewater Treatment

Reason:

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

2. The site shall not be occupied by any persons other than gypsies and travellers as defined by Welsh Government Circular 005/2018 - "Planning for Gypsy, Traveller and Showpeople Sites" or subsequent guidance that supersedes this Circular.

Reason:

The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers, in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD1-Location of New Development and MD18-Gypsy and Traveller Accommodation of the Local Development Plan.

3. When the land ceases to be occupied by a gypsy or traveller person, the use shall cease and all caravans, structures, materials and equipment brought on to or erected on the land or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place within 6 calendar months of that date.

Reason:

To reflect the circumstances that justify the grant of planning permission and in accordance with Policies SP10-Built and Natural Environment, MD1-Location of New Development and MD2-Design of New Development of the Local Development Plan.

4. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, comprising of 1 static caravan and 1 touring caravan shall be stationed on the site at any time. Any caravans positioned on the site shall be capable of being lawfully moved on the public highway, without division into separate parts.

Reason:

To define the scope of the permission and in the interests of visual amenity in accordance with Policy MD2 (Design of New Development) of the Vale of Glamorgan Local Development Plan.

5. Within three months of the date of this permission the approved foul drainage system with a soakaway based on the submitted "Herringbone Soakaway Size v2 dated 12/06/2025" shall have been provided on site in accordance with the full details hereby approved.

Thereafter the site shall only be occupied by 6no. people maximum unless alternative details of a foul drainage scheme for the site have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved system shall be provided on site prior to any increase in occupancy and maintained as such in perpetuity.

Reason:

To ensure no detriment to the environment and to comply with the terms of Policy MD7 (Environmental Protection) of the Local Development Plan.

6. No commercial or business activities shall take place on the land, including the storage of materials, nor shall any vehicle over 3.5 tonnes be stationed, parked or stored on the site.

Reason:

In the interests of the character and appearance of the site and conserving the rural character and appearance of the area, in accordance with Policies MG17 and MD1 of the Vale of Glamorgan Local Development Plan.

7. No further ground breaking works shall commence until the Local Planning Authority have been 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 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.

8. Notwithstanding the submitted plans and details, within 56 days of the date of this permission, Ecological Mitigation Measures for both construction and operation of the approved development and based on all areas identified in section 5.3 and 5.4 of the submitted Preliminary Ecological Appraisal including a timetable for their implementation shall be submitted to the Local Planning Authority for their approval in writing. The development and further construction works 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.

Reason:

In the interests of ecology and biodiversity and to ensure compliance with Policies SP1 (Delivering the Strategy), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the Local Development Plan.

9. All planting, seeding or turfing comprised in the approved details of landscaping on plans 03e - Overall Site Plan and 04d Site Plan 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), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

10. The 2m high wooden boarded fence erected on the eastern boundary of the site adjacent the boundary with the A4232 road shall be maintained and retained as such as long as the site is being used as a gypsy/traveller pitch.

Reason:

In the interest of the amenity of the occupiers in accordance with Policy MD2- Design of New Development and MD7-Environmental Protection in the Local Development Plan.

11. Within 56 days of the date of this permission an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

- (i) 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 and monitor the site for the presence of gases** which may be present.
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,
 - archaeological sites and ancient monuments; and
 - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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' (2023), unless the Local Planning Authority agrees to any variation.

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

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

Reason:

To ensure that 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.

12. Within 72 days of the date of this permission a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) 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 policy MD7 of the Vale of Glamorgan Local Development Plan.

13. The remediation scheme approved by condition 12 above must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, 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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) 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 policy MD7 of the Vale of Glamorgan Local Development Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

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

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

Reason:

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

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

Reason:

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

17. 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.

18. Within 56 days of the date of permission 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:

In the interests of visual amenity and to ensure the development accords with Policies SP10 (Built and Natural Environment), MD2 (Design of New Development) and MG17 (Special Landscape Area) of the Local Development Plan.

19. The existing means of vehicle access shall maintain the existing vision splays provided.

Reason:

In the interest of highway and public safety in accordance with Policy MD2-Design of New Development of the Local Development Plan.

20. No gates whatsoever shall be located and fitted to open out over the adopted highway (All gates shall open inwards).

Reason:

In the interest of highway / Public Safety and the free flow of traffic along adopted Highway in accordance with Policy MD2-Design of New Development of the Local Development Plan.

21. The drainage scheme for the site shall ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

NOTE:

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

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

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

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- 2. NRW advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details - <https://naturalresources.wales/permits-and-permissions>.**
- 3. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

- 4. Dwr Cymru anticipate this development will require the installation of a new single water connection to serve the new premises from 90mm Profuse PE main at XY 311151, 175743. The applicant will need to apply to Dwr Cymru Welsh Water for a connection to the potable water supply system under Section 45 of the Water industry Act 1991. The applicant attention is drawn to our new water connection application guidance notes available on our website**

The proposed development is crossed by a trunk watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. We enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be recommended that the developer engage in consultation with the Vale of Glamorgan County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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 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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact us on 0800 917 2652 or via email at developer.services@dwrcymru.com

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.

2025/00333/RG3 Received on 10 April 2025

APPLICANT: Vale of Glamorgan Council Civic Offices, Holton Road, Barry, CF63 4RU

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

**Land at Former Eagleswell School, Eagleswell Road,
Llantwit Major**

Variation of Condition 8 (Obscure Glazing/Fixed Windows) of Planning Approval
2023/01102/RG3 : Temporary housing accommodation 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 Head of Sustainable Development has deemed it necessary due to public interest in the original application.

EXECUTIVE SUMMARY

The application relates to the site of the former Eagleswell School on Eagleswell Road in Llantwit Major. The site has been developed for temporary housing accommodation as permitted under planning permission ref. 2023/01102/RG3.

This application seeks to amend Condition 8 (Obscure Glazing/Fixed Windows) of the planning permission to allow 'quick release restrictors' to be fitted to rear windows serving plots 13-18, 21 and 27. The quick release restrictors are required to provide a means of fire escape for the units in order to comply with Building Regulations. Correspondence from the fire consultant for the scheme has been submitted confirming this position.

Llantwit Major Town Council have objected to the application on the basis that the condition was previously agreed and is an important and integral part of the approval of the planning application. Two public representations have been received comprising one comment regarding the publicity of the application and one objection made on the basis that the issue with the fixed windows was raised at the planning committee and due to alleged overlooking of neighbouring residents.

The restrictors would limit the extent to which the affected windows could be opened regularly, such that they would only allow the window to be open by a limited degree for ventilation in every day circumstances. The windows would also retain obscure glazing/film as per the details approved under ref. 2023/01102/1/CD. Consequently, views out of the affected windows would remain fundamentally restricted. The restrictors would however allow for the windows to be openable in a fire emergency situation to allow a means of egress and compliance with Building Regulations. Their proper use would be monitored through a robust management plan implemented by the Council's Housing Section.

In view of the above, it is considered acceptable to amend the condition wording to allow quick release restrictors to be fitted to the affected rear windows on plots 13-18, 21 and 27. The application is therefore recommended for approval subject to amended conditions.

SITE AND CONTEXT

The application relates to the site of the former Eagleswell School located on Eagleswell Road in Llantwit Major. The site is located within the settlement boundary and is allocated for residential development for 72 dwellings under Policy MG2 (Housing Allocations) of the adopted Local Development Plan. The site has been developed for temporary housing accommodation as permitted under planning permission ref. 2023/01102/RG3. The location of the site is shown on the plan below:

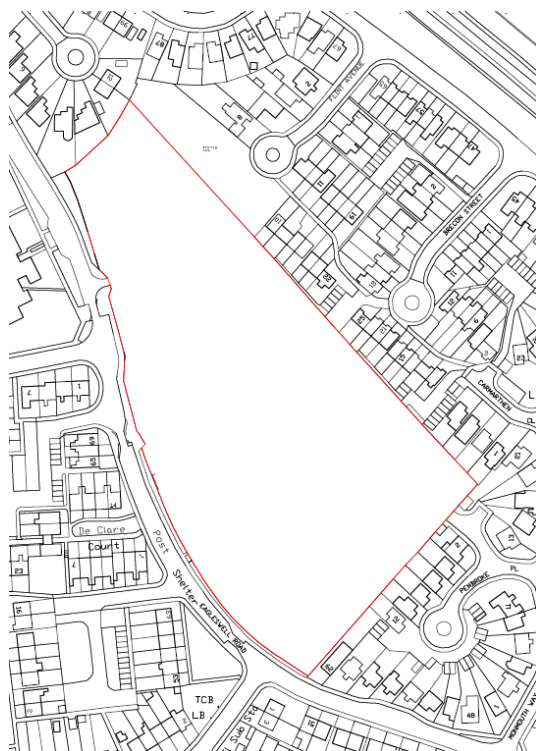


Fig 1: Site location plan

Eagleswell Road bounds the western boundary of the site with dwellings located adjacent to the other three boundaries.

DESCRIPTION OF DEVELOPMENT

The application is made under Section 73 and seeks a variation to the wording of Condition 8 (Obscure Glazing/Fixed Windows) of planning permission ref. 2023/01102/RG3 for 'Temporary housing accommodation and associated works' which was approved on 22 July 2024 subject to conditions.

Condition 8 states:

'Any part of the rear windows in plots 9-27 that are below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed and fixed in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first beneficial occupation of the development. The windows shall thereafter be retained at all times in accordance with the approved details.'

Reason: To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD2 (Design of New Developments) of the Local Development'

The Condition was discharged under ref. 2023/01102/2/CD. The final report for this Condition discharge application states the following:

"The supporting information sets out a mix of obscure glazing and an obscure film to be installed in the rear facing elevations of the installed units on plots 9-27. The submitted details in support of the application are considered to demonstrate that views are not achievable through the window in either case of the film or glazed pane. Whilst objections have been received raising concerns that the film could be removed, the units remain in control of the Council and any removal of this film could be readily and quickly replaced. Any removal of obscure glazing or film is controlled by Condition, requiring it to be installed and retained for the lifetime of the development. The proposals are therefore considered to meet the objective of ensuring privacy on neighbouring occupiers.

The Condition also requires the panes to be fixed in accordance with details that have first been submitted and approved by the LPA. Following clarification, it is detailed that the windows in all effected units would be fixed shut through screwing the effected casements closed. The Council's Operational Manager for Housing Development has confirmed that the 'D-type' units on plots 13-18, 21 & 27 would not be occupied until such time that the units could meet Building Regulation requirements. The fixing of casements within the relevant windows removes the ability of occupiers to open them coupled with the obscurity of glazing detailed within the submissions, would suitably restrict any overlooking into neighbouring properties and in turn safeguard neighbouring amenity in terms of privacy. To this end, and noting the concerns raised within representations received it is considered that the proposals comply with the requirements of this Condition.

It is considered that the privacy and amenities of adjoining occupiers would be adequately safeguarded by the window treatments and restrictors and this Condition can therefore be discharged."

The units at plots 9-27 currently have obscure glazing/film and fixed windows in accordance with the approved details. However, this application details that the windows being fixed closed is an issue for potential occupation of the type D units specifically, which includes plots 13-18, 21 and 27. In order to comply with Building Regulations the rear windows in these units which serve bedrooms need to be openable to allow escape in a fire emergency situation. This is because the primary means of escape from these rooms is through the kitchen, as illustrated on Figures 2 and 3 below which show a typical floor plan.

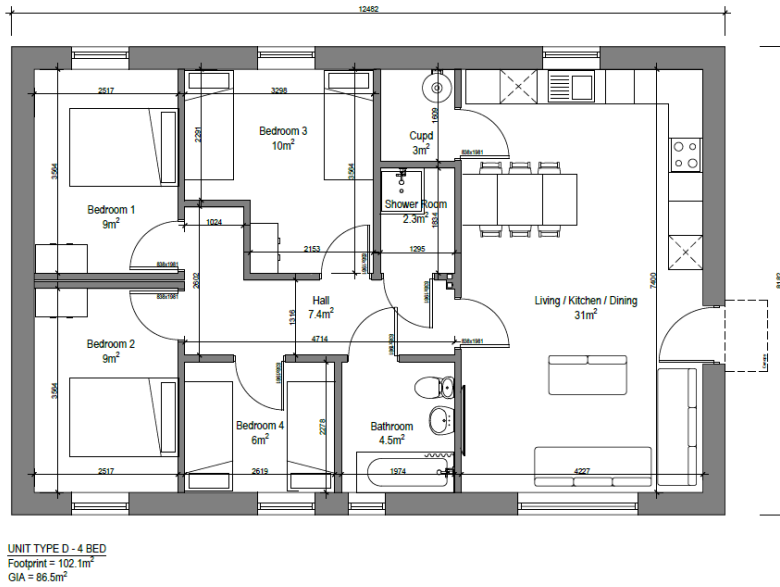


Fig 2: Approved Plan – Unit Type D-A General Arrangement Plan (affected plots 13, 15, 17 and 27)

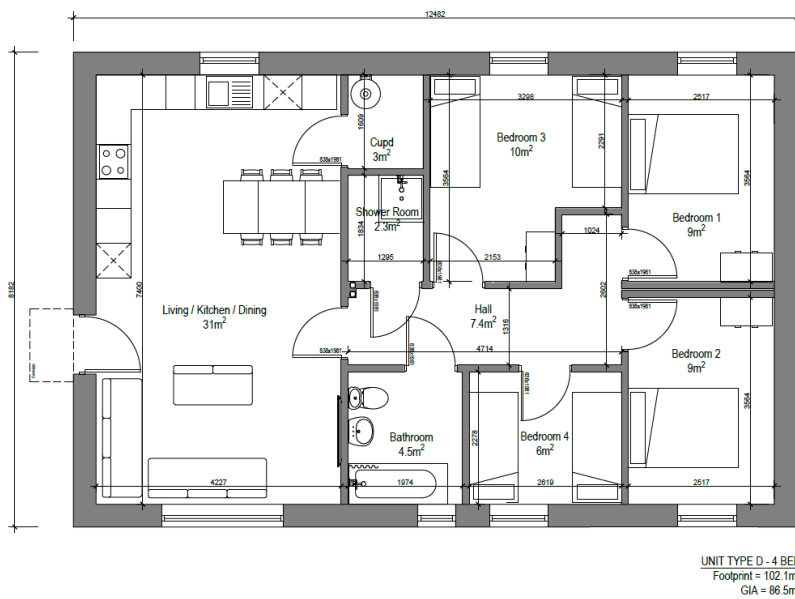


Fig 3: Approved Plan – Unit Type D-B Accessible General Arrangement Plan (affected plots 6, 14, 16, 18 and 21)

The application has been supported by correspondence from the scheme's fire safety consultant, OFR Consultants, confirming that the fixed windows to the type D units are not presently compliant with Building Regulations Approved Document Volume 1 (Wales) which relates to fire safety for dwellinghouses. The units cannot be occupied until such time that they are Building Regulations compliant.

In order for the type D plots to be compliant with Building Regulations it is proposed for the affected windows to be fitted with 'quick release restrictors', an example of which is shown in Figure 4 below. The restrictor would prevent the window from being fully opened unless it was disengaged allowing future occupants to leave the dwelling in an emergency situation.



Fig 4: A001 Quick Release Restrictor (example)

As noted, the quick release restrictors are proposed to be fitted to the two bedroom windows in each unit only while the kitchen windows can remain fixed. The windows to plots 13-18, 21 and 27 to be fitted with the quick release restrictors are indicated by the green lines on Figure 5 below which shows the approved layout of the site. The type G plots (plots 9-12, 19, 20 and 22-26) would retain fixed windows and all plots 9-27 would have obscure glazing/film as per the approved details for Condition 8.



Fig 5: Layout plan indicating plots with obscure glazing/film and fixed windows or windows with quick release restrictors to rear elevations

The submission therefore proposes to amend the wording of Condition 8 as follows:

“Any part of the rear windows that are below 1.7m in height above the level of the floor in the room that it serves shall be:

- 1) Obscurely glazed in relation to plots 9 – 27 in accordance with details approved by application ref. 2023/01102/2/CD;*
- 2) Fixed closed in relation to plots 9-12, 19-20 and 22 – 26 in accordance with details approved by application ref. 2023/01102/2/CD and*
- 3) Fixed with a quick release restrictor in relation to plots 13 – 18, 21 and 27 in accordance with details ref. A001 Quick Release Restrictor.*

The windows shall thereafter be retained at all times in accordance with the approved details.

Reason: To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD2 (Design of New Developments) of the Local Development Plan.”

PLANNING HISTORY

1994/00615/OBS, Address: Eagleswell Infants School, Eagleswell Road, Llantwit Major, Proposal: Single classroom demountable unit, Decision: Permittal (OBS - no objections :request Conditions).

2001/00517/FUL, Address: Eagleswell Primary School, Boverton, Llantwit Major, Proposal: Single storey canopy over play area, Decision: Approved.

2002/01331/REG3, Address: Eagleswell School, Eagleswell Road, Llantwit Major, Proposal: Single storey corridor linking junior and infant school blocks, Decision: Approved.

2016/01313/PND, Address: Ysgol y Ddraig, Eagleswell Road, Boverton, Proposal: Demolition of school building, associated structures and demountable building, Decision: Approved.

2023/01102/RG3, Address: Land at Former Eagleswell School, Eagleswell Road, Llantwit Major, Proposal: Temporary housing accommodation and associated works, Decision: Approved.

2023/01102/1/CD, Address: Land at Former Eagleswell School, Eagleswell Road, Llantwit Major, Proposal: Discharge of Conditions 9. (LEMP) 10. (POS) For planning ref: 2023/01102/RGS - Temporary housing accommodation and associated works, Decision: Approved.

2023/01102/2/CD, Address: Former Eagleswell Primary School, Eagleswell Road, Boverton, Llantwit Major, Proposal: Discharge of Conditions 8. (Obscure Glazing 1) 11. (Contaminated Land 1) 12. (Use of Site Won Materials) for planning ref 2023/01102/RG3 - Temporary housing accommodation and associated works, Decision: Approved.

2023/01102/3/CD, Address: Land at Former Eagleswell School, Eagleswell Road, Llantwit Major, Proposal: Discharge of Condition 6 (Condition Survey). Planning permission ref: 2023/01102/RG3 - Temporary housing accommodation and associated works, Decision: Approved.

CONSULTATIONS

Llantwit Major Town Council was consulted and a response was received on 3 June 2025 objecting to the application on the following grounds:

"This Condition was agreed in full by the Vale of Glamorgan Council and was an important and integral part of the approval of this Planning Application. To request removal of this Condition is discriminatory against local residents and should not be allowed to take place.

In addition, our local evidence, as Town Councillors, suggests that two of these properties are currently occupied and we question if this is a breach of Health and Safety Regulations?"

South Wales Fire and Rescue Service were consulted and a response was received on 20 May 2025 advising no objection to the application. The Local Planning Authority is referred to any current standing advice by the Fire Authority and it is also noted that the developer should consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and
- b. access for emergency firefighting appliances

Llantwit Major Ward Members were consulted but no response was received at the time of writing.

REPRESENTATIONS

The neighbouring properties were consulted on 2 May 2025. Four site notices were displayed around the site on 7 May 2025. The application was also advertised in the press on 15 May 2025.

Two public representations have been received at the time of writing comprising one comment and one objection as summarised below:

- The comment requested that the planning application be made available for public viewing.

Officer note: The comment was made prior to consultation on the application. Consultation was carried out in accordance with legislative requirements.

- The objection is made on the basis that the issue with the fixed windows was raised at the planning committee and overlooking of neighbouring residents.

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 SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY 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 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- 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 18 – Transport (2007)

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 (2025)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2025)

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
- Vale of Glamorgan Council Rapid Rehousing Plan

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 application seeks to vary the wording of Condition 8 (Obscure Glazing/Fixed Windows) of planning permission ref. 2023/01103/RG3 to enable the rear windows serving the bedrooms in the type D units on plots 13-18, 21 and 27 to have quick release restrictors fitted to allow fire escape as required by Building Regulations. The principal issue to consider therefore is the impact that this amendment would have on the residential amenity of neighbours. The following report does not therefore revisit all matters associated with the original grant of planning permission and focuses on this matter only, given that the development remains acceptable in all other respects as set out in the previous committee report.

The window restrictors would prevent the windows from being fully opened (in general, everyday use) and they are designed to only be released in an emergency situation (with clear signage and messaging to tenants in this regard). The photo in Figure 6 below shows the extent to which the restrictor allows the window to open. The window can only be cracked open allowing for ventilation, while the restrictor is engaged. It should be noted that the particular window shown does not have obscure glazing/film (as would be the case for the affected windows). The obscure glazing/film to affected windows would be required to be retained in accordance with the details approved under ref. 2023/01102/2/CD.



