

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 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:

2017/1052/BN	A	2, Spencer Drive, Llandough,	Single storey extension to rear of property
2018/0026/BR	AC	4, Wick Road, Ewenny	Conversion of barn/garage into residential accommodation
2018/0034/BN	A	49, St. Davids Crescent, Penarth	Single storey kitchen extension and downstairs toilet
2018/00040/BR	AC	Llantwit Major Leisure Centre, Ham Lane East, Llantwit Major	Electrical Rewire installation
2018/0044/BN	A	19, Clos Y Rheillfordd, Barry	Erect a partition fire proof wall within the boundaries of the integral garage to convert part of the garage into a new habitable room
2018/0045/BN	A	20a, Forrest Road, Penarth	Alterations to existing loft conversion
2018/0050/BN	A	13, Narberth Court, Barry	Demolish kitchen pantry
2018/0052/BN	A	20, Caernarvon Gardens, Barry	Demolish kitchen pantry
2018/0053/BN	A	20, Pontalun Close, Barry	Demolish kitchen pantry
2018/0056/BN	A	29, Caernarvon Gardens, Barry	Demolish kitchen pantry
2018/0059/BN	A	31, Pontalun Close, Barry	Demolish kitchen pantry

2018/0061/BN	A	20, Cornwall Road, Barry	Demolish kitchen pantry, demolish wall between bathroom and W.C.
2018/0062/BN	A	15, Peterswell Road, Barry	Single storey extension to enlarge kitchen and dining space. Removal of existing wall between dining room and kitchen
2018/0063/BN	A	3, Thompson Street, Barry	Re-Roof
2018/0067/BN	A	1, Radcliff Walk, Ystradowen	Through floor lift
2018/0068/BN	A	Pen y Bryn, Penylan Road, Aberthin	Detached garage
2018/0072/BN	A	11, Hastings Avenue, Penarth	Single storey extension
2018/0074/BN	A	31, Winchester Close, Barry	New roof
2018/0078/BN	A	17, Maes Lindys, Rhoose	Garage conversion
2018/0079/BN	A	72, Cornerswell Road, Penarth	Underpinning to part of the rear wall of property. Enlarge existing door opening to accommodate bi-fold doors
2018/0080/BN	A	1, Radcliffe Walk, Ystradowen	Installation of through floor disabled access lift
2018/0081/BN	A	9, Caynham Avenue, Penarth	Replace flat roof on garage and utility room
2018/0083/BN	A	28, Adenfield Way, Rhoose	Change existing window. Square off existing rear wall
2018/0084/BN	A	15, Clos Yr Wylan, Barry	Remove wall between kitchen and dining room
2018/0086/BN	A	Colhugh House, Colhugh Street, Llantwit Major	Construction of balcony
2018/0087/BN	A	3, St. Nicholas Road, Barry	Kitchen alteration/ extension plus internal alterations to chimney breast

2018/0088/BN	A	9, Elm Grove Place, Dinas Powys	Upgrade roof and insulation to current building regulations. Replacement of patio door with bi-fold door
2018/0089/BN	A	Premier Stores, 369 - 373, Barry Road, Barry	Re-roof
2018/0091/BR	AC	Little Wymering, Slon Lane, Ogmore by Sea	New first floor over existing bungalow
2018/0093/BN	A	159, Gladstone Road, Barry	Re-tile roof, new fascias, guttering and downpipes to rear. Re-render to rear, re-pointing of chimneys and 2 front bays and re-painting
2018/0094/BN	A	28, Seaview Drive, Ogmore By Sea, Bridgend	En-suite dormer - approximately 6.5sqm
2018/0096/BN	A	19, Boverton Brook, Boverton	Single storey outhouse/workshop/storage
2018/0097/BN	A	The Old Castle, Castle Street, Llantwit Major	Three storey historic restoration
2018/0100/BN	A	26, Woodlands Road, Barry	Two rooms into one and chimney breast knocked down
2018/0103/BR	AC	18, Mountjoy Place, Penarth	Domestic loft conversion
2018/0104/BN	A	9, Glastonbury Road, Sully	Conversion of single integral garage into habitable room
2018/0105/BN	A	Ty Mawr, Peterston Super Ely	Extend existing utility/WC and living room by 3.9m to side elevation. Roof to have monopitch covering to match existing house with a single Velux roof light
2018/0106/BN	A	71, Colcot Road, Barry	Rear extension

2018/0107/BN	A	Warren Farm, Redway Road, Pendoylan	Change of use of existing outbuilding currently used as storage and home gym into 2 No. self-contained holiday lets
2018/0108/BN	A	69, Cornerswell Road, Penarth	Removal of single storey extension and build new single storey vaulted extension
2018/0110/BN	A	25 Greenacres, Barry	Garage conversion
2018/0111/BN	A	63, Wordsworth Avenue, Penarth	Loft conversion with new dormer
2018/0115/BN	A	Isca, Twyncyn, Dinas Powys	Internal alterations, replace lintels, addition of en-suite and new drainage run, rewire
2018/0116/BN	A	5, Plassey Square, Penarth	Remove chimney, inset beam and form a new W.C.
2018/0118/BN	A	5, Petrel Close, Penarth	Single storey extension
2018/0119/BN	A	8, Cornerswell Road, Penarth	rear infill extension and internal alterations
2018/0121/BN	A	10, Mountjoy Place, Penarth	Ground floor extension
2018/0125/BN	A	27, Llwyn y Gog, Rhoose	Renovation of conservatory
2018/0126/BN	A	16, Marine Drive, Barry	Two rooms into one
2018/0134/BN	A	130, Winston Road, Barry	EWI. Cavity wall tie renewal and extraction of cavity wall insulation
2018/0135/BN	A	54, Amherst Crescent, Barry	2 storey side extension and loft conversion
2018/0137/BN	A	2, Baron Road, Penarth	Loft conversion with dormer and single storey kitchen extension
2018/0138/BN	A	74 - 78, Treharne Road, Barry	Roof covering and roof line replacement

2018/0139/BN	A	62 - 72, Treharne Road, Barry	Roof covering and roof line replacement works
2018/0140/BN	A	80 - 84, Treharne Road, Barry	Roof covering and roof line replacement works
2018/0141/BN	A	2 - 12, Meirion Close, Barry	Roof covering and roof line replacement works
2018/0143/BN	A	29 - 39, Edward Street, Barry	Roof covering and roof line replacement works
2018/0144/BN	A	30 - 40, Edward Street, Barry	Roof covering and roof line replacement works
2018/0146/BN	A	436, Gladstone Road, Barry	Roof covering and roof line replacement works
2018/0147/BN	A	444, Gladstone Road, Barry	Roof covering and roof line replacement works
2018/0148/BN	A	321, Gladstone Road, Barry	Roof covering and roof line replacement works
2018/0149/BN	A	9 - 10, Hafren Road, Barry	roof covering and roof line replacement works
2018/0150/BN	A	5 and 6, Glyndwr Road, Barry	Roof covering and roof line replacement works
2018/0151/BN	A	7 - 8, Glyndwr Road, Barry	Roof covering and roof line replacement works
2018/0152/BN	A	3, Meyrick Cottages, St. Nicholas	Roof covering and roof line replacement works
2018/0155/BN	A	75, Eagleswell Road, Boverton	Roof covering and roof line replacement works
2018/0156/BN	A	7, Castle Green, St. Georges Super Ely	Roof covering and roof line replacement works
2018/0158/BN	A	14, Crossways Street, Barry	Re-roof
2018/0159/BN	A	28, Crossways Street, Barry	Re-roof
2018/0160/BN	A	40, Crossways Street, Barry	Re-roof
2018/0161/BN	A	10, Bryn Y Gloyn, Rhoose	Dormer loft conversion and balcony to first floor

2018/0163/BN	A	15, Mountjoy Place, Penarth	Extension to loft including a new dormer
2018/0167/BN	A	7 Pill Street, Penarth	Two rooms into one and install beams. Install new bathroom on first floor.
2018/0168/BN	A	45, Mountjoy Avenue, Penarth	Re-roof
2018/0171/BN	A	34, Merthyr Dyfan Road, Barry	Convert existing garage into an open plan kitchen/living room
2018/0173/BN	A	11, Gwalch y Penwaig, Barry Island	Single storey rear lean to extension with associated refurbishment to existing kitchen and dining room
2018/0178/BN	A	Maple House, Penllyn, Cowbridge	Make existing opening bigger and fit new aluminium bi-fold
2018/0180/BN	A	34, Millbrook Close, Dinas Powys	Two rooms into one and replacement of kitchen door

(b) Building Regulation Applications - Reject

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

2018/0069/BN	R	28, Village Farm, Bonvilston	Structural opening between dining room and kitchen to make open plan living area
2018/0070/BN	R	The Coppice, Park Road, Dinas Powys	Removal of wall and installation of steel beam
2018/0076/BN	R	104, Cedar Way, Penarth	Double and single storey extension to create one new bedroom, one new lounge, one porch and extended kitchen area with utility and WC
2018/0092/BN	R	44, Salisbury Road, Barry	Re-roof

2018/0102/BN	R	Coopersale House, Picadilly, Llanblethian	Single Storey extension to side elevation for new utility room
2018/0120/BN	R	25, Coleridge Avenue, Penarth	rear infill extension and internal alterations
2018/0129/BN	R	Middle Lodge, Clemenston	Single storey garden room extension
2018/0130/BN	R	114, Jenner Road, Barry	Remove wall between kitchen and dining room. Install 3 No Velux windows to existing lean-to roof. Internal alterations and installation of new kitchen
2018/0145/BN	R	Llaneinydd, School Lane, St. Nicholas	Barn Conversion
2018/0164/BN	R	35, Purcell Road, Penarth	Single storey orangery to rear of property
2018/0165/BN	R	43, Plas Taliesin, Penarth	Garage conversion & internal alterations to form granny annexe

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

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

2018/0013/AI	A	19, Caer Worgan, Llantwit Major	Single storey extension to rear and side elevation (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0014/AI	A	Ty Rhosyn, 12, Wick Road, Ewenny	Single storey extension and alterations with associated works
2018/0015/AI	R	Unit 11, Atlantic Point, Atlantic Trading Estate, Barry	Installation of mezzanine floor
2018/0016/AI	A	12, Salop Street, Penarth	Proposed dormer loft conversion at third storey level, works to include material alterations to structure, controlled services, fittings and thermal elements

2018/0017/AI	A	Former Currys PC World, Port Road, Culverhouse Cross	Retail fit-out of existing premises
2018/0018/AI	A	99, Redlands Road, Penarth	Loft conversion
2018/0019/AI	A	6, Crossways Street, Barry	Proposed formation of structural opening and works to include material alterations to structure
2018/0020/AI	A	38, South Road, Sully	Single storey rear and rear side extension and associated works
2018/0021/AI	A	Caerau Ely A.F.C. Football Ground, Wenvoe	Single storey extension to football club with associated works
2018/0023/AI	A	8, Dryden Road, Penarth	Proposed loft conversion to create new habitable space at second floor level including rear dormer, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0024/AI	A	7, Machen Street, Penarth	Alterations to upgrade existing loft room
2018/0025/AI	A	Land at Cross Common Road, Dinas Powys	50 No. residential units
2018/0026/AI	A	3, Craig Yr Eos Place, Ogmore By Sea	Proposed loft conversion to create habitable room with en-suite facility at first floor level, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0027/AI	A	3, Countess Place, Penarth	Dormer loft conversion and associated works



2018/0028/AI	A	Holly Cottage, Graig Penllyn	New flat roof structure and 3 No lantern roof lights (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0029/AI	A	8A and 8B Quarella Street, Barry	Proposed relocation of 2 No. kitchens and associated drainage works (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0030/AI	A	Dunromin, St. Brides Major, Bridgend	Proposed loft conversion for storage use at 2nd storey level, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0031/AI	A	30, Thistle Close, Barry	Garage conversion (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0032/AI	A	5, Pleasant View, Barry	Proposed alterations to dwelling to create habitable area and bathroom to first floor, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0033/AI	A	21, Pendoylan Close, Barry	Two storey front extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0034/AI	A	12, Badgers Brook Drive, Ystradowen, Cowbridge	Single storey extension and associated works
2018/0035/AI	A	29, Countess Place, Penarth	Loft conversion
2018/0036/AI	A	140, Holton Road, Barry	Internal alterations and refurbishment of existing bank

2018/0037/AI	A	Marie Curie Hospice, Cardiff and The Vale, Bridgeman Road, Penarth	Internal alterations and refurbishment to hospice, including (but not limited to) alterations to kitchens, WC's, formation of shower facilities and servery area
2018/0038/AI	A	60, Tynewydd Road, Barry	Loft conversion at 2nd floor level to create habitable room and installation of WC at ground floor level
2018/0039/AI	A	Brynteg, Treoes	Installation of Velux windows and insulate existing sloping roof (works to include material alterations to structure, controlled services, fittings and thermal elements)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 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   |

2009/00946/6/C D	A	Site known as South Quay, Barry Waterfront, Barry	Discharge of Condition 41 - Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at Land at Barry Waterfront adjacent to Dock No. 1, Barry
---------------------	---	---	--

2012/00637/1/N MA	A	7, Lettons Way, Dinas Powys	Non-Material Amendment - Variation of roof materials. Variation of window material and colour. Rainwater goods to match colour on windows. Planning Permission 2012/00637/FUL : Ground and first floor extension and conversion of existing garage, together with internal alterations
2014/00580/1/N MA	A	Yr Ysgubor, St. Lythans	Non-Material Amendment - Relocate ground floor wet room window, substitute slate roof tiles for composite roof tiles and change random rubble stone finish to east elevation of garden office/wet room to render finish. Planning Permission 2014/00580/FUL : Amendments to previous consent 2013/00272/FUL - Extension to utility area to rear of garage and alterations to existing dwelling and proposed link
2014/01108/1/C D	A	Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	Discharge of Condition 4 - Schedule of materials/sample, Condition 12 - Biodiversity Construction and Condition 23 -Timescale of Public Art. Redevelopment of caravan site for residential development, with associated open space at Ogmore by Sea Caravan Park

2015/00249/2/N MA	A	Land at Emmaville to the East of St. Nicholas	Non material amendment - Development of 100 houses and associated open space vehicular and pedestrian access, landscaping and infrastructure, including the demolition of Emmaville at Land to the East of St. Nicholas. Planning permission ref. 2015/00249/FUL: Development of 100 houses and associated open space vehicular and pedestrian access, landscaping and infrastructure, including the demolition of Emmaville
2015/00392/1/C D	A	Land at Cardiff Road/Cross Common Road, Dinas Powys	Discharge of Condition 17 - Ecological Mitigation Strategy. 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, Dinas Powys
2015/00516/1/C D	A	2, Henefail Cottages, Ruthin Road, St. Mary Hill	Discharge of condition 3 : Schedule of materials - Alterations and extension
2015/00647/6/N MA	A	2, Stanwell Road, Penarth	Non-Material Amendment - Addition of motorized steel gates to car park exit

