

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **30 SEPTEMBER, 2020**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

PLANNING APPLICATIONS

2019/00405/FUL	Longlands Quarry, Corntown
2019/01260/HYB	Land between Aston Martin Lagonda and taxiway echo (Keithrow) Bro Tathan Business Park, St. Athan
2019/01371/RES	East Quay Public Open Space, Barry Waterfront
2019/01393/RES	East Quay, Barry Waterfront, Barry
2019/01384/RES	Land known as East Quay, Barry Waterfront, Barry
2019/01385/RES	Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock)
2020/00277/FUL	Land to the West of Southra Farmhouse, Southra, Dinas Powys

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.

2019/00405/FUL Received on 10 April 2019

APPLICANT: Green Circle Aggregates Ltd C/o Agent

AGENT: Mr Chris Tinsley Quarryplan Ltd, 10, Saintfield Road, Crossgar, Downpatrick, BT30 9HY

Longlands Quarry, Corntown

Retention of existing Limestone Quarry and associated plant, ancillary development and infrastructure; proposed relinquishment of consented mineral reserves below lowest current quarry floor level in favour of proposed eastern lateral extension to existing quarry; with progressive restoration of site with inert material to restore site to low level agriculture

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

This is a full application for the extension of the quarry and its consolidation with the existing mineral permission at the site. The development proposes a 7.2ha lateral extension to the east of the existing quarry. The extension area would be worked to a depth of 46m AOD to match the existing floor level at the quarry and to avoid 'de-watering'. As part of the proposals, the applicant would relinquish permitted reserves at depths below the existing floor in favour of a lateral eastern extension, (those greater depths were approved as part of permission 2017/00103/FUL, which varied a 2005 permission).

The application site relates to agricultural fields adjacent to Longlands Quarry, which is located to the immediate south of Corntown Road. The existing operation is an established limestone quarry located approximately 3.2km to the south east of Bridgend, accessed off the B4524 Corntown Road. It is located outside any settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP) and is therefore in the countryside.

The application has been advertised with site notices and press adverts and to date no letters of representation have been received.

The site relates to an existing quarry which is noted within the LDP (Policy SP9) as being part of the LPA's land bank for mineral reserves. Therefore, the principle of this site for further extraction is considered acceptable.

Having considered the above, and having appraised visual, ecological and highways impacts (including others) it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to the applicant entering into a S106 agreement to relinquish their extant planning consent.

SITE AND CONTEXT

The application site relates to Longlands Quarry, which is located to the immediate south

of Corntown Road. The site is an established limestone quarry located approximately 3.2km to the south east of Bridgend, accessed off the B4524 Corntown Road. The site also operates an inert waste recycling operation.

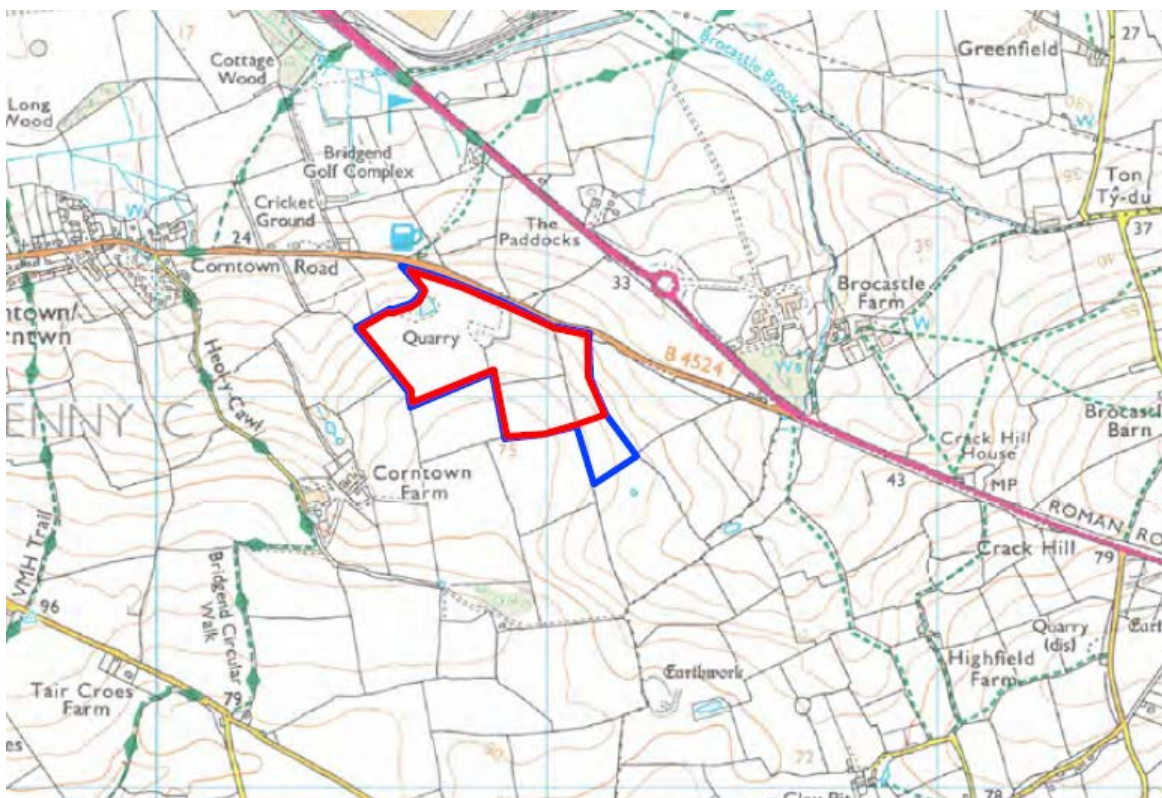
The site subject to this application is located to the south east of the existing operations and relates to three parcels of undeveloped agricultural land. The site is surrounded by agricultural land on all other sides.

The site lies approximately 315m from the Golden Mile House and 365m from Corntown Farm (the closest dwellings) and 250m from the Golden Mile Inn, the nearest commercial neighbour.

The application site is located outside any settlement boundary and it is therefore within the countryside as defined by the Local Development Plan. The topography of the site increases from north to south by approximately 15m.

The site is located within a Mineral Safeguarding Zone for Limestone (Category 1and2) and within a Quarry Buffer Zone.

An extract of the site plan showing the existing consented site and the proposed extension is provided below:



DESCRIPTION OF DEVELOPMENT

This is a full application for the extension of the quarry and its consolidation with the existing mineral permission at the site.

The development proposals consist of a 7.2ha lateral extension to the east of the existing quarry. The extension area would be worked to a depth of 46m AOD to match the existing

floor level at the quarry and to avoid 'de-watering'. As part of the proposals, the applicant would relinquish permitted reserves at depths below the existing floor in favour of a lateral eastern extension (the greater depths were approved as part of permission 2017/00103/FUL, which varied the 2005 permission).

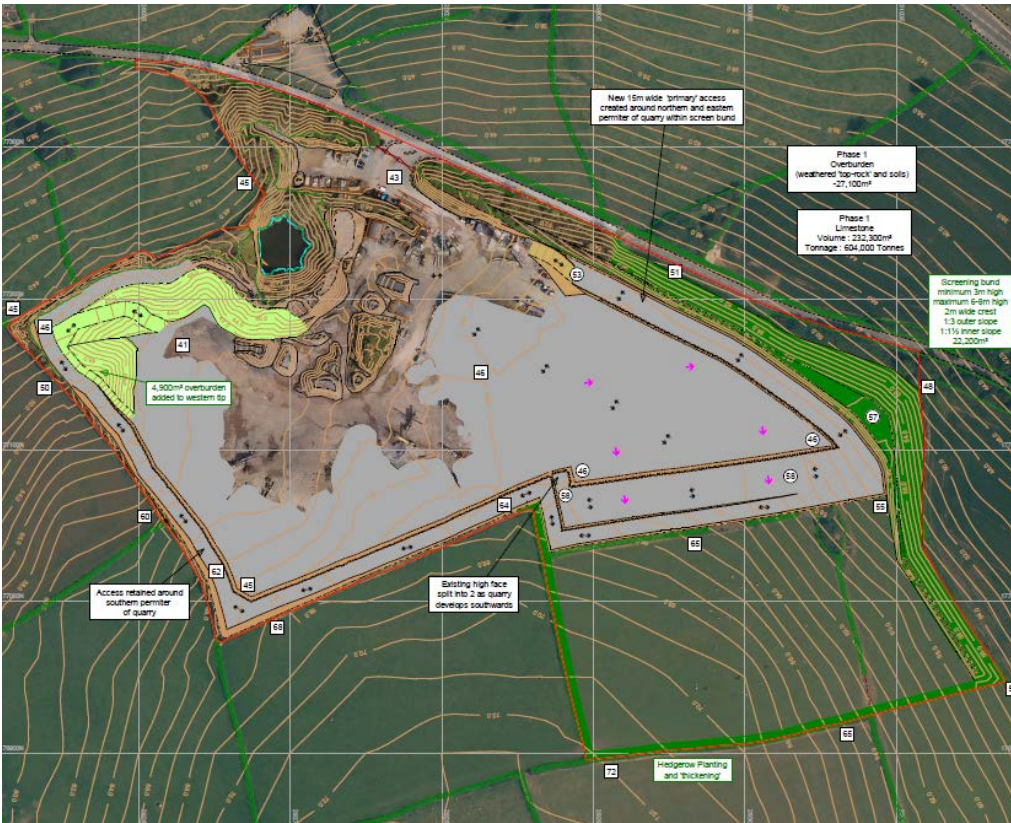
The current site has been worked to 41m AOD in the western part and 46m AOD in the eastern part. The applicant seeks to relinquish the previous permission which would allow working to 25m AOD, after which a detailed assessment of dewatering would be required.

The proposal would relinquish 1,265,200 tonnes of approved extraction in exchange for a proposed 1,977,100 tonnes being extracted. The application proposes continued operations in line with the existing conditions relating to the 2017 consent, which would allow extraction until 22nd February, 2042 with the existing machinery, buildings parking etc continuing to serve the extended area of extraction.

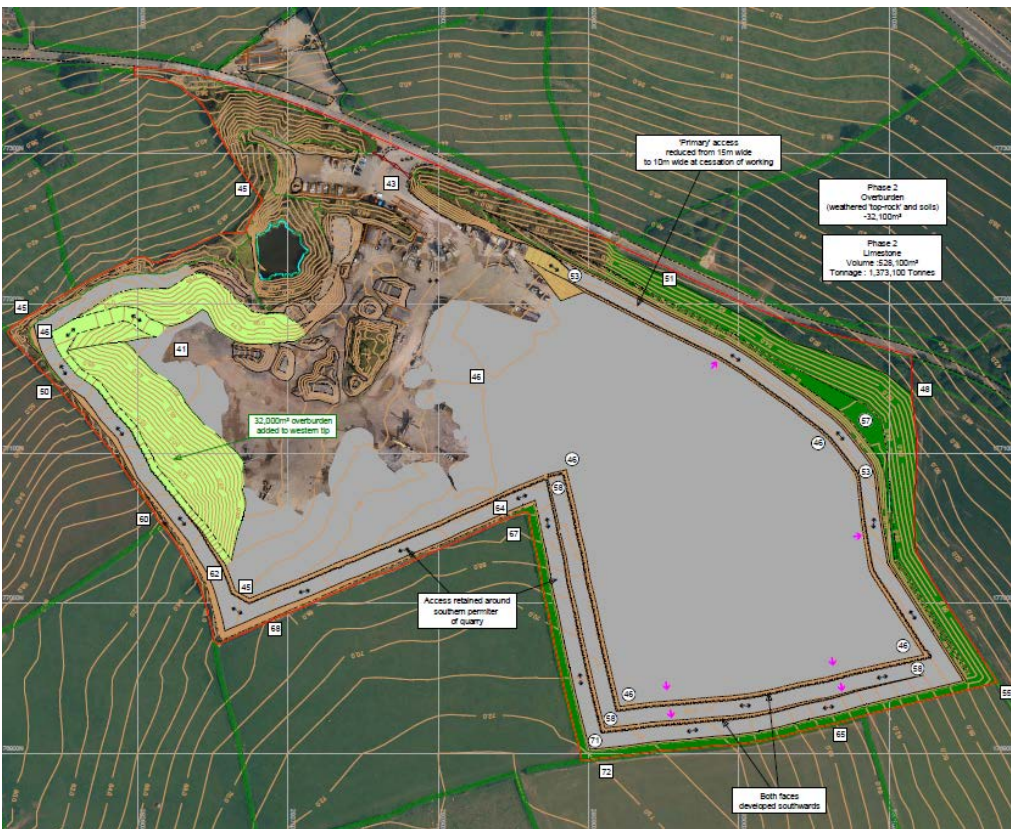
The proposed lateral extension would be carried out in two phases. Aerial views below illustrate the existing quarry area, the proposed indicating phase 1 and the proposed indicating phase 2.



EXISTING



PROPOSED (PHASE 1)



PROPOSED (PHASE 2)

PLANNING HISTORY

1996/00707/FUL, Address: Longlands Quarry, Ewenny, Proposal: Restoration of quarry by infilling with inert wastes to create fishing lakes, nature reserves and an educational centre (OGWR 53/95/0357), Decision: Withdrawn;

1997/00135/FUL, Address: Longlands Quarry, Ewenny, Proposal: Inert recycling centre, Decision: Refused

1997/01242/FUL, Address: Longlands Quarry, Ewenny, Proposal: Environment Act 1995 - Application for determination of conditions for Mineral Site, Decision: Approved

1998/00019/FUL, Address: Longlands Quarry, Ewenny, Proposal: Inert recycling centre, Decision: Refused

1998/01043/FUL, Address: Longlands Quarry, Ewenny, Proposal: Alteration of Condition 12 of application 97/01242/FUL, Decision: Withdrawn

1999/00585/FUL, Address: Longlands Quarry, Ewenny, Proposal: Alteration of Condition 12 - Application 97/01242/FUL from 44 loaded vehicles and 24 loaded vehicles to 100 loaded vehicles and 50 loaded vehicles, Decision: Approved

2000/01030/LAW, Address: Longlands Quarry, Ewenny, Proposal: Tipping of hardcore without complying with condition 17 of planning application 98/00019/FUL, Decision: Refused

2000/01031/LAW, Address: Longlands Quarry, Ewenny, Proposal: Tipping of Soil without complying with condition 17 of planning application 98/00019/FUL, Decision: Refused

2001/00480/FUL, Address: Longlands Quarry, Ewenny, Proposal: Erection of lorry sheeting ramp with turning area on land approved for car park, Decision: Approved

2001/00777/FUL, Address: Longlands Quarry, Ewenny, Proposal: Alteration of condition 4 of approval 01/00480/FUL - Change Tarmac to clean virgin stone, Decision: Approved

2002/00567/FUL, Address: Longlands Quarry, Ewenny, Proposal: Dry Batch Ready Mixed Concrete Production Plant, Decision: Approved

2002/00569/FUL, Address: Longlands Quarry, Ewenny, Proposal: Dust Shed, Decision: Approved

2004/00545/FUL, Address: Longlands Quarry, Ewenny, Proposal: To site relocatable Site Managers office including welfare facility, Decision: Approved

2004/01536/FUL, Address: Longlands Quarry, Ewenny, Proposal: Revision of Condition 28 to approval 97/01242/FUL to enable ongoing working face to be 17 metres, final perimeter faces to remain at 15 metres, Decision: Approved

2005/00472/FUL, Address: Longlands Quarry, Ewenny, Proposal: Revision of Condition 25 to approval 97/01242/FUL to approve revised blasting procedures in line with current industry practice, Decision: Approved

2005/01228/FUL, Address: Longlands Quarry, Ewenny, Proposal: Variation of Condition 21(b) of approval 05/00472/FUL - to omit the words - for a temporary period expiring on 7th July, 2006 and at the end of that temporary period blasting shall revert to a maximum, Decision: Refused

2008/01515/FUL, Address: Green Circle Aggregates, Longlands Quarry, Corntown, Proposal: Erection of 50 tonne capacity cement storage silo associated with production of ready-mixed concrete, Decision: Approved

2014/00108/PNQ, Address: Longlands Quarry, Corntown, Proposal: Concrete silo, Decision: Withdrawn

2014/00222/FUL, Address: Longlands Quarry, Corntown, Proposal: Erection of cement silo, Decision: Approved

2017/00103/1/CD, Address: Longlands Quarry, Corntown Road, Corntown, Proposal: Discharge of Condition 19. Environment Act 1995 - Application for determination of conditions for Mineral Site, Decision: Approved

2017/00103/FUL, Address: Longlands Quarry, Corntown Road, Corntown, Proposal: Removal of condition 25 on 2005/00472/FUL, Decision: Approved.

2018/00701/SC1, Address: Longlands Quarry Site, Corntown, Bridgend, Proposal: Request for screening opinion for proposed lateral extension and comprehensive restoration, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

Highway Development were consulted on 23 April 2019. A response received on 21 May 2019 states: The Highway Authority is unable to sustain an objection in relation to the development as it will not result in any intensification of vehicles on the highway over and above that already assessed and permitted at the site from the following planning applications 1997/01242/FUL, 1998/00019/FUL and 2017/00103/FUL. The comments request highway conditions imposed on the 2017 planning permission are re-imposed.

The Councils Drainage Section were consulted on 23 April 2019. A response received on 09 April 2020 confirms that the site is not located within a DAM Zone at risk of tidal or fluvial flooding and the NRW maps indicate that there is low risk of surface water flooding. It requests a condition be imposed should planning be granted in relation to a surface water drainage scheme and an advisory condition be added advising the applicant that the proposal would require the approval of SuDS Approval Body (SAB).

Shared Regulatory Services (Pollution) were consulted on 23 April 2019. A response received on 18 March 2019 confirms agreement with the findings of the submitted air quality assessment but requests a condition requiring a dust management plan. A further response received on 13 July 2020 requests conditions relating to noise.

Glamorgan Gwent Archaeological Trust were consulted on 23 April 2019. A response received on 10 May 2019 confirms that the proposal will require archaeological mitigation in the form of a watching brief.

Ewenny Community Council were consulted on 23 April 2019. A response received on 13 May 2019 confirms no objection to the application.

Cadw, Ancient Monuments were consulted on 23 April 2019. A response received on 14 May 2019 states THAT: Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

The Council's Ecology Officer was consulted on 23 April 2019. A response received on 11 June 2019 objected to the application. The officer was re-consulted on amended plans, a response received on 13 Aug 2019 maintained an objection and requested further details.

The Council's Landscape Section were consulted on 23 April 2019. A response received on 20 April 2020 confirms that they have no comments to make with regards to the submitted landscaping report but do request conditions be imposed relating to planting and management.

Natural Resources Wales were consulted on 23 April 2019. An initial response provided on 24 April 2019 stated that comments made in relation to a pre-application enquiry remained. The pre-application enquiry requested a Habitat Regulations Assessment to be carried out and further information was needed in respect of Bats, Great Crested Newts (GCN) and Dormice. In addition, it suggested that conditions be imposed ensuring that any facilities for the storage of oils, fuels or chemicals be sited on impervious bases and a condition be imposed to ensure that no further excavation works below 40M AODbe carried out. They were re-consulted on further details and a response dated 06 September 2019 advised that significant concerns remained. Following the submission of further details from the applicant, a response received on 25 March 2020 states that significant concerns remain, unless the LPA grants planning permission subject to the imposition of conditions relating to a Protected Species Conservation Plan. It also notes that a European Protected Species (EPS) licence would be required.

The Council's Contaminated Land, Air and Water Quality officer was consulted on 23 April 2019. A response received on 30 April 2019 requests a number of conditions in respect of contamination.

The Council's Mineral Officer was consulted on 23 April 2019. A response received on 30 May 2019 requested further information. Following the submission of further information, a response received on 15 August 2019 confirms that the proposal is acceptable subject to conditions.

Llandow Ewenny Ward Members were consulted on 23 April 2019. No response was received at the time of writing this report.

Welsh Government's Soil Policy and Agricultural Land Use Planning Unit were consulted 20 July 2020. A response received on 24 July 2020 objected to the application and requested an up to date Agricultural Land Classification (ALC) assessment. Following the submission of an up to date ALC, a response received on 01 September 2020 states that subject to appropriate conditions the original objection is withdrawn.

REPRESENTATIONS

The neighbouring properties were consulted on 23 April 2019, a site notice was also displayed on 03 May 2019 and the application was also advertised in the press on 16 May 2019 and 02 May 2019. To date no letters of representation have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10- Built and Natural Environment

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG23 – Buffer Zones
POLICY MG25 – Mineral Working (including Oil and Gas Extraction)
POLICY MG26 – Specific Sites for Mineral Working

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8- Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD16 - Protection of Existing Employment Sites and Premises
POLICY MD20 - Assessment of Waste Management Proposals

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)

- Design in the Landscape
- Minerals Safeguarding (2018)
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Parking Standards

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

- Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Environment (Wales) Act 2016
- Natural Resources Policy
- Mineral Technical Advice Note 1: Aggregates
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 1st Review (August 2014) – available on the SWRAWP Website.
- Clarification Letter of the Policies in Minerals Technical Advice Note 1: Aggregates (MTAN 1) - CL-05-14.
- Welsh Office Circular 11/99 – Environmental Impact Assessment

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 are considered to be:

- The principle of the proposal in this location
- Visual Impact
- Impact on residential amenity
- Highway Impact

- Agricultural Land Quality
- Ecology/Biodiversity
- Heritage Impact
- Surface Water Drainage

Analysis of the Proposal

The application site is located in the countryside, therefore, Policy MD1 requires development to have no unacceptable impact on the countryside and have no unacceptable impact on the best and most versatile agricultural.

In terms of Policy MD2, this requires development proposals to (Inter alia); respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

The proposal is for a 6.2ha extension of an existing limestone quarry, in an easterly direction, to a depth of 46m to match the current existing quarry floor level. The existing quarry has been subject to a number of planning application since re-opening in the 1990's.

Conditions attached to the most recent planning permission for the site (2017/00103/FUL) allow for excavations below 46m AOD. Any excavations below 46 AOD to 25m AOD are required take place in accordance with an approved scheme of ground water monitoring and mitigation, and further excavations below a level of 25m AOD are subject to the submission and approval of a detailed assessment of dewatering. The applicant has indicated that they would relinquish permitted reserves below the existing floor at 46m AOD in favour of a lateral eastern extension proposed.

Policy SP9 states:

“The local and regional need for the provision of a continuous supply of minerals will be achieved through:

- 1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;*
- 2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;*
- 3. The safeguarding of known resources of sandstone, limestone, sand and gravel (where these occur outside settlements), from permanent development that would unnecessarily sterilise them or hinder their future extraction; and*
- 4. Safeguarding wharf facilities for the landing of marine dredged sand and gravel”.*

The policy requirement for a minimum of 10 years land bank of hard rock throughout the plan period stems from the Regional Technical Statement (RTS), a requirement of Minerals Technical Advice Note 1: Aggregates (MTAN12). This statement recommends that the future quantities of aggregate which need to be provided for, from each Local Planning Authority, is calculated over 25 years for crushed rock (LDP period plus 10 years).

The LDP explains that based on the Council's landbank reserve figure at July 2016 (31,962,000 tonnes) and the 10 year average production figure, the Vale of Glamorgan landbank for hard rock aggregate would be 30.7 years available at 2026. Reserves of hard rock for non-aggregate production (i.e. cement production) are sufficient for 19.8 years supply. The Vale of Glamorgan therefore has sufficient reserves to satisfy the requirements of the Regional Technical Statement.

The LDP identifies the following active mineral working sites in the Vale of Glamorgan (or inactive sites where future working is considered likely to occur):

1. Aberthaw - Liassic
2. Ewenny - Carboniferous
3. Forest Wood - Carboniferous (Shared with Rhondda Cynon Taf)
4. Pant - Carboniferous
5. Pantyffynnon - Carboniferous
6. Longlands - Carboniferous
7. Lithalun - Carboniferous
8. Wenvoe - Carboniferous
9. Garwa Farm * - Carboniferous
10. Ruthin *- Carboniferous

* Currently inactive but held in reserve

With a number of the sites not operational, in order to ensure the steady and adequate supply of minerals it is considered beneficial to have a supply from a range of operators- including the small and medium sized operators.