Fig 6: Photo of window with quick release restrictor engaged

The restrictor limits the extent to which the window can open and consequently views out in the direction of any neighbouring property would remain wholly restricted (noting that obscure glazing/film would be in place as per the details agreed under the previous consent and recommended again here). The restrictor would, however, allow compliance with Building Regulations, by allowing the windows to be opened more fully to allow egress in the event of a fire. It would therefore be possible for the restrictors to be released and the windows opened fully, however the restrictors are intended to only be released in a fire emergency situation. As noted above, there would be clear signage on each of the affected windows to this effect, and there would be clear messaging to all affected tenants.

A management plan has been submitted which details how the proper use of the restrictors would be monitored and enforced by the Council's Housing Section. Measures include resident briefings on arrival at the site as well as welcome packs which outline the responsibilities of tenants. It has been confirmed that signs would be attached to the relevant windows to inform residents that the restrictors cannot be removed unless in the event of an emergency.

In the event that restrictors are misused the management plan provides details of the Council's Housing Section telephone number which neighbours can use to make reports of misuse and in turn appropriate action taken. The management plan is considered to provide a robust means of monitoring and enforcing use of the restrictors and it is considered material that the Council retains full control over management of the development.

In the unlikely scenario that restrictors are released and the windows fully opened, views towards any opposing windows would, in any event, be somewhat limited by the obscure glazing/film in place. As such whilst it is acknowledged that some of the separation distance between the affected plots and neighbouring properties are less than 21m, noting that a management plan would be in place to remedy any potential release of the restrictors, it is considered that the proposal would not result in any undue harm to residents.

It is therefore considered acceptable to amend the condition wording to allow quick release restrictors to be fitted to the rear windows on plots 13-18, 21 and 27. However, the amended condition wording suggested by the applicant should be revised to include compliance with the submitted layout plan identifying the treatment to each window and the management plan. The amended Condition 8 shall therefore read as follows:

Any part of the rear windows in plots 9-27 that are below 1.7m in height above the level of the floor in the room that it serves shall be:

- 1) Obscurely glazed in relation to plots 9 – 27 in accordance with details approved by application ref. 2023/01102/2/CD;*
- 2) Fixed closed in relation to plots 9-12, 19-20 and 22 – 26 in accordance with details approved by application ref. 2023/01102/2/CD and as marked purple on plan ref 2657-00(03)110 Rev A in relation to plots 13-18, 21 and 27 and;*
- 3) Fixed with a quick release restrictor in relation to plots 13 – 18, 21 and 27 as marked green on plan ref 2657-00(03)110 Rev A in accordance with details ref. A001 Quick Release Restrictor.*

The windows shall thereafter be retained at all times in accordance with the approved details.

A sticker informing residents about the correct use of quick release restrictors, as detailed in the Management Plan received 16/06/25, shall be installed prior to first beneficial occupation of the respective unit on plots 13-18, 21 and 27. The measures set out in the Management Plan shall be complied with whilst the units on plots 13-18, 21 and 27 remain in occupation.

Reason: To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD2 (Design of New Developments) of the Local Development Plan.

Other Issues

If approved this Section 73 application would result in the granting of a new planning permission. It is therefore necessary to review the other conditions on the original planning permission to ensure they remain relevant. In this case some of the conditions require rewording/amending and others removing to reflect condition discharges and the fact that the development has been completed. The variations are detailed below:

Condition 1 to be updated to require the residential use to be removed and restoration of site on or before 22 July 2029 i.e. 5 years from the date of the original consent. **(Condition 1)**

Condition 2 to be updated to include the submitted details and Landscape and Ecological Management Plan approved under conditions 9 and 10. **(Condition 2)**

Condition 3 to be re-added to ensure the fences, trellis and patio screens are provided before occupation of each unit and retained in accordance with drawing no. 2657 00(05)115 Boundary Treatments for the lifetime of the development. **(Condition 3)**

Condition 4 to be reworded to require the parking spaces to be retained in accordance with drawing no Egw Civ Xx Zz Dp C 9013 C1 D4 Highway Setting Out Sheet 1 for the lifetime of the development. **(Condition 4)**

Condition 5 to be reworded to require the highway works including traffic calming measures to be maintained in accordance with drawing EGWCIV- XX-ZZ-DD-C-9006C1-D4 Highway Construction Details for the lifetime of the development. **(Condition 5)**

Condition 6 required submission of the second highway condition survey. The Council's Highway Development section have agreed that the details submitted under ref. 2023/01102/1/CD were acceptable and the condition discharged. The Highway Authority have advised that they would ensure that appropriate remedial works are undertaken and as such this condition is not proposed to be attached to this consent.

Condition 7 to be re-added to remove permitted development rights. **(Condition 6)**

Condition 9 and 10 to be amalgamated and reworded to require compliance with the Landscape and Ecological Management Plan (Tir Collective, October 2024, R03), as approved under ref. 2023/01102/1/CD. **(Condition 8)**

Condition 11 to be removed as the required remediation verification report has been approved under ref. 2023/01102/2/CD and therefore the condition is no longer required.

Condition 12 to be removed as the required details relating to soil assessment have been approved under ref. 2023/01102/2/CD and therefore the condition is no longer required.

Condition 13 to be amended to require replacement planting for any trees or plants which die, are removed or become seriously damaged or diseased within the lifetime of the temporary consent. **(Condition 9)**

Condition 14 to be re-added to require a plan/strategy to manage the removal of the temporary residential units from the site to be submitted. Originally this would have been due on or before 22 July 2025 i.e. 12 months from the date of the original consent. The timing for submission has been amended to within one month of the committee/decision date should members be minded to agree with officer recommendation **(Condition 10)**.

Commented [LF1]: Andrew Freeguard says that trellis and patio screens have been provided in accordance with drawing, but based on our site visit and photos, I am not sure that they have so think we should re-add.

Commented [LF2]: Andrew F has confirmed that the works have been completed in accordance with approved details.

Commented [LF3]: Andrew F has confirmed that the works have been completed in accordance with approved details.

Commented [LF4]: Asbri/Andrew F aware of timings for submission

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), SP2 (Strategic Sites), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MG2 (Housing Allocations), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) it is considered that the proposal would have an acceptable impact in relation to residential amenity.

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.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The dwellings and any associated infrastructure associated with the residential use of the site shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 22 July 2029.

Reason:

To ensure that local amenities are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development).

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

Approved by 2023/01102/RG3:-

2657 00(02)100 Location Plan
2657 00(03)300 Ancillary Details
2657 00(03)301 Bin Store Details

2657 00(03)302 Cycle Store Details
 2657 00(03)400a Site Sections
 2657 00(05)303 Fence Details
 Eag Hom Xx Zz Dr Zz 000017 Home 2b Flat Floor Plan
 Eag Hom Xx Zz Dr Zz 000018 Home Elevations Front And Top
 Eag Hom Xx Zz Dr Zz 000019 Home Elevations Side And Rear
 Wates Hom Xx Zz Dr Zz 000064 Home 3b Flat Floor Plan
 Wates Hom Xx Zz Dr Zz 000074 Home 1b Flat Floor Plan
 Beattie Passive Type 3 Bed Elevation
 Beattie Passive Type D 4 Bed Floor Plan Accessible
 Beattie Passive Type D 4 Bed Floor Plan
 Beattie Passive Type Da 4 Bed Elevation
 Beattie Passive Type Db 4 Bed Accessible Elevation
 Beattie Passive Type Db 4 Bed Elevation
 Beattie Passive Type Db 4 Bed Floor Plan Accessible
 Beattie Passive Type Db 4 Bed Floor Plan
 Beattie Passive Type Ga 3 Bed Floor Plan
 Beattie Passive Type Gb 3 Bed Elevation
 Beattie Passive Type Gb 3 Bed Floor Plan
 Egw Civ Xx Zz Dp C 9007 P3 D4 Estate Roads Refuse Tracking
 Egw Civ Xx Zz Dp C 9013 C1 D4 Highway Setting Out Sheet 1
 Egw Civ Xx Zz Dp C 9015 C1 D4 Surfacing And Kerbing Layout
 Egw Civ Xx Zz Dp C 9101 C1 D4 S278 General Arrangement
 Egw Civ Xx Zz Dp C 9104 C1 D4 Refuse Tracking L
 Topographical Survey
 Underground Services Survey
 Planning Statement
 Preliminary Ecological Appraisal
 Reptile Survey Report
 Site Investigation Report
 Tree Constraints Plan
 Tree Survey
 Transport Statement
 Travel Plan
 Design and Access Statement
 Site Investigation Report April 2016
 ESG Desk Study Report January 2016
 EGW-CIV-XX-ZZ-DP-C-9001-C6-D4 - External Works Layout Sheet 1
 EGW-CIV-XX-ZZ-DP-C-9002-C6-D4 - External Works Layout Sheet 2
 EGW-CIV-XX-ZZ-DP-C-9003-C6-D4 - External Works Layout Sheet 3
 2657-00(03)130 - Plot 23 & 12 Section
 2657-00(03)111 - Plot 23 & 12 Site Plan
 Construction Enviromental Management Plan
 EGW-CIV-XX-ZZ-DS-C-9004-P3-D4 - Long Sections Sheet 1
 EGW-CIV-XX-ZZ-DS-C-9005-P3-D4 - Long Sections Sheet 2
 EGW-CIV-XX-ZZ-DD-C-9006-C1-D4 - Highway Construction Details
 Lighting Plan
 2657 00(05)115 Boundary Treatments
 EGW-LAN-XX-00-DD-L-100 Landscape Strategy 3 For Construction V19
 EAG-HOM-XX-ZZ-DR-ZZ-000287 Type C01 Elevation Standard
 EAG-HOM-XX-ZZ-DR-ZZ-000457 Type Z01 Elevations
 EAG-HOM-XX-ZZ-DR-ZZ-000290 Type C02 Elevation Standard

EAG-HOM-XX-ZZ-DR-ZZ-000460 Type Z02 Elevations
EAG-HOM-XX-ZZ-DR-ZZ-00392 Type AE Elevations Gable
EAG-HOM-XX-ZZ-DR-ZZ-000284 Type C Elevation Gable

Approved by 2023/01102/1/CD:-

Landscape and Ecological Management Plan (Tir Collective, October 2024, R03)

Approved by 2023/01102/3/CD

Highway condition survey prepared by Asbri Transport dated November 2024

Approved by 2025/00333/RG3:-

2657-00(03)110 Rev A Site Layout S73 WINDOWS, received 19/06/25
A001 Quick Release Restrictor
Resident Management Plan rev A, received 24/06/25

Reason:

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

3. Prior to beneficial occupation of any respective unit, the fences, trellis and patio screens to serve that unit shall be erected in accordance with plan no. 2657 00(05)115 Boundary Treatments. Once erected, the boundary treatments shall thereafter be retained as such for the duration of occupation of the units.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

4. The parking spaces shall be retained in accordance with drawing no. Egw Civ Xx Zz Dp C 9013 C1 D4 Highway Setting Out Sheet 1 and kept available for parking for as long as the development remains on site.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The highway works including traffic calming measures shall be retained in accordance with the details on drawing no. EGW-CIV-XX-ZZ-DD-C-9006C1-D4 Highway Construction Details and maintained as such for the lifetime of development.

Reason:

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

6. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall not be altered in any way.

Reason:

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

7. Any part of the rear windows in plots 9-27 that are below 1.7m in height above the level of the floor in the room that it serves shall be:

- 1) Obscurely glazed in relation to plots 9 – 27 in accordance with details approved by application ref. 2023/01102/2/CD;
- 2) Fixed closed in relation to plots 9-12, 19-20 and 22 – 26 in accordance with details approved by application ref. 2023/01102/2/CD and as marked purple on plan ref 2657-00(03)110 Rev A in relation to plots 13-18, 21 and 27 and;
- 3) Fixed with a quick release restrictor in relation to plots 13 – 18, 21 and 27 as marked green on plan ref 2657-00(03)110 Rev A in accordance with details ref. A001 Quick Release Restrictor.

The windows shall thereafter be retained at all times in accordance with the approved details.

A sign informing residents about the correct use of quick release restrictors, as detailed in the Resident Management Plan received 16/06/25, shall be placed on each affected window prior to first beneficial occupation of any respective unit on plots 13-18, 21 and 27. The measures set out in the Management Plan shall be complied with whilst the units on plots 13-18, 21 and 27 remain in occupation.

Reason: To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) / MD2 (Design of New Developments) of the Local Development Plan.

8. The site landscaping, ecological enhancements and open space areas shall be maintained in accordance with the Landscape and Ecological Management Plan (Tir Collective, October 2024, R03), as approved under ref. 2023/01102/1/CD, for the lifetime of the development.

Reason:

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

9. Any trees or plants forming part of the approved landscaping scheme (comprising drawing no. EGW-LAN-XX-00-DD-L-100 'Landscape Strategy 3 For Construction V19' and the Landscape and Ecological Management Plan approved under ref. 2023/01102/1/CD) which within the lifetime of this temporary consent die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

10. Within one month of the date of this consent, a plan/strategy to manage the removal of the temporary residential units from the site shall be submitted to the Local Planning Authority for approval in writing. The Strategy will detail the plans to relocate the modular units to alternative sites within the 5-year period from the grant of planning permission and should include the commencement of this work at least 18 months prior to the expiry of the planning permission with the 7 plots 21-27 being identified as those to be removed from the site first. The plan will detail the proposed method and numbers of units to be relocated to newly identified sites in batches appropriate to the size of the receiving site. The temporary residential units shall thereafter be removed from the site in accordance with the approved details.

Reason

To ensure that local amenities are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development).

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.

APPLICANT: Greenhill Investments (Vale) Limited c/o Agent,

AGENT: Mr Joe Ayoubkhani 14 Neptune Court, Vanguard Way, Cardiff, CF24 5PJ

Land North of Hayes Road, Sully

Proposed industrial unit, access, landscaping, drainage and associated works

SITE AND CONTEXT

The application site refers to land to the north of Hayes Road, a brownfield site lying between Barry and Sully and outside of any designated settlement boundaries. The site is identified by policy MD16 as an existing employment site.

The site falls partially within a Flood Zone 3 for both rivers and tidal flooding and HSE inner, middle and outer zones. A site location plan of the application site is shown below:

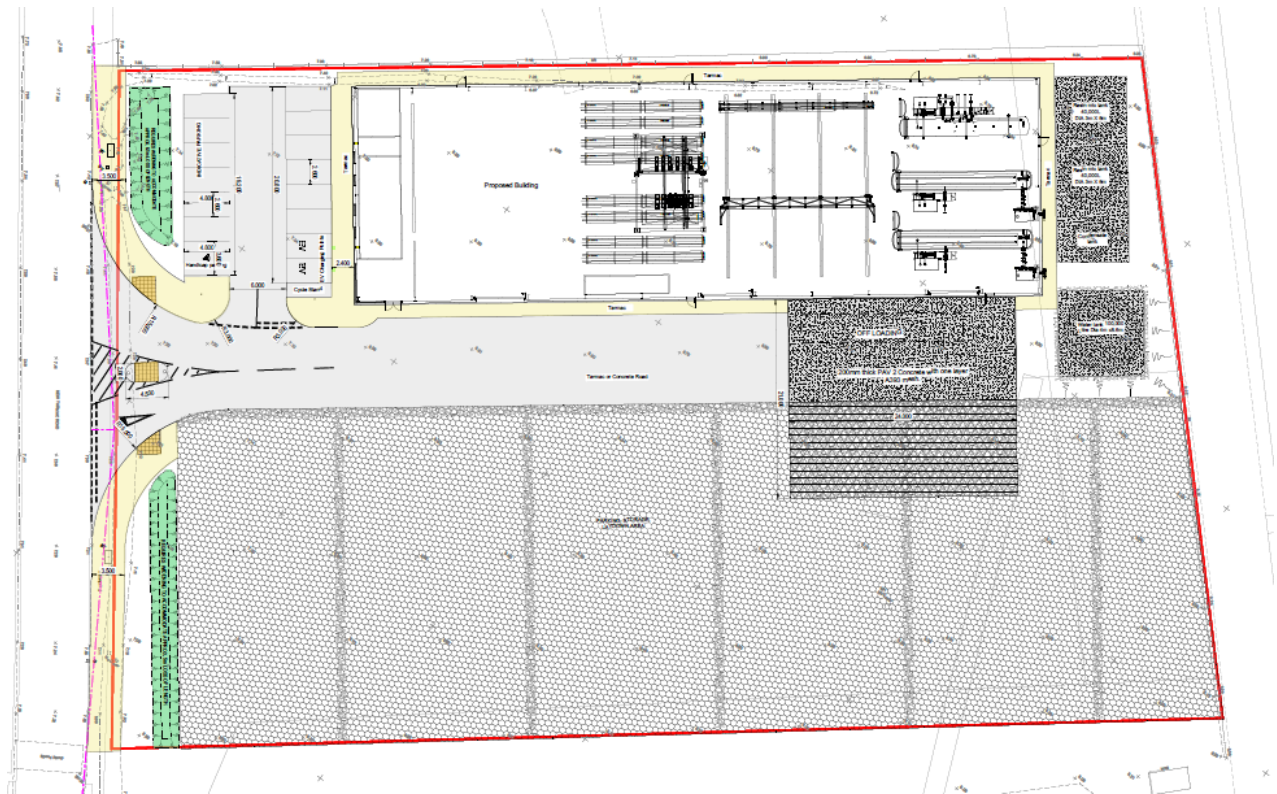


Site location plan with Hayes Road shown at the bottom.

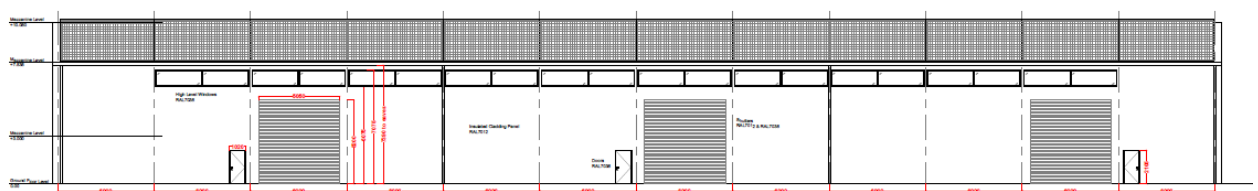
DESCRIPTION OF DEVELOPMENT

An industrial unit (Use Class B2) with ancillary office floorspace (Use Class B1), stated as providing accommodation for Newwood Technology's advanced timber modification process. The proposals also include details of access, landscaping, drainage and associated works.

A site plan and elevations are shown below:



Amended site plan



Southern elevation



Front, western elevation

PLANNING HISTORY

2022/00136/FUL, Address: Land opposite and near Ty Hafan Hospice, Hayes Road, Sully, Proposal: New entrance from Hayes Road, Decision: Approved

2021/01744/LAW, Address: Freehold property North of Hayes Road, Sully, Proposal: Use for light and heavy industrial workshops and warehouses. , Decision: Approved

2021/01083/LAW, Address: Freehold property North of Hayes Road, Sully, Proposal: Use as warehouse and workshops , Decision: Approved

CONSULTATIONS

Sully Community Council were consulted and advise that they have no adverse comments to make.

The Council's Highway Development section was consulted and request further swept paths for large articulated vehicles to confirm they can enter, turn and leave the site in a forward gear and also request that the 3.5m cycleway be provided along the frontage of the site to provide wider active travel benefits to the site and other parts of the site. Amended plans have been submitted to address these concerns albeit further highways comments are awaited.

Chief Fire Officer of South Wales Fire and Rescue Service was consulted and state that have no objection to the proposal and refers the Local Planning Authority to their standing advice.

Councils Drainage Section were consulted and noted that the submitted FCA incorrectly indicates that the site benefits from fluvial flood defences and that the FCA does not reference the findings of the two Section 19 flood investigation reports that resulted in flooding of Hayes Road. They indicate that whilst there is no evidence of related surface water flooding to the development site itself, the temporary loss of access may be a consideration for wider access to the site in the event of flooding. As such they recommend that the issue be acknowledged within the FCA and the LPA consider safe access and egress during flood events.

Shared Regulatory Services (Pollution) were consulted although no comments had been received at the time of writing this report.

Heneb, The Trust for Welsh Archaeology (GGAT) were consulted although no comments had been received at the time of writing this report.

Cadw (Ancient Monuments) were consulted although no comments had been received at the time of writing this report.

Dwr Cymru Welsh Water were consulted and advise with regard to the drainage plan they note that the development proposes to discharge foul and surface water flows to a package treatment plant and soakaway respectively. Since the proposal includes alternatives to mains drainage for foul flows they recommend consulting NRW and/or Council's Building Control section, albeit note that given the property is circa 0.5km that connection to public sewerage system should be prioritised. They also indicate that a public watermain crosses the site.

The Council's Ecology Officer was consulted and note that post industrial land is a priority habitat and should have been assessed before any work commenced on site. Notwithstanding this they request that planting and seed mixes need to be of local provenance or at least UK grown material and request that a plan showing the number, location and design of bird and bat boxes, and a landscaping plan, should be submitted.

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

Sully Ward members were consulted although no comments had been received at the time of writing this report.