2015/01131/1/C D	A	Photovoltaic Installation, Cwrt Yr Ala Road, Caerau, Cardiff (former Ely Brickworks)	Discharge of Conditions 2 - CEMP, 4 - Landscape, 7 - Construction Method Statement, 8 - Means of enclosure and 12 - Construction Traffic Management Plan - Proposed excavation of fill material (to be stored on site), importation of inert wastes with the progressive restoration of the former mineral working areas associated with the former Ely Brickworks
2015/01158/2/N MA	A	Tudor Lodge, A48 Bonvilston	Non Material Amendment - Vary the wording of Condition 3 of Decision Notice reference 2015/01158/FUL to allow an alternative layout for the bound surfacing approved as part of the development
2015/01158/3/N MA	A	Tudor Lodge, A48 Bonvilston	Non Material Amendment - Vary the wording of Condition 4 of Decision Notice reference 2015/01158/FUL to allow an alternative wall height at the frontage of the vehicular access
2015/01158/4/N MA	A	Tudor Lodge, A48, Bonvilston	Non-Material Amendment - to allow a revised design of the boundary wall for the stopping up of the vehicular access from A48. Planning permission ref. 2015/01158/FUL: Proposed resurfacing of existing access track and retention, the amendment of earthworks providing existing - to the rear of the property and stopping-up of existing residential access

2016/00809/3/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of conditions 7 - Tree protection, 13 - Construction Environmental Management Plan, and 14 - Construction Traffic Management Plan - Redevelopment to form 37 apartments for the elderly including communal facilities access, car parking and landscaping
2016/00869/1/N MA	A	C2129, Meadowvale Nursery, Cowbridge Road, Llantwit Major	Non material amendment - Minor changes to fenestration and substitution of 2 patio doors. Minor alterations to internal layout, no change in location or number of rooms. Planning permission reference 2016/00869/FUL: Proposed nursery workers functional needs dwelling with annexe for aged relative
2016/00930/1/C D	A	20, Barons Close, Llantwit Major	Discharge of Conditions 3, 4, 5, 7 and 8 - Proposed construction of two new semi detached dwellings with onsite car parking

2016/01233/FUL	A	Green Dragon Inn, Llancadle	Change of use from a public house/ restaurant/ bed and breakfast and subdivision of building to provide two residential dwellings, incorporating a first floor rear extension with two dormer windows, insertion of patio doors and additional windows, a rear ramp access, a single storey rear extension and roof terrace and associated alterations, fencing, foul drainage, the installation of solar panels and the erection of a stable block.
2016/01467/1/C D	R	33, Station Road, Penarth	Discharge of Condition 4 - Boundary treatment - Proposed conversion and loft conversion to existing property to form 2 self contained dwellings
2016/01467/1/N MA	R	33, Station Road, Penarth	Non-Material Amendment - Minor alterations to fenestration and rear elevation of property, plus alteration to site area
2016/01518/FUL	A	Wenvoe Quarry, Wenvoe	Proposed recycling facility
2017/00103/1/C D	A	Longlands Quarry, Corntown Road, Corntown	Discharge of Condition 19. Environment Act 1995 - Application for determination of conditions for Mineral Site
2017/00541/6/C D	A	Northcliffe Lodge, Northcliffe Drive, Penarth	Discharge of conditions 3- Materials, 11-Enclosure and 12-Bin store - Demolition of existing and construction of 30 apartments and associated works



2017/00549/1/C D	A	56, Windsor Road, Penarth	Discharge of Condition 5 - Layout of parking and amenity space. Retention of existing subdivision and addition of 3 residential units and extension
2017/00652/FUL	A	University Hospital Llandough, Penlan Road, Llandough, Penarth	Variation of Conditions 1 and 2 of Planning Permission Ref 2009/01367/FUL to allow an extended period for the temporary car park during the construction of the Rookwood Specialist Rehabilitation Services extension, after which the land will be restored.
2017/00690/FUL	A	167, Plymouth Road, Penarth	To demolish the existing house and build a new house on the same site
2017/00714/FUL	R	Waterfront Retail Park, Heol Ceiniog, Barry	Variation of condition 3 of planning permission 2016/00113/FUL (Erection of retail unit, alterations to the elevations of an existing retail unit, car park reconfiguration, landscaping and associated works) relating to restrictions of sale of goods.
2017/00746/RES	A	Land off Cardiff Road/Cross Common Road, Dinas Powys	Approval of all matters reserved including Appearance, Landscaping, Layout and Scale and the subsequent discharge of planning conditions 2 (Reserved Matters), 6 (Drainage), 10 (Tree Protection), 12 (Slab levels), 16 (Noise Assessment) attached to the Outline Permission (Ref: 2015/00392/OUT)

2017/00767/FUL	A	Home Farm Lane, Hensol	Two storey side annex extension
2017/00863/FUL	A	Ty Twyn, Mill Road, Dinas Powys	Replacement of failed front garden retaining wall with new two tiered retaining wall
2017/00905/FUL	A	C. J. Contract Travel Services Ltd., Wimborne Road, Barry	(AMENDED DESCRIPTION) Use of site for mixed use for B1, B2, B8 and Sui Generis comprising vehicle repair, vehicle valeting, vehicle hire and vehicle storage and the addition of an MOT bay. Retention of existing outbuilding.
2017/00933/FUL	A	The Ramblers, 84a, Broadway, Llanblethian, Cowbridge	Proposed external works and replacement garage
2017/00951/1/C D	A	2, Heol Corswigen, Barry	Discharge of Conditions 3 - Screen and 4 - Materials Details. Planning Permission 2017/00951/FUL : Erection of a balcony to the rear of property from first floor kitchen. (French doors already in situ)
2017/00958/FUL	A	Cap Dail, 63, Craig Yr Eos Road, Ogmore By Sea	To increase height of existing boundary wall to both garden wall (front of house) and back yard wall (rear of house) and provide small decked area to left hand side of front of property
2017/00978/FUL	A	Warren Farm, Redway Road, Pendoylan	Change of use of existing outbuilding currently used as storage and home gym into two self contained holiday lets

2017/00979/FUL	A	153, Plymouth Road, Penarth	Single storey side extension and two storey rear extension to include roof terrace. Proposals include dormer with balcony to front elevation and widening of driveway
2017/00987/FUL	A	Plot adjacent to Weatherall, Main Road, Ogmore By Sea	Construction of new four bedroom house
2017/00991/FUL	R	Land to the South of the A48, Bonvilston	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'
2017/00992/FUL	A	Seaton House, 2, Park Road, Dinas Powys	Provision of access to a residential development plot in the rear garden of Seaton Hoe (outline planning permission 2015/00534/OUT), including the enclosure of the rear and side garden to Seaton Hoe and associated works
2017/01011/FUL	A	Flat 3, 4, Marine Parade, Penarth	To the front elevation, existing gable window is to be replaced with doors in order to use bay window below as a terrace. Existing dormers are to be refurbished along with new roof covering to entire roof. Existing external walls are to be cleaned down and re-pointed. The existing roof space is to be converted complete with new dormer to rear
2017/01017/ADV	E	57, South Road, Sully	Signage

2017/01030/FUL	A	29, Trem y Don, Barry	Demolition of existing two storey dwelling and garage to be replaced by a single two storey dwelling. To include access, landscaping , screening, parking and associated works
2017/01072/FUL	A	Kymin Cottage, 7, Beach Lane, Penarth	Replacement of existing front door with a reclaimed, hardwood period door.
2017/01079/FUL	A	Evergreen Cottage, Heol Y Mynydd, St. Brides Major	Single storey kitchen extension and alterations and improvements to existing detached dwelling
2017/01082/FUL	A	26, West Farm Road, Ogmore by Sea	Side extension with front and rear gables with front dormer
2017/01090/LBC	A	Evergreen Cottage, Heol Y Mynydd, St. Brides Major	AMENDED PLANS and ADDITIONAL INFO Single storey kitchen extension and alterations and improvements to existing detached dwelling
2017/01097/FUL	A	6, Love Lane, Llanblethian, Cowbridge	Proposed single storey side and rear extension
2017/01130/FUL	A	77, Main Road, Ogmore By Sea	To convert no 77, Main Road, Ogmore By Sea (plan 1) into two separate flats (plans 2 and 3). To redevelop the car parking space in front of flat 2 as shown on plans 1, 2 and 3 to cater for both flats 1 and 2. To create a separate address for flat 2 for its own right to extend the living space into the lower garage as shown shaded in black on plan 3

2017/01134/FUL	A	8, Seaview Drive, Ogmore By Sea	First floor and side and rear extension with balcony, including an increase in height to the ridgeline
2017/01139/FUL	A	Rushmoor House, St Mary Church	Erection of new dwelling (as granted under permission 2015/00176/FUL) and the retention and conversion of the existing bungalow to three car garage and teaching room.
2017/01144/FUL	A	1, St. Fagans Avenue, Barry	Proposed ground floor extension and modifications to provide level access at ground floor for disabled facilities and accommodation
2017/01150/FUL	A	76, St Pauls Avenue, Barry	Retention of raised terrace outside lower ground floor rear patio door, and addition of privacy screen on one side
2017/01152/FUL	A	8, Melville Close, Barry	First floor side extension
2017/01167/FUL	A	Hensol Golf Academy, Pendoylan Road, Pendoylan, Cowbridge	Cafeteria and events room extension
2017/01182/FUL	A	Tudor Lodge, A48 Bonvilston, Bonvilston	Retention of building as erected
2017/01183/FUL	A	Tudor Lodge, A48, Bonvilston	Retention of building as erected

2017/01193/FUL	A	Bryn Sion Chapel House, Penylan Road, St. Brides Major	Alterations to existing listed residence to include the provision of a new first floor to the previous chapel, internal remodelling and the provision of roof lights to the existing slate roof. Replacement of modern cement based dashed render to previous chapel house with new naturally hydraulic lime based render
2017/01201/FUL	A	12, Millfield Drive, Cowbridge	Two storey side extension
2017/01211/FUL	A	21, Beechwood Drive, Penarth	Proposed ground floor granny flat and kitchen extension
2017/01214/FUL	A	13, Knowbury Avenue, Penarth	Proposed porch along with single/two storey extension to rear first floor balcony and associated works
2017/01215/LAW	A	Three Elms, Church Road, Llanblethian, Cowbridge	Non-compliance with agricultural occupancy condition 2 of Cord/403/71
2017/01217/FUL	A	33, High Street, Cowbridge	Variation of Condition 1 of Planning Permission 2012/01088/FUL to extend time for implementation - Detached two storey office building
2017/01221/FUL	A	104, Cedar Way, Penarth	Two storey / single storey extension

2017/01224/FUL	A	Ystradowen Village Hall, Ystradowen,	Construction of annexe to existing village hall, car park extension, construction of petanque court with associated path and bench seating. Construction of base and path for future installation of children's play equipment. Installation of storm and foul drainage and storm outfall to service the above
2017/01228/FUL	A	1, Byrd Crescent, Penarth	Double storey side and single storey rear extensions
2017/01231/FUL	A	87, Lavernock Road, Penarth	Construction of greenhouse
2017/01232/ADV	A	Old White Hart Inn, Wine Street, Llantwit Major	Replacement signage to front elevation
2017/01233/LBC	A	Old White Hart Inn, Wine Street, Llantwit Major	Replacements to existing signage
2017/01236/ADV	A	16, Broad Street, Barry	Retention of internally illuminated signage for ATM
2017/01237/FUL	A	16, Broad Street, Barry	Retention of an ATM
2017/01238/FUL	R	7, John Batchelor Way, Portway Marina, Penarth	Garage conversion, elevational change and extended balcony to front
2017/01240/FUL	A	37, Augusta Crescent, Penarth	Single storey rear extension and provide new kitchen/ breakfast facilities
2017/01241/FUL	R	75, Cardiff Road, Dinas Powys	Demolition of existing building. Construction of retail unit with new access, parking and refuse facilities
2017/01242/FUL	A	2, Murlande Way, Rhoose	Demolition of existing conservatory and replacing with new

2017/01246/FUL	A	98, Holton Road, Barry	Shop front refurbishment with conversion of the first and second floors to create three number self contained flats
2017/01247/FUL	A	2, John Street, Penarth	Single storey extension to rear
2017/01249/FUL	A	Alun Dale, St. Brides Major	Proposed extension to existing first floor/loft, extension to existing dormer, construction of rear balcony and other related alterations
2017/01253/LBC	A	Bryn Sion Chapel House, Penylan Road, St. Brides Major	Alterations to existing listed residence to include the provision of a new first floor to the previous chapel, internal remodelling and the provision of roof lights to the existing slate roof. Replacement of modern cement based dashed render to previous chapel house with new naturally hydraulic lime based render
2017/01256/FUL	A	62, Heol Y Frenhines, Dinas Powys	Variation of Condition 4 to planning permission 2017/00873/FUL to change roof tile and window finish
2017/01260/FUL	A	The Railway Hotel, 1, Plymouth Road, Penarth	Refurbishment of existing outside seating area and the erection of pergola and smoking shelter
2017/01261/FUL	R	Malefant House, Llanmaes	Proposed roof alterations / first floor addition and remodelling of the dwelling to form a new Master Suite with en-suite bathroom and dressing room area, above an existing ground floor lounge



2017/01262/FUL	A	22, Victoria Square, Penarth	The erection of a single storey garden structure to the rear garden
2017/01264/FUL	A	9, Wood Street, Penarth	Single storey rear extension and remodelling of ground floor to form multi-functional space
2017/01268/FUL	A	Barry Island Pleasure Park, Friars Road, Barry Island	To operate a Ferris Wheel within Barry Island Pleasure Park
2017/01270/FUL	A	63, Lavernock Road, Penarth	First floor extension over garage (amendment to 2013/01101/FUL)
2017/01272/FUL	A	11, Hastings Avenue, Penarth	Ground floor rear extension
2017/01275/FUL	A	60, Westward Rise, Barry	Two storey side extension
2017/01276/FUL	A	30, Victoria Road, Penarth	Replacement of rotten wood and single glazed glass porch with hardwood and double glazed porch in same size and style
2017/01277/FUL	A	127, Lavernock Road, Penarth	Single storey side extension with rear bay window and new crossover
2017/01278/FUL	A	54, Redbrink Crescent, Barry	New building to accommodate cats on a short term basis, to be ancillary to the main building
2017/01280/FUL	A	1, St. Martins Close, Penarth	Demolish existing conservatory and extension and construction of single storey side and rear extension and part flat roof first floor balcony and alterations

2017/01282/FUL	A	Ashbrook, Llandow	Construction of a contemporary glazed orangery extension to the rear of a property in place of an existing conservatory extension
2017/01283/FUL	A	32, Tair Onen, St Hilary	Change of use of land to garden
2017/01284/FUL	R	3, Heol y Mynydd, Welsh St. Donats	Double-storey extension to side of property, with family room (kitchen/diner/living room) on ground floor, and master bedroom and bathroom on first floor. Extension to be in keeping with existing property and also with the four of the original six houses on the same road, that have had similar work completed
2017/01285/FUL	A	The Hawthorns, St. Brides Road, St. Brides Super Ely	2 Storey wrap around extension to side and rear single storey lean to east side
2017/01291/FUL	A	Green Meadow, Penllyn	Internal remodelling and rear/side two storey extension with new external materials treatment and entrance canopy
2017/01293/FUL	A	40, Eastgate, Cowbridge	Conversion of ground floor to dress shop and alterations and refurbishment of first floor to provide a flat
2017/01296/FUL	A	26, Clos Y Fulfran, Barry	First floor extension above double garage with Juliet balconies, and rear conservatory

2017/01300/FUL	A	Ridgebrook, Colwinston	Raise roof line to provide larger bedrooms, adjustments to front elevation, construct new extensions to provide family room, lounge and bedroom. Take down existing stables and construct new stables
2017/01303/FUL	A	12, Rhodfa'r Gwagenni, Barry	Regularisation of conservatory addition to rear elevation
2017/01304/FUL	A	39, Westbourne Road, Penarth	Demolition of the existing conservatory and associated rear annexes, incorporating the proposed single storey rear extension
2017/01305/FUL	A	6, Heol y Frenhines, Dinas Powys	Two storey side extension
2017/01306/FUL	A	2. Voss Park Drive, Llantwit Major	Proposed rear extension and external material alterations
2017/01308/FUL	A	Ty Capel, St. Donats	Proposed first floor extension to form additional bedroom and bathroom
2017/01309/LAW	A	Oak Tree Farm, Morfa Lane, Wenvoe	Use of the dwelling as edged red on the attached plan without complying with an agricultural occupancy condition
2017/01311/FUL	A	72, Conybeare Road, Sully	Single storey rear and side extension to existing dwelling
2017/01312/RG3	A	Cemetery Road, Barry	Construction of a community building to be used by the Barry Town Council

2017/01313/1/C D	A	Strawberry Fields / Britannia House, Penny Lane, Cowbridge	Discharge of Condition 3 - Written scheme of Historic Environment Mitigation. Planning permission ref. 2017/01313/FUL : Extension to existing shop at Strawberry Fields, 7, Penny Lane, Cowbridge
2017/01313/FUL	A	Strawberry Fields, 7, Penny Lane, Cowbridge	Extension to existing shop
2017/01319/FUL	A	3, Anchor Road, Penarth	First floor rear balcony and enlarge existing windows to rear
2017/01321/FUL	R	Farm Villa, Llantwit Road, Wick	Roof extension and alterations
2017/01322/FUL	A	2, Channel View, Ogmore By Sea	A lean to extension connected of the lounge and kitchen to the rear of the property of approximately 3.5 x 8m complete with new skylight and bi folding doors opening to the garden, the existing French doors to the kitchen will be replaced Bi-folding doors. The internal lounge/kitchen partition wall will be removed to create an open plan lounge, kitchen dining area. Structural beams will be installed where internal walls will be removed. All external walls will be finished in the same white coloured render that is existing to the rest of the property
2017/01323/ADV	A	87, Glebe Street, Penarth	Aluminium signage fixed to the face of timber tongue and groove cladding.

