

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 JUNE, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2016/0941/BN	A	31, Sully Terrace, Penarth	Single storey rear extension and associated works
2018/0263/BN	A	31, Heol Pilipala, Rhoose BARRY South Glamorgan	Garage conversion
2018/0266/BR	AC	15, Fulmar Close, Lavernock	Single storey side extension and dormer
2018/0269/BR	AC	206, Holton Road, Barry	Conversion into 5 flats
2018/0270/BN	A	47, Porthkerry Road, Rhoose	Single storey extension
2018/0271/BR	AC	20, Tair Onen, Nr Cowbridge	Internal alterations with partial conversion of garage
2018/0276/BN	A	27, Brenig Close, Barry	To knock out and put in 2 RSJ's
2018/0277/BN	A	1, Bungalow, Weycock Road, Barry	Convert existing garage to residential use new living/dining and kitchen extension with entrance porch and veranda and internal alterations
2018/0278/BN	A	20, Porthkerry Road, Barry	Two rooms into one
2018/0279/BN	A	54, Plas Taliesin, Portway Marina, Penarth	Moving toilets and adding some new partitions and moving kitchen from ground floor to 1st floor

2018/0280/BN	A	8, Sully Terrace, Penarth	Conversion of first floor garage to bedroom and bathroom
2018/0281/BN	A	9, Fairoaks, Dinas Powys	EWI
2018/0282/BN	A	11, Fairoaks, Dinas Powys	EWI
2018/0283/BN	A	13, Fairoaks, Dinas Powys	EWI
2018/0284/BN	A	15, Fairoaks, Dinas Powys	EWI
2018/0285/BN	A	17, Fairoaks, Dinas Powys	EWI
2018/0286/BN	A	19, Fairoaks, Dinas Powys	EWI
2018/0288/BN	A	23, Fairoaks, Dinas Powys	EWI
2018/0290/BN	A	27, Fairoaks, Dinas Powys	EWI
2018/0291/BN	A	29, Fairoaks, Dinas Powys	EWI
2018/0292/BN	A	31, Fairoaks, Dinas Powys	EWI
2018/0293/BN	A	35, Fairoaks, Dinas Powys	EWI
2018/0294/BN	A	37, Fairoaks, Dinas Powys	EWI
2018/0295/BN	A	39, Fairoaks, Dinas Powys	EWI
2018/0296/BN	A	41, Fairoaks, Dinas Powys	EWI
2018/0297/BN	A	43, Fairoaks, Dinas Powys	EWI
2018/0299/BN	A	47, Fairoaks, Dinas Powys	EWI
2018/0300/BN	A	49, Fairoaks, Dinas Powys	EWI
2018/0301/BN	A	51, Fairoaks, Dinas Powys	EWI
2018/0302/BN	A	53, Fairoaks, Dinas Powys	EWI
2018/0303/BN	A	55, Fairoaks, Dinas Powys	EWI
2018/0304/BN	A	57, Fairoaks, Dinas Powys	EWI
2018/0306/BN	A	61, Fairoaks, Dinas Powys	EWI
2018/0307/BN	A	63, Fairoaks, Dinas Powys	EWI
2018/0308/BN	A	65, Fairoaks, Dinas Powys	EWI
2018/0309/BN	A	67, Fairoaks, Dinas Powys	EWI

2018/0310/BN	A	71, Fairoaks, Dinas Powys	EWI
2018/0311/BN	A	73, Fairoaks, Dinas Powys	EWI
2018/0312/BN	A	75, Fairoaks, Dinas Powys	EWI
2018/0313/BN	A	77, Fairoaks, Dinas Powys	EWI
2018/0314/BN	A	79, Fairoaks, Dinas Powys	EWI
2018/0315/BN	A	81, Fairoaks, Dinas Powys	EWI
2018/0317/BN	A	85, Fairoaks, Dinas Powys	EWI
2018/0318/BN	A	87, Fairoaks, Dinas Powys	EWI
2018/0319/BN	A	50, Fairoaks, Dinas Powys	EWI
2018/0320/BN	A	52, Fairoaks, Dinas Powys	EWI
2018/0322/BN	A	48, Fairoaks, Dinas Powys	EWI
2018/0323/BN	A	85, The Rise, Ogmore	Two rooms into one, remove a wall, between the kitchen and dining room.
2018/0325/BN	A	122, Port Road East, Barry	Re-Roof
2018/0326/BN	A	11, Whitcliffe Drive, Penarth	Removal of concrete roof above utility and store and replace with pitched roof
2018/0327/BN	A	22, Fairoaks, Dinas Powys	EWI
2018/0328/BN	A	24, Fairoaks, Dinas Powys	EWI
2018/0329/BN	A	26, Fairoaks, Dinas Powys	EWI
2018/0330/BN	A	33, Fairoaks, Dinas Powys	EWI
2018/0331/BN	A	69, Fairoaks, Dinas Powys	EWI
2018/0332/BN	A	30, Orchard Walk, St. Athan	Fitting multi-fuel log burner with double line flue through gable end wall
2018/0333/BN	A	124, Port Road East, Barry	Re-roof and creating new veranda
2018/0334/BN	A	38, Dochdwy Road, Llandough	New roof

2018/0340/BN	A	16, Carne Court, Llantwit Major	EWI
2018/0341/BN	A	20, Carne Court, Llantwit Major	EWI
2018/0342/BN	A	3, Seaview Cottages, Twyn Yr Odyn	External wall insulation
2018/0343/BN	A	47, Broadway, Llanblethian	Remove load bearing pillar - pillar located in kitchen and support with RSJ
2018/0346/BN	A	8, Castle Close, Boverton	EWI
2018/0347/BN	A	Brookside, 17, Tyle House Close, Llanmaes	From flat roof to pitched roof over garage / car Port
2018/0349/BN	A	12, Salisbury Avenue, Penarth	Two rooms into one
2018/0350/BN	A	Larchcroft, Pen Y Lan Road, Aberthin, Cowbridge, Vale of Glamorgan	Removal of internal wall and chimney between the present kitchen and dining hall of the bungalow
2018/0352/BR	A	Unit D, Atlantic Self Storage, Atlantic Trading Estate, Barry	Mezzanine floor
2018/0354/BN	A	108, Stanwell Road, Penarth	single storey annexe and refurbishment
2018/0356/BN	A	36, Somerset Road, Barry	External wall insulation
2018/0357/BN	A	40, Somerset Road, Barry	External wall insulation
2018/0358/BN	A	5, Cornwall Road, Barry	over render.
2018/0359/BN	A	152, Winston Road, Barry	External wall insulation
2018/0360/BN	A	39, Cornwall Road, Barry	Over render
2018/0363/BN	A	Yr Ysgubor, St. Lythans Road, St. Lythans	Decommissioning of existing cesspit and installing a new septic tank or new domestic package sewage treatment plant and all associated drainage fields in garden
2018/0365/BN	A	161, Barry Road, Barry	Re-roof

2018/0366/BN	A	3, Plas Essyllt, Dinas Powys	Over Render
2018/0367/BN	A	5, Plas Essyllt, Dinas Powys	Over Render
2018/0370/BN	A	11, Plas Essyllt, Dinas Powys	Over render
2018/0371/BN	A	13, Plas Essyllt, Dinas Powys	Over Render
2018/0373/BN	A	14, Plas Essyllt, Dinas Powys	Over render
2018/0374/BN	A	15, Plas Essyllt, Dinas Powys	Over render
2018/0377/BN	A	21, Plas Essyllt, Dinas Powys	Over render
2018/0378/BN	A	36, Plas Essyllt, Dinas Powys	Over render
2018/0379/BN	A	38, Plas Essyllt, Dinas Powys	Over render
2018/0380/BN	A	134, Fontygary Road, Rhoose	Rear extension
2018/0382/BN	A	22, Woodlands, Hayes Road, Sully	Fix modular ramp to enable access to flat via patio doors off car park and replace wooden ramp with patio slabs to enable disabled access
2018/0384/BN	A	Quince Cottage, Llysworney, CF71 7NG	Erection of a double garage
2018/0385/BN	A	1, River View, East Aberthaw	Two storey side extension
2018/0386/BN	A	9, The Verlands Cowbridge	Ground floor extension to the front porch and west side elevation and garage conversion
2018/0387/BN	A	13, Porth y Castell, Barry	re-roof
2018/0388/BN	A	40, Plas Essyllt, Dinas Powys	Over render

2018/0389/BN	A	42, Plas Essyllt, Dinas Powys	Over render
2018/0391/BN	A	46, Plas Essyllt, Dinas Powys	Over render
2018/0392/BN	A	48, Plas Essyllt, Dinas Powys	Over render
2018/0393/BN	A	2, Murch Road, Dinas Powys	Over render
2018/0394/BN	A	4, Murch Road, Dinas Powys	Over render
2018/0395/BN	A	6, Murch Road, Dinas Powys	Over render
2018/0396/BN	A	8, Murch Road, Dinas Powys	Over render
2018/0398/BN	A	20, Plas Essyllt, Dinas Powys	EWI
2018/0399/BN	A	1, Youldon House, Fair Oaks, Dinas Powys	EWI
2018/0400/BN	A	2, Youldon House, Fair Oaks, Dinas Powys	EWI
2018/0401/BN	A	3, Youldon House, Fair Oaks, Dinas Powys	EWI
2018/0402/BN	A	4, Youldon House, Fair Oaks, Dinas Powys	EWI
2018/0404/BN	A	3, St Augustines Road, Penarth	Loft conversion to include new flat roof dormer to rear, plus associated works
2018/0405/BN	A	6, Youldon House, Fair Oaks, Dinas Powys	EWI
2018/0406/BN	A	9, Hafren Road, Barry	EWI
2018/0407/BN	A	10, Hafren Road, Barry	EWI
2018/0409/BN	A	4, Dylan Crescent, Barry	EWI
2018/0411/BN	A	5, Cardiff Road, Barry	Re-roof
2018/0412/BN	A	37, Augusta Crescent, Penarth	Single storey extension at rear and internal alteration

2018/0416/BN	A	7, Cwrt Syr Dafydd, Llantwit Major	Garage conversion to office
2018/0419/BN	A	9, Windsor Close, Boverton, Llantwit Major	EWI
2018/0420/BN	A	11, Windsor Close, Llantwit Major	EWI
2018/0421/BN	A	65, Fairfield Rise, Llantwit Major	EWI
2018/0422/BN	A	32, Carne Court, Llantwit Major	
2018/0423/BN	A	62, Bedford Rise, Boverton, Llantwit Major	EWI
2018/0424/BN	A	6, Dylan Crescent, Barry	EWI
2018/0425/BN	A	8, Dylan Crescent, Barry	EWI
2018/0426/BN	A	10, Dylan Crescent, Barry	EWI
2018/0427/BN	A	12, Dylan Crescent, Barry	EWI
2018/0428/BN	A	14, Treharne Road, Barry	EWI
2018/0429/BN	A	16, Treharne Road, Barry	EWI
2018/0430/BN	A	18, Treharne Road, Barry	EWI
2018/0431/BN	A	20, Treharne Road, Barry	EWI
2018/0432/BN	A	22, Treharne Road, Barry	EWI
2018/0433/BN	A	24, Treharne Road, Barry	EWI
2018/0434/BN	A	62, Treharne Road, Barry	EWI
2018/0435/BN	A	57, Bron Awelon, Barry	Single storey rear extension
2018/0436/BN	A	4, Wimbourne Crescent, Sully	Demolition of wall and insert steel beam
2018/0437/BN	A	5, Cowslip Drive, Penarth	Demolition of wall and insert steel beams
2018/0439/BN	A	64, Treharne Road, Barry	EWI
2018/0440/BN	A	66, Treharne Road, Barry	EWI

2018/0442/BN	A	70, Treharne Road, Barry	EWI
2018/0443/BN	A	72, Treharne Road, Barry	EWI
2018/0444/BN	A	74, Treharne Road, Barry	EWI
2018/0449/BN	A	128, Phyllis Street, Barry	Removal of supporting wall and installation of steel beam
2018/0452/BN	A	90, Colcot Road, Barry	Single storey side utility room extension
2018/0455/BN	A	15, Herbert Street, Barry	Single storey rear extension
2018/0458/BN	A	7, Caer Worgan, Llantwit Major	Removal of ground floor wall from kitchen/living room area into stairwell. New windows and doors
2018/0462/BN	A	Hebron Church, Pill Street, Cogan	Repairs and refurbishment of existing building including electric and heating installations
2018/0463/BN	A	34, Plas Essyllt, Dinas Powys	Over-render
2018/0464/BN	A	1, Lloyd Avenue, Barry	EWI
2018/0466/BN	A	24, Borough Close, Cowbridge	EWI
2018/0468/BN	A	111, Jenner Road, Barry	Removal of load bearing wall currently dividing kitchen and dining room. An RSJ will be inserted to create one larger open space, to accommodate a kitchen diner.
2018/0469/BN	A	50, Pontypridd Road, Barry	Re-roof
2018/0470/BN	A	4, Minehead Avenue, Sully	Re-roof
2018/0471/BN	A	9, Albert Road, Penarth	Loft conversion and dormer and installation of steel beam on ground floor
2018/0472/BN	A	33, Eagleswell Road, Boverton	EWI

2018/0474/BN	A	West Cross House, 10, Stanwell Road, Penarth	Re-roof including renewal of rainwater goods.
2018/0478/BN	A	41, Murch Road, Dinas Powys	Two storey extension
2018/0479/BN	A	Y Bont Faen Primary School, Borough Close, Cowbridge	To strip back existing flat roof finish replacing timber boarding where required. Install insulation boards and felt roof
2018/0480/BN	A	Peterston Super Ely Primary School, Heol Llanbedr, Peterston Super Ely	To strip back existing flat roof finish replacing timber boarding where required. Install insulation boards and felt roof
2018/0481/BN	A	6, Minehead Avenue, Sully	Re-roof
2018/0482/BN	A	Old Town Mill, Old Town Mill Road, Cowbridge	Construction of 2 storey extension
2018/0485/BN	A	67A, High Street, Cowbridge	Installation of a vertical through floor lift for disabled access to the first floor
2018/0486/BN	A	8, Anchor Road, Penarth	Erection of balcony at rear and create access from kitchen on 1st floor
2018/0489/BN	A	58, Queens Road, Penarth	Replace existing beam with new, longer beam to allow for removal of remaining load bearing wall. Beam installed to support chimney breast. Additional beam to first floor to provide greater support to ceiling
2018/0490/BN	A	24, College Place, Barry	Two storey rear extension
2018/0492/BN	A	8, Greenway Close, Llandough	Re-roof
2018/0494/BN	A	2, Church Terrace, St. Mary Church	EWI
2018/0495/BN	A	16, Porth Y Green, Cowbridge	EWI

2018/0496/BN	A	76, Treharne Road, Barry	EWI
2018/0497/BN	A	78, Treharne Road, Barry	EWI
2018/0498/BN	A	80, Treharne Road, Barry	EWI
2018/0499/BN	A	7. St. Teilo Avenue, Barry	Re-roof
2018/0500/BN	A	82, Treharne Road, Barry	EWI
2018/0501/BN	A	84, Treharne Road, Barry	EWI
2018/0502/BN	A	29, Edward Street, Barry	EWI
2018/0504/BN	A	31, Edward Street, Barry	EWI
2018/0506/BN	A	13, Cefn Mount, Dinas Powys	Convert garage to living area to include bed/living room, small kitchen area and shower/toilet room
2018/0507/BN	A	33, Edward Street, Barry	EWI
2018/0508/BN	A	35, Edward Street, Barry	EWI
2018/0509/BN	A	37, Edward Street, Barry	EWI
2018/0510/BN	A	39, Edward Street, Barry	EWI
2018/0511/BN	A	30, Edward Street, Barry	EWI
2018/0512/BN	A	32, Edward Street, Barry	EWI
2018/0516/BN	A	34, Edward Street, Barry	EWI
2018/0517/BN	A	36, Edward Street, Barry	EWI

(b) Building Regulation Applications - Reject

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

2018/0261/BN	R	Robgill, Gwern y Steeple, Peterston Super Ely	Single storey extension to rear
2018/0273/BN	R	37, Conybeare Road, Sully. CF64 5TZ	Single storey orangery
2018/0274/BN	R	54, Wordsworth Avenue, Penarth	Single storey rear extension plus associated works

2018/0336/BN	R	201, Cardiff Road, Dinas Powys	Rear extension
2018/0337/BN	R	13, Harlech Drive, Dinas Powys	Two storey side extension
2018/0339/BN	R	6, Heol y Frenhines, Dinas Powys	Two storey side extension
2018/0381/BN	R	5, Elm Grove Place, Dinas Powys	Single storey extension
2018/0383/BN	R	4, Middlegate Court, Cowbridge	Create en-suite and install new foul drainage run to existing manhole
2018/0410/BN	R	36, Pencoedtre Road, Cadoxton	A pair of semi-detached houses and alteration and extension to existing bungalow
2018/0438/BN	R	7, Woodland Place, Penarth	Demolition of wall and insert steel beams
2018/0445/BN	R	39, Elfed Avenue, Penarth	Single storey side and double storey rear extension to create open plan kitchen and dining space on ground floor and extra bedroom and en-suite at first floor
2018/0459/BN	R	4, Llys Dwywnwen, Llantwit Major	Rear living room extension with log burner. Garage extension with utility room

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

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

2017/0012/AI	A	12, Marine Parade, Penarth	Amended : Proposed conversion of 6 No. flats into 4 No. flats with complete refurbishment throughout (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0058/AI	A	11, Greenhaven Rise, Llandough	Proposed loft conversion, internal alterations and associated works

2018/0059/AI	A	63, Windsor Road, Penarth	Loft conversion and associated works
2018/0060/AI	A	Mynfa, Heol Y Mynydd, Southerndown	Single storey side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0061/AI	A	Firebug Lighting Ltd, Unit 9, Atlantic Point, Atlantic Trading Estate, Barry	Installation of mezzanine floor and partitioning
2018/0062/AI	A	Ridgebrook, Colwinston	Remodelling of existing dwelling with new roof and floor, extensions alterations and associated works
2018/0063/AI	A	4 - 4a, Windsor Road, Penarth	Internal alterations and refurbishment of existing bank
2018/0064/AI		The Hawthorns, St. Brides Super Ely	Proposed extensions and internal alterations to dwelling
2018/0065/AI	A	Site at Rectory Drive, St Athan	Construction of 9 no. houses and conversion of Tathan Hall into flats with associated works
2018/0066/AI	A	Matiana, Main Road, Ogmore By Sea	Proposed single storey side extension with 1st floor rear terrace area, installation of new windows and doors, dormer extension at 2nd floor level and internal remodelling. Works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0067/AI	A	12, Pembroke Terrace, Penarth	Proposed conversion of dwelling to create 2 No. flats, works to include material alterations to structure, controlled services, fittings and thermal elements

2018/0068/AI	A	12, Doniford Close, Sully	Replacement of existing conservatory roof
2018/0069/AI	A	58, Marine Drive, Barry	Single storey rear extension and associated works
2018/0070/AI	A	Mount Pleasant Baptist Church, Mount Pleasant, Barry	Renewal of thermal element and internal works
2018/0071/AI	A	Kendrick House, Kendrick Road, Barry	Renovation and conversion of office building into 32 flats
2018/0072/AI	A	Southerndown Lodge, Southerndown	Re-build of garage and incorporating granny annexe / holiday let
2018/0073/AI	A	3, Victoria Square, Penarth	Single storey rear extension, alterations and associated works

(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.

2015/0391/BN
2015/0507/BN
2015/0511/BN

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 JUNE, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2011/00067/2/C D	A	Golau Caredig, Gladstone Road, Barry	Discharge Condition 3 - Schedule of proposed materials. Planning Permission 2011/00067/FUL - Construction of a new Extra-Care development, to provide 42 flats and associated communal and ancillary spaces at Theatre Royal, Broad Street, Barry
---------------------	---	--------------------------------------	--

2011/01141/1/N MA	A	Quince Cottage, Heol y Cawl, Llysworney	Non-Material Amendment - Amend the construction of a single garage and car port to a double garage on an identical footprint and location. Two windows and side door to allow natural light and an emergency exit. The side door and windows can only be viewed by the occupiers of Quince Cottage. Planning Permission ref. 2011/01141/FUL : Two storey and single storey extensions towards the rear of the house, including external detached car port
2013/00036/4/N MA	A	10, Park Road, Penarth	Non-Material Amendment - Minor alterations to glazed elements on elevations and to main roof and balcony walls due to constructional techniques. Planning Permission ref. 2013/00036/FUL : New three storey dwelling built over existing pool with access formed off Park Road
2013/00856/1/C D	A	Land off Badgers Brook Rise, Ystradowen, Cowbridge	Discharge of Conditions 6 - Traffic Calming and 18 - Chemical Analysis of Imported Materials. Planning Permission ref. 2013/00856/OUT : Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations

2014/00460/7/N MA	A	Plots 41, 42, 70 and 71, Rhodfar Morwydd, Sully Road, Penarth (Land adjacent St. Josephs School, Sully Road, Penarth)	Non-Material Amendment to change the building material of 4 no. brick properties to render. Planning Permission ref. 2014/00460/FUL : Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00460/8/N MA	A	Plot 39, Manor Park, Sully Road, Penarth	Non- Material Amendment - Proposed rear conservatory. Planning Permission ref. 2014/00460/FUL : Change of use of agricultural land to residential development (C3) consisting of the demolition of two disused agricultural buildings and the development of residential dwellings, public open space, landscaping, highway improvements and associated engineering works
2014/00848/1/N MA	A	Engineering Fabrication Ltd., Bevan House, Penarth Road, Penarth	Non-Material Amendment - Looking to down scale the proposed extension considerably. Planning Permission ref. 2014/00848/FUL : Proposed warehouse extension to the side and rear

2014/01079/5/N MA	A	Former ITV Studios, Culverhouse Cross (NMA)	<p>Non material amendment - Change the proposed brick type and colour to: Forterra Oakthorpe Buff Multi - Plots 28-30, 47-51, 55, 59-62, 65-68, 72-73, 97, 116 and 117. Ibstock Grampian Red Mixture - Plots 86-91 and 111-115. Forterra Nottingham Red Rustic - Plots 31-46, 52-54, 56-58, 63-64, 69-71, 92-96 and 98-110. Planning permission ref. 2014/01079/RES: Proposed residential development for 224 new dwellings, associated highways and landscaping (NMA)</p>
2014/01490/4/N MA	A	Llancadle Farm, Llancadle	<p>Non-Material Amendment - DNO substation height slightly above plan. Replace approved plan with as built plan. Planning Permission ref. 2014/01490/FUL : Installation of ground mounted photovoltaic solar arrays to provide approximately 5MW generation capacity together with power inverter systems; transformer stations; internal access track; landscaping; deer fencing, CCTV and associated access gate</p>

2015/00392/5/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 18 - Protected Species Licence. Planning Permission ref. 2015/00292/OUT : Outline application for residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road
2015/00806/1/C D	A	Carpe Diem, 42, Fontygary Road, Rhoose	Discharge of condition 9 - Retention and completion of executive detached four bed dwelling
2015/00859/3/N MA	A	Corntown Farm, Corntown	Non-Material Amendment - Additional drainage features and minor modification to internal road at Southern end. Planning Permission ref. 2015/00859/FUL : Construction and operation of a solar photovoltaic farm including site access, internal service roads, perimeter fencing, inverter and transformer stations, below ground cabling, CCTV, Substations, internal access road and landscaping/biodiversity enhancements
2016/00717/1/C D	A	Hellas and adjacent new plot, St. Nicholas	Discharge of Condition 4 - Visibility Splays. Planning permission 2016/00717/FUL : Construction of a single residential dwelling

2016/00717/2/N MA	A	Hellas and adjacent new plot, St. Nicholas	Non-Material Amendment - Amend wording of Condition 4 - Visibility Splays. Planning Permission ref. 2016/00717/FUL : Construction of a single residential dwelling
2016/00778/2/C D	A	Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe	Discharge of Conditions 11-Means of enclosure, 14-Biodiversity method statement and 21-Construction Environmental Management Plan - Demolition of existing buildings and residential redevelopment 15 affordable homes and associated works
2016/00778/4/C D	A	The Chapel, Chapel Terrace, Twyn yr Odyn	Discharge of Condition 15 - Scheme to deal with risks of contamination. Planning Permission 2016/00778/FUL residential redevelopment for 15 affordable homes and associated works
2016/00809/8/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of condition 20-Noise mitigation - Redevelopment to form 37 apartments for the elderly and associated works
2016/00867/1/N MA	A	Land at Court Close, Aberthin	Non material amendment - Proposed residential development (20 No. units) and associated highway and ancillary works. Planning permission ref: 2016/00867/FUL; Proposed residential development (20 No. units) and associated highway and ancillary works

2016/01467/2/C D	A	33, Station Road, Penarth	Discharge of Condition 4 - Means of Enclosure. Planning Permission ref. 2016/01467/FUL : Conversion to existing property to form 2 self contained dwellings
2017/00311/FUL	R	Plot adjacent to The Duchy, Church Close, Ogmore By Sea	Construction of new detached family dwelling
2017/00391/1/N MA	A	Glen View, Croft John, Penmark	Non-Material Amendment: Removal of and changes to the sizes of windows, change the shape of the chimney - Planning Permission ref. 2017/00391/FUL: Proposed two storey extension to the side and rear of the property
2017/00541/3/C D	A	Northcliffe Lodge, Northcliffe Drive, Penarth	Partial discharge of Conditions 14 - Geotechnical Assessment and 15 - Drainage in relation to Northcliffe car park - Demolition of existing and erection of 30 apartments and associated works
2017/00638/FUL	R	Brooklands Farm, Brook Lane, St. Nicholas	Proposed demolition of existing buildings, change of use, conversion and extension of existing barns to create residential dwelling with home office and parking
2017/00647/RES	A	Land at Barry Waterfront, Cliffside Road, Barry	The erection of 163 residential dwellings, landscaping, parking and associated infrastructure

2017/00662/RES	A	South Quay, Barry Dock, Barry	Reserved Matters application for approval for layout, scale, appearance, access and landscaping for 171 dwellings
2017/00848/FUL	R	21, Station Road, Dinas Powys	Proposed extension to rear elevation and roof extension to provide remodelled 1st floor 2 bed apartment and new 2 bed 2nd floor apartment and balconies
2017/00902/1/C D	A	Flanders Barn, Flanders Road, Llantwit Major	Discharge of Conditions 3 (Materials Details) and 4 (CEMP)
2017/00910/FUL	A	The Rectory, Port Road, Wenvoe	Development of 12 dwellings and associated infrastructure at land at The Rectory, Wenvoe
2017/01083/1/C D	A	15, Cae Rex, Cowbridge	Discharge of Conditions 3 - Schedule of Materials, 4 - Levels and 6 - Gas Monitoring. Planning Permission ref. 2017/01082/FUL : Demolition of existing bungalow and erection of new 4 bedroom dwelling
2017/01083/1/N MA	A	15, Cae Rex, Cowbridge	Non-Material Amendment to allow demolition of bungalow to proceed prior to discharge of Condition 5 of the Planning Consent regarding drainage. Planning Permission ref. 2017/01083/FUL : Demolition of existing bungalow and erection of new 4 bedroom dwelling

2017/01121/1/N MA	A	39, Elfed Avenue, Penarth	Non-Material Amendment - Window design change at rear elevation (first floor). Planning permission ref. 2017/01121/FUL : Double storey rear extension and single storey side extension
2017/01205/FUL	A	Caer Wigau Isaf, Pendoylan Road, Pendoylan	Planning and listed building consent for the removal of 4no dormers and construction of 3 dormers, fenestration alterations, construction of a double height porch, construction of a side porch, erection of conservation Velux windows, erection of solar panels, erection of a bat mitigation house and internal alteration works
2017/01223/LBC	A	Caer Wigau Isaf, Pendoylan Road, Pendoylan	Planning and listed building consent for the removal of 4no dormers and construction of 3 dormers, fenestration alterations, construction of a double height porch, construction of a side porch, erection of conservation Velux windows, erection of solar panels, erection of a bat mitigation house and internal alteration works
2017/01248/FUL	A	Plot 97, Tathanias Court, St. Johns View, St. Athan	Proposed alteration of approved dwelling to include rear conservatory extension

2017/01286/FUL	A	Woodlands Cottage, Llandough, Cowbridge	Variation of condition 1 of Planning Permission 2013/00254/FUL (Extension and alterations to dwelling, including a new roof construction and access, plus demolition of existing extensions) to extend expiry date by further 5 years
2017/01297/FUL	A	The Court, 4, Mount Pleasant, Barry	Change of use to B1 classification. Proposed renovation of the existing West coach house to allow for office accommodation, and formation of link between existing West and East coach houses. Existing timber greenhouse to be renovated to allow for office kitchen and WC facilities and sun room. Link to be formed between the East coach house and greenhouse
2017/01310/FUL	R	Post Office, 3, Station Road, Dinas Powys	Change of use of ground floor from A1 (Post Office) to C3 (2 bedroom flat)
2017/01320/FUL	A	The Old Town Mill, Old Town Mill Road, Cowbridge	Proposed extension and internal alterations to provide new kitchen and living area. Linen room, boot room, gym and WC. First floor bedroom, bathroom and dressing room
2017/01327/FUL	A	2a, Cardiff Road, Dinas Powys	Removal of Condition 7 (garden noise level) and variation to the site layout plan of Planning permission 2016/00709/FUL

2017/01342/1/N MA	A	1, Countess Place, Penarth	Non-Material Amendment - Workshop and gate repositioned. Side extension moved in from lane and back door omitted. Planning permission 2017/01342/FUL : Two storey side extension with new detached workshop to rear of garden. Existing vehicular access widened
2018/00016/ADV	A	27, High Street, Cowbridge	Non-illuminated descriptor text mounted onto 5mm clear acrylic panel
2018/00017/LBC	A	27, High Street, Cowbridge	Non-illuminated descriptor text mounted onto 5mm clear acrylic panel
2018/00028/FUL	A	79, Colcot Road, Barry	Proposed single storey extension to rear of existing domestic dwelling
2018/00032/FUL	R	St y Nyll Farm, Heol Sant y Nyll, St. Brides Super Ely	Change of use and alteration of agricultural barn to agricultural machinery store and garage
2018/00058/FUL	A	23, Augusta Crescent, Penarth	Construct roof dormer to accommodate 3 bedrooms /1 shower room. Demolish existing garage/construct carport and home office. Demolish existing rear ground floor extension /rebuild to extend kitchen/dining/living. Replan hallway with new staircase
2018/00060/FUL	A	24, College Place, Barry	Double storey rear extension with Juliet balconies

2018/00061/FUL	A	Matiana, Main Road, Ogmore By Sea	<p>Alterations to front elevation of property including provision of bay window. Alterations to existing dormer, cladding and reconfiguration of windows; provision of car parking to frontage including associated level changes, alterations to means of enclosure and removal of part existing outbuilding; single storey side extension with roof terrace over; alterations to side elevations of property including reconfiguration of windows and cladding; alterations to the rear elevation of the property including provision of a rear dormer and replacement of full height windows with bi-fold doors and Juliet balconies; landscaping including the extension and reconfiguration of existing terraces, part removal of garage, and provision of a pond; associated miscellaneous alterations.</p>
2018/00070/FUL	A	Masons Moving Group, Unit 1, Priority Business Park, Barry	<p>Replacement of existing Portakabin with new demountable modular cabin and associated access ramps. Replacement of existing bunded fuel tank and pump with fully enclosed tank /pump. Layout of new parking spaces and introduction of new fuel interceptor on existing on-site surface water sewer to catchment area of access yard</p>

2018/00071/FUL	A	Pen Bedw, Bonvilston	Removal of existing garage and construction of two storey rear extension to provide new lobby and utility room to ground floor, with en-suite and dressing room/bedroom No 4 to first floor
2018/00072/FUL	A	The Tower, Tower Hill, Penarth	External and internal alterations
2018/00089/FUL	A	7, Llandaff Close, Penarth	Proposed enlarged dormer and single storey extension to rear with balcony, dormer to front, alterations to windows and doors
2018/00096/FUL	A	West Bank, St Augustine's Path, Penarth	Proposed first floor extension over existing ground floor garden room to create first floor bedroom with Juliet balcony. Proposed single car garage to side/rear of dwelling
2018/00097/FUL	A	Field to West of David Evans (Agric) Ltd., Old Middlehill, Llancafán	Erection of stable block to comprise of two central stables, tack room and fodder store and construction of 3m wide hardcore track
2018/00102/FUL	A	The Granary, St. Marys Well Bay Road, Swanbridge	Construction of double garage with games room to first floor
2018/00109/FUL	A	43, Plas Taliesin, Penarth	Proposed new disability granny flat, single storey rear extension, balconies and windows
2018/00110/FUL	R	54, Plas Taliesin, Penarth	Proposed balconies to the front and rear with interior alterations

2018/00114/FUL	A	6A, Merthyr Street, Barry	Change of use of coach house to ancillary accommodation to house
2018/00115/FUL	A	4, Grants Field, The Downs, St. Nicholas	Single storey rear extension and summer house
2018/00116/LAW	A	14, Salisbury Avenue, Penarth	Hip to gable roof extension and roof light
2018/00127/LBC	A	NatWest, 4, Westgate, Cowbridge	External: Remove existing NatWest brand signage and ATM. Internal: Through-out the building, carefully remove non-original fixtures, fittings, furniture and equipment relating to the operation of the NatWest branch
2018/00128/FUL	A	3, Castle Road, Rhoose	Lower roadside curb to create a driveway onto property
2018/00130/FUL	A	53, The Parade, Barry	Single/two storey rear extension. Existing garage to be rebuilt and extended
2018/00132/FUL	A	41, Winsford Road, Sully	Construction of first floor extension above existing ground floor extension at rear of the property
2018/00135/FUL	A	Tegfan, Lane - Logwood - Jct A48 to Peterston Super Ely, Peterston Super Ely	New rear extension with a variation in roof form to create a dormer and porch
2018/00140/FUL	A	12, Broad Street Parade, Barry	Change of Use from Class A1 Retail to Class A3 (Food & Drink) - Day time Cafe
2018/00145/FUL	A	47, Plymouth Road, Barry	Demolition of existing outhouse and erection of two storey side extension and porch

2018/00149/FUL	A	14, Salisbury Avenue, Penarth	Ground and first floor rear extension
2018/00151/FUL	A	26, Heol Cae Pwll, Colwinston	Proposed garage conversion to the existing property - by the removal of the existing double garage door and the construction of a new stone and brick plinth (to match existing), a new stone central pier and two large double glazed windows into the door opening. The internal walls are to be thermally upgraded and new raised floor to be installed to allow a level finish between the main house and the converted garage space.
2018/00153/FUL	A	Barry Dock Conservative Club, 17 Station Street, Barry	Variation of Condition 2 of planning permission ref. 2014/01300/FUL to remove previously approved balconies
2018/00154/FUL	A	Land at Court Newydd Farm, St. Brides Major	Proposed installation of a 20.0m monopole supporting 3 no. antenna, 2 no. 300mm dishes, together with associated ground based equipment cabinets and ancillary development thereto
2018/00159/FUL	A	Barry Fire Station, Port Road West, Barry	Proposal is for a stand-alone structure which will house two fire vehicles and boat to protect from the elements. There will be a galvanised level platform fitted to the roof, to allow fire fighters to train and simulate rescue scenarios

2018/00162/FUL	A	Arosfa, Sully Road, Penarth	New rear and side single storey extensions and roof conversion to include 2 No. front facing dormer windows and large rear dormer extension
2018/00163/FUL	A	Land adjacent to the side of 31, Cedar Road, Eglwys Brewis, St. Athan	Substitution of house type R1 and M on Plots 6 and 7 with house type MR
2018/00174/FUL	A	Frampton Court, Frampton, Llantwit Major	Proposed extensions
2018/00178/FUL	A	Sully Inn, 4, Cog Road, Sully	Improvements to existing front and side elevations and small alterations to internal floor plans to include the provision of a disabled WC and new lift access to the upper floor
2018/00182/LAW	A	Overton, 28, Llanmaes Road, Llantwit Major	Single storey extension to rear of existing house
2018/00184/FUL	A	12, Pembroke Terrace, Penarth	Retain granted planning permission reference number 2017/00833/FUL and create 2 number flats
2018/00185/FUL	A	5, Cherwell Road, Penarth	Rear and garage extensions and amended dormer
2018/00186/FUL	R	42, Stanwell Road, Penarth	Alteration to existing lower rear dormer to provide a reduced sized dormer on the roof of the existing rear annexe
2018/00187/FUL	A	21, Highwalls Road, Dinas Powys	Proposed two storey extension to side elevation to replace existing dilapidated structure