The proposal would result in a net increase of 711,900 tonnes to the authority's land bank. As aforementioned, the Vale of Glamorgan Council currently have over the minimum 25 years supply required. The proposal would not reduce the landbank but in mineral terms this would amount to a relatively non-significant increase (approximately 2% of the 2016 landbank). Given this, it is considered that the proposed development would support the aims of PolicySP9 of the LDP to ensure that the necessary reserves are maintained going forward.

Strategic Policy MG22 (Development in Minerals Safeguarding Areas) seeks to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development;
2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or
3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. The resource in question is of poor quality / quantity

The aim of the policy is to avoid sterilisation of mineral reserves. The proposed development seeks permission to extract the mineral and therefore, the development would not conflict with the aims of this policy.

Policy MG23 states:

“Buffer zones have been identified around mineral working sites. Within buffer zones proposals for new development will only be permitted where it is demonstrated that:

- 1. The proposal would not constrain the operations of the mineral site; or*
- 2. The proposal is located within an existing built up area which already encroaches into the buffer zone”.*

The policy relates to other land uses which may conflict with minerals workings or which may constrain the ability of the mineral to be worked. The extent of the buffer zone is based on standard national guidance contained in MTAN1 which is 200 m for hard rock quarries. There would be no sensitive receptors or other conflicting land uses within the buffer zone resulting from the proposed development. As a result, the proposed development is considered to accord with Policy MG23.

Policy MG25 is criteria based policy and it sets out that the following issues would be the most relevant: -

- 1. Any adverse impacts on the natural environment are avoided or mitigated to an acceptable level, and proposals include, where appropriate, measures to enhance the natural environment;*
- 2. Impacts on built and cultural heritage are mitigated to an acceptable level and enhanced wherever possible;*
- 3. Impacts on the amenity of local residents and local communities are not unacceptable, in particular with regard to noise, health, air quality, vibration, visual impact, access provision and traffic generation;*
- 4. Impacts on geology, hydrology and hydrogeology, including land stability and water supplies, are acceptable;*
- 5. There is clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2, and 3a;*
- 6. Minerals are transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed;*
- 7. There is provision for the land to be progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management; and*
- 8. Where opportunities for the re-use and recycling of mineral waste have been considered and where there are no practicable substitute materials that can be provided at less environmental costs.”*

These matters will be considered below, however, the principle of additional extraction is considered acceptable, in the interests of maintaining a secure landbank of mineral reserves.

Visual impact

Policy MD2 (Design of New Development) requires proposals to:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
- Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;

Policy MD1 (Development on unallocated sites) states that new development should have no unacceptable impacts on the countryside.

The proposal has also been supported with a Landscape and Visual Impact Assessment (LVIA) which concludes that the development would not pose an unacceptable visual impact upon sensitive receptors or viewpoints in the surrounding area. It states that the site is well screened by the site's topography and additional landscape screening and bunds that would serve to mitigate any visual harm. These matters are included in conditions 33 and 48.

The existing quarry is very well screened from the adjacent road (the B4524) by mature tree and hedgerows along the highway edge. The field to the east of the existing quarry (into which the development would occur) is screened only by hedgerow, however, new woodland planting is proposed along this boundary as shown on the plan below:



The LVIA confirms that the new woodland planting would take place prior to the extension of quarrying operations and, while this would take some time to fully mature, it is considered that it would still be effective (as a supplement to the existing hedge) in screening the development from the road. A new tree lined hedgerow would be planted in lieu of the existing tree row that would be removed at the site's existing eastern boundary.

A Public Right of Way runs northeast from opposite the quarry entrance along Corntown Road, across the A48 and towards the village of Treoes. To the east of the site a Public Right of Way runs from the junction of Corntown Road and the A48 south towards the Village of Colwinston. There is also a Public Right of Way to the west of the site along Heol-y-Cawl Lane from Corntown to Corntown Farm. The LVIA has considered the views from these viewpoints and various other 'Zones of Significant Visibility' concluding that in the majority of cases the effect would be minor to moderate with no effect on some viewpoints. It acknowledges that there would be some distance views of the proposal but these would be minimised by additional planting/screening proposed. Notwithstanding this, views of the proposal would be limited to a small section of the top of the quarry faces. It is considered that these limited views, at relatively long range, would not be so harmful to the character of the landscape that they would outweigh the benefits of the mineral reserve. Furthermore, the impacts would be temporary and the restoration scheme would ensure that the worked area would effectively assimilate into the surrounding landscape. While the overall area of worked land would be larger than the consented development, the worked levels would not be so low and consequently the depression in the landscape would not be so great/deep. It is on balance considered that the additional landscape impact would, therefore, not be materially greater.

The Council's Landscape Officer has assessed the LVIA and considers its assessment robust. The Landscape officer has requested further details of the landscaping/restoration plans to be secured by way of condition to ensure that the impact remains limited (see condition 33).

Built and Cultural Heritage

The application has been supported with a Cultural Heritage Assessment which considers both direct and indirect effects upon cultural heritage. It concludes that the proposal would have no significant residual effects upon known cultural heritage assets.

The application site has a number of Scheduled Ancient Monuments and Registered Parks and Gardens within 3km. CADW have assessed the application and have raised no objection to the impact of the proposed development on the scheduled monuments or registered parks and garden, given that the intervening topography buildings and vegetation will block all views between the sites and the heritage assets.

Given the above, the proposal is considered acceptable in respect of built and cultural heritage, in accordance with Policies SP10 and MD8 of the LDP.

Noise and Impacts upon Residential Amenity

Criterion 8 of policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

The lateral extension to the quarry would bring quarrying activities closer to neighbouring dwellings to the south (Corntown Farm) and east (Golden Mile House), however, these properties would remain 350m-400m+ away from the site. The applicant proposes to retain the existing conditions associated with the current consent and therefore the proposal would not result in any greater movements day to day in terms of traffic. Quarrying operations taking place would not be any more intensive on a day to day basis (ie the hours would be similarly limited) and while the development would allow for a greater aggregate quantity of minerals to be worked, the proposed end date of operations is not to be extended.

The application is accompanied by a noise impact assessment. This has considered the predicted noise associated with the extended quarrying against the noise standards outlined in Minerals Technical Advice Note (Wales) 1: Aggregates and assessed these in relation to the closest neighbours to the site.

The report concludes:

(a) In all cases do not exceed the 55 dB LAeq,1h criterion, considered, when necessary, as an upper limit;

(b) Without exception do not exceed the existing background noise level by more than 10 dB(A);

(c) Without exception do not exceed the temporary 67 dB LAeq,1h criterion considered a normally justifiable limit for short-term operations.

The report provides recommendations in respect of the day to day workings at the site and finds that the proposed mineral extraction and processing operations can be implemented in line with current planning practice guidance for mineral sites.

This has been assessed by the Council's Environmental Health Officer (EHO) who agrees with reports conclusion as to the noise sensitive receptors of the site but has raised some concern with the upper noise limits predicated at the Golden Mile Inn. However, while the comments are noted in this respect, the proposed development is further from this premises than the consented operations and consequently, it is considered that the proposed development should not worsen the existing situation.

The EHO has recommended conditions relating to noise levels, noise monitoring and operating hours which would ensure that the proposed works and restoration can be carried out in a safe manner and safeguard neighbouring amenity.

The existing operations at the site are controlled by conditions that seek to preserve the amenities of neighbouring properties and these would be maintained. It is considered that subject to these conditions being re-imposed and subject to a condition to require noise monitoring (and mitigation is acceptable levels are exceeded) the extension is acceptable in respect residential amenity and the development should not appreciably alter the existing impacts.

Dust and air quality, and Contamination

The application is supported with an Air Quality Assessment (AQA) that concludes that the National Air Quality Objectives (AQO) will not be exceeded as a result of the proposed extension. The Council's Shared Regulatory Services team have assessed the AQA and agree with conclusions of the report. They have requested a condition requiring a Dust Management Plan, and subject to such a condition, the overall effect on air quality from the development is not considered to be significant.

The Council's Contaminated Land Officer has assessed the application and has requested conditions be imposed in respect of Imported Soils and Aggregates given that the applicant proposes using materials from its recycling operations to restore some of the site.

Highways issues and Traffic Generation

Criterion 3 of Policy MD2 requires proposed development to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

In terms of highways impacts, the existing planning permission at the site currently has a number of conditions attached which control and limit the highways impacts of the quarrying operations. The site is well connected to the A48 and conditions in respect of the number of trips, wheel washing and access across the life span of the permission are carried through from the 2017 permission. As a result, and particularly given that the maximum number of vehicles permitted to leave the site per day is the same, the proposed development would not have adverse impacts on traffic or congestion in the wider highway network.

The site is currently accessed from the B4524 Corntown Road. The proposal does not seek to alter access or parking arrangements and the development would be subject to conditions imposed on the site currently. The Council's Highway Engineer has considered the application and raises no objection subject to the original conditions being re-imposed.

Impacts on geology, hydrology and hydrogeology

The existing approval allows for extraction to be undertaken under the water table, and this would require further details relating to de-watering. The applicant seeks to relinquish this permission and extract laterally above the water table.

The application has been supported with a Hydrological and Hydrogeological Impact Assessment which details the impact of the proposal on the site's geology, hydrology and hydrogeology. The assessment concludes that the proposed relinquishing of consented mineral reserves below the current floor level would result in a major migratory concession minimising impact upon water quality.

The Hydrological and Hydrogeological Impact Assessment provides measures for the protection of the water environment and, subject to conditions, concludes that there are no over-riding hydrogeological or hydrologically based reasons to refuse the application. It has also been supported by a fluid handling protocol that the applicant would need to adhere to ensure no contamination by spillages and leaks.

The assessment concludes that the proposed extension area is not sensitive in terms of its hydrology or hydrogeology. No surface water run off features are present within or adjacent to the proposed extension area. There is no evidence of groundwater abstractions or designated sites of water dependent value within or adjacent to the proposed extension area. No dewatering and artificial lowering of groundwater levels is necessary in working the proposed site.

The proposal to extend laterally is therefore likely to have a positive impact on the groundwater environment and is considered to have a positive impact on the site's hydrology and hydrogeology when compared to the existing permission.

National Resource Wales requested the impact on Kenfig Special Area of Conservation (SAC) to be considered as part of the application given that it features are groundwater dependent.

Under Article 6(3) of the Habitats Directive, an appropriate assessment is required where a plan or project is likely to have a significant effect upon a European site, either individually or in combination with other projects. Habitats Regulations Assessment (HRA) is a sequential four step process to identify whether there are likely to be significant adverse effects on the integrity of a European site (or sites) (known as HRA screening), what those effects will be, what alternative solutions are available to avoid those effects and, if unavoidable, whether they must be accepted and compensation provided for the effect on the European site.

The applicant's ecologist has carried out a Habitat Regulations Assessment which follows the established screening process and links its conclusions to the supporting evidence supplied by the specialist hydrogeological consultants. It concludes that the proposal will not affect the integrity or the conservation objectives of Kenfig SAC subject to conditions.

The Council's Ecologist has considered the HRA and the supporting documents including the comments from the Council's Drainage Engineer and supports the conclusions reached by the HRA. As such, the proposal is considered to be acceptable in respect of the Kenfig SAC subject to conditions in respect of surface water drainage being imposed.

As such, the proposal is considered acceptable in respect of geology, hydrology and hydrogeology.

Loss of Agricultural land

Criterion 9 of Policy MD1 and criterion 5 of Policy MG25 require there to be clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2 and 3a. The land is classified as 3a (Good to Moderate Agricultural Land) on the ALC Predictive Map. However, following consultation with Welsh Governments Soil Policy and Agricultural Land Use Planning Unit the applicant provided an up to date Agricultural Land Classification (ALC) assessment which confirms that 55% of the site is in fact 3b with the remaining 45% being classed as 3a.

Paragraph 3.55 of PPW states:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and

3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade”.

The existing quarry has been the subject of significant investment in infrastructure over its lifetime on the likes of plant and machinery necessary to allow it to operate. The application seeks to continue use of the existing operations/infrastructure and does not own or is unable to work other land for the reasons noted below:

- Extension is not possible northwards as the quarry is bound by the B4524 Corntown Road.
- Extension is not possible westwards as the western part of the site has been restored. Working in this direction would also result in workings getting closer to the village of Corntown with subsequent impacts in terms of potential amenity impacts (e.g. noise and dust).
- Extension is not possible southwards as the topography rises and therefore the development has the potential to result in increased landscape and visual impacts.

Given that the majority of the extension lands is comprised of grade 3b land and that alternatives are constrained by the availability of the mineral resource, the existing site infrastructure, surrounding land uses and increased potential for adverse impacts, there is not considered to be lower graded land available in the area immediately surrounding the quarry which would allow the required development to be delivered.

The proposed development allows for the extension site to be restored to agriculture following the completion of mineral extraction in that area. A soils scheme has been prepared to ensure that soils are appropriately stripped, handled and replaced in order to deliver as high a quality restoration scheme as possible.

Welsh Governments Soil Policy and Agricultural Land Use Planning Unit were consulted on the submission and initially raised an objection given that the application was not supported by up to date agricultural land quality details. Having considered the results of the recent assessment and the submitted soil scheme, they have withdrawn their original objection subject to conditions allowing the site to return to agriculture.

Whilst the proposal may result in loss of 3.35ha 3a of agricultural land in the short-term, the proposal would ensure that the Council's land bank for minerals remains fulfilled and the site would return to agricultural land in the long-term. As such, the proposal is on balance considered acceptable and in accordance with Policy MG25.

Sustainability

Criterion 6 of Policy MG25 requires Minerals to be transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed. The sites location and existing operations lends itself to HGV. Unfortunately, it is considered that the most sustainable method in this instance would be HGV lorries. The proposal however does not seek any intensification of the use over and above what has been previously granted. On this basis the proposal is considered acceptable in respect of sustainability.

Land Restoration

The application is supported with a restoration plan that allows for the progressive restoration of the site. In order to deliver a beneficial afteruse, the restoration of the site will be supplemented with inert materials resulting from the existing recycling business operating at the site. As well as delivering biodiversity improvements and achieving a beneficial afteruse, the proposed restoration proposals will provide an important facility for the deposition of inert soil-making obtained from material resultant from local construction projects.

As aforementioned the Council's Contaminated Land Officer has requested a number of conditions which would ensure that any materials used from the recycling operations are not contaminated. It is envisaged that the site will be progressively restored to agriculture which would be controlled by way of conditions to ensure implementation and successful restoration. It is proposed that any overburden, and any available infill, would be used to restore the quarry faces and create suitable soil for agriculture above the quarry floor. This has been considered by the Council's Minerals officer and landscape officer who consider this acceptable, subject to conditions. Further conditions would also be imposed in relation to landscaping the site and the advanced hedgerow planting proposed by the applicants.

Archaeology

The Environmental Statement (ES) submitted with the application considers the archaeological impact of the proposal. The ES concludes there is low potential for encountering unknown archaeological deposits during the development work, although the potential remains. It concludes that impacts can be mitigated by means of an archaeological watching brief, undertaken in accordance with a written scheme of investigation.

Glamorgan Gwent Archaeological Trust, the Council's archaeological advisors, have assessed the proposal and advise that there is potential that the development may encounter Roman Remains. Therefore, they recommend a condition be attached should planning permission be granted requiring submission and implementation of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource (see condition 52).

Therefore, subject to condition, the proposal is considered acceptable in respect of archaeological impacts.

Drainage

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

This site is not located in Development Advice Map (DAM) zones at risk of tidal or fluvial flooding. However, any new developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to

the SAB process in terms of surface water and an informative is recommended to clarify this.

The Council's Drainage Engineer notes that the submitted Hydrological and Hydrogeological Impact Assessment suggests a sump hole will be constructed to manage surface water runoff prior to pumped discharge, as is the current situation. The report assumes a depth of sump hole to be 5m providing approximately 4000m³ of storage. No specific details of the proposed sump hole have been provided and will be required for further review together with supporting calculations to demonstrate the volume of storage required.

The report provides limited details as to the current method of discharge at the site, suggesting a current pumped discharge to an unmade roadway acting as a soakaway. No details have been provided as to the location of the roadway or if the existing pumping arrangements / discharge rate will be altered to manage the anticipated increase in surface water volume.

On this basis, the engineer has requested a condition be imposed to require further details of surface water prior to works commencing. Subject to this condition the proposal is considered acceptable in principle.

Ecology

The application site consists of an existing working quarry and agricultural fields. The application has been supported by a number of documents providing mitigation and enhancements measures in respect of the sites ecological value natural environment. These matters have been assessed thoroughly by the Council's Ecologists and Natural Resources Wales who have confirmed (subject to conditions) that the proposed development would not result in an adverse impact upon the natural environment.

Policy MD9 of the LDP is most relevant to biodiversity, and it requires new development proposal to conserve and where appropriate enhance biodiversity interests.

Policy MG21 of the LDP includes reference to protected species and states that development that is likely to have an adverse impact on protected species will only be permitted where it can be demonstrated that:-

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

This is supported by the Council's SPG on Biodiversity and Development which requires new development to provide ecological enhancements to promote biodiversity and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

The proposed working, restoration and operations of the quarry have been the subject of lengthy negotiations and discussions between the applicant's agent, the Council's Ecologists and NRW. The application has also been supported with an Ecological Impact Assessment (EclA) which includes a Phase 1 Habitat Survey.

The EclA notes that the proposed extension would result in the loss of grassland, trees and hedgerow. The EclA considered the impact of the loss on foraging habitat for bats and roosts and concluded that it would not lead to significant loss of habitat for roosting, foraging or commuting bats.

The EclA also considered the potential impact of the proposals on Badgers, Otters, Hedgehogs, Breeding Birds and Adders and considered to be acceptable. The assessment noted the presence of Himalayan Balsam (a non-native invasive species, which is included within Schedule 9 of the Wildlife and Countryside Act, 1981 [as amended]) which would need to be removed prior to works commencing and would require a licence from NRW. In addition, it notes that the proposal would impact Devils Bit Scabious a protected flora species which the assessment suggests will be translocated ensuring that the proposal does not significantly impact flora species.

The EclA also provides an analysis of cumulative impacts of the application and seven current planning applications within 2km of the site concluding that cumulatively they will not result in significant impacts for local ecology, either alone or in combination with other proposals, and will not affect the integrity or the conservation objectives of any Natura 2000 designated (or proposed) sites within the study area.

The assessment recommends that an Ecological Mitigation and Management Plan (EMMP) should be produced in agreement with the LPA, to provide biodiversity conservation and enhancement during and/or after the works prior to works commencing.

The EclA considered the impact of the proposal on Great Crested Newts (CGN) Bats and Dormice (European Protected Species) concluding that the proposal would not impact these protected species. Following an initial objection from NRW, the applicant's ecologist provided a risk assessment in relation to these protected species. NRW have considered this additional assessment and raise an objection unless planning permission is granted subject to conditions, in which case the objection is removed. In addition, the works would also be subject to an EPS licence would be required.

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

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

The extension of the site for mineral extraction would bring benefit to the economy through the extraction process and allow the LPA to maintain its mineral reserves. It is therefore considered that this test is met.

Test ii) - There is no satisfactory alternative

The relinquishing of the existing consent would avoid any impacts to the hydrology of the site whilst noting that the site is an allocated mineral reserve site within the LDP and is key to the meeting the areas growth plans.

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.

NRW have requested a condition requiring a Conservation Plan prior to works commencing which would ensure measures are in place to ensure the works are not detrimental to the maintenance of the species population. In addition, the works would be subject to an EPS licence which is a separate legislative process that will require the developer to undertake measures to ensure the works have no detrimental impact upon the favourable conservation status of the species. The licence would provide adequate ecological protection in respect.

Overall, subject to conditions, the proposal is considered acceptable in respect of the sites ecological value and enhancements.

Summary

In reaching the recommendation below, the content of the submitted Environmental Impact Assessment has been taken into account, in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017. That assessment has had regard to any likely significant environmental impacts, and it is concluded that there would not be significant harmful impacts to the environment as a consequence of the development.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 legal agreement to relinquish planning permission 2017/00103/FUL

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning at the date of this permission, Written notification of the date of commencement shall be sent to the Mineral Planning Authority a minimum of 14 days before commencement.

Reason:

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

2. Unless otherwise specified in this condition, the development hereby approved shall be carried out entirely in accordance with the description of development set out in the Environmental Statement received on 10 April 2019 (and all associated figures and appendices) and the following documents:

AEcol Ecological Consultants Habitat Regulations Assessment dated 2nd June 2020 received on 03 June 2020.

Amended Fluid Handling Protocol received on 16 April 2020.

AEcol Ecological Consultants Risk Assessment in respect of the potential for great crested newts and common dormice dated 19/02/2020 received on 26 Feb 2020.

Amended AEcol Ecological Consultants Ecological Impact Assessment (EclA) dated 20/08/2019 received on 23 Aug 2019.

Drawing Number: DR-0001 S4-P1 (Amended proposed restoration) received on 23 Aug 2019.

Drawing No: 181025-02 v1(End of Phase 1) received on 10 April 2019

Drawing No: 181025-03 v1(End of Phase 2) received on 10 April 2019.

Drawing No: DR-0001 S4-P1 (Site Location Plan) received on 10 April 2019.

Drawing No: 190624/01v2 (Extension Application Modification of Condition 2) received on 01 Aug 2019.

Drawing No: 181025/04v2 (Proposed Extension Concept Restoration) received on 27 June 2019.

Drawing No: 181025/01v2 (End of Existing Quarry and Extension Phases) received on 27 June 2019.

Drawing No: 001 (Existing Operations) received on 27 June 2019.

Plan showing hedgerow and woodlands being lost received on 16 April 2020.

Soils Handling and Management Scheme dated August 2020 Received on 27 August 2020.

Loss of Agricultural Land Justification dated August 2020 Received on 27 August 2020.

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 operations authorised by this permission, with the exception of restoration and after-treatment works approved in accordance with Condition 33, shall take place after 22 February, 2042.

Extraction of minerals, the processing of residual excavated material, the restoration of the site and the removal of buildings and plant shall cease by 22 February, 2042. For a period of 5 years from the date of completion of restoration on any part of the site in accordance with the approved restoration plan, the site shall be managed in accordance with the approved aftercare plan relating to the restored area. The planning permission shall expire following the complete restoration and aftercare of the site in accordance with the most recently approved restoration and aftercare schemes.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. Without the prior written approval of the Mineral Planning Authority, no further stone extraction shall take place in those parts of the permitted area shown edged and hatched in Green on plan No: 190624/01V2 received on 01 August 2019.

Reason:

In order to precisely define the area to which this permission relates and in the interests of the amenity of local residents and to comply with the terms of Policies SP1 (Delivering the Strategy) SP9 (Minerals) and MD7 (Environment Protection) of the Local Development Plan.

5. No excavation shall take place below a level of 46 metres Above Ordnance Datum

Reason:

For avoidance of doubt as to the extent of permission and in order to protect ground water resources and to comply with the terms of Policies SP1 (Delivering the Strategy) and SP9 (Minerals) of the Local Development Plan.

6. Prior to commencement of extraction hereby approved, a working and phasing scheme shall be submitted to and approved in writing by the Mineral Planning Authority and shall thereafter be retained in operation throughout the duration of mineral extraction and subsequent restoration of the site.

Reason:

To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection and to comply with the terms of Policies SP9 (Minerals) of the Local Development Plan and MD1 (Location of New Development).

7. The developer shall submit a revised working programme and phasing plan for approval to the Mineral Planning Authority every 5 years from the date of commencement until completion of operations at the site.

A copy of this permission and the approved plans showing the method and restoration shall be available in the operators site office at all times during the operational life of the site. Any subsequent amendments shall also be available at the site office.