Natural Resources Wales were consulted and advised that they have concerns with the application as submitted although note these can be overcome by attaching conditions 5 conditions with regard to land contamination to any consent granted and by ensuring that the submitted flood consequence assessment and construction environmental management plan be included within the approved plans condition. Their comments are discussed in greater depth within the body of the report.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) were consulted and note that a contamination assessment has been provided for an adjacent site and as such request conditions be attached to any permission given including a site specific contamination assessment and any necessary remediation and verification; in addition to those relating to unforeseen contamination; imported aggregates and the use of site won materials.

Castleland Ward members were consulted although no comments had been received at the time of writing this report.

Cadoc Ward members were consulted although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 23 May 2025 and a site notice was also displayed on 2 June 2025. The application was also advertised in the press on 29 May 2025. At the time of writing this report, no representations have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG9 – Employment Allocations

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals
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.

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.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (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
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025)
- Technical Advice Note 23 – Economic Development (2014)

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:

- Barry Development Guidelines
- Biodiversity and Development (2018)
- Economic Development, Employment Land and Premises (2023)
- Parking Standards (2019)
- Planning Obligations (2018)

Other relevant evidence or policy guidance:

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

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 site comprises an existing employment site identified in Policy MD16 as The Chemical Complex, Barry. Policy MD16 considers that B1, B2 and B8 uses on these sites should be protected. In this instance, the application proposes an industrial use on an existing site which is supported by policy MD16.

According to the submitted details, the proposal would attract 20 full time equivalent posts and therefore the proposal would support the continued protection of the site for employment purposes.

It is therefore considered that the proposal is acceptable in principle subject to all other material planning considerations being addressed.

Visual impact

The height of the proposed buildings (10 m metres) with a footprint of 22.8m by 72.7m, would be a commensurate scale with other units in the vicinity of the site. The overall form, design and materials of the proposed units represent a utilitarian design and finish, typical of an industrial use such as this. This is considered acceptable and would not be harmful to the character and appearance of this brownfield site or the wider area.

The application site and the wider employment land does adjoin Hayes Road but is enclosed by high palisade fencing next to the footway and the application building is set significantly back from the public highway. Views of the building would be possible from the recently constructed estate road to the west but it is acknowledged that the site is located on an established industrial site and not excessive in scale for development of this form as allocated within the local development plan.

As such, when taking into account the character of the area, it is considered that the proposed units would not have an unacceptable visual impact on the site or the surrounding area. Accordingly, it is considered that the visual impact of the proposal would be acceptable, complying with the requirements of policies MD1 and MD2 of the Adopted LDP 2011-2026.

Impact on Neighbouring Sites

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

No opening hours have been provided with the application, however immediately neighbouring premises are in industrial use and it is therefore considered that there would be no adverse impact arising from the proposed use. Ty Hafan Children's Hospice is located approximately 300 metres to the south. Due to the separation between the site and sensitive receptors, it is not considered that the proposal would have an unacceptable adverse impact in terms of noise and disturbance.

Flood Risk

Turning to the issue of flood risk, LDP Policy MD7 Environmental Protection states that all new development proposals will be required to ensure that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

1. Pollution of land, surface water, ground water and the air;
2. Land contamination;
3. Hazardous substances;
4. Noise, vibration, odour nuisance and light pollution;
5. Flood risk and consequences;
6. Coastal erosion or land stability;
7. The loss of the best and most versatile agricultural land; or
8. Any other identified risk to public health and safety.

In respect of flood risk the policy states that:

“new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15”.

It is of relevance that there has recently been an update to TAN15 and therefore the relevant flood zones and associated guidance have changed since this time. The supporting FCA correctly details that NRW's Flood Map for Planning (FMfP) – Rivers and Sea indicates the site to be located in **Flood Zone 1, 2 and 3 (Rivers)** and **Flood Zone 3 (Sea)**. The site is located within a **TAN15 Defended Zone**.

The proposals, comprising of industrial development, would represent less vulnerable development for the purposes of TAN15.

With regard to development in defended zones TAN15 paragraph 10.17 states that *'on brownfield sites redevelopment proposals should not over intensify use neither should they reduce the area's ability to absorb flood water nor cause problems with flooding elsewhere. All applications should consider opportunities to incorporate flood resilient design as appropriate and any proposal involving highly vulnerable development must be compliant with the tolerable conditions set out in section 11.'*

Paragraph 10.23 goes further stating that *'In zones 2, 3 and TAN 15 defended zone developers must undertake a flood consequences assessment proportionate to the nature and scale of the proposal. Before granting planning permission, decision makers should be satisfied the scheme is justifiable in accordance with the principles set out in section 8, where they are not satisfied, planning permission should be refused. In these zones, Planning Authorities should seek all opportunities to provide enhanced flood protection for existing communities at risk.'*

NRW have considered the submitted FCA in terms of finished floor levels (proposed to be 7.25m AOD) and conclude that the 'FCA satisfactorily demonstrates that the risks and consequences of flooding are manageable to an acceptable level provided the above FCA is included as an approved document' if planning permission is granted.

They do however acknowledge that the maximum flood velocities would be 1.42m/sec, albeit the FCA determines that the average would be 0.28 m/sec. The former is greater than the tolerable threshold of 0.3 m/sec, although is acknowledged to relate to minor, isolated areas within the site and tidal flooding only. Noting the nature and likely frequency of the event, it is considered that there are likely to be significant notice and that NRW would issue warning in advance of such event. To this end, it is considered that the exceedance in terms of velocities in this instance do not represent a reason to refuse planning permission.

With regard to the comments received from the Council's Drainage engineers, the discrepancy within the submitted FCA is noted although are not considered to fundamentally effect the conclusions from NRW or noted above with regard to flood risk. The section 19 report findings with regard to Hayes Road are noted, however, having regard to the flood maps for planning for surface water, the site access is shown to remain free from surface water flooding and access/egress to the site would be available from the west in such events. As such these do not represent a reason to withhold planning permission in this instance.

Noting all of the above, including the comments of NRW and the recommendations of the FCA including the proposal to raise floor levels to 7.25mAOD, it is considered that the proposal is considered acceptable and could be appropriately managed in terms of flood risk.

Contamination

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- Land contamination
- Hazardous substances
- Noise, vibration, odour nuisance and light pollution;

The site has been identified as formerly commercial. Activities associated with this use may have caused the land to become contaminated. Such sites are also associated with the generation of landfill gases, within subsurface materials. The aforementioned may give rise to potential risks to human health and the environment for the proposed end use.

Following consultation with the Council's Shared Regulatory Services and Natural Resources Wales, no objections have been raised with regard to contamination at the site, although they request a number of conditions be attached to any consent granted with regard to a scheme to deal with contamination at the site (including remediation); remediation and verification report; a long term monitoring plan; unforeseen contamination; imported aggregates and use of site won materials.

Noting the above, it is considered that the risks associated with potential contamination can be adequately addressed by attaching appropriate conditions to any consent.

HSE

The site is located within the outer, middle and inner zone for Dow Corning. An online consultation reveals that the HSE 'do not advise against' the proposed use in this location.

Biodiversity and Green Infrastructure

Policy MD9 (Promoting Biodiversity) states that *'New development proposals will be required to conserve and where appropriate enhance biodiversity interest unless it can be demonstrated that:*

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

Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the need to preserve and enhance the natural environment. One of the requirements is for a Green Infrastructure Statement ('GIS') to be submitted with all planning applications, which will describe how green infrastructure has been incorporated into the proposal. A GIS has been supported with this application that seeks to apply the stepwise approach, indicating that the site is previously developed brownfield land that would not require removal of existing trees, hedgerows or significant biodiversity features. In terms of mitigation, compensation and enhancement the GIS details that landscaping incorporating native planting (trees and wildflower areas); SuDS features and bat and bird boxes.

The Council Ecologist has commented on the application and indicated that open mosaic habitats on previously developed land are identified as a priority habitat and an assessment should have been provided prior to preparation of the land for construction. As such they indicate that it is difficult to establish whether avoidance in accordance with stepwise has occurred and in turn that suitable mitigation is being provided, albeit it must be acknowledged that it is not now possible to establish what mitigation would be suitable for any previous habitat. Notwithstanding this, subject to suitable landscaping and biodiversity enhancements (such as but not exclusive to bat and bird boxes) that could be accommodated within the site boundary and/or the wider site, it is considered that this could be agreed by way of condition(s) attached to any consent given.

Highways

The proposals would be served by an access from Hayes Road and associated highway works approved under previous applications at the site including 2022/00136/FUL and 2023/00430/FUL that are already in situ, with the site accessed from the west. The proposals would benefit from a parking area providing 15 spaces, inclusive of 2 EV charging spaces which having regard to the Council's adopted parking standards is considered to be an appropriate level of parking in this location.

The proposals would also benefit from a yard area with an offloading bay and significant aggregate parking, storage and laydown area to the southern extent of the site. Following initial consultation with the Council's Highway Development section they requested additional information with regard to swept path analysis of vehicles of turning within the site in addition to the provision of a 3.5m footway/cycleway across the site frontage. Amended plans were subsequently received, that would appear to suitably address the concerns of the local highway authority, and it is considered that subject to suitable conditions that there is not a highway or public safety issue that would prevent the grant of planning permission.

Drainage

NRW request a condition that no infiltration of surface water drainage into the ground unless it can be demonstrated that there is no resultant risk to groundwater. They do note that it is proposed to connect to a package treatment plant to deal with foul flows arising from the site, and they accept the rationale provided by the applicant in terms of technical challenges and financial implications in terms of gaining connection to foul sewerage network that runs along Hayes Road. Dwr Cymru (DCWW) offer no objection to such a connection, although note that priority should be given to mains connection. However, noting that a suitable foul sewerage solution exists, it is considered that this does not represent a reason to refuse permission.

DCWW also note that a watermain crosses the site although this would appear to be commensurate to the access road and not within the built footprint of the building.

The submitted details indicate that the proposals will benefit from drainage features to the western boundary, adjacent to the access road as part of a sustainable drainage system. Any 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), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to the SAB process in terms of surface water, under a separate consenting regime.

Planning Obligations

Having regard to the requirement of the Local Development Plan 2011-2026 and Planning Obligation Supplementary Planning Guidance, consideration of the proposed development and potential impacts and needs arising from the development, it was advised that the Council would be entitled to seek planning obligations for the following:

- Sustainable Transport;
- Public Open Space; and
- Training and Development,
- Public Art;

Consequently, the Council considered the need for contributions relating to sustainable transport facilities, training and development, public open space and public art and wrote to the applicant in this regard.

The application indicates that the access to the site has been provided to facilitate active travel movements to the site, with the provision of 3.5m footway/cycleway at the access itself. Previously approved plans indicate that the estate road would provide only a 2m footway although the applicant has agreed to widen this as part of this application. This would facilitate active travel movements through the estate and is considered to be a suitable in kind provision, in lieu of a financial contribution in this case.

Policy MD3 of the development plan and the Planning Obligations SPG indicate that 16 square metres should be provided per equivalent full time employee. Following discussion with the applicant, it has been agreed that a financial contribution towards public open space will not be sought in this instance, albeit indicate that such provision could be met within the wider landholding available to the applicant. It is also considered that an improved landscaping scheme could include some incidental space within the application site itself. Although the current submission does not indicate a suitable area, it is considered reasonable to take a pragmatic stance in this occasion, subject to a condition requiring further details of the landscaping and equipment proposed within these areas.

With regard to training and development, it is noted that the proposals relate to an innovative form of industrial process, a specialist timber modification company. The operation will deliver skilled employment opportunities, and the company will undertake its own training for operatives and technicians due to the specialist nature of the work involved. Noting this confirmation, it is considered that owing to the nature of the proposals that a financial contribution towards off-site training and development opportunities would not be sought in this instance.

In terms of public art, the applicant indicates that a financial contribution would not be appropriate owing to the secured nature of the site with lack of public accessibility. They have however indicated that artistic elements associated with the design could be incorporated into the building itself or as a waymarker/entrance feature, including the use of the cladding to be produced through the business proposal. It is considered that the use of high quality timber cladding that could incorporate an artistic element within the fabric of the building or to provide a distinctive entrance feature, would be an appropriate approach and that this could be suitably controlled by way of condition.

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, SP5 – Employment Requirements, MG9 – Employment Allocations, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD7 - Environmental Protection, MD14 - New Employment Proposals, MD16 - Protection of existing Employment Sites and Premises of the Adopted Local Development Plan 2011-2026, it is considered that the proposal is acceptable in relation to the principle of development, siting, scale, design and materials, access and parking, impact on residential amenity and neighbouring units, flooding and drainage and ecology. 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.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Planning, Design, Access & GI Statement dated March 2025

Location Plan 20995-c

Stie Location Plan A101 Rev B received 27 June 2025

Hocca Ground Floor Plan 1937-HW-1001 Rev A

Hocca Mezzanine Plan 1937-HW-1002 Rev A

Hocca Roof Plan 1937-HW-1003 Rev A

Hocca Elevations 1937-HW-2001 Rev A

Flood Consequence Assessment by Vale Consultancy, Reference 20995-FCA-01 dated 26th March 2025, reference 20995 – FCA - 01.

Construction Environmental Management Plan, Issue 01, by Vale Consultancy dated 9th May 2025.

20995_700 Rev 02 - Highway General Arrangement

20995_900 Rev 02 - 16.5m HGV Swept Path Analysis

20995_901 Rev 01 - Standard Car Swept Path Analysis

20995_510 Rev 02 Proposed Drainage Plan

Foul Drainage Report prepared by Vale Consultancy

Reason:

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

2. No further development shall take place, until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity and to safeguard human health; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policy MD7 of the adopted Local Development Plan.

3. Prior to the occupation of the development a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. 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.

Reason:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation. To prevent unacceptable risks to controlled waters and ecological systems in accordance with Policy MD7 of the adopted Local Development Plan.

4. Prior to the occupation of the development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for x years)
- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters and to ensure compliance with Policy MD7 of the adopted Local Development Plan.

5. 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.

6. 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 approval details.

Reason:

To prevent pollution to the water environment in accordance with Policy MD7 of the adopted Local Development Plan.

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

Reason:

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

8. 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.

9. Within one month of this consent a revised landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained, set out measures for their protection throughout the course of development, in addition to details of equipment and layout of communal areas to serve the development and the proposed wayfaring/entrance feature within the site.

Reason:

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

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

Reason:

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

11. Any amenity areas approved as part of the approved landscaping scheme pursuant to condition 9, shall be provided in accordance with the approved details, within 3 months of the first beneficial occupation of the first unit hereby approved and maintained in accordance with the approved details in perpetuity thereafter.

Reason:

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

12. Prior to the first beneficial use 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.

13. Notwithstanding the submitted details, a schedule of materials (inclusive of samples and artistic elements) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to beneficial occupation of the unit hereby approved.

Reason:

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

14. The approved access and internal circulation layout, inclusive of 3.5m footway/cycleway to site frontage; vehicular and cycle parking as well as internal circulation spaces shall be laid out in accordance with the approved details, prior to the first beneficial use of the unit hereby approved and shall thereafter be so retained at all times to serve the unit hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway and public safety, and to ensure compliance with the terms of Policies MD1 and MD2 of the Local Development Plan 2011-2026.

15. The development permitted by this planning permission shall only be carried out in accordance with the Flood Consequence Assessment (FCA) produced by Vale Consultancy dated March 2025, including that the finished slab level of the approved industrial units shall be set no lower than 7.25 metres Above Ordnance Datum (AOD) (Newlyn).

Reason:

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

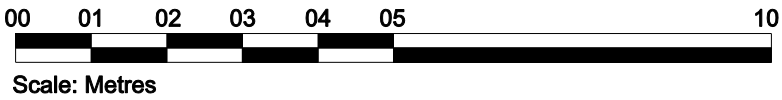
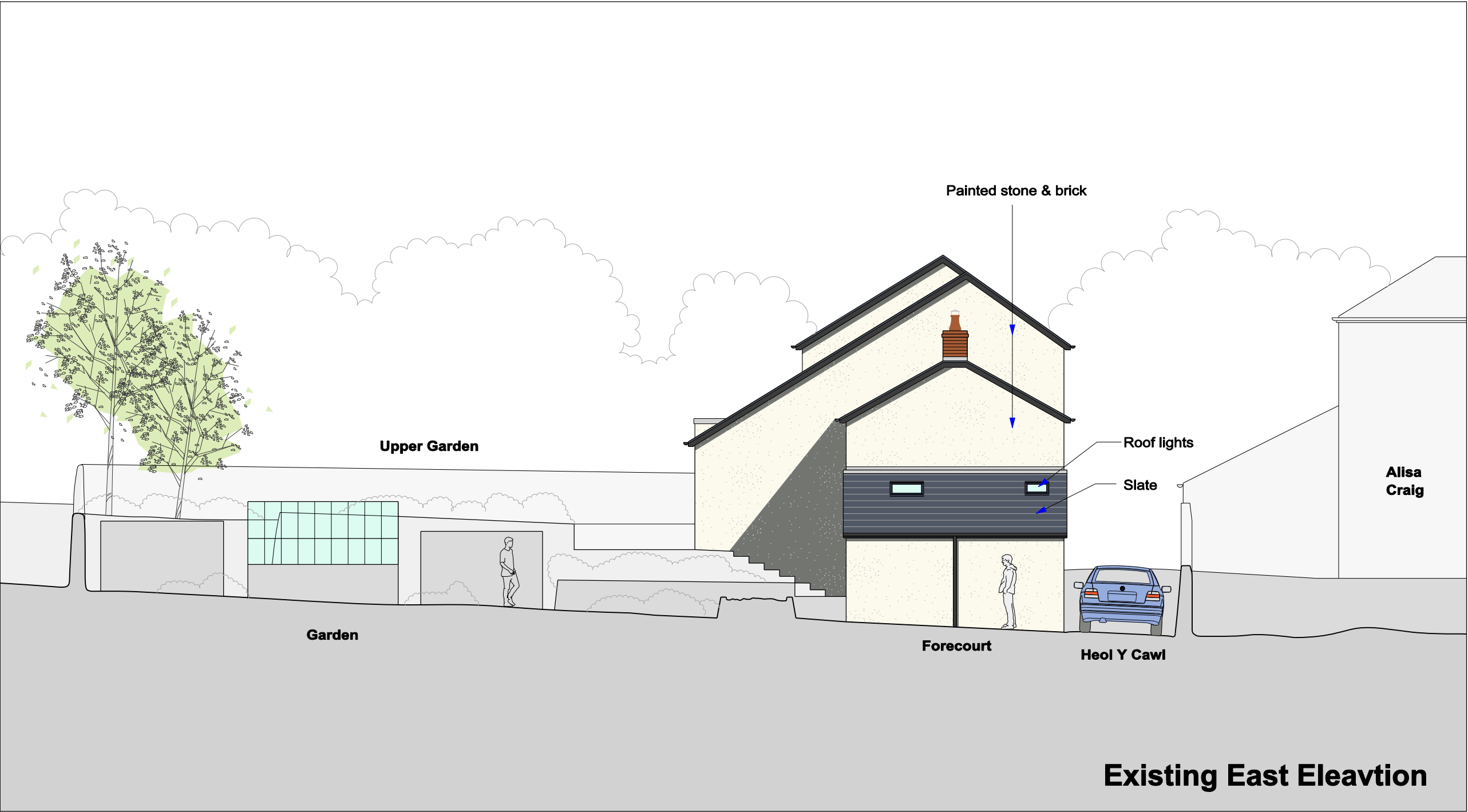
NOTE:

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.