2018/00189/FUL	A	Land at Middle Hill, Llancarfan	Stable block, manege and access track for private use and change of use from agriculture to mixed agriculture and equestrian use
2018/00190/FUL	A	1, River View, East Aberthaw	Two storey extension to end of existing dwelling to incorporate new lounge and external store at ground level and 2 no. new bedrooms at first floor. Provision of new porch at ground floor entrance
2018/00191/FUL	A	37, Tair Onen, St. Hilary	Extension of residential curtilage
2018/00193/FUL	A	1, Main Avenue, Peterston Super Ely	Proposed ground floor extension to form a new family room and dining area linked with a new kitchen, plus internal and external remodelling of the dwelling
2018/00194/FUL	A	113, St. Davids Crescent, Penarth	Variation of Condition 2 of planning permission 2005/00231/FUL to convert garage into reception room
2018/00198/FUL	A	Plot 95, Tathanias Court, St. Johns View, St. Athan	Proposed alteration of approved dwelling to include rear conservatory extension
2018/00199/FUL	A	27, Heol y Felin, Llantwit Major	Two storey extension including alterations to existing roof
2018/00202/FUL	A	26, Whitcliffe Drive, Penarth	Single storey orangery extension to rear of property
2018/00205/FUL	R	Fern Cottage, Llwyn Nwydog Farm, Cowbridge Road, Ystradowen	Proposed alterations and two storey extension to existing property

2018/00207/FUL	A	172, Redlands Road. Penarth	Proposed new front entrance porch
2018/00208/FUL	A	53, College Road, Barry	Single storey rear extension to replace an existing conservatory
2018/00211/FUL	A	60, Tynwydd Road, Barry	Proposed side gable dormer loft conversion
2018/00214/FUL	A	19, Robinswood Close, Penarth	Proposed works to existing bungalow to comprise rear extension, new gable and dormer to front and existing rear dormer extended. New render finish to front elevation
2018/00216/FUL	A	4, Lllys Dwynwen, Llantwit Major	Single storey rear extension, with a log burner. Pitched roof construction. 4.00 x 5.00m.
2018/00217/FUL	A	88, Westward Rise, Barry	Single storey extension to the side and rear including internal alterations. Amended from previous approval 2016/00501/FUL to incorporate Welsh Water conditions for building over a public sewer
2018/00219/FUL	A	6 and 7, Hensol Villas, Hensol	Proposed two storey and single storey extensions at rear to form kitchens, utility rooms, bedroom, bathroom and en-suite
2018/00223/FUL	A	4, Robin Hill, Dinas Powys	Extend kitchen approx. 1.0m towards boundary and remove kitchen door (Amendment to 2016/00668/FUL)
2018/00226/FUL	A	Danyrallt, Corntown Road, Corntown	Rear extension

2018/00227/FUL	A	89, Redlands Road, Penarth	Two storey/single storey rear extension. Proposed entrance porch
2018/00229/LBC	A	Plaisted House, Llanmaes	Existing chimney has been found to be in danger of collapse and needs to be taken down to roof level and rebuilt
2018/00230/FUL	R	21, Colcot Road, Barry	Erection of a part single and part two storey rear extension, a two storey side extension. An attic conversion within the original and proposed roof space, including dormer window to the rear.
2018/00232/FUL	A	128, Plassey Street, Penarth	2 No. skylights to front roof pitch facing Plassey Street. Flat roof dormer extension to the rear
2018/00233/FUL	A	78, Minehead Avenue, Sully	Single storey rear extension
2018/00234/FUL	A	5, Dorset Avenue, Barry	Install bay window to outhouse
2018/00235/FUL	A	7, Glastonbury Road, Sully	Proposed extension to existing garage
2018/00242/FUL	A	Flemingston Grange, Flemingston	Replacement windows to rear of property. South facing aspect of the house has wooden windows which are suffering from severe weather damage. Our intention is to replace all 5 of the upstairs windows to a UVPC wood effect in Chartwell Green The design of the window is a flush sash wood affect with a single bar across the middle of the window to keep in character with the property

2018/00243/FUL	A	16, Cwrt Newton Pool, Rhoose	Proposed 2 storey side extension and associated works
2018/00245/FUL	A	20, Spencer Drive, Llandough, Penarth	Proposed garden store to side of property. Existing garage converted to a habitable room
2018/00249/FUL	A	22, Whitcliffe Drive, Penarth	Proposed front dormer and front balconies and ground floor extension
2018/00251/FUL	A	Block D, 13, Beacon House, Ffordd y Mileniwm, Barry	Additional use A2 to cover an Estate and Lettings Agency
2018/00258/FUL	A	Blodfa, Station Road East, Wenvoe	Detached garage with workshop within roof space
2018/00259/FUL	A	9, Greenhaven Rise, Llandough, Penarth	Side extension and loft conversion to form larger kitchen and first floor living space and associated site works
2018/00262/FUL	A	Ivy Cottage, Bakers Lane, Llantwit Major	Refurbishment of deteriorating detached garage. Alteration of garage roof from low pitched corrugated steel sheeting to raised pitch natural reclaimed Welsh slate roof. Replacement of one garden facing window for French doors, double glazed (same width as existing window), and a further two windows of existing dimensions with new soft wood double glazed units. Replacement of front and rear doors with solid soft wood doors of same dimensions as existing

2018/00263/FUL	A	Land off Port Road and at entrance to Redrow Homes (The Grange) development, Wenvoe	Erection of a temporary sales cabin at the entrance to the site
2018/00266/FUL	A	65, Woodham Park, Barry	Two storey side extension
2018/00270/FUL	A	3, Druids Green, Cowbridge	Single storey side extension
2018/00271/FUL	A	23, Fairfield Road, Penarth	Single storey extension to house
2018/00274/LAW	A	Crosslands Agricultural & Stabling, Crosslands Cottage, Llandow	DIY livery for maximum 10 horses, comprising 8 stables an outdoor exercise area and grazing (some seasonal)
2018/00278/FUL	A	1, Springfield Rise, Barry	A wooden outbuilding structure (Wendy House)
2018/00282/LAW	A	45, Broad Street, Barry	Subdivision of dwelling house into 2 flats
2018/00283/FUL	A	34, Smeaton Close, Rhose	Two storey side and single storey rear extension for registered disabled person
2018/00284/FUL	A	West Cross House, 10, Stanwell Road, Penarth	Replacement of roof weatherings including slate tiles and lead flashings to the main roof. Replacement of sheet lead weathering to the flat roofs. Replacement of rainwater goods. Stone and brickwork cleaning and restoration. Repair of windows and replacement of windows to rear.
2018/00285/FUL	A	157, Redlands Road, Penarth	Single storey rear and side flat roof extensions with orangery roof lantern over dining area and conversion of garage to habitable room

2018/00290/FUL	A	5, Meadow View Court, Sully	Change roofing finish and extend rear conservatory. Build new rear conservatory. Extend front porch and form new balcony to side elevation and new boundary wall
2018/00292/FUL	A	38, Duffryn Crescent, Peterston Super Ely	Proposed single storey extension
2018/00294/FUL	A	Ty Gerrig, Heol y Cawl, Llysworney	Side utility room extension
2018/00296/FUL	A	3, Beaumont Court, Penarth	Lift out and clear front garden area and reserved tarmac parking space. Relay whole area with block paving driveway and dropped kerbs
2018/00299/FUL	A	15, Wick Road, Ewenny	Single storey side extension, front porch and other minor alterations
2018/00300/FUL	A	Nationwide Building Society, 136, Holton Road, Barry	Update of existing shop front
2018/00302/FUL	A	10, Heol Tre Forys, Penarth	Single storey rear extension
2018/00311/FUL	A	Hazelhurst Nursing Home, Sully Road, Penarth	Proposed balconies to North West and South West elevations. 2 No. balcony structures to the North West elevation and 2 no. balcony structures to the South West elevation. Existing windows to form openings for French doors
2018/00312/FUL	A	Glen View, Croft John, Penmark	Change the roof material from clay tiles to slate

2018/00316/FUL	A	14, St. Andrews Road, Barry	Double storey side extension and single storey front extension and alterations to the sizes of existing windows.
2018/00320/FUL	A	3, Victoria Square, Penarth	Extension to domestic dwelling, adding a further 9 sq. m. to an already approved planning application 2016/01098/FUL
2018/00322/FUL	A	44, Kathleen Street, Barry	Two storey rear extension to terrace house
2018/00332/FUL	A	39, St. Davids Crescent, Penarth	Demolition of existing outbuilding. Construction of single storey extension to rear elevation
2018/00333/ADV	A	Nationwide Building Society, 136, Holton Road, Barry	Update of existing signage
2018/00355/PNT	A	Land at Church Road, Llanblethian, Cowbridge	Proposed base station development. Installation of a 15.0m slimline T-Range pole supporting 2 no. antennae, ground based equipment cabinets and ancillary development thereto
2018/00429/OBS	S	Land East of A48 (Crack Hill) Brocastle, Bridgend. CF31 5AU	Reserved matters to P/16/549/OUT for the approval of site layout relating to proposed routes within the development

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 JUNE, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2017/01127/FUL
Appeal Method: Written Representations
Appeal Reference No: D/18/3198179
Appellant: Mr Allan McDowall-Thomas
Location: **9, Meadow Court, St. Brides Major**
Proposal: To build a solar canopy
Start Date: 11 April 2018

L.P.A. Reference No: 2017/00991/FUL
Appeal Method: Written Representations
Appeal Reference No: 18/3199904
Appellant: Mr Alan Parfitt
Location: **Land to the South of the A48, Bonvilston**
Proposal: Proposed residential development, associated highway and ancillary works and the change of use of unused land to the rear of The Reading Rooms to enable Community Use'
Start Date: 13 April 2018

L.P.A. Reference No: 2017/01261/FUL
Appeal Method: Written Representations
Appeal Reference No: D/18/3201245
Appellant: Mrs Louise Taylor
Location: **Malefant House, Llanmaes**
Proposal: Proposed roof alterations/first floor addition and remodelling of dwelling to form a new Master Suite with en-suite bathroom and dressing room area, above an existing ground floor lounge
Start Date: 8 May 2018

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/00737/FUL
Appeal Method: Written Representations
Appeal Reference No: 17/3191677
Appellant: Mr. Colin Manning
Location: 7, Barry Road, Barry
Proposal: Conversion of existing 2 no. A1 shop units into new C3 dwelling. Alterations to existing C3 Dwelling
Decision: Appeal Allowed
Date: 17 April 2018
Inspector: Joanne Burston
Council Determination: Committee

Summary

The appeal was in respect of the proposed conversion of existing 2 no. A1 shop units into new C3 dwelling and alterations to existing C3 dwelling.

The main issue was considered by the Inspector to be the effect of the proposed use on the vitality, viability and attractiveness of the 'Main Street' Local Retail Centre.

The Inspector noted that the appeal site is located within the designated 'Local Centre' of Main Street and that LDP Policy MG15 sets out that proposals for non-A1 retail uses will be permitted where:

- they would not result in excess of 50% non-A1 retail uses;
- it is demonstrated through active and appropriate marketing that the existing use is no longer economically viable; and
- the proposal would not result in an over concentration of non-A1 uses that would be detrimental to the vitality, attractiveness and viability of the local centre.

The Inspector also noted the guidance in Planning Policy Wales edition 9 (PPW) which sets out at paragraph 10.3.6 that *"To assess retail and commercial centre performance local planning authorities should monitor their health and recognise the signs of decline or structural change. There may be many causes of decline ranging from national or local economic circumstances, competition with other centres or changes in local shopping habits. Local planning authorities should use the strategy in their development plan to manage decline in a retail and commercial centre or to take action to regenerate it. In some situations over emphasis on A1 uses in either primary or secondary areas may undermine a centre's prospects, potentially leading to high vacancy rates. In such circumstances local planning authorities should consider how non-A1 uses may play a greater role in retail and commercial centres to increase diversity and reduce vacancy levels."*

It was noted that the appeal property consists of two A1 shop units at ground floor level and a flat at first floor. The appellant operates a cake making and

sugar craft supply business from the larger unit, however the other premises has been vacant for the past 17 years.

The Inspector noted Tesco Express supermarket, a take-away food outlet and newsagent, with a pharmacy nearby and in the wider area further retail units.

With regard to the criteria of LDP policy MG15, the Inspector noted that the property had been marketed for an alternative retail use and, despite the Council's concerns with regard to the sale price and the marketing strategy, she was satisfied that extensive efforts had been made to actively and appropriately market the property and that an A1 retail use has not been forthcoming. The Inspector was also of the view that prolonging the period of vacancy of one of the retail units, with no certainty that a sale could be achieved, would have a negative impact on the vibrancy of the centre.

As for the percentage of non A1 uses, the Inspector noted from the Council's evidence that, at present, 44% of uses in the centre are non A1 and, with the change of use, this would result in 48% being non A1. She stated that *"from what I saw on my site visit the change of use of the appeal site, located on the periphery of the local retail centre, would not result in the over concentration or clustering of non-retail uses given the neighbouring newsagent, pharmacy and Tesco express"*.

In conclusion, the Inspector stated: *"Overall, given the suite of factors in this case it has been demonstrated that the existing A1 retail use is no longer viable. Moreover, given that the appeal site is not a prominent frontage in the retail centre, the proposal would not affect the capacity for the local retail centre to provide for the day-to-day needs of the local community, nor would it be detrimental to vitality, attractiveness or viability of the local centre"*. The Inspector also concluded that the proposal would not be contrary to LDP Policies and Planning Policy Wales, which seek amongst other matters to protect the vitality, attractiveness and viability of local retail centres.

L.P.A. Reference No:	2017/00428/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/18/3195548
Appellant:	Mr & Mrs Davies
Location:	Anna Livia, City
Proposal:	Retention of decking and metal balustrade and landscaping scheme
Decision:	Appeal Allowed
Date:	12 April 2018
Inspector:	Melissa Hall
Council Determination:	Delegated

Summary

The appeal was in respect of the proposal to retain decking and a metal balustrade and landscaping scheme to the rear of the property. The main issue in this case was considered to be the effect of the development on the

character and appearance of the surrounding area, with particular regard to the Upper Thaw Valley Special Landscape Area (SLA).

The Inspector noted that the dwelling is situated in the small hamlet of City and in an area of countryside which is to be conserved for its own sake and protected from unacceptable new development that has an adverse impact on its location.

The Inspector noted the findings of the appellant's Landscape and Visual Impact Assessment and, having viewed the site, did not disagree with its findings, that in medium and long distance views, the decking extension has a negligible impact to both the landscape character and visual sensitivity. She noted that the appeal site is seen in the context of a small group of dwellings and that these dwellings and their associated garden structures / paraphernalia form a visually consistent small group with a distinct domestic character and appearance. In this context the Inspector was of the view that the extended area of decking continues the horizontal line of the original decking at Anna Livia and that of the garden retaining walls at Haulfryn. As such, she considered that it does not look out of character against the first floor balconies on all the houses and other garden structures. She stated:

"In the context of the built form that I have described, I do not consider that the development the subject of the appeal is any more or less dominant than that which already exists. Rather, it is of a scale and appearance consistent with that of other structures and domestic paraphernalia associated with the dwellings within the environs of the appeal site. Owing to the domestic context of the immediate area that I have described, I am of the opinion that the expectation is not one of an undeveloped and unspoiled rural character. The proliferation of existing structures undoubtedly alters the appearance of the area. Thus, the decking sits satisfactorily in the landscape and forms part of the mixed character at this location. It does not have an adverse effect on the appreciation of the steep wooded sides or the well-maintained fields in the valley floor beyond its boundaries which are characteristic of this part of the SLA".

In view of the above, the Inspector was satisfied that the scale, form and siting of the decking and balustrade, although resulting in change, does not have an unacceptably harmful impact on the special landscape qualities of the SLA or any of its features of acknowledged importance, consistent with the aims of LDP Policy MG17 and Policy SP10 to ensure that development proposals preserve SLA's, and with the SPG.

L.P.A. Reference No:	2017/01099/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/18/3195748
Appellant:	Mrs Helen Davies
Location:	The Coach House, 6 Beach Lane, Penarth, CF64 1AN

Proposal:	To clad all sides of the house from first floor up, (excluding areas of stone wall). To change windows to front of house from existing pvc-u to sash windows. To have flue for log burning stove rising from flat roof. Replacement of existing balustrade.
Decision:	Appeal Dismissed
Date:	8 May 2018
Inspector:	Janine Townsley
Council Determination:	Delegated

Summary

The appeal site is within the Penarth Conservation Area (PCA) and comprises a coach house to the rear of 6 Beach Road, although the property faces onto and is accessed via Beach Lane. The Inspector noted that Beach Lane is characterised by a variety of styles of dwellings finished in painted render or stone.

The Inspector noted that the appeal dwelling is a three storey semi-detached building with a flat roof and that the building line is flush with the highway on a turn in the road and therefore occupies a prominent position.

The proposal is to clad all elevations of the dwelling from first floor up (save for areas of stonework), the installation of a flue, the replacement of a second floor balustrade and replacement UPVC windows. The Inspector noted that the Council did not have any concerns in relation to the replacement windows and replacement balustrade and was satisfied that these proposals would preserve or enhance the PCA, thus agreeing with the Council's position in relation to these elements of the proposal. The remaining issue, therefore, related to the impact of the proposed cladding and flue.

Turning firstly to the proposed cladding, the Inspector noted the appellant's reason for the proposal and the Council's view that, whilst the existing dwelling is not considered to contribute positively to the PCA, the current finishes of stone and render are characteristic of this part of Beach Lane and these materials reflect the distinctive character of the PCA. The Inspector was of the view that, given the prominent position of the dwelling set forward to meet the highway and standing three storeys tall, the impact of the cladding would be significant. She noted that there are limited other examples of cladding elsewhere in Beach Lane and none of a scale here proposed. Consequently, she was of the view that *"the use of cladding is not characteristic of the area and is a modern choice based on convenience as opposed to aesthetics. The use of wood effect cladding at this location of the scale proposed would depict a weather boarded appearance which does not reflect the character of the area and the PCA. This would have an unacceptably harmful visual impact, particularly as a result of the north and east facing elevations due to the height of the dwelling and the large amount of cladding proposed"*.

Turning to the flue, the Inspector agreed with the Council's view and stated that, *"taking into account the prominence of the appeal building as referred to*

elsewhere within this decision, I consider that as a result of its height on a flat roofed structure, the flue would be visually jarring and thus result in visual harm to the PCA”.

In conclusion in this case the Inspector stated:

“Overall, therefore, the proposed development would neither preserve nor enhance the character or appearance of the PCA, contrary to the intent of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons stated, it would fail to protect the qualities of the built environment of the PCA contrary to policy MD8 and fail to protect existing features of townscape interest contrary to policy MD2 of the Vale of Glamorgan Local Development Plan.”

L.P.A. Reference No:	2017/01120/TPO
Appeal Method:	Written Representations
Appeal Reference No:	T/17/3191914
Appellant:	Mr Robert Evans
Location:	71, Broadway, Llanblethian, Cowbridge
Proposal:	Felling of 3 semi mature Douglas Firs and replacing with 3 Liquidambar Styraciflua
Decision:	Appeal Allowed
Date:	20 April 2018
Inspector:	V. Hirst
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be the amenity value of the trees and the justification for the proposed works.

Amenity value and the effect on the character and appearance of the area

The Inspector noted that the three subject trees are located within the front garden of No 71 Broadway, which is a relatively new dwelling in the village of Llanblethian. The three trees are situated on an area of raised garden contained with retaining walls to the front of the house. The Inspector noted on her site visit that all the trees contained dead wood with the tree nearest to the house to be particularly affected. She said that *“taken as an individual tree this tree makes little contribution to the character of the area. Nonetheless the overall group retain a fair amount of foliage cover and due to their prominence in the street scene and village as a group they make an important contribution to the verdant character of the area. Their loss would result in harm to the character and appearance of the area and its visual amenities.”*

Justification for the works

With regard to the justification for the works, the Inspector stated:

“From the evidence before me and from my own observations on site it is evident that the three trees are confined to a small raised part of the

garden. I concur with the appellant's tree consultant that the trees have a limited root and soil area for future development. As identified by the appellant's tree consultant I would agree that there is a high likelihood that root severance has occurred."

She also stated:

"I also concur with the appellant's tree consultant's view that the trees, and particularly the tree closest to the house, are in a declining physiological condition by virtue of the dead wood and foliage dieback that I evidenced on my site visit. From the evidence before me and from my observations on site the tree closest to the house is in the worst condition and as I have found above taken as an individual tree this makes little contribution to the character of the area. In my view this tree is unlikely to recover and should be removed due to its physiological condition."

The Inspector was concerned that the trees shared a common root plate and, that *"the removal of one tree from such a closely developed group would result in the potential for instability of the remaining two due to the loss of part of the root plate and from a greater susceptibility to wind"*. In addition she stated that, given the above and the evidence of dead wood in the other two trees, *"there is also a high probability that these two trees will continue to deteriorate and will pose a threat to the safety of nearby residents and the general public"*. The Inspector considered the reasons for seeking the felling of these trees to be compelling.

The Inspector concluded as follows:

".....the group of trees make an important contribution to the character of the area. They are a feature of landscape interest that the cited policies seek to protect. However, their retention needs to be weighed against the risk to residents and the public arising from their particular health, context and circumstances. I find these factors to outweigh the desirability of retaining the trees for their landscape interest".

L.P.A. Reference No:	2017/01141/TPO
Appeal Method:	Written Representations
Appeal Reference No:	T/18/3194627
Appellant:	Dr Stephen Clarke
Location:	7, Chestnut Close, Dinas Powys
Proposal:	Fell Ash tree
Decision:	Appeal Dismissed
Date:	19 April 2018
Inspector:	V. Hirst
Council Determination:	Delegated

Summary

The Inspector considered the main issues to be the amenity value of the tree and the effect of the proposed works on the character and appearance of the area and whether there are sufficient grounds to justify the works.

Amenity value and the effect on the character and appearance of the area

The Inspector noted the views of the Council and the appellant, but was of the view that *“the tree makes an important contribution to the wooded character of the area”* and that *“its loss would be harmful to the character and appearance of the area and its visual amenities”*.

Justification for the works

The Inspector noted that the lower trunk of the tree leans to the north and that some of the roots are close to the surface. She observed some evidence of minor damage to nearby paving, but was of the view that this *“is the likely consequence of the natural growth and movement of a large tree close to a paved area rather than any abnormal root plate movement”*. She went on to state:

“I have no evidence before me that the tree is structurally unsafe. I observed no significant amounts of dead wood in the crown or obvious indicators of limbs likely to fall. Whether or not there is a high risk of a tree falling must be assessed on the basis that there is a present danger. I have no evidence to support that claim. I note the view that previous surgery has been carried out to reduce the weight in the branches and that the tree has not responded well to this work. However, I have found that the crown appears to have reasonably good foliage cover and I do not find the request to fell to be a proportionate approach to address the contended problems to the overall condition of the tree.”

Whilst the Inspector was sympathetic to the appellant’s and local residents’ concerns that the tree may fall, she stated that each tree must be assessed with regard to its own condition and health. She went on to state:

“All trees, including healthy ones pose some risk from falling or shedding branches in severe winds and causing damage and injury. If the argument is accepted that all trees are potentially unsafe all protected trees would have to be felled or pruned severely where there is a potential risk rather than an evidenced threat. As stated above I have no reason to believe that this particular tree is in poor health rendering it likely to fall.”

The Inspector concluded that the reasons given for the works were not sufficient to justify felling a healthy tree that makes a positive contribution to the visual amenities and character and appearance of the area in the public interest.

(d) Enforcement Appeal Decisions

None

(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (inc. tree appeals and appeals for conservation area consent)	W	2	3	5	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		2 (40%)	3 (60%)	5	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals	W	2	3	5	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		2 (40%)	3 (60%)	5	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 JUNE, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. 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

2018/00056/TPO	A	Old Mill Cottage, Mill Road, Dinas Powys	TPO no. 14 1973 - Dead Pine - Fell to 500mm above ground front garden willow - Re pollard at old points front garden
2018/00104/TPO	A	Bryneithin Retirement Housing, St. Andrews Road, St. Andrews Major, Dinas Powys	Removal of Pine Tree - TPO no 2 1954
2018/00170/TPO	A	60, Victoria Road, Penarth	Work to trees covered by TPO No. 15 2010 Gp01 - Remove Oak in back garden
2018/00210/TCA	A	Stourbridge House, Llysworney	Work to trees in Llysworney Conservation Area - 20% crown reduction to two trees
2018/00265/TCA	A	Westbury, Factory Road, Llanblethian, Cowbridge	Work to tree within the Llanblethian Conservation Area - Reduce Beech tree

2018/00286/TPO	A	Northcliffe Lodge, Northcliffe Drive, Penarth	Works to trees in TPO references No. 11 2015 and No. 0 1970
2018/00298/TCA	A	Lower House Farm, Rhoose Road, Rhoose	Work to trees in the Rhoose Conservation Area : T1 - Prunus avium - 2m lateral reduction; T2 - Betula pendula - 3m height and 1m lateral reduction; T3 - Ilex aquifolium (var.) - remove and grind out stump; T4 - Cotinus coggygria - remove leaning limb and reduce to 3m height; T5 - Larix decidua - remove and grind stump (dead so exempt); T6 - Fraxinus excelsior - crown lift to statutory limits - 2.4m footpath and 5.2m highway
2018/00308/TCA	A	Tuar Gaer, St. Nicholas	Work to trees in the St Nicholas Conservation Area - Remove Holly tree. Remove Cherry tree. Reduce Yew by 1m all round.
2018/00313/TCA	A	Rock House, 9, Beach Road, Penarth	Work to tree in the Penarth Conservation Area - Remove Pear tree in front garden
2018/00325/TCA	A	15, Heol St. Cattwg, Pendoylan	Pendoylan Conservation Area - Chop down Cherry tree to ground level and re-seed as grass. The tree is dead and located in front garden of property
2018/00343/TCA	A	Langlands House, 1, Kymin Road, Penarth	Work to trees in Penarth Conservation Area
2018/00344/TCA	A	1, Pant y Coed, Llanbethery	Work to trees in Llanbethery Conservation Area

2018/00354/TCA	A	Westgate Cottage, 23, Westgate, Cowbridge	Works to trees in the Cowbridge Conservation Area : rear garden - one Silver Birch tree to have 5 branches removed by crown raising
2018/00378/TCA	A	Ty Mawr, Llanbethery	Removal of Oak (Quercus robur) numbered T5 in Tree Survey prepared by Treescene Arboricultural Consultants (enc) and shown on attached photograph plus removal of Sycamore T6. There is no TPO affecting either tree
2018/00411/TCA	A	28, Plymouth Road, Penarth	Works to Pittosporum trees within the Penarth Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 7 JUNE, 2018

REPORT OF THE HEAD OF REGENERATION AND PLANNING

8. GENERAL PLANNING MATTERS

- (a) **2017/01136/1/CD - Discharge of Condition 24 - Construction Traffic Management Plan. Planning Permission ref. 2017/01136/HYB - Former St. Cyres Lower School, Murch Road, Dinas Powys**

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because in determination of application 2017/01136/HYB at the Committee Meeting of 8 February 2018, Members requested that a number of the conditions be reported to a future meeting of the Planning Committee for approval. These included Conditions 20-Travel Plan, 24-Construction Traffic Management Plan, and 33 to 37-Drainage.

PURPOSE OF THIS REPORT

This report seeks Planning Committee's approval of the details submitted in relation to Condition 24 - Construction Traffic Management Plan (CTMP) under application reference 2017/01136/1/CD.

Within the same application, the applicants have submitted details in relation to several of the conditions attached to the consent, including details under Conditions 20-Travel Plan, 33-Drainage and 37-SuD's Management Plan, which are also required to be reported to Committee for determination. However, these three conditions cannot be reported at this time as consultations are still awaited.

SITE AND CONTEXT

The application site as edged red extends to an area of 12.05 hectares of land comprising the former St Cyres Lower School (now demolished), associated playing fields, and greenfield land, including agricultural land and woodland. There are existing houses along the northern and western boundary of the site, along with a recently completed health centre.



There is an existing vehicular entrance off Murch Road to the north east of the site, and a Public Right of Way, No. 45, a bridleway, on the western boundary of the site which links to Longmeadow Drive/Plas Essyllt. The adopted lane on the eastern boundary of the site links with a network of rights of way to the south, including the Cosmeston, Dinas and Sully Circular Walk.

The site lies within the settlement boundary for Dinas Powys as defined within the adopted Local Development Plan (LDP) and was allocated for mixed use / housing development under LDP Policy MG2 (28) for 300 dwellings .

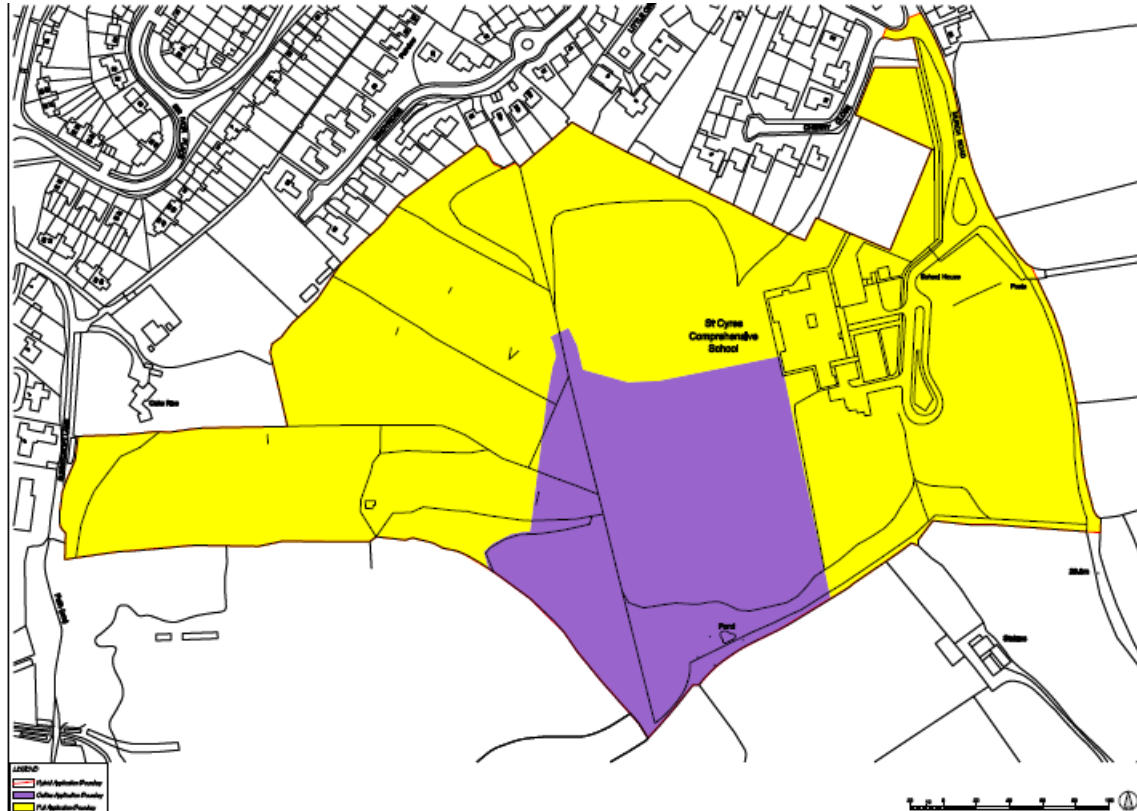
There are a number of Tree Preservation Orders on and adjacent to the site, including, TPO (No. 4) 2010, mixed deciduous on the western side, and TPO (No. 13) 2008, group of Pine, Ash and Field Maple in the north east corner. To the south is an Ancient Woodland, known as The Breeches, and this Broadleaved Woodland is designated as a Site of Importance for Nature Conservation (SINC). To the east of the site is the identified Green Wedge between Dinas Powys and Penarth. Additional designations identified in the LDP that surround the site include Limestone Mineral Reserves, and the dormant mineral site of Cross Common Quarry to the south.

There are no designated heritage assets within the site, however, immediately to the north are the Grade II listed properties at 1-6 Little Orchard, and to the south west the Grade II* St Peters Church. Within the site there is the potential the archaeological interest at the 'Stonylands' medieval farm.

Other identified constraints on the site include evidence of dormice which are a Protected Species.

DESCRIPTION OF DEVELOPMENT

Application reference 2017/01136/HYB is a hybrid application that was granted planning permission on 17 April 2018. This was granted in full for 215 dwellings and associated works, including access road, drainage, and landscaping (in yellow below) , and in outline for a community and recreational use zone (CRUZ) (in purple below).



As already noted, in determination of application 2017/01136/HYB at the Committee Meeting of 8 February 2018, Members requested that a number of the conditions be reported to a future meeting of the Planning Committee for approval. This report relates to Condition 24-Construction Traffic Management Plan (CTMP). Condition 24 states:-

- “24. *Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, safeguarding of the access to the medical centre, the proposed routes for heavy construction vehicles, timings of construction traffic (which shall seek to avoid peak traffic times and school pick-up and drop-off times as appropriate) and means of defining and controlling such traffic routes and timings; Traffic Regulatory Orders (TROs); pre construction road condition surveys and details of timings of the submission of post construction surveys and any remedial works; and wheel cleansing. The development shall be carried out in accordance with the approved Management Plan.*

Reason:

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

The details submitted in discharge of this condition include a Construction Traffic Management Plan, May 2018 (amended following negotiations with Council’s Highways); Construction Traffic Management Plan, Alternative Route Appraisal, April 2018; and a Transport Note.

RELEVANT PLANNING HISTORY

2017/01136/HYB - Hybrid application comprising Full application for residential development for 215 units, highways and drainage infrastructure and associated landscaping; and Outline application in respect of the community and recreational use zone – Approved 17 April 2018 subject to S111 Legal Agreement and subject to conditions, including, standard outline conditions; conditions relating to ecology/biodiversity; enclosure of the community facilities; highway engineering details; a Travel Plan; materials; levels, means of enclosure; CTMP; CEMP; investigation for possible contamination; drainage; landscaping and tree protection.

CONSULTATIONS

The Council’s Highway Development team – Confirmation that following the submission of a revised Construction Traffic and Management Plan, that the submitted details are now acceptable.

REPRESENTATIONS

None undertaken.

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

Strategic Policies:

POLICY SP1 - Delivering the Strategy.
POLICY SP3 - Residential Requirement.
POLICY SP7 - Transportation.

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan.

POLICY MG2 (28) - Housing Allocations.

Managing Development Policies:

POLICY MD2 - Design of New Development.

POLICY MD5 - Development within Settlement Boundaries.

POLICY MD7 - Environmental Protection.

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular Chapter 4-Planning for Sustainability, including paragraphs 4.3.1 and 4.4.3; Chapter 12-Infrastructure and Services; and Chapter 13-Minimising and Managing Environmental Risks and Pollution.

Technical Advice Notes:

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

- TAN 12 - Design.
- TAN 18 - Transport.

Supplementary Planning Guidance:

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

- Parking Standards.

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:

- Local Development Plan Highway Impact Assessment (2013).
- VOGC - Local Transport Plan (2015).

- Infrastructure and Site Deliverability Statement (2015).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

It is noted that the likely impact of the development on the existing highway network was one of the main points of objection raised in the representations received from local residents and the Community Council on the application.

Thus when resolving to grant planning permission for the original hybrid application, Members requested that details relating to a number of conditions, including Condition 24-CTMP, be reported back to Committee for consideration by Members.

Highways and traffic issues

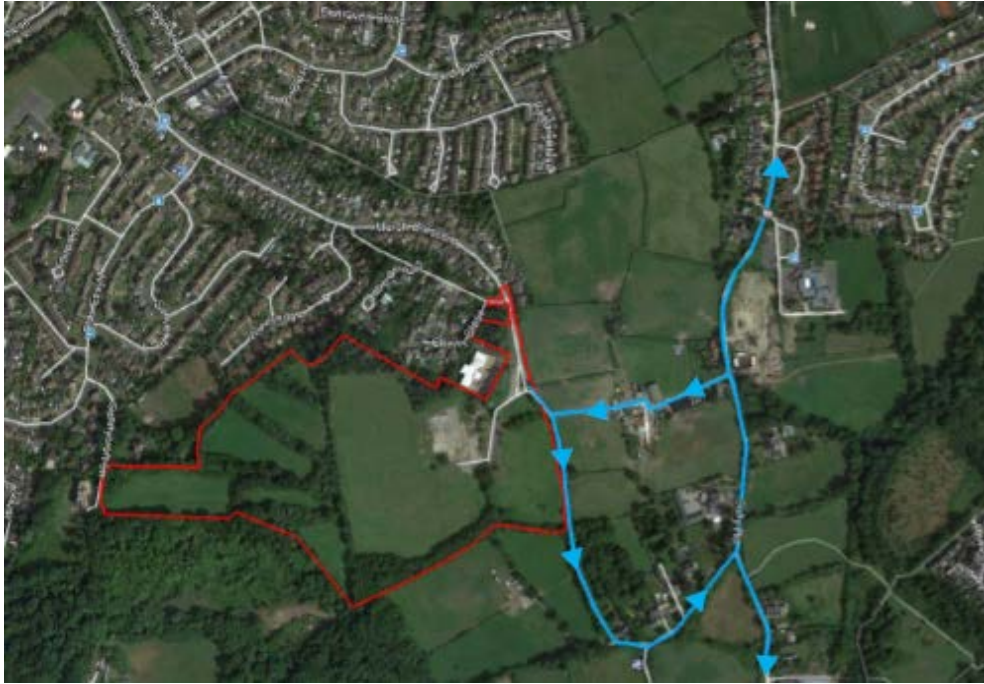
Criterion 6 of MD2 of the LDP requires that new development has no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. In addition, Criterion 9 requires the provision of car parking in accordance with the Council's Parking Standards SPG.