Reason:

To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection and to comply with the terms of Policies SP9 (Minerals) of the Local Development Plan and MD1 (Location of New Development).

8. Without the prior written approval of the Mineral Planning Authority, the total annual quantity of stone dispatched from the quarry shall not exceed 214,000 tonnes in any calendar year and the quarry operator shall supply a statement in writing of the quantity of stone dispatched from the site in the previous calendar year in confidence to the Mineral Planning Authority no later than 31st March in each succeeding year.

Reason:

In the interests of the protection of the local environment and the amenity of local residents and to comply with the terms of Policies MD2 and MD7 of the Local Development Plan

9. The operators shall maintain records of production and shall make them available to the Mineral Planning Authority in writing within 2 weeks of a request.

Reason:

In order the Local Authority can monitor output of the site and to comply with the terms of Policies SP1 (Delivering the Strategy) and SP9 (Minerals) of the Local Development Plan.

10. A copy of this permission and the approved plans showing the method and restoration shall be available in the operators site office at all times during the operational life of the site. Any subsequent amendments shall also be available at the site office.

Reason:

To ensure that mineral extraction is properly planned, controlled and carried out in the interests of visual amenity and environmental protection and to comply with the terms of Policies SP9 (Minerals) and MD1 (Location of New Development) of the Local Development Plan.

11. Except in emergencies or as may be otherwise agreed in writing with the Mineral Planning Authority:

(a) No operations other than maintenance shall be carried out except between the following times:

7.00 a.m. to 6.00 p.m. Mondays to Fridays; and
7.00 a.m. to 1.00 p.m. Saturdays.

(b) No servicing, maintenance or testing of plant shall take place between 10.00 p.m. and 7.00 a.m. the following day.

(c) Operations for the formation and any subsequent removal of material from any baffle mounds or soil/overburden storage areas shall not be carried out except between the following times:

8.00 a.m. to 6.00 p.m. Monday to Friday; and
8.00 a.m. to 1.00 p.m. Saturday;.

(d) Drilling shall be not carried out except between the hours of:

7.30 a.m. to 5.30 p.m. Monday to Friday; and
8.00 a.m. to 1.00 p.m. Saturday.

(e) No operations other than maintenance shall take place on Sundays or Public Holidays.

Reason:

In the Interests of the amenity of local residents and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

12. Unless otherwise agreed in writing by the Mineral Planning Authority, no blasting shall take place at the site except between 10:00 to 12:00 noon and 14:00 to 16:00 hours Monday to Friday inclusive, and there shall be no blasting on Saturday, Sunday or bank holidays.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to give reasonable warning of blasting operations in the interests of public safety and amenity and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

13. Blasting shall be undertaken in such a manner to ensure that ground vibration, measured as a maximum of three mutually perpendicular directions taken at the ground surface, does not exceed a peak particle velocity (ppv) of 6 mm per second in 95% of all blasts measured over any continuous 6 month period and no single blast shall exceed a ppv of 10 mm per second. The measurement is to be taken at or near the foundations of any noise sensitive building not owned by the quarry owner or operator.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and

to give reasonable warning of blasting operations in the interests of public safety and amenity and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

14. Monitoring of blasting shall be undertaken in accordance with a scheme to be submitted for the written approval of the Mineral Planning Authority within 6 months of the date of determination of this permission. The approved scheme shall thereafter be implemented in accordance with the approval.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to give reasonable warning of blasting operations in the interests of public safety and amenity and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

15. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Mineral Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to give reasonable warning of blasting operations in the interests of public safety and amenity and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

16. No Secondary blasting shall be carried out on the site except with the prior written agreement of the Mineral Planning Authority.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to give reasonable warning of blasting operations in the interests of public safety and amenity and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

17. Except with the prior written approval of the Mineral Planning Authority, secondary breaking shall be by mechanical means only.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

18. No development shall commence until a noise monitoring plan has been submitted to and approved in writing by the Local Planning Authority. Those details shall include proposed intervals of monitoring, processes and timescales for reporting results of monitoring, proposed receptors and target maximum noise levels at the nearest receptors. Noise monitoring shall subsequently be carried out in accordance with the approved details. Should recorded noise levels exceed the agreed target maximum noise levels, operations within the extended quarry area shall cease within 48 hours of the submission of the noise monitoring report. Mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and quarrying shall not re-commence until the approved mitigation measures have been implemented. Those mitigation measures shall be retained in perpetuity and monitoring and reporting shall thereafter continue in accordance with the approved monitoring plan.

Reason:

To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents and to comply with policies MD2 and MD7 of the Local Development Plan.

19. Operations for the formation and any subsequent removal of material from any baffle mounds or soil/overburden storage areas shall not be carried out except between the following times:

8.00 a.m. to 6.00 p.m. Monday to Friday; and
8.00 a.m. to 1.00 p.m. Saturday

Reason:

To ensure the satisfactory development of the site in the interests of conserving the amenity of the area and local residents and to comply with policies MD2 and MD7 of the Local Development Plan.

20. No new accesses shall be formed to the quarry without the prior written approval of the Mineral Planning Authority.

Reason:

In the interests of highway safety and to comply with the terms of Policies MD1 and MD2 of the Local Development Plan.

21. Prior to commencement of development a scheme for the cleaning of the wheels of vehicles leaving the site shall be submitted to and approved in writing by the Mineral Planning Authority, the approved scheme shall be retained in operation throughout the duration of mineral extraction at the site.

Reason:

In the interests of highway safety and to comply with the terms of Policy MD2 (Design of New Development) of the Local Development Plan.

22. The length of internal haul road from the wheel cleaning facilities referred to in Condition No. 21 above to the public highway shall be maintained in tarmac or a similar bound material throughout the duration of mineral extraction at the site.

Reason:

In the interests of highway safety and local amenity and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

23. Without the prior written approval of the Mineral Planning Authority, no more than 100 loaded vehicles shall leave the site during any full working day and no more than 50 loaded vehicles shall leave the site on a Saturday.

Reason:

In the interests of highway safety and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan

24. All loaded lorries leaving the site (with the exception of those carrying stone of 100 mm diameter or greater) shall be sheeted before leaving the quarry.

Reason:

In the interests of highway safety and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

25. The gates at the quarry entrance approved under planning permission 1999/00585/FUL (as subsequently amended) shall be retained in operation throughout the duration of mineral extraction at the site and shall be kept closed and locked during all periods that the site is unattended.

Reason:

In the interests of highway safety and to avoid unauthorised fly tipping and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

26. Prior to commencement of extraction, a plan showing the existing and proposed perimeter screen bunds shall be submitted to and approved by the Mineral Planning Authority. The bunds shall thereafter be constructed as required by the approved details prior to any extraction in the extended area and shall be soiled and seeded with grass in the first planting season following their construction and shall thereafter be retained in position throughout the duration of mineral extraction.

Reason:

In the interests of visual and acoustic amenity and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environment Protection) of the Local Development Plan.

27. From the commencement of development until completion of aftercare, the operator shall maintain and make stock proof the perimeter hedges, fences and walls and protect the same from damage. Where the operational site boundary does not coincide with an existing hedge, fence or wall, the operator shall provide and maintain stockproof fencing until completion of aftercare.

Reason:

In the interests of the safety of the occupiers of adjoining land and to comply with the terms of MD2 (Design of New Development) of the Local Development Plan.

28. The pond within the quarry bowl shall be retained and protected for the duration of the permission in accordance with a scheme that shall be submitted to and approved in writing by the Mineral Planning Authority prior to any excavation in the extended area hereby approved.

Reason:

In the interests of nature conservation and groundwater protection and to comply with MD7 (Environmental Protection) and MD9 (Promoting Biodiversity).

29. Prior to commencement of any excavation in the extended quarry area, a Dust Management Plan to minimise dust emissions arising from extension work and site activities shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include details of dust suppression measures and the methods to minimise emissions of dust arising from the site. The extension shall be worked in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of site's existence.

Reason:

In the Interests of the amenity of local residents and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

30. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

To protect against the pollution of watercourses and supplies in the interests of the amenity of the surrounding area and in the interests of agriculture and to ensure compliance with Policies MD2 and MD7 of the LDP.

31. Waste material arising from mineral extraction shall be deposited within the excavated area of the quarry in locations to be first approved in writing by the Mineral Planning Authority.

Reason:

To assist in the ultimate restoration of the site and to comply with Policies MD1 and MD7 of the Local Development Plan.

32. Except as may be provided for in the restoration scheme to be approved under Conditions of this planning permission, no working quarry face shall exceed 17 metres in height and no final perimeter face shall exceed 15 metres in height, and no quarry face shall approach closer than 10m metres to the face above it.

Reason:

So as not to prejudice the eventual restoration of the quarry and to comply with Policy MD1 of the Local Development Plan

33. Prior to the any quarrying in the extended area hereby approved, a detailed restoration and landscaping scheme which includes timescales for delivery for the restoration of the existing quarry site shall be submitted to and approved in writing by the Mineral Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD1 (Location of New Development) of the Local Development Plan.

34. The existing trees, bushes and hedgerows on land within the applicants control (other than those shown as being removed in the approved plans and documents) shall be retained and shall not be felled, lopped, topped or removed without the prior written approval of the Local Planning Authority. Any such vegetation removed without prior written approval, dying, being seriously damaged or diseased shall be replaced with trees or bushes of such size and species of a similar species and size in the planting season immediately following any such occurrences.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

35. The site shall be maintained during the course of operation ensuring:
- a) All injurious weeds, as defined by the Weeds Act 1959, growing within the development area shall be eradicated or adequately controlled by approved method.
 - b) All vegetation growing on soil storage bunds and peripheral areas within the site shall be kept in tidy condition by cutting at least once during the growing season.

Reason:

To prevent a build-up of harmful weeds in soils to be used for agricultural purposes and to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

36. A detailed First year Aftercare Scheme shall be submitted for the approval of the Planning Authority not later than 3 months prior to the date when the Restoration works on any part of the site are due to be completed and shall include where appropriate the following details:
- a) Tree planting and landscaping
 - b) Cultivations, seeding and management of the land, in accordance with the rules of good husbandry.
 - c) Fertiliser and lime application based on soil chemical analysis, the results of which are to be submitted to the Planning Authority.
 - d) Provision of water supplies and land drainage facilities, including watercourses, field ditch systems and piped field underdrainage where appropriate. Where the installation of a piped underdrainage scheme is considered by the Planning Authority to be essential to the satisfactory restoration of the site, the Developer shall submit a scheme for approval by the Planning Authority, and the scheme shall be installed during the first year of the Aftercare period unless otherwise agreed.
 - e) Any other agricultural treatment particularly relevant to the site.

The Developer shall be responsible for submitting an Aftercare Scheme that shall identify the steps that are necessary to bring the land to a condition that satisfies the standard of agricultural, amenity or nature conservation use as specified in the planning consent.

All reinstated Agricultural areas shall undergo aftercare management for a 5 year period. The aftercare period shall commence on the date that restoration or phase of restoration has been completed to the satisfaction of the Planning Authority.

There shall be a formal annual review of the agricultural management of the site during the 5 year aftercare period. The timing of these formal reviews shall be during the winter period and prior to the commencement of management in the spring. The parties to this review shall include where appropriate the Developer, the landowner(s), the occupier(s), the Mineral Planning Authority and a representative of the Welsh Government Land, Nature and Forestry Division. At least 4 weeks prior to the holding of this review, the developer shall submit to the Mineral Planning Authority a record of the operations carried out during the period covered by the review and a written programme of management to cover the year ahead.

The Developer shall ensure that the agricultural land is under competent agricultural management at all times during the aftercare period.

All settlement ponds where located within an area identified for agricultural after use shall, unless to be retained by agreement with the Planning Authority, be emptied of slurry and filled with dry inert material to agreed levels and restored to agricultural use.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

37. Throughout the period of working, restoration and aftercare the developer shall:

i) Protect and support any ditch, watercourse or culvert passing through the permission area, or satisfactorily divert it, and shall not impair the flow or render less effective drainage onto and from adjoining land. ii) Provide for the collection, treatment and disposal of all water entering or arising on the site, including any increased flow from the land, to ensure that there is no pollution of watercourses by the approved operations.

The developer shall ensure that any flow of water used for agricultural purposes that is adversely affected by the development is reinstated in a satisfactory manner, including the provision of alternative supplies during the course of operations

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

38. All topsoil and subsoil material shall be stripped from any excavation area prior to extraction of stone from that area and from the new access corridor and shall be stored separately in mounds until required for restoration. No topsoil or subsoil shall be sold or otherwise removed from the quarry site.

The stripping, movement and re-spreading of topsoil and subsoil shall be restricted to occasions when material is dry and friable and the ground is sufficiently dry to allow the passage of heavy machinery and vehicles over it without damage to the soils as given in the Soil Handling and Management Scheme, (August 2020).

Soil and soil forming material storage bunds shall be located to ensure secure storage without loss or contamination and shall be seeded to grass at the earliest opportunity and maintained thereafter in tidy condition.

The top surfaces of all tips, soil mounds and storage mounds shall be sloped at a suitable gradient to encourage surface water drainage and prevent ponding and erosion. The maximum height of all storage mounds shall not exceed 3m above adjacent existing ground level for topsoil and 4m in any other case.

Following the formation of any storage dumps the location of each dump and the type and quantity of material in it shall be recorded and this information submitted to the Local Planning Authority within 3 months.

The developer shall notify the Local Planning Authority at least 48 hours prior to the stripping of soils, the formation of finished ground profiles and the re-spreading of soils on any part of the site.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

39. Soil material shall be placed in accordance with the approved Soil Handling and Management Scheme (August 2020). Any alteration to this working method shall only be carried out with prior approval from the Planning Authority.

All topsoil and subsoil shall be conserved in accordance with the developer's proposals as described in the Soil Handling and Management Scheme, dated August 2020. Any amendments to this method of working shall be the subject of revised proposals to be submitted and approved by the Planning Authority prior to implementation.

Topsoil and subsoil storage bunds shall be placed in approved locations and constructed by approved method and to approved size and shape to ensure secure storage without damage, loss or contamination, and thereafter maintained in tidy condition.

Prior to the placement of soil or soil forming material, the developer shall submit for the approval of the Planning Authority a plan showing the final contours to be achieved in the restored landform.

Following the formation of the restored landform to approved contours, the resultant base material shall be comprehensively ripped to a minimum depth of 500mm to break up surface compaction before any soil material is spread. Special attention shall be given to areas of excessive compaction such as haul/ access roads where deeper ripping may be necessary. All large stones and boulders, wire rope and other foreign material arising shall be removed.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

40. The soil material (topsoil and subsoil) set aside for use in the agricultural restoration shall be spread uniformly and in correct sequence over the ripped base material, and shall, where necessary, be rooted and scarified to full depth without causing mixing between different soil layers.

All stones greater than 100mm in any direction brought to the surface by soil loosening or cultivation operations shall be removed.

The soil profile in all areas restored to agricultural after use shall be minimum 0.5 metre depth and shall consist of 30cms topsoil and a minimum of 20cms subsoil, covering an area approximately 7 hectares in extent. Any intention to alter this soil depth will require prior approval from the Planning Authority.

All operations to move and place soil material shall be carried out only when such material is in dry and friable condition and ground conditions are dry and firm. The developer shall give 48 hours notice to the Planning Authority of the intention to carry out any soil movement operation

The site shall be restored only in accordance with the approved Restoration Plan and all items therein shall be maintained to the satisfaction of the Planning Authority for a period of 5 years. Maintenance shall include the replacement of any trees, shrubs and hedgerow plants that die and the reseeded of any areas of grassland that are in unsatisfactory condition in the view of the Planning Authority.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

41. All plant, machinery, buildings, fixed equipment, and areas of hard standing including site compounds shall be removed from the site within two months of the permanent cessation of mineral extraction unless otherwise agreed in writing with the Mineral Planning Authority.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

42. There shall be no pumped discharge of waters from the curtilage of the quarry.

Where significant dry conduits capable of draining rainfall runoff from the floor of the workings are discovered during operations, those conduits shall be sealed by the use of cement grout, having first been blocked with a rock and geo-textile matrix to prevent its escape into the groundwater system, and;

Where flowing conduits are encountered by quarry operations, for which preservation/restoration of the flow path is required in the interests of maintaining downstream groundwater flow paths the remedial works required to reconnect the intercepted flow with the downstream conduit section will be undertaken in such a manner that ensures suspended solids are not entrained into the downstream flows.

Reason:

To avoid groundwater contamination and to comply with the aims of policy MD7 of the Local Development Plan.

43. Notwithstanding the provisions of Part 19 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending or revoking that Order, no building, fixed plant or machinery shall be placed within the area of this permission without the prior grant of planning permission by the Mineral Planning Authority.

Reason:

To ensure adequate control in the interests of visual and residential amenity and to ensure compliance with Policies MD1 and MD2 of the LDP.

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

Reason:

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

45. 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 the relevant Code of Practice and 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.

46. 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 the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material 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.

47. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

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

48. Prior to commencement of development. a detailed landscaping scheme showing the advance planting along the northern and eastern boundaries together with further planting of hedgerow and dense native shrubs along the southern and western boundaries together with a management plan to ensure establishment of plants shall be submitted to and approved in writing to the Mineral Planning Authority. The landscaping scheme shall ensure:

- Any hedgerow replacement should be at least 5:1 (gain/lost)
- Includes details of hedgerow planting including length to be planted / enhanced / translocated, species, location, timescale etc.
- A method statement to detail how the site will be sensitively cleared, this should ensure that a 48hr interval is left between the first and second cut of grass.
- Details of the translocation of the Devil's Bit Scabious.
- Details of number of trees to be lost and their replacement- any tree replacement plan should be at least 2:1 (gain/lost)

The planting scheme shall thereafter be implemented within the first planting season after approval of the landscaping scheme and prior to any works commencing on extraction. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD1 (Location of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

49. No development or phase of development, including site clearance, shall commence until a species Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The species Conservation Plan should include:
- Details of the mitigation including measures for management and long term site security;
 - A site restoration landscape plan;
 - A plan to implement habitat delivery as outlined in the report prior to development commencing;
 - Details of planting proposed, to include species and size of whips etc;
 - Details of enhancement measures to be implemented in the retained habitat;
 - Details of protective measures to be taken to minimise the impacts including timing of works, duration of works and conservation measures to be implemented;
 - Details of initial aftercare and long-term maintenance;
 - Details of measures to prevent or reduce incidental capture or killing and;
 - Actions to be taken in event previously unidentified species are found;
 - A plan of implementing mitigation measures for Badgers and Otters;

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

Reason:

To ensure that an approved species Conservation Plan is implemented, which protects species affected by the development and to comply with the requirements of MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MD9 (Promoting Biodiversity) of the Local Development Plan.

50. Details of the location, height, design, sensors and luminance of any floodlighting (which shall be designed to minimise the potential nuisance of light spillage on adjoining properties and highways) shall be submitted to and approved by the Local Planning Authority prior to its installation.

Reason:

In order to protect the visual amenity and ecological interest of the area and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

51. Prior to commencement of development in the extended quarry area hereby approved, a detailed scheme for the surface water drainage of the site, showing how surface water runoff will be dealt with has been submitted and approved in writing by the LPA. This should include calculations for onsite attenuation or discharge. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

52. No extraction shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

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 comply with the requirements of MD8 of the Local Development Plan.

The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/cifa) and it is our Policy to recommend that it is carried out either by a CIfA Registered Organisation (<https://www.archaeologists.net/civcrm-contact-distance-search>) or an MCIfA level accredited Member.

53. Prior to commencement of the development hereby approved, a method statement outlining details of treatment/eradication of Himalaya Balsam shall be submitted to and approved in writing by the Mineral Planning Authority. The approved scheme shall be thereafter implemented prior to any excavation. These works will require an NRW licence.

Reason:

To protect the ecological value and landscape and to comply with Policies MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

54. Pre-commencement surveys are to be undertaken prior to any works being carried out by a suitably qualified ecologist if any removal of hedgerow or stripping of topsoil during the bird breeding season (March - August inclusive). If a nesting bird is found, a buffer zone is to be implemented and the removal of vegetation within this buffer zone will be prohibited until after the bird breeding season.

Reason:

To protect the ecological value of the site and to comply with Policy MD9 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP2 (Strategic Sites), SP8 (Sustainable Waste Management), SP9 (Minerals), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG22 (Development In Minerals Safeguarding Areas) MG23 (Buffer Zones), MG25 (Mineral Working (including Oil and Gas Extraction), MG26 (Specific Sites for Mineral Working), MD1 (Location of New Development), MD2 (Design of New Development) MD7 (Environmental Protection), MD9 (- Promoting Biodiversity), MD16 (Protection of Existing Employment Sites and Premises) and MD20 (Assessment of Waste Management Proposals); national guidance contained within Planning Policy Wales (Edition 10) and Technical Advice Notes 5: Nature Conservation and Planning, TAN11: Noise, TAN12- Design, TAN21 –Waste and TAN23 – Economic Development well as Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Mineral Safeguarding, Residential and Householder Development, Parking Standards and Sustainable Development it is considered that the proposal represents an acceptable form of development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the wider rural landscape area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, air quality and impact on agricultural land quality.

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

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

NOTE:

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

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

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

3. **Warning: An European protected species (EPS) Licence is required for this development.
This planning permission does not provide consent to undertake works that require an EPS licence.**

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

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

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>.

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

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

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

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

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

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

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.

KEY

- BOUNDARY: PLANNING APPLICATION
- BOUNDARY: LAND OWNERSHIP

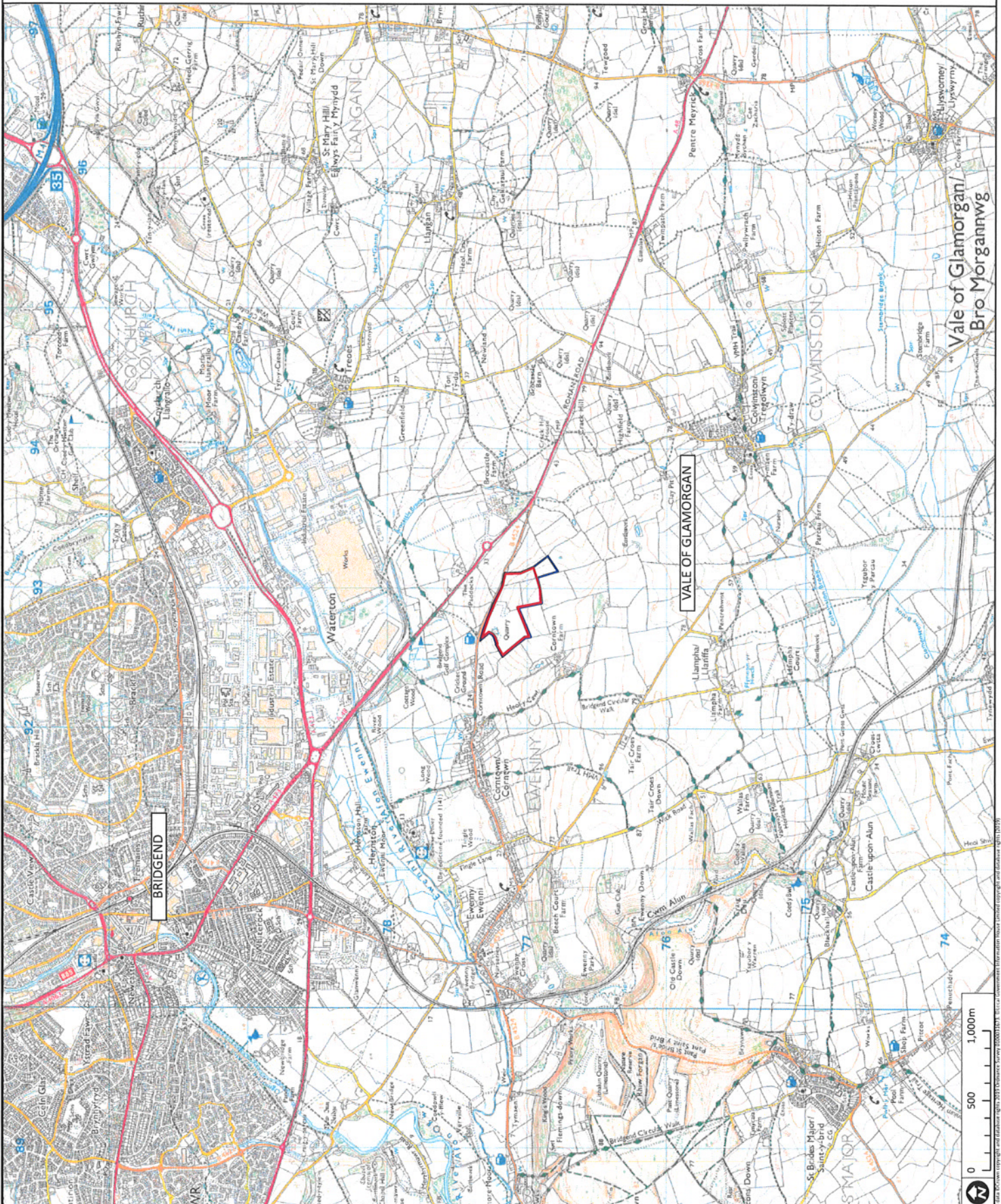
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GREEN CIRCLE AGGREGATES LTD
 PROJECT

LONGLANDS QUARRY PROPOSED EXTENSION, BRIDGEND
 DRAWING TITLE

SITE LOCATION

Scale	Sheet Size	Date
1:25000	A3	JAN 2019
Client Ref	Drawing Ref	Title
-	2707-4-4	DR-0001
		54-P1



2019/01260/HYB Received on 18 May 2020

APPLICANT: Welsh Ministers c/o Agent

AGENT: Miss Louise Darch, WYG Planning and Environment, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

Land between Aston Martin Lagonda and taxiway echo (Keithrow), Bro Tathan Business Park, St. Athan

AMENDED DESCRIPTION - Hybrid application comprising: full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA rubb hanger (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence and outline planning permission (with all other matters reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works.