2017/01324/FUL	A	87, Glebe Street, Penarth	Proposed replacement frontage to class D2 fitness studio
2017/01325/LBC	A	Development at 5 and 6 Western Arcade, Barry	Replacement shop front to unit No. 6 with new bi-fold concertina doors with sub frame and removal of double doors to shop front to unit No. 5 and replacement with window section salvaged from shop front removed from unit No. 6
2017/01326/FUL	A	Development at 5 and 6 Western Arcade, Barry	Replacement shop front to unit No. 6 with new bi-fold concertina doors with sub frame and removal of double doors to shop front unit No. 5 and replacement with window salvaged from shop front removed from unit No. 6
2017/01328/FUL	A	Oak Cottage, St Bridges Major, Bridgend	Proposed single storey and first floor extension, associated internal alterations, front entrance alterations and canopy together with detached timber framed car port
2017/01332/FUL	A	18, Woodland Place, Penarth	Proposed single storey rear extension
2017/01334/FUL	A	Cwm Rhondda, Park Road, Barry	Proposed dormer on front elevation
2017/01336/FUL	A	Bear Hotel, High Street, Cowbridge	Proposed temporary 'Swiss Chalet' to be used between 1st November and 1st of March

2017/01339/FUL	A	10, Rockrose Way, Penarth	Single storey extension to rear garden, internal alterations, conversion of box room to showering ensuite & patio area and external steps to rear entrance alteration works
2017/01341/FUL	A	31, White House, Barry	Single storey orangery to front elevation
2017/01342/FUL	A	1, Countess Place, Penarth	Two storey side extension with new detached workshop to rear of garden. Existing vehicular access widened
2017/01343/FUL	A	2, Rectory Road, Penarth	Single storey side extension comprising porch and home office
2017/01346/FUL	A	Rhose Lifeguards, Fontygary Beach Complex, Rhose	Ground Floor extension to existing building to create a new store room for beach craft
2017/01347/LAW	A	17, Brenig Close, Barry	Internal loft conversion with Velux roof lights to rear not exceeding 150mm above roof plane
2017/01349/FUL	A	Little Wymering, Slon Lane, Ogmores By Sea	Part first floor extension over bungalow property including external alterations.
2017/01350/FUL	A	33, Brookfield Avenue, Barry	Demolition of existing fire damage property and re build new dwelling and associated works
2017/01353/FUL	A	15, Fulmar Close, Lavernock Park, Penarth	Single storey side/rear extension with a flat roof, plus dormer bedroom with balcony

2017/01355/FUL	A	25, Heol Cae Pwll, Colwinston	The conversion of a single integral non habitable garage into a habitable dining room
2017/01357/FUL	A	103, Jenner Road, Barry	Proposed purpose built self contained annex for elderly parent, to free up 3 bedroom dwelling to house a young family
2017/01358/LBC	A	The Court, 4, Mount Pleasant, Barry	Works to the existing West coach house and summerhouse. There will be a formation of two new links one linking the West to East coach houses the other link the East coach house to the summer house
2018/00002/FUL	A	8, Cwm Barry Way, Barry	Convert hip to gable and a large flat roof dormer to the rear
2018/00006/RG3	A	Paget Road Open Space, Paget Road, Penarth	Installation of 3 no. 6m high floodlights to multi use games area
2018/00007/FUL	A	40, Millbrook Road, Dinas Powys	Single storey rear kitchen dayroom extension. Single storey side garage extension. Demolish existing garage. Attic conversion with gable end and rear dormer
2018/00009/FUL	A	2, John Batchelor Way, Penarth	Removal of Condition 2 of Planning Permission 2015/00665/FUL relating to construction of privacy screen
2018/00010/FUL	A	13, Perclose, Dinas Powys	Replacement of single storey attached garage with two storey side extension. Single storey rear extension and front entrance porch

2018/00011/FUL	A	Rhos Dawel, Trerhyngyll	Alterations and two storey rear extension
2018/00013/FUL	A	Ty Rhos, Grants Field, The Downs, St. Nicholas	Single storey extension to rear of property to provide dining room, snug and guest bedroom
2018/00023/FUL	A	Woodridge, Cross Common Road, Penarth	Single storey rear extension with a walk on roof, a dormer window and roof alterations
2018/00024/FUL	A	87, Boverton Road, Llantwit Major	Proposed single storey rear extension
2018/00026/PNA	A	Ysguborgoch Farm, Dinas Powys	Polytunnel for covered general agricultural storage and overflow seasonal lambing
2018/00029/FUL	A	Pigtails Unisex Hair Salon, 28, Dock Street, Cogan, Penarth	Change of use to residential and conversion to one bedroom flat
2018/00036/FUL	A	Woods Edge, Bowmans Way, Cowbridge	Ground floor rear extension
2018/00038/FUL	A	12, Westward Rise, Barry	Single storey side and rear extension
2018/00040/FUL	A	1, Bungalow, Waycock Road, Barry	Convert existing garage to residential use new living/dining and kitchen extension with entrance porch and veranda and internal alterations
2018/00047/LAW	A	21, Nailsea Court, Sully	Single storey rear extension
2018/00050/LAW	A	11, Heol y Felin, Llantwit Major	Rear ground floor extensions
2018/00067/FUL	A	90, Colcot Road, Barry	Proposed single storey side extension to provide a utility room



2018/00075/FUL	A	23, Brookside, Dinas Powys	Single storey side extension
2018/00137/HR	A	Penllyn Estate Farm, Llywnhelig, Cowbridge	Removal of 20m of hedgerow to allow access to new farm road from 4th arm of new roundabout to be constructed on A48
2018/00152/LAW	A	14, Buckingham Place, Barry	Proposed single storey rear extension to enlarge kitchen as shown in attached/enclosed drawing

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

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 Styracaflua  
Start Date: 23 January 2018

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  
Start Date: 1 February 2018

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  
Start Date: 15 February 2018

---

(b) Enforcement Appeals Received

None

---

(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/00441/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 17/3186855  
Appellant: Mrs Tracey Gardner  
**Location: Land adjacent to Pensarn Farm, Llanmaes Road, Llanmaes**  
Proposal: Conversion of barn to residential use and single storey extension to existing barn  
Decision: Appeal Dismissed  
Date: 30 January 2018  
Inspector: Melissa Hall  
Council Determination: Delegated

**Summary**

The Inspector considered the main issues in the case to relate to whether the proposal would conflict with local policies designed to protect the countryside, with particular regard to the effect on the character and appearance of the area and the effect of the proposed development on ecology and highway safety.

Insofar as the principle of development was concerned, the Inspector noted Policy MD11 of the Development Plan that states that the conversion of rural buildings will be accepted, subject to a number of criteria. In response to criterion (iii), the Inspector noted that no evidence had been submitted to demonstrate that the building had been appropriately marketed or compelling reasons as to why a holiday let was the only viable use. As a result, the Inspector stated that proper consideration has not been given to alternative use that would benefit the rural community. The Inspector therefore found conflict with the policy. Considering criterion (i), the Inspector was not convinced by the Council's submission that the loss of the building would result in the need for a replacement building. The Inspector concluded that the building's design and layout was not suitable for modern agriculture and that there was little evidence of agricultural enterprise being undertaken at the site. The Inspector was minded to agree with the Council's submissions in respect of criterion (ii) of the Policy, sharing the Council's concern in respect of the design, appearance and detailing of the proposal. Overall, the design would fail to complement the proportions or appearance of the existing traditional stone barn. As such the development was deemed to conflict with Policy MD11.

The Inspector agreed with Natural Resources Wales and the Council's assessment that it is reasonable to assume that European Protected Species (bats) may be affected by the proposed development. The Appellant's failure to establish likely impacts through survey work precluded the Inspector from information vital to the assessment of the merits of the scheme. The Inspector therefore agreed with the Council's reasons for refusal of the application on ecological grounds, citing Policies MD9 and MD2.

The Inspector accepted that there is an existing vehicular access to the site, which the Council submitted was substandard. With little prospect of improvements to that access achievable, the Inspector echoed the Council's concerns in respect of highway safety. The Inspector agreed that the vehicle movements associated with a separate dwelling are materially different to that associated with the existing use. Vehicles emerging from the site would not have a clear view of oncoming traffic and coupled with a lack of onsite manoeuvring area the site that would result in detriment to highway safety. As such the development was considered to conflict with Policy MD2 and Technical Advice Note 18, Transport.

---

(d) Enforcement Appeal Decisions

L.P.A. Reference No: ENF/2016/0330/PC  
Appeal Method: Written Representations  
Appeal Reference No: C/17/3181029  
Appellant: Mr Kevin Oliver  
Location: Pen y Malt, Beach Road, Marcross  
Enforcement Notice: Without planning permission:  
(i) The material change of use of the Land from agriculture to domestic garden;  
(ii) The erection of two buildings, one being a garden shed used for general storage and the other being a log cabin style structure used for practicing Yoga;  
AND  
(iii) The laying of a hard surface patio area

Decision: ENF appeal DISMISSED  
Date: 26 January 2018  
Inspector: Mr. Hywel Jones  
Council Determination: Committee

**Summary**

The Appellant sought to pursue a ground (f) appeal in respect of the enforcement notice, effectively alleging that the steps required in the enforcement notice were excessive. The Appellant initially indicated a ground (a) appeal would also be pursued, that permission ought to be granted for the development subject of the enforcement notice. However, the Appellant failed to submit the requisite fee and the ground (a) appeal fell away.

The Inspector agreed with the Council's submission that the arguments progressed by the Appellant could not be considered under ground (f) in the absence of a ground (a) appeal. The Inspector noted the two Court of Appeal judgements cited by the Council that establish the merits of the development cannot be considered under a ground (f) appeal unless concurrently pursued under ground (a).

The Inspector noted that the purpose of the enforcement notice was to both remedy the breach of planning control and to address the injury to amenity. Consequently, as the purpose includes the remedy of the breach by discontinuance of the use, the Inspector was satisfied the requirements are not excessive. The Inspector was satisfied that no lesser steps would satisfy the purpose of the notice, and the appeal therefore must fail.

(e) April 2017 - March 2018 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> <small>(inc. tree appeals and appeals for conservation area consent)</small>	<b>W</b>	10	4	14	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	2	2	-
<b>Planning Total</b>		11 (65%)	6 (35%)	17	-
<b>Enforcement Appeals</b>	<b>W</b>	2	1	3	1
	<b>H</b>	-	-	-	3
	<b>PI</b>	-	1	1	-
<b>Enforcement Total</b>		2 (50%)	2 (50%)	4	4
<b>All Appeals</b>	<b>W</b>	12	5	17	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	3	3	-
<b>Combined Total</b>		13 (62%)	8 (38%)	21	-

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 : **29 MARCH, 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

R - Refused

E Split Decision

2017/01198/TPO	A	The Old Vicarage Church Road, Llanblethian, Cowbridge	2 No. Cypress in G64 crown- lift to statutory height. First Cypress (on bullnose) to give clearance over public highway. Second Cypress (on driveway) to give clearance over driveway for lorry deliveries same as highway
2017/01298/TCA	A	17, Old Port Road, Wenvoe	Works to tree in the Wenvoe Conservation Area
2017/01299/TCA	A	34, West Gate, Cowbridge	Works to trees within the Cowbridge Conservation Area
2017/01338/TPO	A	Ty'r Onnen, 9, Madoc Close, Dinas Powys	Works to trees in TPO No. 13, 2001
2017/01340/TCA	A	The Quintain, Love Lane, Llanblethian, Cowbridge	Works to trees in Llanblethian Conservation Area

2017/01348/TPO	A	2, Seaview Court, Rhoose	Works to trees covered by TPO No. 23, 2007 tree T002 - Removal of Maple tree
2018/00018/TCA	A	The Old Brewery, Cowbridge	Removal of Horse Chestnut tree from Cowbridge Conservation Area.
2018/00019/TPO	A	Hensol Castle Park, Hensol	Work to trees in Tree Preservation Orders numbered 06 2004, 03 2011 and 04 2003
2018/00035/TCA	A	Great House/Ty Mawr, Bonvilston	Removal of Sycamore from Bonvilston Conservation Area
2018/00048/TPO	A	Great House/Ty Mawr, Bonvilston	T1 - Holm Oak - Prune from building to allow clearance of 2.5m (covered by TPO 035, 1973)
2018/00062/TPO	A	Land opposite Pen y Garreg, Llanblethian, Cowbridge	Crown lifting of 5 trees to a height of 5.2 metres to provide clearance to adjacent highway

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MARCH, 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.



**2017/00395/FUL** Received on 20 April 2017

Cardiff Lux S.A.R.L c/o Savills Investment Management, 33 Margaret Street,  
London, W1G 0JD  
RPS Planning & Development Park House, Greyfriars Road, Cardiff, CF10 3AF

### **Brooklands Retail Park, Culverhouse Cross**

Proposed new Starbucks drive-through unit

#### **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 Bird due to concerns with regard to parking provision and resulting highway safety implications.

#### **EXECUTIVE SUMMARY**

The Brooklands Retail park site is located to the southeast of the Culverhouse Cross roundabout, residential properties are located to the east of the site and the A4050 and Cowbridge Road West run along the northern and western boundary. The site falls within the settlement of Culverhouse Cross as defined by the Local Development Plan. The retail park consists of 6 retail units and associated car parking. There are a number of group Tree Preservations Orders within the car park and to the periphery of the site.

The application proposes the introduction of a Starbucks drive through unit within the existing car park. The proposals include a single storey building within the car park of the existing retail unit with a split level roof. The proposals would result in the need for the rearrangement of the existing car parking arrangement, resulting in the loss of 57 car parking spaces and the removal of landscaping within the existing car park including the removal of some trees covered by a Tree Preservation Order.

At the time of writing this report, no letters of representation had been received.