Examination of an Alternative route for Construction Traffic

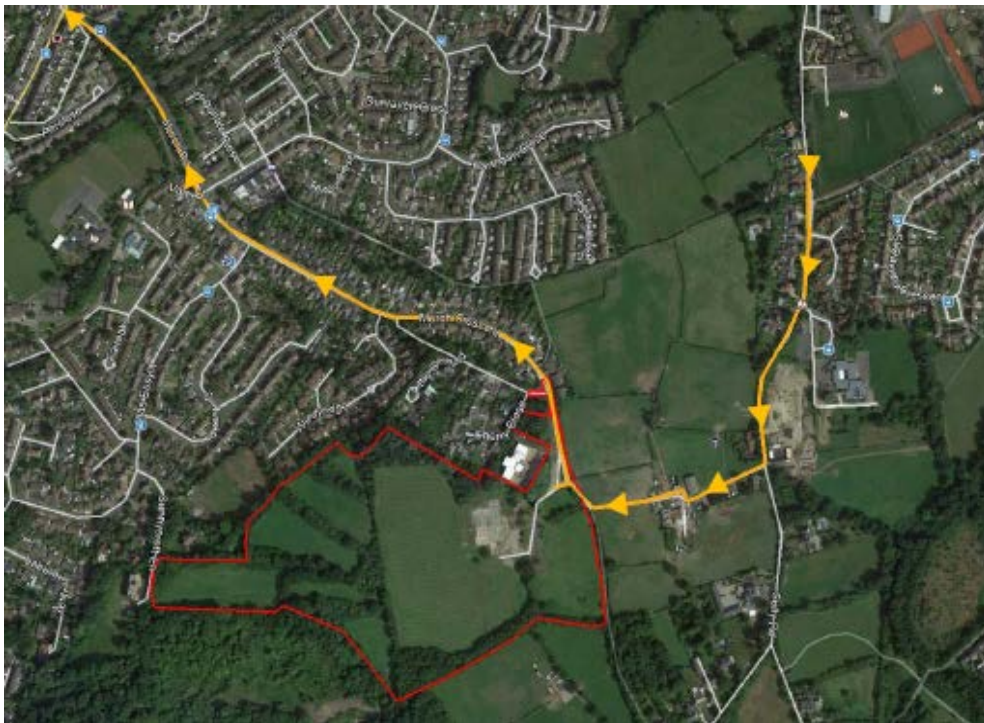
Local Councillors have questioned the suitability of Murch Road and Murch Crescent to accommodate construction traffic and invited Barratt David Wilson Homes (BDWH) to consider alternative options.

A site visit took place on Thursday 12th April 2018 to walk alternative routes proposed by the Councillors. The three potential interlinked alternative routes considered were:-

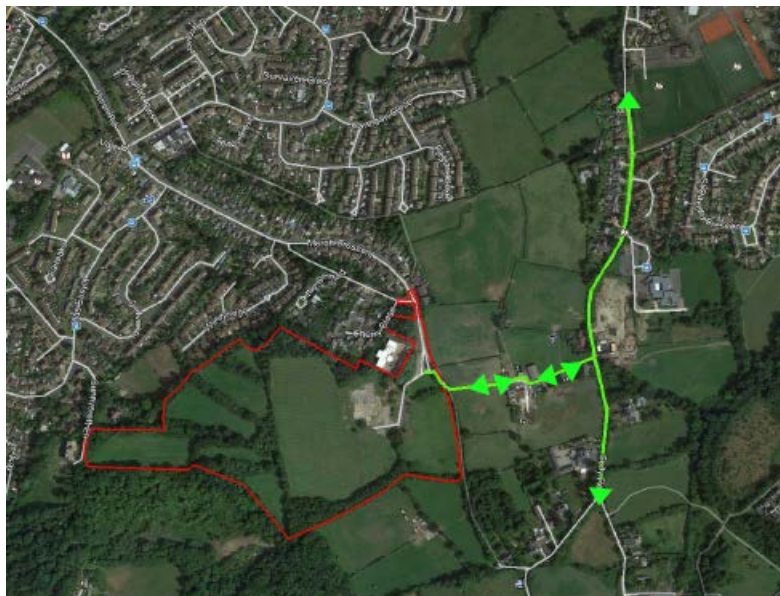
Route 1: Circular route with entry from Sully road via Glascoed Farm and egress down Watery Lane.



Route 2: Circular route with entry from Sully road via Glascoed Farm and egress down Murch Road.



Route 3: Entry and Egress from Sully road and via Glascoed Farm.



A representative of the Council's Highways Department attended the site visit and raised concerns over the suitability of each of the proposed options. In summary, the reasons why the proposed alternatives are not considered to be suitable from a highway perspective are as follows:-

Watery Lane - The current geometry of the lane means that it is not suitable for construction traffic given their size and articulated nature. The lane would need to be widened to allow for its use by construction traffic. This would involve significant engineering works and disturbance to vegetated banks and mature trees. In addition, the existing pedestrian and cycle usage of the lane would need to be prohibited. This presents a safety issue if users were to disobey any prohibition order. Furthermore, the egress onto Sully Road is not suitable with the required visibility splays and geometry not available within the adopted highway. Significant land take would be required beyond the adopted highway with the land falling within third party control.

Circular route with access from Sully Road via Glascoed Farm and egress through Murch Road – There are concerns over the deliverability of this route, given the site is within third party ownership. In addition any use of the site would require restrictions on the operations of a working farm. Notwithstanding this, the existing track is not geometrically suited to use by construction vehicles. In addition, the existing surface of the track is not suitable and would require significant resurfacing works.

Access and egress from Sully Road via Glascoed Farm – As already noted the existing farm track is unsuitable for construction traffic. In addition, visibility splays of 2.4m x 60m would be required along Sully Road, which would require a separate application, and have further impacts on the environment.

The Proposed Route

In light of the technical difficulties outlined above as set out in the submitted Alternative Route Appraisal, the proposed route for all construction/delivery vehicles is to access and egress the site via Murch Road/Murch Crescent. The route is entirely within the adopted highway, and its geometry and alignment is suitable for such traffic, and will not require any significant works to facilitate its use.



Condition 24 required that the submitted CTMP has full regard to the timings of construction traffic (which shall seek to avoid peak traffic times and school pick-up and drop-off times as appropriate). The CTMP acknowledges that both Dinas Powys Infants School and Dinas Powys Junior School are located on this route at Cardiff Road and Fair Oaks respectively. BDW Homes has made enquiries with the schools to confirm the school opening and closing times (Dinas Powys Infants School: 0900-1530 & Dinas Powys Junior School: 0845-1510). The CTMP indicates that all suppliers and contractors will be instructed to ensure that no movements will be permitted to or from the site ½ hour before and after school drop-off times and school pick-up times. Delivery times will therefore be restricted .0730-0815, 0930-1440 and 1600-1800 on weekdays (during term times).

In relation to Site Parking, the CTMP notes that a designated parking area will be located within the site at the land retained for future community use, which will accommodate permanent operative and visitor parking. All parking will be located within the boundary of the site. Construction workers will be encouraged to car share when travelling to site to minimise vehicular movements.

In respect of Monitoring, the measures detailed within the CTMP will be monitored by the Site Manager to ensure that they are fully complied with. Moreover,

delivery routes and timings will be recorded to ensure that any adverse impacts upon the local community are minimised.

Pre and Post construction road surveys will also be undertaken. Furthermore, wheel wash facilities will be positioned at the site entrance to wash all vehicles leaving site and to prevent any discharge of dust, mud, or silt onto the public highway. In addition, BDW Homes will ensure that as part of the agreement with the groundwork contractor, that a road sweeper will be deployed along the construction traffic route as necessary.

Following consultation and negotiations between the applicants and the Council's Highways team, Highways have now confirmed that the final version of the CTMP submitted in relation to Condition 24 are acceptable.

In view of the above the following recommendation is made.

REASON FOR RECOMMENDATION

In view of the fact that the Council's Highway Development Team have confirmed that the Construction Traffic and Management Plan is considered acceptable.

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

RECOMMENDATION

That the submitted details, including, Construction Traffic Management Plan May 2018; Construction Traffic Management Plan, Alternative Route Appraisal, April 2018; and Transport Note received 24 April 2018, be agreed towards the discharge of Condition 24 attached to planning permission 2017/01136/HYB.

(b) 2018/00240/RES – Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure - Land at North West Cowbridge

REASON FOR COMMITTEE DETERMINATION

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

PURPOSE OF THIS REPORT

At the Committee Meeting of 26 April 2018, Members resolved to grant planning permission for application 2018/00240/RES (for Phase 2 of the development consisting of 306 new homes at Land at North West Cowbridge) subject to a deed of variation of the S106 legal agreement attached to permission 2014/01505/OUT. The previous report is available to view on the council's website

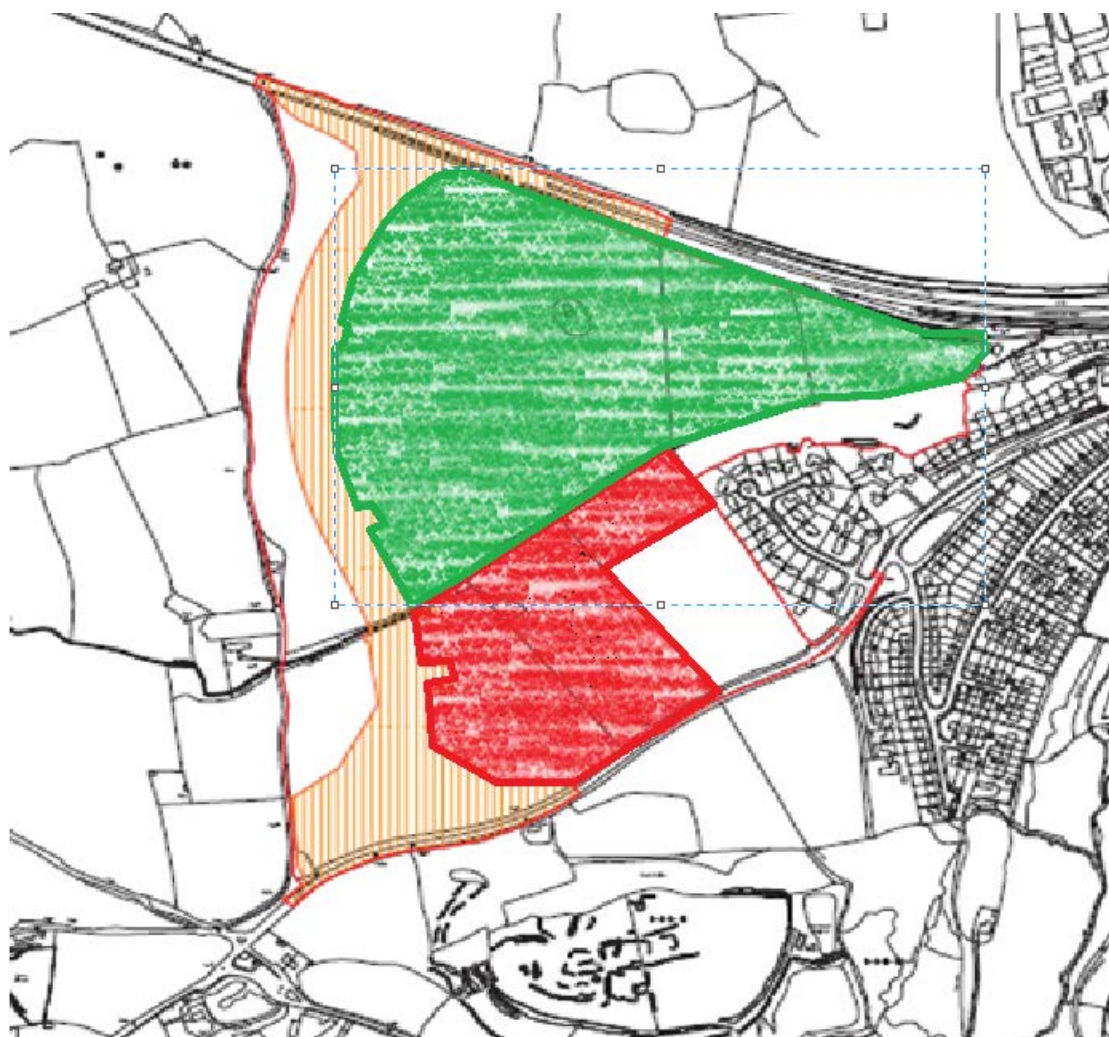
<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Committee/2018/Planning-Agenda-26-April-2018.pdf>

This report seeks Planning Committee's authorisation to allow the approval of planning application ref. 2018/00240/RES without the requirement (for the developers and interested parties entering) to enter into a Deed of Variation of the legal agreement attached to permission 2014/01505/OUT.

SITE AND CONTEXT

The site comprises part of the site at North West Cowbridge previously granted planning permission for up to 475 houses and a link road between the A48 and Llantwit Major Road to the south (2014/01505/OUT). The site is allocated for residential development in the adopted Vale of Glamorgan Local Development Plan and lies within the settlement boundary for Cowbridge.

This application relates to the northern part of the site, adjacent to the A48 to the north, the position of the proposed link road to the west and to the north of the hedgerow running east-west centrally through the site. A plan showing the extent of the residential development, subject of this application is shown below:



Plan showing position of the application site (shaded green), Phase 1 – granted under permission 2017/00841/RES (shaded red) in relation to the link road and realigned Llantwit Major Road (shaded orange).

RELEVANT PLANNING HISTORY

2018/00240/RES, Address: Land at North West Cowbridge, Proposal: Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure. Decision: Committee resolution to approve subject to S106 agreement

2017/00841/RES, Address: Land at North West Cowbridge, Proposal: Phase 1 of the development consisting of 169 dwellings with associated access, roads and footpaths, landscaping, public open space and other ancillary works. Decision: Approved

2014/01505/OUT, Address: Land at North West Cowbridge, Proposal: Detailed Permission for the construction of a link road connecting Cowbridge bypass with Llantwit Major including footpaths/cycleways landscaping and associated engineering works. Outline permission with all matters reserved other than access for a, Decision: Approved

CONSULTATIONS

The Council's Senior Lawyer provided comments which are summarised in the body of the report below.

Issues

Members will recall that there were a number of requirements of the S106 legal agreement attached to the outline consent (2014/01505/OUT) that were applicable to the determination of application 2018/00240/RES.

Whilst these were largely considered to be met, it was noted that there was a minor difference in the mix of affordable housing sizes shown across the entirety of the site compared to that required within the legal agreement. This was largely due to the provision of one bedroom flats within blocks of four resulting in a slight discrepancy in terms of overall provision of one and two bedroom units.

Whilst the total number of affordable units shown within the approved details comply with the requirements under the legal agreement (40%), the approved layout would result in a modest over-provision of 1 bedroom units of 1.3% and a similarly under-provision of 2 bedroom units of 1.4% across the wider development (including that approved previously under permission 2017/00841/RES) of the "Affordable Housing Target Mix" which is defined in the legal agreement. The Council's Housing Section confirmed that they are satisfied with this level of provision.

The Affordable Housing Target Mix definition does permit "*or such other mix as may be agreed with the Council pursuant to a Reserved Matters Consent*"

Notwithstanding the previous recommendation to Planning Committee, following review by the applicant's solicitors, the Council's Senior Lawyer has confirmed that he is now satisfied that the definition of Affordable Housing Target Mix in the legal agreement, authorises a variation to the agreed mix, in relation to a Reserved Matters consent.

This is on the basis that the requirements within the legal agreement relating to affordable housing is sufficiently robust and met within the terms of the reserved matters application and are considered to be acceptable by the Council's Housing Section. As the Council is of the opinion that the legal agreement provides a sufficiently secure mechanism to achieve the required level of affordable housing and as such does not require a Deed of Variation of the Legal Agreement attached to permission 2014/01505/OUT.

As such Members are requested to approve the proposals without the need for a Deed of Variation of the Legal Agreement attached to the outline consent.

RECOMMENDATION

To allow application 2018/00240/RES to be approved in accordance with the previous resolution of 24th April 2018 save for the requirement for a deed of variation of the legal agreement relating to application ref. 2014/01505/OUT.

Reason

In view of the fact that the Council's Senior Lawyer and Housing section are satisfied the affordable housing mix detailed within the submitted documents and that the legal agreement reflects this.

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

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **7 JUNE, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

9. 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.

2018/00078/FUL Received on 23 January 2018

Mr. Richard Wells C/o Agent
Mr. David Thomas DTB Design, 286, North Road, Cardiff. CF14 3BN

18, Bron Awelon, Barry

Ground and first floor rear extension

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 N. Hodges for the reason that there is not considered to be an appreciable difference to the refusal at the past planning committee and there is great local concern in respect of this application.

EXECUTIVE SUMMARY

The site relates to 18 Bron Awelon, a semi-detached property located within the Barry Garden Suburb Conservation Area.

The application seeks planning permission for a ground and first floor rear extension. The ground floor element would be attached to an existing ground floor extension and set in from the boundary with number 16 Bron Awelon by approximately 0.2-0.3m. The first floor extension would be located above the existing single storey element to the rear.

Letters of objection have been received from two neighbouring properties. In addition, the application has been called in to planning committee by Councillor N. Hodges. An objection has also been raised by Barry Town Council. The principal issues relate to the design and visual appearance of the extension, the impact on the character of the Barry Garden Suburb Conservation Area, and other impacts relating to neighbouring amenity such as shading, loss of light and privacy and overbearing.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

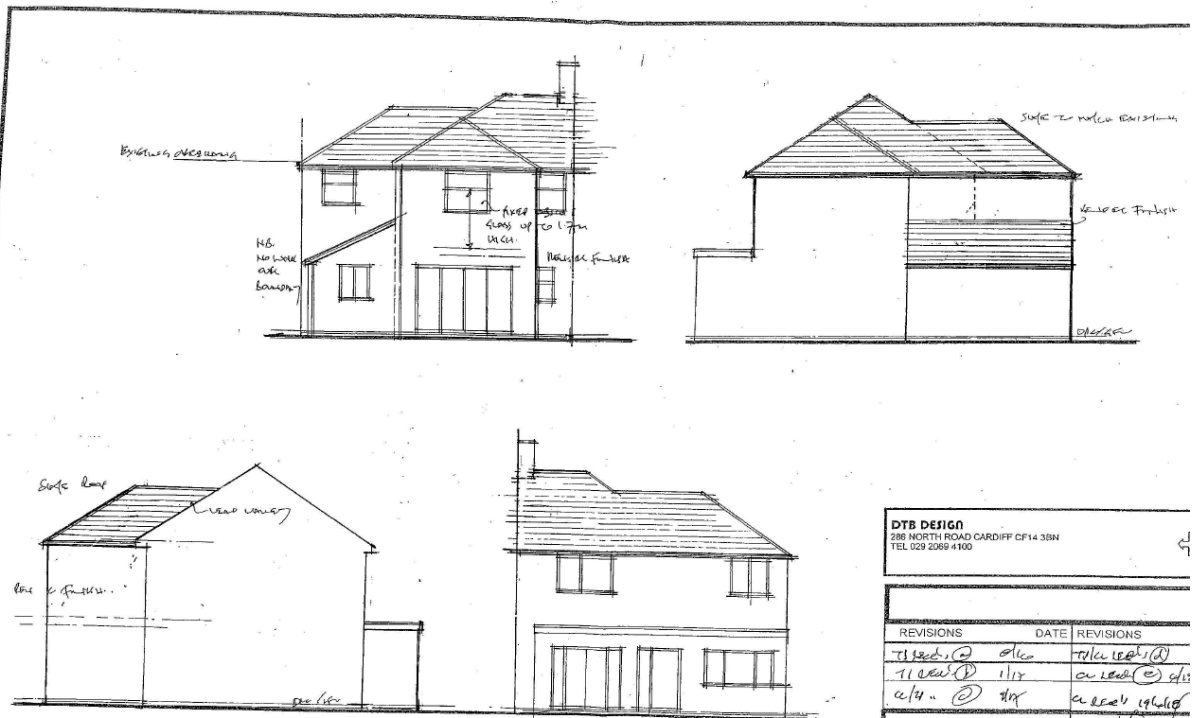
The site relates to 18, Bron Awelon, a semi-detached property located within the Barry settlement boundary. The property is also located within the Barry Garden Suburb Conservation Area.



DESCRIPTION OF DEVELOPMENT

The application seeks permission for a ground and first floor rear extension.

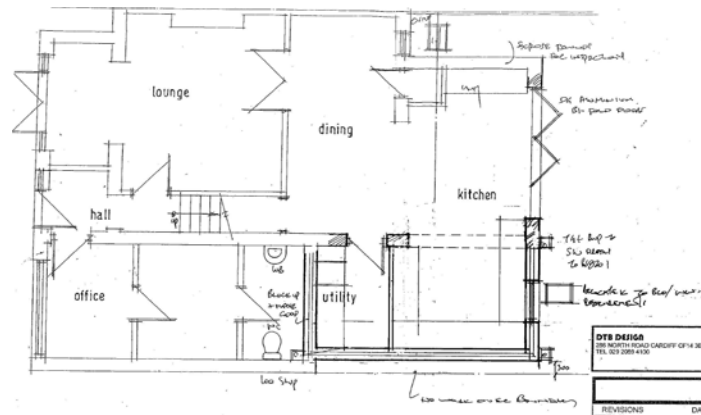
Proposed Elevations



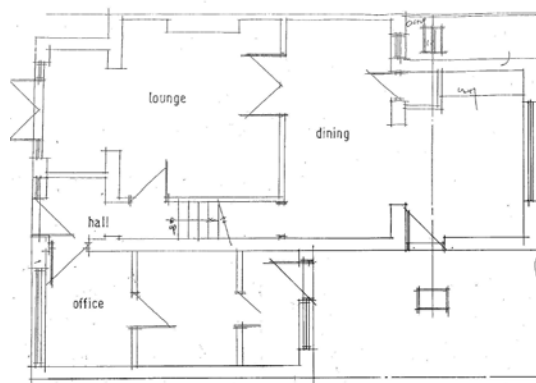
Proposed ground floor

Existing ground floor

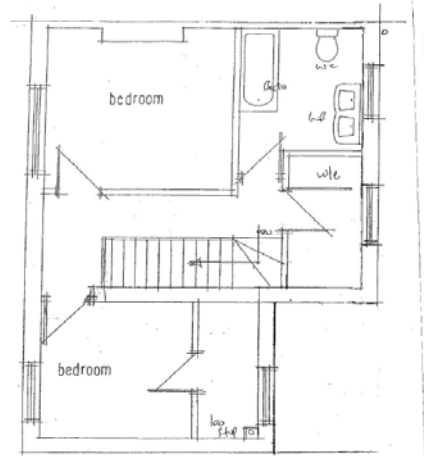
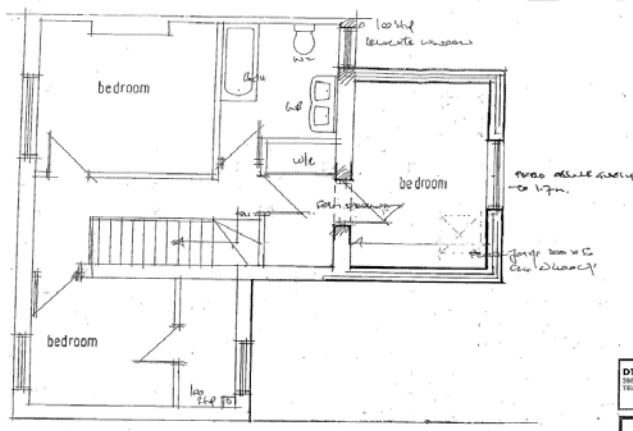
DTB DESIGN 288 NORTH ROAD CARDIFF CF14 3BN TEL 029 2065 4100		
REVISIONS	DATE	REVISIONS
T1 REV @	01/02	T1 REV @
T1 REV @	11/12	T1 REV @
T1 REV @	11/12	T1 REV @
DEVELOPMENT AT		



Proposed first floor



Existing first floor



The rear first floor extension would be set further away from the side boundary with number 16 Bron Awelon than the single storey extension, above an existing single storey addition. The eaves height of the extension would match that of the existing house and the ridge would be set lower.

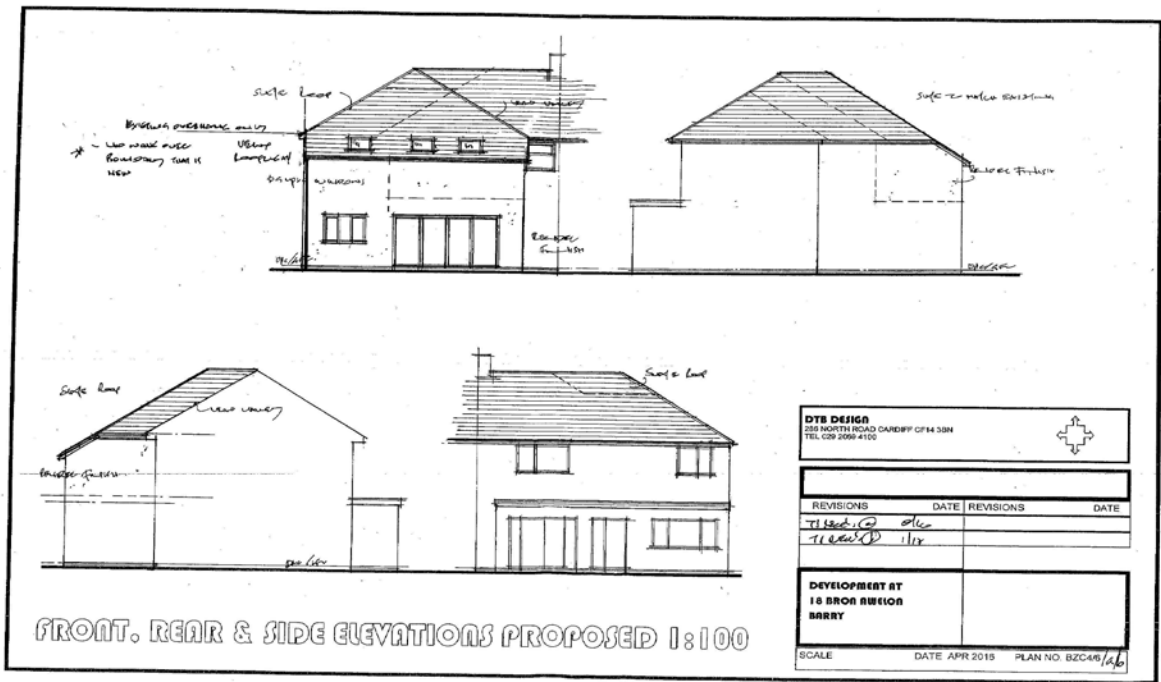
The proposal has been amended from its original form by setting the first floor extension further away from the side boundary with number 16 Bron Awelon.

PLANNING HISTORY

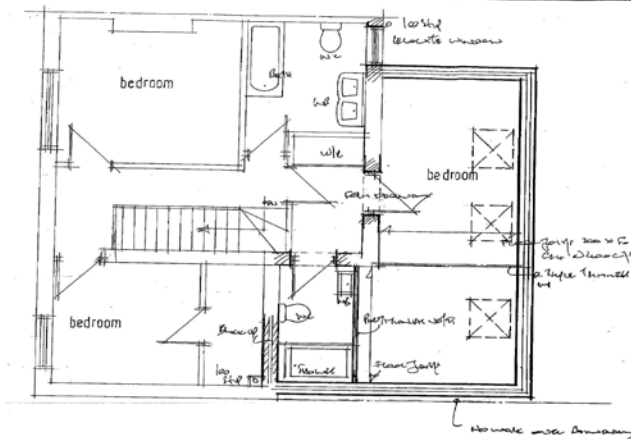
2016/01092/FUL, 18, Bron Awelon, Barry, Ground and first floor rear extension, Refused

By virtue of the size and form and proximity to the side boundary with No.16 Bron Awelon, the extension would result in an un-neighbourly form of development which would be overbearing, result in an unreasonable loss of light and have an adverse shading effect towards the rear garden of No.16, thereby unacceptably impacting upon the residential amenities of the occupiers. Therefore the proposal is considered to be contrary to Policy ENV27 of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards.

Refused plans:



Proposed First Floor (refused)



2016/00637/FUL, 18, Bron Awelon, Barry, Ground and first floor rear extension, Withdrawn

2006/01292/TCA, 18, Bron Awelon, Barry, Work to trees, Refused

2006/00637/FUL, 18 Bron Awelon, Barry, Ground & first floor rear extension, Withdrawn

CONSULTATIONS

Barry Town Council were consulted and commented on the initial plans to state that *“the proposed development by virtue of its size; design; form and closeness to the boundary of 16 Bron Awelon is considered an unneighbourly and overdevelopment of the site. Consequently such a development would cause harm to the privacy; loss of light and amenity of the adjoining property (16 Bron Awelon) and neighbouring properties.”*

Barry Town Council also commented on the amended plans as follows:

“AMENDED COMMENTS Barry Town Council wishes to express a Strong Objection to the proposed development and reiterate its previous objections to the proposed development. The proposed development by virtue of its size; design; form and closeness to the boundary of 16 Bron Awelon is considered an unneighbourly and overdevelopment of the site. Consequently, such a development would be detrimental and cause harm to the adjoining properties; 16 Bron Awelon and 37 Westwood Rise, in terms of privacy; loss of light and overshadowing.”

Baruc Ward members were consulted and Councillor Nic Hodges has called for the application to be considered by planning committee.

REPRESENTATIONS

The neighbouring properties were consulted. 7 letters of representation have been received from two neighbours. The neighbour comments have been summarised as follows:

- The development is contrary to the Council’s published guidance and policies relating to conservation areas, including the Barry Garden Suburb Appraisal and Management Plan (2009) and the Barry Garden Suburb SPG (2006).
- The development would be contrary to Policies 4 and 5 of the Amenity Standards SPG.
- There would be less than 21m between opposing principal windows. Even with the use of frosted glass to a height of 1.7m the proposals are overbearing, intimidating and not in the spirit of policy. The frosted glass could be replaced with clear glass.
- Proposed two storey extension is only approx. 4m from boundary of 37, Westward Rise and the policy recommends 10m from dwelling to rear boundary
- Extension would have an unreasonable loss of daylight and sunlight to neighbouring properties
- Excessive and inconsiderate development has already taken place and any further would be unreasonable.
- The SPG states that the space between buildings should be retained where possible and that the extension should always be distinctly subordinate in scale to the main house.
- Plans show unidentified rooms and some rooms may not be used for their intended purposes.

- Front window has previously been removed and replaced with patio doors with no approval
- Extension would be located on land which is within the ownership of neighbours at number 16 and result in the loss of hedgerow
- Extension would be overbearing on neighbours
- Loss of view to neighbours of trees and wildlife
- An application in 2005 required certificate B but the same has not been advised in this instance
- Bad planning decisions do not necessitate further bad planning decisions.
- Encroachment does not necessitate further encroachment.
- A loft conversion could be an alternative solution.

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). 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
- Barry Garden Suburb
- Barry Garden Suburb Conservation Area Appraisal and Management Plan
- Parking Standards (including the interactive parking standards Zones maps)
- Residential and Householder Development (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the potential impact upon the character of the property and the wider conservation area, as well as the potential impact upon the amenity of neighbouring residential properties.

Design and Visual impact

The application dwelling is one of a semi-detached pair, numbers 18 and 20, which are set back significantly from the building line of neighbouring properties on Bron Awelon. The extension would be located behind an existing two storey

side extension and to the rear, and only glimpses would be offered through the gaps between houses along Westward Rise. Therefore, whilst the proposals would be partially visible from the street to the front and also to the rear, it is considered that the proposals would not be prominent. Whilst the extension would be visible from within the streetscene, the appearance of the property to the front would not be adversely affected. It is considered that the general design and form of the extensions complement that of the existing house and wider conservation area.

Policy SP10 of the LDP states that development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment of the Vale of Glamorgan, including conservation areas. Policy MD8 similarly states that proposals within conservation areas must preserve or enhance the character or appearance of the area. It is considered that the proposed extensions would not detrimentally impact upon the appearance of the property or the wider conservation area and their character would be preserved, in accordance with these policies and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

The neighbour letters refer to the SPG's reference to maintaining gaps between houses within the Barry Garden Suburb. However, the previously approved two storey side extension has already resulted in the loss of this gap and given that the proposed first floor extension would be set in on both sides, it is considered that it would not have an impact over and above the existing scenario. The ground floor extension would be close to the boundary but this would not be appreciable from the street.

The SPG relating to the Barry Garden Suburb states the materials which are typically present within the Garden Suburb and should therefore be used in new development. In this instance, the property and neighbouring properties have been constructed using rough cast render in white, slate roofs etc. The proposed extension would be constructed using matching material and it is therefore considered that the proposals comply with the SPG and policies MD2, MD8 and SP10.

Parking

The existing parking is located to the front on a private driveway, which provides parking for approximately 2 cars. The existing floor plans indicate that the property has two bedrooms, albeit it appears that the dwelling may have previously contained three bedrooms. The Council's parking guidelines contain maximum standards and this proposal, which would involve the provision of a third bedroom, would result in a maximum parking requirement of 3 spaces. It is considered that the two available spaces are sufficient in this relatively sustainable location to serve the property as extended.

Amenity space

The proposals would result in the loss of a small section of amenity space to the rear of the property. However, it is noted that the property sits within a relatively large plot and therefore, whilst the rear garden would be reduced in size, it is

considered that the remaining rear garden would be adequate to serve the needs of the occupiers. The property would also retain a large front garden.

Impact on neighbours

As aforementioned, the plans were amended to set the first floor element further away from the neighbours at number 16, Bron Awelon.

37, Westward Rise (to the rear)

The proposed first floor bedroom extension would be located above an existing ground floor element which currently comprises a kitchen. The eaves height of the proposal would match that of the main dwelling, whilst the ridge height would be lower than that of the main dwelling and the first floor side extension. This element would be located approximately 4-5m away from the boundary to this neighbour at the rear. The proposals would therefore result in a first floor element being developed closer to this neighbour and given the location of this neighbour to the north, it is considered that a degree of overshadowing and a loss of light may occur. However, it is considered that any such impacts would not be significantly different to those caused by the existing house. In addition, the profile of the roof is pitched away from the boundary to this neighbour, such that it is considered that the impacts in terms of overshadowing would not be unacceptable.

The extension would alter the outlook from the rear garden and windows of this property, given that the first floor element would be closer than at present. However, it is considered that the distance to the boundary and the width/height of the extension are such that it would not unreasonably enclose the immediate outlook from that property, or be demonstrably overbearing. Neighbouring representations refer to a need for developments to be set away from boundaries with neighbours by 10m. It appears that this reference is to guidance in the Council's now superseded Amenity Standards Supplementary Planning Guidance, whereas the adopted SPG on Residential and Householder Development does not make reference to 10m in such situations. Notwithstanding that and for clarity, it should be noted that the reference to 10m in the previous SPG was in the context of ensuring privacy is protected.

It should also be noted that the development would be no closer to the boundary with this property than the proposal that was the subject of application 2016/01092/FUL. The impacts of that proposal were considered acceptable relative to this neighbouring property and the width of the extension has since been reduced. Consequently it is considered that this proposal would have less impact on this neighbour than that considered under application 2016/01092/FUL.

The first floor extension would include the addition of a bedroom window to the rear, which would be located approximately 4-5m away from the boundary to this neighbour. The window is proposed as non-opening and obscurely glazed up to 1.7m above the floor level in that room, which therefore alleviates any concerns which may be raised with regards to overlooking to the neighbour's garden or windows. A condition requiring the window to be so maintained would remove the possibility of it being replaced with clear glass (or any such change would be subject to enforcement powers).

The proposed ground floor extension to the rear would be approximately 3.9m in height to the ridge and again, would be located approximately 4-5m away from the boundary to this neighbour. Given the single storey nature of this element and the distance from the boundary, it is considered that it would not have an unacceptable impact on this neighbour.