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

This is a hybrid application for **full** planning permission for the demolition of existing structures and the construction of a new service road, footpath, associated drainage and engineering works, the erection of a 2,500 sqm 'rubb hangar' (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab and apron, parking and servicing area and associated drainage arrangements, and the erection of boundary fencing and a jet blast acoustic fence; and **outline** planning permission (with all other matters reserved) for the erection of up to 37,500 sqm of air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slabs/aprons, parking areas and associated engineering works.

The application site is located within the St. Athan- Cardiff Airport Enterprise Zone and is land allocated for employment under the LDP.

The application has been advertised with site notices and press adverts and to date no letters of representation have been received.

Having considered the above, the application is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

The site is located within the Cardiff Airport and St Athan Enterprise Zone, to which Policy MG10 of the Local Development Plan refers. It comprises a parcel of land referred to colloquially as 'Keithrow', located within the St Athan Aerospace Business Park. The site is located to the north-west of the settlement of St Athan, approximately 5 miles south of Cowbridge and 3 miles east of Llantwit Major.

Full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA 'rubb hangar' (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence; and

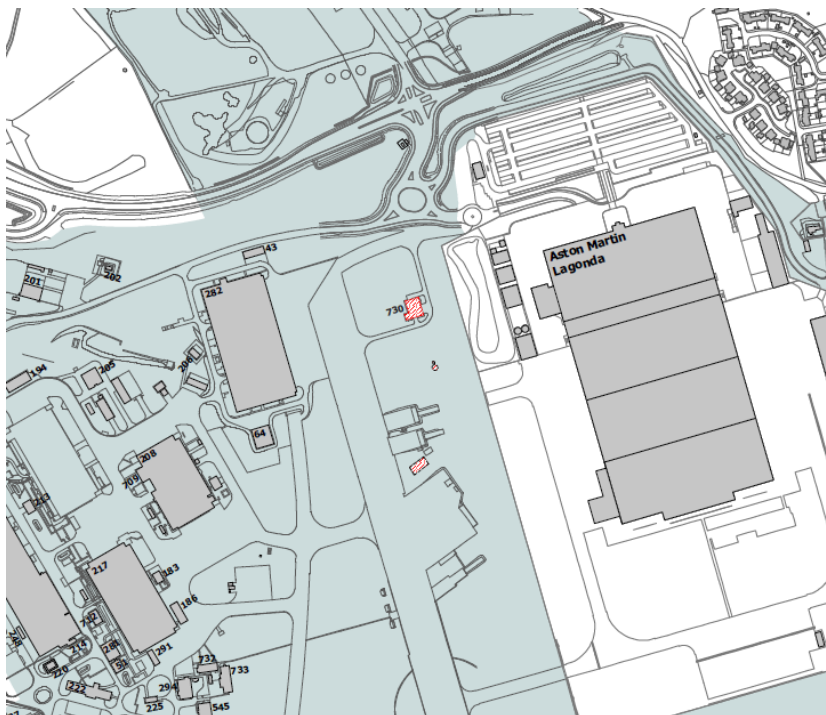
Outline planning permission (with all other matters reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works.

In advance of this submission, full planning permission was granted under planning reference 2019/00854/FUL for the construction of the service road (shown and included in this application) and associated works (drainage /earthworks), which are currently under construction as enabling works to the substantive scheme.

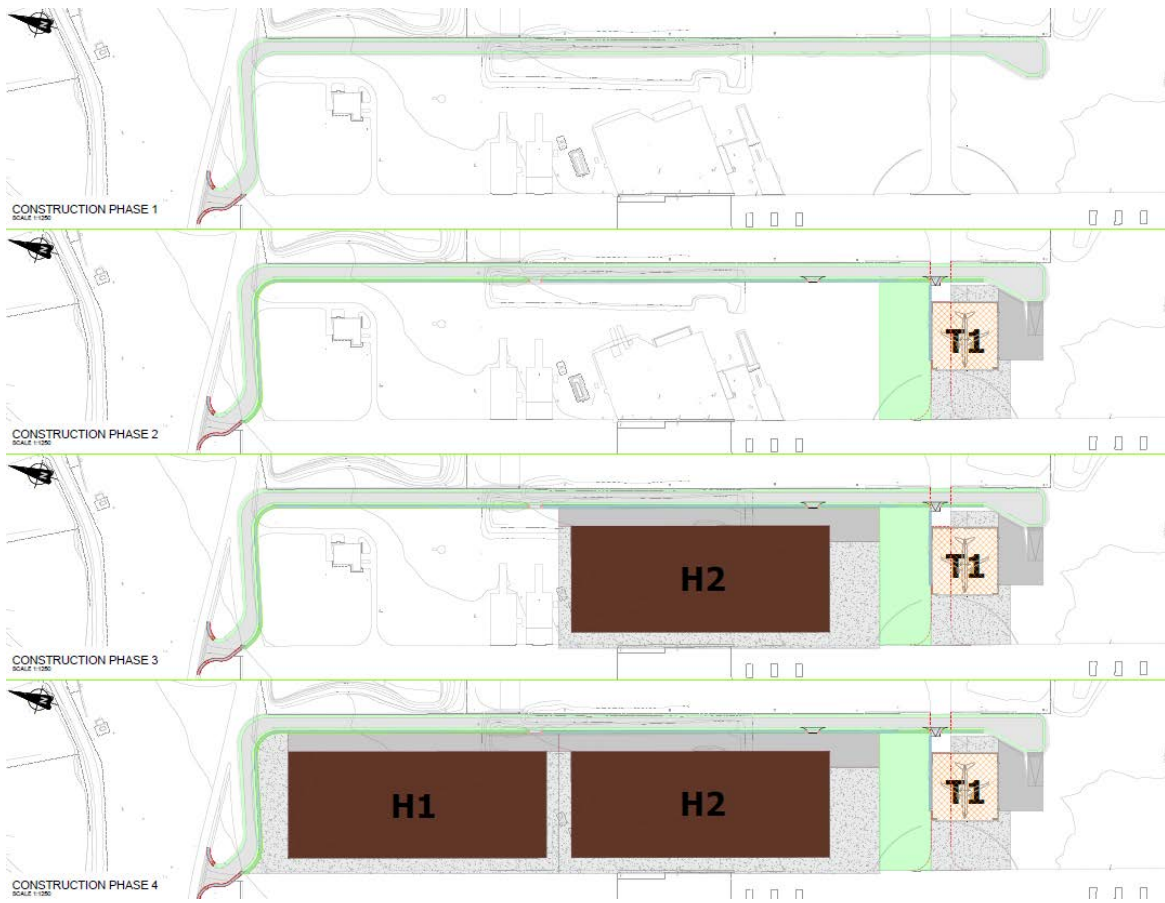
A parameter plan provides the maximum scale of development and an indicative layout showing how the site could be laid out has been provided. The supporting documents indicate the scale to be as follows:

- Min height: 10 m
- Max height: 25 m
- Min width: 60 m
- Max width: 400m
- Min length:40 m
- Max length: 100 m

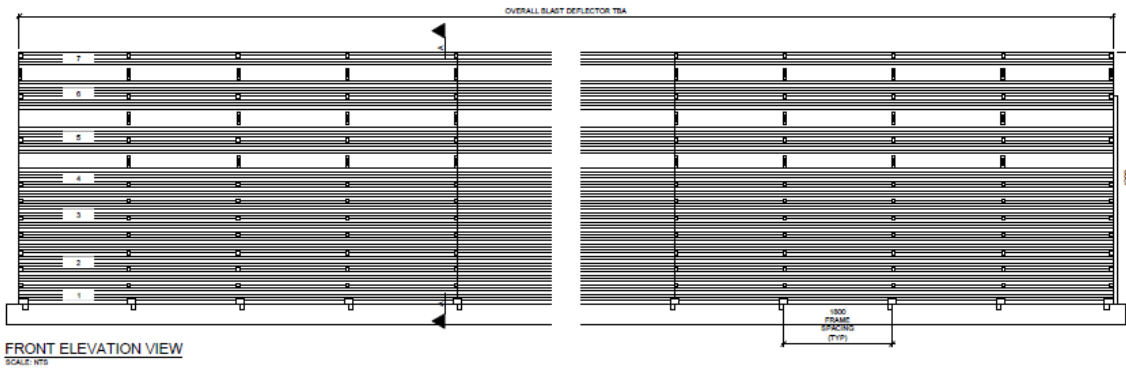
Extracts of the indicative site plans, phasing plans and elevations can be seen below:



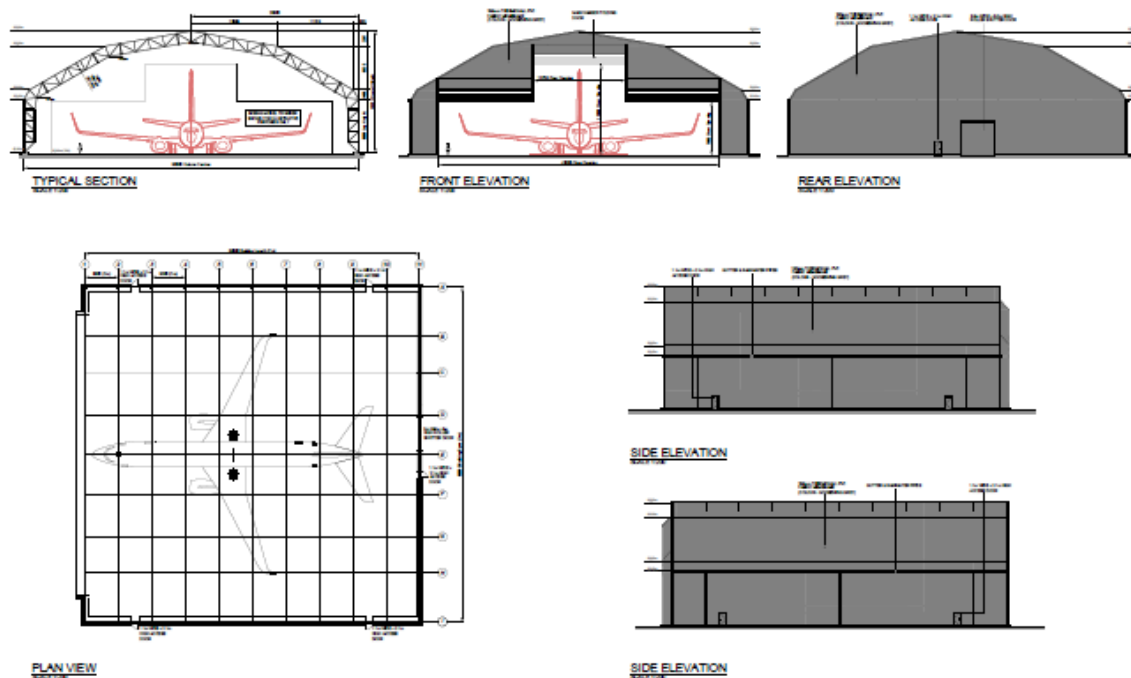
DEMOLITION PLAN



PHASING PLAN



BLAST FENCING



HANGER ELEVATIONS

PLANNING HISTORY

There are several previous planning applications relating to the wider site although these are not of direct relevance to this proposal.

2019/00685/SC1, Address: Land between Aston Martin Lagonda and Taxiway Echo, St Athan Aerospace Business Park, St Athan, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Not Required

2019/00854/FUL, Address: Land between Aston Martin Lagonda and taxiway Echo (Keithrow), Bro Tathan Business Park, St. Athan, Proposal: Demolition of existing structures and erection of new service road, drainage arrangement, engineering earthworks and associated works, Decision:

2019/01250/PND, Address: Mod Site, Cowbridge Road, St. Athan, Proposal, Decision:

CONSULTATIONS

St. Athan Community Council were consulted on 3 December 2019 and 19 May 2020. A response received on 17 December 2019 confirms no objection to the proposal. A response to amended plans received on 20 May 2020 confirms no objection to the proposal.

The Ministry of Defence were consulted on 3 December 2019 and 19 May 2020. A response received on 19 December 2019 confirms no objection but requests they are consulted at all future Reserved Matters/Application stages in order to complete a full detailed safeguarding assessment. A response to amended plans received on 22 June 2020 confirms that there are no objections to the 'full' element of the application and any reserved matters/further full applications will require further consultation.

The Councils Highway Engineer was consulted on 3 December 2019 and 19 May 2020. Following the submission of a Transport Assessment and further modelling works provided in addendums, the Highway Engineer has confirmed that the recently submitted Addendum to the TA has addressed the previous concerns and therefore he raises no objection.

The Councils Drainage Engineer was consulted on 3 December 2019 and 19 May 2020. A response received on 22 June 2020 confirms that the site is not located in DAM zone at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low to low risk of surface water flooding to the site. The response requests a condition requiring further drainage details and advises that the proposal will require SuDS Approval Body (SAB) approval prior to commencement of construction. A further response received on 17 September 2020 confirms that SAB approval has been granted for the road and apron 1, therefore conditions relating to drainage are no longer required.

The Council's Shared Regulatory Services (Pollution) were consulted on 3 December 2019 and 19 May 2020. A response received on 07 January 2020 requests a condition be imposed requiring a Construction Environmental Management Plan (CEMP). Following the submission of a CEMP a response received on 14 Sept 2020 confirms no objection subject to works being carried out in accordance with the CEMP.

Cardiff Airport (Safeguarding) were consulted on 3 December 2019 and 19 May 2020. No response was received at the time of writing this report.

Glamorgan Gwent Archaeology Trust (GGAT) were consulted on 3 December 2019 and 19 May 2020. A response received on 20 December 2019 requests a condition relating to an Archaeological Watching Brief/Written Scheme of Investigation. A response to amended plans received on 29 May 2020 confirms comments provided in December should remain. Following the submission of a watching brief, GGAT have confirmed they accept the findings of the report and have requested conditions for further works relating to the eastern part of the site.

Llantwit Major Ward Members were consulted on 3 December 2019 and 19 May 2020. No response was received at the time of writing this report.

St. Athan Ward Members were consulted on 3 December 2019 and 19 May 2020. No response was received at the time of writing this report.

South Wales Police were consulted on 3 December 2019 and 19 May 2020. A response received on 03 January 2020 confirms that there are no recorded crime details for the site. The response offers advice on crime prevention measures that should be implemented on site. A further response received on 11 June 2020 in respect of amended plans confirms that South Wales Police have no objection to proposed development of the area but have concerns that there is little information provided on how any proposed site is to be secured.

Dwr Cymru Welsh Water were consulted on 3 December 2019 and 19 May 2020. A response received on 20 December 2019 confirms that there is unlikely to be sufficient capacity to accommodate the development without causing detriment to the existing services. Therefore, a Hydraulic Modelling Assessment (at the developer's expense) will be required in order to examine the existing network and consider the impact of the introduction of flows from the development upon its performance. The response suggests a condition be imposed that no development takes place until hydraulic modelling is undertaken. A further response received on 22 May 2020 confirms that the applicants have engaged with DCWW regarding modelling, however they request the condition suggested in earlier correspondence remains imposed.

The Council Ecology Officer was consulted on 3 December 2019 and 19 May 2020. No response was received at the time of writing this report.

Natural Resources Wales were consulted on 3 December 2019 and 19 May 2020. A response received on 20 December 2019 states that they have 'significant concerns' with the proposed development as submitted (meaning that planning permission should only be granted if conditions are attached to the permission). These conditions relate to contamination and risk to controlled waters that are of high environmental sensitivity. A further response received on 21 January 2020, following the submission of additional reports relating to ground contamination, states that they continue to have concerns and request conditions relating to contamination be imposed. Following the submission of further reports relating to ground contamination relating to the rubble hangar only, a further response received on 15 Sept 2020 confirms that conditions relating to ground contamination are not required on the 'rubble hangar' element on the proposal but will need to be imposed for other phases.

The Council's Contaminated Land, Air & Water Quality Team were consulted on 3 December 2019 and 19 May 2020. A response received on 13 December 2019 confirms that conditions would need to be imposed in respect of ground contamination. A further response received on 28 August 2020 following the submission of an Interpretive Ground Investigation Report relating to the 'full' element of the proposal notes that the findings of the report indicate the ground gas regime can be classified as 'Characteristic Situation requiring no ground gas protection measures. The response provides advice and conditions in light of the updated assessment

Cadw, Ancient Monuments were consulted on 3 December 2019 and 19 May 2020. A response received on 23 January 2020 confirms no objection to the proposals impact on heritage assets. A further response received on 10 June 2020 confirms that earlier comments in relation to the proposal remain.

Llantwit Major Town Council were consulted on 3 December 2019 and 19 May 2020. A response received on 27 May 2020 confirms support for the proposal.

REPRESENTATIONS

The neighbouring properties were consulted on 3 December 2019 and 19 May 2020. A site notice was also displayed on 30 December 2019 and 27 July 2020, the application was also advertised in the press on 19 December 2019 and 31 July 2020. To date no letters of representation have been received

Due to the scale of development the application was also subject to a Pre-Application Consultation (PAC) Report which has been submitted in support of the application.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP5 – Employment Requirements
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG9 – Employment Allocations
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals
POLICY MD16 - Protection of Existing Employment Sites and Premises

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Supporting Infrastructure

Chapter 5 - Productive and Enterprising Places

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

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 commercial development (2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Cardiff Airport and Gateway Development Zone (2019)
- Design in the Landscape
- Model Design Guide for Wales

- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Employment Land and Premises Study (2013)
- Further advice on Employment Land and Premises Study (2015)
- Cardiff Airport and St. Athan Enterprise Zone – Strategic Plan (2015)
- St. Athan and Cardiff Airport Enterprise Zone – Draft Strategic Development Framework 2015
- Cardiff Airport 2040 Masterplan
- Identification of SINC's (2013)
- Local Development Plan Highway Impact Assessment (2013)
- Open Space Background Paper (2013)
-

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment
- Welsh Office Circular 13/97 - Planning Obligations

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 to consider in the assessment of this application include:

- The principle of the employment use in this location
- Design and visual impact
- Impact upon neighbouring units
- Impact upon neighbouring properties/residential amenity
- Parking, highway safety and traffic
- Drainage and flooding
- Biodiversity

- Archaeology/Historic Environment
- Contamination
- S106 requirements.

Principle of Development

As aforementioned, the site falls within the St. Athan - Cardiff Airport Enterprise Zone (LDP Policy MG10 refers) and is land allocated for Class B1, B2 and B8 employment uses. The LDP envisaged this part of the enterprise zone for the development of a business park for aviation support services marketed to civilian aviation companies. The supporting text states: "The site is allocated for aerospace related development and will be expected to meet strategic rather than local needs".

Policy SP2(2) – Strategic Sites sets out that the sites identified within the Plan are considered to be major elements that will contribute to the implementation of the LDP Strategy as set out in the Plan i.e. the promotion of development and regeneration opportunities.

Policy SP 5 – Employment Requirements states that the LDP Strategy recognises the important role that the development of land for economic purposes can make to the economy of the Vale of Glamorgan and the wider region. Through the development of the St. Athan – Cardiff Airport Enterprise Zone, the Vale of Glamorgan will play an important role in promoting the future economic prosperity of the Capital Region.

Policy MG 9(2) – Employment Allocations states that three major employment sites have been allocated which seek to capitalise on the St Athan – Cardiff Airport Enterprise Zone (including the Aerospace Business Park at St. Athan and Cardiff Airport itself) and the proximity of the M4 motorway. These sites are specifically intended to cater for the needs of the aerospace industry and high-tech manufacturing, encouraging investment from the regional and sub-regional market place.

Policy MG10 – St. Athan Cardiff Airport Enterprise Zone sets out that the land adjacent to Cardiff Airport and Port Road, Rhoose (77ha) and at the aerospace business park at St. Athan is allocated for the development of strategic employment land (Classes B1, B2 and B8), forming part of the St. Athan – Cardiff Airport Enterprise Zone.

Policy MD14 states new employment proposals on existing and allocated sites will be supported for B1, B2 and B8 employment uses. This is also supported by Policy MD16 (Protection of existing employment sites and premises) which identifies the application site as an existing employment site.

Planning Policy Wales and TAN23- Economic Development echo these sentiments and support the strategic approach to directing industrial development to allocated employment sites.

The proposal seeks B1, B2 & B8 uses on a strategic employment site, which has been assessed and considered acceptable for these uses in the adoption process of the Local Development Plan. The uses would principally be aviation based to complement the existing uses and take advantage of airside facilities. The site has the potential to generate significant economic benefits for not just the Vale of Glamorgan but also the Capital Region and Wales as a whole in terms of direct and indirect employment opportunities.

Overall, the proposal would provide appropriate uses in compliance with policies SP2, SP5, MG9, MG10, MD14 & MD16 of the Adopted LDP 2011-2026.

Whilst the application has been submitted in part outline and partly in full, the applicant has found occupiers for the 'full' element of the proposal and is confident development proposals will follow for the reserved matters element. Notwithstanding this the application seeks a 10-year planning consent which is considered acceptable given the strategic nature of the site and current condition of the aviation industry following Coronavirus impacts.

As such, the proposal is considered acceptable in principle subject to the detail complying with the general criteria set out within policies MD1, MD2, MD4, MD7, MD8 & MD9 of the LDP. These issues will be considered further below.

Design and visual impact

MD2 (Design of New Development) requires proposals to be:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;

The application is part outline and part full and, therefore, the design and visual impact can only be considered (in any detail) in respect of the 'full' element. Nevertheless, the assessment of any future reserved matters/full applications for further phases of development will involve an appraisal of design and visual impact of those phases.

The application has been supported with details of the maximum dimensions of buildings in respect of the outline element with detailed plans and finishes of the proposed rub hangar. The character and context of the site is formed by former MOD buildings and airplane hangars. Immediately adjacent to the site lies the substantial Aston Martin Lagonda Factory which forms the immediate context. The development would be in a location which is predominantly industrial in character, with agricultural fields in the wider context beyond. The application is supported by a visual impact assessment, however, the site is not within any special landscape designation.