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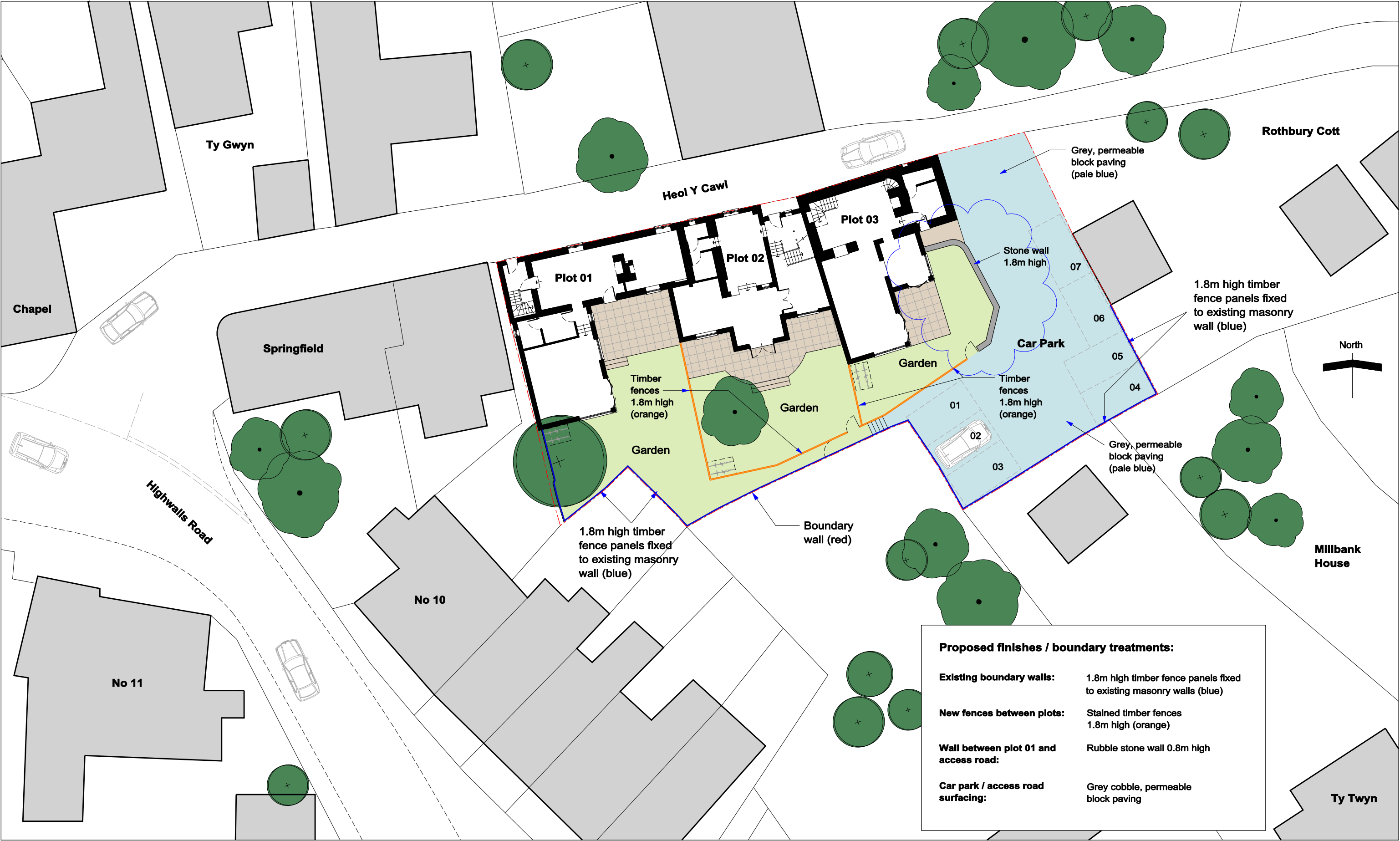
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Dinas Powys. CF64 4AH**

Title: **Existing Elevations
(Sheet 01)**

Drawing No: **541 - P 05**

Scale:
1:100 @ A2

Revision:
A



Proposed Site Plan

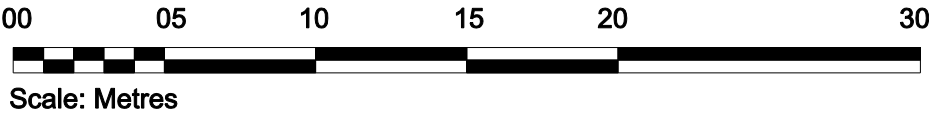
2024/00846/FUL

 = Cycle storage

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Site: **Hillcroft, Heol Y Cawl,
Dinas Powys. CF64 4AH**

Title: **Proposed Site Plan**

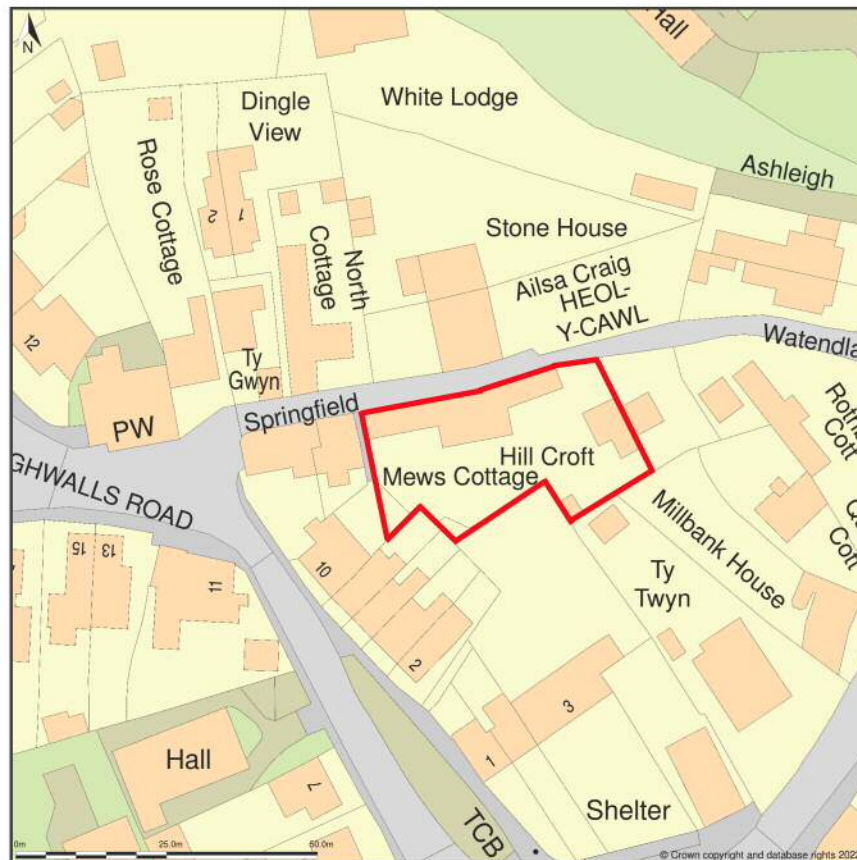


Scale:
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Revision:
E

Drawing No: **541 - P 08**

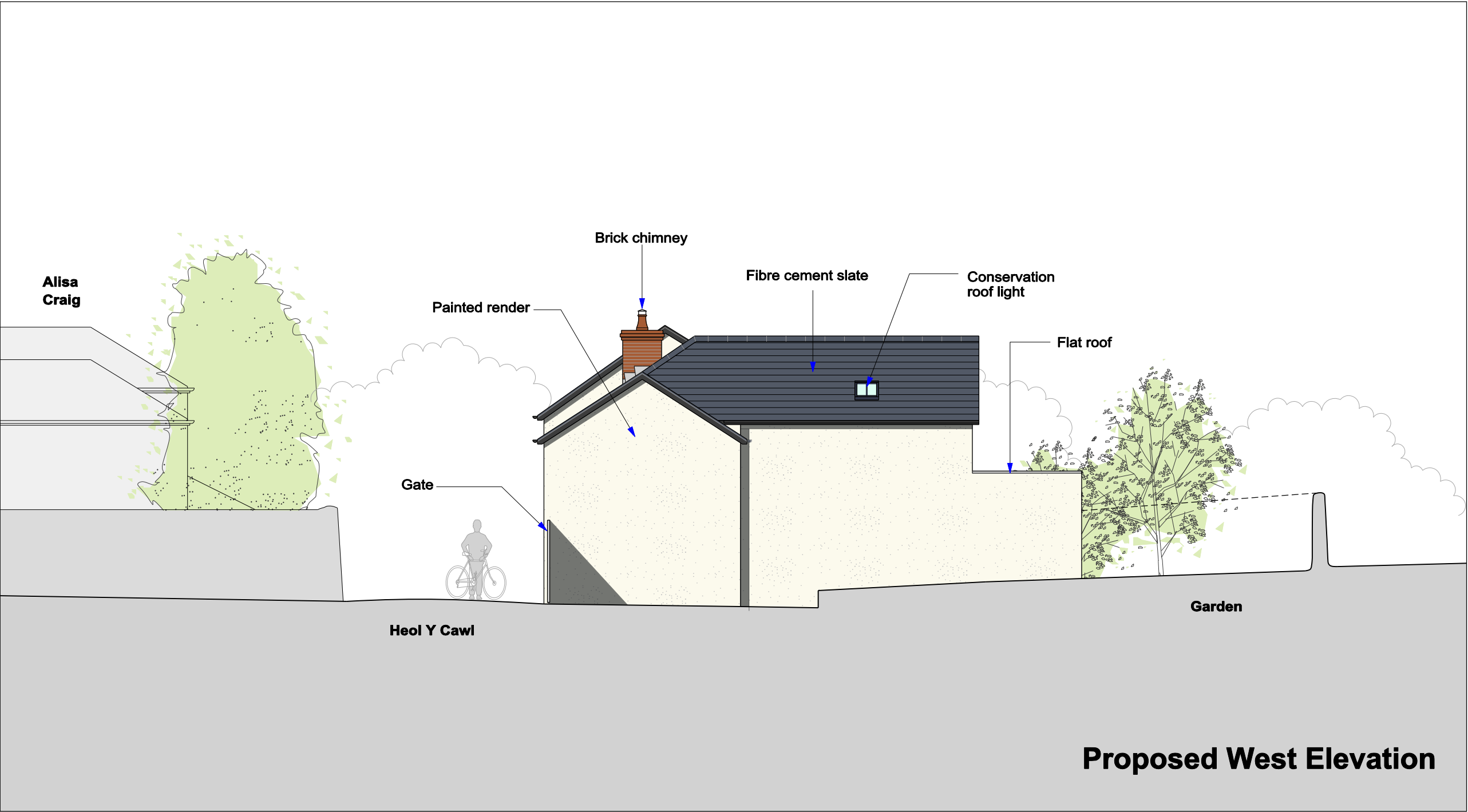
Hillcroft, Heol-y-cawl, Dinas Powys, Vale Of Glamorgan, CF64 4AH



Site Plan shows area bounded by: 315229.09, 171317.28 315370.51, 171458.71 (at a scale of 1:1250), OSGridRef: ST15297138. 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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Incorporated Soltys Brewster Information:

□ = Istock Enclosed Bat box 'C' Large
Roofing felt to be F1 Bitumen type only.
All gable ends to provide bat access as detailed in attached drawing.

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Site: Hillcroft, Heol Y Cawl,
Dinas Powys. CF64 4AH

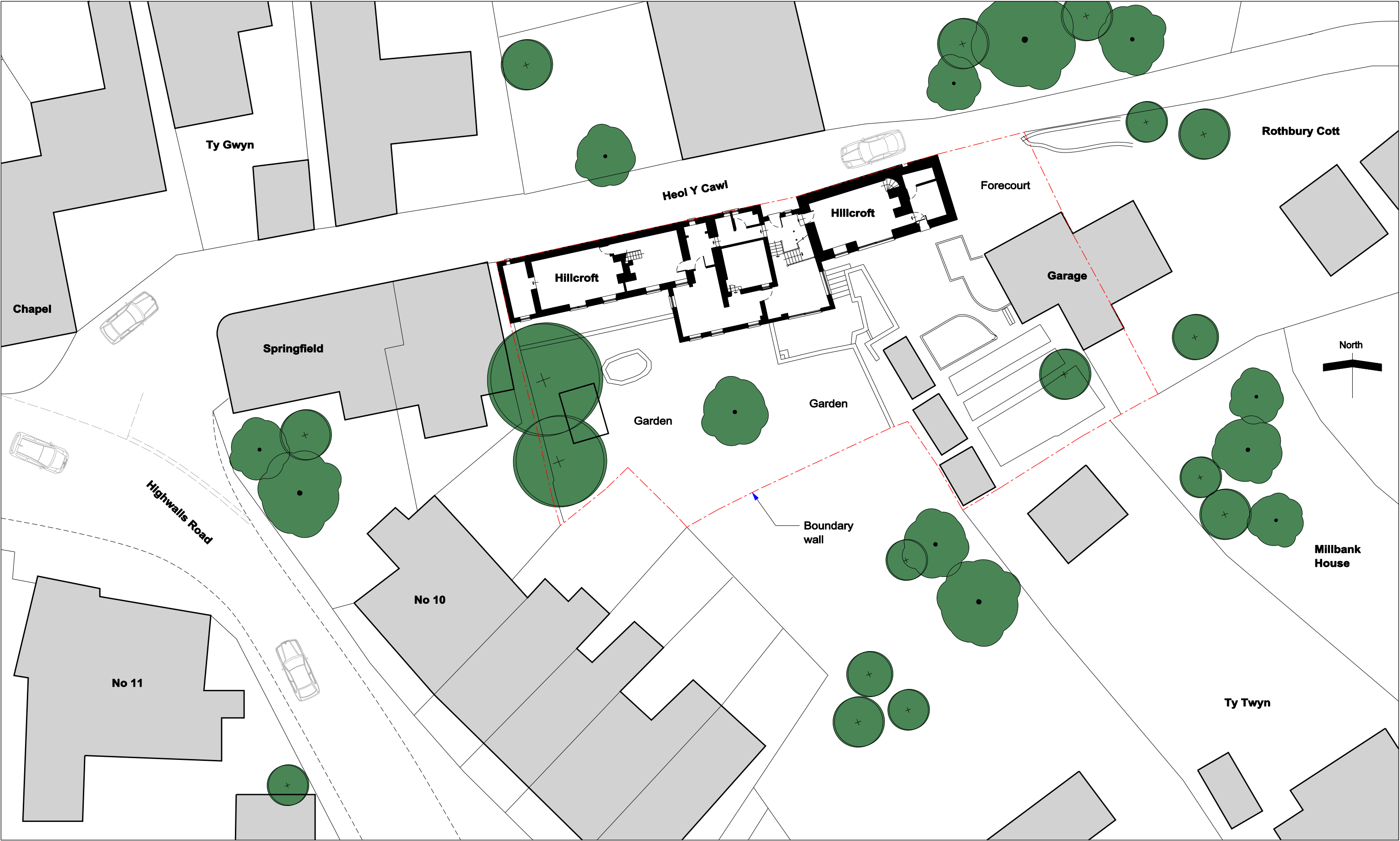
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(Sheet 02)

Drawing No: 541 - P 13

Scale:
1:100 @ A2

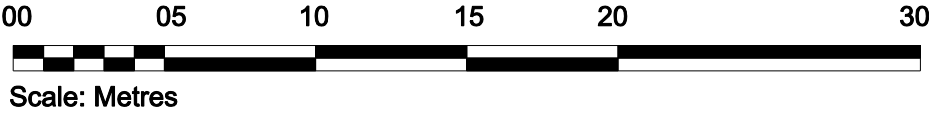
Revision:
C





Existing Site Plan

2024/00846/FUL



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Site: **Hillcroft, Heol Y Cawl,
Dinas Powys. CF64 4AH**

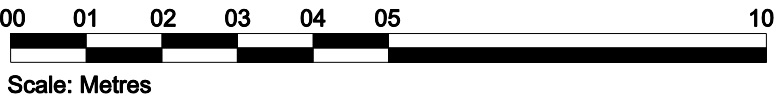
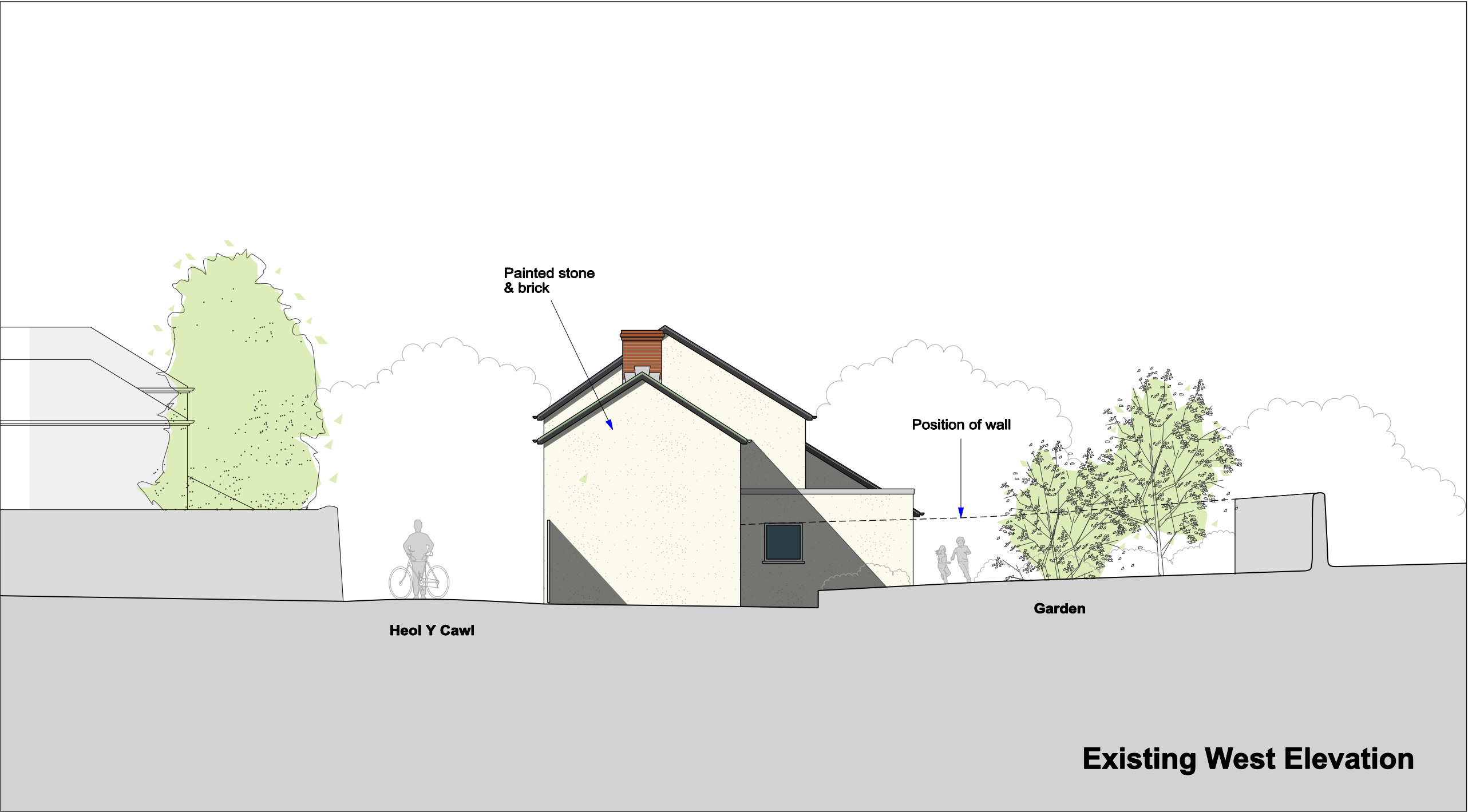
Scale:
1:250 @ A3

Revision:

Title: **Existing Site Plan**

Drawing No: **541 - P 01**





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Site: **Hillcroft, Heol Y Cawl,
Dinas Powys. CF64 4AH**

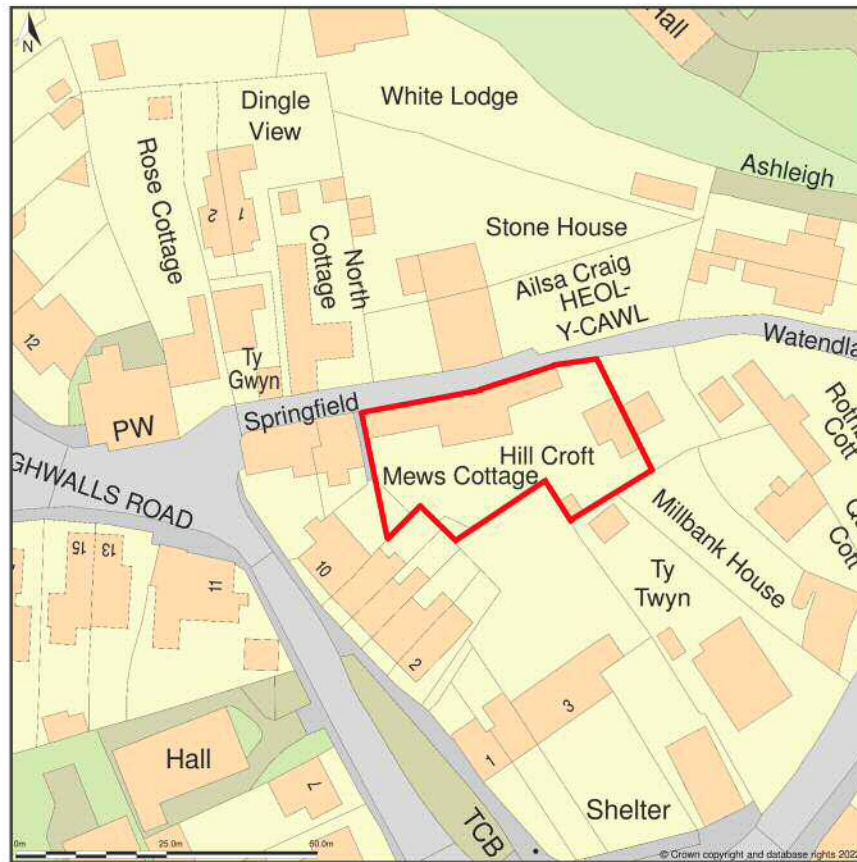
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(Sheet 02)**