The main issues to consider are the principle of the development, design, scale and visual impact of the proposal, impact upon neighbouring properties, loss of trees and any detriment to parking and highway safety. It is recommended that the application be REFUSED.

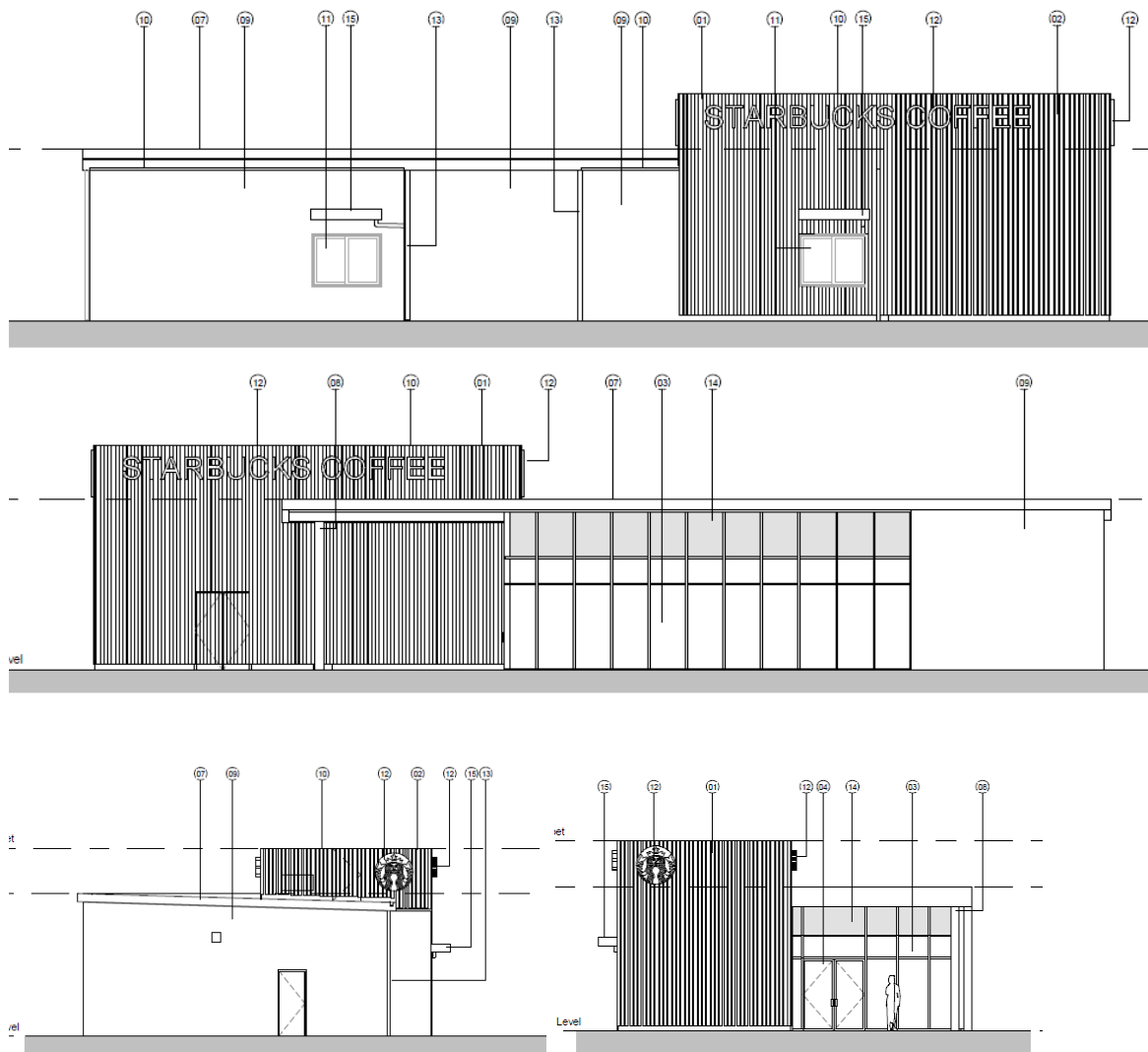
#### **SITE AND CONTEXT**

The Brookland Retail Park site is located to the southeast of the Culverhouse Cross roundabout, residential properties are located to the east of the site and the A4050 and Cowbridge Road West run along the northern and western boundary. The site falls within the settlement of Culverhouse Cross as defined by the Local Development Plan. The retail park consists of 6 retail units and associated car parking. There are a number of group Tree Preservations Orders within the car park and to the periphery of the site.

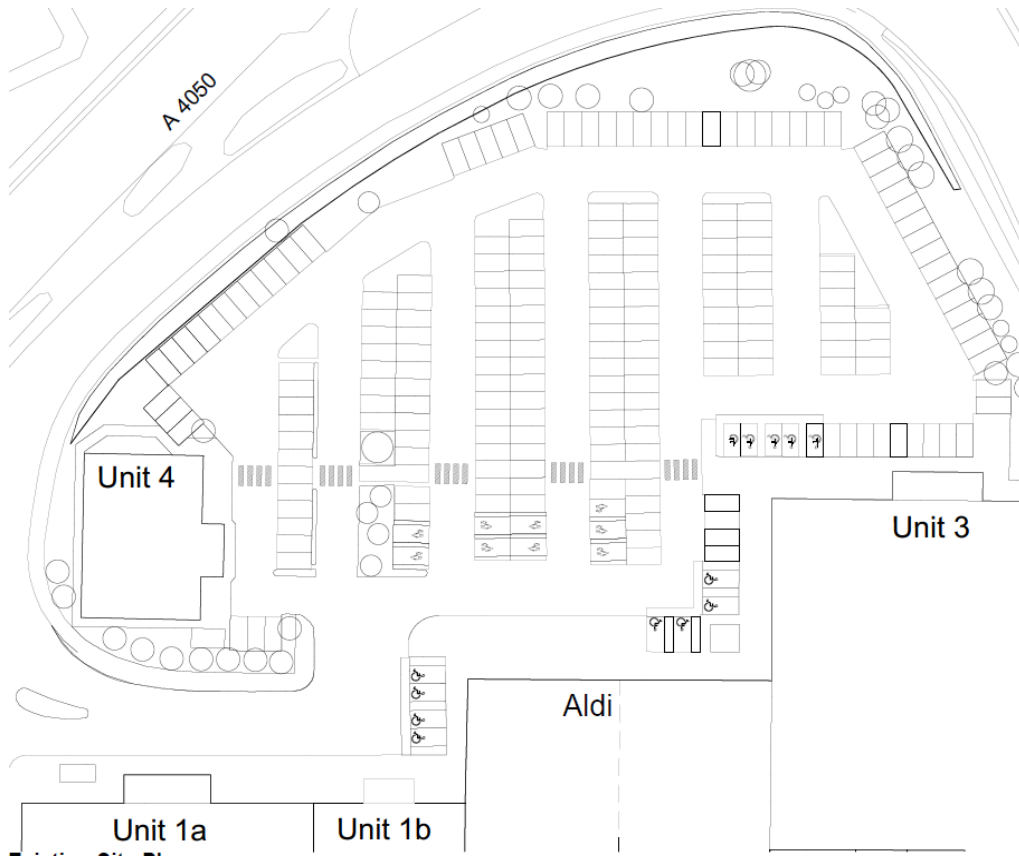
## DESCRIPTION OF DEVELOPMENT

The application proposes the construction of an A3 Coffee Shop (Starbucks) drive through unit within the existing car park.

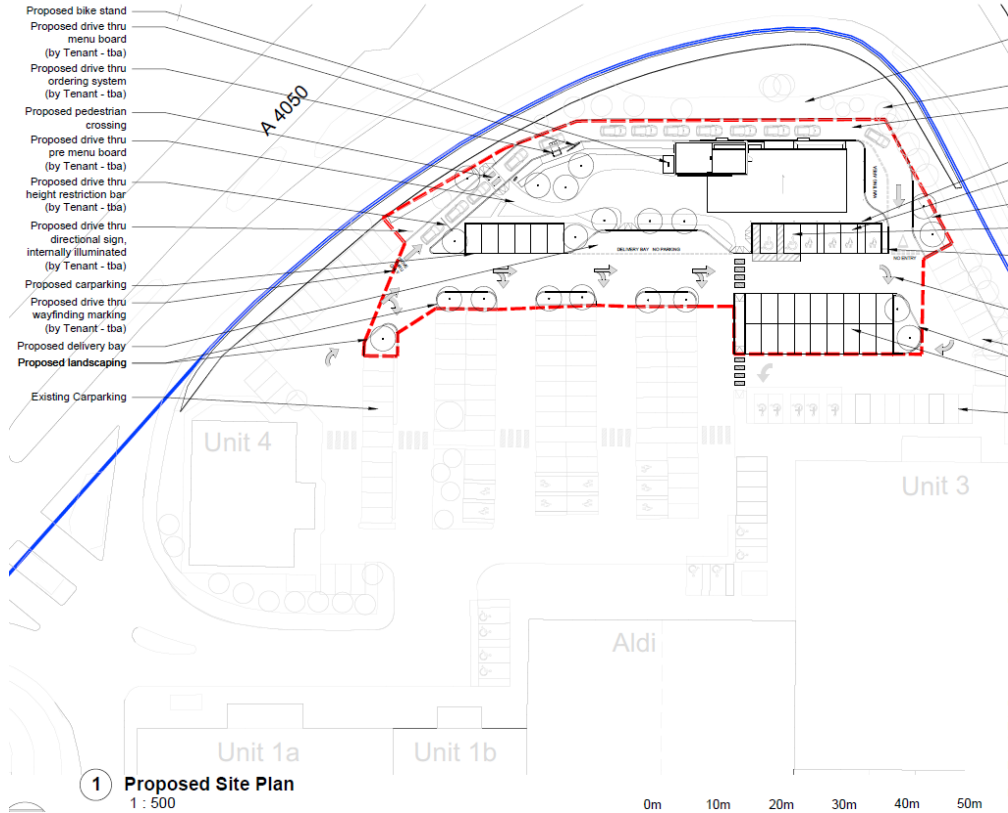
The proposals include a single storey building within the car park of the existing retail unit with a split level roof. The main part of the building would have a monopitch roof with a maximum height of 4.55 metres although to the south-western end of the building there is a flat roof raised element with a height of 6 metres and width of approximately 11 metres. The proposed building would be finished in a mix of timber and profiled cladding. Elevations are shown below:



The proposals would result in the need for the rearrangement of the existing car parking arrangement, resulting in the loss of 57 car parking spaces and the removal of landscaping within the existing car park. This would involve the removal of a number of trees including those covered by Tree Preservation Order including those covered by TPO reference 289 - 2005 – 10 G03; G05; G06 and G08. Existing and proposed site layouts are shown below in addition to a site layout plan indicating the removal of trees resulting from the proposals:



Existing site layout



1 Proposed Site Plan  
1 : 500  
Proposed site plan



Plan indicating tree works to be undertaken with trees to be removed hatched in red and proposed tree planting indicating in blue

## PLANNING HISTORY

There is extensive planning history for the retail park, the following are the most relevant to this application.

1995/00161/OUT, Address: Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff, Proposal: Development of land for 5 no. retail warehouse units totalling 6824 s.m. G.I.A. within Class A1 of the Town and Country Planning (use classes) Order 1987, together with associated car parking, landscaping. Decision: Appeal Allowed subject to conditions including:

11. *The gross internal area of the buildings, excluding the area of any uncovered garden centre, shall not exceed 6824 square metres and none of the retail units shall be subdivided so as to result in a residual floor area of less than 929 square metres.*

12 *The Class A1 retail warehouses hereby permitted shall not be used for purposes other than the sale of DIY/hardware; garden products; furniture; floor coverings; soft furnishings; electrical goods; pet products; motor accessories and office equipment and shall not be used for any other purpose including any purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision revoking or re-enacting that Order with or without modification, unless the local planning authority give written consent to any variation."*

1995/01039/OUT, Address: Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff, Proposal: Mixed development comprising A1 and B1 uses along with associated car parking, landscaping and access, Decision: Appeal Allowed subject to conditions.

1998/00943/RES, Address: Brooklands Terrace Retail Park, Culverhouse Cross, Cardiff, Proposal: Amendment to approved Reserved Matters to create five retail units, Decision: Approved

1999/00665/FUL : Unit 1B - Part relaxation of Condition 11 of planning consent 95/00161/OUT to allow creation of mezzanine of 809m.sq. Approved 30 July 1999 subject to the following condition:

“The variation of Condition 11 of application ref. 95/00161/OUT shall only apply in respect of Unit 1B of the Brooklands Terrace Retail Park and shall only apply for the duration of the use of the site by Furniture Village PLC.”

2002/00031/FUL: Burger King, Brooklands Terrace, Culverhouse Cross – Erection of drive-through restaurant together with associated parking, access and landscaping works – Refused due to detriment to visual amenities of neighbouring properties and detriment caused to the visual amenities at the landscaped entrance to the Vale of Glamorgan. Subsequently allowed at appeal

2004/01650/FUL – Brooklands Terrace Retail Park, Culverhouse Cross – Proposed A3 Restaurant – Approved (Pizza Hut)

2012/00316/FUL : Units 1A, 1B, 2A & 2B - Variation of condition No. 12 of approved application 1995/00161/OUT to allow sale of Non-bulky Class A1 retail goods. Approved subject to a S106 Agreement (£295,000 contributions) and following conditions:

*1) The floorspace hereby permitted shall not be used for purposes other than the sale of DIY / hardware, garden products, furniture, floor coverings, soft furnishings electrical goods, pet or vet products, motor accessories and office equipment, except for 1,887 sqm which can be used for the sale of sports and leisure goods including sportswear and sporting equipment, cosmetics and toiletries, fashion accessories, household goods, luggage, textiles, china, glassware, pottery, toiletries, and ancillary and seasonal items, and 1,918 sqm which can also be used for the sale of clothing and footwear. No unit shall be used for any other purpose including any purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision revoking or re-enacting that Order with or without modification, unless the local planning authority give written consent to any variation.*

*2) None of the retail units hereby permitted shall be subdivided so as to result in a gross internal floor area of less than 929 square metres for any one unit.*

2016/00107/FUL – Units 2A/2B, 2 Brooklands Terrace, Culverhouse Cross – Proposed alterations to units 2A/2B, including new service pod, and alterations to roof, elevations, car parking and external areas in order to accommodate requirements of new user -Aldi store food retailer – Approved

2017/01086/ADV: Unit 1B, Brooklands Retail Park, Culverhouse Cross - 3 No. internally LED illuminated flex face box signs complete with bird spikes and digitally printed flex face skins - Approved

## CONSULTATIONS

**Wenvoe Community Council** was consulted and comment that ‘only one unit let at present, when remaining units are let the result will be unacceptable congestion on the site.’

**The Council’s Highway Development** section was consulted and consider that the parking ‘assessment is not robust enough to rely on the identified parking demand within the retail park, particularly due to the sensitive nature of the adjacent highway network.’ They raise concern with regard to the operation of the car park, reliance upon the parking adjacent to Burger King and potential vehicular conflicts. In conclusion they state ‘in the absence of a robust assessment including a parking survey undertaken with all existing units occupied at the same time, an objection in relation to the highway and transportation aspect of the development is raised in this instance.’

**The Operational Manager for Highways and Engineering** (Drainage) was consulted and note that although the site falls with DAM Zone B that *‘given the size and nature of this development, and given that the site is already impermeable in nature, this section has no objection to this application. Control of surface water disposal via Building Regulations shall suffice.’*

**The Council’s Shared Regulatory Services (Environmental Health Pollution Control) section** were consulted and requested some further information with regard to the nature and position of the extraction equipment.