The height of the proposed buildings is indicated as being no more than 25 metres in respect of the outline elements and, while this would be potentially taller than the Aston Martin facility, it would not be significantly so and buildings of this scale (and of the likely appearance/design) would not be out of keeping with the industrial character of the surrounding area.

The rub hangar would measure approximately 18.2 metres in height and would be comparable with the other hangers in the vicinity of the site. The overall form, design and materials of the building would reflect the utilitarian design and finish of those nearby structures. This is considered acceptable in this type of context and would not be harmful to the character and appearance of this brownfield site or the wider area.

The plans also include a blast barrier along some of the boundary with Aston Martin, this would measure 4.2 metres high but would not generally be visible from wider public viewpoints outside of the site. The plans also include green mesh fencing along the internal road securing the site. The scale and design of this fencing is also considered appropriate for the setting of the site and would not harm visual amenity.

The proposal also includes a service road within the site, and while this has been granted planning permission under planning application 2019/00854/FUL, it is nevertheless proposed as part of this application. Given that it is within the site, replaces existing hardstanding and has already been granted planning permission, the aspect of the proposal is considered acceptable.

The submitted Landscape and Visual Impact Assessment (LVIA) considers the proposal from a number of local visual receptors and concludes that the areas most affected by the proposed development would be those in the immediate proximity of the site, with the road adjacent to the site experiencing the greatest change.

The LVIA considers that the effects on the nearby Lower Thaw Valley Special Landscape area and the Glamorgan Heritage Coast are negligible, though development will be partly visible in glimpsed views. The broadness of views would ensure that the development would not be a dominant feature and it would be viewed very much in the direct visual context of the existing hangars and MOD St Athan buildings.

Having considered the conclusions of the LVIA the LPA concur with the findings. Whilst the site is likely to be highly visible from the recently constructed Northern Access Road (NAR) the proposals would not be harmful to the visual amenities and would be read in conjunction with other similar buildings on site.

In addition, the applicant is in the process of commissioning public art for the site which includes 250 metres of art in the form of site fencing which would enhance the appearance of the site when viewed from the NAR.

As such, when taking into account the character of the area, it is considered that the proposed development would not have an unacceptable visual impact on the site or the surrounding area. Accordingly, it is considered that the visual impact of the proposal would be acceptable, complying with the requirements of policies MD1 and MD2 of the Adopted LDP 2011-2026.

Impact on neighbouring units

The neighbouring units relate to similar industrial and aviation uses and access would be via the same vehicular access from the NAR. Given the use of the neighbouring sites as employment land, it is generally accepted that the noises, traffic and odours that would be generated from the B1, B2 & B8 employment uses are compatible with other such similar uses. As such, the uses proposed within the employment site would not harmfully impact upon the adjoining units by virtue of the traffic generation, noise or odours. Moreover, whilst the proposed building and the rubbish hangar would be large, they would not impact upon any neighbouring buildings by way of being overbearing.

Impact upon amenity of neighbouring residential properties

Criterion 8 of Policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Amenity Standards.

In addition, Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

The site lies wholly within the existing employment land, albeit vacant and underused, and the nearest residential dwellings are located approximately 400m to the north east of the application site on Picketson Close.

The site is relatively divorced from neighbouring residential properties and there would be no significant impact on amenity from construction or day to day employment activities. It is envisaged that the recently constructed NAR would accommodate traffic travelling towards the west. Whilst the proposal may result in additional traffic travelling to the east towards residential properties, this would not be dissimilar to traffic associated with historic uses at the site and is not considered to result in harm by virtue of significant additional road noise.

A Construction Environmental Management Plan has been submitted that is considered acceptable by the Council's Environmental Health officer. The inclusion of this by way of condition will ensure that construction phase impacts are minimised as far as it practicable.

It is, therefore, considered that subject to conditions, there would not be an unacceptable impact on residential amenity in accordance with the requirements of policies MD1, MD2 and MD7 of the Adopted LDP 2011-2026.

Parking

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

The Council Parking Standards set out that for an industrial development of this scale, the applicant would need to provide car spaces and cycle parking spaces for the use of visitors and staff, alongside a dedicated servicing area.

The application has been supported by A Transport Assessment (TA) together with addendum notes. While definitive parking arrangements have not been shown in relation to the outline, the TA states that the parking provision which will be in accordance with the Council's SPG parking standards. The TA has based its calculations on 40,000 sqm floor area of B1, B2 & B8 uses, allowing parking for between 286 – 1,000 vehicles, 80-200 cycle parking spaces with an additional area (in the Western parcel) included to allow for overflow parking if required.

The exact number of spaces would be determined through the reserved matters applications when the specific details of the size of buildings and the nature of uses are known. At this outline stage it is only necessary to ensure that the site is of an adequate size to accommodate the likely parking needs. The Highways Engineer has confirmed that he is satisfied the site is capable of providing the necessary parking levels that the outline quantum of development could require

In respect of the rubb hangar, for which permission is sought in full, the submitted plans identify an area to the south east of the hangar which would provide a minimum of 30 parking spaces and a minimum of 5 cycle stands, which would satisfy the requirements of the SPG. Condition 22 requires the parking and cycle spaces to be provided prior to occupation of the phases.

Access and highway safety

The proposed road, which would serve as an internal service road only, would be accessed from an internal infrastructure road. The new junction onto this (which would be located well away from the NAR and would have adequate visibility and does not inherently cause any detriment to highway safety. Similarly, the overflow parking area would, if required, be accessed from the same existing internal road and this would not have an impact on highway safety on the public highway. Access to it can comfortably be designed to ensure it is a safe access in any case.

Traffic

The application is supported by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network and the likely number of car movements. Whilst the development would result in an increased number of traffic movements to and from this vacant site, the site is sustainably located on an existing employment site and is very accessible by the improved NAR as well as by public transport (bus) as well as a safe route by foot or on a bicycle.

The TA has assessed traffic impacts at a series of junctions, the scope of which was agreed with the Council's Highways Development section. Those junctions comprise (in addition to the NAR junctions):

- B2465 / Cowbridge Road roundabout;
- B4265 / Heol Pentre'r Cwrt roundabout;
- B4265 / Gileston Road crossroads; and,
- St Athan Road / Cowbridge Road junction.
- B4265 / Eglwys Brewis Road
- B4265/ Llanmaes Road

The TA has modelled the traffic generation for the development during the peak AM and PM hours, from the current day going forward to 2029 (factoring in likely background traffic growth). The TA also factors in the likely traffic impacts of other 'committed development' in the area. This includes the remainder of the employment allocations at Bro Tathan, the residential housing allocations accessed off the NAR and the approved residential development at Cowbridge Road (2016/01427/FUL). It is, therefore, considered that this provides a robust basis for traffic impacts to be assessed.

The TA has been reviewed by a consultant appointed by the Council's Highways Development section and this initially raised a number of queries regarding the assessment methodology. The subsequent dialogue (involving addendums being submitted) has resulted in the consultant not raising any objections to the development and the Council's Highways Engineer is also satisfied with the conclusions in the TA (and addendums).

In summary, the TA observes that this development would not result in any of the above junctions operating over capacity. It identifies that the Gileston crossroads junction would potentially operate over capacity when all of the committed development were built, and that mitigation works may therefore be required at that junction. However, this development alone would not require those works.

Officers have considered whether it would be appropriate to secure a contribution now which would be put towards the cost of mitigation works, given that this development would theoretically be responsible for a proportion of the traffic that may ultimately necessitate those works. However, given the relatively modest size of the development, and given that Welsh Government are the landowner of the vast majority of the committed development (as opposed to each parcel being owned by a different landowner) it is considered acceptable for contributions to be secured on later phases. This matter has been discussed with WG who acknowledge that there will be a duty to fund any works that the transport assessments shows up as being necessary.

Accordingly, it is considered that the TA demonstrates satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network.

Matters relating to sustainable transport modes/infrastructure are discussed below in the Section 106 section of the report.

Therefore, based on the above, it is considered that the proposals would not have a harmful impact upon the existing highway network, complying with the requirements of policies MD1, MD2, and MD7 of the Adopted LDP 2011-2026 and the Councils Adopted Parking Standards.

Ecological Impacts

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

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

Furthermore, policy MG21 'Sites of importance for nature conservation, regionally important geological and geomorphological sites and priority habitats and species' of the LDP requires that Development proposals likely to have an adverse impact on priority habitats and species will only be permitted where it can be demonstrated that:

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

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

The application is supported by an ecological survey presumably prepared in view of the wider development of the site. The report does not identify any habitat of high value or protected species being present within the proposed development area. However, it notes that there is potential for protected species to use the site as habitat. There is also no lighting scheme proposed as part of this application, and it is therefore considered appropriate to condition any proposed lighting for the site.

In addition to the supporting ecology survey, the agent has provided an Ecology Enhancement & Management Plan (EEMP), which identifies details of enhancement, and management of the site. This includes details of bird and bat boxes, which would help support and enhance the site's ecological value (whilst noting the limitations around the aviation industry).

The proposal is considered acceptable in respect of ecology matters, subject to a condition requiring the mitigation measures outlined in the EEMP being carried out.

As such, subject to this condition (25), the proposal is considered acceptable in respect of ecology matters, and would be in accordance with policies MG21, MD9 and the advice within the Biodiversity and Development SPG.

Drainage and Flooding

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

This site is not located in DAM zones at risk of tidal or fluvial flooding. However, any new developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to the SAB process in terms of surface water and the Council's Drainage Engineer has confirmed that SAB approval has been granted in respect of the 'Full' elements of the application. Details of drainage in any subsequent reserved matters application can be required by condition should the proposals not be subject to SAB approval.

Dwr Cymru Welsh Water have requested a condition restricting a connection to the public system until further modelling is undertaken and any subsequent improvement works (as

necessary) have been carried out. Therefore, subject to this condition, the proposal is considered acceptable in respect of foul drainage.

Archaeology/Historic Environment

Policy MD8 'Historic Environment' requires that development proposals must protect the qualities of the built and historic environment including criterion 4 that relates to the preservation or enhancement of archaeological remains and where appropriate their setting.

The application has been supported with desk-based assessment that concludes significant Roman settlement, structures and inhumations have been discovered to the east and there is the potential for similar remains to extend into the current development area. As a result, a geophysical survey was carried out by Headland Archaeology which identified two parallel features of potential archaeological origin. An archaeological field evaluation, also conducted by Headland Archaeology, recorded the two parallel ditches, possibly part of an enclosure. Significant disturbance and reduction of ground was identified across the site, likely associated with airfield construction and use. Due to the presence of a concentration of services, the northwest parcel of the proposed development area was not evaluated. As a result of these assessments Glamorgan Gwent Archaeological Trust (GGAT) as the Council's advisors requested a condition requiring further works in the form of a Watching Brief.

In an effort to commence works on site and avoid delays, the applicant has carried out a watching brief which concludes that *'due to the limited excavation depth required (removal of topsoil only) the watching brief afforded little opportunity for identifying archaeological deposits. The limited excavation depth does however afford protection to any archaeological deposits which may be present at this location.'*

The submitted watching brief only relates to the eastern part of the site and consequently there is still the need for further surveys on the western parcel. GGAT have agreed that the submitted watching brief sufficiently demonstrates that there are no archaeological features that require mitigation.

The supported documents have also considered the impact on Listed buildings in close proximity to the site and have noted that the closest Listed Building to the application site, the Grade II* Listed Church of St Brise is a located 0.42km to the north-east of the application site. However, there is no inter-visibility between the church and the application site due to the intervening buildings currently in use by Aston Martin, and vegetation. The proposed development is therefore deemed to cause no change to the setting of the asset or cause material harm to the asset.

The Grade II Listed Bethesda'r Fro Chapel is located 0.64km to the north-west of the application site, however there is no inter-visibility between the asset and the application site due to intervening vegetation. The proposed development is therefore deemed to cause no change to the setting of the asset or cause no material harm to the assets

The Scheduled West Orchard Manor House to the south-east of the application site, consists of the remains of a medieval manor house, comprising of a roughly rectangular area of turf covered in banks and mounds. This monument is located 0.69km to the south-east of the application site, however there is no inter-visibility between the asset and the

application site due to intervening vegetation and buildings from MOD St Athan. The proposed development is therefore deemed to cause no change to the setting of the asset or cause material harm to the asset.

Cadw have considered the submitted assessment and concur with its findings raising no objection to the proposal in respect of impact on heritage assets.

As such, the proposal is considered acceptable in respect of archaeological interests and is not considered to cause change to the setting of the historical assets close to the site or cause material harm in accordance with the aims of Policy MD8 of the Local Development Plan.

Land Contamination

The site has significant history of commercial/industrial uses and as a consequence the application has been supported with a Geo-environmental site assessment report. The site is located on a Principal Aquifer and, having assessed the proposal NRW have requested a number of conditions be imposed on any planning permission in relation to potential contamination at the site that could pose risk to controlled waters.

The Council's Contaminated Land officer has also requested a number of conditions relating to ground gasses and materials. Whilst the service road and rubble hangar have been considered free of contaminants, the 'outline' element of the site has not been surveyed and would need to be controlled by suitably worded conditions.

As such, subject to the requested conditions, the proposal could be considered acceptable in respect of land contamination.

Section 106 Matters

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the hybrid application (both full and outline application) and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

Full planning application based upon 2,500sqm of floorspace:

- Sustainable Transport = £2,300 per 100sqm = 25 x £57,500
- Training and Development = £6,725 or 5 trainees
- Public Open Space = 16sq.m. per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area. Alternatively, in the event that on-site provision is inappropriate, you will be required to pay a financial contribution of £1,150 per employee.
- Public Art – 1%

Outline application (up to 37,500sqm of floorspace):

- Sustainable Transport = £2,300 per 100sqm = 375 x 2300 = £862,500
- Training and Development = one trainee (£1255) per 500sqm of new floor space = £94,125 or 75 trainees

- Public Art – 1%
- Public Open Space = 16sq.m. per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area. Alternatively, in the event that on-site provision is inappropriate, you will be required to pay a financial contribution of £1,150 per employee.

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. LDP Policy MD4 recognises that it may not always be possible for developers to satisfy all planning obligations, due to development viability.

Development Viability

LDP Policy MD4, paragraphs 7.29-7.30 outline that where a developer contends that the S106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence.

A detailed Viability Appraisal has been prepared by Savills and submitted on behalf of the applicant, which has been reviewed by the Council's Property Section. To establish Gross Development Value (GDV), comparable evidence has been obtained and considered from the local and national industrial transactions as well as looking at similar airport business parks across the UK. Indicative build costs for the proposed development have been provided which include build costs for the permanent structure as well as site specific abnormal development costs. Allowances have been made for professional fees, contingency, marketing fees and finance. The Savills assessment concludes:

"It is clear given the significant infrastructure requirements at the site that the proposed development would not normally be considered viable in financial terms and therefore unable to justify additional cost burden including planning gain contributions. However, Bro Tathan is being developed as a strategic development priority for Welsh Government to enable inward investment and deliver significant job creation by creating the environment to encourage high quality occupiers to the area."

The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and minor adjustments would not make the development profitable without substantial government support.

Consequently, the applicant has offered the following "in kind" provision:

- Training and development: The applicant has advised that they will be providing training and opportunity site-wide at Bro Tathan, through the creation of a body known as the Wales Aerospace Apprenticeship Scheme (WAAS), which is an initiative seeking a level of demand from those organisations on site for apprentices. 31 apprentices have been enrolled onto the scheme to date, representing some 7% of the workforce across the site thus far. It demonstrates the specialisms that are required and recognised by those companies at St Athan and the residual demand for upskilling and training of all personnel. It is considered that this approach is comprehensive and represents a strategic approach to training and development across the St. Athan employment allocation, and therefore is acceptable. Condition 32 seeks additional information to be provided.

- Public Art: the applicant has advised that a significant public art commission is being progressed for the Y Porth area of the site, and a recently completed draft Development Brief for that area has been prepared. The 1% of build costs will be far exceeded by the value of the commission site-wide, the location and scale of which is intended to announce the Bro Tathan site at its entrance location. It is considered that this strategic approach to public art across the employment site is acceptable and could prevent public art being delivered “piece meal”. Details of the public art will be required via Condition 33.
- Public Open Space: the applicant has suggested that ‘airside’ development such as the current proposal at Keithrow is not an appropriate place to provide ‘public’ open space. The applicant has advised that Members of the public cannot access airside facilities for security and health and safety reasons, given the development is not in the public realm (i.e. it is airside development, adjacent to a working runway, inaccessible by the public). Officers consider that this justification is acceptable and considers that there will be other opportunities to incorporate public open space into the area, such as through the allocated residential development sites.

The applicant has not offered any provision to satisfy the obligation for sustainable transport, and cannot achieve any off-site financial contributions due to current viability of the site. National planning policy contained within PPW and TAN18 ‘Transport’ emphasise the need to reduce reliance on the private car and encourages developments to support a modal shift towards walking, cycling and public transport. It sets out that Planning Authorities must ensure development proposals seek to maximise the Active Travel objectives. LDP Policy MD2 and MD5 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.

It is acknowledged the new Northern Access Road and recent improvements to the B4265 provide access for walking and cycling to the peripheries of St. Athan and Llantwit Major, to Active Travel standards, and this new infrastructure is already well used and provides invaluable linkages. However, Active Travel improvements are still required to “complete” routes to key destinations, such as improvements to Llanmaes Road; the main route to Llantwit Major Train Station from B4264, and part of the NCN Route 88. Any off-site contribution would be used to enhance this route to provide off-carriageway walking/cycling infrastructure, to Active Travel standards. Furthermore, a contribution could also be used to:

- Support and subsidise bus services to serve the new employment area;
- enhance access to Llantwit Major train station and infrastructure at the station;
- Enhance walking, cycling and public transport infrastructure on Egwlys Brewis Road and Cowbridge Road, St. Athan; and
- the provision of walking, cycling and public transport infrastructure in an eastward direction beyond St. Athan towards Rhoose and Barry.

Viability review

In accordance with Welsh Government's advice regarding development viability, officers have considered viability review mechanisms for each part of the hybrid application.

Full application - it is understood that there is an end user and business waiting to occupy the proposed 2,500sqm rubb hangar (the full element of the hybrid application) and the applicant is hoping to complete this element of the scheme within this financial year (2020/21), subject to planning permission. Consequently, a viability review on this element of the development would be superfluous giving the timings.

Outline application - due to the relatively speculative nature of this part of the development, the detail has not yet been determined and so the build costs and abnormal assumptions have not been fully evidenced (and cost savings could be made in the long term which could make the development more viable). Further, whilst the development is not viable in the current market and based upon the current build costs, given that the permission could be implemented over several years (10 years proposed for the submission of the reserved matters), it is considered that a development viability review would be appropriate as inputs may change over this period. It is therefore recommended that a viability review is incorporated into the section 106 agreement.

Members will be aware that the site is part of the strategic allocation in the adopted LDP and has significant potential for local and regional benefits. It is clear that the site is of the utmost importance as part of the Enterprise Zone, having the potential to deliver a number of jobs and attract inward investment to the area. Consequently, officers have considered the reduced Section 106 package, and whilst there isn't any provision for sustainable transport, it is considered that the scheme is acceptable in terms of basic necessary access. This does not infer that contributions towards sustainable transport infrastructure are not justified and the viability review would ensure that any upward improvements in viability would be paid to the Council, with contributions being payable for sustainable transport.

Section 106 Agreement via condition

Members will be aware that Officers in most cases recommend a resolution to grant planning permission subject to a Section 106 agreement being signed. Section 106 agreements can be time consuming to complete as it requires searches, further legal negotiation and signatories. The applicant has stated that there could be implications to these processes as the construction of the full application (2,500sqm Rubb Hangar) would be delayed. The applicant has requested that given the exceptional nature of this development, the Council attach a condition to the planning permission that requires a Section 106 agreement to be entered into, prior to the commencement of anything after phase 1 (i.e.the land to which outline permission would be granted(37,500sqm).

It is recognised that PPW and the TANs do not explicitly recognise this as an approach. The Council's Legal Department has confirmed that this approach is recognised in national planning policy in England, and has confirmed that there may be exceptional circumstances where a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate, where there is clear evidence that the delivery of the development would otherwise be at serious risk.

Given the huge economic benefits of the permission and the timely implementation of the Rubb Hangar, and the strategic importance of the delivery of the Enterprise Zone, particularly in the current market where job creation is of paramount importance, such a mechanism is appropriate and accepted. This is an exceptional circumstance and it is unlikely to be appropriate for other development types generally.

Design out crime

On the issue of security across the site, the South Wales Police, Crime Prevention Design Advisor, has confirmed that there are no objections to the proposal. However, advice is provided on measures that can be undertaken to improve community safety, including perimeter fencing, gates & CCTV to name a few. These comments will be included as advisory notes to the applicant should planning permission be granted.

RECOMMENDATION

APPROVED subject to the following:

1. Prior to the first submission of reserved matters associated with the outline planning permission hereby approved, a Section 106 Agreement shall be entered that shall cover the following matters:
 - Each reserved matters application/development to be accompanied by a viability appraisal considering the viability of the subject of the reserved matters application;
 - A viability review upon 50% and 75% completion of the of the development, on the land identified and authorised under the outline part of the permission;
 - In the event that viability improves, and planning obligations can be sought, off-site contributions will be payable to the Council for one or more of the following: sustainable transport, training and development, Public Art, and Public Open Space

Reason:

To ensure that the impacts of the development are mitigated and to ensure compliance with Policies MD2 and MD4 of the LDP.

2. The development permitted in respect of the 'full' planning application relating to the service road, fencing, apron one and associated Rubb Hangar shall be begun before the expiration of five years from the date of this planning permission.

Reason:

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

3. Details of the layout, appearance, landscaping and scale (hereinafter called "the reserved matters") for elements of the development not referred to in condition 2 shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Any application for approval of the reserved matters for any phase of development shall be made to the Local Planning Authority not later than ten years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The development of any phase shall begin either before the expiration of twelve years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters relevant to that phase to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

6. The development shall be carried out in accordance with the following maximum scale parameters (for the development as a whole):

- Height 25m
- Length 100m
- Width 400m

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

- Application Site Boundary - A093950-2drg491A
- Outline Planning General Arrangement - 2484-BUR-GEN-ZZ-DR-C-0002-S2-P2- (Illustrative only)
- Full Planning General Arrangement - 2484-BUR-GEN-ZZ-DR-C-0001-S2-P4
- Construction Phasing General Arrangement - 2484-BUR-GEN-AP-DR-C-0003-S2-P4 (Illustrative only)
- Rubb Hanger Plans & Elevations - 2740-BUR-GEN-ZZ-DR-C-0001-S2-P3
- Rubb Hanger Pavement General Arrangement 2484-BUR-APV-TH-DR-C-0001-S2-P3
- Rubb Hanger General Arrangement 2484-BUR-AFE-AP-DR-C-0001-S2-P4

- Jet Blaster / Efflux Deflection Location General Arrangement -2808-BUR-GEN-AR-DR-C-0001-S2-P1.0
- Jet Blaster / Efflux Deflection Barrier Details - 2808-BUR-GEN-AR-DR-C-0050-t-S2-P1.0
- Permanent Fencing Details - 2484-BUR-AFE-AP-DR-C-0001-S2-P3
- Isopachyte Levels General Arrangement - 2484-BUR-GEN-AP-DR-C-0002-S2-P1.0
- Kerbs Footways and Paved Areas General Arrangement (service road)- 2484-BUR AKF-TH-DR-C-0001-S2-P3:
- Kerbs Footways and Paved Areas General Arrangement (access) - 2484-BUR-AKF-AR-DR-C-0001-A1-C2
- Kerbs Footways and Paved Areas Details - 2484-BUR-AKF-AR-DR-C-0050-A1-C2
- Access Road Pavement General Arrangement - 2484-BUR-APV-AR-DR-C-0001-A1-C1
- Access Road Isopachyte Cut & Fill General Arrangement – 2484-BUR-APV-AR-DR-C-0002-A1-C1
- Access Road Vehicle Tracking Arrangement - 2484-BUR-GEN-AR-DR-C-0002-A1-C2
- Access Road Pavement Construction Details - 2484-BUR-APV-AR-DR-C-0050-A1-C1
- Access Road Storm Water Drainage General Arrangement- 2484-BUR-ADG-AR-DR-C-0001-A1-C6
- Access Road Drainage Construction Details - 2484-BUR-ADG-AR-DR-C-0050 - A1-C4
- Building Height Parameters Received on 19/11/2019
- Demolition Plan Received on 19/11/2019
- David Clements Ecology - Ecology Enhancement & Management Plan (EEMP) Received on 17/8/2020
- WYG Technical Note 1 Received on 17/8/2020
- David Clements Ecology Assessment Received on 03/08/2020
- Archaeological Watching Brief Received on 15/06/2020
- Interpretive Ground Investigation Report dated 26 Aug 2020 Received on 27/08/2020
- Interpretive Ground Investigation Report v2 dated 29 Jan 2020 Received on 15/06/2020
- Interpretive Ground Investigation Report dated 13 Sep 2020 Received on 06/01/2020
- Additional Ground Investigation Report dated 4/12 Received on 06/01/2020
- Transport Assessment Addendum Report Received on 18/5/2020
- Transport Assessment Report Received on 19/11/2019
- Archaeological Desk-Based Assessment Rev VO Received on 22/11/20
- Construction Environment Management Plan (CEMP) Received on 17/09/20
- Construction Transport Management Plan Received on 17/09/2020
- Archaeological Evaluation Received on 20/12/2019
- Archaeological Watching Brief/Written Scheme of Investigation Received on 20/12/19
- Phase 1 Combined Geo-environmental & Geotechnical Assessment Desk Top Study Received on 22/11/2019
- Landscape & Visual Impact Appraisal Received on 22/11/2019
- Geophysical Survey Received on 22/11/2019
- Archaeological Desk-Based Assessment Received on 22/11/2019

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.