The proposals also seek to remove the windows on the existing single storey kitchen and replace with glazed patio doors. Given the ground floor nature of these windows, it is considered that they would not result in a detrimental impact to these neighbours.

20, Bron Awelon (adjoining semi to the side)

The proposed first floor extension would be approximately 3.2m deep, matching that of the existing ground floor kitchen. As noted above the eaves height would match that of the existing dwelling, whilst the ridge height would be lower than the existing house. Given that the profile of the roof is angled away from this neighbour, the relatively modest depth and the distance it would be away from the boundary, it is considered that the proposals would not be unreasonably overbearing. The proposed extension would be located to the north east of this neighbour and it is therefore considered that it would not result in an unreasonable degree of overshadowing or loss of light to this neighbour.

The proposals would result in an existing bathroom window being re-located closer to this neighbour. The existing window is located approximately 0.9m away from the boundary to this neighbour, whilst the proposed window would be located approximately 0.2m away from the boundary line. It is considered that the window would not result in a degree of overlooking over and above that existing and it is also noted that the window serves a bathroom. It is therefore considered that the relocated window would not result in an unacceptable degree of overlooking to these neighbours.

16, Bron Awelon (to the side)

The previous application was refused on the basis of the impacts the proposals would have on this neighbour. The plans originally submitted with this application would have resulted in a first floor element located approximately 1.1m away from the boundary to this neighbour. Given the depth of the existing two storey element on the boundary, it was considered that the cumulative impact with this proposal would still be unacceptable.

The amended plans have reduced the width of the first floor element so that it is now only located above the existing ground floor kitchen and would therefore be located approximately 3m away from the boundary with this neighbour. Given that the property is set well back within the plot, the proposed first floor element would be located approximately 8-9m away from the rear elevation of this neighbour. The new extension would be clearly visible to this neighbour, however, given the distance it would now be set away from the boundary, it is considered that it would on balance no longer be unacceptably overbearing, relative to the neighbour's garden or windows. It would undoubtedly alter the outlook from this

neighbouring property but the distance away from the boundary would ensure that it would not unreasonably dominate it.

The extension would be located to the west of the neighbour's garden and together with the profile of the roof sloping away from this neighbour, it is considered that it would not result in an unreasonable degree of overshadowing or loss of light to this neighbour's garden. It is also noted that the side elevation of the extension would have a blank elevation and therefore there would be no overlooking to this neighbour.

The single storey element of the extension would be located approximately 0.2-0.3m away from the boundary to this neighbour. The eaves height of this element would be approximately 2.3m, rising to approximately 3.9m in height to adjoin the existing single storey element. Given the single storey nature of this element and its modest size, it is considered that it would not have an unacceptable impact on this neighbour's amenities.

Boundary issues

As was raised during the previous application (2016/01092/FUL), an objection has been made on the basis that the application should be considered invalid due to disagreement on the position of the boundary, foundations, overhanging rainwater goods and the impact to the hedge planted at No. 16. The provisions of the Party Wall Act have also been raised.

The submitted application forms include a declaration of ownership completed on behalf of the applicant, suggesting they own all of the land to which the application relates. The submitted plans illustrate the extension can be accommodated within the building line of the side elevation of the existing extension. It should be noted that the existing garden fence has not been erected in line with the side elevation of the property and the applicant has stated that this garden fence has been erected within their own garden.

As was stated by the Officer in the report of the 2016 application, it is not within the scope of this application to make a legal determination as to the position of the boundary and there is no clear evidence the extension would be located on land outside of the ownership of No. 18. The application is therefore considered to be valid as submitted. In determining the application, the property ownership at this boundary is not a material planning consideration. The grant of planning permission does not affect property ownership rights or other legal matters pertaining to the development.

The Party Wall Act may be relevant to this development but is not legislation that is enforced or administered by the Council. There is no requirement to complete or initiate the provisions of the Act prior to the submission or determination of a planning application.

Other issues

The neighbouring letters make reference to the conversion of rooms, which is often permitted development and it is not fundamental to the acceptability of this proposal.

The neighbour letters also refer to the addition of a patio door to the front elevation which replaced a window. There does not appear to be planning history for this element of the property, however, the application makes no reference to this element which in itself is not considered unacceptable either visually or in terms of impact on neighbours.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

BZC4/4 Rev D Proposed Ground Floor received 24 April 2018
BZC4/6 Rev H Proposed Elevations received 24 April 2018
BZC4/5 Rev E Proposed First Floor received 24 April 2018
BZC4/3 Rev A Existing Ground Floor Plans received 30 April 2018
BZC4/2 Rev A Existing First Floor Plans received 30 April 2018
BZC4/1 Site Location Plan & Existing Elevations

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. Any part of the first floor rear elevation window in the extension hereby approved 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 Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in

accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policy SP1 –Delivering The Strategy, Policy SP10 – Built And Natural Environment, Policy MD2 – Design of New Development, Policy MD5 – Development Within Settlement Boundaries and Policy MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council’s Supplementary Planning Guidance on Barry Development Guidelines, Barry Garden Suburb, Residential and Householder Development and Parking Guidelines, Planning Policy Wales 9th Edition and Technical Advice Note 12- Design, the development is considered acceptable in terms of its scale, design, impact on neighbours, parking and impact on amenity space provision.

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

NOTE:

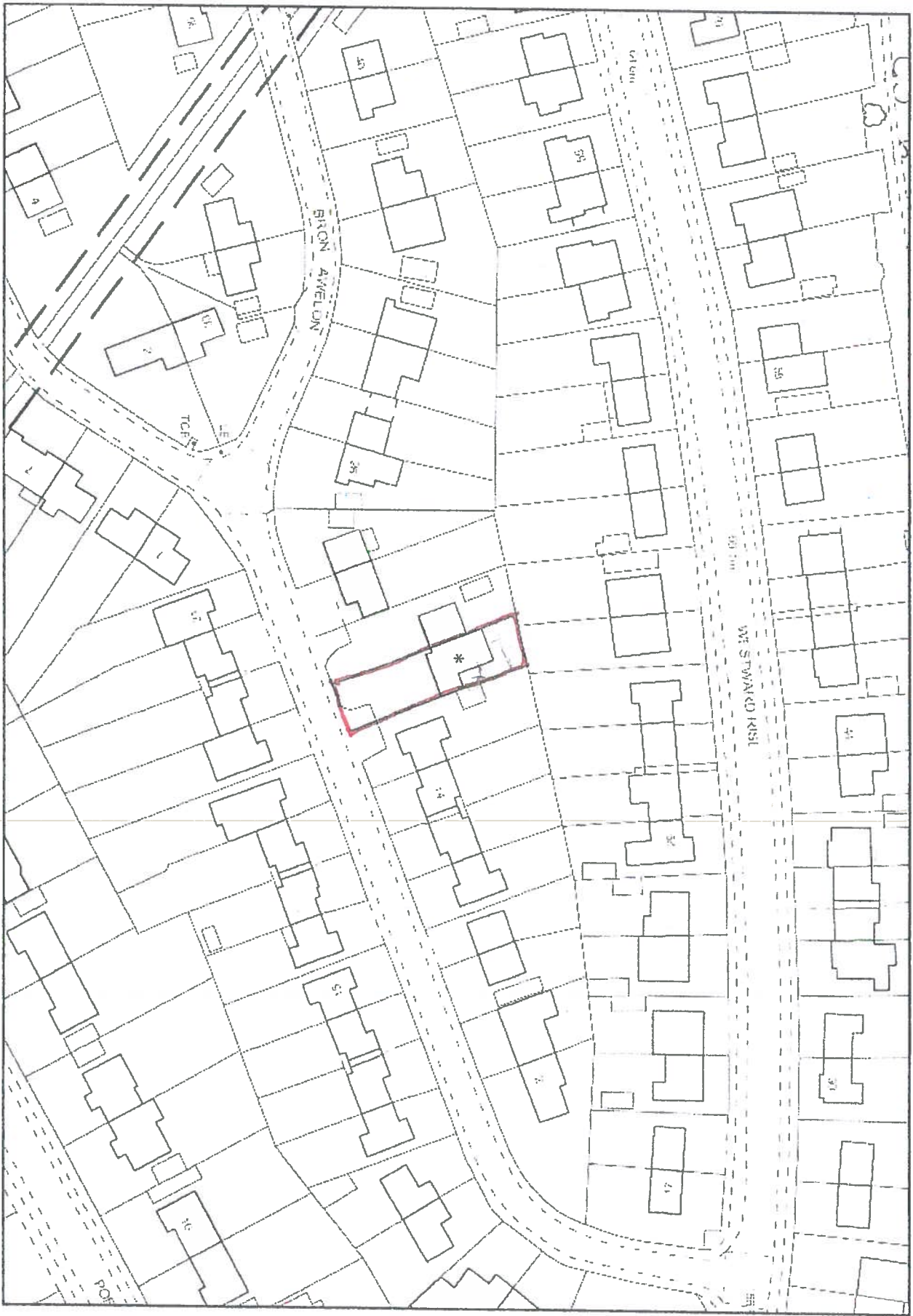
- 1. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with 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. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

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.



2018/00078/FUL

2017/01203/FUL Received on 11 April 2018

Dwr Cymru Welsh Water Ty Awen, Spooner Close, Coedkernew, Newport., NP10 8FZ
Mr Howard Jones Unit 14, St Asaph Business Park, St Asaph, Denbighshire.
LL17 0LJ

Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys

Change of use of land as an extension to the existing wastewater treatment works site and to the compensatory dormouse habitat and for the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WwTW), Cardiff Road, Dinas Powys

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site relates to the Cog Moors Welsh Water Treatment Works (WWTW) situated to the east of the A4055 Cardiff Road, approximately 2km east of Barry and 1km south of Dinas Powys.

This is a full planning permission for the change of use of land as an extension to the existing wastewater treatment works site and the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures.

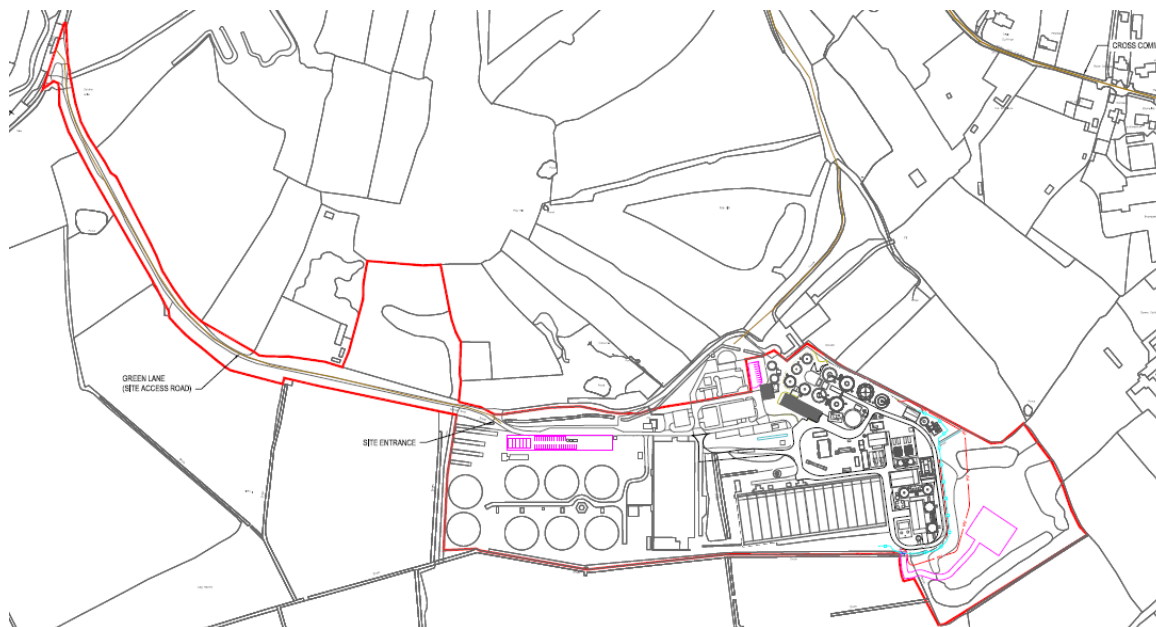
A total of four letters of representation have been received including a letter from Cllr Mahoney. The objections raised mainly relate to visual intrusion in a rural environment, emission, noise, odour, visual impact.

The main issues in assessing the application relate to visual impact and the impact on ecology, given that dormice are present at the site. Consideration is also given to noise, air quality and odour and traffic impacts, drainage and impact on built heritage

In summary it is considered that the development is acceptable, subject to the compliance with conditions and necessary mitigation and management, having regard to its visual and wider landscape impacts. In addition the proposal would not be detrimental to residential amenity, in terms of odour, noise and air quality, nor cause an unacceptable adverse impact on the local highway network, nor prejudice the minerals resource and would ensure the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

SITE AND CONTEXT

Cog Moors Welsh Water Treatment Works (WWTW) is situated to the east of the A4055 Cardiff Road, approximately 2km east of Barry and 1km south of Dinas Powys.



The existing site contains both concrete and steel process tanks, together with a series of process and control buildings and associated items of plant and equipment. Vehicular and pedestrian access to the site is gained via a private road (Green Lane), which runs in a south easterly direction from its junction with the A4055.

The WWTW site is located within a low-lying landscape, characterised by flat fields separated by ditches. The land rises steeply to the north of the WWTW site (Pop Hill) and is intermittently wooded.

The nearest residential property to the site is located at Downs Farm (a Grade II listed building), approximately 230m to the east. Other residential properties are located at distances of more than 0.5km, on Ashby Road to the south, along Cross Common Road to the north east and along Sully Road and Cog Road to the east and south, respectively.

A Site of Importance for Nature Conservation (SINC 299) extends around the eastern and southern boundaries of the WWTW and includes part of the application site. A second Site of Importance for Nature Conservation (SINC 154) is situated at Pop Hill, immediately to the north of the WWTW site. The Cog Moors Site of Special Scientific Interest (SSSI), is located immediately to the south and west of the application site.

The site falls within Zone C2 flood risk as set out in the Welsh Government Development Advice Maps (DAMs).

DESCRIPTION OF DEVELOPMENT

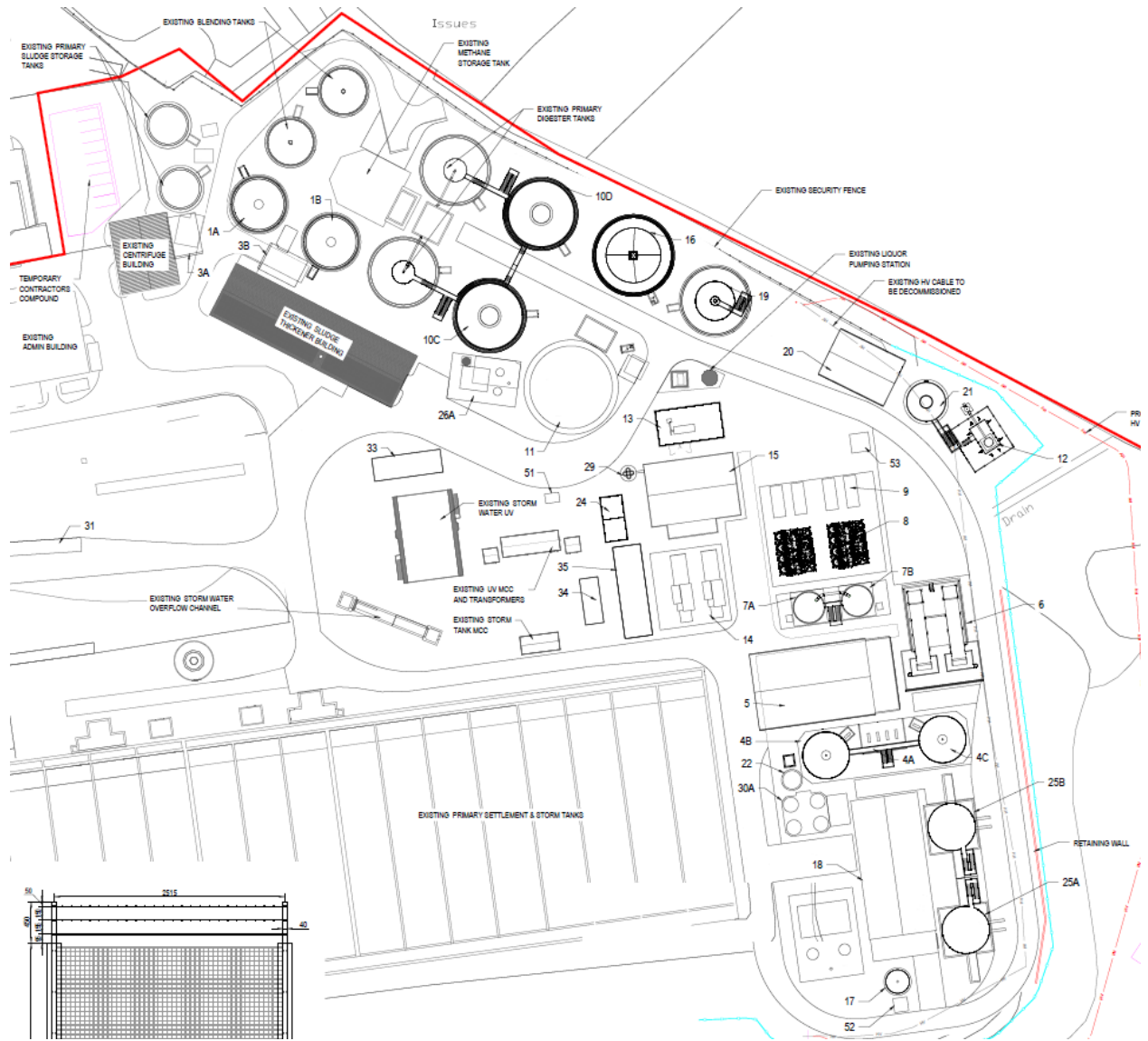
This is a full planning permission for the change of use of land as an extension to the existing wastewater treatment works site and the construction of an Advanced Anaerobic Digestion (AAD) Plant, together with associated landscaping and mitigation measures and the formation of a temporary construction compound at Cog Moors Wastewater Treatment Works (WWTW), Cardiff Road, Dinas Powys.

The proposed Advanced Anaerobic Digestion (AAD) plant comprises a number of new process and storage tanks and buildings, together with the demolition of and modifications to some existing items of plant and equipment.

The proposed development would provide for:

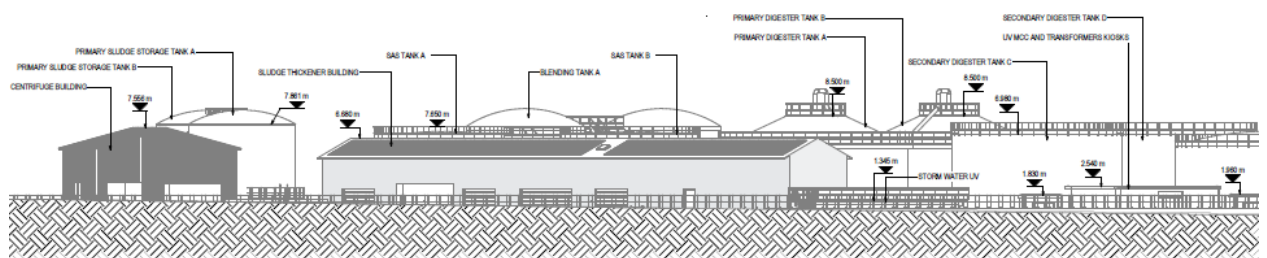
- Additional digestion capacity;
- Conditioning of the sludge generated on the site, (dewatering and removal of contaminating rags and plastic);
- Reception facilities for sludge imported to the site from satellite WWTWs;
- Blending of the indigenous sludge and imported sludge;
- A thermal hydrolysis plant (THP), which uses steam to increase the temperature and pressure in a reaction vessel to pre-treat the sludge;
- Boilers to generate the steam for thermal hydrolysis;
- A siloxane plant to remove contaminants from the biogas generated;
- A combined heat and power (CHP) plant to generate useable heat and electricity, which can be used on site, exported to the grid, or both.
- A UV plant to treat some of the final effluent water from the WWTW, to provide better quality process water, for the THP sludge preparation downstream of thermal hydrolysis;
- Tanks to hold sludge and liquor, resulting from the thickening and dewatering processes;
- A cake storage silo;
- Odour control equipment;
- New internal site access roads and drainage;
- Site clearance and earthworks and new fencing;
- New motor control centre (MCC) equipment and control kiosks; and
- Appropriate mitigation planting and ecological mitigation measures;

The proposed development will not involve the use of any hazardous substances in notifiable quantities.

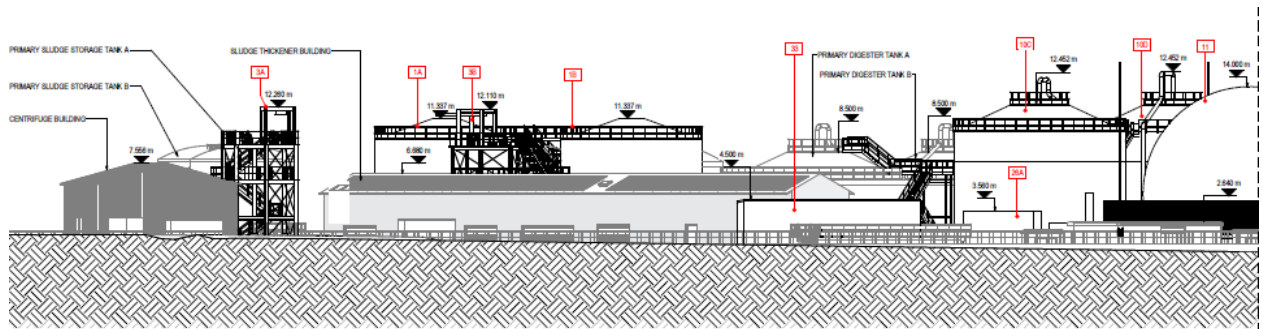


Proposed Site Layout

The new structures mainly comprise of process and storage tanks, silos walkways, ancillary and kiosk buildings and a stack. To accommodate the new development a number of existing tanks will demolished.



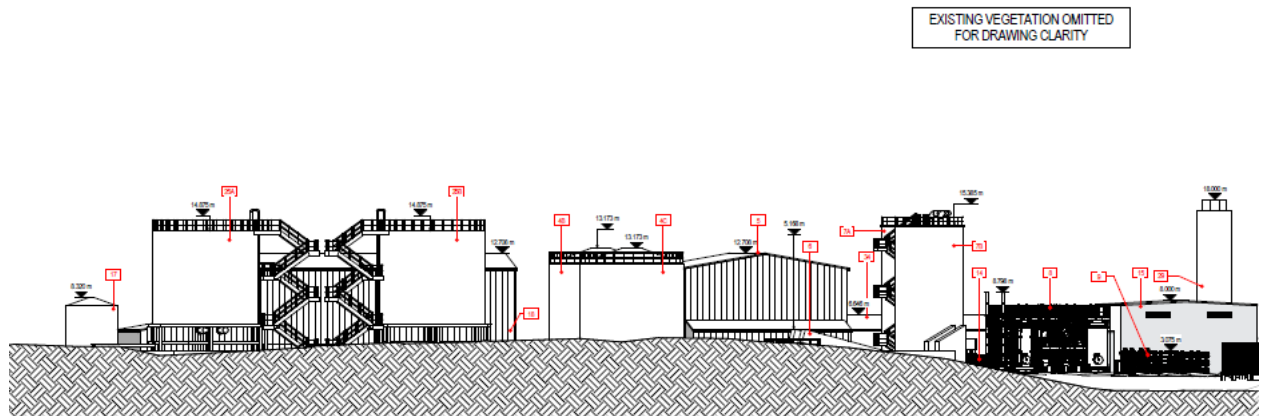
Existing Elevations Looking North



Proposed Elevations Looking North

The heights of the new structures will vary, with the highest structures comprising of the feed silos at 15.38m, with the export silos at 14.87m. The highest structure is the stack which is 18m high. The main existing structures are some 8 – 9m in height. This is shown below

:



Proposed Elevation (west)

Temporary construction compounds will be sited on an area of mown grassland, immediately adjacent to the existing final settlement tanks, and on an area of grassland to the east of the proposed AAD plant.

Vehicular access to the proposed development will continue to be gained from the A4055 via Green Lane.

In addition, an upgrade to the electricity connection will be required.

RELEVANT PLANNING HISTORY

Planning permission for the construction of Cog Moors Sewage Treatment Works was first granted, in outline, in 1983 (82/1965). That permission was subsequently renewed on a number of occasions. Outline planning permission Ref: 92/00664/OUT was granted in April 1994 for renewal of the consent for the sewage treatment works, subject to conditions and a Section 106 agreement. The Agreement restricts development on land of ecological value within the application site and provides for its management and maintenance. The

agreement applies to land to the south and north of the existing treatment works but not to land subject to the current application.

2017/00162/SC1, Address: Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys, Proposal: Screening opinion for construct Advanced Anaerobic Digestion (AAD) plant at Cog Moors Wastewater Treatment Works, Decision: Environmental Impact Assessment (Screening) - Not Required,

2012/00820/FUL, Address: Cog Moors Wastewater Treatment Works, Green Lane, off Cardiff Road,, Proposal: Proposed erection of roof mounted solar photovoltaic panels on three existing buildings within the operational site of Cog Moors Wastewater Treatment Works., Decision: Approved,

2010/01132/FUL, Address: Dwr Cymru Wastewater Treatment, Green Lane, Dinas Powys, Proposal: Erection of a 60m meteorological mast for a temporary period of three years, for the purpose of monitoring noise, wind speed and direction, plus associated engineering operations., Decision: Approved,

2006/00581/FUL, Address: Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys, Proposal: Improvement and expansion of Wastewater Treatment Works, Decision: Approved,

1994/00545/FUL, Address: Field 3751, Cog Moors Sewage Treatment Works, Proposal: Landscaped mound of surplus excavated material from construction of Cog Moors Sewage Treatment Works, re. application 89/00468/OUT, Decision: Approved,

1994/00544/RES, Address: Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys, Proposal: Sewage Treatment Works (re. application 89/00468/OUT), Decision: Approved,

1992/00664/OUT, Address: Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys, Proposal: Renewal of previous application 89/00468/OUT for sewage treatment works, Decision: Approved

1989/00468/OUT, Address: Cog Moors Sewage Treatment Works, Barry Road, Dinas Powys, Proposal: Sewage Treatment Works (Renewal 86/0130), Decision: Approved,

1982/01965/OUT, Address: Cog Moors, part OS 1569 and 1669, Dinas Powys, Proposal: Sewage treatment works, Decision: Approved,

CONSULTATIONS

Dinas Powys Community Council were consulted and objects for the following reasons:-

“Odour Control

1. That adequate measures are put in place to ensure that odour emissions are reduced from the current levels, or at least not increased;
2. That monitoring includes an element which is meaningful to the local communities in proximity to the site

Construction and Service Traffic

Due to existing traffic levels, Dinas Powys Community Council seek assurances that no construction or service traffic will be routed through Dinas Powys”

Council’s Highway Development Team were consulted and to date no final comments have been received. However the highway engineer has reviewed the submitted Transport Statement and Construction and Traffic Management Plan.

Council’s Public Rights of Way Officer was consulted and has raised no objection to the scheme.

Council’s Ecology Officer was consulted and does not object to the application, subject to the following conditions:

1. Site clearance must be undertaken in accordance with the Method Statement as per the Dormouse European Protected Species NRW licence AND, in accordance with Section 9 of the Great Crested Newt Survey March 2018.
2. Protect and reinstate Site of Importance for Nature Conservation. Implement measures detailed in Section 8 of the Habitat Management Plan; March 2018 by Arcadis. Report ref 4798-S-202-HYD-XX-XX-RP-XX-10199, V2 and the Biodiversity Strategy; March 2018

Council’s Highways and Engineering Team (Drainage) were consulted and have stated that the site is located within DAM zones C2 and therefore NRW should be consulted upon the application. The application contains a Flood Consequence Assessment which details previous correspondence with NRW regarding fluvial and tidal flood risk across the site.

A drainage strategy has also been submitted with the application, that has been approved between the Lead Local Flood Authority (LLFA) and the consultant further to sufficient information being supplied. No objection is raised subject to a condition for a detailed scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority.

Council’s Shared Regulatory Services were consulted as follows:

Environmental Health Officer - Following on from previous correspondence and agreements, this department is satisfied that there should not be any detrimental impact on residential amenity in allowing the above proposal.

Specialist Services Officer Environment has requested conditions relating to: contaminated land measures; unforeseen contamination; importation of soils and aggregates; use of site won materials. In addition an informative is also requested in relation to contamination and unstable land advisory notice

Council’s Landscape Section was consulted and following the submission of additional details have confirmed that there is no objection to the development, is satisfied and agrees with the conclusions reached in the Landscape and Visual Assessment (LVA)

In respect of the impact on trees the Tree Removal of the Tree Survey Report and Arboricultural Impact Assessment and indicates the numbers and areas of trees and woodland to be lost during the proposed works to develop the site. However following submission of further details, updated surveys and planting proposals no objection is raised.

Chief Fire Officer was consulted and has stated 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.

Dwr Cymru Welsh Water have advised that the content of their consultation response has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, and recommendations incorporated within the planning application whereby protection zones for a number of public sewer assets and apparatus have been accommodated alongside the development proposals.

Natural Resources Wales were consulted and have stated that dormice are confirmed present in woodland at the eastern end of the application site, in the area of the Site of Importance for Nature Conservation (SINC).

NRW note the revised proposals for dormouse mitigation, which include an area of habitat creation on land currently adjacent to land owned by Dwr Cymru/ Welsh Water (DCWW). NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided the land is secured and the conditions relating to long term habitat management and monitoring and a details of scheme of lighting.

In respect of flooding, NRW advise that the proposal involves the erection of less vulnerable development located partially within Zone C2 . NRW note from the submitted Flood Consequences Assessment (FCA) Technical Note that no permanent development is proposed within the flood outlines, however there is a temporary construction compound and car park to the west of the site which is at risk of flooding. However in conclusion and given the type of development; the level of predicted risk, and the temporary nature associated with it, they have no objection to the application as submitted, subject to the developer being made aware of the potential flood risks.

In relation to air quality, NRW note that the submitted report 'Air Quality Assessment' prepared by Arcadis dated November 2017 has been revised following their advice. The results indicate that the emissions of nitrogen oxides (annual and 24hr), nitrogen deposition and acid deposition will not be significant at the designated sites that were within the relevant screening distance.

Cardiff and Vale University Health Board (Public Health Wales) were consulted and have made the following comments, as summarised.

The air quality assessment indicates that both process contribution and predicted environmental concentration are within standards for the protection of human health. The supplied noise assessment concludes that subject to the implementation of additional mitigation, noise generated by the prosed AAD

facility would not be considered detrimental to the amenity of the nearest noise sensitive receptor. The supplied odour modelling results show that the receptors closest to the site are expected to experience negligible changes in odour. Three sensitive receptors are anticipated to experience an overall decrease in odour, likely to be due to the more effective odour control measures being implemented and the exhaust design which will facilitate better dispersion than the current units.

Glamorgan Gwent Archaeological Trust were consulted and have advised that the area has been disturbed due to its current use and it is unlikely that archaeological remains would be encountered during the work. However archaeological material may be disturbed during the course of the work and GGAT should be contacted. Nevertheless, no objection has been raised to the determination of this application.

Cadw (Ancient Monuments) were consulted and have stated that having carefully considered the information provided with this planning application, they consider that the proposed development will not damage the settings of GM431 or GM535. However, there is potential for very slight, but not significant damage to the setting of scheduled monument GM378. No objection is raised to the impact of the proposed development on the scheduled monuments

Dinas Powys Ward Members were consulted and no comments have been received to date.

Cllr Mahoney (Sully Ward Member) has objected to the application on the following grounds:

- 1) Visual intrusion in a rural environment, the industrial stack and other major buildings and over development.
- 2) Yet more toxic emissions expelled into an area already full of industrial emission producing stacks chemical works etc. accumulative effect.
- 3) Increased activity noise levels to residents in Ashby Rd and other nearby residents.

REPRESENTATIONS

The neighbouring properties were consulted on 17 November 2017. Site notices were also posted 21 November 2017 and press notices were published on 23 November 2017.

To date a total of four letters of objection have been received, with the main concerns summarised below:

- Rights of access along Green Lane by Welsh Water
- Visual impact of the proposal and height of structures above the surrounding tree level.
- Impact on the rural character of the area

- An increase in odour and noise levels from the proposal
- Existing effects of smells and fumes from the plant.
- Noise from construction works
- Impact on the value of property.
- Environmental impacts including SSSI,
- The proposal would adversely affect the setting of a listed building, namely Downs Farm, which has a grade II Listed status

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP8 – Sustainable Waste Management
 POLICY SP9 - Minerals
 POLICY SP10 – Built and Natural Environment

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 Extraction)
 MG22 – Development in Minerals Safeguarding Areas

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 MD20 - Assessment of Waste Management Proposals

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

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 8 – Renewable Energy (2005)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). 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
- Design in the Landscape
- Sustainable Development - A Developer's Guide
- Minerals Safeguarding

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:

- Habitats Regulations Assessment - Appropriate Assessment Report of Deposit LDP (2013)
- Habitats Regulations Assessment Screening of Focused Changes (2015) and Matters Arising Changes (2016)
- Identification of SINCs (2013)

- Waste Management Background Paper (2013) (Also see LDP Hearing Session 13, Action Point 16 response)

Other relevant evidence or policy guidance:

- Welsh Office 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.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background

Of relevant to the assessment of this application is an overview of the wastewater treatment processes, which is based on and summarises the Planning Statement:

Wastewater treatment processes typically produce a treated liquid effluent (which is normally discharged to either a river or to the sea, in accordance with an appropriate discharge consent) and a sewage sludge (which is normally disposed of to agricultural land, following treatment).

At Cog Moors WWTW, the sewage sludge that results from the treatment of wastewaters is currently treated by anaerobic digestion. The existing digestion process releases biogas, which is used to generate electricity on site, whilst the sewage sludge, following digestion, (referred to as "sludge cake") is then disposed of to farmland as a soil improver and fertiliser. The residual liquors, following digestion, are returned to the WWTW inlet works for treatment.

Over recent years, advanced anaerobic digestion (AAD) technologies, involving thermal hydrolysis, have become well established and enable the overall digestion process to operate more efficiently, producing both increased volumes of biogas and an improved fertiliser.

Justification for the Proposed Development

Technical Advice Note 21: Waste, states that a Waste Planning Assessment should be submitted with all applications for a waste facility classified as a disposal, recovery or recycling facility.

The TAN requires, amongst other things, a description of how the proposals will contribute to the relevant provisions of 'Towards Zero Waste' and the Collections, Infrastructure and Markets Sector Plan.

The supporting statement states that additional sewage sludge treatment capacity is required in order to deal with increased volumes of sewage sludge generated as a result of both population growth and improvements to wastewater treatment processes which enhance the quality of the treated effluent.

It is noted that Cog Moors WWTW is one of DCWW's major WWTW in South Wales and serves a large geographic catchment which includes Barry, Dinas Powys, Penarth, Cardiff West, and Sully. In treating the wastewaters that arise from this catchment, the Cog Moors WWTW generates a substantial volume of sewage sludge.

Moreover it is stated that additional capacity is also required to increase both flexibility and resilience, in the event planned maintenance shutdowns or the unexpected unavailability of DCWW's sludge treatment facilities elsewhere.

The sludge strategy for South Wales is for all sludge produced across the region to receive treatment in an AAD facility.

It is proposed that the AAD facilities would treat the indigenous sewage sludge produced at the WWTW where the facility is located and would also receive sludge imports from "satellite" sites across South Wales. De-watering would take place at the "satellite" sites in order to reduce the volumes of sludge to be transported and, thereby, the number of traffic movements required.

As part of its sustainability strategy, DCWW is seeking to reduce its carbon footprint, as an effective contribution to the wider effort within Wales. It is intended that this will be achieved, in part, through improved energy efficiency and carbon reduction measures, particularly through investment in advanced anaerobic sewage sludge digestion.

Site Selection

In line with the requirements for a Waste Planning Assessment, the agent has set out the rationale of site selection.

It is stated that consideration was given, firstly, to expanding the existing AAD Plants at Cardiff and Afan WWTW's, but there is insufficient space available at either site to accommodate the additional plant and equipment that would be required. Consideration was then given to constructing a third AAD facility at other sites across South Wales, however, the range of alternative sites which are potentially available to accommodate the additional AAD sludge treatment capacity is stated to be limited by the ability of the host WWTW to accept and treat the resultant sludge processing liquors.