**Wenvoe Ward member** was consulted and they request that the application be reported to planning committee as they were concerned with regard to the loss of parking given occupation of existing units on the site.

## REPRESENTATIONS

The neighbouring properties were consulted on 8 May 2017 and site notices were also displayed on 22 May 2017 although no comments had been received at the time of writing this report.

## REPORT

### Planning Policies and Guidance

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

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The 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 SP6 – Retail

#### **Managing Growth Policies:**

POLICY MG12 – Retail Hierarchy  
POLICY MG13 – Edge and Out of Town Retailing Areas

#### **Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection

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.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

Chapter 10 of PPW deals with Planning for Retail and Commercial Development

### **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 4 – Retailing and Town Centres (1996)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

### **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 (Interactive Parking Standards Zones Map)
- Trees and Development

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:

- Retail Planning Study (2013 Update) (Also see LDP Hearing Session 15, Action Point 1 response)
- Town and District Retail Centre Appraisal (2013 Update) (Also see LDP Hearing Session 15, Action Point 4 response)
- Highway Impact Assessment (September 2013)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office 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

#### Principle of Development

In terms of local planning policy, Policy MG13 (Edge and Out of Town Retailing Areas) of the adopted LDP relates to retail development at Brooklands Terrace Retail Park, Culverhouse Cross, where this site is located. Under policy MG13 this is considered an 'out of town' retail area. The policy states as follows:

*Proposals for new retail development on new sites or existing retail areas in edge and out of town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods will only be permitted where:*

- 1. It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town, or district retail centre, and*
- 2. The proposal would not either individually or cumulatively with other recent or proposed consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town, district, local or neighbourhood centres.*

The proposal is for an additional A3 drive-thru coffee shop within the car park of the existing retail park. Within this part of the site there are 4 no. A1 retail warehouse units and an A3 restaurant unit. There is an additional A3 unit to the south, within a separate part of the site, although accessed from the same main junction into the retail park from the A4050.

The additional drive-thru unit would change the dynamic within the Retail Park and would require revisions to the existing parking arrangements. However, it is acknowledged that this arrangement of smaller A3 units accompanying larger A1 units is typical of many retail parks. The A3 function could provide an additional draw to the retail park, which has the potential of benefiting other adjacent retailers, whilst it would be unlikely to detract trade from other town and district retail centres.

In terms of need, within the submitted Planning Statement the applicant states that the proposals represent a relatively minor retail scheme in respect of the existing retail park, with a floor area of only approximately 170 square metres (Gross Internal Area). As such they contend that such a need cannot be reasonably met elsewhere. In terms of qualitative need they indicate that the introduction of a drive thru coffee shop of an ancillary nature would benefit 'surrounding retail units by enhancing choice and attractiveness.'

In terms of the sequential assessment, the submitted planning assessment states that *'the proposal will improve the retail offer in the Culverhouse Cross area, increasing competition and choice.'* It further states that *'An alternative location would not achieve the same aims and would be 'unsuitable' for this reason.'* They provide an assessment of nearby centres including Barry, Cowbridge and Cardiff, in addition to Wenvoe and St. Nicholas. The assessment provided concludes that *'there is no site which would be suitable, available and viable for the proposed Starbucks drive-through and that the proposal satisfies the sequential approach.'*

In terms of retail impact the submitted planning statement indicates that there would be no material impact on Barry and/or Cowbridge, given the limited scale of the proposal, the relative proximity and the different characteristics of the offer.

Brooklands Terrace Retail Park is classified as an Out of Town site as defined by policy MG13. As stated in this policy, it is important to consider how the additional provision of A3 uses at this 'Out of Town' site could potentially impact on the vitality and viability of existing town, district, local or neighbourhood centres, by potentially drawing trade from existing A3 operators and deterring new operators from identified centres. It is considered that this issue has been addressed to some extent within the submitted Planning Statement, although is lacking in some descriptive analysis of the nature and location of premises considered. Nevertheless, it must be acknowledged that the floor space proposed is modest and such a drive-thru function can only be accommodated on sites with a significant amount of space which would render many existing town centre locations unsuitable given the established built fabric of such areas. It must also be considered that such uses would need to be in locations that will be visible from the road and/or where there would be an existing level of footfall.

Furthermore it is considered in this particular 'out of town' location the unit is unlikely to be in direct competition with existing A3 units in the nearby town centres. The site is in a well-connected sustainable location and within the defined settlement of Culverhouse Cross. The unit would also provide employment opportunities for the local community.

Whilst only indicative details of a sequential assessment have been provided with this application, it is considered that, given the scale and type of development (i.e. the A3 use), the proposals would complement the existing provision at the retail park, and based on it being restricted to an A3 use, would not undermine the vitality/viability of existing centres within the Vale of Glamorgan. It is considered therefore that the proposals accord with the requirements of policy MG13 of the Development Plan and are acceptable in principle.

#### Design and Position of the Unit and Visual Impact

The proposed unit would be of a modern, standard design utilised by the applicant company. There are large levels of glazing fronting onto the car park within the wider site, which would provide an appropriate level of active frontage. Wooden cladding and profiled cladding panels are shown to be used on the walls and roofs, which are considered appropriate for this type of building, given its context in the retail park, though full details of the materials would be required via condition if approved.

The size of the unit is considered to be appropriate for this form of use and noting its setting within a large car park against the backdrop of much larger retail units. The proposed unit is positioned in the corner of the car park, forward of the existing units which are positioned towards the east of the site. There is no available space for the proposed unit to be located behind the building line of the existing units and would have to be positioned forward within the car park. The unit also needs the car park location to maintain suitable access and circulation space for the drive-thru facilities. It is also recognised that this location would be more prominent as it would be positioned closer to Port Road and the Culverhouse Cross roundabout than the existing shops. However, the building is single storey in height with a lower height than the larger A1 retail warehouse units within the site. The design of the building is considered to be an appropriate form of development, characteristic of that usually found on such retail parks. Whilst noting its position forward of the other buildings, it is considered to be of an appropriate scale so as not to unacceptably impact upon the visual amenities of the area.

### Impact upon trees

There is an established landscape buffer to the periphery of the site that includes a number of trees protected by a Tree Preservation Order (10/2005). It is noted that the proposals will necessitate the removal of some trees within the development although a number of replacement trees are proposed within the confines of the site as part of a scheme of landscaping.

The proposals would necessitate the removal 1 no. hornbeam (T16) which is indicated as Category A 'High Quality Tree'; 12 no. Whitebeam (G3, G5, G6 and G8) and 1 no. lime (T23) which are categorised as being Category B/C 'Moderate/Low Quality' in addition to 4 no. Ash (indicated as having no life expectancy given current prevalence of ash disease). The removal of these trees is largely required due to the proposed rearrangement of the car park to accommodate the proposed drive through unit and as such a scheme of landscaping has been submitted in support of the application that indicates that a total of 21 replacement trees will be planted through the site in addition to a number of planting beds and non-native hedgerow. Of the trees proposed 16 are proposed to be heavy standard and would include 3 English Oak, 5 Field Maples, 5 Rowan trees and 3 Tilia. Whilst the loss of the protected trees is regrettable, they are not mature trees and with the exception of T16 are not high quality specimens. The landscaping scheme submitted is considered to be appropriate and its provision and maintenance would be required by condition, if the application was considered to be acceptable in all other regards.

### Traffic and Parking Provision

The application as originally submitted was supported by a Transport Statement prepared by Vectos, dated April 2017. This provided an assessment of the likely traffic and parking demand arising from the development.

The proposals would result in the loss of circa 57 car parking spaces and rearrangement of the remaining parking layout. As such a total of 160 spaces would be retained within the northern part of the site, with a further 66 spaces within the area adjacent to the existing Burger King restaurant.

This assessment concludes that *'the analysis of the effect of the proposed development shows that the forecast traffic attraction will not have a material adverse effect on the local highway network'* and that *'the proposed parking provision has been shown to be suitable for the requirements of the site, with a maximum accumulation of 74%'*.

Following consultation with the Council's Highways Development section, concern was raised with regard to the manner in which this Assessment was undertaken and as such the Local Planning Authority entered into dialogue with the applicant and their advisors.

Concern was raised with regard to the way in which the likely accumulation of parking had been arrived at and the failure of the assessment and subsequent technical notes to robustly assess the parking demand arising from the opening of an Aldi store at the site. There was also concern that the parking survey was undertaken when not all and different units at the site were vacant. As such, the applicant was advised to undertake an updated assessment with the retail park fully occupied, accounting for the recently opened A1 food store, in order to provide a more meaningful and accurate assessment of the impact of the development, including the loss of car parking.

As such an assessment of car parking was submitted by the applicant to seek to overcome the concerns raised by the highway officer. This included an updated parking survey undertaken in November 2017, although this was undertaken at a time when 2 units were still vacant at the site. Nevertheless an assessment of the proposal was undertaken by interpolating the new parking survey to model the parking demand based upon full occupation of all the units on the retail park. The parking survey recorded a peak parking accumulation of 65%, whilst the forecasted suggested peak parking accumulation (with all of the existing units being occupied and the proposed Starbucks open) of 100% on a Saturday. This forecast did not include the use of the Burger King car park. The forecasted peak parking accumulation decrease to 79% when the parking at Burger King was included, leaving a minimum of 48 car parking spaces free across the 2 car parks.

The Council's Parking Standards would require the provision of approximately 355 spaces to serve the existing retail units (units 1a, 1b, 2 and 3) on site (based on maximum standards), with an additional requirement of approximately 37 spaces to serve the A3 unit currently occupied by Pizza Hut. As such a maximum of 392 car parking spaces would be required to serve the units within this main part of the retail park. The A3 unit on the separate part of the retail park (occupied by Burger King) would require approximately 13 spaces, resulting in a requirement of approximately 405 spaces across the two sites, (based on maximum standards).

It must be noted that when both surveys were undertaken (September 2015 and November 2017) only two of the larger retail units were occupied. As such, a number of assumptions have had to be made by the applicant with regard to the likely parking demand arising from the two unoccupied units.

Within these assumed figures the applicant has indicated that there would be a combined trip factor of 40% (i.e. shoppers would visit more than one shop during their visit to the site), particularly noting the more varied retail offer now available on site. When reviewing the likely parking demand, it is noted that there would be an element of linked trips within the site with customers visiting more than one operator/shop. As a result, the applicant has applied a 40% reduction for linked trips which is considered acceptable for a retail park. This would reduce the maximum parking demand (in accordance with the Council's Parking Standards) from 392 spaces to 235 spaces in this main part of the site, and from 405 spaces to 243 spaces if including the part of the site adjacent to Burger King. Given that the proposal would introduce an additional unit (with associated additional demand) and would reduce the number of parking spaces within this part of the retail park to 160 (and to 227 spaces taking into account both elements of the retail park), it is evident that, even with the 40% relaxation, the proposals would lead to a deficit in available parking provision, when considered against the Council's parking standards.

Notwithstanding the conclusions above, there is also concern with regard to the assumptions that have been made in terms of the likely demand for parking in the event that units 1a and 1b are occupied. To assess the likely parking demand of the vacant units the applicant has reviewed the 2015 parking survey and suggests that it *'provides the best possible forecast of the potential gross trip attraction of a non-food retail unit in this location'*. As such, the applicant distributed the observed parking demand equally between the occupied units 1 and 3 at the time of the 2015 survey, to interpolate the parking demand arising from the vacant unit at the time of both surveys. The submitted survey information, when considered in association with the linked trip demand (noted previously), indicates that the applicant only anticipate a maximum parking demand of 5 car parking spaces arising from unit 1A, which was vacant during both surveys.

There are some significant concerns with this approach. Firstly, it must be noted that units 1b and 3 were occupied by Currys and PC World during the 2015 survey. These retailers are considered to be a low traffic generating type of A1 use and, as such, result in particularly low traffic accumulation arising from the vacant store. Indeed it is evident from the uplift in parking demand resulting from the recent opening of the Aldi store that, depending on the exact nature of use, these units can generate significant increased demand for parking. For instance the comparable peak figures observed in the Saturday survey in 2015 noted a peak accumulation of 58 car parking spaces, whilst following the 2017 survey indicated a peak accumulation of 140 spaces, an increase of 82 spaces. At the time of both of these surveys two of the retail units were occupied at the site and, whilst noting that different units were occupied at the time of survey, they are of comparable floor area (circa 2000 square metres). Whilst it is accepted that the Aldi store is a food retailer, which is likely to have a higher parking requirement than many A1 retailers, it is considered that a number of A1 uses would generate higher parking demand than that generated by Currys PC World. It is not, therefore, reasonable to rely solely on parking figures based on the parking demand of a low traffic generating retailer. For instance the Council's adopted Parking Standards indicate that shop units of this size, in this location would require 1 car parking space per 20 square metres of floor space in addition to staff parking. Whilst these represent maximum parking standards it is apparent that other retailers could have significantly higher levels of parking demand than that recorded, between that recorded for Aldi and Currys PC World and that required by the maximum parking standards. It is evident, therefore, that the quantitative assessment of parking demand undertaken by the applicant does not fully appreciate the potential dynamic and range of retailers that could occupy the units.

It is a material consideration that a restrictive condition with regard to the nature of the use of the retail units was applied when planning permission was granted as noted within the planning history (1995/00161/OUT). It must, however, be noted that the Council have recently allowed this condition to be varied to allow Aldi to operate from units 2A and 2B (2016/00107/FUL), whilst it was resolved to allow application 2012/00316/FUL varying the restrictive condition of the aforementioned consent to allow the sale of sports, leisure goods, clothing and footwear within units 1A, 1B, 2A and 2B. This clearly indicates the changing nature of these retail parks and this is acknowledged within the Retail Impact Assessment submitted with the 2012 application that states '*currently the park is not a viable destination for a large variety of comparison retailers owing to existing planning restriction. The proposed variation of the park's restrictive goods condition will provide the means of increasing the attraction of the retail park to a wider scope of large format national multiple comparison operators.*' Furthermore the LPA are aware of interest in the use of the site from other national retailers, including a recent application for advertisement consent submitted by B&M at Unit 1B. It is clear that the nature of this retailer is different than that of Currys PC World, and such an occupier would likely have a different level of demand for car parking. It is considered that these demonstrate the changing dynamic of the retail park and the likely form of retailers that may occupy these units.

It must also be noted that Currys and PC World were similar retailers and have subsequently merged. Together they now occupy unit 3 as Currys PC World. It is evident that the economic climate has affected the characteristics of retailers in this type of retail park. This is also further demonstrates that the parking demand arising from these units is not fully representative of the potential parking demand arising from future A1 retailers of these units.

There is concern, therefore, that the interpolation undertaken by the applicant does not fully account for the range of potential occupiers and the varied parking demand that may result from a variety of retailers. By allowing such a significant reduction in parking provision on the basis of the assessment provided, a shortfall in parking to serve potential occupiers of the existing units could arise, including those currently vacant. A deficit in parking to serve future occupiers would detract from the attraction of the site to prospective occupiers and, in turn, affect the potential viability and vitality of the site.

The submitted accumulation figures indicate a maximum accumulation of 100% resulting within northern area of car park, based upon the interpolated figures provided above. Noting the concerns, it is considered that this accumulation could in fact be higher than that indicated by the applicant. The applicant indicates that further parking is available to the southern part of the wider retail park adjacent to the unit currently occupied by Burger King that reduces the potential maximum accumulation of parking to 79%. Whilst forming part of the wider retail park, this parking area is largely concealed and is not clear to drivers entering the site that this is available for customer use and as a result, could lead to a significant demand within the main car parking area. Given the high level of predicted accumulation and doubts raised above, this could lead to significant congestion arising within the site including additional traffic movements at the entrances to the respective parts of the site and the adopted highway linking the 2 distinct parts of the site.