8. No employment floorspace above 2,500 sqm gross internal area shall be erected on site until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy MD7 of the Local Development Plan.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system 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 MD1 & MD7 of the Local Development Plan.

10. Prior to the commencement of each phase of development (excluding rubbish hangar/apron 1 development) a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the relevant phase of development shall be submitted to and approved in writing to the LPA. If no protection measures are required then no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas

Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

11. Prior to the commencement of each phase of development (excluding rubbish hangar/apron 1 development) an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

(i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as recommended by the Phase 1 Combined Geo-environmental & Geotechnical Assessment Desktop Study (WYG, 05 August 2019)

(ii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified in the Phase 1 Combined Geo-environmental & Geotechnical Assessment Desktop Study (WYG, 05 August 2019).

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

12. Prior to the commencement of each phase of development (excluding rubble hangar/apron 1 development) a detailed remediation scheme and verification plan to bring the site of each phase to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The schemes must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

13. The remediation schemes approved by condition 12 must be fully undertaken in accordance with their terms prior to the occupation of any part of the development covered by the relevant remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

15. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and 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 and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

16. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material 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 and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

17. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

18. The construction works relating to the full elements of this planning permission shall be carried out in accordance with the Construction Environment Management Plan (CEMP) received on 17 September 2020 unless the Local Planning Authority gives prior written consent to any variation. The elements of the development which hereby receive planning permission shall be carried out in accordance with a CEMP that shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on the phase it relates to.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policy MD2 and MD7 of the Local Development Plan.

19. The construction works relating to the full elements of this planning permission shall be carried out in accordance with the Amended Bro Tathan Construction Transport Management Plan (CTMP) received on 17 September 2020. The elements of the development which hereby receive planning permission shall be carried out in accordance with a CTMP that shall be submitted to and approved in writing by the

Local Planning Authority, prior to the commencement of development on the phase it relates to.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policy MD2 and MD7 of the Local Development Plan.

20. Prior to the commencement of development on the western parcel of the site, a programme of archaeological work and documentation shall be fully implemented and completed as defined within the Written Scheme of Investigation ref: A093950-2 dated 17 Dec 2019.

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

21. Prior to occupation of the rubble hangar hereby approved a scheme of landscaping (and landscaping management) shall be submitted to and approved in writing by the Local Planning Authority. 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 building; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

22. The internal roads, parking and turning area for each phase of outline development shall be completed in accordance with details that shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the phase of development they relate to and they shall remain available to serve the occupants 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.

23. Prior to the first beneficial occupation of any phase of development hereby approved, a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policy MD2 of the Local Development Plan

24. The rubb hangar development hereby approved shall not be occupied until facilities for secure cycle storage has been provided in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority, and they shall be retained in perpetuity.

Reason:

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

25. The development hereby approved shall be carried out in accordance with the details specified in the submitted Ecology Enhancement & Management Plan (EEMP) dated August 2020 with the proposed mitigation measures being implemented within 6 months of the date of completion of the rubb hanger. The site shall thereafter be managed in accordance with the approved EEMP.

Reason:

In the interests of ecology at the site and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) of the Local Development Plan.

26. Prior to the first beneficial occupation of each phase of the development, full details of the proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of that phase of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policy MD9 of the Local Development Plan.

27. Prior to each phase of development, (excluding the rubbish hangar/apron 1 development) on land known to be / suspected of contamination, the following components of a scheme to deal with the risks associated with contamination of the relevant phase, shall be submitted to and approved in writing by the Local Planning Authority.
1. The results of the site investigation and the detailed risk assessment referred to in "Bro Tathan – Keithrow Development Site; Interpretive Ground Investigation Report" (WYG Environment Planning Transport Limited, Job number: A093950-21, January 2020), based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 2. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (1) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

28. Prior to the occupation of each phase of development, (excluding the rubbish hangar/apron 1 development) a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation relevant to that phase shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason:

To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been

remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

29. Prior to the occupation of each phase of development, a long term monitoring plan for land contamination shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

Details of the methods and triggers for action to be undertaken

Timescales for the long term monitoring and curtailment mechanisms e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required (for 1 years)

Timescales for submission of monitoring reports to the LPA e.g. annually

Details of any necessary contingency and remedial actions and timescales for actions

Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

A long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on controlled waters and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

30. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason:

To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

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

Reason:

To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

32. Prior to the first beneficial occupation/use of any building (excluding the rubb hangar) further details of training and development opportunities associated with the development hereby approved (including details of their timing) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented.

Reason:

In order to ensure compliance with policy MD4 of the LDP.

33. Prior to the first beneficial occupation/use of any building (excluding the rubb hangar) further details of a scheme of public art associated with the development hereby approved (including details of the timing of implementation)) shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented.

Reason:

In order to ensure compliance with policy MD4 of the LDP.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP2 – Strategic Sites, SP5- Employment Requirements, SP10 – Built and Natural Environment, MG9 – Employment Allocations, MG10 – St Athan – Cardiff Airport Enterprise Zone, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MD1 – Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 – Promoting Biodiversity, MD14 - New Employment Proposals & MD16 - Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Local Development Plan 2011 – 2026, the national policies and guidance within Planning Policy Wales Ed.10, TAN4 – Retailing and Commercial Development, TAN 5 – Nature Conservation, TAN11 - Noise, TAN12 – Design, TAN23 – Economic Development, TAN 24 – The Historic Environment as well as Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Residential and Householder

Development, Parking Standards, Travel Plan and Trees, Woodlands, Hedgerow and Development it is considered that the proposal represents an acceptable form of development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the wider area, while also having no unacceptable impacts on highway safety, biodiversity, archaeology, drainage and flooding, contamination, impact on neighbouring properties and commercial uses and parking and highway safety.

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

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

NOTE:

1. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

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

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

2. Secured by design has been shown to reduce crime risks by up to 75 % further information about this can be found on www.securedbydesign.com. South Wales Police welcome the opportunity to work with developers to achieve Secured by Design on the proposed developments. The applicant is advised to contact Gwyn Batten at South Wales Police on 01656 761888 to ensure that the development complies with Secured by Design Standards.

The applicant should consider the following to reduce the risk of crime.

- 1) Ensure that a perimeter fence at least 2.4m high and of light coloured weld mesh construction is erected to posts with galvanised fixings on the inside of the posts that securely attach the weldmesh and that are embedded in concrete (LPS 1175:ISSUE 7, SECURITY RATING 2)
- 2) Gated entrance with a gate to the same height as the fence. The gates should free from foot holds that can be used to climb and to LPS 1175: ISSUE 7, SECURITY RATING 2 standard.
- 3) An appropriate access control system is installed – this could be by means of gate house during the day or automatic gates operated by key/ card/manual control.
- 4) CCTV system that is capable of recording and retaining information of evidential quality for a minimum of 30 days. Reason: to control those coming in and out of development and reduce the risk of crime and offer appropriate levels of security.
- 5) Install clear signage. Reason: giving direction as to the public / private areas of the site.
- 6) Design paths that are straight and well lit. Any planting near paths should be managed and be of a type that is slow growing with a low mature height of no more than 1m. Reason: To make those using the site to feel safe whilst walking around, particularly at night.
- 7) Produce a scheme work of lighting produced for the whole site. This should be approved by The Vale of Glamorgan council and appropriate for this site.
- 8) Configuring buildings to maximise natural surveillance. Designing out any recessed areas. Reason: During quiet times e.g. over the weekend this could leave the development vulnerable to burglary/ theft.
- 9) Building shell/roof security is important as the site is remote and could be prone to criminal attack during the night/ weekends. If lightweight construction is being considered reinforced lining such as welded steel mesh can enhance the security of the building. All doors and windows to LPS 1175:issue 7 SR 2. Roller shutter and grilles can provide additional protection to internal and external doors and windows, the minimum standard would be to LPS 1175: ISSUE 7 SECURITY RATING 1. Reason: To reduce the risk of burglary.
- 10) Install an access control system for each unit. Reason: To reduce the risk of theft
- 11) Install intruder alarm systems to the following standard: LPS 1602 ISSUE 1.0: 2005
- 12) Depending on what is being stored in the premise consideration should also be given to SAFES and STRONGROOMS certified to LPS 1183: ISSUE 4.2

13) There should be a management plan in place. If there are multiple users on this site a suitable plan should be in place that clearly defines key areas such as security, access control, vetting of staff, general safety on site etc.

14) Install a secure waste storage that is lockable – with a pin code lock
Reduce: littering/ instances of arson.

15) The documents refer to the site being accessible to cyclist – A cycle stand should be in overlooked by occupied offices. Bicycles should facilitate the locking of both wheels and the crossbar, be of galvanised steel construction and have a minimum depth of 300mm with a welded anchor bar.
Reason: Reduce risk of theft.

16) Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.

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

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

4. The applicant is advised to contact Dwr Cymru Welsh Water Developer Services at an early stage to discuss water supply to the site due to potential water supply problems.

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. The applicant is advised to:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with

land affected by contamination.

2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

3. Refer to the Environment Agency's (2018) 'Approach to Groundwater Protection'

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit.

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, Natural Resources Wales should be contacted for advice at an early stage to avoid any delays.

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.



Bro Tathan
Y Gorllewin West
Keithrow
Application site boundary
491
 revision A

Key

- Application site boundary (8.41 ha)
- Other land in the applicant's control
- Access point

2019 01260 HYB



0 50 100 150 200 250 metres
 Scale 1:4,000@A3
 A093950-2drg491 revision A
 12 May 2020
 File: A093950-2 v15.wvk

creative minds safe hands

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2019/01371/RES Received on 27 August 2020

APPLICANT: Barry Waterfront Consortium, C/o Agent

AGENT: Mr Darryl Rowlands Whitehead Chartered Surveyors, Creative Quarter, Morgan Arcade, Cardiff, CF101AF

East Quay Public Open Space, Barry Waterfront

Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO)

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 Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

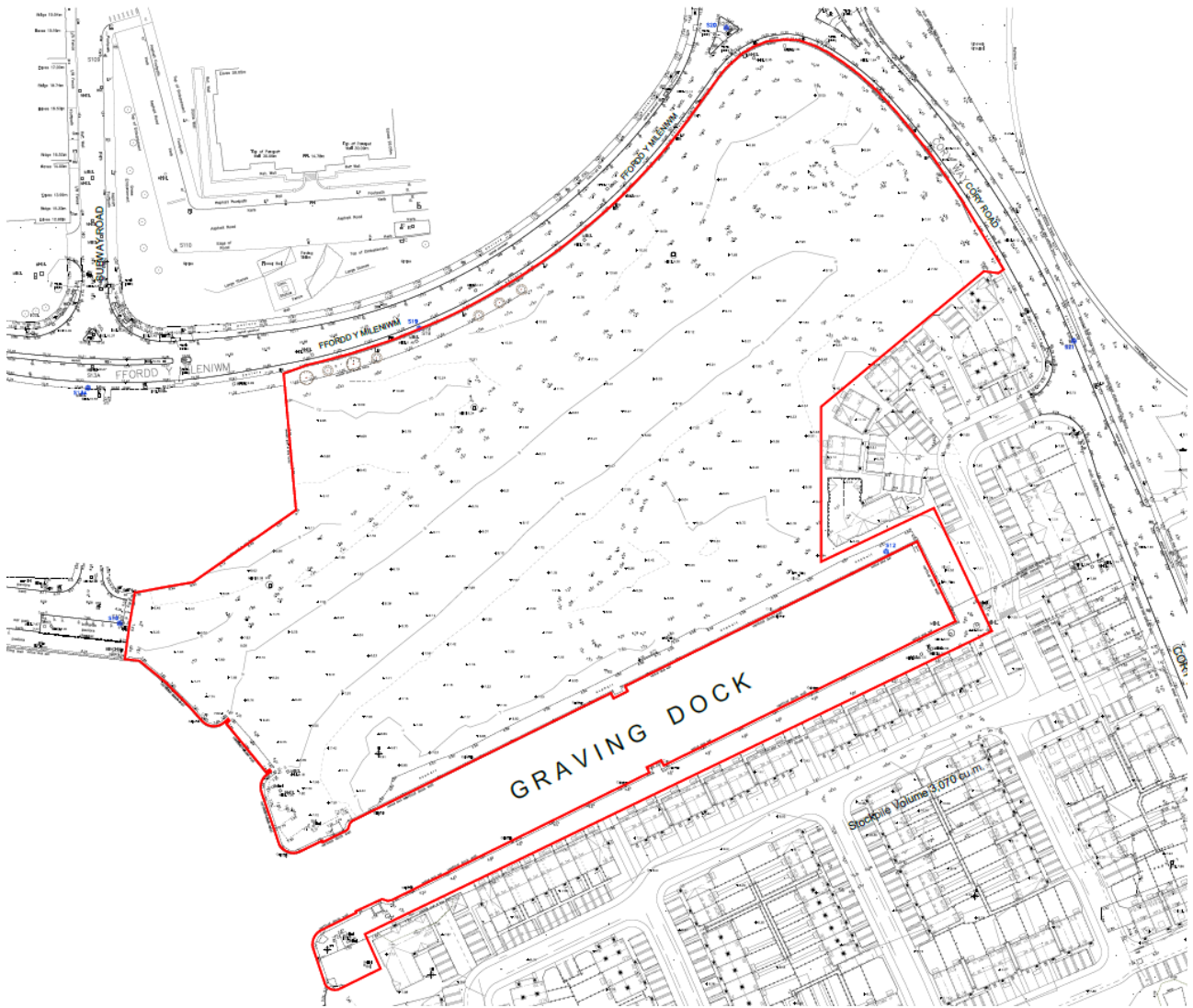
EXECUTIVE SUMMARY

This a reserved matters application for a new public park on land at East Quay, Barry Waterfront. The development comprises various grassed areas, connective pathways, a large play area and a new paved public walkway around the graving dock.

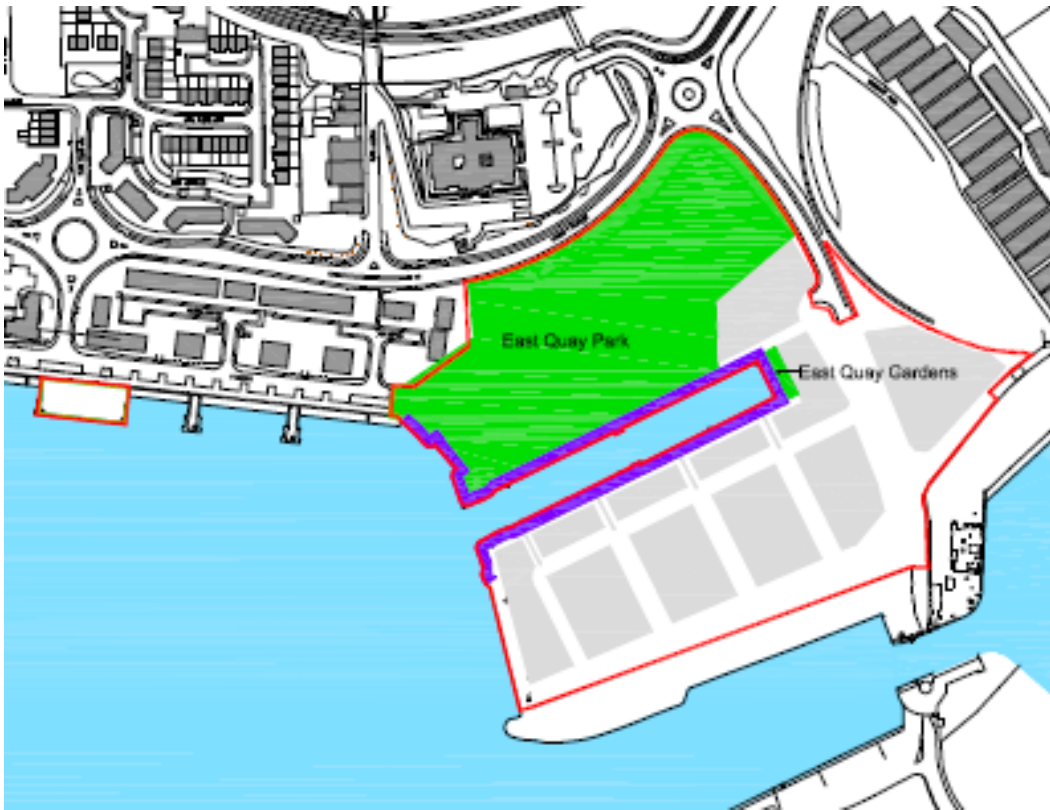
The main issues for consideration are whether the development complies with the outline parameter plans, the design and layout of the development, pedestrian connectivity, the quality and size of the play areas and the composition of planting. There has been no objections received and the development is recommended for approval.

SITE AND CONTEXT

The application site is part of the area of land known as East Quay, Barry Waterfront. The application relates specifically to the northern part of East Quay as shown on the plan below:



The land is allocated for open space in the Council's Local Development Plan and it has outline planning permission for this type of use (see applications 2009/00946/OUT and 2014/00229/EAO). The image below is an extract of the approved open space parameter plan from the 2009 application:



The site is adjoined to the north by Ffordd Y Milleniwm, to the east by Cory Way, to the west by the main dock and existing residential developments on Y Rhodfa, and to the south by the graving dock.

Wider context beyond includes the Barry Biomass plant and a large industrial area further to the east, the Council's Dock Office to the north and the allocated residential parts of East Quay to the south.

DESCRIPTION OF DEVELOPMENT

This is a reserved matters planning application for a public park at East Quay. The site is approximately 2.5 hectares in size and the proposed layout is shown on the plan below:



The main elements of the layout are as follows:

- A 6m-7m wide block paved public walkway around the graving dock.
- Large areas of amenity grass open space.
- Areas of flowering lawn, meadow grass and planted bulbs.
- A network of connecting paths linking within the site and from Y Rhodfa to Cory Way.
- A principal tree lined path lined with benches.
- A circular pathway leading to a central seating area with enclosure.
- An area of picnic benches
- A new equipped play area (a Local Equipped Area of Play (LEAP) and 2 Local Areas of Play (LAPs) consolidated into one comprehensive space).
- Mounding and landforms.

PLANNING HISTORY

2009/00946/OUT: 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, Decision: Approved

2014/00229/EAO, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Barry, Proposal: Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the 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, Decision: Approved

2019/01371/RES, Address: East Quay Public Open Space, Barry Waterfront, Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO), Decision: Un-determined.

2019/01384/RES, Address: Land known as East Quay, Barry Waterfront, Barry, Proposal: Approval is sought for the appearance, landscaping, layout and scale (the Reserve Matters) as prescribed by Condition 4 of the Outline Planning Permission (2019/00229/EAO) for East Quay, which comprises of a residential development of 62 dwellings with associated works, Decision: Un-determined.

2019/01385/RES, Address: Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock), Proposal: Reserved matters submission for 56 dwellings at East Quay Barry Waterfront (2009/00946/OUT), Decision: Un-determined.

2019/01386/RES, Address: Development land at East Quay, Barry Waterfront (to East of Cory Way), Proposal: Approval is sought for the layout, appearance, scale landscaping for a 3-storey apartment block, the Reserved Matters of Planning Permission ref. 2009/00946/OUT, Decision: Un-determined.

2019/01393/RES, Address: Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock), Proposal: Reserved matters submission for 58 dwellings and one A3 retail unit. Decision: Un-determined.

CONSULTATIONS

Barry Town Council *objects to the scheme as it is believed it will be undertaken and controlled by a private company and the landscaped areas will not be adopted by the Vale of Glamorgan Council. This is unsatisfactory situation must be resolved by the Vale of Glamorgan Council prior to development commencing on site.*

Local ward members- The application has been called in to Planning Committee by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

REPRESENTATIONS

The neighbouring properties were consulted, a site notice was displayed and the development has been advertised in the press. No representations have been received.

REPORT

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP2 – STRATEGIC SITES

Managing Growth Policies:

POLICY MG3 – STRATEGIC SITE AT BARRY WATERFRONT

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD3- PROVISION FOR OPEN SPACE
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD9- PROMOTING BIODIVERSITY

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

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 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Biodiversity and Development
- Trees, Woodlands, Hedgerows and Development

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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.

Welsh National Marine Plan:

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

Issues

General Compliance with Masterplan

Condition 6 of permission ref. 2014/00229/EAO requires the reserved matters submissions to be in substantial accordance with the parameter plans accompanying the planning application (save in respect of the Arno Quay part of the development).

As shown on the plan above, the site area corresponds with the area shown on the parameter plan and in this respect, the development would be fundamentally in compliance with the requirements of this condition.

The image below is taken from the Design and Access Statement (DAS) which was approved with the outline application:



While the detail of the layout differs, the fundamental items (the play area, grassed open space, the public walkway around the dock, etc) are part of these detailed plans and it is considered that this proposal accords with the outline parameter plan and DAS as far as would be expected.

Design, layout and landscaping

The park, as a whole, would be split into clearly defined spaces. This would be achieved by the network of paths, the different types of grasses and landscaping, and the trees which would help to give structure to different areas.

The main soft landscaped park area would be adjoined by a wide strip of block paved public realm which would wrap around the west and south sides of the park and then around the graving dock. This walkway would provide a wide and attractive length of public realm that would encourage pedestrian journeys and would help residents and visitors enjoy the waterside environment. Benches at regular intervals would give ample opportunity for users of the area to stop and rest.

The remainder of the park would comprise an interesting and varied space, which would give opportunities for more formal play in the enclosed play area, informal play and sitting out within the large circular area of amenity grass, and a number of routes to enjoy walks.

Curved mounding around the circular amenity grass area and the curved walkway would give the land form more visual interest and this design/pattern would be supplemented by corresponding areas of different grass types. There would be a mix of shorter more closely maintained amenity grass and longer meadow grass, and this would help to create distinct character areas that would add to the appearance and visual appeal of the park as a whole. The longer meadow grass areas would be edge by 1m more closely mown strips, which would emphasise the planned nature of these longer grasses and would keep them away from the paths. Bulb planting would deliver areas that flower and this, along with the

large flowering lawn, would further benefit the appearance and attractiveness of the park. This aspect of the scheme has been amended several time, with bulb densities increased to ensure more substantial areas of flower.