Consequently, the number of potential sites that could reasonably accommodate the third AAD facility was reduced to three, comprising Cog Moors WWTW, Eign WWTW and Rotherwas WWTW (the latter two sites are near Hereford).

A whole-life cost analysis was undertaken at each of these three sites and it was concluded that Cog Moors was the most cost-effective location for the AAD facility. The cost benefits of building at Cog Moors mostly derived from the availability of a number of existing assets that could be re-used and that Eign and Rotherwas would each require a costly additional treatment plant because of the sensitivity of the receiving water (River Wye).

The sewage sludge that is generated at Cog Moors is treated on-site by existing anaerobic digestion facilities. The proposed AAD process that DCWW wishes to introduce would operate in conjunction with the existing digesters at Cog Moors WWTW (which would be refurbished), thereby making full use of the existing infrastructure and the investment that has taken place previously at the site.

Cog Moors WWTW has sufficient capacity to accept and treat the residual liquors that would be produced by the digestion of both indigenous and imported sludge by means of the AAD process. It is stated that the provision of an entirely new AAD plant, including digesters and sludge handling equipment at an alternative WWTW site, other than Cog Moors, would not make the best use of existing infrastructure and would result in unnecessary duplication and expenditure and would require the transfer, by road tanker, of large quantities of untreated sewage sludge presently generated at Cog Moors to the alternative site.

In addition, the existing anaerobic digestion facilities at Cog Moors WWTW have operated for a number of years and DCWW has assembled a trained local workforce at the site with a wealth of experience in operating the digestion processes. This trained and experienced workforce could be lost, if the proposed AAD plant was to be developed elsewhere.

For the reasons outlined above, DCWW proposes to develop the proposed AAD plant at Cog Moors WWTW, to accept and treat both indigenous sewage sludge and some of the dewatered sewage sludge arisings from other "satellite" WWTW sites in South Wales, in accordance with the Company's Sludge Strategy.

The Proposed AAD Plant and process

The proposed AAD plant will operate in conjunction with the existing sewage sludge treatment facilities and is located, therefore, on the eastern side of the existing Cog Moors WWTW, adjacent to the existing sewage sludge treatment infrastructure.

The process is as follows:

- Prior to digestion, raw sludge from the storage tanks would be filtered through strainpresses, where screenings such as leaves, sticks and other inert material would be separated and discharged to a skip. A total of four strainpresses are proposed along with a maximum of four associated skips.
- Following filtering, via the strainpresses, the sludge will be moved to Blending Tanks and dewatered by means of a centrifuge; the dewatered

indigenous sludge will then be mixed with imported sludge in the THP Feed Silos.

- The combined sludge will be transferred to the THP unit where it will be heated to approximately 165 degrees Celsius and pressurised to 6 bar for 20 to 30 minutes before undergoing anaerobic digestion.
- The biogas produced by the proposed AAD plant will be used by a combined heat and power (CHP) plant and boiler, to generate heat and renewable electricity, for use on site or for export to the electricity grid.
- The residual liquors, following digestion, would be returned to the WWTW inlet works for treatment.
- The sludge cake would be recycled to farmland as a high-value and sustainable fertilizer.
- The sludge cake at Cog Moors will be stored in a cake silo before off-site recycling. A silo is a contained tank under which a sludge tanker is driven. Sludge is dropped from the silo directly into the vehicle via a sliding door mechanism and taken to agricultural land.

Part of the proposed AAD plant would be located within the existing operational area of the WWTW. The balance of the proposed development would be sited immediately to the east of the existing operational area, on an area of woodland, scrub and ruderal vegetation.

As the engineering design of the proposed AAD plant has progressed, mitigation measures have been incorporated to reduce the potential impact of the proposed development on the surrounding area, which is considered in detail in ecological and visual impact sections of this report.

It is stated that a compact layout has been adopted, in order to avoid the loss of individual trees located along the north eastern boundary of the site, which are the subject of a Tree Preservation Order (TPO), and to minimize the loss of an area of woodland immediately to the east and south east, which is also the subject of a TPO.

The height of the proposed tanks and other structures have also been reduced commensurate with process requirements, in order to minimize their landscape and visual impacts.

Visual Impact

The application has been supported by a Landscape and Visual Impact Assessment (LVIA) to assess the potential effects of the proposed development on landscape and visual amenity. This includes an assessment of the construction works.

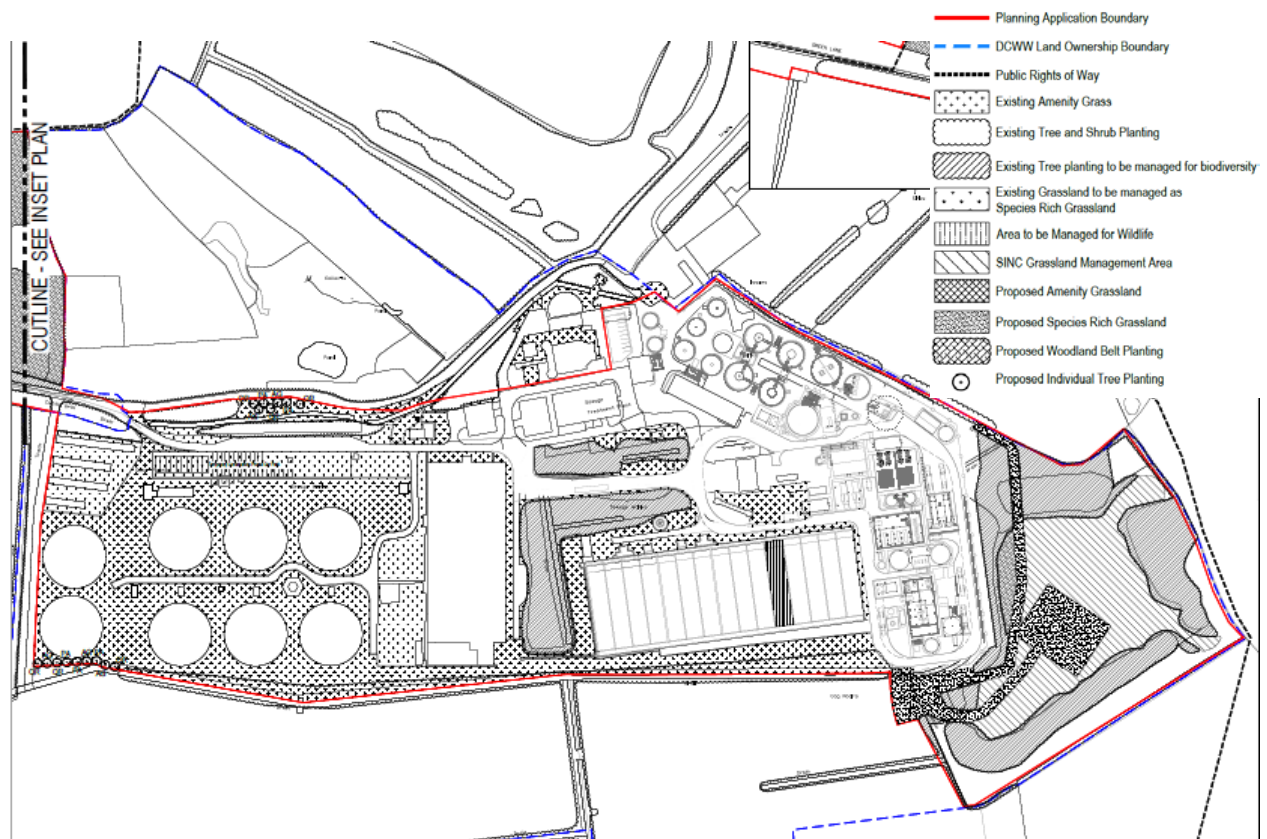
The overarching Study Area for this appraisal extends to a 2km radius from the proposed development. Beyond this distance, it is anticipated that the proposed development would not be readily perceptible within the wider landscape. To

refine the appraisal, a Zone of Theoretical Visibility (ZTV) has been generated within the Study Area, which represents the theoretical area from which any part of the proposed development may be seen

The LVIA states that best practice construction methodologies would form part of the Project Environmental Management Plan (PEMP). This describes the procedures for the management of environmental effects during construction. The PEMP would be prepared, managed and monitored by the main contractor. Trees, shrubs and hedgerows to be retained within the site would be protected during construction, and areas of landscape that are temporarily disturbed during construction would be restored on completion.

The colours of proposed buildings and structures are stated to have been carefully selected in response to the semi-rural landscape context of the proposed development and the appearance of the existing structures and colours, with the use of muted green and grey colours for building/structure exteriors.

An analysis of the key opportunities and constraints for the proposed scheme was undertaken and used to inform the mitigation proposals. Extensive mitigation works including planting, seeding, fencing etc. are shown below.



The woodland belt planting is to consist of translocated stools/stumps taken from the areas of existing woodland being removed.

Areas identified as Woodland Belt Planting that cannot be covered by translocated trees will be planted using new planting material. This planting will be undertaken in accordance with the schedule set out within the Landscape Management Plan (LMP). The LMP also includes deals of species rich grassland and amenity grass land and the maintenance and management of all of the landscaping includes replacement planting, should any planting fail.

Areas of landscape that are temporarily disturbed during construction would be restored on completion. During the design process, it is stated that there has been due consideration for local landscape and visual amenity. In order to accommodate the proposed scheme within the local landscape, the following mitigation measures have been proposed :

- New woodland planting in the south east of the proposed development,
- Small pocket of individual tree planting near site entrance, and
- Minimise lighting spill on new structures by;
 - i. There will be no change of lighting features on existing structures;
Cog Moors WWTW – Proposed Advanced Anaerobic Digestion (AAD) Plant
 - ii. There will not be any permanently lit flood lighting of the stack. An access platform on the stack will be used for routine maintenance and will have the appropriate task lighting installed, but this will usually be once a year activity;
 - iii. Use of latest lighting technology to reduce light spill;
 - iv. Emergency lighting will only be used at night when necessary, and
 - v. The intelligent exterior lighting would normally be switched off between 7pm and 7am subject to routine maintenance/emergency works/operational need and the lighting activation would be linked to motion sensors to maximise efficiency.

Construction would be undertaken whilst the existing WWTW remains operational. This would be facilitated by use of temporary construction compounds sited on an area of mown grassland, immediately adjacent to the existing final settlement tanks, and on an area of grassland within Cog Moors Site of Importance for Nature Conservation (SINC) to the east of the proposed AAD plant.

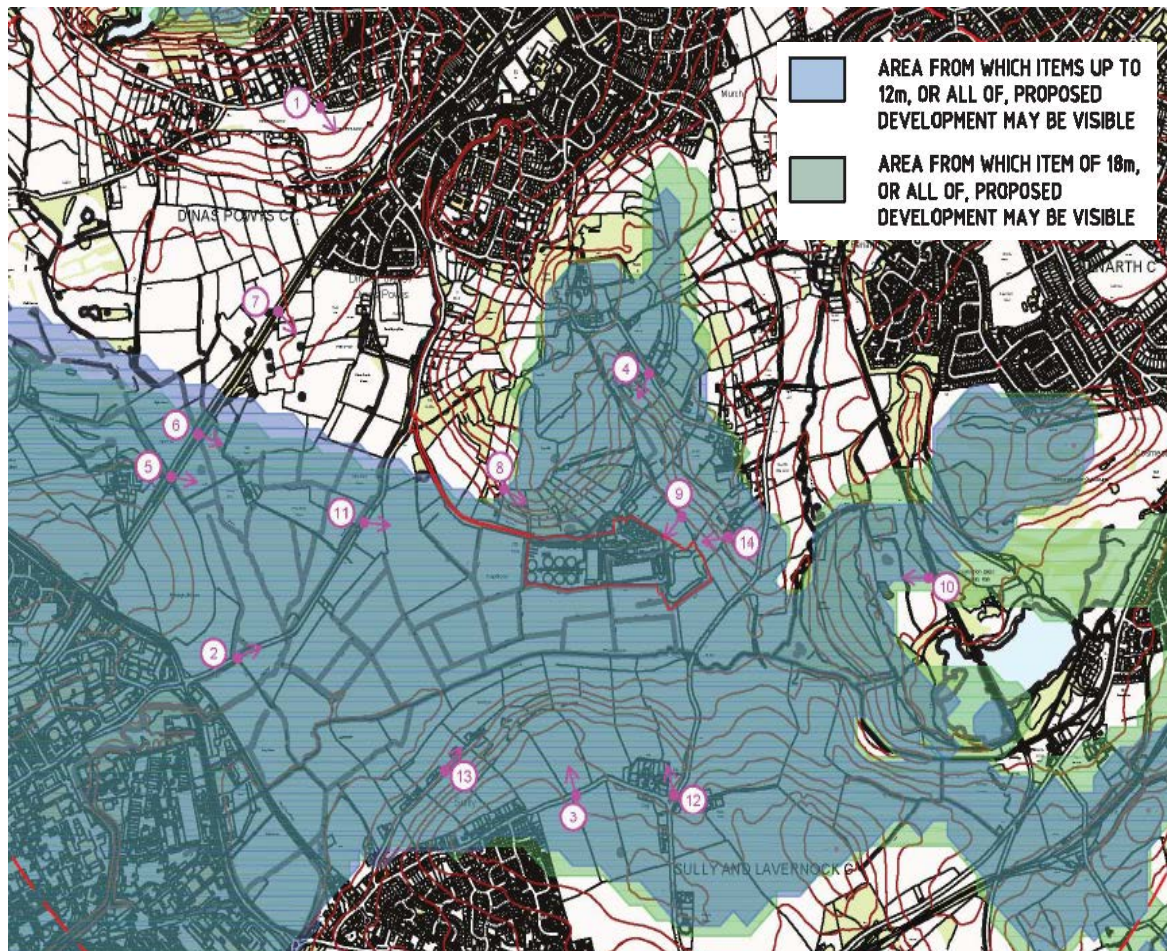
The proposed construction works are programmed to occur between Spring 2018 and Summer 2019. Construction plant required for this project would include mobile cranes, piling rigs, excavators, earth movers, delivery HGVs, and bespoke plant for buildings.

In broad terms, the site is located within gently undulating agricultural land. The site includes the existing WWTW and ancillary infrastructure. Land cover in the immediate vicinity comprises farmland, enclosed by woodland and hedgerows, together with built form, small settlements, individual residential properties and agricultural buildings.

Taking into account the balance of LANDMAP and the LCA evaluations, above, the landscape in which the site is located is considered to have a medium landscape value overall. The strong landscape structure and general sense of enclosure across the landscape are such that with careful consideration for retention and enhancement of local features (namely retention of existing vegetation, where possible, and proposed planting that softens proposed built form and is in keeping with the local landscape), the proposed change could be accommodated without resulting in significant disruption to the local landscape. As a result the landscape is considered to have a medium susceptibility to the proposed change. Taking into account these considerations, the landscape in which the site is located is considered to have a medium sensitivity, overall.

The Zone of Visual Influence (ZVI) relating to the proposed Development is shown on Figure 1 below. This is expected to extend northwards to the edge of Dinas Powys, westwards to Barry, southwards to edge of Sully, and eastwards to the coast. Vegetation cover and built form in the local landscape are such that the proposed Development is anticipated to be primarily visible in the site vicinity, within 0.5km of the proposed development. Visual receptors include properties, Public Rights of Way (PRoW) / recreational routes, and transport routes within the 2km Study Area.

These are represented by viewpoints 1 to 14, below, as the basis for visual appraisal.



The viewpoints chosen, based on the ZTV, were agreed with the Councils Landscape Officer prior to the application being submitted.

Whilst a detailed assessment of the impacts from each viewpoint is set out in the LVIA report, the following is an assessment of the most representative viewpoints.

Viewpoint 1: Dinas Powys Common, looking South East

This view represents residents within Dinas Powys and users of Dinas Powys Common, as a result it has a high susceptibility to change and visual sensitivity is considered to be High. The foreground is formed by Dinas Powys Common, although views beyond the proposed development site is obscured from view by Pop Hill.

The proposed development would not be visible therefore there would be no visual effects.

Viewpoint 6: Railway Line, between Barry and Dinas Powys, looking East - This view represents users of the railway line that runs between Barry and Dinas Powys. As a result it has a low susceptibility to change and visual sensitivity is considered to be Low. From the Railway line the foreground is formed by dense vegetation with agricultural fields beyond. The backdrop is formed by agricultural fields and scattered woodlands/copses. Views of the proposed Development site are obscured by intervening landform and vegetation.

The foreground would continue to be defined by mature vegetation and agricultural land, framed by mature hedgerows. The proposed Development would be almost entirely obscured from view by the intervening vegetation, with only a distant view of the top section of the stack available. As a result the magnitude of visual impact is considered to be low. Taking into account low visual sensitivity, the overall significance of visual effects is considered to be Minor.

Viewpoint 11: A4055, looking North East - This view represents users of the A4055, as a result it has a low susceptibility to change and visual sensitivity is considered to be Low. The foreground is formed by a low-lying agricultural field, framed by mature hedgerows. The proposed Development site is obscured by the intervening vegetation.

The proposed development would not be visible therefore there would be no visual effects.

Viewpoint 12: Cog, looking North - This view represents residents within the small settlement of Cog. As a result, it has a high susceptibility to change and visual sensitivity is considered to be High. The foreground is made up the junction between Swanbridge Road and Cog Road, mature hedgerow and a residential property within Cog. The backdrop is formed by undulating farmland and scattered woodland. The proposed development site sits within the distance and is obscured from view by the intervening landform and vegetation.

The foreground would continue to be defined by the junction between Swanbridge Road and Cog Road, mature hedgerow and a residential property within Cog. The

proposed Development would be almost entirely obscured from view by the intervening landform, with only distant view of the top section of the stack available. As a result the magnitude of visual impact is considered to be low. Taking into account high visual sensitivity, the overall significance of visual effects is considered to be Moderate.

Viewpoint 13: Ashby Road, looking North East - This view represents residents who live along Ashby Road. As a result it has a high susceptibility to change and visual sensitivity is considered to be High. The foreground is made up of Ashby Road, mature hedgerow, and residential properties. The backdrop is formed by undulating farmland, scattered woodland and distant views of Dinas Powys. The proposed development site is obscured from view by the intervening landform, vegetation and residential properties.

Views from Ashby Road of the proposed Development are obstructed by intervening vegetation, landform and local properties, however limited views of the WWTW and ancillary infrastructure would likely remain from upper floor windows of properties at the north-eastern end of Ashby Road. As a result the magnitude of visual impact is considered to be low. Taking into account high visual sensitivity, the overall significance of visual effect is considered to be Moderate.

In respect of construction activities associated with the proposed development, namely the movement of plant/vehicles and the creation of material stockpiles, would constitute temporary elements within the local landscape and views. Due to the presence of existing woodland and hedgerows, the majority of the proposed infrastructure would be apparent from limited vantage points within the locality, with only the flue stack (18m high) being visible a selected viewpoints beyond this. This results in there being minor visual impacts from the majority of viewpoints, with moderate/major impact occurring from the viewpoints closest to the proposed development. In addition, existing vegetation and proposed planting would serve to strengthen existing landscape characteristics, and help integrate the proposals with the surrounding landscape.

Taking into account that overall significance of landscape effects is considered to be minor/moderate adverse and the overall significance of visual effects is considered to be moderate adverse, the proposed development is considered to have an overall effect of Moderate adverse during construction and operation.

To conclude in respect of the visual impact and the scheme of landscaping the Council's Landscape Architect has raised no objection to the scheme.

Heritage Impacts

The site is within 2km of Middleton Moated Site (GM378), Romano-British Farmstead, Dinas Powys Common (GM341) and Cogan Deserted Medieval Village (GM535), scheduled monuments.

CADW advise that topography, buildings and extant vegetation will block all views between scheduled monuments Romano-British Farmstead, Dinas Powys Common (GM431) and Cogan Deserted Medieval Village (GM535) and the

proposed development. Consequently the proposed development will not damage the settings of these monuments.

The proposed development is located some 1.5km to the northeast of scheduled monument Middleton Moated Site (GM378). The monument comprises the remains of a medieval moated homestead. In longer views, the industrial complexes to the west and northwest are prominent, clearly showing the modern change from a pastoral setting to an industrial one. Views to the east and north east remain mainly pastoral although in winter the existing Cog Moors WWTW may be visible although screened by existing vegetation. In general this position will not change with the development, as most of the new structures will be seen as part of the existing complex.

However the proposed exhaust stack will introduce a new vertical modern element into the view. The lower part of the stack will be screened in the summer by the extant vegetation, but the higher part will be visible all year. It will be seen with rising ground behind it and this will lessen its visual impact but it will still cause damage to the setting of the monument by emphasising that a modern industrial complex is located in the wider pastoral landscape to the northeast. Given the existing industrial complexes to the west, the presence of the existing WWTW and that the stack will be seen with rising ground behind it, CADW have stated that the proposed development will cause very slight, but not significant damage to the setting of scheduled monument GM378.

The nearest listed building is the Grade II listed dwelling of 'Downs Farm', which is approximately 230m to the east. The LVIA includes a viewpoint assessment from Downs Farm (Viewpoint 14) in accordance with Policy MD8 (criterion 2) of the LDP, which requires, that development proposals protect the qualities of the build and historic environment, amongst other things, preserve or enhance the setting of listed buildings.

It is recognised that the dwelling has a high susceptibility to change and visual sensitivity is considered to be high. The foreground is currently made up of a sloped agricultural field which is boarded by hedgerows and woodland. Beyond this the proposed development site can be glimpsed over the top of the intervening vegetation. The backdrop is formed by distant views of open countryside and the distinct sky line formed by the tall stacks at Dow Corning industrial area.

The foreground would (during its operational phase) continue to be defined by a sloped agricultural field which is boarded by hedgerows and woodland. Beyond this existing and proposed built elements at Cog Moors WWTW would be seen over the top of the existing and proposed woodland and trees. The stack would extend a short way above the crowns of the existing and proposed woodland planting and would be set against the backdrop of the existing stacks at Dow Corning. As a result, the magnitude of visual impact, in the medium to long term (approximately 15 years following construction), is considered to be medium. Taking into account high visual sensitivity, the overall significance of visual effects is considered to be Moderate/Major.

Glamorgan Gwent Archaeological Trust were consulted and have stated that there is evidence of archaeological activity in the area, primarily dating to the

prehistoric and Roman periods (including the Roman settlement at Pop Hill), in addition to peat deposits have also been identified that potentially contain important paleoenvironmental data. However it is their opinion that as the area has been disturbed due to its current use, it is unlikely that archaeological remains would be encountered during the work. However if archaeological material is disturbed during the course of the work, GGAT have requested that they be informed. This request can be secured by an informative.

Drainage and Flooding

Whilst Dwr Cymru Welsh Water (DCWW) are the applicants, they have been informed of the proposed development and consulted, as a 'Specialist Consultee' They advise that their recommendations have been incorporated within the planning application, whereby protection zones for a number of public sewer assets and apparatus have been accommodated alongside the development proposals. However, they have requested a condition to ensure that no buildings are occupied until the drainage system for the site has been completed in accordance with the approved details (**Condition 7** refers).

The majority of the WWTW site is situated in Zone C2, which is described as areas of the floodplain without significant flood defence infrastructure. This zone is based upon the predicted extent of inundation during a flood with 0.1% chance of happening in any year. However, a small portion of the site to the east is located within Zone B. This, lower risk zone, is described as areas of land known to have been flooded in the past, evidenced by sedimentary deposits. Section 5 of TAN15 provides guidance on the types of development appropriate for each of the DAM zones, by categorising development according to vulnerability of flooding. TAN15 does not explicitly define the flood risk vulnerability of the nature of the works proposed at the site. It is considered that the proposed development would be classified as 'Less Vulnerable', in line with other 'utilities infrastructure'.

Section 5.3 of the guidance outlines that less vulnerable development should be subject to both the Justification Test, detailed in Section 6 of TAN15, and the acceptability of consequences as part of the test outlined in Section 7 and the requirements of Appendix 1. In line with TAN15 guidance, a significant proportion of new development has been directed towards the lower risk Zone B.

In terms of justification, the proposed AAD plant would operate in association with and is therefore located adjacent to the existing sludge treatment facilities at Cog Moors WWTW that are to be retained. The proposed AAD plant development will provide an enhanced level of treatment for sewage sludges generated by the wastewater treatment process at Cog Moors and by other WWTWs in South Wales, in accordance with DCWW's Sludge Strategy. Liquors produced by the AAD process would be returned to the inlet works of the Cog Moors WWTW, for treatment.

NRW have confirmed that the proposal involves the erection of less vulnerable development located partially within Zone C2. They note from the submitted Flood Consequences Assessment (FCA) Technical Note that no permanent development is proposed within the flood outlines, however there is a temporary construction compound and car park to the west of the site which is at risk of flooding. In conclusion and given the type of development; the level of predicted

risk, and the temporary nature associated with it, NRW have no objection to the application as submitted, subject to the developer being made aware of the potential flood risks.

It is considered that the proposed development would satisfy the Justification Test, given its location in Zone C would improve the performance of an existing WWTW and it concurs with the aims of Planning Policy Wales (PPW) and having regard to the comments from NRW.

The Councils Drainage Team note that the site is located within DAM zones C2 and that NRW flood maps indicate that there are some areas of high surface water flood risk across the site, along with land drainage features such as ditches.

It is noted that the drainage strategy indicates that surface water generated from impermeable areas and areas which may be prone to contamination (such as pump slab wash downs) will be drained to the existing on site surface water system, and ultimately into the main treatment plant. The drainage strategy also states that several existing land drainage ditches across the site will be made into hard standing, several of which will drain to the existing drainage system on site. Other areas will be replaced by realigned ditches and a box culvert providing compensatory storage.

In summary the Councils Drainage Team raise no objection subject to a condition requesting the submission of a detailed scheme for the surface water drainage, including calculation for on-site attenuation or discharge and compensatory storage should also be included, along with full engineering details of drainage assets and a management plan for the on-going maintenance of the system shall also be included. This has been secured through **(Condition 7)**.

Ecology

Ecological surveys have been undertaken to identify any ecological constraints associated with the proposed Development.

A strip of land in the west of the site is within Cog Moors Site of Special Scientific Interest (SSSI), although no development is proposed within this part of the site. Land adjacent to the east of Cog Moors WWTW is designated as Cog Moors Site of Importance for Nature Conservation and would be directly affected by proposed Development.

The site is made up of areas of hard standing, buildings/equipment and amenity grassland, with smaller areas of semi-natural and planted broadleaved woodland and tall vegetation. These habitats are suitable to support breeding birds, badgers, dormice, bats, reptiles and great crested newts. The invasive plant species Indian (Himalayan) Balsam and Japanese Knotweed are present within the site.

The surveys found that the area of the site designated as a Site of Nature Conservation which will be affected by the proposed development does not meet the criteria for which the site was designated (Purple Moor-grass and Rush Pasture); however, it does meet the criteria for designation as Neutral

Grassland / Lowland Meadow. A number of mitigation measures are proposed to minimise the impacts of the proposed development on the Site of Importance for Nature Conservation, including habitat creation, reinstatement and long-term management, protection of retained habitats during construction and management of invasive plants.

The surveys found no evidence of badgers or reptiles, only common toad and common frog. No specific mitigation for reptiles is required; however, it is stated that vegetation clearance will be carried out in phases and under ecologist supervision as a precautionary approach to avoid harm/injury to reptiles and amphibians.

No evidence of great crested newt were found, only tadpoles, European eel and water shrew. As some of the waterbodies could not be surveyed and as the site offers suitable terrestrial habitat for great crested newts, vegetation clearance will take place in stages and will be overseen by an ecologist as a precautionary approach to avoid harm/injury to amphibian species.

Surveys were undertaken to determine the suitability of trees for roosting bats. Of the trees that will be directly affected by the proposed development, five trees have features suitable for use by roosting bats. The potential for roosting bats is considered to be low and in accordance with best practice guidelines, no further/specific surveys are required. However, as a precautionary approach, tree felling will be undertaken during the winter when roosting bats and nesting birds are least likely to be present. Surveys were also undertaken to determine which bat species utilise the site, and the ways in which they use the site. Surveys recorded small numbers of bats with activity concentrated around woodland in Cog Moors Site of Importance for Nature Conservation.

The surveys found one dormouse and a number of wood mice. The results suggest the site supports a small population of dormice. As dormice have been found on site, a development licence from Natural Resources Wales is required before any vegetation clearance can take place. Vegetation clearance will be undertaken in a sensitive manner and at an appropriate time of year so as not to disturb or harm dormice. The scheme of landscaping has been designed to maintain and enhance habitat quality and connectivity to minimise effects on dormice.

The submitted Biodiversity Strategy sets out compensation and mitigation for loss of woodland, which would be compensated for by the creation and long term management of:

- 0.05 ha broadleaved plantation woodland which will be planted immediately adjacent to retained broadleaved plantation woodland in the west of Cog Moors SINC (to strengthen woodland connectivity); and
- 1.17 ha planted within a field immediately north-west of the existing WWTW. This planting would utilise root balls/stools translocated from within the construction footprint as well as new planting using native species to create a diverse woodland habitat. The field is immediately adjacent to existing woodland to ensure connectivity for wildlife is maintained and is within the

application site. The field is currently under private ownership with sale to Welsh Water underway.

- Further enhancement would be provided by the long-term management of 1.39 ha of existing (retained) broadleaved plantation woodland within the planning application boundary.

Dormouse nest boxes will be provided prior to vegetation clearance taking place – 10 nest boxes will be provided in retained woodland within Cog Moors SINC to provide a safe place of shelter for dormice dispersing from the construction footprint. A further four nest boxes will be provided in existing woodland along Green Lane (immediately adjacent to the field being planted with woodland) to enhance existing habitat and provide a safe place of shelter while compensatory planting matures. Recommended locations for nest boxes are shown on drawing 4798-S-202-HYD-XX-XX-DR-NX-06127 (P06) and exact locations will be decided on site in consultation with an ecologist.

It is stated that these measures aim to maintain the favourable conservation status of dormice; enhance habitat connectivity around the perimeter of the site to facilitate dormice dispersal; and improve the quality of woodlands within the application boundary for dormice to forage and shelter.

In light of the above and the submitted reports, the Councils Ecology Officer has not objected to the application, subject to conditions relating to site clearance (**Condition 4**) and the protection and reinstatement of the Site of Importance for Nature Conservation and the site clearance and the development is in accordance with the Habitat Management Plan and the Biodiversity Strategy; March 2018 (**Condition 5**).

Natural Resources Wales note the revised proposals for dormouse mitigation, which include an area of habitat creation on land currently adjacent to land owned by Dwr Cymru/ Welsh Water (DCWW). NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided the land is secured and the conditions relating to long term habitat management and monitoring (**Condition 6** and a details of scheme of lighting (**Condition 3**).

In light of the above requirements, the three tests that need to be applied to this planning application are: (1) it is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, (2) that there is no satisfactory alternative, and (3) it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

In respect of Test 1, sewage sludge is a waste product of sewage treatment processes and is normally disposed of to agricultural land. The Advanced Anaerobic Digestion Plant now proposed releases biogas from the sewage sludge which will then be used to generate heat and renewable electricity, for use on site or for export to the electricity grid. Following digestion, the residual sewage sludge (referred to as “sludge cake”) will then be disposed of to farmland as a

high quality soil improver and as a substitute for chemical fertilisers. Thus, the proposed development provides public health, community, environmental and sustainability benefits through the recycling of waste to produce a high quality fertilizer and soil improver and the recovery of renewable energy from waste.

In order to satisfy Test 2 and consideration of alternatives, the Waste Planning Assessment sets out the rationale of site selection. This is considered in detail in the Site Selection of this report and should be referenced in the consideration of Test 2. The proposed development of AAD plant at Cog Moors WWTW has therefore fully considered alternative sites.

With regard to Test 3, NRW do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, provided the land is secured and the conditions relating to long term habitat management and monitoring (**Condition 6**) and a details of scheme of lighting (**Condition 3**).

Highway Issues

Access to the proposed Development would continue to be from the A4055 via Green Lane, a private road. This access is already able to accommodate the largest vehicle type associated with existing and proposed operations, as well as vehicles which would visit the site during the construction phase.

The application has been supported by a Transport Statement to provide an analysis of the existing baseline conditions associated with the proposed development and the surrounding area. This includes an outline review of existing sustainable transport opportunities near to the proposed development, and acquisition and analysis of local accident and baseline traffic data for the adjacent local highway network.

The proposed development will retain suitable vehicle parking to accommodate all vehicle types associated with the proposed operational activities and construction phase. The utilisation of the existing and new proposed internal site access road and existing turning areas will ensure that all vehicles are able to arrive and egress from the site in forward gear. An overarching assessment of construction vehicle routes, hours of operation and programme has also been provided.

The Transport Statement has noted that there is no requirement for a Travel Plan to be provided to support the proposed planning application, and has indicated that the existing Cog Moors WWTW is extensively restricted for access by non-car means with no direct interconnectivity to pedestrian footways, cycle routes or public transport. Throughout the construction phase there will however be a commitment towards promoting car sharing as a viable option to reduce the potential for single occupancy vehicle trips.

The assessment has outlined existing and forecast two-way vehicle trips associated with the operational activities of the site, as well as the short-term construction phase. This has confirmed a very minor increase in operational movements from 23 two-way daily vehicle trips to 31 following completion of the proposed development (2019), rising to 40 two-way vehicle trips ten years following completion of the scheme (2029).

The traffic impact assessment subsequently identified negligible increases in road traffic volumes on the A4055 and A4231 during the 2019 opening year and future 2029 design year, as well as only minor traffic impacts resulting from peak construction traffic during the 2019 peak period of construction.

During operation, haulage contractors will be advised that the preferred access route for HGVs will be from the south of the A4055/ Green Lane junction. Once operational, the new AAD plant will also produce a reduced volume of sludge cake compared to a standard anaerobic digester. Vehicles used to import and remove sludge from the new plant will have a larger capacity and this will reduce traffic volumes.

Whilst formal comments have not been received from the Highway Engineer, the Transport Assessment has been reviewed by the Highway Engineer and requests for further information and clarification have been incorporated into the amended Transport Statement.

On the basis of the above, it is not considered that the proposed development will generate any significant residual transport related impacts on the local highway network and surrounding area for both operational and construction activities, supported by the implementation of integral design mitigation to facilitate transport related movements.

The application has included a Construction Traffic Management Plan. Whilst such a document can be required by condition, it has been fully revised as part of this application and the Highway Engineer and environmental health officer is satisfied with the plan. In summary, access to the proposed development throughout the construction phase will continue to be from the A4055 via Green Lane, with all HGV movements accessing the site from the south of the A4055/ Green Lane junction. Construction vehicles will not be larger than existing operational vehicles already accessing the site. Vehicle parking will be provided to accommodate all vehicle types associated with the proposed construction activities.

Air Quality

An air Quality Assessment has been undertaken to assess air pollution associated with the proposed AAD plant. The biogas produced by the proposed AAD plant would be used, via a combined heat and power (CHP) plant, to generate heat and renewable electricity for use on site or for export to the electricity grid. The CHP plant and gas boilers used will produce emissions which will be released to atmosphere through a 18m stack in order to allow good dispersion.

A detailed air pollution dispersion model has been used together with information on pollution emissions and hourly weather observations to predict pollution levels at nearby sensitive receptors such as houses and sites of importance for ecology and habitats. The model predictions have been compared against pollution thresholds set by UK Government and EU regulations to protect human health and ecology. The assessment has been undertaken assuming that the CHP plant is operating at fully capacity, for every hour of the year, which likely overestimates

emissions and air pollution, as the plant will not be used continuously at maximum output.

The results of the pollution model indicate that the AAD plant will not lead to exceedances of air pollution thresholds, and pollution levels are expected to be well below human health based thresholds with the plant in operation. The emissions from the AAD plant are also predicted to have no significant effects on ecology and habitats.

Natural Resources Wales note that the submitted report 'Air Quality Assessment' prepared by Arcadis, has been revised following their advice. The results indicate that the emissions of nitrogen oxides (annual and 24hr), nitrogen deposition and acid deposition will not be significant at the designated sites that were within the relevant screening distance.

Cardiff and Vale University Health Board (Public Health Wales) have stated that the air quality assessment indicates that both process contribution and predicted environmental concentration are within standards for the protection of human health.

Noise

The application has been supported by a Noise Impact Assessment, with baseline noise levels undertaken at a number of locations around the site, which represent the closest noise sensitive residential properties to the proposed development. In summary the assessment states that the proposed design controls and mitigation in place, the noise generated by the proposed AAD facility is not expected to affect amenity at nearby residential properties.

Cardiff and Vale University Health Board (Public Health Wales) have stated, based on the Noise Impact Assessment, that the noise generated by the proposed AAD facility would not be considered detrimental to the amenity of the nearest noise sensitive receptor.