Any such congestion and conflict resulting from the proposals could result in vehicles backing up and additional congestion overspilling out of the retail park and onto the A4050 running to the west of the site. The entrance to the site is only approximately 100 metres to the south of the Culverhouse Cross roundabout. The Highway Impact Assessment prepared by the Council as part of the background evidence for the Local Development Plan indicates that this junction is already operating at over-capacity and this is projected to be further exacerbated by 2026. With this in mind, it is important to fully assess any proposals that may intensify an existing, identified issue at a junction of such close proximity to the development site. It is considered that the surveys undertaken are not sufficiently representative or adequately robust to demonstrate that sufficient car parking will remain to serve the whole retail park. To the contrary it is considered that the level of future parking demand has been under represented. Therefore, it is considered that the introduction of a further drive-thru unit on the site (and associated loss of parking spaces) would result in a shortfall in parking provision, and that manoeuvres associated with the revised parking layout could lead to congestion and conflict between users of the retail park and the adjacent public highway, which is a particularly busy and congested part of the strategic highway network of the Vale of Glamorgan.

In conclusion, it is considered that the proposal would result in an unacceptable shortfall in parking provision serving the wider retail park and, as such, would have a detrimental impact on the adjacent highway network. As such the proposal is contrary to policies MD2(6) and MD5(6) of the Local Development Plan, TAN 18 (paragraph 4.13) and Planning Policy Wales.

### Neighbour and Environmental Impacts

The nearest neighbouring dwellings are approximately 120 metres from the nearest residential dwelling within Brooklands Terrace, behind the existing unit currently occupied by Currys. Given this separation distances the proposed buildings would not result in any overbearing or overshadowing impact. Nor would there be any loss of privacy to any significant level.

Given the existing use of the site and the position of the site, adjacent to existing busy highway routes, it is considered that the noise impact from vehicles associated with the proposed A3 units not result in an unacceptable detriment to the amenity enjoyed by occupiers of these. Similarly given the level of separation and intervening buildings, it is considered that any outside seating and plant would not be unlikely to cause an unacceptable degree of detriment to neighbouring noise sensitive premises.

During the course of the application, the Council's Environmental Health Officer requested some further details with regard to the exact position of the plant to serve the units. If the application was considered to be acceptable in all other regards a condition relating to the design of the extraction systems, including noise levels and odour mitigation would have been recommended to be attached to any consent granted. No details of proposed opening hours have been provided with the application and if the application was acceptable in all other regards then further details would have been sought and these hours controlled by condition.

### REASON FOR RECOMMENDATION

The decision to refuse 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.

The proposed drive-thru unit would result in a significant reduction in the level of parking available amounting to an under-provision of car parking to serve the proposed and existing units on the site resulting in congestion and highway safety implications within the wider highway network. The proposal is therefore contrary to the provisions of policy MD2 'Design of New Developments' and the guidance contained within Planning Policy Wales (edition 9 2016).

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



## RECOMMENDATION

### REFUSE (W.R.)

1. The proposed drive-thru A3 unit would result in a significant reduction in the level of parking available to serve the existing retail park which would result in traffic congestion for vehicles entering, manoeuvring and exiting the site, resulting in highway safety implications within the retail park and on the highway network in the vicinity of the site close to the strategic road junction Culverhouse Cross. The proposal is therefore contrary to the provisions of Policy MD2 'Design of New Developments' and the guidance contained within Planning Policy Wales (edition 9 2016).

### NOTE:

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

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

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

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

- - - - - SITE BOUNDARY  
 ——— OWNERSHIP BOUNDARY  
 SITE AREA = 28,946m<sup>2</sup>  
 APPLICATION AREA = 2,584m<sup>2</sup>  
 KIOSK GIA = 170m<sup>2</sup>

Rev	Date	Check	Description
170228		NDC	FIRST ISSUE

**Holder Mathias Architects**

T +44 (0) 20 7287 0735  
 www.holdermathias.com  
 London Cardiff Munich

Project  
 Starbucks Kiosk  
 Brooklands Retail Park, Cardiff  
 Cardiff LUX SAREL

Title  
 Site Location Plan

Status	Planning	Scale at A3	1 : 1250
Job No	4022	Sheet No	PL01
Zone		Rev	

ISO 14001 : 2004 ISO 9001 : 2000 RIBA Chartered Practice  
 Please consider the environment before printing this document  
 Refer to dimensions where provided - do not scale from this drawing



VISUAL SCALE 1:1250 @ A3

**1 Site Location Plan**  
 1 : 1250

**2017/01263/FUL** Received on 28 November 2017

United Living C/o Agent  
Mr. Darryl Rowlands WPM Planning and Development, Suite 108, Creative  
Quarter, Morgan Arcade, Cardiff. CF10 1AF

### **Land off Gileston Road, St. Athan**

Affordable residential development and associated works for 18 dwellings

#### **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**

The application site is located at land off Gileston Road, near St Athan. The site comprises approximately 0.6ha of agricultural land some 200m south of St Athan, albeit it is separated from the settlement by the Cardiff-Bridgend railway line and the B4265.

The application seeks full planning permission for the redevelopment of the site to provide a total of 18 affordable housing units on the site, comprising of 9no. two bed and 5no. three bed houses along with 4no. one bed flats within a single block. The site would be accessed via Gileston Road to the west.

To date objections have been received from St Athan Community Council and approximately six representations were made objecting to the application. The objectors have raised concerns over highway and pedestrian safety, citing the busy nature of the junction, visibility and lack of a controlled crossing over the B4265 to St Athan. There were also objections made to the principle of the development, the lack of need and unsuitability of affordable housing, the impact the local landscape and character of the area, increased pressure on local services and increased levels of noise and nuisance.

Having regard to both local policy and national guidance, it is considered that the main issues in the assessment of the application, include, the principle of the development of this greenfield site for affordable housing, visual impact, scale and design; highway and pedestrian safety; the effect on neighbouring and general residential amenity; ecology impacts; drainage; and the planning obligations.

It is recommended that the application be APPROVED subject to a S106 legal agreement, ensuring the delivery of the scheme as affordable housing and, in the event it was not delivered by a partner Registered Social Landlord, the provision of financial obligations relating to; education; off-site open space; public art and sustainable transport; and conditions, including, archaeological mitigation, mitigation for dormice; highway engineering and parking layout details; materials details; levels; means of enclosure; Construction Environmental Management Plan; potential land contamination measures; drainage details, foul and surface water; and landscaping.

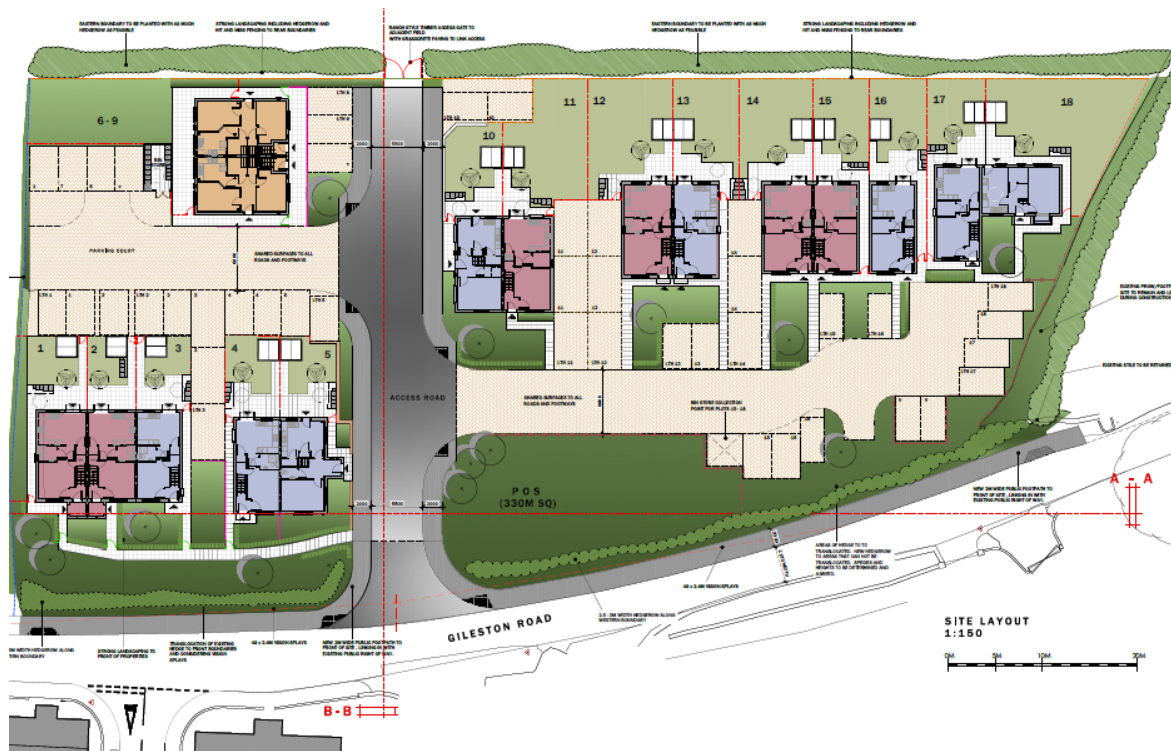
**SITE AND CONTEXT**

The application site is located at land off Gileston Road, near St Athan. The site comprises approximately 0.6ha of agricultural land some 200m south of St Athan, albeit it is separated from the settlement by the Cardiff-Bridgend railway line and the B4265. The site is situated opposite the former station yard, which has recently been developed to provide affordable housing and other early 20<sup>th</sup> Century detached housing. The remainder of the surrounding land is open agricultural land, and Gileston Road leads on to the village of Gileston some 250m to the south of the site.



**DESCRIPTION OF DEVELOPMENT**

The application seeks full planning permission for the redevelopment of the site to provide a total of 18 affordable housing units on the site, comprising of 9 no. two bed and 5 no. three bed houses along with 4 no. one bed flats within a single block. The site would be accessed via Gileston Road and the proposed layout of the site is included in the plan extract below:



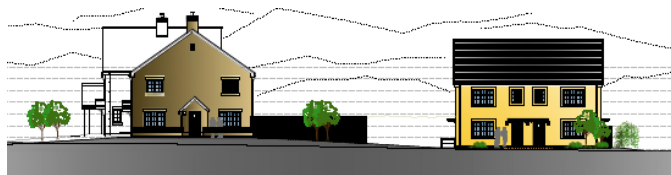
A fairly traditional approach has been taken with the proposed dwellings in terms of scale and design, with traditional pitched roofs, which would comprise a mixture of semi-detached houses and short terraces of three. The frontages of short terraces have been broken up with a gable end and a front porch, whereas the flatted block is two stories tall, has a traditional pitched roof and is of commensurate size to the other buildings on the proposed site.

The proposed street elevations/ site sections are shown in the below plan extracts:

North to South



West to East



A mixed palette of materials has been proposed for the development, comprising of coloured render, natural stone, and reconstituted slate, together with reconstituted stone heads, cills and upvc fenestration.

The site would be accessed from Gileston Road to the west, providing 2.4m x 48m visibility splays. It is also proposed to provide a new pedestrian footway and part-retain and part-translocate or replant the hedgerow, retaining a hedgerow boundary between the site and Gileston Road. The dwellings are laid out with their principal elevations facing towards Gileston Road and would be accessed via private drives, set off the main access road central within the site. The vehicular field access would be retained to the rear of the site.

The site would be laid out with an area of Public Open Space set between the boundary hedge and the dwellings, to the west of the site. Parking spaces to serve the development are located off the private drives and the area adjacent to the flatted block would serve, in effect, as a parking court for the flats and five of the dwellings. Areas of landscaping are proposed to the front of the dwellings, the public open space, as well as to the front of Plots 1-5, which would have an open nature. Private amenity space is provided to each of the dwellings, with a shared space to serve the flatted block.

### PLANNING HISTORY

None

### CONSULTATIONS

**St. Athan Community Council** was consulted and whilst noting the need for low cost housing, objected to the position of the site being divorced from the village, potential for parking problems and that there would be no safe route to school.

**Highway Development** was consulted and concern was initially raised from the Transport and Road Safety Officer regarding pedestrian safety arising from the increased use of the uncontrolled crossing over the B4265 to St Athan. Having been re-consulted following the submission of a Transport Technical Note, it was confirmed that a formal pedestrian crossing was not, in their opinion, warranted in relation to the current proposals.

Highways Development have confirmed, the vehicular access and internal roads are considered to be of sufficient width, the number and size of the parking spaces sufficient and the field access acceptable in principle, subject to some alterations to the layout. These related to the junction detail to the shared surface within the site, the relocation of parking space LTH5, addressing visibility from the parking spaces adjacent to the field access; and provision/alteration of tactile paving and dropped kerb detail to the footways. An extended swept path analysis for service vehicles was also requested, due to concern over the length of the southern shared surface and ability of servicing vehicles to turn in this part of the site.

**Public Rights of Way Officer** was consulted and noted that the public right of way should be kept open, free of obstruction and proposed landscaping does not encroach on to the footpath. Should a temporary closure be necessary an order should be obtained under Road Traffic Regulation Act 1984 to stop-up or divert the public right of way.

**Highways and Engineering (drainage)** was consulted and commented that the site is not located in DAM areas at risk of tidal or fluvial flooding, and NRW maps indicated that there is a very low risk of surface water flooding across the site. whilst there was no objection to the development, conditions were requested that would require the applicant to submit a detailed drainage strategy for managing surface water, hydraulic calculations, infiltration testing and a SUDS management plan.

**Environmental Health (Shared Regulatory Services)** was consulted and commented that whilst the land was agricultural, the potential for contamination could not be ruled out. Conditions were recommended in the event that unforeseen contamination was found, approval be obtained for imported soils and/or aggregates other than virgin quarry stone.

**Cardiff Airport (Safeguarding)** was consulted and did not object to the application.

**South Wales Police** did not object to the application but recommended that:

- Main entrance doors and ground floor windows comply with PAS24 2016 security standards.
- All rear gardens shall be made secure by walling fencing to minimum height of 1.8m or 2.1 m where boundary adjoins public open space.
- A scheme of lighting should be submitted to the LPA.
- Parking areas within the development be overlooked by windows.
- External service meters should be placed in accessible positions towards front elevations.
- Recommended that a Secured by Design (SBD) application be submitted to South Wales Police.

**Gwent Glamorgan Archaeological Trust** was consulted and commented that the works will require archaeological mitigation, in the form of an archaeological watching brief be conducted during all ground works.

**Environmental Health (pollution)** was consulted and commented that:

- A Construction and Environmental Management Plan should be submitted by the applicant prior to the commencement of development.
- The hours of construction should be limited by condition.
- The dwellings should be constructed in accordance with the noise mitigation measures outlined within the supporting Acoustic Report.

**The St. Athan Ward Councillor** was consulted and no formal comments have been received to date, concern was raised by Cllr Thomas in regard to the adequacy of the pedestrian crossing across the B4265.

**Dwr Cymru /Welsh Water** was consulted and did not object to the application, but requested a condition that prevented the discharge of surface water from the development to the public sewerage network.

**Network Rail** was consulted and commented that:

- All excavations/foundations/compounds/equipment etc. should be sited away from Network Rail's support zone unless their approval is otherwise obtained.
- All surface water drainage should be directed away from their land to the public mains, as soakaways would not be acceptable where excavations could undermine, pollute, affect the water table or cause other risk to Network Rail foundations, structures or earthworks.
- Recommended that all building be located at least 2m, and all trees are planted no closer than 1.5x their mature height, from the boundary fence.
- All existing access points to the rail network should be maintained to their satisfaction.