Drawing No: **541 - P 06**

Scale:
1:100 @ A2

Revision:
A

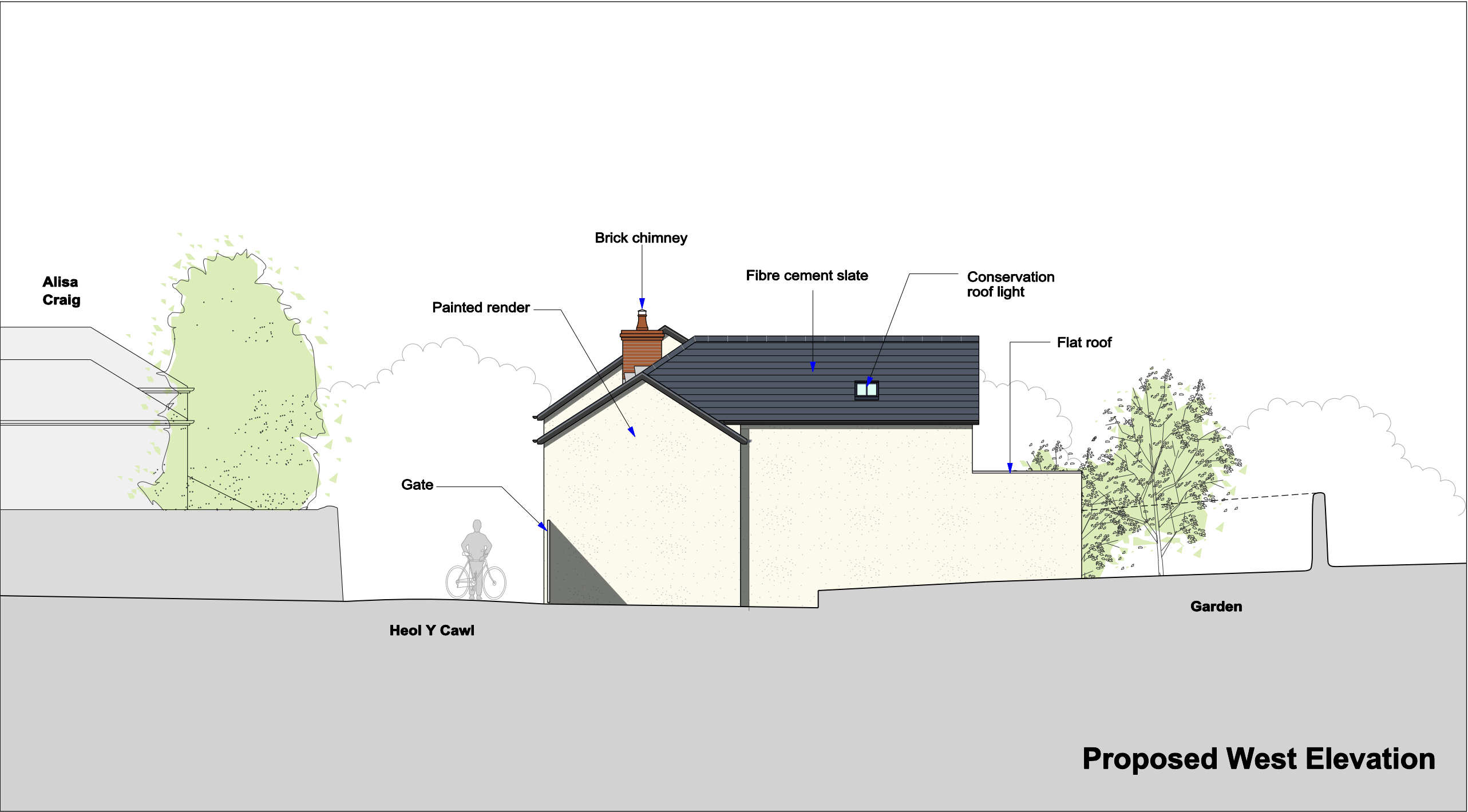
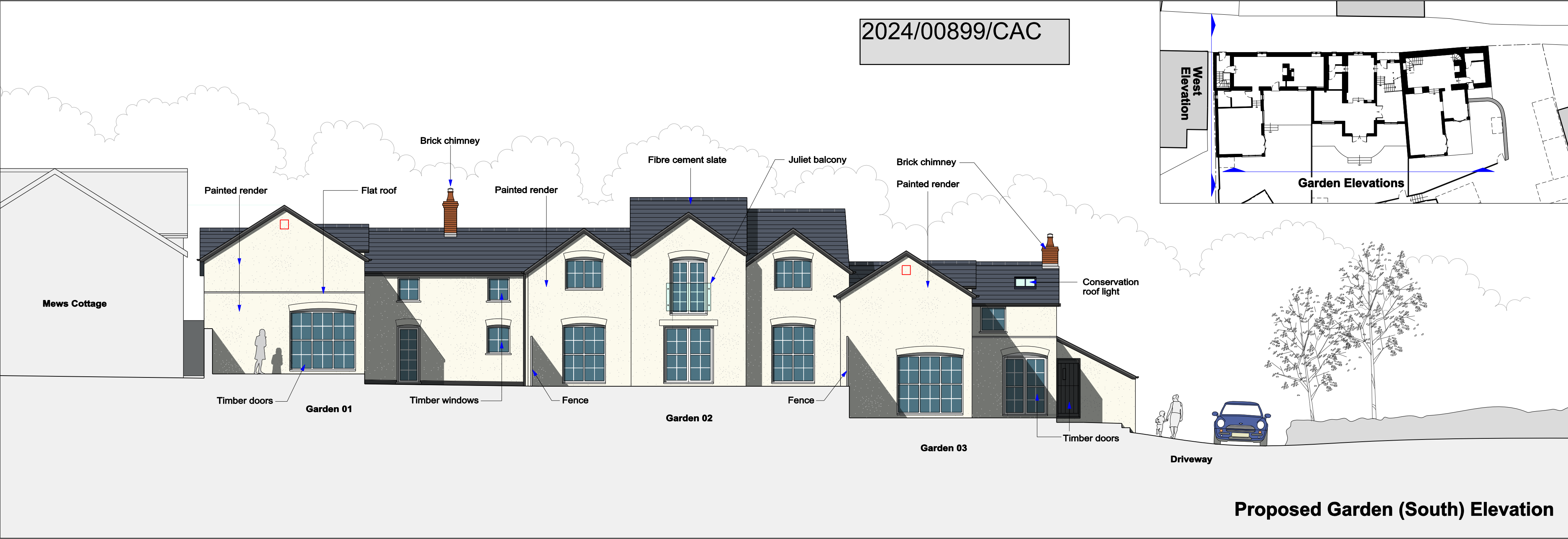
Hillcroft, Heol-y-cawl, Dinas Powys, Vale Of Glamorgan, CF64 4AH



Site Plan shows area bounded by: 315229.09, 171317.28 315370.51, 171458.71 (at a scale of 1:1250), OSGridRef: ST15297138. 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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Incorporated Soltys Brewster Information:

□ = Ibstock Enclosed Bat box 'C' Large

Roofing felt to be F1 Bitumen type only.

All gable ends to provide bat access as detailed in attached drawing.

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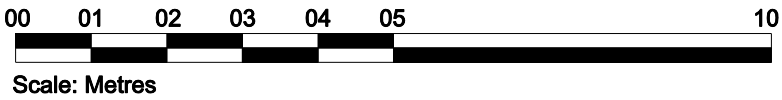
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Dinas Powys. CF64 4AH

Title: Proposed Elevations
(Sheet 02)

Drawing No: 541 - P 13

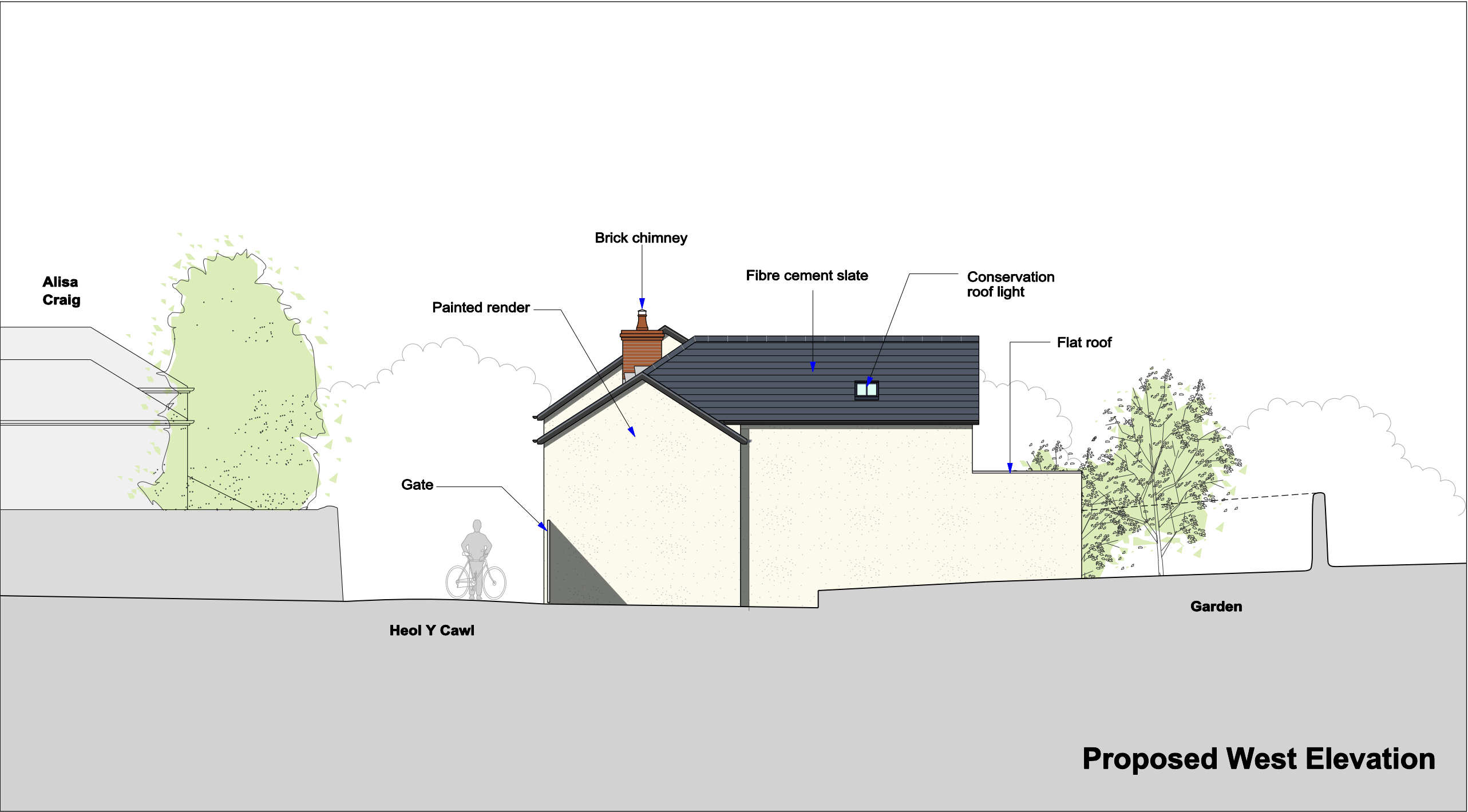
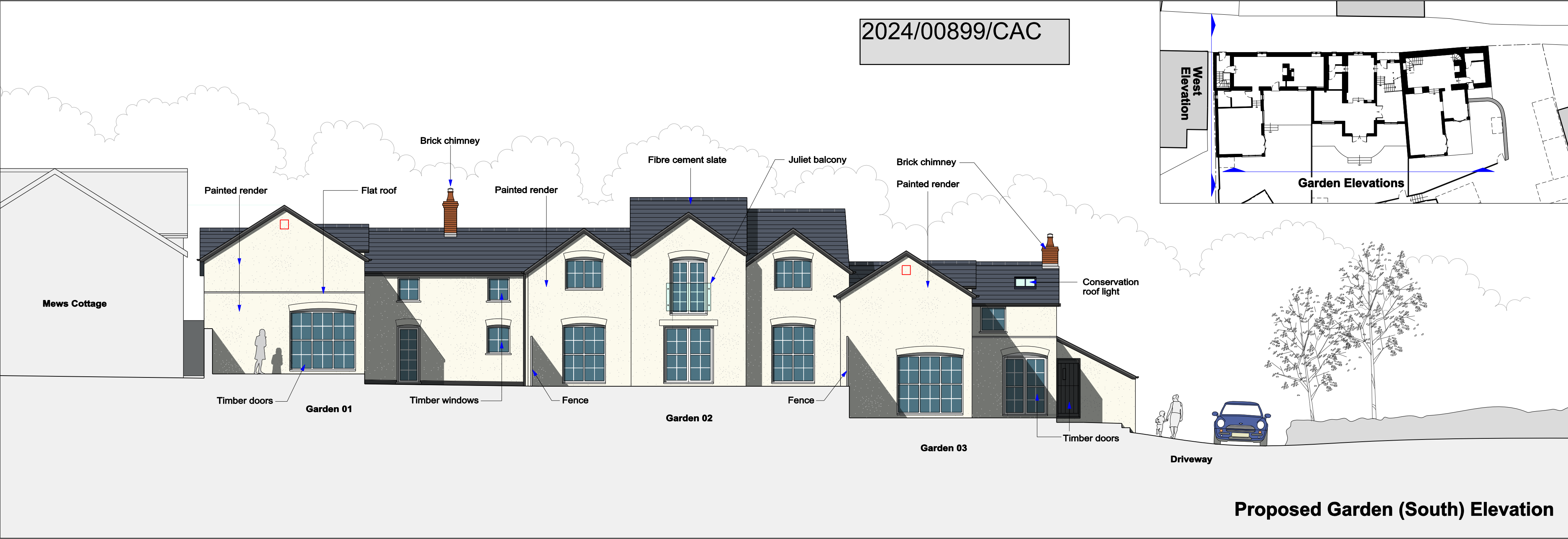
Scale:
1:100 @ A2

Revision:
C









Incorporated Soltys Brewster Information:

□ = Ibstock Enclosed Bat box 'C' Large

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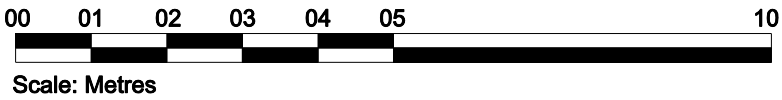
Site: **Hillcroft, Heol Y Cawl,
Dinas Powys. CF64 4AH**

Title: **Proposed Elevations
(Sheet 02)**

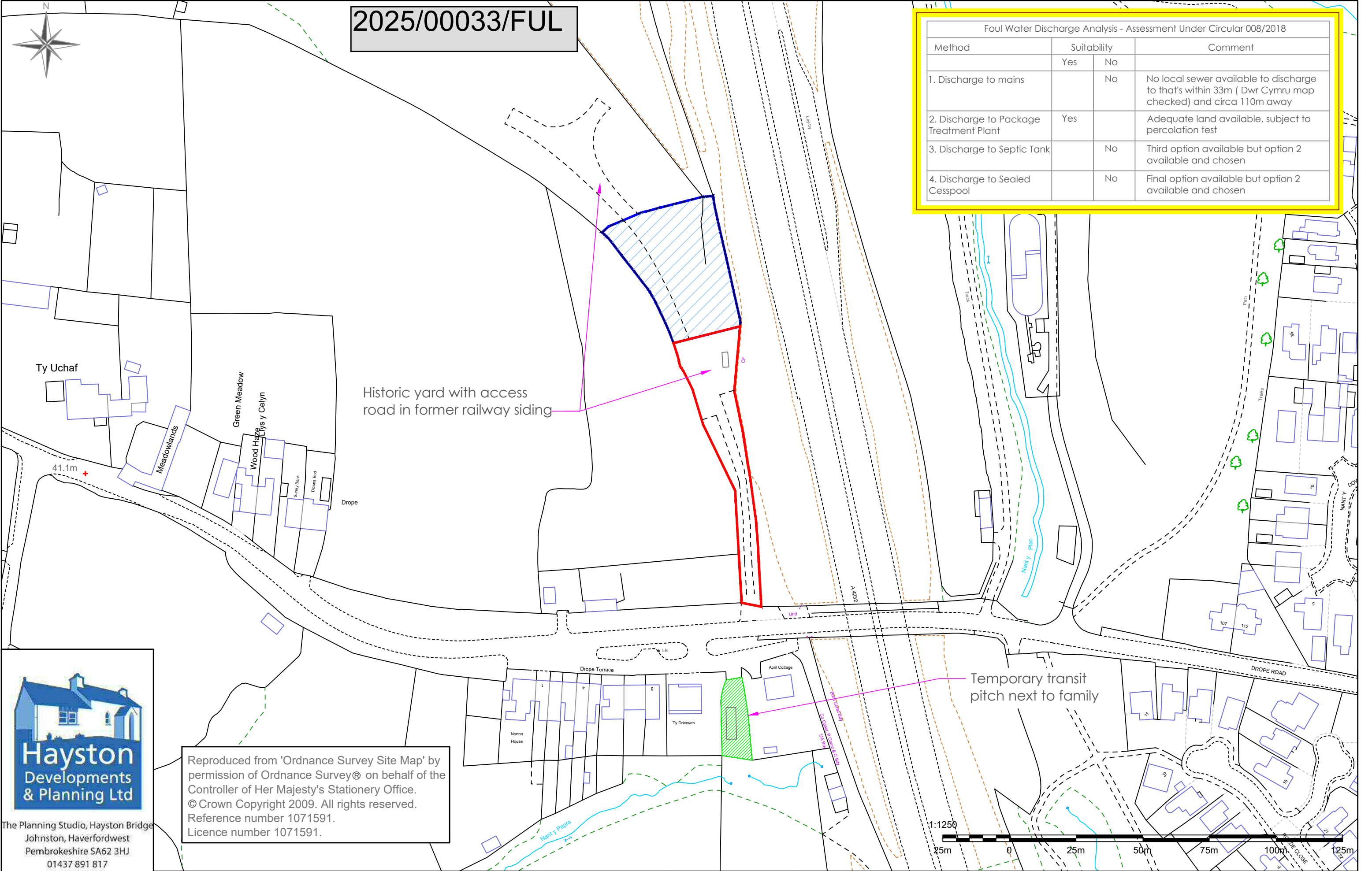
Drawing No: **541 - P 13**

Scale:
1:100 @ A2

Revision:
C







2025/00033/FUL

Foul Water Discharge Analysis - Assessment Under Circular 008/2018			
Method	Suitability		Comment
	Yes	No	
1. Discharge to mains		No	No local sewer available to discharge to that's within 33m (Dwr Cymru map checked) and circa 110m away
2. Discharge to Package Treatment Plant	Yes		Adequate land available, subject to percolation test
3. Discharge to Septic Tank		No	Third option available but option 2 available and chosen
4. Discharge to Sealed Cesspool		No	Final option available but option 2 available and chosen