Odour

An Odour Assessment has been submitted to assess odour associated with the proposed AAD Plant. It is stated that the Scheme will include two odour control units which will service the plant to reduce the odour from the sludge treatment process. A detailed dispersion model has been used, together with manufacturers odour emission limits for the odour control units and hourly weather observations to predict odour levels at nearby residential locations with the scheme in operation.

Cardiff and Vale University Health Board have stated that the supplied odour modelling results show that the receptors closest to the site are expected to experience negligible changes in odour. Three sensitive receptors are anticipated to experience an overall decrease in odour, likely to be due to the more effective odour control measures being implemented and the exhaust design which will facilitate better dispersion than the current units.

In respect to all of the above, the Environmental Health Officer, following on from previous correspondence and agreements, is satisfied that there should not be any detrimental impact on residential amenity, in terms of odour, noise and air quality.

The comments made by the Specialist Services Officer in respect of investigation and monitoring of the site for the contaminated land measures; unforeseen contamination; importation of soils and aggregates and use of site won materials, have been secured by condition (**Conditions 9, 10, 11 and 12**).

Minerals Safeguarding

It is noted that the site is covered by sand and gravel (Category 2) as set out in the LDP. Policy SP9 of the LDP seeks to safeguard these known resources, where the consideration for proposals in such mineral resources area requires assessment under Policy MG22 - Development In Mineral Safeguarding Areas. This policy only permits new development in an area of known mineral resource where it has first been demonstrated that: 1. Any reserves of minerals can be economically extracted prior to the commencement of the development; 2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or 3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or 4. The resource in question is of poor quality / quantity.

It should be noted that the identified resource covers all of the existing WWTW site. The majority of the proposal will be within the existing site and comprise of redevelopment of existing plant and machinery and hardstanding area. Whilst the proposed development will encroach slightly into designated Sand and Gravel and Limestone safeguarding zones, the quantity of mineral resource that would be sterilised is relatively small when compared with the overall scale of the resource in the locality. In addition given the sensitivity of the site adjacent to a SSSI and the management of SINC and the presence of dormouse and the timings for mitigation planting, it is considered that the extraction of minerals would in this instance have an unacceptable impact on environmental considerations.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

- Air Quality Assessment, November 2017

- Design and Access Statement, November 2017
- Noise Impact Assessment, November 2017
- Proposed Site Layout Plan Sheet 4 of 4. 06109 Rev P02
- Elevation Looking South Sheet 1 of 2. 06110 Rev P02
- Elevation Looking South Sheet 2 of 2. 06111 Rev P02
- Elevation Looking North Sheet 1 of 2. 06112 Rev P02
- Elevation Looking North Sheet 2 of 2. 06113 Rev P02
- Elevation Looking West Sheet 1 of 2. 06114 Rev P02
- Elevation Looking West Sheet 2 of 2. 06115 Rev P02
- Elevation Looking East Sheet 1 of 2. 06116 Rev P02
- Elevation Looking East Sheet 2 of 2. 06117 Rev P02
- Proposed Structure Sections through Stack 300m. 06140 Rev P02
- Proposed Structure Sections through Stack 500m and 1000m. 06141 Rev P02
- Existing Structure Sections through Stack 300m. 06142 Rev P02
- Existing Structure Sections through Stack 500m and 1000m. 06143 Rev P02
- Exhaust Stack Section Location. 06144 Rev P02
- View towards Pop Hill. 06145 Rev P02
- Construction Traffic Management Plan, November 2017
- Odour Assessment, November 2017 (Figure 3 superseded by 06120 Rev P03)
- Pre-Application Consultation Report
- Drainage Strategy, November 2017
- Tree Report and Arboricultural Impact, November 2017
- Preliminary Ecological Appraisal, November 2017
- Landscape Mitigation Plan 06127 Rev P06 (including dormouse nest boxes) within Habitat Management Plan, Dormouse Report and Biodiversity Strategy
- Transport Statement, January 2018
- Waste Planning Assessment, January 2018
- Letter from Arcadis, dated 21 March 2018, enclosing FCA
- Project Environmental Management Plan, 3rd April 2018
- Supporting Planning Statement, April 2018
- ZVI. 06119 Rev P04
- Landscape Mitigation Plan. 06127 Rev P06
- Landscape Planting Plan. 06133 RevP02
- Site Location Plan. 06100 Rev P02
- Planning Application Site Boundary. 06101 Rev P02
- Existing Site Layout 1. 06102 Rev P02
- Existing Site Layout 2. 06103 Rev P02
- Existing Site Layout 3. 06104 Rev P02
- Proposed Site Layout 1. 06106 Rev P03
- Proposed Site Layout 2. 06107 Rev P03
- Proposed Site Layout 3. 06108 Rev P03
- Proposed Site Layout 3. 06109 Rev P02rE
- Proposed Site Development. 06120 Rev P03
- Site Development Area. 06149 Rev P02
- Bat Activity Survey Report, March 2018
- Bat Tree Roost Assessment Report, March 2018
- Dormouse Survey Report, March 2018
- Reptile Survey Report, March 2018

- SINC Botanical Survey Report, March 2018
- Addendum Preliminary Ecology Appraisal, March 2018
- Biodiversity Strategy. March 2018
- Habitat Management Plan, March 2018
- Landscape Management Plan, March 2018
- Landscape and Visual Impact Assessment, March 2018
- Great Crested Newt Survey Report, March 2018
- Non-Technical Summary, March 2018

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 their erection on site, a lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme should include details of the type of lighting to be used; appropriate siting of lights; drawings setting out light spillage in key areas for wildlife, and any operational measures necessary to ensure that dormouse habitats are not illuminated. The scheme should address the construction and operational phases of the development. The lighting thereafter installed shall be in full accordance with the agreed details and thereafter maintained.

Reason:

To ensure that lighting measures do not conflict with the wildlife and dormouse use of the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

4. Site clearance must be undertaken in accordance with the Method Statement as per the Dormouse European Protected Species NRW licence and in accordance with Section 9 of the Great Crested Newt Survey March 2018

Reason:

To safeguard and mitigate for the ecology and biodiversity interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

5. The construction and operational phase of the development shall protect and reinstate the Site of Importance for Nature Conservation in full accordance with the measures detailed in Section 8 of the Habitat Management Plan; March 2018 by Arcadis. Report ref 4798-S-202-HYD-XX-XX-RP-XX-10199, V2 and the Biodiversity Strategy; March 2018.

Reason:

To safeguard and mitigate for the ecology and biodiversity interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

6. Notwithstanding the submitted plans and details, within 12 months of the commencement of development on site , a long term management plan to ensure the favourable management of habitat for dormice on site shall be submitted to and approved in writing by the Local Planning Authority. The plan should include, but not exclusively, a description of new and existing habitats and their desired condition, the nature of management operations required to deliver and maintain the desired condition, appropriate scheduling and timing of activities, proposals for the periodic reporting of the results of monitoring to NRW and the LPA, proposals for on-going review of management and remedial action to be undertaken where problems are identified by the dormouse monitoring scheme. Management of the habitat shall thereafter be in fully accordance with the agreed long term management plan.

Reason:

To safeguard the long term ecology interests on the site in accordance with Policies SP10-Built and Natural Environment, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, and MD9-Promoting Biodiversity of the Local Development Plan; TAN5-Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010 as amended.

7. No drainage works on the site shall take place until a detailed scheme for the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Any calculations for onsite attenuation or discharge and compensatory storage should also be included, along with full engineering details of drainage assets. A management plan for the on-going maintenance of the system shall also be included. The approved scheme must be implemented prior to beneficial occupation of new assets on site and thereafter no further surface water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

8. All site clearance and construction works shall be undertaken in full accordance with the Construction Traffic Management Plan and the Project Environmental Management Plan.

Reason:

To ensure that the amenities of residents are safeguarded and in the interests of highway safety and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

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

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 / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason:

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

10. The remediation scheme approved by condition 9 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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 / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2012), unless the Local Planning Authority agrees to any variation.

Reason ;

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

11. 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.

12. Any topsoil [natural or manufactured], or subsoil or aggregate (other than virgin quarry stone), 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.

13. 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.

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.

Having regard to Policies SP1 – Delivering the Strategy, SP8 – Sustainable Waste Management, SP9 – Minerals, SP10 – Built and Natural Environment, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species Extraction), MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development POLICY MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity and MD20 - Assessment of Waste Management Proposals, the proposal, subject to the compliance with conditions and necessary mitigation and management, is considered acceptable having regard to its visual and wider landscape impacts. In addition the proposal would not be detrimental to residential amenity, in terms of odour, noise and air quality, nor cause an impact on the local highway network, nor prejudice the minerals resource and would

ensure the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

NOTE:

1. **Should any archaeological material may be disturbed during the course of the work, the developer/contractor should contact Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208).**

2. **1. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) determining the extent and effects of such constraints;**
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
 - Unprocessed / unsorted demolition wastes.**
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
 - (iii) the safe development and secure occupancy of the site rests with the developer.**

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

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

3. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

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

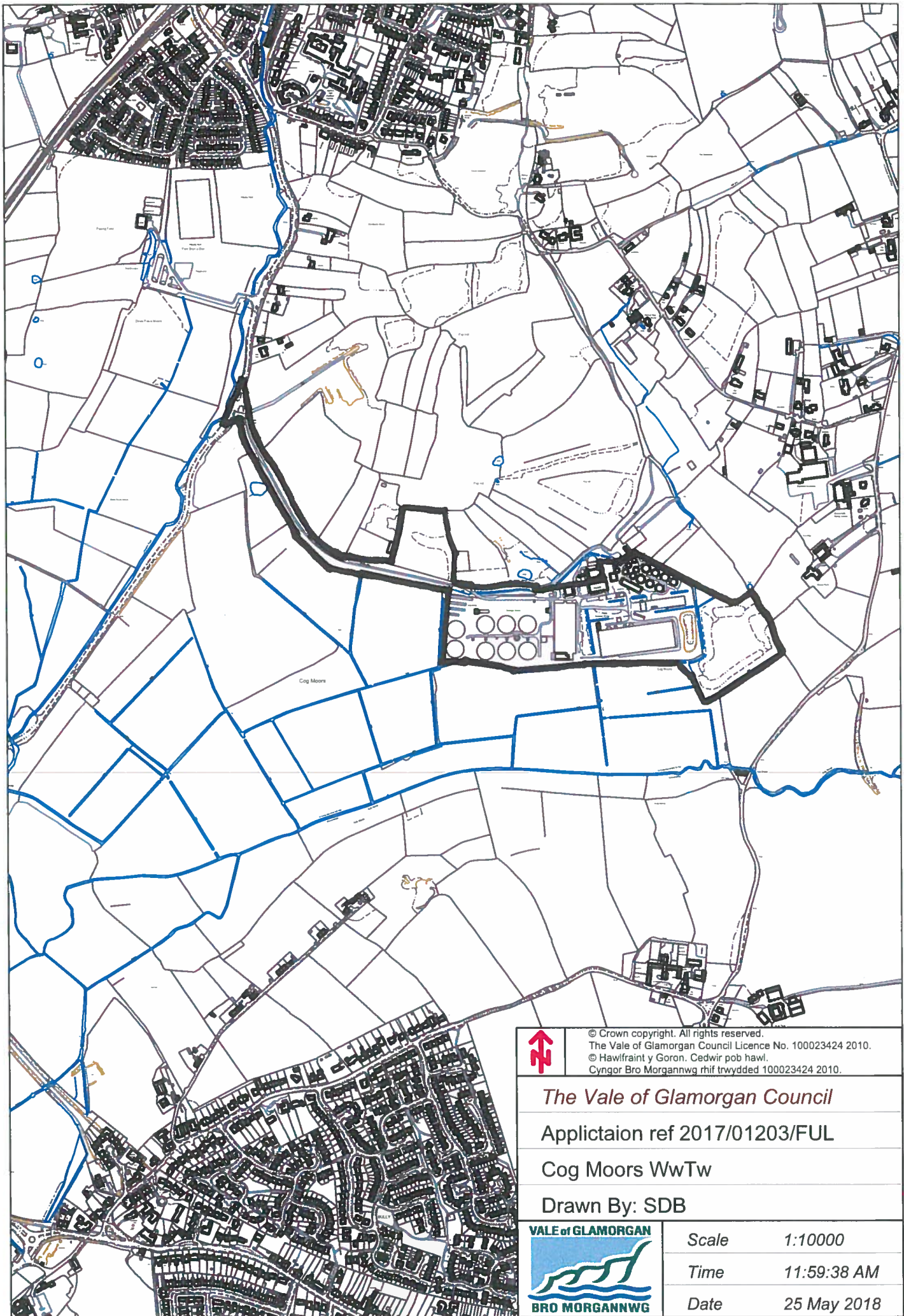
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>



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

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

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

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



	<p>© Crown copyright. All rights reserved. The Vale of Glamorgan Council Licence No. 100023424 2010. © Hawlfraint y Goron. Cedwir pob hawl. Cyngor Bro Morgannwg rhif trwydded 100023424 2010.</p>	
	<p><i>The Vale of Glamorgan Council</i></p>	
<p>Appliciaion ref 2017/01203/FUL</p>		
<p>Cog Moors WwTw</p>		
<p>Drawn By: SDB</p>		
	<p>Scale 1:10000</p>	
	<p>Time 11:59:38 AM</p>	
	<p>Date 25 May 2018</p>	

2017/00955/FUL Received on 1 March 2018

Pure Commercial Finance c/o Agent
Mrs. Arran Dallimore C2J Architects & Town Planners,, Unit 1A Compass
Business Park, Pacific Road, Ocean Park, Cardiff. CF24 5HL

Former RS Garage, Windsor Road, Penarth

Proposed alteration to existing G/F retail unit and change of use to D2 (Gym), part demolition of existing 1st floor side and 3rd floor extension to form 12 residential units, on site basement parking, cycle and refuse storage and 1st floor amenity areas

REASON FOR THE COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site relates to the former Robert Smith Garage located on Windsor Road, Penarth. The site has been vacant for some time.

The proposed development is a conversion and extension to the existing building to provide a mixed use scheme comprising 12 residential until and a D2 gym use at ground floor.

A total of six representations have been received expressing concerns in relation to lack of provision for affordable housing, adequacy of parking and adverse impacts of the development on the locality.

Having regard to the principal issues relating to the development, the application is recommended for APPROVAL, subject to conditions and legal agreement requiring payment of an off-site affordable housing contribution and completion of development within 24 months.

SITE AND CONTEXT

The site is a large commercial (former car sales) building fronting Windsor Road in Penarth. The area is a mix of residential and commercial properties, with a railway line running along the rear boundary of the site. There is a hardsurfaced forecourt to the front which is used for parking.

The building has been vacant for an extended period of time, however, some works have been undertaken to commence conversion at ground floor to a gym. The previous use of the site was as a car sales garage, with sales at both ground and first floor level of the building.

In terms of its wider context, the site is located to the north of Penarth Town Centre, within a residential area characterised by traditional terraced streets. The

existing building is not a Listed Building nor is it locally listed (County treasure). It is also located outside the boundary of the Penarth Conservation area.

PROCEDURAL MATTERS

The application was amended following its initial submission. Originally the applicant proposed an A1 retail use on the ground floor, which has been amended to a D2 gym use. The application was subject to re-consultation, accordingly.

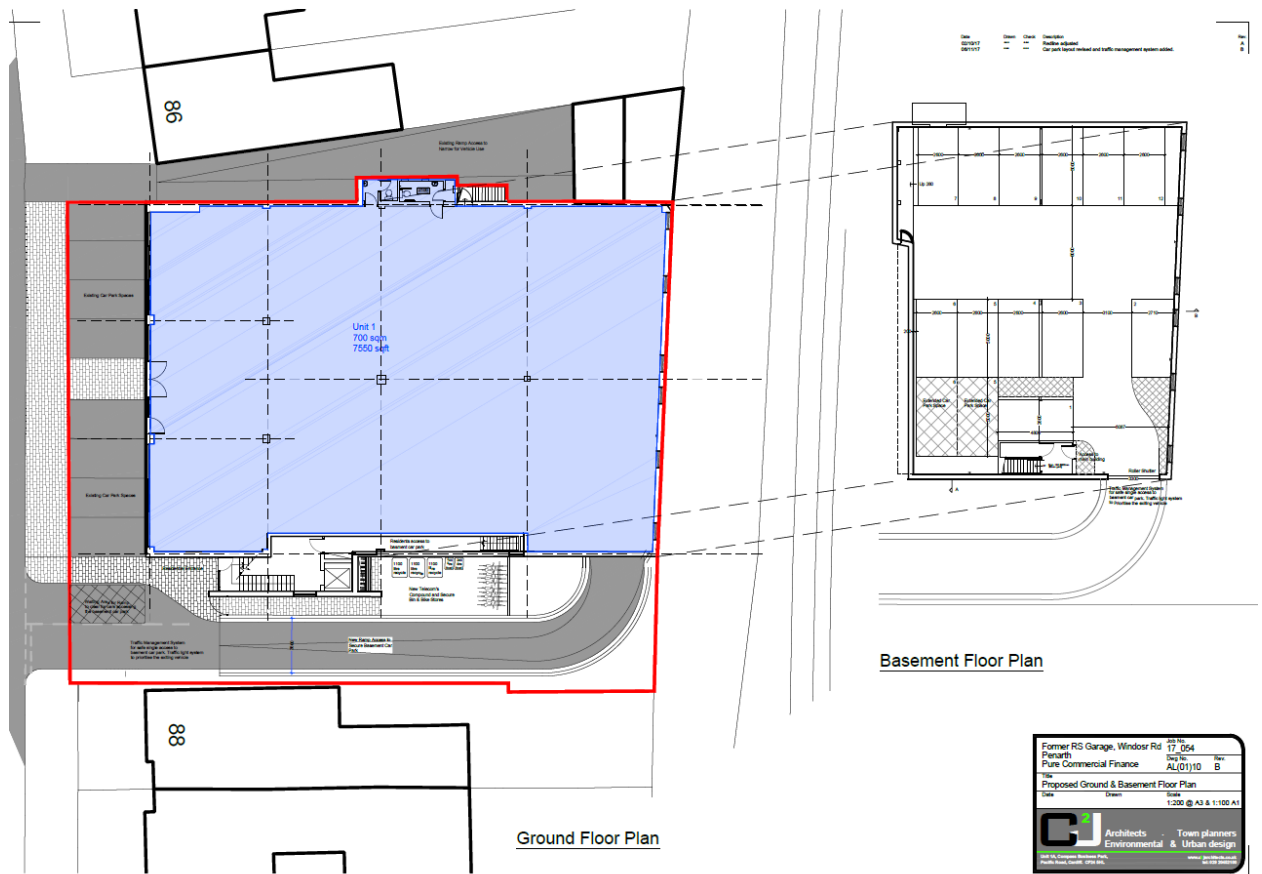
DESCRIPTION OF DEVELOPMENT

The applicant seeks consent for the conversion, cladding and extension to the former garage/retail building to accommodate a mixed use scheme comprising of a D2 gym use at ground floor and 12 residential units above. The proposed residential element consists of 4 one bed and 8 two bedroom units. The gross area dedicated to the D2 use is 700 square metres.

The proposed gym/D2 use is to occupy the ground floor of the existing building. The first floor is split over two storeys, with a courtyard amenity area central to the accommodation cluster. The three two bedroom units that occupy the front elevation are split over the two levels, with another eight units located over a single storey on each level. The existing roof will host a final two bedroom unit, accommodated within a new addition. Access to each level is provided through a vertical side extension to the building, which will house stairs and lift infrastructure.



Front and rear elevation, as proposed



The existing basement will be laid out to accommodate 12 parking spaces, for occupiers of the residential element of the development. A new ramp will provide vehicle access to the basement, with dedicated waiting area at the entrance of the ramp with traffic light controlling priority to the car park. Internal staircases afford access to the basement for occupiers of the development. Eight parking spaces are located to the front of the building for the D1 use. Provision of cycle and bin storage is located on the side elevation of the property at ground floor.

Materials and finishes will comprise of a mix of cedar timber cladding and eternity cladding coloured back and white. Windows are finished in grey power coated aluminium. All side elevation windows are opaque.

RELEVANT PLANNING HISTORY

- 2017/00850/FUL Change of use of garage floor unit from existing retail (A1 use) to gym (D2 use) APPROVED October 2017
- 2014/01524/LAW Application for certificate of lawfulness for the proposed retail use (A1) of the site APPROVED for the following reason:

The proposed A1 use of the building would be considered 'permitted development', as described within the Town and Country Planning (General Permitted Development Order 1995, Part 3, Class A. Accordingly a Lawful Development Certificate can be granted for a proposed A1 (Retail) use of the building.

CONSULTATIONS

Penarth Town Council was consulted and their response stated no objection, subject to provision of planning obligations being secured through section 106 of the Act.

Council's Highway and Development Team were consulted. Their response stated that the proposed traffic light system would not appropriately manage the means of access and egress to the site. Specifically that there is insufficient queuing capacity within the site adjacent to the highway, which will lead to vehicles queuing along the carriageway when held on red. In addition, there is insufficient queuing capacity within the basement car park to allow vehicles to wait or for two vehicles to pass side by side.

In addition, it is noted that visibility associated with parking space No. 1 is restricted and due to its location will lead to pedestrian and vehicle conflicts. Furthermore, there is insufficient manoeuvring room to enable vehicles to access/egress parking space No.2.

Finally that the gradient of the proposed ramp between the adjacent highway and the proposed basement car park is required to be provided at no greater than 1 in 10.

Council's Housing Strategy was consulted and they advised that there is considerable housing need in this area. Housing Strategy indicate they are "disturbed to note the omission of any affordable housing". The site is located on the St Augustine's/Cornerswell boundary and the combined need for these areas is 165 and 99 requirements for one and two bedrooms, respectively. That being the case a 40 per cent provision of affordable housing should be provided onsite.

Council's Visible Services Flood and Coastal Risk Management section (Drainage) were consulted and have advised that a condition addressing surface water drainage should be attached to any forthcoming planning permission.

Council's Environmental Health (Pollution) was consulted and no objection in principle was received. A series of conditions addressing noise and construction management were suggested, should consent be granted.

Councils Shared Regulatory Services (Contaminated Land section) was consulted and advised that the site's former use may have caused contamination giving rise to risk to human health. As such conditions requiring detailed survey work and remediation works would be required on any forthcoming consent.

Dwr Cymru Welsh Water was consulted and confirmed the development can be accommodated within the public sewerage system and there is no objection in relation to water supply.

Crime Prevention Design Advisor was consulted and stated that South Wales Police have no objection to the development. A series of recommendations were suggested.

Local Ward Members were consulted and no comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 5 October 2017, in addition to a site note being displayed. The application was also advertised in the press. A total of 6 representations have been received. These comments typically outline concerns in respect of:

- No provision of affordable housing.
- Impact of roof terrace on amenity.
- Roof terrace out of keeping with area.
- Devaluation of property prices.
- Inadequate parking provision.
- Additional housing units leading to more bars with outside seating.
- Additional traffic/congestion.
- Additional housing not being required in Penarth.
- Adequate gym facilities pre-existing.

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

Strategic Policies:

POLICY 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 MG7 – Provision of Community Facilities

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

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Sustainable development forms a key consideration central to all policies contained within PPW. Paragraph 4.2.2 indicates; *“the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated...”*.

Paragraph 4.4.3 of PPW sets out a series of objectives which development proposals should seek to achieve in terms of promoting sustainable development (and contributing to the goals of the ‘Well-being of Future Generations Act 2015’ accordingly).

In addition, Paragraph 4.9.1 sets out that *“Previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites”*. Paragraph 4.9.2 goes on to state that any previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites: *“in and around existing settlements where there is vacant or under-used land, commercial property or housing”*.

Paragraph 9.2.6 indicates that *“Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites”*. PPW continues to note *“In particular, local authorities should consider the contribution to the overall provision of land for housing that can be made by reclaimable or reclaimed urban land and by disused or underused buildings”*.

Paragraph 4.11.2 relates to benefits of good design and stipulates *“Good design can protect and enhance environmental quality, consider the impact of climate change on generations to come, help to attract business and investment, promote social inclusion and improve the quality of life. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales, from the construction or alteration of individual buildings to larger development proposals”*.

PPW advises at Paragraph 4.11.9 that *“the visual appearance of proposed development, its scale and its relationship to its surroundings and context are material planning considerations”*. PPW goes on to advise that local planning authorities should reject poor design, however *“they should not attempt to impose a particular architectural taste or style arbitrarily”*.

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- 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:

- Residential & Householder Development
- Affordable Housing
- Parking Standards (Interactive Parking Standards Zones Map)
- Sustainable Development - A Developer's Guide

Other relevant evidence or policy guidance:

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations.

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

The application site is located within the settlement boundary of Penarth, where the principle of development is permitted, subject to satisfying the criteria set out within Policy MD5. Policy MD1 supports new development on unallocated sites where it makes beneficial use of previously developed land and in area that benefit from existing infrastructure and access to sustainable modes of transport.

The site is located within a highly sustainable location, within approximately 400 metres of Penarth's town centre. Within the town centre there is a variety of local services and facilities, easily accessible on foot within walking distance. Public transport modes, bus and rail are readily accessible. The site is previously developed land and the development makes use of an existing building.

Given the above, the residential element of the development would accord with local and national planning guidance on the re-use of previously developed land and promotion of key sustainable settlements.

Insofar as the D2 gym use is concern, the acceptability of the principle of the use was established in the recent 2017 permission (reference 2017/00850/FUL) for a gym at ground floor. There has been no material change in national or local planning policy and, as such, this element of the development is considered acceptable in principle.

The site occupies a prominent location on the approach to Penarth's town centre. The building has remained vacant for a number of years and its general appearance has started to diminish. As a consequence the current building adds little to the vibrancy and attractiveness of the area. The proposed change of use would bring the building back into beneficial use and serve to safeguard a position whereby further likely derogation of the building would occur. Therefore, the development of the site is welcomed.

Design and Visual impact

The proposed development largely sits within the existing building, as a conversion, with the addition of a side extension to house a lift shaft and single storey addition to the roof to provide additional residential accommodation. The building will be re-clad with a mix of timber and fibre cement through colour cladding, with parts of the front stone façade retained. Large parts of the building are currently clad in a corrugated cladding. The proposed alterations will modernise and improve the external appearance of the building, subject to appropriate detailing. Powder coated aluminium windows (grey) will set off this modernised design approach.

The main physical addition to the building will result from the lift shaft/staircase and unit on the roof. The additional storey and top of the lift shaft increases the height of the building above that of the neighbouring properties. The scale of the building is such that it differs from that of the neighbouring residential properties and as such some increase to the height of the building can be accommodated

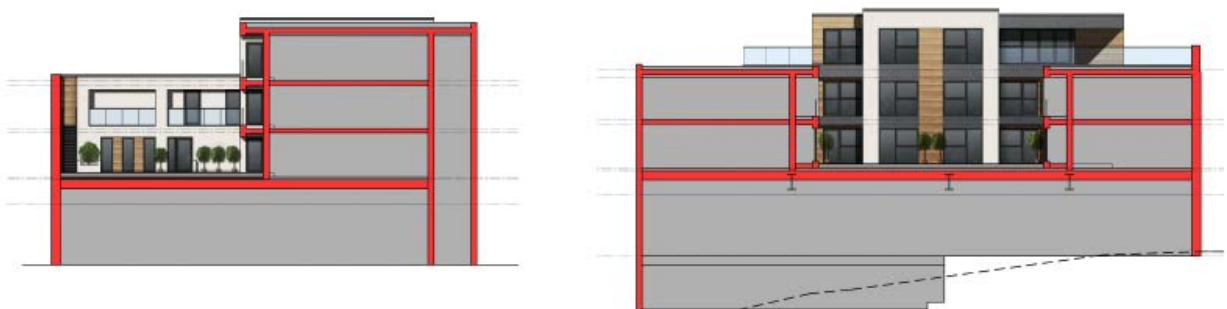
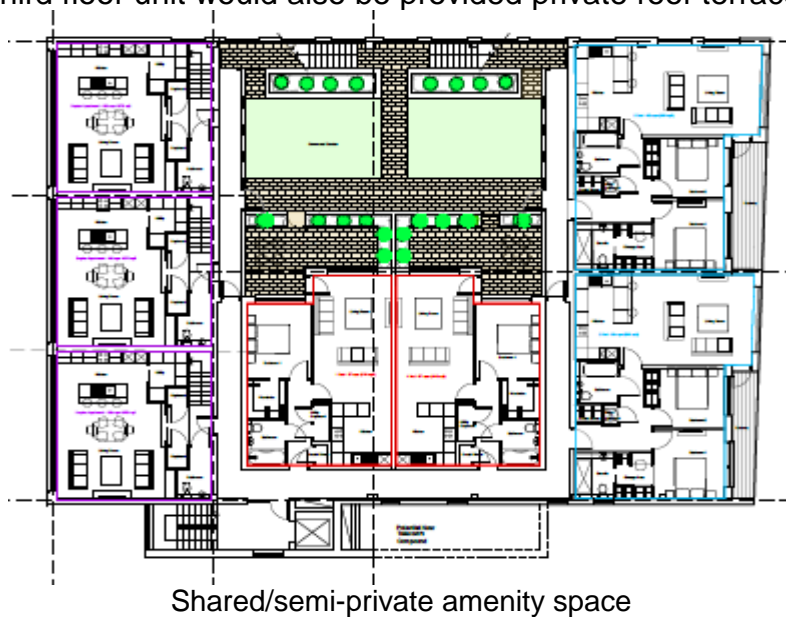
without causing harm to character of the area. The additional height created from the introduction of the unit on the roof is reduced by reason of the change in levels across the site, coupled with the development only occupying part of the building, set back from the front elevation of the building. The building is therefore considered capable of accommodating the additional height and form proposed without detracting from the appearance of the building and its immediate surroundings.

Having regard to the above, it is considered that the proposal is acceptable in terms of design and visual impact, and would accord with the design criteria of policies MD1 and MD2.

Amenity space (including waste storage) and open space

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on Residential & Householder Development. Design Standard 5 within the SPG specifies that flats should provide between 17.5 square metres of amenity space per person for this size of development.

The residential element of the development would be served by private and shared amenity areas within the first floor for the development, as well as balcony areas. The third floor unit would also be provided private roof terrace areas.



The actual level of amenity space provided does not meet the amount specified in the SPG on approximately 420 square metres. The shared amenity space amounts to approximately 90 square metres. The area of shared amenity space is a quality and meaningful area of amenity space within the courtyard that is integrated into the development and readily accessible by all occupiers.

Semi-private terraces on first floor (two units) benefit also provide 14 square metres of amenity space. Most units have balcony areas, offering approximately 6 square metres of amenity area per unit. These balconies, add to the overall levels of amenity serving the development. In addition to these areas of shared and semi-private amenity areas, the development is located within close proximity (110 metres) of Dingle Park. This is a large area of public open space which would offer opportunities to supplement access to amenity space.

Refuse and cycle storage is provided on the ground floor which can be readily accessed from the pavement. It is considered that this represents an appropriate means of waste and cycle storage.

The site is constrained in the level of amenity that can be provided, given that the scheme is a redevelopment of a brownfield site and comprises of a change of use and extension to the existing building. As such it is considered that the design appropriately responds to the site constraints.

Impact on neighbours

The principal issue in respect of amenity is whether the development would result in unacceptable levels of overlooking toward neighbouring properties, as well as the impact of the extension of the building and basement access ramp.

The development proposes obscure glazing to the side elevations of the property. As such, opportunities for overlooking of the neighbouring properties at Nos. 88 and 86/86A Windsor Road are protected. Recessed balcony areas and windows to the rear of the development overlook the railway line and are more than 21 metres from the properties on Dingle Road, such that they would not cause concern in respect of overlooking. Windows that serve the front elevation overlook the highway and Police Station building opposite across the public highway. Internal windows are considered to be sensibly positioned so as to minimise impact to privacy within the development. Internal balcony areas are located in close proximity to one another, but that will be evident to future purchasers and is considered acceptable in this instance.

The scheme includes a rooftop terrace that serves the unit on the third floor. Concern has been raised in respect of overlooking to the rear amenity space of No. 82 Windsor Road. The roof terrace area is set off the side elevation of the building, and a suitably worded condition would protect views into the rear amenity area of the neighbour by securing a obscured side screen (see Condition 20). Insofar as the front facing roof terrace is concerned, the space would front the highway and police station, resulting in no harm to public amenity.

The extension to accommodate a staircase/lift shaft will be separated from the neighbouring property 88 Windsor Road, by the basement access ramp. That

being the case, the additional height is considered not to cause demonstrable harm to neighbouring amenity.

The impact of the gym on neighbouring amenity has been considered under the 2017 approval, the merits of which remain acceptable in this submission. Notwithstanding that, consideration of impact on residential units proposed above must be considered under this application. The Council's Shared Regulatory Service section has suggested suitably worded conditions to require insulation and post occupancy monitoring. However this is covered by Building Regulations and there is no need to duplicate control over this matter.

Having regard to the above, it is considered that the proposed development is acceptable in terms of residential amenity, in accordance with Policies MD1 and MD2 of the LDP.

Parking and highways issues

The development would be served by an existing access points that the former retail/garage space was served by, leading to the basement and parking areas to the front of the building. The development proposes 12 parking spaces to serve the residential element of the development, equating to 1 space per unit, with no dedicated visitor parking. Eight spaces are proposed to serve the D2 gym use fronting onto Windsor Road.

The Council's Parking Standards SPG states that the parking guidelines should be interpreted as maximum standards i.e. 'not more than'. This reflects the thrust of national policy in Planning Policy Wales and TAN 18, both of which emphasise the importance of encouraging the use of more sustainable modes of transport and reducing over reliance on the private motor vehicle. Consequently, the use of maximum standards as opposed to minimum standards is promoted.

Paragraph 8.1.5 of PPW indicates a key objective for Welsh Government in land use planning is "reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling and public transport".

With regards to car parking, Paragraph 8.4.2 of PPW states "*Car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate*".

In addition Paragraph 8.7.3 of PPW relates to site accessibility and states "*the proposed access to a development will reflect the likely travel patterns involved. It should ensure that people can reach the development, as far as practicable, by walking, cycling and public transport, as well as by car*".

Residents' parking is proposed to be accommodated in the basement of the building, at a ratio of one space per unit. The SPG states that within Zones 2-6 a maximum of 1 space per bedroom, with a visitor space per fifth unit, should be provided. The SPG prescribes a maximum provision.

It is material that the site is in an extremely sustainable location, on the edge of the town centre and in very close proximity to a wide range of shops, day to day services, schools, bus links and a train station. Consequently, this is the kind of location where there are genuine alternatives to the private car and residents could live without fundamentally needing to own a car.

It is considered that visitor parking demand can reasonably be accommodated within the surrounding streets, if visitors elect to drive to the site. Visitors would have a range of modal options open to them when deciding how to travel.

Having considered all of the above, the provision of 12 spaces to serve the residential element of the development is considered acceptable.

The Council's Highways section has commented on the geometry of the internal layout of the parking area, specifically in respect of access/egress to parking space No. 2 and visibility associated with parking space No. 1. Whilst these concerns are noted, the geometry of the internal layout is such that vehicle speeds will be very low and users of the area will be acutely aware that there will be vehicle movements within that area. In addition, vehicles which are likely to mobilise will be audible to pedestrians in the area. Access to parking space No. 2 is considered to be achievable, subject to clearance from other users, albeit the vehicle may be required to wait for clearance. Ultimately these concerns relate to matters within the site and do not affect highway safety.

Access to the basement residents parking area is provided via an access ramp located to the side of the building. The access ramp has a fall of 1:10 to the roller shutter door that accesses the building. The applicant proposes a traffic lighted priority system whereby vehicles exiting the building would have priority over vehicles entering the building, with a waiting bay provided off the highway for a single vehicle. The Council's highways section has raised concerns that this priority system would result in vehicles waiting on the highway should more than one vehicle be waiting to access the site. This is a situation exists in many locations across the highway network, with vehicles often waiting on the to undertake a manoeuvres such as on street parking or turning at junctions. Given the volume of traffic serving 12 parking spaces, the waiting times are likely to be minimal and minimised by reason of the off road waiting bay, which is likely to be free in most cases. As such, refusal of the scheme on these grounds is considered unreasonable.

Insofar as the D2 gym use is concerned, the extant planning permission relies on the provision of eight spaces, which is acceptable given its accessible location. That being the case as a fall-back position, the eight spaces proposed in this submission is considered acceptable.

Drainage

The Council's Drainage Engineer has stated that the development is not located within DAM zones at risk of tidal or fluvial flooding, and NRW flood maps indicate that this is a very low risk site for surface water flooding. However, the highway adjacent to the site has a low to medium risk of surface water flooding. The being the case, a suitably worded condition to address of surface water drainage of the site is required. Dwr Cymru Welsh Water has raised no objection in principle to

the development, subject to surface water drainage not being discharge into the public network. This can be achieved through the detailed surface water drainage plan, (**Condition 12**).