**The Council's Ecology Officer** was consulted and recommended that it be established whether with Natural Resources Wales consider that the proposed works are a licensable activity, given the proposals involve some destruction of habitat capable of supporting dormice and that a full dormouse survey has not been carried out.

**The Council's Landscape Architect** was consulted and no comments have been received to date.

**Waste Management** was consulted and no comments have been received to date.

**Wales and West Utilities** was consulted and commented that they had apparatus in the area which should not be built over and that the developer should contact them directly as their apparatus may also be at risk during construction works.

**Housing Strategy** was consulted and commented that there is an evidenced need for affordable housing in the Vale of Glamorgan equating to 559 homes per year, as evidence by the 2015 Local Housing Market Assessment. There was also 97 persons on the Council's waiting list in St Athan, with significant demand for two bedroom, three bedroom and, in particular, one bedroom properties.

**Natural Resources Wales** was consulted and commented that they did not consider that the development would be detrimental to the maintenance of the population of the species, subject to conditions that; the scheme be implemented in accordance with the submitted site layout, a detailed method statement be prepared prior to any hedgerow clearance, a lighting scheme, and a long term habitat and monitoring scheme.

**Western Power Distribution** was consulted and no comments have been received to date.



## REPRESENTATIONS

The neighbouring properties were consulted on 4 December 2017.

A site notice was also displayed on 14 December 2017.

The application was also advertised in the press on 14 December 2017.

Six letters of representation were received, with four specifically objecting to the application. There were objections to the development raised, in summary, on the following grounds:

- The proximity to the blind hump-back bridge makes it difficult for traffic to ingress/egress the site.
- The number of cars and walkers using Gileston Road has also increased following the nearby residential development, causing disturbance, congestion, litter and a noise nuisance to residents of Gileston.
- The proposal would be detrimental to the quality, attractiveness and openness of the area.
- It would result in an erosion of the attractive village character of Gileston.
- Local tourism and those using their properties as holiday lets would suffer from the loss of sense of remoteness to Gileston.
- The ratio of affordable housing in the vicinity has already been exceeded and there are too many affordable housing properties in the Gileston Area. 23 affordable dwellings have already been built nearby and if built, affordable housing would make up around 70% of the total housing stock.
- The area offers very few employment opportunities (for prospective occupiers).
- The public transport provision to the site is poor.
- St Athan does not have the facilities or infrastructure to support further residential development.
- There are other more suitable sites in the locality for affordable housing.
- The B4265 is difficult to cross for pedestrians and already has traffic build up at the busy junction. The provision of new housing south of the road will increase the safety risk to those crossing it, particularly to access the school and bus stop as there is no safe route to the school. A formal pedestrian crossing should be provided in place of the existing island.

- Consideration should be given to improving visibility for motorists using the bridge and a reduction in the speed limit and/or other traffic calming measures on this section of Gileston Road, which has become busier and is used extensively by walkers, horse riders and cyclists.
- The development may create a precedent for further residential development of the adjacent fields.
- The provision of housing to meet affordable housing need could be to the detriment of local infrastructure and services.

## 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 Growth Policies:**

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG27 – Glamorgan Heritage Coast

#### **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 MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 – Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries

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.

Chapter 4 – Planning for Sustainability - is of relevance to the application.

Chapter 9 – Housing - is also of relevance to the application, in particular, paragraph 9.2.22 requires that in planning for housing in rural areas, there should be a choice of housing that recognises the housing needs of all, including those in need of affordable housing.

Paragraph 9.2.23 expands on this noting that,

*“The special provision of affordable housing exception sites must be considered to help ensure the viability of the local community. To support policies, local planning authorities should refer to their up-to-date local housing market assessment or local survey. Policies should make clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision.”*

### **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
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 6 – Planning for Sustainable Rural Communities
- Technical Advice Note 12 – Design
- Technical Advice Note 16 – Sports Recreation and Open Space

### **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:

- Amenity Standards
- Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards
- Public Art
- Planning Obligations
- Sustainable Development

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:

- 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) 2015.
- Open Space Background Paper (2013).
- Sustainable Settlements Appraisal Review (2016).

**Other relevant evidence or policy guidance:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Guidelines for Providing for Journeys on Foot, the Institute of Highways and Transportation (2000)

## **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 main issues in assessing this application relate to the following:

- The principle of residential redevelopment of this site in light of Development Plan policies and national planning guidance.
- How the proposal aligns with the Council's Local Housing Market Assessment and Rural Housing Needs Assessment.
- The acceptability of the proposals in terms of their layout, scale, design and use of materials, and the potential impact upon the visual amenities of the countryside and Glamorgan Heritage Coast.
- Their acceptability in highway terms both within the site and off-site.
- Potential impact upon the amenity of neighbouring residential properties.
- Site specific issues including ecological and archaeological constraints and proximity to the railway line.
- The requirement for Planning Obligations based upon the specific need arising from the development.

The proposed development is located off Gileston Rd and lies within open countryside to the south of the St Athan settlement. The site is separated from St Athan by the railway line and the railway bridge and the B4265 which runs east to west. The proposal is for 18 affordable dwellings on approximately 0.6Ha of agricultural land.

The proposal is for a scheme that comprises 100% affordable housing and therefore is assessed under Policy MD10 (Affordable Housing Developments Outside Settlement Boundaries) which sets out the criteria for affordable housing exception sites in the open countryside. The policy states that proposals for rural exception sites must have a distinct physical or visual relationship with an existing settlement. The proposal site is recognised as being near the St Athan settlement boundary, but there is nevertheless a degree of separation due to the physical barriers of the railway and road, is approximately 150m from the settlement boundary. In relation to the policy context, the site should be considered to be within the countryside.

## Affordable Housing

Planning Policy Wales (PPW) acknowledges that affordable housing may be acceptable in rural areas however it is important “to recognise that development in the countryside should embody sustainability principles, benefitting the rural economy and local communities while maintaining and enhancing environment” (PPW, para.9.2.22). PPW also points out the need for affordable housing exception sites to help ensure the viability of the local community. It goes on to states “affordable housing provided on exception sites should meet the needs of local people in perpetuity.

Technical Advice Note (TAN) 2 supports the criteria in LDP Policy MD10 stating “affordable housing provision in rural areas must be supported by a rural exception policy. Rural exception sites should be small (as locally defined in the development plan)” (TAN 2, para.10.13). The LDP defines small development as 10 dwellings or less although it does allow for some flexibility where it is required “to meet specific need and where number of dwellings is proportionate to the size of the settlement and satisfies all the other criteria against housing would be judged” (LDP, para.7.58).

The adopted LDP reiterates PPW’s approach to affordable housing exception sites under MD10 by setting out the 5 following criteria which will allow small scale affordable housing proposal to be permitted outside of settlement boundaries:

1. *“The proposal meets an identified local need which cannot be satisfied within identified settlement boundaries;*
2. *The number of dwellings is in proportion to the size of the settlement;*
3. *The proposed dwelling(s) will be of a size, tenure and design which is commensurate with the affordable housing need;*
4. *In cases where the dwelling is to be provided by either a private landlord or the intended occupier, secure mechanisms are in place to ensure the property shall remain affordable in perpetuity; and*
5. *The development has reasonable access to the availability and proximity of local community services and facilities.”*

In regards to local housing need the Council's local housing market assessment (LHMA) 2015 contains detailed information relating to the affordable housing need in the Vale of Glamorgan split by ward. The assessment identified an annual need for 559 affordable housing units comprising of 331 social rented units and 228 units of intermediate housing. However, the LHMA states the overall figure is misleading as it distorts local differences therefore, "more attention should be paid to the type of housing needed and characteristics identified within each localised market area to enable effective strategic planning." (LHMA, p.121, 2015). In terms of St Athan area, there is an annual need for approximately 14 houses for affordable housing. The need for affordable housing is further evidenced by the council's housing waiting list for St Athan which demonstrates that 97 people are waiting for an affordable home in the area. Criterion 1 is therefore met.

St Athan is identified as a primary settlement in the LDP and the site is within the preferred maximum acceptable walking distance (according to Guidelines for Providing for Journeys on Foot, the Institute of Highways and Transportation (2000)) of 500m from St Athan's village centre which has a variety of amenities and services. Based on the proximity of the site to the settlement's centre, the development accords with Criterion 5.

In assessment of Criterion 3 the number of properties proposed is in proportion to the size of St Athan and the scale, design and tenure of the dwellings is commensurate with the types of properties identified within the above affordable housing need. The detailed design and layout, however, is considered in more detail within this report. The site is also proposed to comprise entirely of social rented units to be delivered by a registered social landlord. The delivery of the affordable housing would be subject to and secured by a Section 106 legal agreement.

The site does meet the associated criteria of Policy MD10 of the LDP, and crucially, has close and reasonable access to the community services and facilities of St Athan. In addition, there also exists a visual relationship between the site and St Athan, particularly given that it would be seen within the context of the nearby housing, the affordable housing opposite the site, and it would not be otherwise divorced or isolated from the village. In addition, the settlement boundary of St Athan has been revised southwards and eastwards following a housing allocation as part of the LDP (to the north of the B4265) and brings the settlement boundary to approximately 100m north of the site. The physical separation of the road and railway line remain, but the land in between is also occupied by housing and the visual relationship between the site and St Athan would become much closer once the land subject to the allocation was developed.

It is therefore considered that the site is suitable, in principle, for the proposed residential development comprising wholly of affordable housing.

## Visual and landscape impact

In relation to the visual impact, Policy MD2 of the LDP promotes good design in all new forms of development and requires proposals to be of a high standard of design, in relation to its context, and criterion 1 requires it positively contributes to the context and character of the surrounding natural and built environment, and, protects existing features of townscape or landscape interest. TAN 12 also advises at paragraph 5.53 that *“the design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged”*.

The location of the site, as previously discussed, has a degree of physical separation from the settlement of St. Athan to the north and from the village of Gileston to the south. There is, however, a cluster of 20<sup>th</sup> Century housing to the east of the site and detached housing to the north of the site, on the other side of the railway line. The Old Station Yard, to the east of the site, was also recently developed to provide 23 affordable housing units. Therefore, despite being located in the countryside, the site would be viewed within a backdrop of other residential development to the east and north from most nearby public viewpoints.

The principal public viewpoints are those gained from Gileston Road and from the public footpath runs across the southern of the site, which connects from Gileston Road to the lane to the east; leading to West Aberthaw. This and the other receptors are illustrated within the Landscape Visual Impact Assessment (LVIA) which has been submitted in support of the application. The site sits atop a small plateau within the agricultural field and would be visible from the point the footpath meets the lane, as well as glimpsed and more distant views from the lane itself. The visual impact of the development would be softened somewhat from some of these viewpoints by existing vegetation and it is also proposed to plant a new hedgerow along the eastern site boundary.

It is recognised that the development would be visible within the landscape, and due to the presence of the dense hedgerow adjacent to the railway line, St Athan village would not be seen within the backdrop of the development viewed from a southerly or easterly direction, but would nonetheless be in close proximity to the cluster of housing opposite the site. In this regard, the findings of the LVIA, (para. 5.14), which concludes that the local landscape impact is acceptable, are considered sound.

The proposed site is located on a small plateau that is part of a wider agricultural field. The proposed slab and spot road levels have been provided, along with an existing site survey, which indicates the development would be stepped broadly in line with the gradual decline of the land from both the north to south and west to east. The proposed levels are considered acceptable, subject to condition to ensure a fully detailed topographical survey of the proposed site is submitted.



The site is bounded by hedgerows, which are proposed to be partly retained and partly translocated or replaced. A new hedgerow would be planted to form a new eastern boundary to the site, which would also soften the visual impact of the development and help integrate the housing into its surrounds. The site is outside of the Glamorgan Heritage Coast but located adjacent to the boundary, which terminates on the western side of Gileston Road. Given the surrounding context and the clear and identified need for affordable housing in the locality, the residential development of the site is considered acceptable in relation to the visual impact and landscape views, subject to the detail of design discussed in more detail below.

### Site Layout and Density

The proposed site follows the existing pattern of field enclosures, terminating with a new hedgerow. It would have a single vehicular access point to Gileston Road, with the dwelling houses set back from, but orientated predominantly towards the main road. The parking spaces would be set predominantly to the front of the dwellings, set off the site road or the proposed shared private surfaces. New footways also provide pedestrian access connecting to St Athan and the adjacent public footpath.

Policy MD6 sets a requirement that new development sites within primary settlements achieve a minimum density of 30 dwellings per hectare, whereas 25 dwellings per hectare may be acceptable within minor settlements. The development would provide 25 dwellings per hectare. It is noted that St Athan is a primary settlement, however, with the site located to the south within the countryside (outside of the primary settlement), the proposed layout and density is considered acceptable and avoids the appearance of an overly cramped layout, which would be out of character with the adjacent built development. It also avoids being a development that was unacceptably deficient in amenity space provision and parking standards and reflects that some space was also required to retain the public footpath and hedgerows.

### Design and materials

The site is located rurally and there is a variety of house types evident within the vicinity, and St Athan itself, where there is no single vernacular style. Nevertheless, it is considered that the design, style and scale of any dwellings on the application site should respect the predominantly rural character of their environs. In this respect, it is considered that the recent development opposite at Old Station Yard is a positive example of how an affordable housing scheme can be delivered to a good standard of design, with simple and traditional architecture complimented by the use of good quality materials. It has created a good quality living environment for the occupiers of that development whilst integrating well with the surrounding area.

It is proposed to take a similar design approach for this site, with individual designs to some of the dwellings and similar patterns of materials. The proposed dwellings take a fairly traditional form, displaying simple elevations and traditional roof pitches and a largely symmetrical pattern of fenestration, all of which are considered relate well to the rural location. The primary elevations are also broken up with stone porches or pitched canopies. In addition, the two storey flatted block situated to the north eastern end of the site reflects the general form and scale of the individual dwelling houses proposed within the scheme, and as such relates well to the remainder of the proposed development.

The proposed units are predominantly two storey dwellings with a flatted unit towards the north eastern boundary of the site. The hedgerow at the front of the site would be retained, with two storey dwellings laid in semi-detached pairs fronting (or with detailed elevations facing) Gileston Road. The proposed materials forming the frontages and primary elevations would consist of a mix of coloured render and stone. The proposed mix of materials is considered acceptable in principle, subject to detail and samples which can be secured through condition.

In relation to the proposed enclosures, whilst the site would be bounded by hedgerows, there is proposed to be low knee rail fence adjacent to the footpath, 1.8m close board fencing between private amenity spaces and hit and miss fencing adjacent to the rear hedgerow. The layout is considered acceptable in principle and full detail of the enclosure can be required by condition.

Overall having regard to the design and layout against other material considerations, it is considered that subject to conditions, the design, form and layout of the dwellings are acceptable and will not be viewed as an undue incursion into the open countryside.

#### Highways – Access, Parking and Layout

##### Off-site

There was some concern raised in representations to this application with regard to the adequacy of Gileston Road and the junction with the B4265. In particular, there was concern relating to pedestrian safety, given the likely pedestrian movements that would result between the development and St. Athan to the north. There were highway improvements sought through the previous development of the Old Station Yard site opposite, which included an upgraded bus stop, footway, lighting and an uncontrolled crossing. These are also available to serve the occupiers of this new development, however, the safety concerns are linked to the increase in use that would result from the proposed development.

In response to the above, the applicant has submitted a Transport Technical Note, setting out survey data and accident data in the vicinity of the site and projected pedestrian and vehicle movements. Having reviewed the submitted information, the Highway Development Section has confirmed their satisfaction that an improved crossing would not be justified to meet the projected demand arising from the development.