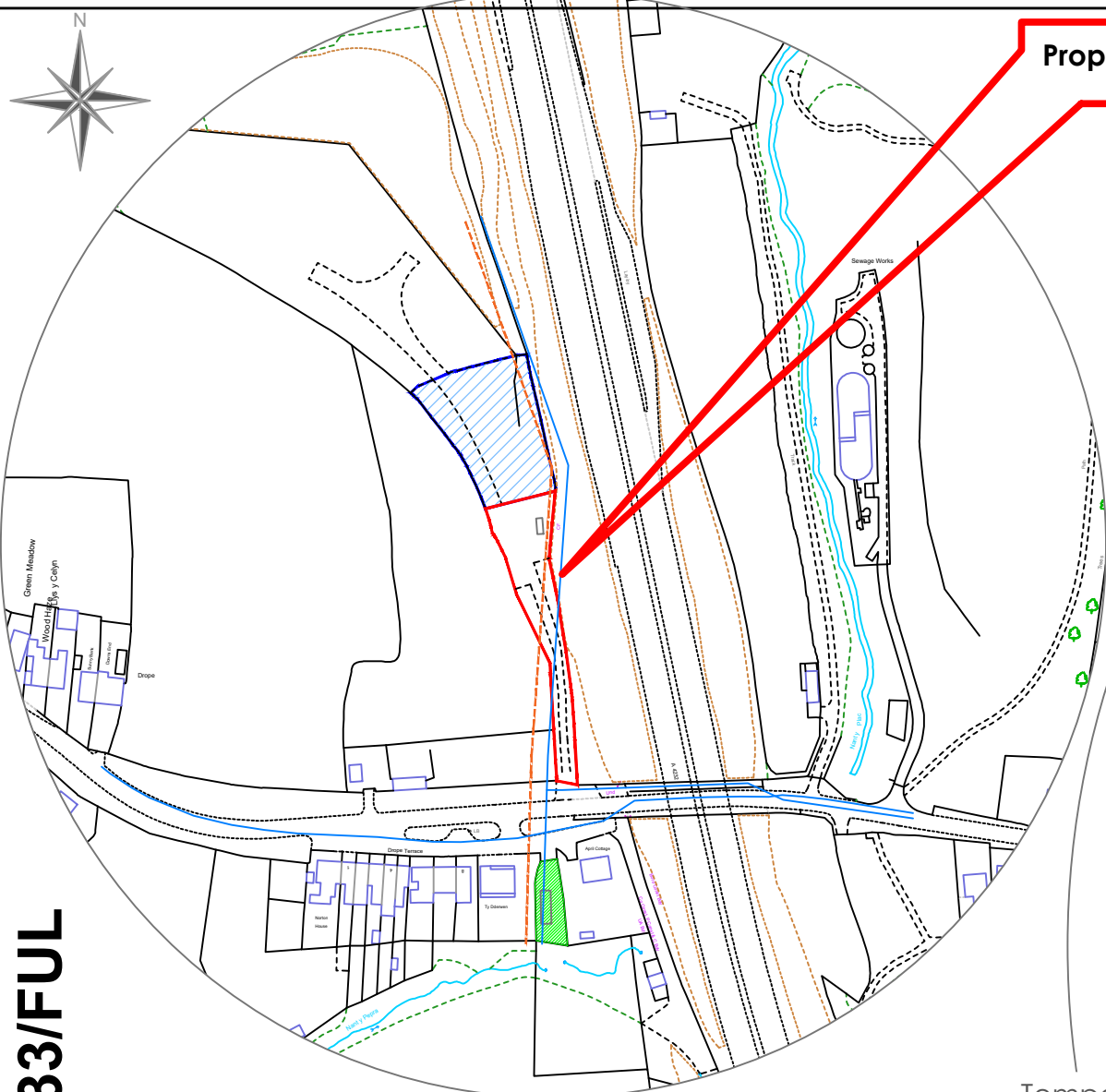
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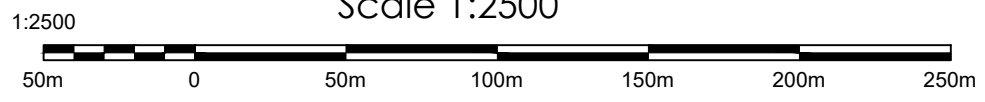
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**Relocation of Gypsy/Traveller Pitch to include Static Caravan,
Day Room and Touring Caravan
together with Ecological Enhancements
Existing Yard, Opposite April Cottage, Drope Terrace, St
George-Super-Ely, Cardiff CF5 6EQ**

Designed by	Checked by	File name AVH_1181	Date 10.02.2025	Scale A3 @1:1250	Client Mr George Martin
Drawing Title 197 Expanded Location Plan					
Dwg No. 01b					



Location Plan
Scale 1:2500



G.I. A. - Day Room = 35.52 sqm

- Site Area - 1193 sqm
- Additional land in client ownership

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2025/00033/FUL



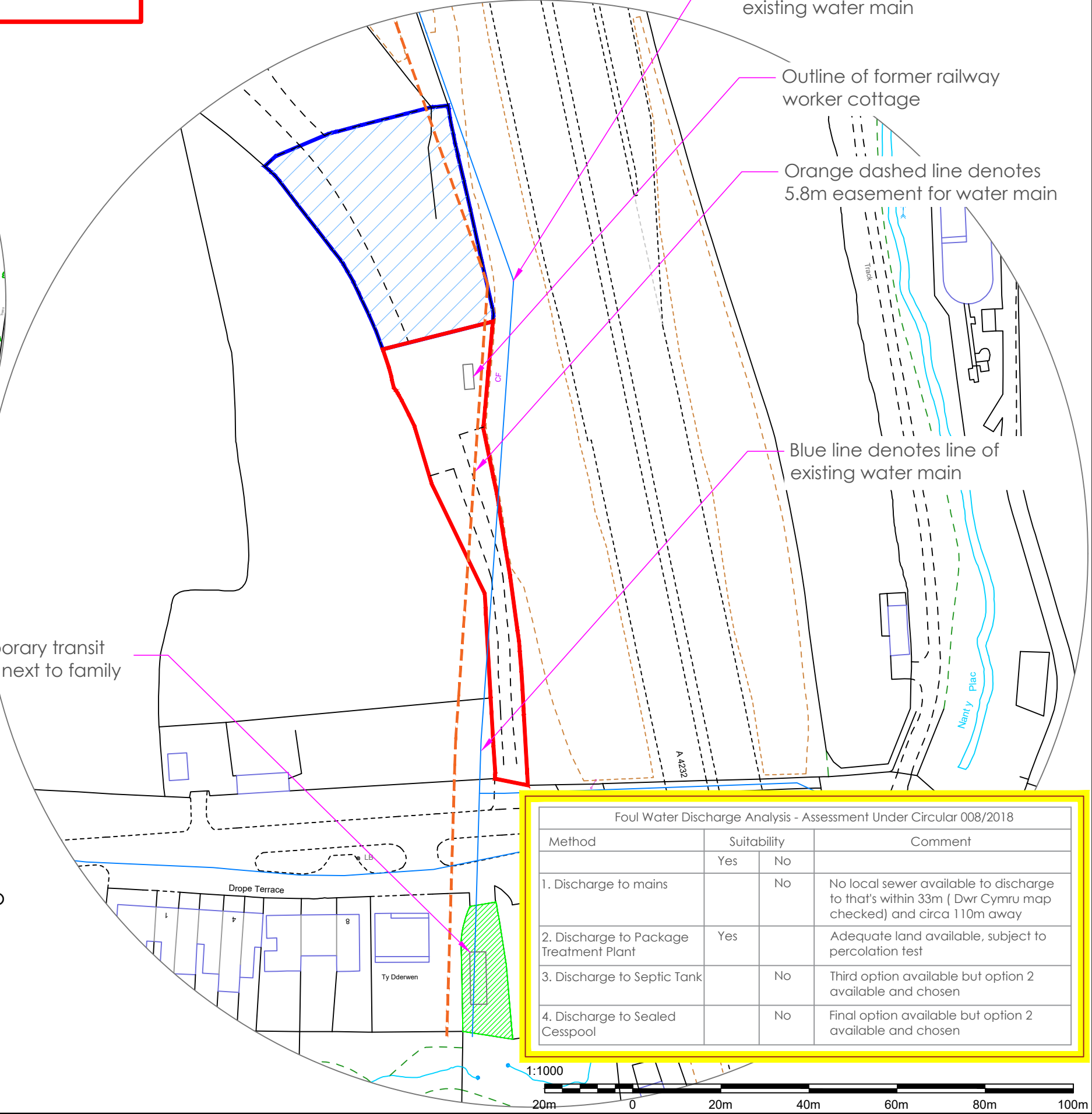
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**Relocation of Gypsy/Traveller Pitch to include Static Caravan,
Day Room and Touring Caravan
together with Ecological Enhancements
Existing Yard, Opposite April Cottage, Drope Terrace, St
George-Super-Ely, Cardiff CF5 6EQ**

Proposed site area

Temporary transit
pitch next to family

Site Plan - Scale 1:1000



Blue line denotes line of
existing water main

Outline of former railway
worker cottage

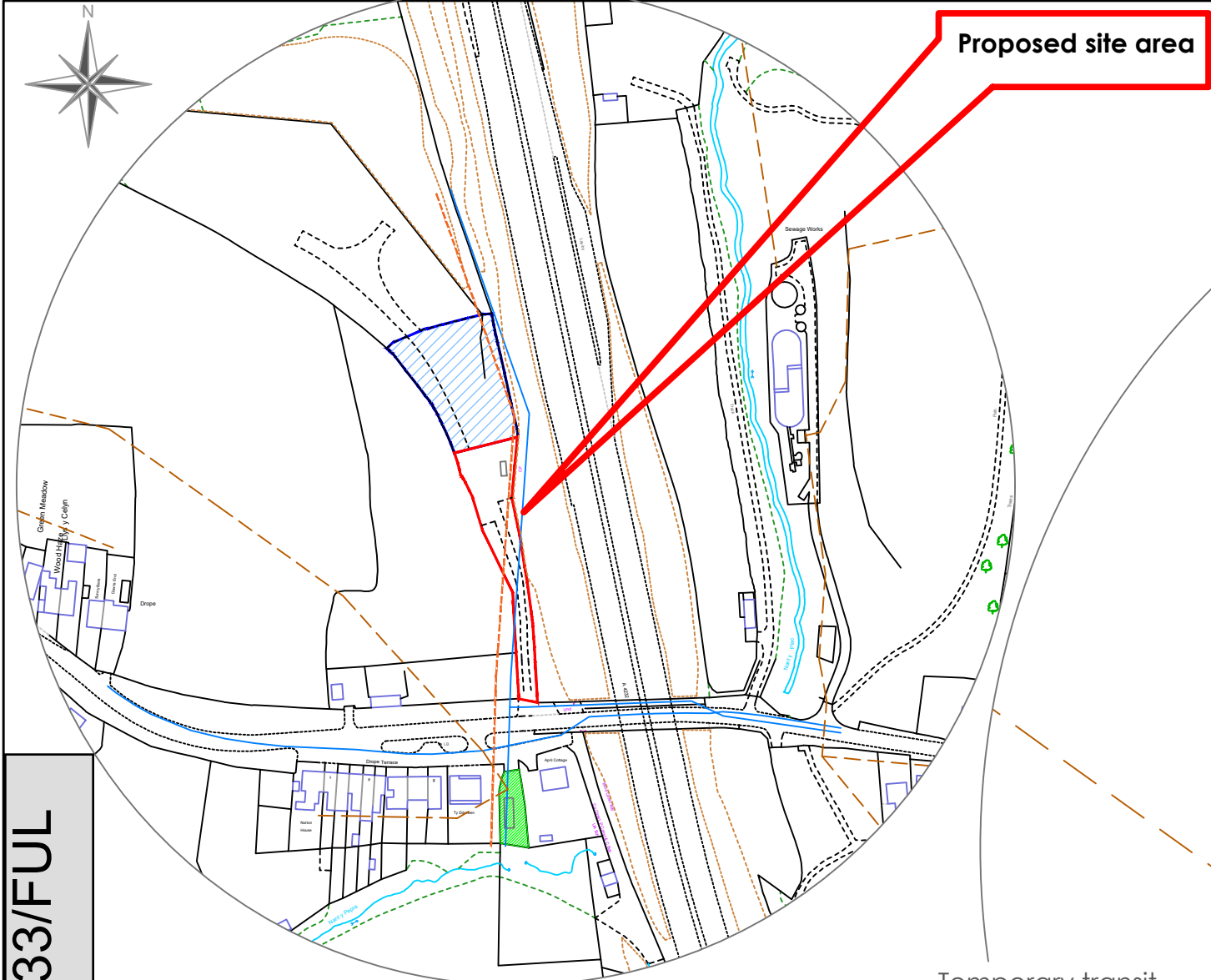
Orange dashed line denotes
5.8m easement for water main

Blue line denotes line of
existing water main

Foul Water Discharge Analysis - Assessment Under Circular 008/2018			
Method	Suitability		Comment
	Yes	No	
1. Discharge to mains		No	No local sewer available to discharge to that's within 33m (Dwr Cymru map checked) and circa 110m away
2. Discharge to Package Treatment Plant	Yes		Adequate land available, subject to percolation test
3. Discharge to Septic Tank		No	Third option available but option 2 available and chosen
4. Discharge to Sealed Cesspool		No	Final option available but option 2 available and chosen

Designed by	Checked by	File name AVH_1181	Date 10.02.2025	Scale A3 - As Shown	Clients Mr George Martin
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Drawing Title Existing Location and Block Plans	Dwg No. 02c
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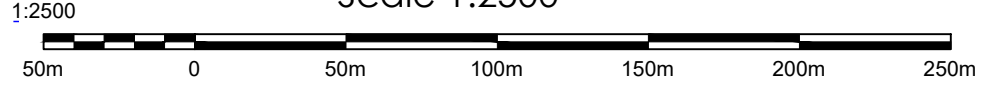


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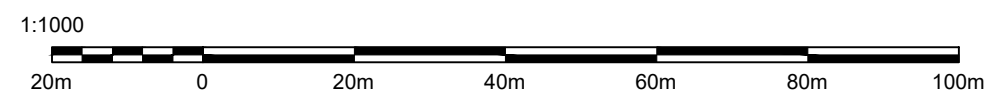
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Scale 1:2500



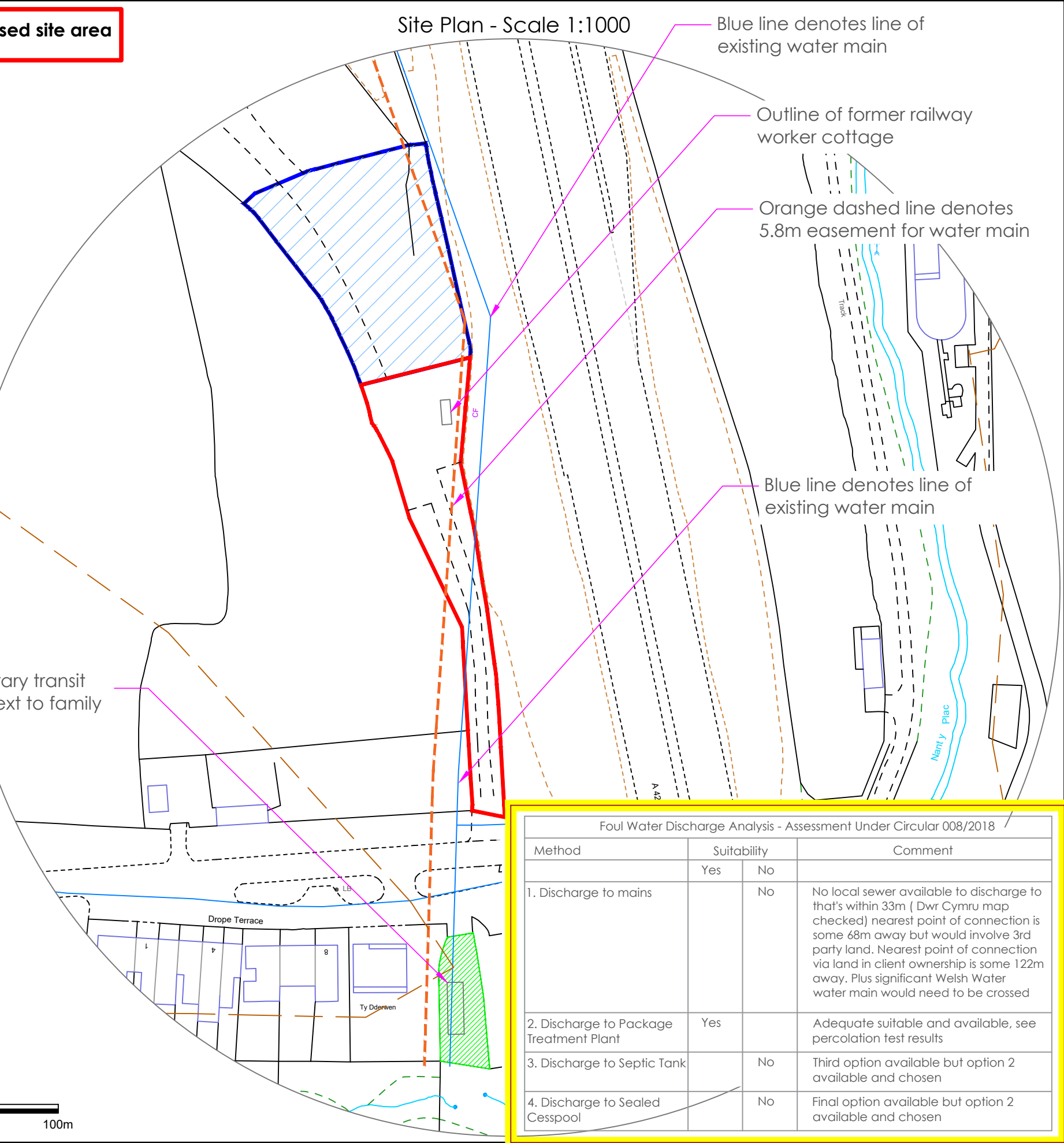
G.I. A. - Day Room = 35.52 sqm

- Site Area - 1193 sqm
- Additional land in client ownership

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Temporary transit pitch next to family



Site Plan - Scale 1:1000

- Blue line denotes line of existing water main
- Outline of former railway worker cottage
- Orange dashed line denotes 5.8m easement for water main
- Blue line denotes line of existing water main

Foul Water Discharge Analysis - Assessment Under Circular 008/2018			
Method	Suitability		Comment
	Yes	No	
1. Discharge to mains		No	No local sewer available to discharge to that's within 33m (Dwr Cymru map checked) nearest point of connection is some 68m away but would involve 3rd party land. Nearest point of connection via land in client ownership is some 122m away. Plus significant Welsh Water water main would need to be crossed
2. Discharge to Package Treatment Plant	Yes		Adequate suitable and available, see percolation test results
3. Discharge to Septic Tank		No	Third option available but option 2 available and chosen
4. Discharge to Sealed Cesspool		No	Final option available but option 2 available and chosen

Relocation of Gypsy/Traveller Pitch to include Static Caravan, Day Room and Touring Caravan together with Ecological Enhancements
Existing Yard, Opposite April Cottage, Drope Terrace, St George-Super-Ely, Cardiff CF5 6EQ

Designed by	Checked by	File name AVH_1181	Date 07.05.2025	Scale A3 - As Shown	Clients Mr George Martin	Dwg No. 02e
Drawing Title Existing Location and Block Plans						

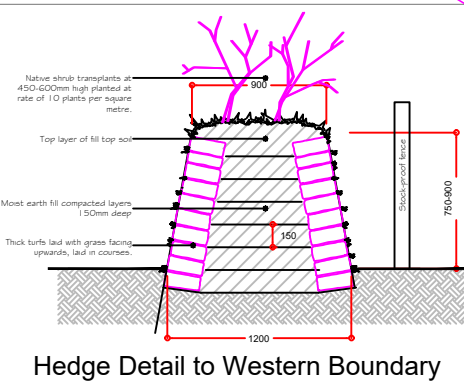


2025/00033/FUL

Ecological / Green Infrastructure Enhancements

- **Native Specimen Trees**, 12 - 14cm girth, rootballed:
 - Acer platanoides (Ap)
 - Crataegus laevigata 'Rosea Flore Pleneo' 8 - 10cm
 - Sorbus Aucuparia (Sa)
 - Sorbus 'Joseph Jack' (SJR)
 - Sorbus aria 'Lutescens' (SaL)
 - Tamarix ramossima 'Pink Cascade' 1.25 - 1.5m
- Existing hedges and trees protected
- Bird and bat boxes installed - see drawing 05
- New grassed areas created

Existing mature trees on adjacent land to east un-affected



Hedge Detail to Western Boundary

Proposed touring caravan illustrated thus - moveable (For storage only)

Proposed native hedge on western boundary in front of stock proof fence

New grassed areas with native tree planting

Timber close boarded fence to west boundary

Orange dashed line denotes 5.8m easement for water main

Existing access track in clean, rolled, permeable stone

New planting area to LHS of entrance subject to highways agreement and heights

Timber close boarded fence to east boundary

Existing mature trees on adjacent land to east un-affected

Hardstanding area in clean, rolled, permeable stone

Blue line denotes line of existing water main

Timber close boarded fence to east boundary



Blue line denotes line of existing water main

Access gates set back 10m from carriageway edge

Existing tarmac access apron

New planting area to RHS of entrance subject to highways agreement and heights

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Relocation of Gypsy/Traveller Pitch to include Static Caravan, Day Room and Touring Caravan together with Ecological Enhancements
Existing Yard, Opposite April Cottage, Drope Terrace, St George-Super-Ely, Cardiff CF5 6EQ