Other issues

The Council's Shared Regulatory Services have commented on the proposal and have not raised an objection. A suit of conditions in respect of the contamination, (**Conditions 4, 5 and 6**), is included given the buildings former use as a car sales garage. Finally, given the site's location and level of works involved in the development, a construction environmental management plan is require, alongside specific hours of operation, (**Conditions 13 and 14**).

The contamination conditions take account of the site being a former car sale garage. Construction hours are specified in order to ensure the protection of amenity of neighbours during the course of construction. Sound insulation and post completion testing is required in order to ensure the amenity of the residential occupiers of the development once the gym use commences.

Planning obligations (Section 106)

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. The applicant has been advised of these requirements and has submitted a viability appraisal to demonstrate that the scheme cannot fully provide for these obligations owing to development viability. These matters are explored below.

Affordable Housing

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

The Development Plan Policy MG4 requires, in the area of Penarth that 40% affordable housing to be incorporated with any residential development. Given that the scheme proposes more than 10 units, the policy requires the provision to be made on site, with the requirement being rounded up to the nearest whole number. In this case, whilst 40% provision would equate to 4.8 units, the policy requirement is that the scheme should deliver 5 units on site. The tenure split should be four social rented and a low cost home ownership unit. Considering the housing need in the area, the intermediate unit should be a two bedroom unit,

and the social rented should be split as two “one bedroom units” and two “two bedroom units”.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) (Ed. 9, November 2016), Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car.

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

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

The Council thus requests an off-site contribution to enhance sustainable transport facilities. This contribution equates to £2,200 per residential unit. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals.

In accordance with the Planning Obligations SPG, the Council requires a financial contribution to provide or enhance sustainable transport facilities serving the site, which in this case equates to £26,400.

In addition to the sustainable transport contribution, a travel plan will also be required, which will need to set out a package of measures tailored to the needs of the site and its future occupiers, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The travel plan would be secured by planning condition.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 9, November 2016) Paragraph 4.4.3 emphasises that in order to achieve a “More Equal Wales”, development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's formula for calculating pupil demand is contained within the Planning Obligations SPG. This calculation is based on the construction of 12 units. However, this would be reduced to take account of 1-bedroom units (whether affordable or market value dwellings), which do not generate education need. As such, the contribution has been calculated on the basis of 8 units. As such and on the basis that there is no capacity in local schools, the Council would require a total contribution of £110,488 to provide and enhance educational facilities to meet the needs of future occupiers of the development.

Public Open Space

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

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

In accordance with the Planning Obligations SPG, the Council requires a financial contribution to provide or enhance public open space serving the site, which in this case equates to £32,016.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "*individuality and distinctiveness*" within a development, town, village and cities. Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

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

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

Viability issues

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.

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”.

The District Valuer was instructed to appraise the viability assessment submitted by the applicant, to provide an expert impartial view on its accuracy. The District Valuer's appraisal scrutinised and reviewed the details submitted by the applicant relating to development revenues, development costs, abnormal costs, professional fees, land values and profit margin. Having regard to these matters, the District Valuer has confirmed that the abnormal development costs and benchmark land value is such that the site is unviable to develop at full policy compliance requirement. Having considered the gross development value and the total development costs a surplus would be £24,264.

Policy MD4, Paragraph 7.31 advises where it is necessary to prioritise planning obligations, the Council will do so on a site by site basis, having regard to the specifics of the development at that time and in light of the statutory tests. Having regard to the particular circumstances of this development in this location, officers are of the opinion that the contribution should be prioritised towards the provision of off-site affordable housing. This is considered to be appropriate in terms of prioritising contributions, and in line with the available evidence demonstrating affordable housing need.

The off-site contribution would total **£24,264**. Given the viability constraints of the site, which have been verified by the DV, the Council considers this sum to be acceptable. This would be used, in conjunction with other financial obligations received, to deliver additional affordable housing off-site in the area, which is considered to be an important priority based upon the high level of need for affordable housing in this area. The developer has again agreed to this obligation.

In circumstances whereby viability demonstrates that a scheme cannot provide for, that viability assessment is time sensitive. Markets can change schemes that were previously unviable to provide development obligations can become more profitable. That being the case, national guidance is that reduced commencement periods are appropriate. Moreover, national guidance advocates the use of legal agreements to secure completion of development within a reduced period or otherwise triggering a review of development viability. The applicant has been advised of this and it has been agreed that a commencement period of 18 months (secured by condition), with completion of development within 24 months (to be secured by Section 106 Agreement).

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Agreement to secure the following:

- Provide an off-site contribution of £24,264 towards affordable housing; and,
- Securing completion of the development within 24 months, or reviewing the viability of the scheme.

Approve subject to the following conditions:

APPROVE subject to the following condition(s):

1. The development shall begin no later than 18 months from the date of this decision.

Reason:

To ensure that development commences in a timely manner in light of viability matters and 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:

AL(90)02
AL(01)10 Revision B
AL(01)11
AL(01)12
AL(01)13
AL(01)20
AL(01)21
AL(01)20 Revision A
Vehicle Priority System Document

Reason:

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

3. The ground floor of the building, labeled "Unit 1" on plan reference AL(01)10 Revision B, shall be used for gym only and for no other purpose (including any other purpose in Class D2 of 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), MD2 (Design of New Developments) and MD8 (Environmental Protection) of the Local Development Plan.

4. No development shall commence until an assessment of the nature and extent of contamination affecting the application site area AL(90)02 has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012).

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.

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

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

Reason:

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

7. Notwithstanding the details submitted, prior to the commencement of development, full details of a scheme of cleaning and restoration of the front facade of the building shall be submitted to, and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details.

Reason:

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

8. Notwithstanding the details submitted, prior to the commencement of development, further detail of the balconies hereby approved shall be submitted to, and approved in writing by the Local Planning Authority. Details shall include glazing and balustrade detail. Development shall be completed in accordance with the approved details.

Reason:

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

9. All windows on the side elevations of the building 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 Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. No air conditioning or other plant shall be installed on or in the building.

Reason:

To protect the amenity of the neighbouring properties, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. No amplified music shall be played in the ground floor gym outside the following times 08:00 and 19:00.

Reason:

In the interests of residential amenity, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New

Developments) and MD7 (Environmental Protection) of the Local Development Plan.

12. 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) and MD1 (Location of New Development) of the Local Development Plan.

13. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	0800 – 1800
Saturday	0800 – 1300

Any foundation works, other piling or ground drilling works shall be limited to:

Monday to Friday	0830 – 1730
------------------	-------------

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) 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) a system for the management of complaints from local residents which will incorporate a reporting system;
- 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) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation; and,
- xi) diesel and oil tank storage areas and bunds.

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

Reason:

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

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. 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.

17. Notwithstanding the submitted plans, details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) means of enclosure and retaining structures;
- ii) other vehicle and pedestrian access and circulation areas;
- iv) hard surfacing materials;

Soft landscape works shall include planting plans; written specifications; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate.

The scheme shall include an implementation programme (including phasing of work where relevant).

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments) of the Local Development Plan,

18. The landscaping works shall be carried out in accordance with the approved details and agreed implementation programme. The completed scheme shall be managed in accordance with an approved scheme of management.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

19. Prior to the first beneficial occupation of the residential element of development, the amenity areas indicated on plan reference AL(01)11 shall be laid out and thereafter retained.

Reason:

To ensure that satisfactory amenity space is provided for 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.

20. Notwithstanding the details submitted, prior to the first beneficial occupation of the third floor unit, details of a balcony screen to the east elevation shall be submitted to and approved in writing by the Local Planning Authority. The screen shall thereafter be erected in accordance with the approved plans prior to beneficial occupation of that unit and thereafter retained.

Reason:

To ensure the protection of amenity of the neighbouring property, as required by Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

21. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved (including samples) shall be submitted to and approved in writing by the Local Planning Authority, prior to their use on site. The development shall be completed in accordance with the approved details and thereafter retained.

Reason:

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

22. Prior to the first beneficial occupation of the residential element of the development, the bin stores and cycle parking provision illustrated on drawing reference AL(01)10 Revision B shall be laid out on site and made available for that use and thereafter retained for their respective uses at all times.

Reason:

So that adequate waste provision and cycle parking is provided 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.

23. The residential element development hereby approved shall not be occupied until the parking layout, access and traffic light signal system shown on drawing number AL(01)10 Revision B and document titled Vehicle Priority Systems, has been laid out and implemented. The basement parking area shall be occupied by residential occupiers of the development only. The gym element of the development hereby approved

shall not be occupied until the parking layout on drawing number AL(01)10 Revision B has been laid out and delineated. The parking area located to the front elevation of the development shall be occupied by the ground floor users only. The traffic light system shall be operational in perpetuity.

Reason:

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

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

Reason:

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

25. The gym use shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity. The submitted scheme shall accommodate a minimum of five bikes.

Reason:

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

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.

Having regard to Policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable

Housing, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities and MD7 - Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Supplementary Planning Guidance relating to Amenity Standards, Affordable Housing, Parking Standards and Sustainable Development - A Developer's Guide and Planning Policy Wales (Edition 9, 2016) and Technical Advices Note 2 – Planning and Affordable Housing (2006), TAN Note 11 – Noise (1997), TAN 12 – Design (2016) and TAN 18 – Transport (2007), the proposed redevelopment of this brownfield site is considered acceptable in respect of the scale and design of the building, its impact on the character of Windsor Road and the wider character of the area, access and provision of parking and impact on the amenities of nearby residential occupiers.

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

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

- 2. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) determining the extent and effects of such constraints;**
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;**
 - Unprocessed / unsorted demolition wastes.**
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - Japanese Knotweed stems, leaves and rhizome infested soils.****In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**

(iii) the safe development and secure occupancy of the site rests with the developer.

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.

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.



Site Plan 1:1250

Site Plan 1:250

1700955 FUL



RECEIVED
14 SEP 2017
Regeneration
and Planning

Job No.	Former RS Garage, Windsor Rd 17_054
Client	Pearlth Pure Commercial Finance
Drawn By	AL(90)02
Rev	
Title	Site Plan
Date	10/07/2017
Drawn	WS
Scale	1:250/1:250 @ A3

G2J Architects Environmental & Urban design
Town planners
1001A Chancery Lane, Birmingham, B1 1AB, UK
Tel: 0121 242 4400

2016/01427/OUT Received on 12 December 2016

Edenstone Homes Ltd. and Mr. John Thomas, C/o Agent.
Geraint John Planning Ltd., 33, Cathedral Road, Cardiff. CF11 9HB

Land off Cowbridge Road, St. Athan

Residential development of up to 253 units and associated work, including the provision of public open space and strategic access points

REASON FOR COMMITTEE DETERMINATION

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

Executive Summary

This is an outline application with all matters reserved other than access. The proposals consist of up to 253 dwellings and associated works, including two new vehicular access points off Cowbridge Road. The indicative layout/masterplan includes an internal road/footpath network, areas of public open space, an attenuation pond etc. Details of the proposed access points have been included, with a new off-site roundabout junction which would be located on Cowbridge Road, also serving Eglwys Brewis Road. A secondary access would be located further along Cowbridge Road.

The site is approximately 10.9ha of mainly agricultural land made up of two large fields on the northern edge of St Athan, near the MoD base and to the east of Eglwys Brewis. There is also a smaller area to the southern section of the site which is currently a large area of hardstanding and grassed area, where a building previously stood. The site is allocated for housing development of 255 dwellings in the adopted Local Development Plan under policy MG2(5).

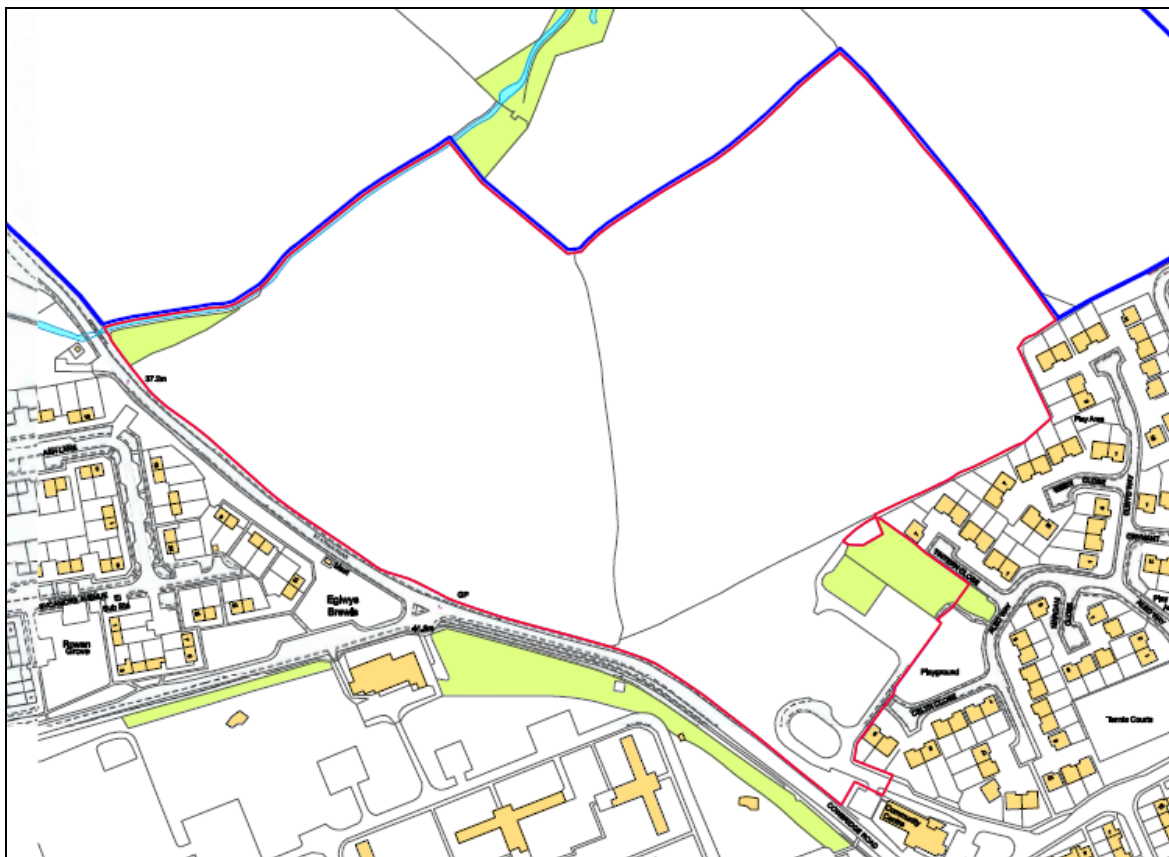
Objections have been received from St. Athan Community Council on the basis that other more suitable brownfield sites available, increased traffic, a lack of cycle provision and public transport serving the area, loss of open space, loss of agricultural land and protected species.

The main issues have been the principle of the development and how it accords with national and local planning policy, especially policy MG2 which relates to allocated housing sites. Other main issues that have been considered is the ecological impacts of the development (especially as rare arable plants have been recorded at the fields) and access into the site together with traffic impacts within the wider highway network.

Following extensive negotiations it is recommended that subject to conditions and suitable mitigation this outline application should be approved, in line with LDP policies. Also, this approval is subject to the applicant entering into a legal agreement with provisions relating to affordable housing, public open space and education.

SITE AND CONTEXT

The site is at the northern edge of the village of St Athan. The site is made up of two agricultural fields of irregular shape, with hedgerow boundaries. There is also a smaller third parcel of land which is not in agricultural use, with areas of hardstanding, an access road and mown grass. It is understood that this is the site of a former MoD building that has since been removed. This southern parcel of land is smaller than the two fields, although also of an irregular shape. The site lies within the Settlement Boundary of St Athan, as defined by the adopted Local Development Plan. This 'greenfield' site has a total area of approximately 10.9ha.



The southern part is relatively flat, while the site as a whole generally slopes down towards the north. There is a stream that runs along part of the northern boundary of the site, with a flood zone (C2) to either side of this watercourse.

Cowbridge Road/St Athan Road is to the western boundary of the site (the highway becomes St Athan Road north of the junction with Eglwys Brewis Road). There is agricultural land to the north of the site, with residential areas of Eglwys Brewis to the west. The village of Flemingston (and its Conservation Area) is approximately 370m from the edge of the site, to the northeast. The MoD St. Athan site is to the south and west, with residential areas of St Athan to the south and east. The community centre known as the Gathering Place is to the south of the site, off Flemingston Road.

Public Right of Way No.1 'Eglwys Brewis' (footpath status) crosses the western field, linking with Cowbridge Road. See the plan extract below, with the designated footway that crosses the site highlighted in green:



The Scheduled Ancient Monument of 'Flemingston Deserted Village' is approximately 1km to the east of the site.

The site is allocated in the Adopted Local Development Plan for 255 dwellings- Policy MG2 (5).

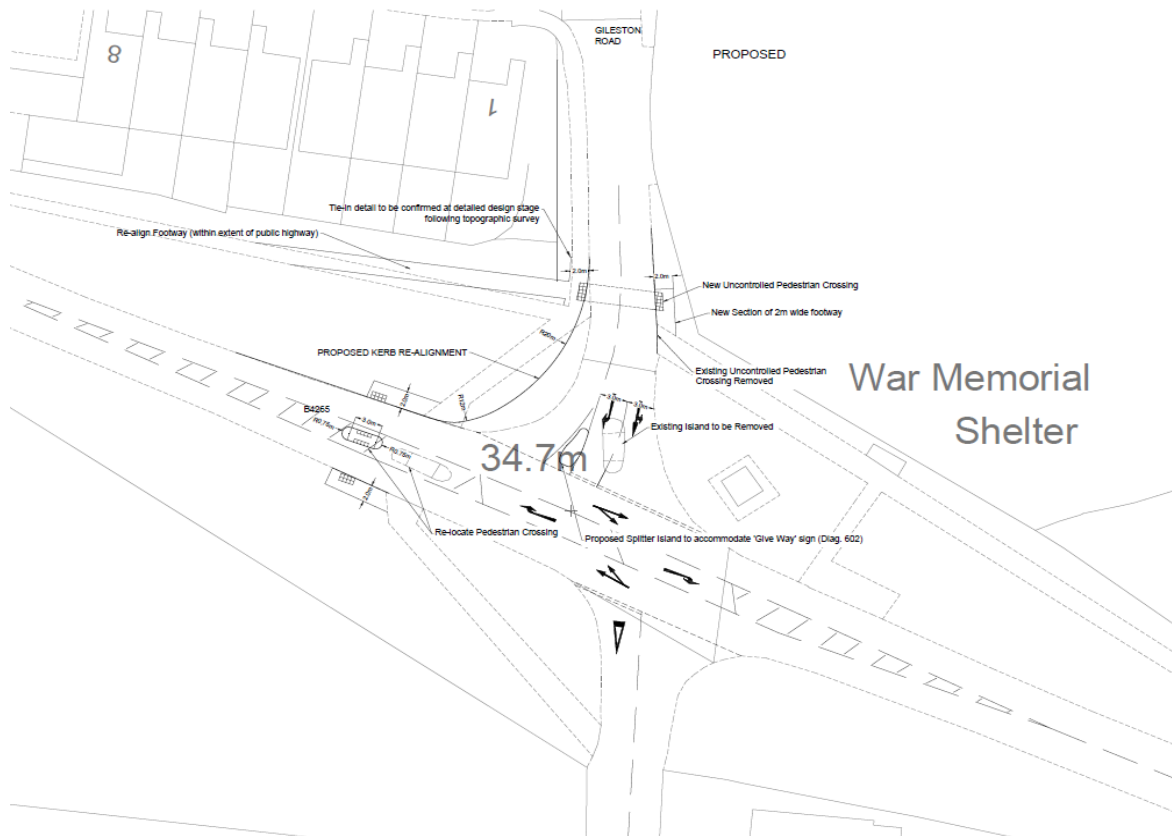
DESCRIPTION OF DEVELOPMENT

The proposal is for a major residential development of up to 253 dwellings, incorporating 17% affordable housing. The application is in outline, with all matters other than access reserved. The proposals include two access points off Cowbridge Road; the principal access being a new roundabout junction adjacent to Eglwys Brewis Road and the secondary access being a priority junction further along Cowbridge Road.

The indicative masterplan below shows the two access points and a theoretical layout for the development, including areas of open space and drainage attenuation areas:



The development also involves offsite highway works with improvements to capacity at the Gileston junction with the B4265, shown on the plan below:



PLANNING HISTORY

2016/01116/SC1 - Outline application for proposed residential development – Screening Opinion –

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics and location of the site is such that it is not a 'sensitive' area and the potential impact of the development as outlined in the supporting documentation is unlikely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is no requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

2005/01587/FUL, Address: Land at Cowbridge Road/Flemingston Road, East Camp, St. Athan, Proposal: New community church building with associated works, Decision: Approved

2006/01834/FUL, Address: Land at Cowbridge Road/Flemingston Road, East Camp, St. Athan, Proposal: New community church building with associated works, Decision: Approved;

2008/00367/FUL, Address: The Gathering Place, Church and Community Centre, St. Athan, Proposal: Steel storage container to be sited on edge of car park for secure storage for the Gathering Place Community Centre, Decision: Approved;

CONSULTATIONS

St. Athan Community Council – The Council has “strong objections” to the proposals which are summarised below:

- Considers the proposals as unsustainable development due to its location, with other more suitable brownfield sites available. States that the use of the MoD site future should be known before development on greenfield land.
- Increased traffic in the area, including minor rural routes particularly to the lanes north of St. Athan
- Criticism and responses to the submitted Transport Assessment, including criticism of the assumption that the ‘Northern Access Road’ or other highway infrastructure being delivered; a lack of cycle provision included; St Athan Road/Cowbridge Road is not an acceptable route for cyclists or pedestrians; There is a lack of public transport serving the area; There is poor connectivity to main employment centres for cyclists or users of public transport;
- Loss of the area of open space adjacent to the Gathering Place, with the proposed open space only serving the new development;
- The proposals contributes to an overdevelopment of St Athan considering other recent developments;

- Unacceptable impact on the amenity and character of the locality by way of noise, traffic and parking;
- Does not contribute towards community facilities;
- The proposals would result in an unacceptable loss of agricultural land.
- The proposals would result in the loss of open space and protected species.

Highway Development - The site access and highway matters have been subject to extensive negotiation. The highways engineer has confirmed that the revised and latest iteration of the proposed site access is acceptable in relation to vehicular and pedestrian safety and subject to the revised access and junction improvements proposed; the impact to the local highway network was acceptable. The proposed cycle and footway arrangements were also considered acceptable in principle, but the detailed design remained under review. No objection is raised in respect of traffic impacts.

Public Rights of Way Officer – Stated that Public Right of Way No.1 ‘Eglwys Brewis’ should remain open at all times for the public to use. However, it is noted that the proposal would require the diversion of the public footpath. There is also the option of a ‘temporary’ closure to assist works.

Highways and Engineering (Drainage) – No objection subject to a condition requiring full surface water drainage, taking into account climate change. A written declaration is required detailing responsibility for the adoption and maintenance of all elements of the drainage system is also required, together with a Construction Environmental Management Plan.

Environmental Health (Pollution) – No objections. Agree with the conclusions of the submitted Environmental Noise Survey. Recommended a condition requiring a Construction Environmental Management Plan.

Glamorgan Gwent Archaeological Trust (GGAT) – Considered the submitted Evaluation Report (Worcester Archaeology) and noted the findings. Stated that the potential for buried archaeology outside of the areas already explored and would therefore recommend a condition to mitigate this possibility, in the form of a full written scheme of investigation for a programme of archaeological works.

St. Athan Ward Member - Cllr John Thomas declared a pecuniary interest and would therefore not be passing comment.

Dwr Cymru/Welsh Water – Stated that only foul water should be discharged from the site into the sewer system and stipulated the point of connection. Required full details of drainage from the development via condition. Developer should contact Dwr Cymru/Welsh Water to organise connection to the sewer system. No objection relating to water supply for the proposed development.

Ecology Officer – Recommended the inclusion of planning conditions to protect the biodiversity of the site, following consideration of the main ecological issues highlighted at the site (including rare plants, slow worms, and bats along the river corridor). The conditions relate to the preservation of the rare arable plants, the need for a biodiversity strategy, the need for a reptile strategy, plus the need for biodiversity enhancements.

Landscape Section – A Strategic Landscape and Visual Appraisal has been submitted with assessments of the site from certain strategic views, which has been assessed by the Landscape Officer, who has advised as follows. ‘I am happy from a technical stand point that the report carried out by EDP identifies the visual impacts affecting this site. I am aware that this site is viewed within the context of an existing housing and large scale units associated with St Athan’s Ministry of Defence (MOD) and I confirm that subject to suitable landscaping mitigation measures I have no objections to the development.’

Waste Management - No comment received to date;

Wales and West Utilities – Stated that there are pipes within the area and requested the developer to contact them before the commencement of development.

Crime Prevention Design Advisor – No objection to the proposals. However, there is a lack of information within the Design and Access Statement on this matter. Recommended conditions to enhance security and safety of future occupants against crime and enhance highway safety.

Housing Strategy - Based on 300 units there should be 105 units of affordable housing, with a 70/30% split in favour of social rented over intermediate housing. Affordable housing should be DQR compliant. Housing Strategy have been involved in further discussions regarding development viability (considered below) and confirmed a preference for 100% social rented tenure based on local needs.

Natural Resources Wales (NRW) – Following consideration of the submitted surveys (particularly related to dormice), there is no objection subject to conditions.

With regards the rare arable plants (Corn Buttercup and Shepherds Needle) NRW accept the general principle surrounding proposed mitigation measures submitted. A method statement is requested relating to the mitigation implementation. Details of what should be incorporated into the method statement have also been included in the comments, which have been forwarded to the Agent for the application.

NRW have noted that no development is shown within the flood zones on the Masterplan. NRW required a condition that no development other than open space is proposed within the predicted flood outlines.

With regards Great Crested Newts there are no objections to the proposals as the masterplan indicates boundary hedgerows are to be retained.

Western Power Distribution – No comment received to date;

Cadw (Ancient Monuments) – Considered that there are “no scheduled monuments or registered historic parks within the vicinity of the development” and therefore have no comments to make. Advised that there should be no planting or building within the vicinity of the archaeological ring ditches and that they should be protected with temporary fencing through the course of construction.

Ministry of Defence - No safeguarding objections;

Cardiff Airport (Safeguarding) – No safeguarding objections

Public Health Wales – ‘We have capacity in Chapel Surgery, St Athan to accommodate the expected increase in population in this area, although we would need to carefully plan the increase in general medical service provision, which may need financial support from the Health Board during the transition period as our list size grows. St Athan branch surgery is open half a day for 5 days a week so as the demand increases we could extend the opening times to ensure there is sufficient access. The Health Board would need to commit to providing ancillary services such as phlebotomy, counselling etc’.

Sustrans – Advised that “a shared path should be provided along the full length of the site on the north east side of Cowbridge Road to a minimum of the destination of the Community Centre”. Walking and cycling should be encouraged with a network provided for residents.

Cardiff and Vale University Health Board (UHB) – Considered the potential number of people that could occupy the proposed houses against the capacity of different forms of care that would be required. Advised an addition 0.35 of a full time GP would be required, together with additional health expenditure due to the increased population. Also advised prioritising pedestrian routes, strengthen connectivity, provide sufficient outdoor space and make land available for community food growing.

REPRESENTATIONS

The neighbouring properties were consulted at various points during the application, between 16 December 2016 and 2nd January 2018. Site notices were displayed. The application was also advertised in the press. There have been 35 emails and letters received in response to these consultations. There have been concerns and objections cited relating, in summary, to the following:

- An increase in traffic on local highway network
- The road network would struggle to accommodate the increased traffic generated
- Narrow rural roads and no pavements on roads to the north of the site
- Vehicular conflicts at Eglwys Brewis Road junction
- It would be a prominent development which would have an adverse impact on the Special Landscape Area
- The loss of land from agricultural use, which is high grade
- It would effectively join St Athan to Flemingston
- There would be negative impacts arising from the affordable housing on local communities
- The housing should be less dense than proposed with larger gardens
- An increased flood risk as a result of proposed development
- A lack of local facilities, including school places
- There would be a possible alternative to develop MoD site instead of this greenfield site

- A loss of existing open space area adjacent to Gathering Place
- Air pollution caused by additional traffic
- A lack of suitable public transport provision
- The proposals would undermine local tourism industry potential
- The site access would be dangerous
- The majority of the site is outside of the Settlement Boundary
- The proposals are contrary to UDP policy
- The site is unsustainable and would be primarily accessed by private vehicle
- The proposal represents overdevelopment of this rural area
- The application is pre-empting the LDP process
- The future development of the MoD base should be determined first
- A loss of hedgerows and trees
- The sewer capacity is not sufficient for the proposed development
- A detrimental impact to Brown Hares, evident in the area
- There is a lack of need for additional dwellings in the area
- A detrimental impact to visual rural qualities of area
- The urbanisation of the Vale from cumulative developments
- A loss of local ecology
- Light pollution from the proposed development
- Three storey buildings would be out of keeping with the vicinity
- Insufficient employment opportunities in St Athan to support the development
- It would over-burden existing local facilities and services
- There are more suitable brownfield sites available
- Ancient burial grounds would be desecrated

A representation was also received in support of the proposals, citing the positive impacts for local business.

Mr Alun Cairns MP emailed on the 21 December 2016, stating that his constituents in the area are “understandably concerned” that the development would cause excessive pressure on level services and infrastructure. He expressed particular concern relating to highway network and increased traffic and also raised concern about broadband speeds being negatively affected by the development.

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

Strategic Policies:

- Policy 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 – **The site is referred to as ‘Strategic Housing Site’ No 5 for ‘Land to the east of Eglwys Brewis, St Athan’ for 255 dwellings.**

- Policy MG4 – Affordable Housing
- Policy MG17 – Special Landscape Areas
- Policy MG19 – Sites and Species of European Importance
- Policy MG20 – Nationally Protected Sites and Species

Managing Development Policies:

- Policy MD2 - Design of New Development
- Policy MD3 - Provision for Open Space
- Policy MD4 - Community Infrastructure and Planning Obligations
- Policy MD5 – Development within Settlement Boundaries
- Policy MD6 - Housing Densities
- Policy MD7 - Environmental Protection
- Policy MD8 - Historic Environment
- Policy MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

9.1.1 The Welsh Government will seek to ensure that:

- *previously developed land (see definition at Figure 4.4) is used in preference to greenfield sites;*
- *new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that*
- *the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.*

9.1.2 *Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing.*

9.2.14 A community's need for **affordable housing** is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – Historic Environment (2017)

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 (2018)
- Biodiversity and Development (2018)
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards
- Planning Obligations (2017)
- Public Art
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees and Development
- Flemingston Conservation Area Appraisal and Management Plan

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular; the following background papers are relevant:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Plan Preparation and Flood Risk background paper update (2015)
- VOGC and Natural Resources Wales LDP Flooding Position Statement (2016) (LDP Hearing Session 4, Action Point 1)
- Local Development Plan Highway Impact Assessment (2013)
- Infrastructure and Site Deliverability Statement (2015)
- Open Space Background Paper (2013)
- Community Facilities Assessment (2013)

- Education Facilities Assessment (2013)
- Sustainable Settlements Appraisal Review (2016)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 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.*
- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update, Welsh Government (2009)

Well Being of Future Generations (Wales) Act 2015

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

Issues

The primary issues considered with this application are as follows:

- The principle of the proposed development and policy context
- The proposed access into the site and offsite highway works
- Impact of traffic generated by the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Open space provision
- Potential impact to neighbour amenities
- Ecological impacts of the proposed developments
- Impact to trees and hedgerows
- Consideration of the proposed drainage strategy and the impact of flood risk
- Loss of agricultural land
- Impact to archaeological resource

Principle of the proposed development and housing density

The site is allocated for housing development in the adopted Local Development Plan (LDP) under policy MG2 (5). The site within the LDP is known as 'Land to the east of Eglwys Brewis'. The application was submitted in 2016 when, at the time, the LDP was not adopted, but the plan at 'deposit' stage did include this site as an allocation for up to 300 dwellings. The LDP was later adopted in 2017, at which time this site remained as a residential allocation, but with the number of dwellings reduced to 255. The rationale for the reduction was principally to reflect that arable plant mitigation was likely to be needed which reduced the net developable area of the site.

The current proposals are similar in number to the allocated site, in so far as they are for up to 253 dwellings. The principle of the proposed residential development has been established in planning policy, since it is in accordance with LDP policy MG2(5). It is stated in policy MG2 (Housing Allocations) that the housing sites are allocated "in order to meet the housing requirements" with this site being considered a "Strategic Housing Site". Sub-paragraph 6.10 to this policy outlines how the need for more housing has been determined and how the sites have been assessed through the LDP allocation process:

"6.10 In accordance with the LDP Strategy and Policy SP3, land has been allocated for an additional 8,525 dwellings over the Plan period on 48 sites to take account of changes arising from demographic change, migration and changes in household formations. The number of units proposed for each site is based on an assessment of appropriate density. Where sites already have the benefit of planning permission, the figures reflect actual permissions, while on some sites densities have been adjusted to reflect site specific circumstances, including flooding constraints."

This development is of high importance as a strategic allocation in order for the Council to meet its housing targets as set within the LDP. The allocations are based upon evidenced need throughout the Vale over the period of the plan. As noted, the allocation was originally for up to 300 dwellings but reduced to 255. The current proposals are for only 2 dwellings below that of the LDP allocation, but it should also be recognised that reduction was intended to reflect a requirement for ecological mitigation to preserve the rare arable plants identified by Natural Resources Wales. However, off site mitigation is now proposed and is considered suitable by Natural Resources Wales (the ecological matters are discussed in more detail below). Whilst the site might therefore be expected to yield a higher number of dwellings, there have been other constraints identified through the application process. The net developable area limits identified by the applicant are considered reasonable in light of flooding constraints and hedgerow buffers. As such, based on a suitable density of 30 dwellings per hectare as required by LDP policy MG2, a proposal for up to 253 dwellings on this site is considered acceptable.

Overall, the principle of developing this site for housing is in accordance with the adopted LDP, specifically policies SP3 and MG2. The housing numbers proposed within the net developable area are also considered acceptable.

Visual and Landscape Impacts

The application has been supported by a 'Strategic Landscape and Visual Appraisal' by EPD. The appraisal assessed the existing site and nearby landscape designations and considered views from surrounding areas, such as the Flemingston Conservation Area and the wider Special Landscape Area. The appraisal concludes that *"the site is generally only visible in short range views from the south, east and west and medium distance views from the north"*. The appraisal states that where the site is visible from close range *"it is likely to be seen in conjunction with existing built residential or industrial scale development"*, being the existing houses of St Athan and the adjacent MOD base.

In relation to longer range and landscape views, including from the public right of way (PRoW) the appraisal concludes:

'Medium distance views are available from the north from higher ground. Views are available from the edge of Flemingston Conservation Area, these views are limited and filtered. There are a number of designated assets within the study area; the likely visual effects are however limited to localised PRoW, in particular, PRoW E1/1/1 which crosses through the site, although to a lesser degree.'

The overall conclusion of the appraisal is that "the potential effects of the proposed development are considered limited and localised, and are not felt to be contrary to local planning policy.."

The 'Landscape and Visual Addendum' provides additional detail over and above the original appraisal, based upon the amended plans. It includes viewpoints used from a range of distances and locations. This addendum concludes that from the viewpoints used there would be no harmful visual impact from the nearby Valeways Millennium Heritage Trail or the Deserted Village Scheduled Monument. The view from Flemingston Conservation Area would have a 'minor' visual impact, and the report highlights that vegetation would interrupt the views and the existing housing would be in the backdrop. The closer views have a higher level of impact, being 'moderate' other than the view from the existing public right of way which could be 'major'. However, in identifying sites for residential development, resultant visual change in the immediate close context would be expected from a major residential development. Such matters were also fundamentally considered as part of the process of allocating the site within the LDP and while there will inevitably be a significant change to the character of the land this does not imply that the development is unacceptable. Rather it is necessary to ensure, through appropriate design and landscaping, that the development assimilates into the adjoining settlement and the landscape as sensitively as possible.

A landscape mitigation strategy has been included with the submitted information based on landscaping along the boundaries of the site. It would seek to 'protect and enhance existing landscape features by introducing ecological buffers along field boundaries'. The appraisal also points to the areas of public open space and areas around the proposed attenuation pond, which would help provide landscaped areas within the development. The application is for outline permission, therefore specific landscape detailing would be assessed at a later

stage, but the retaining of existing hedgerows and planting of more trees will help to soften the visual impact of the development, including the adjacent Special Landscape Area.