The curved walkway in the western part of the site would be an interesting feature and the area at the centre would, by virtue of its design and raised level, be an appreciable focal point. The applicant has committed to a form of enclosure/structure (such as a pergola) to formalise the space, and this is required by condition 8.

A significant number of additional trees have been added to the plans since the original submissions and as noted above, these would give good structure to the spaces- the principal walkway, the flowering lawn and the central circular amenity grass area in particular. Details of the species and sizes have not been submitted and therefore this is required by condition 4.

Taken together, and subject to the above referenced conditions, it is considered that the design and layout will provide a high quality area of open space, complying with the above listed policies.

Play space

The Section 106 Legal Agreement with the outline application requires 1 Neighbourhood Equipped Area for Play (NEAP), 2 Local Equipped Areas for Play (LEAPs) and 11 Local Areas for Play (LAPs). Taking into account the NEAP, LEAP and 9 LAPs approved on other phases, there remains 1 LEAP and 2 LAPs to be provided.

The proposals seek to combine the LEAP and 2 LAPs into one space, rather than have three separate spaces around the park. This is considered to be the most appropriate approach and it would result in one comprehensive consolidated area. The play space has been significantly improved since the original discussions with the applicant, whereby the quality and quantity of the pieces of equipment have now been markedly increased. The area would, given its size and the number of pieces of equipment, at least equate to that which would be expected in a LEAP and 2 LAPs.

The plans below show the play area:





The play area would represent an alternative and equally high quality play option to the NEAP that lies adjacent to the Barry Island link road, and this would be very well placed to serve existing and future residents that live in the eastern half of the Waterfront.

The area of picnic benches is logically located and would allow parents/guardians to oversee play from close quarters while resting on those benches and/or having lunch.

Boundary treatments

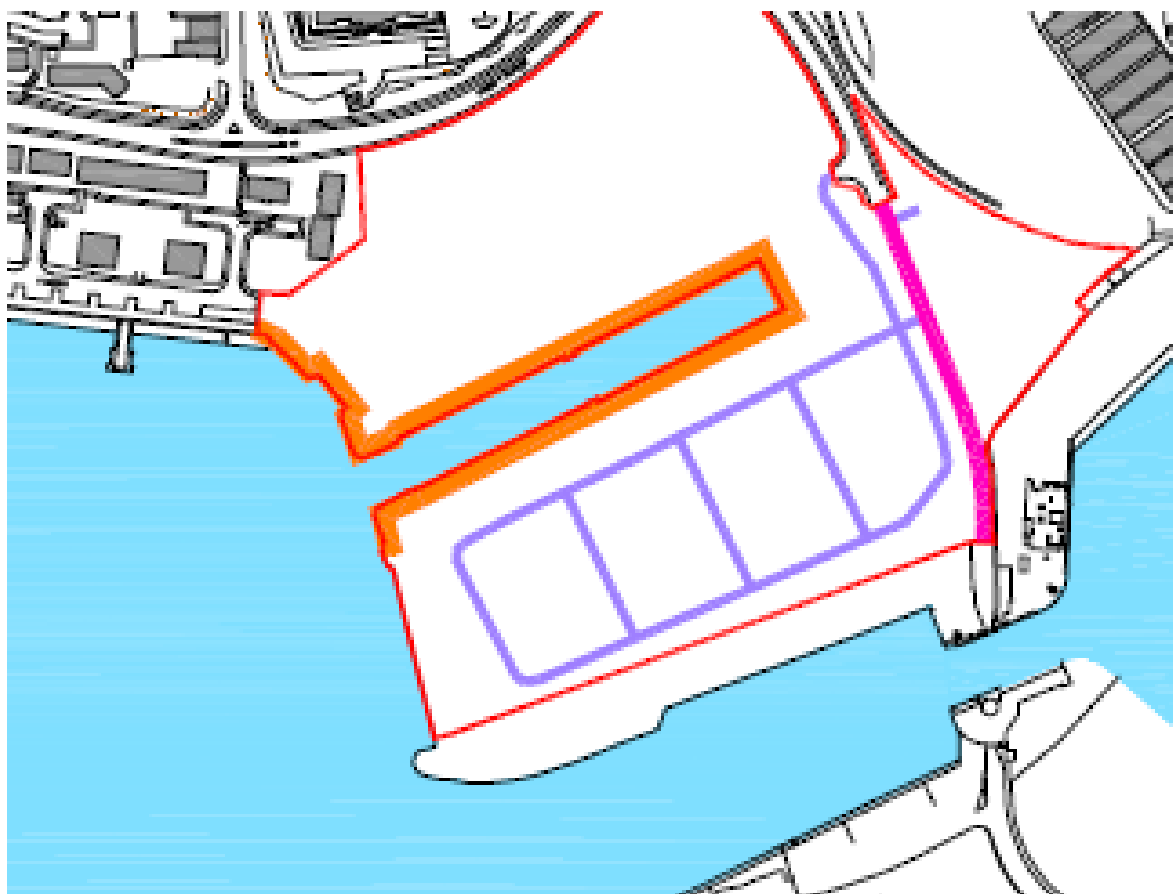
The submitted plans indicate a generally open layout within the park. The play space would be enclosed by 1.2m high railings, however, the enclosures for the site boundaries are not clear. Consequently, these details are required by condition 2.

Access, connectivity and parking

There is no vehicular access to the park, other than for maintenance vehicles who could access the public realm along the water's edge. There is no parking provided specifically for the park, however, neither is there for the NEAP at the opposite end of the Waterfront, or for any other area of open space within the wider outline application site. It is anticipated that the majority of journeys would be made on foot or by bicycle, however, if visitors did arrive by car they would be able to park on street on Y Rhodfa or potentially Cory Way. There is fundamentally not space for a car park to be provided and this was not part of the outline approval; furthermore, it would not be appropriate to encourage residents to prioritise car borne trips to the park where other options are available.

The pathways would provide strong connectivity for pedestrians and cyclists from Y Rhodfa to Cory Way, and the development would also open up the park and Waterfront to people arriving from east of the site along Ffordd Y Milleniwm.

The image below is an extract from the outline Movement Parameter Plan and it is evident that the development complies (and goes further) than this plan (orange denoting a pedestrian cycle route):



There would be several links through the park between the principal lateral route and the public realm adjacent to the graving dock and this would result in a strong degree of pedestrian permeability.

Drainage

Comprehensive drainage conditions were attached to the outline permission and, therefore, it is not necessary to repeat drainage conditions here. However, the applicant is reminded of these conditions by way of an informative.

Matters relating to the outline consent and the timing of the district centre

Other matters including drainage, remediation of contaminated land, a Construction Environmental Management Plan and traffic management remain controlled by conditions on the outline permission.

Barry Town Council objection

While the Town Council's objections have been considered, the objection to a private management company is not considered to warrant the refusal. Condition 5 requires a management and maintenance plan which would ensure that the Council retain control over this. Failure to adhere to an approved plan would be an enforceable matter.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

- Sunshine Playground Barry Waterfront LEAP and 2 X LAP document- received 4/8/20.
- plans edp4490_d018d sheets 1-6

Reason:

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

2. Notwithstanding the submitted plans, further details of all means of enclosure within and defining the boundary of the site (to include their colour) shall be submitted to and approved in writing by the Local Planning Authority prior to their erection / construction and prior to any part of the site being opened for public use. The means of enclosure shall be erected prior to any public use of the part of the site that those enclosures relate to and retained at all times in accordance with the approved details.

Reason:

In the interests of visual amenity, public safety and compliance with Policy MD2 of the LDP.

3. Notwithstanding the submitted plans, prior to the installation of any bins, benches and picnic benches, further details of the appearance of those bins, benches and picnic benches shall be submitted to and approved in writing by the Local Planning Authority. Those items of seating shall be erected/sited within the land prior to the site being opened for public use and so retained at all times thereafter.

Reason:

In order to ensure a quality form of open space is delivered and to ensure compliance with Policies SP1 and MD2 of the LDP.

4. Notwithstanding the submitted plans and prior to their planting (and prior to the public open space first being opened for public use), further details of the planting mix (including all trees, shrubs, bulbs (including numbers per sq. metre), grassed areas etc) shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure compliance with Policy MD2 of the LDP.

5. A landscape implementation and management plan, including management responsibilities and maintenance schedules for all landscaped areas (and details of the timing of the implementation of the landscaping scheme to be approved by condition 4), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of any dwelling on East Quay. The landscape implementation and management plan shall be carried out as approved at all times thereafter.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. Prior to the installation of any lighting and prior to the open space being opened for public use, details of the lighting of the park shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed prior to the open space being opened for public use and it shall be so retained at all times thereafter.

Reason:

In order to ensure that the spaces are adequately lit and to ensure compliance with policy MD2 of the LDP.

7. Notwithstanding the submitted plans, prior to the laying out of the hard surfaces, further details (to include colours and the pattern/design) of the surfacing materials of the pathways and public realm around the graving dock shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of ensuring a high quality open space and to ensure compliance with policies SP1 and MD2 of the LDP.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1– Delivering The Strategy; SP2 – Strategic Sites: MG3 – Strategic Site at Barry Waterfront: MD1 – Location Of New Development; MD2 – Design Of New Development; MD3 – Provision For Open Space; MD5 – Development Within Settlement Boundaries and MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in PPW and Technical Advice Note 12, it is considered that the proposed development is acceptable in principle and in terms of design, layout, pedestrian connectivity and play opportunities.

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

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

NOTE:

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

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

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

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

Site Boundary

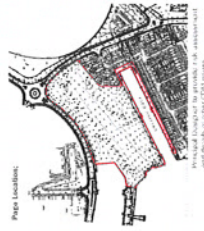


Table with 2 columns: Item, Description. Includes details like 'Project Title', 'Project No.', 'Date', 'Scale', 'Author', 'Check', 'Date', 'Scale', 'Author', 'Check', 'Date', 'Scale'.

Department of Planning
Whitehead Allen

Project Title
Barry Waterfront

Project No.
Site Boundary Plan

Author
11 OCTOBER 2019

Checked By
12/01/19

Date
12/01/19

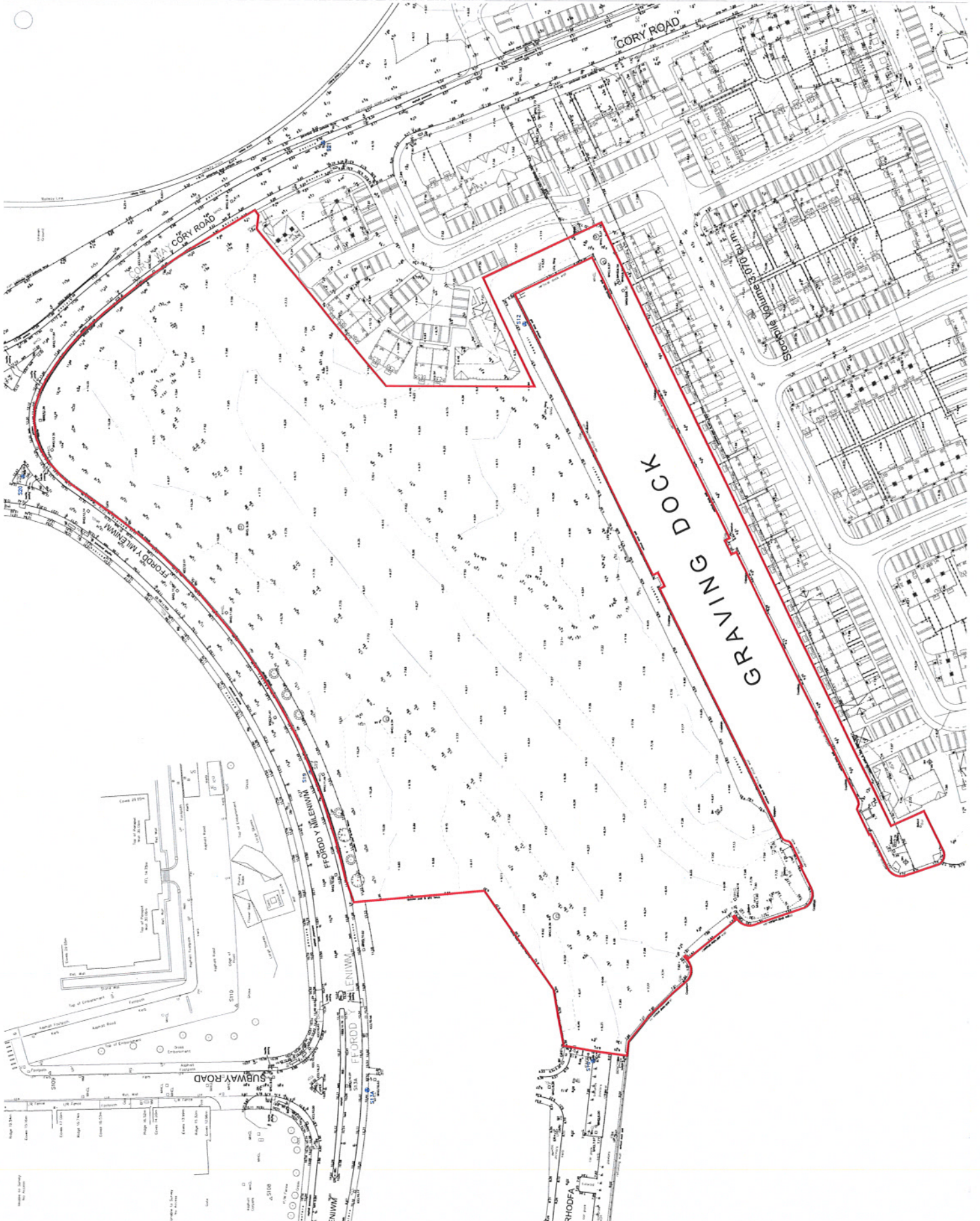
Scale

Author

Check

Date

Page 1 of 1
the environmental
dimension partnership
Registered office: 01205 746217 www.e-dimension.com



2019/01393/RES Received on 18 August 2020

APPLICANT: Taylor Wimpey South Wales, Eastern Business Park, Building 2, Wern Fawr Lane, St Mellons, Cardiff, CF3 5EA

AGENT: Mark Farrow First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL

East Quay, Barry Waterfront, Barry

Residential development for 58 units, together with single retail unit and all associated engineering works.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

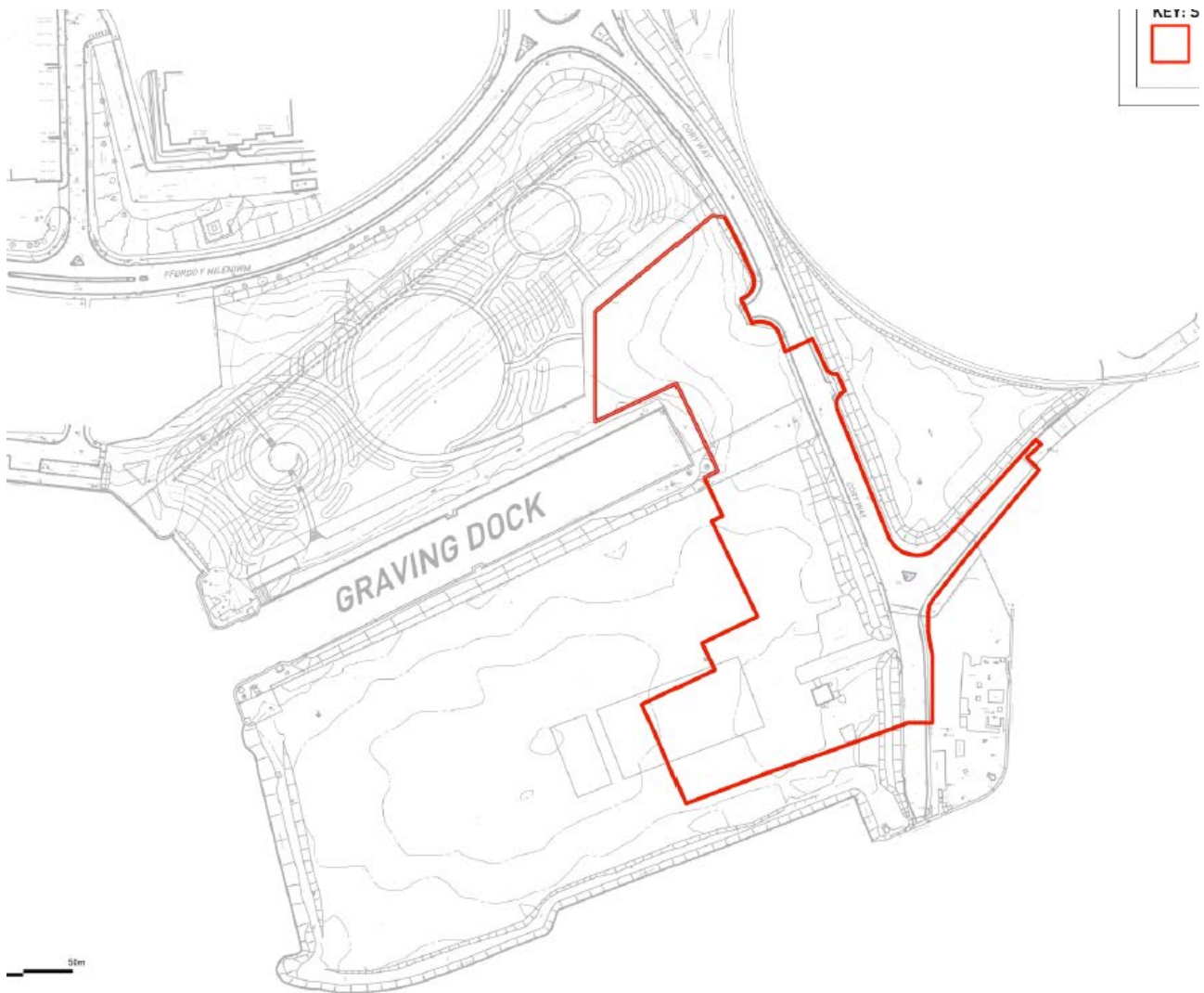
EXECUTIVE SUMMARY

This a reserved matters application for the residential development of a parcel of land at East Quay, Barry Waterfront. The development comprises 58 residential units and 1 class A3 retail unit. The development would comprise a mix of 2, 3 and 4 bedroomed dwellings and flats, whereby 49 are market units and 9 would be affordable (9no. 2 bedroom social rented flats).

The main issues for consideration are the design and layout of the development, parking and highway safety, and residential amenity. There have been no objections received and the development is recommended for approval.

SITE AND CONTEXT

The application site is part of the area of land known as East Quay, Barry Waterfront. The application relates specifically to the eastern part of East Quay and it lies adjacent to Cory Way. The site's location is shown on the plan below. This parcel of land is owned by Taylor Wimpey.



The land is allocated for housing in the Council’s Local Development Plan and it has outline planning permission for residential development (see applications 2009/00946/OUT and 2014/00229/EAO). The site is adjoined to the north by the site of planning application 2019/01371/RES (for a park/public open space) and to the west by the proposed park land and further parts of the residential housing allocation (see applications 2019/01384/RES and 2019/01385/RES). The triangular parcel of land across Cory Way is the subject of a current (as yet un-determined) application for an extra care affordable housing scheme (2019/01386/RES). Members will note that application is not being reported to this Committee meeting at the request of the applicant. Further areas of Barry Dock (which lie outside of the Waterfront regeneration area covered by the above outline applications) lie to the south. Wider context beyond includes the Barry Biomass plant and a large industrial area further to the east and the Council’s Dock Office to the north across Ffordd Y Milleniwm.

DESCRIPTION OF DEVELOPMENT

This is a reserved matters planning application for 58 residential units and one class A3 retail unit. The application is associated with outline permission 2014/00229/EAO (which is an amendment to the original outline permission 2009/00946/OUT).

The plan below shows the layout of the proposed development:



The development would mainly comprise a mix of two and three storey dwellings in semi-detached pairs or terraced rows. There is also a four storey building proposed in the northern part of the site, which would accommodate 9 x 2 bedroom flats and an A3 retail space (café/bar/restaurant). There would be three floors of accommodation, with the parking undercroft.

The street scenes below show the composition of the respective building lines:



The plan below is the proposed apartment block that would be facing the proposed park:



The 58 units would be made up of 49 market dwellings (2, 3 and 4 bedrooms) and 9 social rented affordable flats (2 bedrooms each).

PLANNING HISTORY

2009/00946/OUT: 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, Decision: Approved

2014/00229/EAO, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Barry, Proposal: Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the 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, Decision: Approved

2019/01371/RES, Address: East Quay Public Open Space, Barry Waterfront, Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO), Decision: Un-determined.

2019/01384/RES, Address: Land known as East Quay, Barry Waterfront, Barry, Proposal: Approval is sought for the appearance, landscaping, layout and scale (the Reserved Matters) as prescribed by Condition 4 of the Outline Planning Permission (2019/00229/EAO) for East Quay, which comprises of a residential development of 62 dwellings with associated works, Decision: Un-determined.

2019/01385/RES, Address: Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock), Proposal: Reserved matters submission for 56 dwellings at East Quay Barry Waterfront (2009/00946/OUT), Decision: Un-determined.

2019/01386/RES, Address: Development land at East Quay, Barry Waterfront (to East of Cory Way), Proposal: Approval is sought for the layout, appearance, scale landscaping for a 3-storey apartment block, the Reserved Matters of Planning Permission ref. 2009/00946/OUT, Decision: Un-determined.

CONSULTATIONS

Barry Town Council *objects to the above scheme for the following reasons; 1. Inadequate car parking provision for both residents and visitors. 2. Unacceptable landscaping schemes which could adversely affect the integrity of the Graving Dock and undermine its historical importance. 3. Lack of amenity space and provision within the redevelopment associated with the above scheme. 4. Vehicular access to the proposed developments is via the same main road that services the local Barry Wood Gasification facility (Incinerator) and Dow Corning. This is an unsatisfactory highway arrangement which will result in increased traffic flow; increased traffic noise; pollution; be detrimental to both highway safety and to the amenity of the local neighbourhood.*

Highway Development- No objection.

Local ward members- The application has been called in to Planning Committee by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

The Council's Housing Strategy section are supportive of the application.

South Wales Police have provided advice in respect of designing out crime.

REPRESENTATIONS

The neighbouring properties were consulted, a site notice was displayed and the development has been advertised in the press. No representations have been received.

REPORT

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY

POLICY SP2 – STRATEGIC SITES

POLICY SP3 – RESIDENTIAL REQUIREMENT

POLICY SP4 – AFFORDABLE HOUSING PROVISION

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN

POLICY MG2 – HOUSING ALLOCATIONS

POLICY MG3 – STRATEGIC SITE AT BARRY WATERFRONT

POLICY MG4 – AFFORDABLE HOUSING

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

POLICY MD6 - HOUSING DENSITIES

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 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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.

Welsh National Marine Plan:

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

Issues

General Compliance with Masterplan

Condition 6 of permission ref. 2014/00229/EAO requires the reserved matters submissions to be in substantial accordance with the parameter plans accompanying the planning application (save in respect of the Arno Quay part of the development).

Having regard to these parameter plans, while it is noted that the final layout differs to a degree from that shown on the outline submissions, this is to be expected, and the overall design and form remains in general accordance with the parameter plans. More specific analysis is provided below.

Density / Numbers of units

The application proposes 58 residential units and, based on the site area of approximately 1.6 hectares, this equates to approximately 36 units per hectare. That site area includes part of Cory Way and the density would be approximately 40 per hectare excluding it. It is considered that, subject to the review below on the visual impact/character of the proposals, this is acceptable in principle and represents an efficient use of brownfield land in a sustainable location (and it is a density which complies with policy MD6 of the LDP). This approach is supported in principle by advice in PPW and this will contribute positively to the delivery of the necessary numbers of units identified for the Waterfront in the LDP.