Designed by

Checked by

File name
AVH_1181

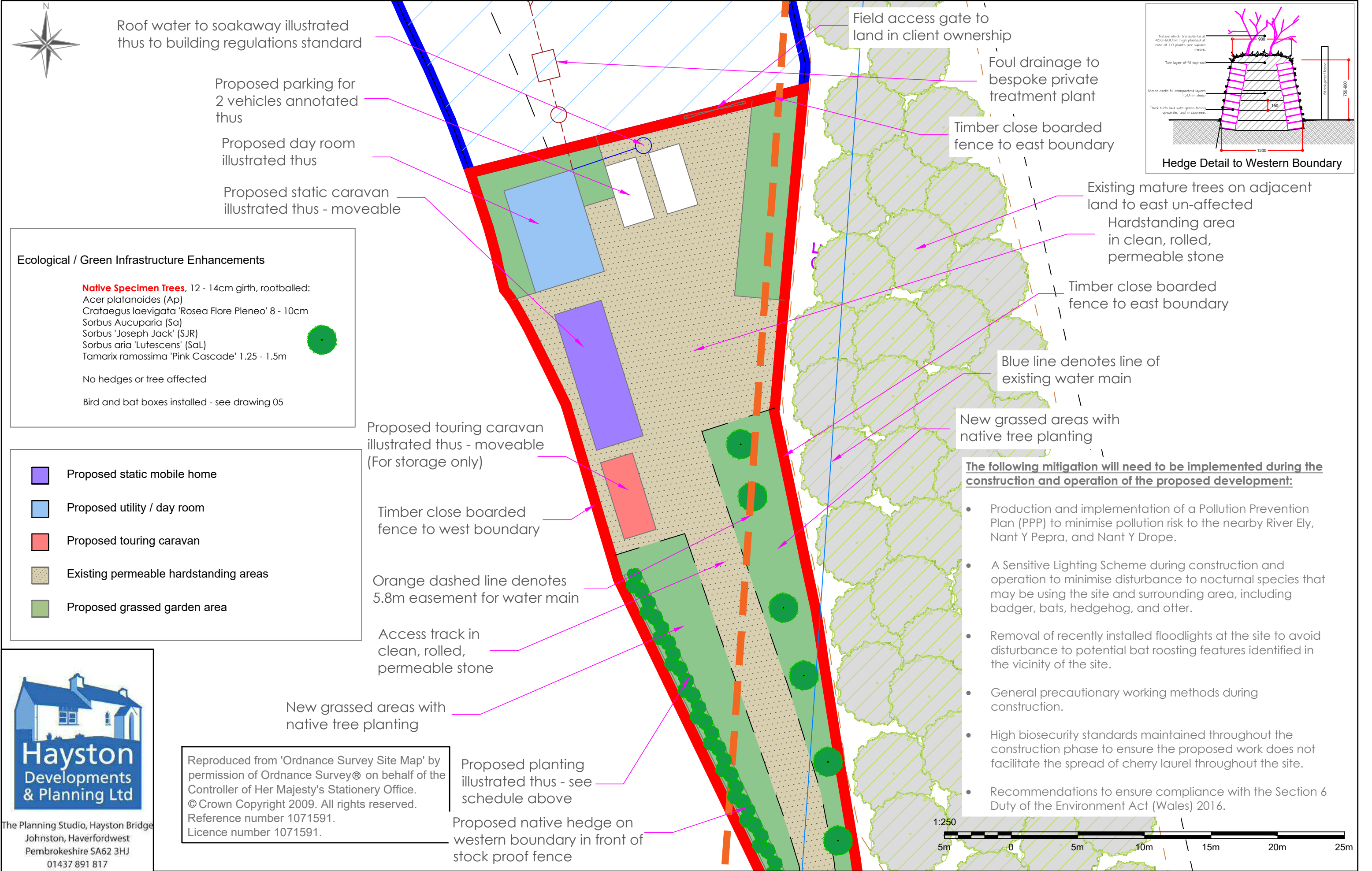
Date
07.05.2025

Scale
A3 @1:500

Client
Mr George Martin

Drawing Title 200
Overall Site Plan

Dwg No.
03e



Ecological / Green Infrastructure Enhancements

Native Specimen Trees, 12 - 14cm girth, rootballed:
Acer platanoides (Ap)
Crataegus laevigata 'Rosea Flore Pleneo' 8 - 10cm
Sorbus Aucuparia (Sa)
Sorbus 'Joseph Jack' (SJR)
Sorbus aria 'Lutescens' (SaL)
Tamarix ramossima 'Pink Cascade' 1.25 - 1.5m

No hedges or tree affected

Bird and bat boxes installed - see drawing 05

- Proposed static mobile home
- Proposed utility / day room
- Proposed touring caravan
- Existing permeable hardstanding areas
- Proposed grassed garden area

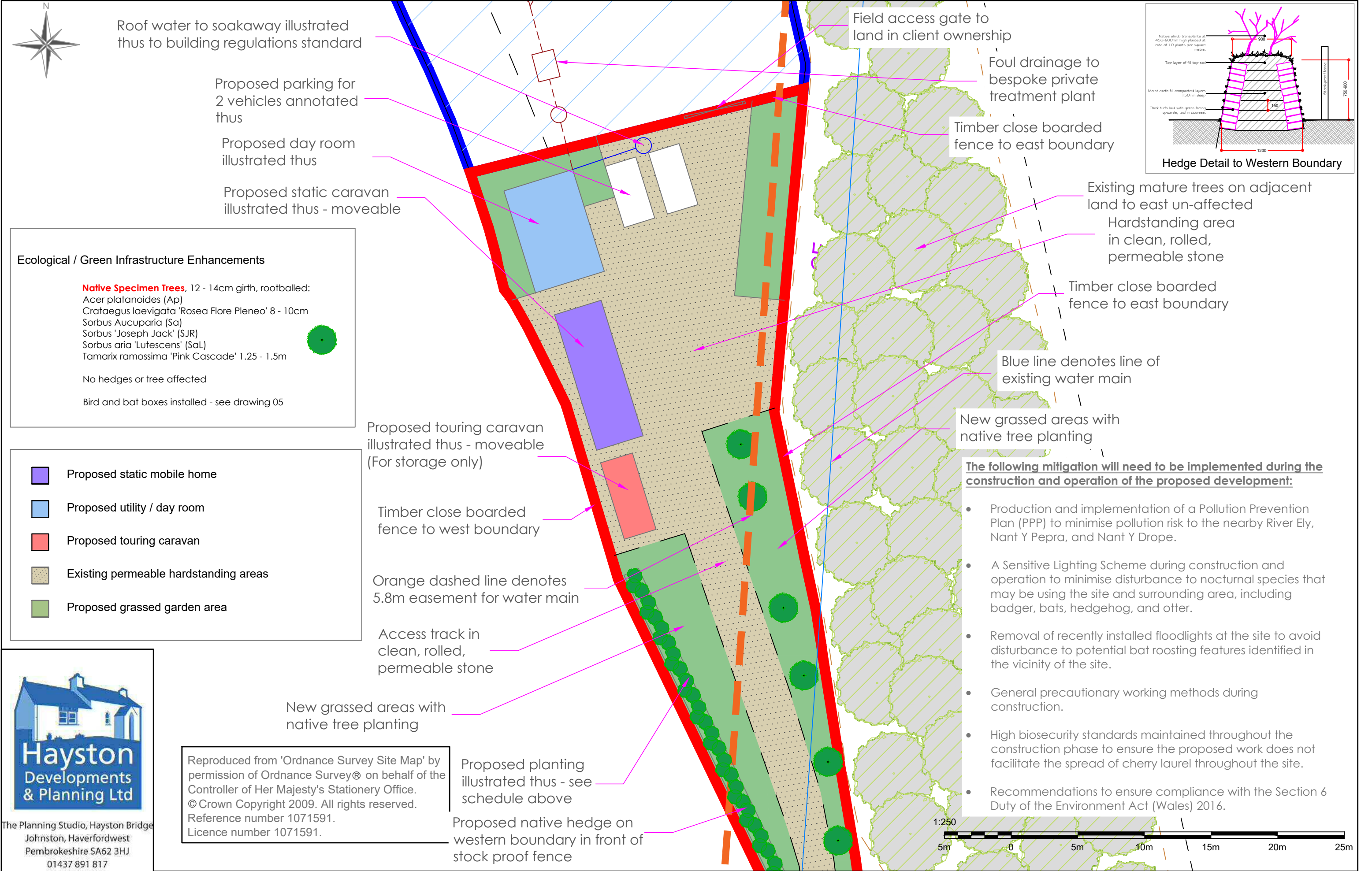
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**Relocation of Gypsy/Traveller Pitch to include Static Caravan,
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together with Ecological Enhancements
Existing Yard, Opposite April Cottage, Drope Terrace, St
George-Super-Ely, Cardiff CF5 6EQ**

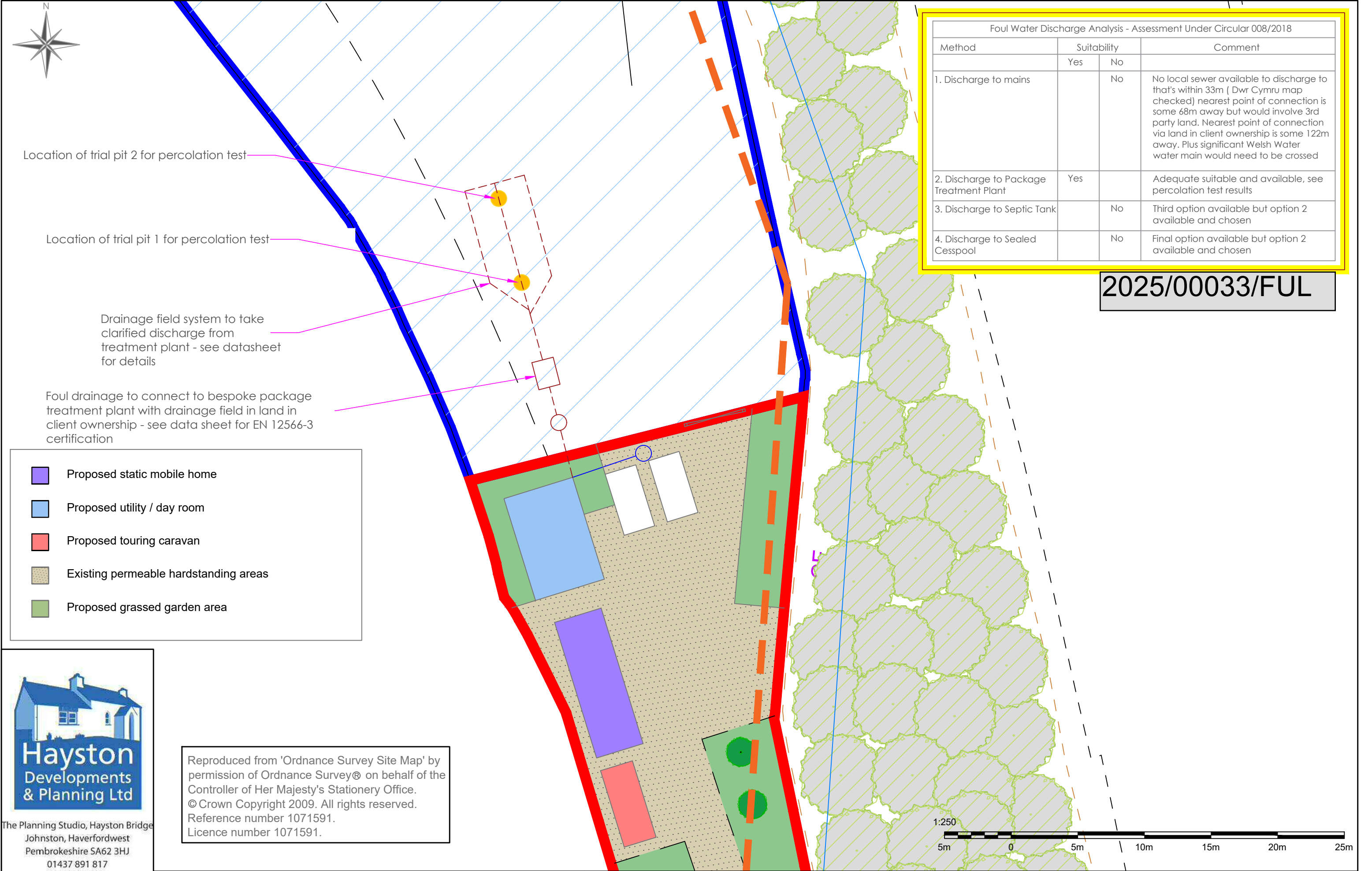
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Drawing Title 201 Overall Site Plan					
					Dwg No. 04d



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Relocation of Gypsy/Traveller Pitch to include Static Caravan, Day Room and Touring Caravan together with Ecological Enhancements Existing Yard, Opposite April Cottage, Drope Terrace, St George-Super-Ely, Cardiff CF5 6EQ	Designed by	Checked by	File name AVH_1181	Date 07.05.2025	Scale A3 @1:250	Client Mr George Martin	2025/00033/FUL	Dwg No. 04e
	Drawing Title 202 Overall Site Plan							

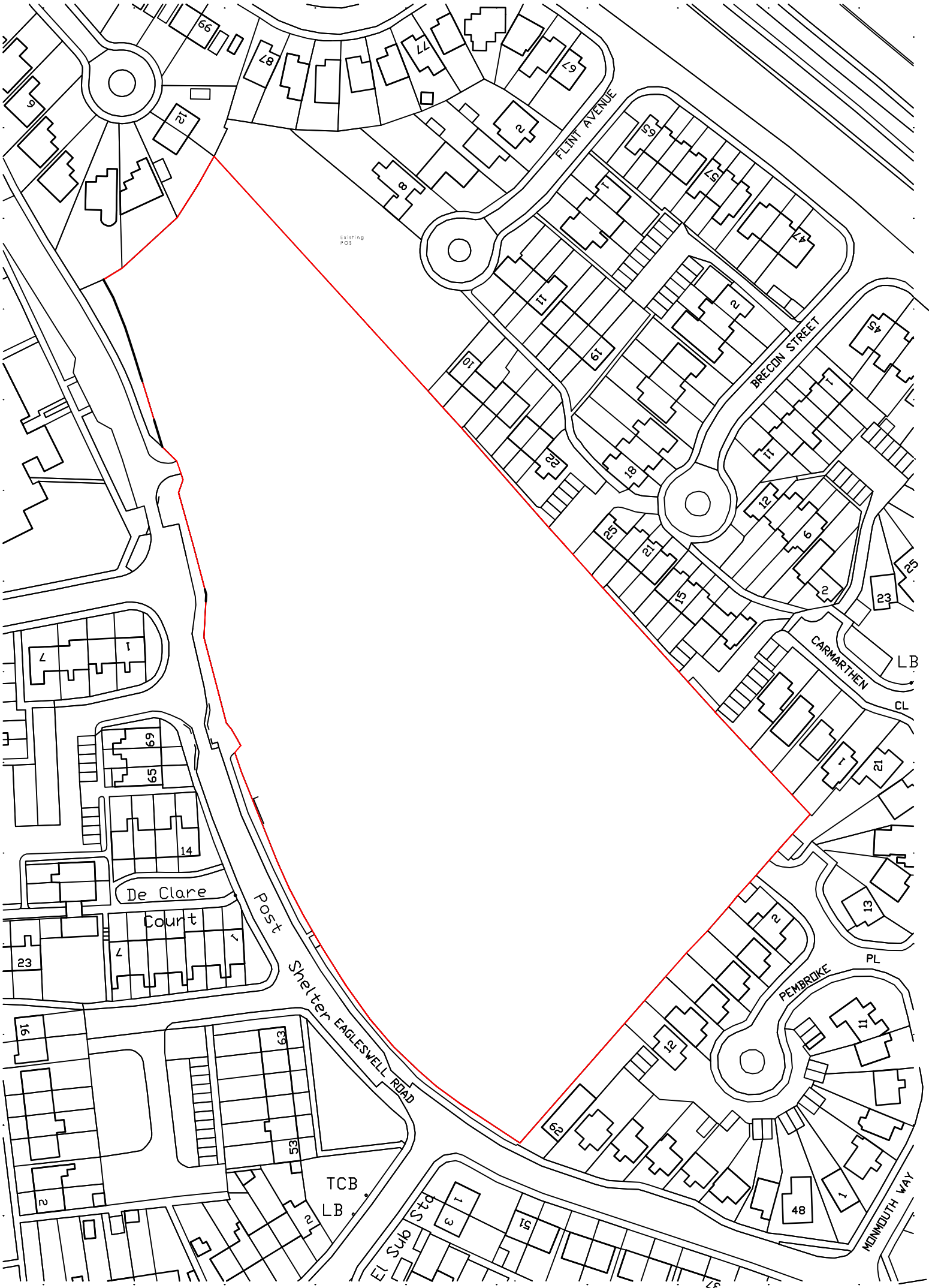


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Relocation of Gypsy/Traveller Pitch to include Static Caravan, Day Room and Touring Caravan together with Ecological Enhancements Existing Yard, Opposite April Cottage, Drope Terrace, St George-Super-Ely, Cardiff CF5 6EQ		Designed by	Checked by	File name	Date	Scale	Client	Dwg No. 08a
		Drawing Title 203 Extract Site Plan Showing Foul Drainage to Site & Location of Percolation test Holes		AVH_1181	07.05.2025	A3 @1:500	Mr George Martin	



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Drawn: JM

Director: JM

Date: 28/10/22

Scale: 1:1250 @A3

Client: Wates Residential

Project: Eagleswell Road, Boverton, Llantwit Major

Title: Site Location Plan

Ref: 2657-00(02)100



Unit 2 Chapel Barns | Merthyr Mawr
Bridgend | CF32 0LS | 01656 656267
mail@spring-consultancy.co.uk

Rev:



2025/00333/RG3

OBSCURE GLAZING UP TO 1.7M
FROM INTERNAL FLOOR LEVEL
WINDOWS FIXED CLOSED

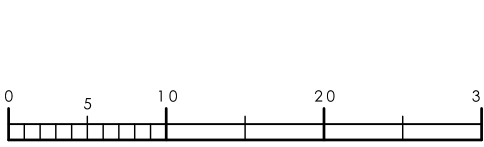


OBSCURE GLAZING UP TO 1.7M
FROM INTERNAL FLOOR LEVEL
QUICK RELEASE RESTRICTOR



WINDOW TYPE KEY:

- OBSCURE GLAZING UP TO 1.7M
FROM INTERNAL FLOOR LEVEL
WINDOWS FIXED CLOSED
- OBSCURE GLAZING UP TO 1.7M
FROM INTERNAL FLOOR LEVEL
QUICK RELEASE RESTRICTOR



2025/00487/FUL

LEGEND

- PRIVATE ASPHALT/
CONCRETE CARRIAGEWAY
- PRIVATE ASPHALT FOOTWAY
- IMPERMEABLE SLAB
- SUDS FEATURES
- FILTER DRAIN
- MIN. 400mm MOT TYPE 3 CGA
- TRUCK PAVE
- PROPOSED SURFACE WATER DRAINAGE
- PROPOSED FOUL WATER DRAINAGE
- PROPOSED RAINWATER PIPE
- ACO CHANNEL DRAIN
- PERFORATED PIPE
- HIT AND MISS KERBING
- MITRE OUTFALL WITH STONE RILL
- PROPOSED SPOT LEVEL
- EXISTING SPOT LEVEL
- SAB BOUNDARY

FOR PROPOSED DRAINAGE DETAILS REFER
TO DRG. 20995_515 (LATEST REVISION)

NOTES:

1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
2. ALL LEVELS ARE SHOWN IN METRES UNLESS NOTED OTHERWISE.
3. DO NOT SCALE FROM THE DRAWING. USE FIGURED DIMENSIONS ONLY.
4. ANY DISCREPANCIES TO BE REPORTED IMMEDIATELY TO THE ENGINEER.
5. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT ARCHITECTS, ENGINEERS, SUBCONTRACTORS AND SPECIALISTS DRAWINGS AND SPECIFICATIONS.
6. EXISTING SERVICES HAVE NOT BEEN SHOWN BUT ARE PRESENT - THE CONTRACTOR IS TO LIAISE WITH ALL STATUTORY AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY WORKS.