It is considered that the proposed residential development would appear as a logical extension to the village of St Athan, with the dwellings proposed being largely viewed against the backdrop of existing residential areas and the adjacent MOD base. A suitable scheme of landscaping can be required by condition and the safeguarding of existing mature trees and hedgerows would also soften the visual impact of the development. There would be no significant detrimental impact to the setting of the adjacent Special Landscape Area and the character of the Flemingston Conservation Area would be preserved in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the LDP.

Indicative Layout

The proposed layout has been indicated with a basic masterplan. The masterplan illustrates a road layout, housing blocks, the position of public open space, access points into the site, the attenuation pond etc. There is no plan detail of the proposed dwellings for example, at this stage. The specific detail would be considered during a reserved matters application if this outline application was approved.

The site is effectively split into two main sections. There is a smaller area to the southern section of the site, on what is currently the hardstanding and grassed area north of the community centre. The other larger area consists of the two fields located at the northern side of this site.

The smaller southern section of the site would have its own access off Cowbridge Road. Most of the trees within this area are to be retained with an area of open space designated near the western boundary with a connecting footpath link running adjacent to the open space and through the trees. There is no internal vehicular access proposed here, as there is a significant difference in levels between these two sections of the site. The proposed pedestrian link would, however, ensure permeability within the site. The simple highway arrangement proposed within this area is considered acceptable in principle to serve this part of the development.

The layout for the two existing fields is illustrated on the Masterplan with a loop arrangement that links with the main access off a new roundabout. This would be the primary route through the site, but there are also secondary highway links and loops along with two short cul-de-sacs. The layout is logical with a clear hierarchy of highway connections, which would help with the legibility and orientation of the development. The two archaeological areas are shown to be free of any built development. Also, there are no dwellings proposed near the stream or the adjacent flood zone area to the northwest boundary. There is an attenuation pond, being part of the sustainable drainage of the site, proposed near the stream

which is considered a suitable location for such a feature, which would contribute towards the informal open space in this area.

The public open space arrangement is well distributed throughout the proposed development, with a smaller Local Area of Play (LAP approx. 100sqm) and a Local Equipped Area of Play (LEAP - approx. 400sqm) and a Neighbourhood Area of Play (NEAP – approx. 1000sqm) all included.

The maintenance of hedgerows to the perimeter is an appropriate approach for this site considering the open nature of the surrounding land to the north. The site bounds existing residential properties to the east, but there is no opportunity for permeability between these areas as the properties back on the proposed site. The retention of the hedgerow is therefore appropriate in relation to the layout. It is indicated that the hedgerows would be retained where possible, with the majority to be safeguarded. The hedgerows would also help soften the visual appearance of the development on the edge of St Athan and have an ecological benefit.

The layout as indicated on the submitted plans is considered to be acceptable in principle for a development of this kind, subject to a full assessment of the details to be submitted at a Reserved Matters stage.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan includes dwellings relatively close to the southern site boundaries, which adjoin the boundaries of existing dwellings. As such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings accords with the relevant criteria of Policy MD2 of the LDP, and the Council's Supplementary Planning Guidance 'Householder and Residential Development' SPG. However, subject to an assessment at Reserved Matters stage, an acceptable layout can be achieved that provides for adequate spacing between dwellings to ensure that the residential amenities of existing residents are protected.

A large scale construction project such as this will inevitably cause some disturbance to neighbouring properties during the course of construction. These impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless, for development of this size and likely duration of the works, it would be reasonable to require submission of a 'Construction Management Plan' by condition, to ensure that any impacts as a result of the construction phase of development are minimised (condition 13).

It is considered that the residential development would not in principle unacceptably impact upon the amenities of neighbouring dwellings, subject to detailed design which would be assessed in detail during a reserved matters application. In this respect it is considered that the proposal complies with the relevant criteria of Policy MD2 of the LDP.

Highways Matters

The detail of the internal road layout and parking arrangement within the site are reserved matters and are not under consideration as part of this outline planning application. The site access and the impact of the development in relation to traffic generation, pedestrian movement and highway safety are considered in more detail below.

Two new vehicular access points are proposed. The primary access would be formed by creating a new roundabout at the Eglwys Brewis Road/ St Athan Road/ Cowbridge Road junction. There is an existing transition from a 40mph speed zone to a 30mph speed zone shortly before the junction on the approach from the northwest, which can be moved further to the northeast in order that the site frontage would be located within the 30mph zone. The relocation of the transition and addition of a roundabout would act as traffic calming measures, slowing speeds and reducing conflict at the existing junction. The secondary access to the south eastern part of the site is proposed as a priority junction situated off Cowbridge Road. These works and necessary Traffic Regulation Orders will be secured through the section 106 legal agreement.

There would be an inevitable increase in traffic flow in the surrounding highway network as a consequence of the development; however, the projected impacts of the development have been reviewed as part of a capacity analysis informed by the supporting Transport Assessment (TA). The TA has assessed traffic impacts within the wider highway network and modelled that the proposed 253 dwellings will generate some 1146 daily vehicle movements with 120 movements occurring during the morning peak hour and 129 during the evening peak hour. The TA assessed the likely distribution of the traffic (a split agreed with the Council's Highways section) and it concluded the traffic impacts could be acceptably accommodated by the wider network, with the exception of the Gileston junction at the B4265. This junction is already operating close to capacity and the proposed development would increase traffic flows at that junction. Consequently, works are proposed at this junction comprising widening and flaring of Gileston Road's northern approach. The widening of the junction approach increases the junction's capacity by making it easier for left-turning traffic to pass traffic that's waiting to turn right. The Council's Highways Engineers have considered the proposals and are satisfied that they would sufficiently mitigate against the traffic impacts. The Assessment also concludes that the proposed roundabout and priority junction into the site would operate within safe capacity considering current and projected traffic flows. The Highways Engineer has assessed the submitted TA and plans and raises no objection to the proposals in respect of traffic generation.

The designs of the proposed accesses have been reviewed by Council's Highways Development section in relation to visibility and safety and the proposed arrangement is considered acceptable to accommodate the development.

In addition to the above, the above referenced improvement works are also proposed to the junction of Gileston Road and the B4265, which include kerb realignments, widening the junction, relocation of the splitter island and relocation

of the pedestrian crossings, have been subject of negotiation with the Highway Development section and the design is now considered acceptable and safe.

In relation to pedestrian and cycle provision, it is proposed to provide a shared route along the site frontage between the two accesses. This would provide a safe route for pedestrians and cycle traffic from the proposed development in the direction of St Athan. Thereafter, there is a potential to extend the route to the south east, past the Community Centre car park to join existing facilities on the junction of Flemingston Road. This is the preferred and most rational option for providing a continuous route towards St Athan. This option is dependent on the required land being offered for adoption to the Highway Authority and the route detail and land transfer remains subject of review and negotiation at this time.

The provision of a cycle/footway in this location is clearly preferable, but also dependent on the provision of land from a third party and is outside the control of the applicant. In assessing whether the application is acceptable, it is therefore necessary to assess the alternative option for pedestrians in the event the land is not adopted. In this case, there is an existing footway on the opposite side of Cowbridge Road, which could satisfactorily connect the development to St Athan via the provision of an appropriate crossing. There is also potentially scope for pedestrians to link through to the adjacent area to the south east of the site. Consequently, it is considered that the development would be served by acceptable pedestrian and cycle links, which would encourage travel patterns that do not rely wholly on the private motor vehicle. Condition 16 requires details to be agreed.

There is no formal pedestrian or cycle route proposed leading west from the primary access. The site is located towards the edge of the settlement and as such it is not considered necessary to provide a formal route across the western side of the site frontage. It is indicated that a strip of land adjacent to the highway would be offered for adoption to the Council, therefore, there would be sufficient room to provide a footway in the event that one would be required in future. There would be a pedestrian crossing located at the proposed roundabout that would link to the existing footways serving the housing and MOD site opposite. This will be dealt with as part of the Section 106 agreement.

The development is therefore considered acceptable in relation to the impact upon traffic generation, site access and highway safety, subject to appropriate conditions requiring the implementation of the off-site works prior to the first beneficial occupation of the development and the approval of detail for the pedestrian and cycle provision south of the site.

Drainage and Flooding Matters

The proposals have been supported by a 'Flood and Drainage Statement' (Shear Design – September 2016), with appendices. It identifies that for foul drainage, a pumping station would be required to pump the sewerage to the point of connection with the Welsh Water sewers. Welsh Water has agreed to these proposals in principle and did not foresee any problems with waste water treatment works as a result of the proposed development. It is also noted that Welsh Water has no objection to the proposals on the grounds of water supply.

The statement indicates that no soakaway tests relating to the possible use of soakaways have been completed as yet. However, the statement also made clear that that the ground would be unlikely to allow for good levels of permeability through the site. Therefore, it is proposed to discharge surface water into the stream (Nant y Stepsau) at 'greenfield' runoff rates, via the proposed attenuation pond. The indicated attenuation volume is 3200 cubic meters. The pond is indicated to have a permanent water depth of 1m below the outfall.

In terms of a suitable drainage hierarchy, soakaways are the preferred method. Infiltration should be considered as the primary method of surface water disposal prior to any other method being considered. Therefore, prior to a detailed drainage strategy being approved, evidence of porosity testing on site should be submitted. If soakaways are not a suitable means of drainage then alternatives including the currently proposed discharge into the stream can be considered. In any event, full hydraulic details would be required, along with details of future maintenance and management of the drainage system on site.

A Construction Environmental Management Plan for the protection of the adjacent brook from pollution during the course of construction is also required via condition.

The information submitted with this outline application illustrates an acceptable approach, in principle, if the porosity tests support the conclusion of the drainage statement. The details of the testing would be required to be submitted before a drainage scheme can be fully considered. The Council's Drainage Engineer has raised no objection, subject to conditions.

In regard to flood risk, it has been identified that there is a relatively small area of the site which is located in DAM Flood Zone C2, indicating there is a risk of fluvial flooding to those areas. There is also a designated 'Main River' at the northern boundary of the site, that being the aforementioned Nant Y Stepsau. The Flood and Drainage Statement suggests that the extent of surface water flooding is marginal across the site. The Flood and Drainage Statement and indicative master plan illustrate that there will be no built development within the risk areas identified as Zone C2 and NRW recommend the areas be kept free of development by condition.

In accordance with TAN 15 it is necessary to avoid placing development sensitive to flooding within areas at risk. The scheme also utilises these areas positively, for the proposed attenuation pond and for drainage purposes. There is no objection from NRW regarding the proposed development, on condition that no built development occurs within the DAM Flood Zone. This matter would however be addressed during assessment of the detailed layout during any subsequent reserved matters application.

Agricultural Land Classification

The existing land is primarily agricultural. The land is classified as Grade 3a agricultural land, which is considered the "most flexible, productive and efficient" land in terms of output (Technical Advice Note 6).

Planning Policy Wales 2016 states the following on this matter:

*“4.10.1 In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a 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. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”*

Policy MD1 of the LDP at Criterion 9 states that development should “*have no unacceptable impact on the best and most versatile agricultural land.*” However, this site is allocated for residential development in the LDP under Policy MG 2, taking into account its agricultural land quality, where such matters needed to be balanced against the need to deliver sufficient housing to meet identified need and having undertaken a robust site assessment and allocation process.

In reference to the advice within PPW, in this case the overriding justification for the development is housing need, which is to be met by the proposed residential development. There is an identified and evidenced need for additional housing which is to be met primarily by the sites allocated for housing within the LDP, such as this strategic site. The the loss of good quality agricultural land is regrettable, but is outweighed in this case by the significant need to provide housing within the Vale of Glamorgan, in line with the LDP strategy and also is in accordance with PPW, which allows for development of such land where there is “an overriding need for development”. The loss of Grade 3a agricultural land is therefore considered acceptable in this instance and was accepted by the LDP Inspector in his Examination report.

Public Rights of Way (PROW)

The application site is crossed by a Public Right of Way (No.1 ‘Eglwys Brewis’). This runs east-west across the western field, connecting between Cowbridge Road and a field to the northeast of the site. The proposed site could accommodate residential development while preserving this right of way, albeit a diversion order must be obtained, confirmed and implemented prior to any development. The proposed route is indicated to follow the hedgerow between the eastern and western fields within the site and will need to be considered further at the Reserved Matters application stage.

The Council’s Public Rights of Way Officer has raised no objection to the application, subject to either the preservation of the existing right of way or the more likely diversion of it via an agreeable route within the site.

Ecology - Fauna

The application is accompanied by an 'Extended Phase 1 Habitat Survey', with separate survey reports for reptiles, otters, bats and dormice. The Habitat Survey includes a site description as 'amenity grassland and concrete hard standing'. No part of the site is covered by National or International designations for ecology conservation importance. Furthermore, the Habitat Survey notes that no part of the site is covered by any local ecology designations, such as a Site of Interest to Nature Conservation (SINCs).

The Habitat Survey concluded that the amenity grassland has been intensively managed and so has a low ecological value. In regard to the trees on site, the report concludes that due to the high percentage of non-native trees they are of moderate ecological value. The scrubland also has moderate value, whilst the hedgerows provide connectivity and ecological habitats and so have a high ecological value at "*a site, local and county level*".

In regards to bats, the September 2016 report found that the site has some important commuting and foraging areas for bats and, therefore, provided recommended enhancements and mitigation, including a lighting plan, bat boxes on the new houses and a 'whole site strategy' for bats. In addition, it is recommended that a condition should be attached to any approval to control vegetation clearance and lighting of the stream corridor, which is considered to be a sensitive zone for bats in the area. A lighting scheme which is sensitive to protected species throughout the site, including the provision of dark corridors, should also be required via condition (condition 10).

In regard to otters, recommendations were made to ensure minimal disturbance to otters during the construction works. This is because it is found that otters sometimes travel along the watercourse to the northern edge of the site.

The Dormouse Survey shows no evidence was found indicating that dormice were present within the site and so their conservation status would not be affected by the proposals. However, it was recommended that hedgerows should be retained where possible to provide strong links for species such as dormice. The majority of hedgerows are to be retained, which would be of benefit to potential dormice in the area. The maintenance of hedgerows where possible is also considered as important for any potential population of Great Crested Newts, as stated by Natural Resources Wales.

There was evidence of reptiles confirmed by the submitted surveys, at the stream and also within hedgerows and scrub land. This included a population of slow worms. The submitted reptile survey recommended the removal of reptiles from the site prior to development, along with a buffer zone along the stream corridor, among other recommendations. It is considered that a full reptile strategy should be submitted that addresses the issue of safeguarding of any reptiles found to be at the site, which can include the recommendations of the initial submitted report (condition 10).

No evidence was found regarding badgers using the site and so no mitigation is required.

In regard to 'European Protected Species' and the surveys submitted, no objections have been raised by Natural Resources Wales (NRW). This is subject to a lighting plan condition which should include dark corridors along the watercourse and hedgerows, as indicated above. In addition, it is considered that a 'Biodiversity Strategy' should be required via condition (condition 10) to seek biodiversity enhancement throughout the development. This should include such features as newt friendly drainage, bird nesting boxes on the new houses, retention of hedgerows etc. This should be included with the subsequent Reserved Matters application if this outline application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority (LPA) must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The residential development of the site would bring benefit to the local economy and provide a social benefit by addressing a clear and evidenced need for both market and affordable housing within the locality. The latter, in particular, is a reason of overriding public interest that meets the requirements of Test 1 and has also been identified as a strategic housing allocation within the LDP.

Test ii) - There is no satisfactory alternative

In this case the, land has been through a substantive assessment process in being considered suitable for residential allocation within the LDP. There are no equally suitable sites known within the vicinity of St. Athan that could readily accommodate a development of this size. The refusal of permission would inevitably result in development pressure on other, potentially less suitable sites, as an alternative location would need to be found to accommodate the number of units proposed here. There are also opportunities afforded through ecological enhancements and mitigation.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

The presence of protected species has been noted within this report and was identified via the ecological surveys that have been undertaken. The associated reports also address the impacts to each species, and subject to suitable conditions requiring the recommendations of the reports are carried out, the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. This conclusion is supported by the comments of Natural Resources Wales, which did not object to the positive determination of this application, subject to suitable conditions.

It is considered that through careful mitigation and enhancements, there would be no significant adverse impact to the ecology of the site or the surrounding areas as a result of the proposed residential development. The proposals therefore accord with policy MD9 of the adopted LDP.

Ecology – Flora

Natural Resources Wales (NRW) have indicated that the presence of two arable plants have been recorded at this site, namely Corn Buttercup and Shepherds Needle. These are important and rare arable plant species and are classified as extremely high risk of extinction in the wild within Wales. NRW have suggested that this site is therefore an important site for this species within Wales.

A formal note has been submitted (May 2017), which addresses this issue based on a mitigation strategy set out in an Ecological Appraisal. This strategy includes fully developing the two fields as proposed, known as fields F1 and F2 in the July 2016 Ecological Appraisal. However, field F3, which is immediately to the north of the proposed housing site, is to be actively farmed with the purpose of creating the conditions for Corn Buttercup and Shepherds Needle to be re-established. Field F3 is stated to be within control of the applicant (the field is in the same land ownership as the site proposed for the housing), thereby allowing for this form of off-site mitigation (condition 10).

An extract from the submitted plan, showing fields F1 and F2 to the south, and F3 to the north-west, is included below:



The proposed development of the whole of the site for housing would clearly result in the loss of these plants within the fields where they were once established and common. However, the applicant has also contended that suitable agricultural activity on these fields would be unlikely to continue and is noted to have ceased at the present time. This would be likely to eventually lead to the loss of any seed bank that might currently exist on the land. Whilst the development would result in the loss of an area suitable habitat, the mitigation measures proposed would involve the transfer of the seed which would give the arable plants an opportunity to establish on the adjacent land.

NRW indicate that they accept the general principle surrounding the mitigation measures but require a condition securing submission of a detailed method statement. The statement would detail how the mitigation would be carried out; including the areas the soils will be transposed to and from, the volumes and depths, the timings of these works and post transposition works and/ or aftercare. It would relate to the translocation of soils from fields F1 and F2 to F3, with the intention of relocating the seed bank from the development site (as stated in the submitted letter from TerrAqua dated 6 October 2017). The NRW comments of the 18 August 2017 provide further detail on the information expected within the method statement.

The applicant has indicated their agreement to such a condition (no. 10). It is considered that the proposed mitigation measures offer adequate protection against the loss of the rare arable plants Corn Buttercup and Shepherds Needle, as outlined above.

Trees and hedges

The application includes an arboricultural report, which states that there are 17 individual trees, eight hedgerows, 8 groups of trees and a woodland (totalling 34 items). Twenty of the items were identified as Category B (moderate quality and value) and the remainder were category C (low quality and value) or category U (unsuitable for retention). None of the trees within the site are protected with TPOs.

The majority of category B items (13) can be retained, unaffected by the proposals, and these are indicated on the masterplan. The layout on the masterplan enables the retention of the main hedges through the site and around the perimeter, with a relatively modest intervention in one hedge to allow access between the two main field parcels. The majority of the existing trees are located within the smaller field parcel at the southern end of the site (in two groups), and the majority of these can be retained to contribute as substantial landscaping features. The trees along the site frontage are likely to be affected by a footway, however, there is scope within the development for new tree planting inside of the footway. While the masterplan is indicative, there is evidently scope for the existing trees and hedges to be supplemented with new planting around the site perimeter and throughout the development. It is considered, in summary, that the development would not unacceptably impact upon trees and hedges within the site and that the retention of these would contribute towards a landscaping scheme that would successfully soften the impact of the development.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have advised that there needs to be a full written scheme of investigation for a programme of archaeological works required via condition. The survey submitted revealed archaeological features, including a barrow and two ring ditches. As GGAT noted, the area of the two ring ditch features are not to be developed and are to be retained as areas of open space, which is a positive approach to developing the site. GGAT also state that there is potential for buried archaeology outside of the areas already explored and would therefore recommend a condition to mitigate this possibility, in the form of a full written scheme of investigation for a programme of archaeological works (also known as a written scheme of historic environment mitigation). The details of such a scheme can be required for submission by condition (condition 9).

Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations.

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2017) and Affordable Housing (most recently adopted version, February 2018) provides more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. The adopted SPGs have been applied to any applications

received after 1st August 2017, following the adoption of the Local Development Plan (LDP).

Given that this application was received prior to the formal adoption of the SPGs, the financial obligations have been assessed against the 2015 formulae values set within the draft Planning Obligations SPG. This is considered appropriate given how advanced negotiations had progressed. To provide background, the Council prepared draft SPGs on Affordable Housing and Planning Obligation in November 2015 in response to updated evidence being used by the Council and to inform the Examination of the Deposit Local Development Plan. Since the adoption of the Council's Local Development Plan, the Council formally adopted the draft Planning Obligations and Affordable Housing SPGs in July 2017. Minor changes were made to the draft SPGs prior to their adoption, to reflect factual changes and relevant changes in national policy and guidance. In addition, the formulae used to calculate financial contributions were updated to reflect index increases since November 2015.

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

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

In this case, the application seeks outline planning permission for the development of 253 dwellings and associated works and access.

Officers have considered the need for planning obligations based on the relevant policy and legislation; the type of development proposed; the local circumstances and needs arising from the development, and what is reasonable to expect the developer to provide in light of viability constraints.

The relevant planning obligation requirements are outlined below followed by an analysis of the development viability issues affecting the deliverability of such obligations.

Affordable Housing

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

The Council's 2015 Local Housing Market Assessment (LHMA) identified a net annual need for 559 Affordable Housing per annum. This assessment has recently been reviewed (2017), and the actual need has increased to 576 affordable housing units, comprising a need of 479 social rented units and 97 intermediate units per annum.

Relevant policies within the LDP include, SP4-Affordable Housing Provision, MG4-Affordable Housing, and MD4-Community Infrastructure and Planning Obligations. Policy MG4 requires 35% affordable housing on residential developments in this area of the Vale resulting in a net gain of 5 dwellings or more. The affordable housing requirement therefore equates to 89 dwellings.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools.

The Council's formula for calculating pupil demand is contained within the Planning Obligations SPG. The development of **229 family homes** (a deduction of 24x1bed units) would generate the need for 23 pre-school children, 64 primary school children, 48 secondary (11-16years) and 9 young adults (post 16years). However, this may be subject to change as the final figure of 1-bedroom dwellings is not known at this stage given that the application is in outline.

The nurseries and primary schools serving the development are:

- St. Athan Primary (English Medium)
- Ysgol Gymraeg Dewi Sant (Welsh Medium)
- Wick and Marcross Church in Wales (denominational)
- St. Helen's Infants and Juniors (Roman Catholic)
- Special Educational Needs

The secondary schools serving the development are:

- Llantwit Major Comprehensive (English Medium)
- Ysgol Gyfun Bro Morganwg (Welsh Medium)
- St Richard Gwyn Roman Catholic Comprehensive
- Bishop of Llandaf Church in Wales

Having regard to the Education Facilities Background Paper (2013) and the Education Department's review of available capacity and school admissions, there is not adequate existing or forecasted capacity to accommodate these pupils.

Nursery - The development is served by the primary schools above. There is no future projected capacity. The authority would therefore seek S106 contributions for 23 nursery children.

Primary - The development is served by the schools above. There is no future projected capacity at St Athan and Wick to accommodate the development, the authority would therefore seek S106 contributions for 54 children at St Athan and 4 children at Wick.

Secondary - The development is served by the schools above. There is no future projected capacity at Llantwit and Bro Morgannwg to accommodate the development, the authority would therefore seek S106 contributions for:

Llantwit (93%) – 11-16 years - 45 pupils
16-18years - 8 pupils

Bro Morgannwg (4.5%) – 11-16 years - 2 pupils
16-18years - 1 pupil

Having considered the above and based upon the 2015 values contained within the Draft SPG, the following section 106 contribution would usually be required for the additional provision of nursery, primary and secondary education:

- Nursery Level – 23 children x £17,446 = £401,258
- Primary Level – 58 children x £17,446 = £1,011,868
- Secondary level (11-16years) – 47 children x £26,289 = £1,235,583
- Secondary level (post 16years) – 9 child x £28,511 = £256,599

Total: £2,905,308

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel.

Given the scale and location of the development, an off-site contribution of £1,208 per dwelling (based on the 2015 values contained in the SPG at the time the application was submitted) would usually be required, equalling £305,624

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car. TAN 18-Transport was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions. Therefore, it is considered appropriate to seek contributions to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving new developments.

Based on the SPG requirement at the time the application was submitted, the Council would usually seek a financial contribution of £2,200 per residential unit to provide sustainable transport facilities, which in this case equates to £556,600.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity. Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

- Outdoor sports provision 1.6 ha per 1,000 population;
- Children's equipped play space 0.25 ha per 1,000 population;
- Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space).

The development for 253 houses creates the need for 1,467sqm of children's equipped play space, 3,228sqm of other children's play space and 9,391sqm for outdoor sports space. The LDP Public Open Space Background Paper (2013) identifies that this development will need to provide equipped children's play space and other children's play space on site, as there is an under-provision within the ward. However, there is existing sufficient provision within the Ward for outdoor play space, including the nearby golf course, and so no outdoor sport space is required in this instance.

The children's equipped play space will be made up of a NEAP (Neighbourhood Area of Play), LEAP (Local Equipped Area of Play) and LAP (Local Area of Play), which will be secured via the legal agreement. The masterplan also shows a significant amount of green space within the development that can be used for 'other children's' play space', which will also be secured via a legal agreement.

Given that the application is in outline, specific details regarding the public open spaces will be dealt with via the legal agreement and through the submission of reserved matters.

Public Art

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

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

Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. 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.

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”

The applicant submitted a viability review prepared by Savills (July 2017) , which included details such as sales revenue, development costs, abnormal costs, professional fees, finance costs and build contingency and land value. The abnormal costs are associated with the deep foundations needed at this site; the need for a foul water pumping station; off-site rare plant mitigation and the construction of an attenuation basin.

The review concluded that based upon the above planning obligations, it would result in the development not being viable, taking into consideration a reasonable benchmark land value and developer profit.

The District Valuer (DV) was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The DV's appraisal and report regarding the viability of the development confirmed that the abnormal development costs did in fact make the site unviable at full policy requirement (including 35% affordable housing).

The financial data contained within these reports is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member's to review, under Member privilege.

As set out above, Policy MD4 (paragraph 7.30) recognises and 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.

Policy MD4 (paragraph 7.31) sets out that “Essential Infrastructure” should be prioritised, to enable the development of the site, for example, transport infrastructure, ecological mitigation, service and utilities and flood prevention. Thereafter, “Necessary Infrastructure” should be prioritised, such as affordable housing and infrastructure required to mitigate the impacts of the proposed development on local services and to provide for the needs generated by the development, where they cannot be met by existing facilities (for example, community facilities and open space).

In this case, “Essential Infrastructure” such as highways, ecology and flooding have already been considered and are included within the development cost assumptions. As such, officers have considered the ‘Necessary Infrastructure’ set out above, and considered alternative scenarios based upon a reduced Section 106 package. Having regard to the location of the development, and the needs arising from it, officers recommend the surplus to be prioritised towards the following:

Affordable Housing: it is acknowledged that a provision of 35% affordable housing on site is not achievable without prejudicing other equally necessary planning obligations such as education. Consequently, a total on-site provision of 43 units has been agreed (17%), comprising:

- 1 block of 6 x 1 bedroom apartments preferably with their own entrances x 2 storeys (the 3 x ground floor units we would like to be level access entrances and have a level access shower or wet room included)
- 1 x block of 4 x 2 bed apartments with their own entrances x 2 storeys (the 2 x ground floor units we would like to be level access entrances and have a level access shower or wet room included)
- 2 x 4 bed houses
- The remaining units to be 60% x 2 bed houses & 40% x 3 bed houses

In addition, the Council usually require the affordable housing tenure split to be provided at a ratio of 70% social rented and 30% intermediate. However in this instance, following discussions with Housing Strategy officers informed by the latest findings of the Local Housing Market Assessment it is proposed that 100% of the affordable provision be social rented units to meet the highest area of need.

The level of affordable housing is considered acceptable given the viability constraints, and provides the type of affordable tenure which is of greatest need in accordance with the 2017 LHMA. The Housing Strategy team also agrees that this is a pragmatic solution given the viability constraints at the site.

This has been agreed with the developer.

Education: it is acknowledged that the full education contribution is not viable. Instead, having agreed with the Directorate of Learning and Skills, the following package has been determined:

- Primary and Nursery level for St. Athan Primary = £500,000
- Wick Primary Level = £69,784
- Llantwit Secondary (11-16) = £1,183,005
- Llantwit Secondary (post 16) =£228,088

The Council would consequently require a total contribution of **£1,980,877** to provide and enhance educational facilities to meet the needs of future occupiers, based upon the testing of development viability as outlined above. This has been agreed with the developer.

Sustainable Transport: Whilst it is not viable for the developer to pay an off-site contribution for sustainable transport, the developer has agreed to provide “in kind” enhancements to pedestrian and cycling infrastructure within the vicinity of the site, and at the junction of Gileston Road (see further detail under ‘Highways Matters’). This has been agreed with the developer. This is considered to be acceptable, in light of the viability constraints.

Public Open Space: The full requirement for on-site public open space will be provided on site. This has been agreed with the developer.

The importance of community facilities and public art is recognised as set out above. However, given the viability of the scheme, it is considered appropriate to prioritise contributions towards affordable housing need and education.

The developer has also agreed to transfer to the Council for safeguarding a strip of land from the site access along the site frontage to the north of the site. The purpose of this safeguarding is to ensure that there is sufficient space in the future to build a footway/cycleway to connect the site with the north of St. Athan and National Route 88 of the National Cycle Network.

In accordance with Welsh Government’s advice regarding development viability, officers have negotiated that the development will have a restricted time limit for commencement and be subject to a review mechanism. The agreed review mechanism would ensure that in the event that the development site has not been completed within 59 months from commencement of development, that there will be a viability review (undertaken by the District Valuer at the developer’s expense). The review would only reflect any upward improvements in viability, with additional contributions being payable in the event that the viability of the scheme was to improve. The viability review will be for the whole site, and the developer will be expected to provide evidence and values to demonstrate the income/costs of the site to date and an appraisal for going forward for the remainder of the site.

If the District Valuer considers that viability has improved, additional contributions will be payable and the values itemised above will be set out in the Section 106 Agreement. This is considered to be an appropriate mechanism given fluctuations in the market and costs, and to ensure the developer implements the planning permission in a timely manner. The applicant has agreed to the principle of such a mechanism and this will be reflected in the Section 106 Agreement.

To summarise, officers consider that the reduced planning obligations offer as set out above is only considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of this site.

RECOMMENDATION

Subject to a Section 106 Legal Agreement to secure the following planning obligations:

- Provide and maintain in perpetuity 17% of the total number of units as social rented tenure affordable housing;
- To pay £1,980,877 as a contribution towards enhancing educational facilities;
- Provide Public Open Space on site comprising a Neighbourhood Equipped Area of Play (NEAP), Locally Equipped Area of Play (LEAP) and Local Area of Play (LAP)
- A strip of land adjacent to the highway (between the main roundabout site access and the western boundary of the site) to be offered to the Council for future adoption and provision of a footway if required.
- Requiring the developer to carry out the Highway Works to provide access to the site and improve capacity at the Gilestone Cross-road junction including covering the costs of any necessary Traffic Regulation Orders.

AND, in the event that the development is not completed within 59 months of commencement, the trigger of a development viability review mechanism

APPROVE subject to the following conditions(s):

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

Reason:

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

2. The development shall begin either before the expiration of two years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure the development commences within 2 years to reflect the concessions made for planning obligations in light of development viability constraints which may be subject to change in the longer term.

3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure the reserved matters application is made with sufficient time to enable the development to commence within 2 years to reflect

the concessions made for planning obligations in light of development viability constraints which may be subject to change in the longer term.

4. The development shall be carried out in accordance with the scale parameters as submitted with the table received 12 December 2016.

Reason:

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

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

1617 100 Revision G (Illustrative Masterplan)
Primary Access General Arrangement - 0991-013-K
Primary Access Geometry 0991-023-E
Gileston Road Junction General Arrangement - 0991-024-C

Speed Limit Transition Gateway 0991-020-C
Offsite Highway Works 0991-014-G
Secondary Access 0991-011-I

Reason:

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

6. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 17% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

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

7. Details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that part of the development to which they relate. The development shall thereafter be carried out in accordance with the approved details.

Reason:

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

8. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority, including details of the adoption, maintenance and management of the system. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Evidence of infiltration tests and full engineering details and hydraulic calculations shall also be submitted. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and thereafter retained in perpetuity.

Reason:

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

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to

ensure compliance with Policies SP1 (Delivering the Strategy) and MD8 (Historic Environment) of the Local Development Plan.

10. No development shall take place, including any site clearance, until a wildlife and habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife and habitat protection plan shall include:
- i) Details of sensitive site clearance with respect to reptiles and breeding birds, and a strategy for dealing with reptiles;
 - ii) Details of newt friendly drainage.
 - iii) A plan showing wildlife and habitat protection zones, if appropriate;
 - iv) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
 - v) Details of the management of ecology features to maximise biodiversity;
 - vi) Measures to be undertaken to enhance biodiversity on site;
 - vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation and to ensure that wildlife corridors/mitigation habitats are not illuminated; and
 - viii) A detailed method statement for the management of Corn Buttercup and Shepherds Needle, including areas from which soil shall be transposed from, volumes and depths of soils, timings of the works and post transposition works and aftercare.
 - ix) Details of site and vegetation clearance, including timings.

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

Reason:

In the interests of ecology and to ensure compliance with Policy SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

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

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

13. 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, including means for the protection of the adjacent brook from contamination;
- 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;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

14. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

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

15. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details prior to beneficial occupation of the dwellings served by that vehicular / pedestrian access.

Reason:

In the interests of highway safety in accord with Policy MD2 of the Local Development Plan.

16. Notwithstanding the submitted plans, full engineering detail of the pedestrian and cycle routes to link the development to the existing highway network to the south east, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the cycle and footway routes have been constructed in accordance with the approved details.

Reason:

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

17. The site vehicular accesses shall be completed in accordance with the detailed arrangements shown in the approved plans prior to the first beneficial occupation of the phase of the development that they serve and shall be thereafter retained at all times.

Reason:

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

18. The alterations to the junction of Gileston Road and the B4265 as illustrated on plan 0991 024 Rev C shall be constructed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

In the interests of traffic flows and 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.

19. 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.

20. 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.

21. 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.

22. The reserved matters submissions shall ensure that no buildings or dwellings are located within a C2 Flood Zone.

Reason|:

In order to minimise flood risk and to ensure compliance with Policies MD2 and MD7 of the LDP.

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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

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, MG17- Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, MD8 – Historic Environment, MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Householder and Residential Development, Affordable Housing, Biodiversity and

Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Conservation Areas in the Rural Vale, Flemingston Conservation Area Appraisal and Management Plan, Trees and Development and Sustainable Development; national guidance contained in Planning Policy Wales, TAN1 Joint Housing Land Availability Study, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6 – Planning for Sustainable Rural Communities, TAN12-Design, TAN15 – Development and Flood Risk, TAN16-Sport Recreation and Open Space, TAN18- Transport and TAN24- Historic Environment, it is considered that the proposal represents an acceptable and sustainable form of residential development that meet an identified housing need on an allocated residential site, without an unacceptable adverse impact on the character and appearance of the area, Special Landscape Area and would preserve the character of the Flemingston Conservation Area and archaeological resource. It is also considered acceptable in relation to the site access and highway safety, neighbouring and general amenities on the site, drainage, impact to ecology and protected species and other relevant environmental factors such as drainage and flood risk. The proposal meets the requirements of all 'three tests' for derogation specified under the Conservation of Habitats and Species Regulations 2010. The proposal is therefore compliant with relevant legislation and both national and local planning policy.

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

NOTE:

1. **Please note that with regards to drainage details, Dwr Cymru/Welsh Water advises the following:**

"Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made downstream of manhole reference number ST01694001."

Please see their response dated 14 July 2017 for full details.

2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
3. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
4. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

5. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

6. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.
7. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.
8. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.
9. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
10. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

11. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
12. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
13. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.
14. The developer should contact Wales and West Utilities prior to the commencement of development to establish whether any infrastructure under the site will affect the development.

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.

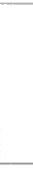
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.

This drawing is the property of the client and is not to be used for any other purpose without the written consent of the client. It is the responsibility of the client to ensure that all information provided is accurate and complete. The client warrants that the information provided is true and correct to the best of their knowledge. The client understands that the information provided is for informational purposes only and does not constitute a warranty of any kind. The client agrees to hold the client harmless from any and all claims, damages, and expenses, including reasonable attorneys' fees, arising out of or from the use of this information.

Planning Site Boundary
 Land Ownership Boundary



Edensstone Homes
 1617 101 A

Cowbridge Road
 St. Albans

Site Location Plan

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

1617 101 A

2016/01427/OUT