There would be some additional traffic generated through the provision of additional housing in this location, however it is considered that the existing highway network is capable of safely accommodating this increased demand and no objection on these grounds has been raised by the Highways Section. In addition, the proposed vehicular access is considered acceptable and benefits from adequate visibility. Therefore, subject to the provision of a new footway as detailed within the proposed layout plan, the development is considered acceptable in relation to pedestrian safety and impacts to the wider highway network. Similarly a condition can be attached to any consent given requiring the provision of and maintenance of these splays, in the interests of highway safety.

### On-site

Following discussion with the Council's Highway Development Section it was considered that there was no fundamental objection to the proposed site layout, however, there was some concern over the positioning of individual parking spaces and the engineering detail to the on-site footways and the relationship between the main access and the shared surfaces, with revised detail provided by the applicant. There was also concern that the bin area for Plots 15-18 was some distance from the dwellings and that servicing vehicles may not be able to turn adjacent to these plots.

It is considered that the basic layout, however, comprising of a 5.5m carriageway with 2m footways either side are acceptable and there is adequate space for service vehicles to turn within the site generally and that the shared bin storage area serving Plots 15- 18 is reachable within a reasonable distance by reversing into the shared surface from the main access road.

Noting the comments of the Highways Section in this regard, it is considered that, given that no fundamental changes to the layout are required, and that the proposals are acceptable subject to the provision of full engineering details being submitted, together with an updated site layout plan addressing matters relating to the parking layout, prior to the commencement of any highway works on the site, which can be controlled by condition (see conditions 8 and 10).

The parking to serve the occupiers of the dwellings and flats has been provided to maximum standard and the spaces are of adequate size. There are also four visitor spaces provided. The provision is considered more than sufficient to serve the development, considering there is also some opportunity for informal on-street parking for visitors, deliveries etc.

### Ecology

A Phase 1 Habitat Survey has been submitted alongside the application. The survey results identified that the hedgerows were structurally suitable for dormice, a protected species. The survey recommends that the hedgerows be retained where possible and, that where clearance or replacement is required, it is done under the supervision of an appropriately qualified ecologist and replacement planting be hazel dominated.

Natural Resources Wales (NRW) has been consulted and have commented that they do not consider that the development would be detrimental to the maintenance of the population of the species, subject to conditions that ensured the scheme be a detailed method statement, a lighting scheme and a long term habitat and monitoring scheme be submitted prior to any hedgerow clearance (see condition 3).

Nevertheless, given the potential for the site to support dormice, in assessing the application the Council 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, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met as noted below.

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

As detailed previously there is an established and demonstrable requirement for the provision of affordable housing units within the St. Athan Area. The application would provide 18 affordable units which would provide a social benefit to the local populous on what is acceptable, in principle, for the proposed development. The provision of affordable housing units at this site is therefore considered to have a clear social benefit and a degree of economic benefit for local business.

Test ii) - There is no satisfactory alternative

It is considered that there is not an equally suitable site within the vicinity of St. Athan that could readily accommodate development of this type and meet the identified need outlined above, the refusal of permission would result in development pressure on other, potentially less suitable, sites.

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.

As noted, the identified habitat is identified as potentially suitable, albeit some of the hedgerows do not contain the hazel which is an important food source for dormice. The hedgerows are proposed, by in large, to be retained and there is an opportunity to enhance the areas of new planting with the addition of a hazel dominated species mix. The presence of dormice on the site has not been confirmed, however due to this possibility, it is nevertheless necessary to consider the impacts should a licence for the derogation of the habitat be required at any stage during the development. The applicant has submitted ecological surveys and accompanying mitigating measures within the application. Given a lack of objection to date from the Council's Ecologist or Natural Resources Wales, it is not considered the proposals would be unacceptably detrimental to the favourable conservation status of the species identified subject to the recommended conditions being in place.

Overall therefore it is considered that the works would comply with the above tests and as such the proposals would not cause undue harm to protected species identified within the accompanying documentation.

#### Railway/ Noise issues

The site is located in fairly close proximity to a railway line and an acoustic report has been submitted alongside this application. The report concluded that the site was an acceptable location for new residential development, subject to the inclusion of noise mitigation measures within the construction of the dwellings, specifically in the form of uprated roof construction, acoustic double glazing and ventilation on the closest facades, those facing the railway line. The Council's Environmental Health department have been consulted in this regard and have not objected to the development, subject to these measures being carried out.

The submission of a Construction and Environmental Management Plan is also recommended and site operational hours can be specified within.

#### Residential Amenity

Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Amenity Standards', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

Policy 2 of this document is considered to be of particular relevance in this instance, which states that *'the council will ensure that useable, adequate and appropriate private amenity space is provided as part of residential development'*.

The guidance contained within notes that developers at a minimum should provide 1sqm of amenity space per 1sqm of the gross floor area for new dwellings, whilst 20sqm of readily accessible amenity space should be provided per occupier of flatted development. It is noted that the current application proposes residential accommodation principally in dwellings. The size of the amenity space provided for each dwelling varies, with a provision of between approximately 45-120sqm for the dwelling houses and 100sqm to serve the flats.

With regard to the amenity provision it is noted that some dwellings meet and exceed these standards, but other plots fall short. Within the Amenity Standards SPG it states that the detailed amounts are not intended to be a prescriptive standard and whilst recognising there is a modest shortfall in some instances it is acknowledged that the all of the units will have access to an area of private or shared amenity space which, as a minimum, should be sufficient for functional requirements including relaxation, clothes drying, refuse storage etc. As such it is considered that adequate amenity space is provided to serve future occupiers of the development.

The relationship of the proposed buildings on the site is considered acceptable and provides adequate levels of privacy and amenity in accordance with the Amenity Standards SPG.

### Public Open Space

Policy MD3 'Provision of Open Space' of the Local Development Plan requires that where there is an identified need for public open space, new residential development for 5 or more dwellings, should make provision for open space with 1.6ha of outdoor sports provision per 1,000 population; children's equipped play space at 0.25 hectares per 1,000 population and informal play space at 0.55 hectares per 1,000 population. The LDP Open Space Background Paper (2013) identifies that, within the St Athan Ward that there is an under provision of children's play space.

It has been calculated that the development should provide 334sqm children's play space, which is proposed to be provided on-site, located on western side. The proposed area of open space is considered to be both commensurate in size to the identified need and be in a rational location that is easily accessible on foot by all occupiers of the proposed development. It would be laid out as a Local Area of Play and whilst the full details are yet to be submitted, they can be reserved by condition and secured for delivery prior to the first beneficial occupation of the development.

### Neighbouring amenity

The site is enclosed by hedgerows, the road and land to the east is agricultural in nature. It is considered that the new dwellings would not be overbearing on or have a significant detrimental impact to the amenity of existing neighbours in the vicinity of the site.

### Agricultural Land Classification (ALC)

In relation to agricultural land, PPW explains “land in grades 1, 2 and 3a should only be developed if there is an overriding need for 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.” (PPW, para.4.10.1). The applicant has undertaken an ALC site survey which demonstrates the land is grade 3A (good land). Policy MD7 requires development proposal to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from: the loss of the best and most versatile agricultural land (criterion 7). The submitted ALC site survey suggests the loss of BMV agricultural land would only account for approximately 0.003% of the total available BMV land in the Vale of Glamorgan. Although the loss of BMV land is small, consideration needs to be given to the possible cumulative impact this loss could have on the available BMV land in the Vale. Furthermore, PPW emphasises “in development plan policies and development management decisions considerable weight should be given to protecting such [BMV] land from development, because of its special importance” (PPW, para.4.10.1). In this case, the benefit of providing affordable housing is considered to outweigh the relatively small loss of agricultural land.

### Mineral Safeguarding Areas

The majority of the proposed development site lies within a mineral safeguarding zone for Limestone Category 2 which is referred to as “other Limestone resource” (British Geological Survey, p.6, 2012) and are usually used as a source for aggregate. Category 2 resources are defined by the British Geological Society (BGS) in Aggregates Safeguarding Maps of Wales (2012) document as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than Category 1 resources. Due to the possible presence of Category 2 limestone on site LDP policy MG22 (Development in Minerals Safeguarding Areas) applies.

MG22 states “new development will only be permitted in an area of known mineral resource where it has first been demonstrated that, among other criteria, extraction would have an unacceptable impact on environmental or amenity considerations.

The applicant has submitted information that demonstrates that the entirety of the site is located within existing residential buffer zones, where mineral extraction would not be acceptable on amenity grounds. Moreover, the vast majority of the potential buffer zone that would be afforded to the new housing, would also lie within existing buffers, such any impact on future extraction would be negligible. It has therefore been demonstrated that the development accords with this policy.

### Archaeology

It is possible that the site may contain archaeological resource, however subject to a suitable condition requiring that an archaeological watching brief be conducted during all ground works the works are considered acceptable on this basis (see condition 4).

### PROW

There is a public right of way within the application site, accessed from Gileston Road adjacent to the southern boundary. It is proposed to retain the footpath in its current position and keep it free for use during construction. In the event a temporary closure became necessary, an order is required to be obtained from the Council under Road Traffic Regulation Act 1984, prior to the stopping-up or diversion of the public right of way.

### Planning Obligations

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

In this case, the application relates to a development of 18 affordable houses on a site which the applicant has advised will be delivered by Hafod Housing Association.

The delivery of the proposed development as affordable housing units can be secured by a legal agreement. In this instance, whilst the applicant has advised that the scheme will be delivered by Hafod Housing Association, Hafod do not, as of yet, have a formal interest in the land.

On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations.

Given that Hafod Housing Association do not have a formal agreement in place, it is considered necessary to secure the Council's position by entering into a legal agreement that would secure the payment of the financial obligations identified if the development was to be taken forward by a non-partner social landlord.

Officers have considered the planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. In light of this, the financial obligations sought comprise of:



- Sustainable Transport: £41,400
- Education: £221,811
- Public Open Space: £32,016
- Public Art - 1% of Build Costs

It is, as noted, anticipated that the scheme will be delivered by Hafod Housing Association, and the above financial contributions would not be payable in this case.

### 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, SP10-Built and Natural Environment, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MG19 – Sites and Species of European Importance, MG22 – Development in Minerals Safeguarding Areas, MG27 – Glamorgan Heritage Coast, 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 and MD10 – Affordable Housing Developments outside Settlement Boundaries of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art and Sustainable Development; national guidance contained in Planning Policy Wales, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6 – Planning for Sustainable Rural Communities, TAN12-Design and TAN16-Sport, Recreation and Open Space, it is considered that the proposal represents an acceptable and sustainable form of residential development, comprising solely of affordable housing, that meet and identified local need without an unacceptable adverse impact on the character and appearance of the area, local landscape, highway safety, neighbouring and general amenities on the site, drainage, protected species and other environmental factors. 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 in line with both national and local 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.

## RECOMMENDATION

Subject to a Section 106 Legal Agreement to secure the following planning obligations:

- To secure the development as affordable housing in perpetuity

AND, in the event that the development is taken forward by a registered Social Landlord/Developer that is not one of the Council's 4 partner RSLs

- Sustainable Transport: £41,400
- Education: £221,811
- Public Open Space: £32,016
- Public Art - 1% of Build Costs

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:

Submitted 27 November 2017:

Preliminary Ecological Appraisal August 2017

Environmental Noise Survey July 2017

2248/506 Rev A

2248/550

LT1714.00.01

LT1714.04.02

LT1714.04.101 Rev A

LT1714.04.102 Rev A

LT1714.04.103 Rev A

LT1714.04.105 Rev A

LT1714.04.505 Rev B

Submitted 14 February 2018:

LT1714.04.104 Rev B

LT1714.04.106 Rev C

Submitted 12 March 2018:

LT1714.04.01 Rev E

Reason:

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

3. No development shall take place until a wildlife and habitat protection and management plan has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:
- i) A plan showing areas of hedgerow to be retained, translocated and/or replanted;
  - ii) A detailed method statement of how protected species, including dormice, will be conserved during hedgerow clearance, construction methods, timing and duration of works, measures to be taken to minimise the impact of any works; and the action to be taken in the event dormice and/or their nests are found.
  - iii) A lighting scheme to ensure lighting measures do not conflict with use of the site by protected species, and drawings setting out light spillage in key areas in order to demonstrate that the boundary hedgerows of the site are not illuminated and are maintained as dark corridors.
  - iv) Details of a long term habitat management and monitoring scheme including definitions of habitats present, desired condition of habitats present and management necessary to deliver and maintain these; appropriate scheduling and timing of activities; monitoring of the establishment of new plantings; and proposals for on-going monitoring.

The development shall be carried out in accordance with the approved details and thereafter be retained at all times in accordance with the approved management and monitoring scheme.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

4. No development or site clearance shall commence until the Local Planning Authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

Reason:

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

5. 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. 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, provide an appropriate level of runoff treatment and evidence of on-site porosity testing. The approved scheme shall be fully implemented prior to beneficial use of the development hereby approved and 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.

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

Reason:

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

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- iv) wheel washing facilities;
- v) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vi) hours of construction;
- ix) lighting;
- x) diesel and oil tank storage areas and bunds;
- xi) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xii) 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.

8. Notwithstanding the plans and details submitted, no highway works shall commence until full engineering details and specifications for the proposed vehicular access and internal roads to serve the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the new junction and internal roads have been constructed in accordance with the approved details.

Reason:

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

9. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

10. Notwithstanding the submitted plans and details, details of the layout and construction of the car parking spaces to serve the development, including turning areas, drainage and details of the finished surface have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the occupation of the development and the car parking spaces shall remain available for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking and turning 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.

11. The dwellings and flats hereby approved shall be constructed in full accordance with the specifications and noise mitigation measures outlined in the Environmental Noise Survey dated July 2017 prior to their first beneficial occupation.

Reason:

To safeguard the amenities of occupiers of the development, 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. Notwithstanding the submitted details, a schedule of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior the first beneficial use of the development.

Reason:

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

13. A scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out a detailed planting schedule for new planting within the site. The scheme shall include details of the public open space layout and timeframe for implementation.

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.

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

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house.

Reason:

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

16. The 2.4m by 48m visibility splays shown on plan no. LT1714.04.01 Rev E shall be maintained free of any obstruction exceeding 0.6m in height for as long as the development exists.

Reason:

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

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

18. 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.



19. 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.

**NOTE:**

1. **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.**
2. **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).**
3. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
4. **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.**

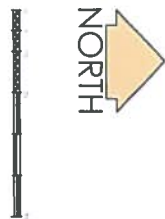
- 5. The developer is reminded of the responsibilities associated with working adjacent to the neighbouring railway line and Network Rail's land. In order to mitigate the risks involved the developer is advised to contact Network Rail's Asset Protection Wales Team on [assetprotectionwalesnetworkrail.co.uk](mailto:assetprotectionwalesnetworkrail.co.uk).**

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

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

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

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



**Drawing Purpose**  
PLANNING

Client	Drawing No	Scale	Revision	Revisions
United Living	LT1714.00.01	1:1250 @ A3		
Job Title	Drawing Title	Date	Checked	
Gilestone Road, St Athan	Site Location Plan	Aug 17	kml	

Do not scale from this drawing. The users of this drawing shall check all dimensions & report any errors and omissions to LeTruoco Design.

This drawing is copyright. It must not be copied, used or disclosed to third parties without prior permission of LeTruoco Design.



Suite 7, 35 Stow Park Circle  
Newport, NP20 4HF

Tel: 07710390800 / 07710390801

info@letruocodesign.co.uk  
www.letruocodesign.co.uk