GENERAL DRAINAGE NOTES:

1. MH COVERS AND FRAMES TO CONFORM TO BS EN 124:
 - HIGHWAYS AND FOOTWAYS TO FRONT OF BUILDINGS (D400)
 - FOOTWAYS TO REAR OF BUILDINGS (C250)
2. TYPE S BEDDING AND SURROUND TO ALL PIPES EXCEPT IN THE FOLLOWING CIRCUMSTANCES, IN WHICH TYPE Z BEDDING AND SURROUND ARE TO BE USED:
 - DOMESTIC GARDENS AND PATHWAYS WITHOUT ANY POSSIBILITY OF VEHICULAR ACCESS, 0.35m;
 - DOMESTIC DRIVEWAYS, PARKING AREAS AND YARDS WITH HEIGHT RESTRICTIONS TO PREVENT ENTRY BY VEHICLES WITH A GROSS VEHICLE WEIGHT IN EXCESS OF 7.5 TONNES, 0.5m;
 - DOMESTIC DRIVEWAYS, PARKING AREAS AND NARROW STREETS WITHOUT FOOTWAYS (E.G. MEWS DEVELOPMENT) WITH LIMITED ACCESS FOR VEHICLES WITH A GROSS VEHICLE WEIGHT IN EXCESS OF 7.5 TONNES, 0.9m;
 - AGRICULTURAL LAND AND PUBLIC OPEN SPACE, 0.9m;
 - HIGHWAYS AND PARKING AREAS WITH UNRESTRICTED ACCESS TO VEHICLES WITH A GROSS VEHICLE WEIGHT IN EXCESS OF 7.5 TONNES, 1.2m.
3. ALL EXISTING MANHOLE INVERTS TO BE CHECKED AND REPORTED TO THE ENGINEER PRIOR TO THE COMMENCEMENT OF DRAINAGE WORKS. EXISTING PIPE CONNECTIONS ARE TO BE CCTV SURVEYED AND INSPECTED BY THE ENGINEER AND LOCAL AUTHORITY. IF THE PIPE CONNECTION IS FOUND TO BE DAMAGED OR IN DISTRESS, THE CONTRACTOR IS TO CARRY OUT REMEDIAL WORKS OR PROVIDE A NEW CONNECTION TO THE EXISTING SEWER (PIPE SIZE AND GRADIENT TO BE DETERMINED BY THE ENGINEER).
4. THE GRADIENTS INDICATED AGAINST THE DRAIN RUNS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL INSTALL DRAINS TO THE INVERT LEVELS SHOWN FOR EACH MANHOLE OR OTHER INDICATED POSITION.
5. ALL PLOT FOUL DRAINAGE TO BE MINIMUM 100mm DIAMETER UNLESS OTHERWISE NOTED.
6. ALL ADAPTABLE THERMOPLASTIC STRUCTURED WALL SEWER PIPE SHALL COMPLY WITH THE RELEVANT PROVISIONS OF BS EN 13476-1 AND BS EN 13476-2 OR BS EN 13476-3. PIPES SHALL BE BSI KITEMARKED OR HAVE EQUIVALENT THIRD PARTY CERTIFICATION. PIPES LESS THAN OR EQUAL TO 500mm DIA. SHALL HAVE A SHORT-TERM RING STIFFNESS OF NOT LESS THAN 8kNm² (SN8).
7. ALL JOINTING IN ACCORDANCE WITH MANUFACTURERS TECHNICAL ADVICE & SPECIFICATION.
8. ALL NON ADAPTABLE DRAINAGE TO BE THE STANDARD UPVC 110mm, 160mm DRAINAGE AND MANUFACTURED TO BS-EN 1401 AND BS 4660 UNLESS NOTED OTHERWISE.
9. ALL PERMEABLE PAVING CELLS TO HOUSE LATERAL FIN DRAIN ALONG LOWER EDGE WITH 1500 CONNECTION PIPE.
10. ALL STORM WATER DRAINAGE TO BE A MINIMUM OF 150mm DIAMETER UNLESS OTHERWISE NOTED.
11. SOIL & VENT PIPE LOCATION AND NUMBER TO BE CONFIRMED WITH ARCHITECT.
12. THIS DRAWING TO BE READ IN CONJUNCTION WITH ALL RELEVANT ENGINEERS DRAWINGS, TOGETHER WITH THEIR LATEST SPECIFICATIONS. ANY DISCREPANCIES ARE TO BE REPORTED TO THE ENGINEER (VALE CONSULTANCY) AS SOON AS POSSIBLE.
13. FIGURED DIMENSIONS ONLY TO BE USED. ANY QUERIES OR DISCREPANCIES TO BE REFERRED TO THE ENGINEER (VALE CONSULTANCY) IMMEDIATELY.
14. PRIOR TO ORDERING ANY MATERIALS THE CONTRACTOR IS TO CONFIRM MANUFACTURER/PIPE MATERIAL AND GRADE PROPOSED WITH WATER AUTHORITY.
15. TEMPORARY WORKS DESIGN BY OTHERS.
16. DESIGN RISK ASSESSMENTS AND METHOD STATEMENTS ARE TO BE PROVIDED TO THE PRINCIPLE CONTRACTOR PRIOR TO THE COMMENCEMENT OF ANY WORKS.

02	NRC	FP	MJ	16.04.25	REVISED FOLLOWING PLANNING PRE-APP COMMENTS
01	NRC	FP	MJ	17.04.25	ISSUED FOR APPROVAL
rev.	drawn	chekd	approved	date	description

Client
GREENHILL INVESTMENTS (VALE) LTD

Project
HOCCA, HAYES ROAD,
SULLY, BARRY, CF64 5SE

Title
PROPOSED DRAINAGE PLAN



29 Bocam Park, Old Field Road, Pencoed, Bridgend, CF35 5LJ.
Phone: 01656 863794 Email: enquiries@vale-consultancy.co.uk

date	drawn	checked	approved
15.04.25	NRC	FP	MJ
scale @ A1	1:200	project no.	20995
status	drg. no.	rev.	
A	20995_510	02	

DRAWING STATUS
A - Approval, AB - As-Built, C - Construction, D - Draft, P - Preliminary, T - Tender

PLANTING SCHEDULE - SWALES

PLANTING MIX PROPOSED WITH WILDFLOWER TURF (WFT-SUD-37). THE SPECIES WITHIN THE PLANTING MIX CAN BREAK UP SOIL COMPACTION, PROMOTE WATER DISPERSAL, AND WITHSTAND DROUGHT AND PERIODIC FLOODING. THEY REQUIRE MINIMAL MAINTENANCE AND ENHANCE BIODIVERSITY. THE UNIQUE 'SOIL-LESS' TURF IS DROUGHT TOLERANT AND COMPOSED OF 37 SPECIES, WITH A MINIMUM OF 50% WILDFLOWERS. THE TURF CREATES A DIVERSE HABITAT FOR BIRDS, MAMMALS, BEES, BUTTERFLIES, AND OTHER INVERTEBRATES.

MIN. 400mm DEEP MOT TYPE 3
COURSE GRADED AGGREGATE
DRAINAGE BLANKET WITH MAX.
1:220 FORMATION GRADIENT.

EXTENT OF DRAINAGE BLANKET.

0 10 20 30 40 50 60 70 80 90 100mm NATURAL SCALE

&\$&) #\$\$ (, +# | @

- NOTES:
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 6. EXISTING SERVICES HAVE NOT BEEN SHOWN BUT ARE PRESENT - THE CONTRACTOR IS TO LIAISE WITH ALL STATUTORY AUTHORITIES PRIOR TO THE COMMENCEMENT OF ANY WORKS.

KEY

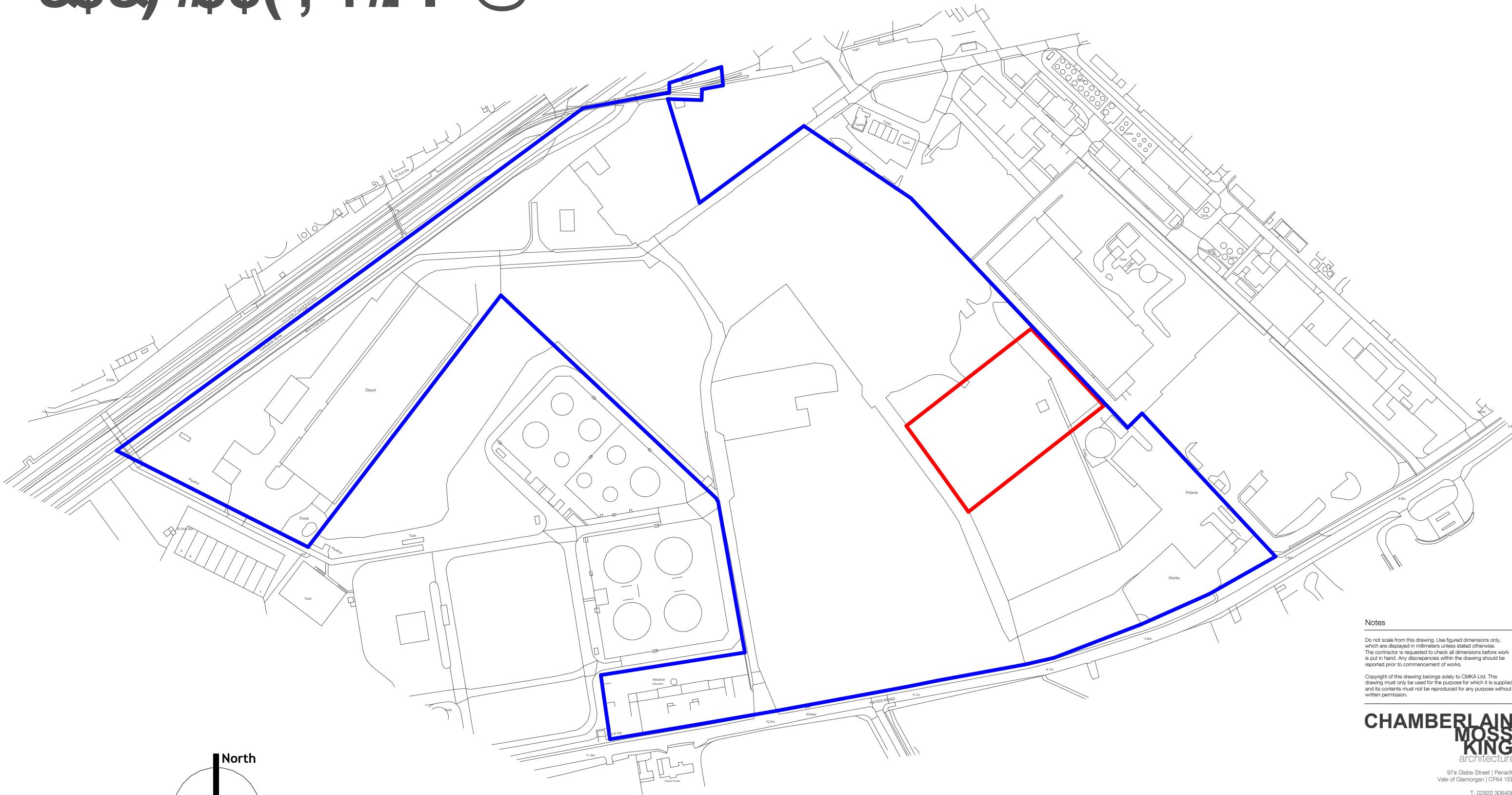
- PRIVATE ASPHALT/ CONCRETE CARRIAGEWAY
- PRIVATE ASPHALT FOOTWAY
- IMPERMEABLE SLAB
- SUDS FEATURES
- FILTER DRAIN
- MIN. 400mm MOT TYPE 3 CGA
- TRUCK PAVE
- SITE BOUNDARY
- 2.4m x 43m VISIBILITY SPLAY (30mph)

02	LT	DH	MJ	20.05.25	3.5m FOOTWAY/CYCLEWAY ADDED
01	LT	DH	MJ	02.05.25	ISSUED FOR APPROVAL
rev.	drawn	chkd.	appvd.	date	description
Client GREENHILL INVESTMENTS (VALE) LTD					
Project HOCCA, HAYES ROAD, SULLY, BARRY, CF64 5SE					
Title HIGHWAY GENERAL ARRANGEMENT					
 29 Bocam Park, Old Field Road, Pencoed, Bridgend CF35 5LJ Phone: 01656 863794 Email: enquiries@vale-consultancy.co.uk					
date	drawn	checked	approved		
02.05.25	LT	DH	MJ	02.05.25	02.05.25
scale @ A1	project no.				
1:200	20995				
status	dirg. no.				rev.
A	20995_700				02

DRAWING STATUS
A - Approval, AB - As-Built, C - Construction, D - Draft, P - Preliminary, T - Tender

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Revisions		
A	Updated to client comments	26.06.2025
B	Extent of boundary adjusted	27.06.2025



Notes

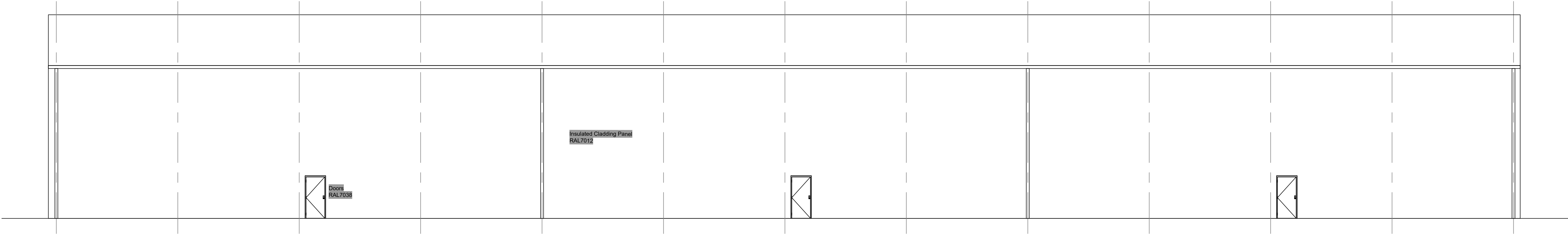
Do not scale from this drawing. Use figured dimensions only, which are displayed in millimeters unless stated otherwise. The contractor is requested to check all dimensions before work is put in hand. Any discrepancies within the drawing should be reported prior to commencement of works.

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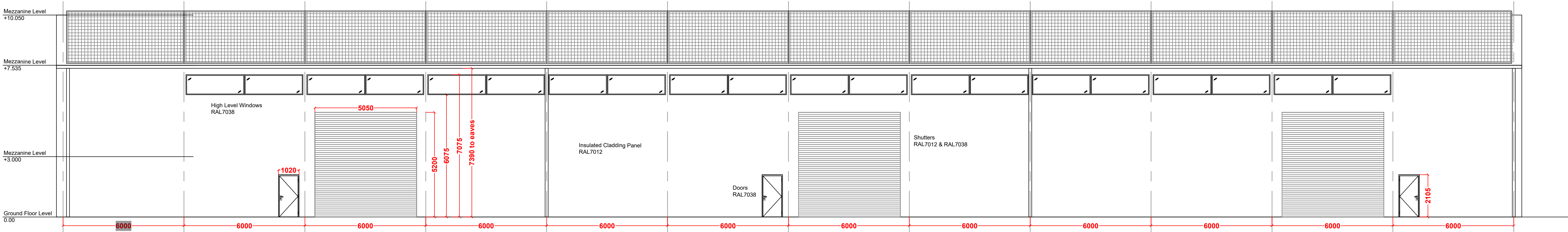
CHAMBERLAIN MOSS KING
architecture
97a Glebe Street | Penarth
Vale of Glamorgan | CF64 1EE
T. 02920 306400
chamberlainkingmoss.co.uk

Project Hocca House, Hayed Wood Road, Barry	
Project number	N616
Client	---
Title	Site Location Plan
Drawing number	A101
Scale	1 : 2500 at A3
Revision	B
Status	INFORMATION
Drawn	
Date	11.06.2025

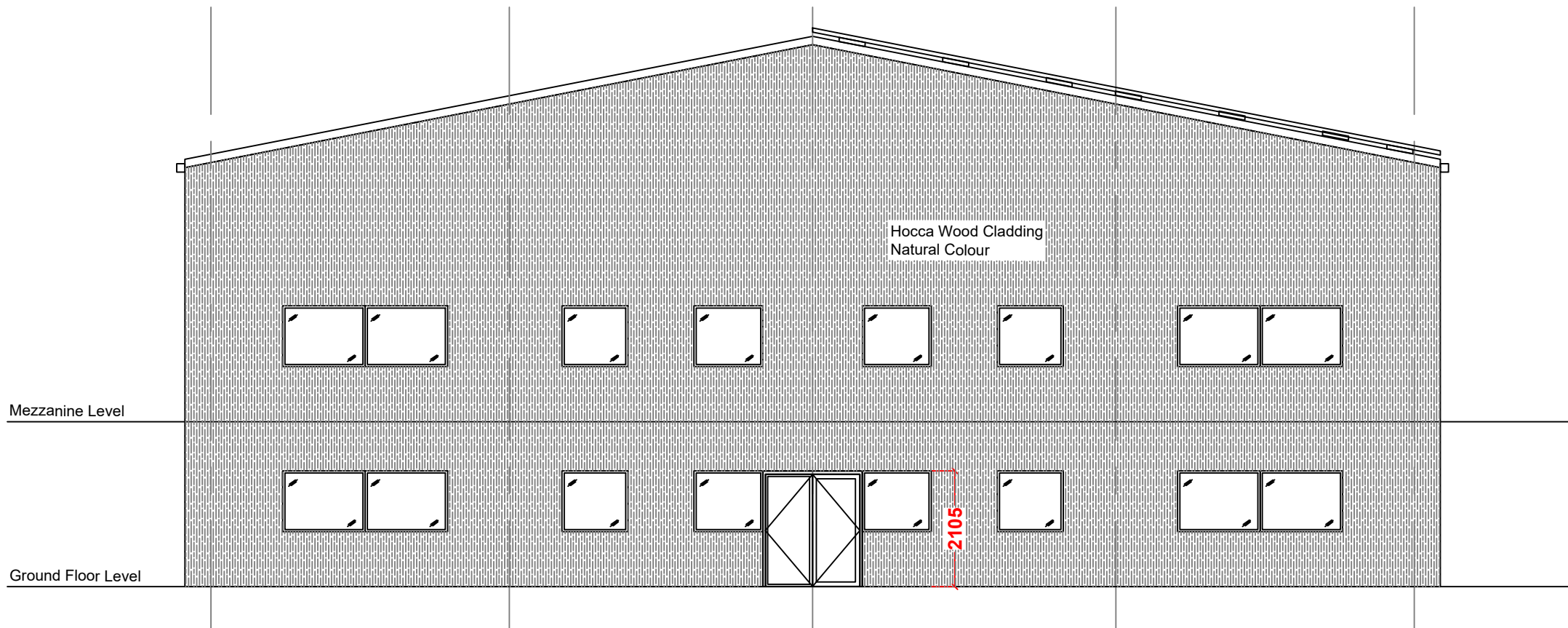
Site Location Plan
1 : 2500



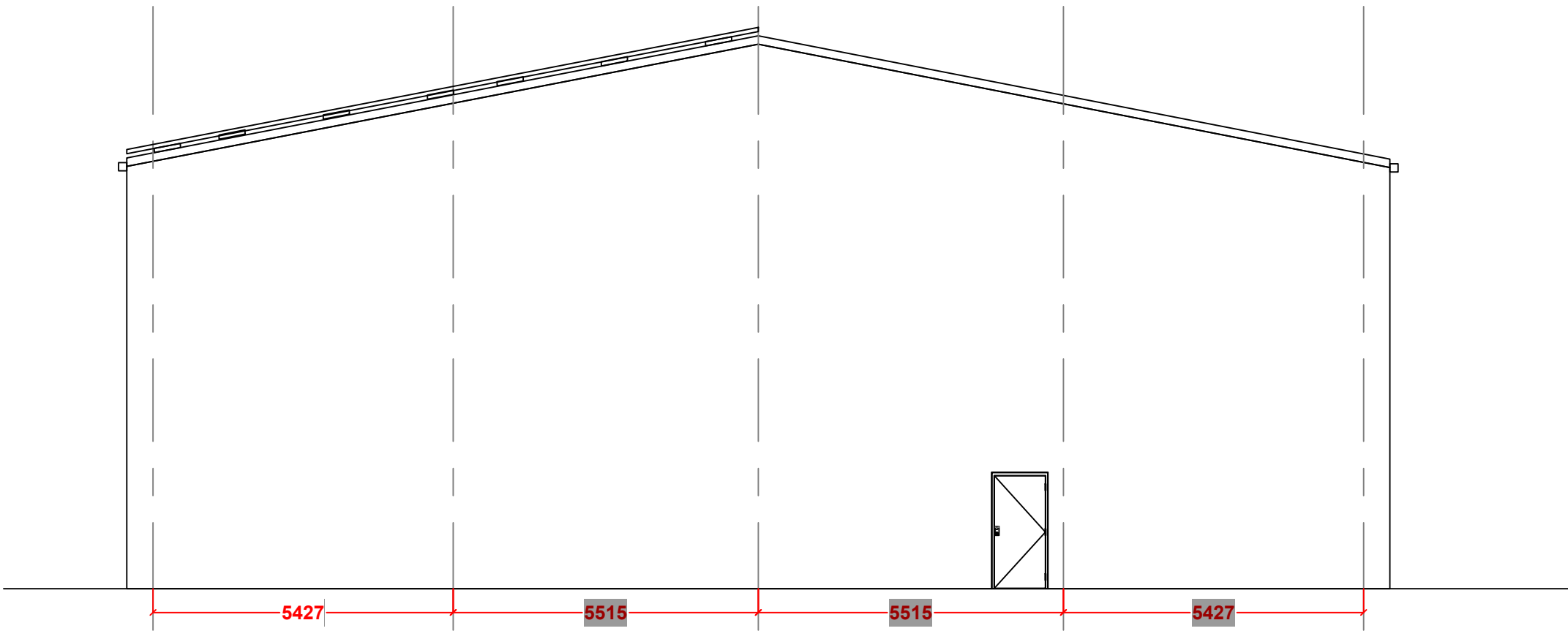
North Elevation



South Elevation




West Elevation



East Elevation

A	First issue	17.03.25
Rev	Note	Date



Harlech House Hayes Road, Sully CF64 5RB Tel: 029 20665539

Project: Hocca, Hayes Road, Sully	
Title: Hocca Elevations	
Date:	17.03.2025
Scale:	1:100@A1
Drawn:	AS
Status:	Planning App
Drawing No: 1937-HW-2001	Revision No: A