Design and layout

The site would be accessed from Cory Way, which runs along the eastern boundary. The layout would deliver active frontages of dwellings to all of the 'internal' roads and while the row of dwellings to the south of the access would have their rear elevations facing Cory Way, this is a consequence of the site's shape/constraints. Notwithstanding this, the design of these units has been amended several times to ensure that the Cory Way frontage is not overtly 'the rear'. This has involved the addition of projecting window surrounds, lowering the height of the rear fence enclosures, amending the fence design to a more contemporary horizontal board and inserting gated pedestrian entrance points from the footway on Cory Way.

The dwellings comprise a mix of house types with varying designs and heights. This will serve to create interesting and varied rows of houses that will contribute positively to the wider built environment. The consistent building lines and the siting of dwellings towards the front of the plots will also serve to give a strong sense of enclosure to the respective roads. The grid layout and high density will create a very urban form of built environment and this accords with the principles established at the outline application stage and on the wider site masterplan. This would also be reflective of the phases on the other quays.

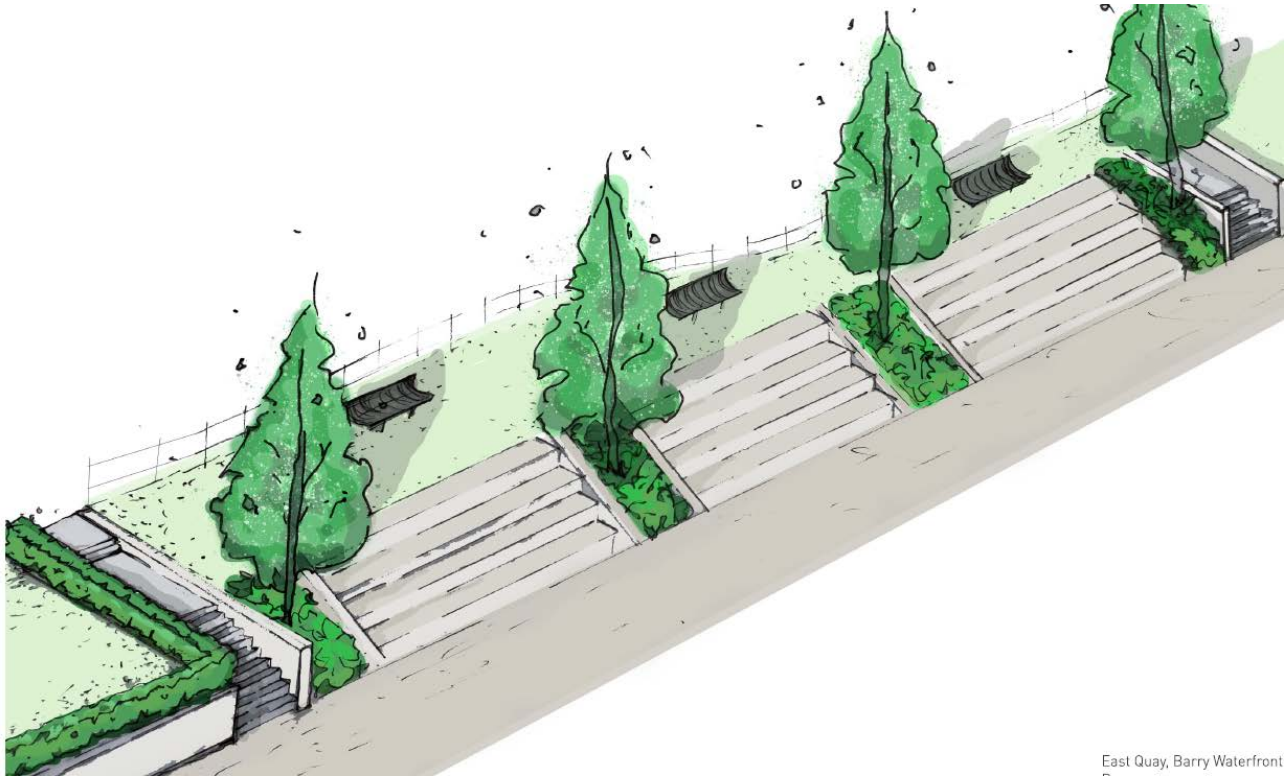
The house designs themselves are varied and, while relatively simple in form, they have contemporary detailing- this is emphasised by the use of grey windows. The house types, materials and grey windows are consistent with those used on the earlier phases and this will give a successful degree of continuity. This will be continued through the other phases on East Quay (see reports for application 2019/01384/RES and 2019/01385/RES).

The sections overlooking the water have been amended/improved in design and the scale, at three storeys, accords with the principles of the outline permission. The elevations contain balconies/terraces and projecting bays and it is considered that these would create an interesting frontage, with an appropriate scale facing the public realm and water. Similarly, there has been a series of amendments to the apartment block, which is now considered to be of an appropriate design and siting relative to the proposed park.

The frontages to the POS and the roads also have design features such as projecting window surrounds and there would be a varied palette of materials. It is considered that the apartment block and dwellings would contribute positively to the built environment around the park and throughout the site. The use of grey windows throughout the development is considered to be particularly important in enhancing the elevations and promoting a consistent and more contemporary form of design. A condition (6) is

recommended which requires that any replacement windows in the future are grey only, therefore seeking to avoid an incremental erosion of such established character.

There is an area of open space located at the end of the graving dock, which would accommodate stepped seating areas, soft landscaping and benches. This would be a pleasant space which would add positively to the public realm and would give opportunity for residents and visitors to sit and overlook the water. The area is shown in the plan below:



Similarly, to West Pond and South Quay, the carriageways would be principally tarmac, with block footways. This will give continuity with the earlier phases and reduce the overall amount of tarmac. The footways (and carriageways in certain areas) would be block work and it is considered that this would give interest to the development, break up the overall extent of tarmac, and would denote a more informal and secondary form of road. E.g. in the south eastern corner of the site- see below:



In summary, it is considered that the proposed development would have a strong degree of continuity with South Quay and West Pond and would continue the contemporary and high standard of design. It would therefore comply, in terms of design, with the above referenced policies and the principles of the outline permission and would contribute positively to the overall redevelopment of the Waterfront.

Landscaping

The application is accompanied by an indicative landscaping scheme which proposes trees, albeit given the high density of the scheme, there isn't scope for a significant amount of trees directly adjacent to and around the dwellings. However, this is a very urban environment and it is considered that the development does not require the level of landscaping that may be required in an edge of settlement or rural site, for example. Notwithstanding that, there would be a strong row of trees planted along Cory Way and along the main road/access into the site. It is considered that the level of planting which can be accommodated would sufficiently soften the appearance of the development. The planting would also be visually supplemented by the adjacent open space, which will have a close visual relationship to this site. The applicant has requested that landscaping be conditioned, in order that the scheme can be reviewed (with a view to strengthening it further)- see condition 7.

Boundary treatments

The submitted plans indicate a generally open layout, with the only highly visible higher enclosures being where side gardens are adjacent to the highway. In those instances, a visually higher quality 1.8m high wall is proposed, as opposed to fencing. As noted above, the Cory Way boundary would be enclosed with lower 1.5m high horizontal fencing.

Highway issues, including parking

The Highways Engineer initially raised some concerns with the layout in respect of the amount of parking accessed off the central block work junction, absence of footways in certain areas and technical points regarding vehicle tracking and visibility at junctions. Those matters have now all been addressed and the Highways Engineer has confirmed the highways layout is acceptable.

The access/egress points to/from the site benefit from safe vision splays along the carriageway and there is sufficient space for vehicles to turn within the site. The proposed parking bay dimensions are in accordance with the earlier phases and the number of parking spaces also complies with the outline permission and what was delivered on West Pond/South Quay.

It is noted that the approved outline proposal set out parking levels as follows:

2 bed dwellings	1 space
3 beds dwellings	1.5 spaces
4 beds dwellings	2 spaces

This was considered necessary to ensure higher densities could be delivered, to minimise areas dominated by car parking and to promote alternative, more sustainable modes of travel. This approach is supported in principle in PPW and the Council's Parking Guidelines (which impose maximum standards) and is considered to be particularly appropriate in highly sustainable locations such as this, which are within walking distance of a train station, bus links and a range of retail and other day to day services.

In this case the affordable flats would be served by a space each, with the exception of 1 that would rely upon the immediately adjacent visitor spaces or street parking. However, recent census data suggest social rented units of this size in Barry typically require 4-5 spaces for every ten units, due to much lower car ownership levels than other housing tenure types. The 8 spaces are, therefore, considered to be sufficient.

In all other cases the dwellings would be served by at least 2 spaces and in some cases 3. This exceeds the levels approved at outline stage and is considered to be an appropriate level of parking which will meet the needs of the occupiers without resulting in significant pressure for parking on street. There would also be 9 visitor spaces which would, in addition to curtilage parking, adequately meet visitor need. The Highways Engineer has raised no objection to the levels of parking.

The road at the southern point would be block paved and in addition to the aesthetic benefits of this, it will highlight to road users the change to a more informal/secondary form of highway. It is considered that this will have the effect of reducing vehicle speeds, to the benefit of vehicle and pedestrian safety. The same is true of the central junction and this would warn drivers that they are approaching a junction where speeds should be lowered.

The layout has been amended to include a pedestrian footway along Cory Way. The plans originally included no such provision and the result would have been a more convoluted route for pedestrians/cyclists leaving from the southern part of the site. This was

considered to be an essential infrastructure improvement and it also gives scope for the above referenced pedestrian links to the backs of properties.

In summary, it is considered that the proposed development would not adversely impact upon highway safety, would provide occupiers of the dwellings with adequate parking and would utilise materials that give a high quality finish.

At outline stage the highway group also raised objection to a lower level of parking, although a balanced view was taken at that stage that the development is for a high density, close-knit development in a sustainable location where it is necessary to adopt different solutions to the provision of parking to serve individual properties. Nevertheless, it is of note that the submitted scheme has actually sought to raise the level of parking for dwellings as follows: -

Residential Amenity and open space

Given the high density, close-knit nature of the development, the standards expected of new residential development in terms of distances between habitable room windows and the amenity space required per dwelling have inevitably needed to be reduced in some cases, albeit the majority of frontages are separated by 21m. The dwellings would potentially not meet the 20m² garden space per occupant recommended by the Council's SPG (depending on the number of occupants), however, the majority of dwellings have nevertheless been provided with their own private amenity space in the form of rear gardens which are, even in the smallest plots, still considered to be of sufficient size to satisfy the basic amenity requirements of the occupiers. The dwellings fronting the water sit within plots that do not have a significant depth and in light of the need to provide parking, the outdoor space is limited to balconies/terraces. While these areas are smaller than would typically be the case with new dwellings, it is considered that the water aspect would provide a significant level of amenity and the balconies/terraces are likely to be well used. The dwellings would also be located in close proximity to strategic open space and it is considered that this would also meet the amenity needs of the occupiers.

Sufficient space is maintained between plots and windows to ensure that dwellings wouldn't be overbearing in respect of adjoining properties. Sufficient space would also be maintained between windows and other windows/gardens to adequately preserve the privacy of occupiers.

There are no existing neighbours close to the site that would be adversely affected by the development, in terms of privacy, the siting of buildings or noise/nuisance (from the residential use).

The flats would have limited space around the blocks, however, they are located directly adjacent to the main park which would be very close on hand to serve the occupants. While private (albeit shared) space is often a requirement for flats, given the need to ensure a high density development and given the very close proximity to strategic open space, it is considered that the absence of such here does not render the scheme unacceptable.

Affordable housing

This parcel of East Quay would be delivered by Taylor Wimpey. It is therefore necessary (as has been the case through the course of the previous phases) to consider the

aggregate numbers of dwellings provided by this developer to ensure that their affordable housing provision meet the requirements of the legal agreement attached to the outline permission. That agreement requires 15% of all units to be affordable, with an 80%:20% split in tenure for East Quay (where 80% are social rented). For information, certain earlier phases were to be delivered at a tenure split of 50%:50%.

Taylor Wimpey have currently provided the following units across their phases:

West pond- 128 units (115 market, 13 Affordable- 10 Social rented, 3 Low Cost Home Ownership)

South Quay Parkside 1- 26 units (15 market, 11 Affordable- 11 Social Rented)

South Quay Parkside 2- 89 units (76 market, 13 Affordable- 9 Social Rented, 4 Low Cost Home Ownership)

South Quay Waterside- 163 units- (139 market and 24 affordable-19 Social Rented and 5 Low Cost Home Ownership).

This totals 406 units, of which 345 are market units and 61 are affordable. That satisfies the required 15% affordable requirement and the tenures satisfy the necessary 80:20 or 50:50 splits.

This application proposes 58 units, of which 49 would be market and 9 would be affordable. That would result in 464 Taylor Wimpey units in total, 70 of which would be affordable (15% would be 69.6). Therefore, the overall number of affordable units satisfies the requirements of the S106 legal agreement.

The affordable units in the phases after West Pond are to be split 80:20 in favour of social rented units. This development would result in 336 units being approved since West Pond and (including this proposal) there would be 57 affordable units on those phases (this includes making up a partial shortfall from West Pond). Eighty percent of 57 is 46 (rounded up), and the 9 social rented units here, in addition to the 39 social rented units on the earlier South Quay phases, would result in 48 (i.e. More than the required 46). This provision is, therefore, in compliance with the requirements of the legal agreement.

The Homes4U waiting list identifies the following affordable housing need in the Castleland ward:

CASTLELAND	
1 BED	257
2 BED	107
3 BED	29
4 BED	6
	399

This development would comprise 9 x 2 bedroom social rented units, and there remains high evidenced need for units of this size. The Council's Housing section are therefore supportive of the proposal. Issues of the principle of new affordable housing on this site have been dealt with through the outline application (and the associated Section 106 legal agreement).

The units would be in one apartment block and this does not conflict with the Council's SPG which aims for clusters of no more than ten, to ensure that they are well integrated. In addition, the units would be in an attractive part of the site, overlooking the proposed park.

Consequently, the proposed development is considered acceptable in terms of affordable housing provision.

Drainage

Comprehensive drainage conditions were attached to the outline permission and, therefore, it is not necessary to repeat drainage conditions here. However, the applicant is reminded of these conditions by way of an informative.

Matters relating to the outline consent and the timing of the district centre

At the time of writing of this report, the LPA are in discussion with all three house builders regarding the conditions and requirements of the outline permission, particularly with regard to the commercial district centre. The consortium has submitted a Section 73 application which seeks to vary the terms of the condition which governs the timing of the delivery of the commercial District Centre. The Section 73 application has not yet been determined, however, it is considered appropriate to condition this reserved matters permission in a way that does not conflict with the requirements of that condition. In this case, that means a condition (see condition 2) to ensure that no dwelling on East Quay is constructed beyond a defined 'first fix' prior to the District Centre being delivered to a shell and core specification (whereby the units are ready for occupation and final fit out).

Other matters including drainage, remediation of contaminated land, a Construction Environmental Management Plan and traffic management remain controlled by conditions on the outline permission.

The A3 retail unit

The development includes circa 400m² of A3 floor space in a location that complies with the outline parameter plan. The outline parameter plan requires 130m² of A3 floor space on this parcel, and while the proposed floor space is greater, this is only potentially a positive in terms of the vibrancy of the development and the retail offer adjacent to the park.

The A3 frontage would be largely glazed and it would be distinct from the residential frontages adjacent and above it. This frontage is likely to be indicative given that end users have not been identified yet. Fume extraction and opening hours are dealt with by condition 21 of the outline permission and condition 20 of the outline permission governs the timing of its delivery (prior to the first occupation of any dwellings in East Quay).

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall only relate to the following list of plans:

10225: 100M, 101D, 102D, 104A, 300C

P17-1387: 22P, 23C, 24C, 25C, 26C, 27C, 28C, 29D, 32C, 33C, 34C, 52D, 53.

Housepack P17-1387-31 received 18/8/20

and the development shall be carried out in accordance with the approved plans at all times, other than where conditions of this permission require or indicate differently.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

2. No dwelling house or apartment hereby approved shall be constructed past 'first fix'* until all of the commercial space in buildings A, B and C of the District Centre (as approved by planning permission 2019/01407/RES) has been completed to 'shell and core specification'* and the two kiosks approved by planning permission 2019/00288/FUL have been fully constructed.

*'first fix means the definition of 'first fix' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

*'shell and core specification' means the definition of 'shell and core specification' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policies SP1, SP2 and MD2 of the Local Development Plan.

3. No dwelling or apartment hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that unit, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

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 Policy MD2 of the Local Development Plan.

4. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule (and samples) of the proposed external materials to be used on the dwellings/apartments and in the construction of all hard surfaces within the development site, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

To ensure the quality of materials used satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure other than those expressly approved by this permission shall be erected, constructed or placed within the curtilage of any dwelling hereby approved, without the prior written consent of the Local Planning Authority, with the exception of enclosures that separate rear gardens of properties.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 of the Local Development Plan.

6. Each dwelling hereby approved shall at the time of construction be fitted with dark grey coloured windows, and at all times thereafter any window inserted or replaced in any dwelling hereby approved shall be dark grey in colour.

Reason:

To ensure the materials used in perpetuity maintain a cohesive development form and satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

7. Notwithstanding the submitted plans, a landscaping scheme and a Landscape Implementation and Management Programme shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings. The plan shall include details of the timing of the implementation of the landscaping scheme and the ongoing management and maintenance of all areas of landscaping outside of the curtilages of individual dwellings (and maintenance of any areas within the adopted highway that may have been agreed to be maintained by the developer). The landscaping shall thereafter be implemented and maintained in full accordance with the agreed scheme and programme unless otherwise approved in writing by the local planning authority.

Reason:

To ensure satisfactory maintenance of the landscaped areas to ensure compliance with Policy MD2 of the Local Development Plan.

8. Notwithstanding the submitted plans, prior to the first beneficial use of the A3 unit and prior to the construction of the A3 shop frontage, further details of the design/composition of the shop frontage, and any hard surfaced areas outside it shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy MD2 of the Local Development Plan.

9. The A3 unit hereby approved shall be used only for A3 uses and for no other purpose (including any purpose in classes A1 or A2) of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

10. The area of open space located at the end of the graving Dock (to the west of plots 23-27) shall be laid out in accordance with plans P17-1387-22 and P17-1387-53 prior to the first beneficial occupation of any of units 23-27 or units 15-20. Prior to the commencement of the construction of that area, further details of the surfacing materials, benches and bins shall be submitted to and approved in writing by the Local Planning Authority and the development of this area shall also accord with those approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policy MD2 of the LDP.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 – Delivering The Strategy; SP2 – Strategic Sites; SP3 – Residential Requirement; SP4 – Affordable Housing Provision; MG1 – Housing Supply In the Vale of Glamorgan; MG2 – Housing Allocations; MG3 – Strategic Site At Barry Waterfront; MG4 – Affordable Housing; MD1 – Location of New Development; MD2 – Design of new Development; MD5 – Development Within Settlement Boundaries and MD6 – Housing Densities of the Vale of Glamorgan Adopted Local Development Plan 2011-2016, and the advice in PPW and Technical Advice Note 12, it is considered that the proposed development is acceptable in principle and in terms of design, affordable housing provision, highway safety and residential amenity.

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

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

NOTE:

- 1. The applicant/developer is reminded of all of the relevant conditions on planning permission 2009/00946/OUT, particularly in respect of drainage.**

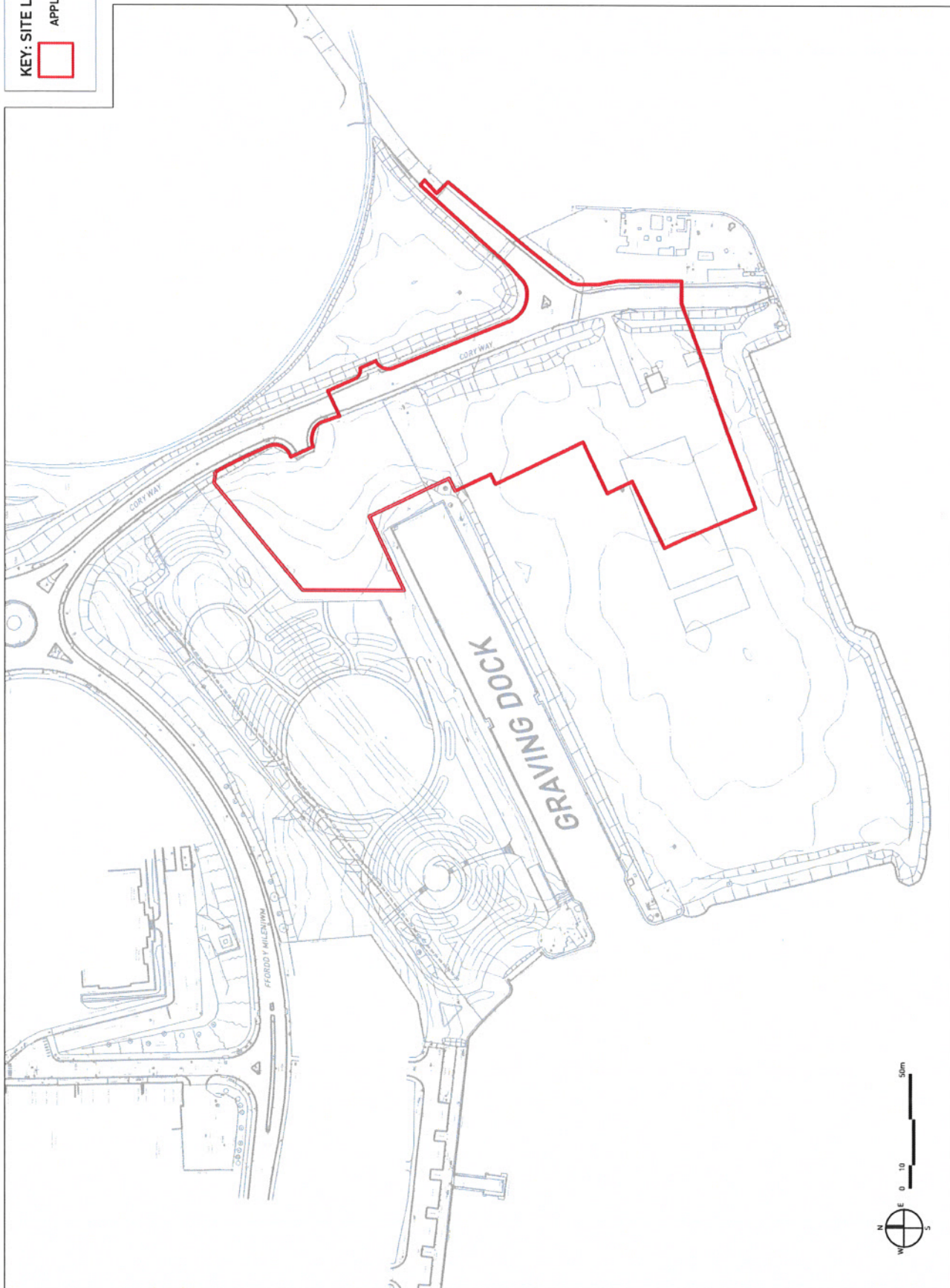
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

KEY: SITE LOCATION PLAN
APPLICATION BOUNDARY



EAST QUAY, BARRY WATERFRONT, BARRY - SITE LOCATION PLAN

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

www.pegasusgroup.co.uk | TEAM/DRAWN BY: MFA/KUN | APPROVED BY: MFA | DATE: 02/12/19 | SCALE: 1: 2500 @ A4 | DRWG: P17-1387_21 | SHEET NO: ... | REV: ... | CLIENT: TAYLOR WIMPEY SOUTH WALES |

2019/01384/RES Received on 26 August 2020

APPLICANT: Persimmon Homes (East Wales) Persimmon House, Llantrisant Business Park, Llantrisant, CF72 8YP

AGENT: Mr Morgan Williams Persimmon Homes, Llantrisant Business Park, Llantrisant, CF72 8YP

Land known as East Quay, Barry Waterfront, Barry

Approval is sought for the appearance, landscaping, layout and scale (the Reserve Matters) as prescribed by Condition 4 of the Outline Planning Permission (2014/00229/EAO) for East Quay, which comprises of a residential development of 62 dwellings with associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

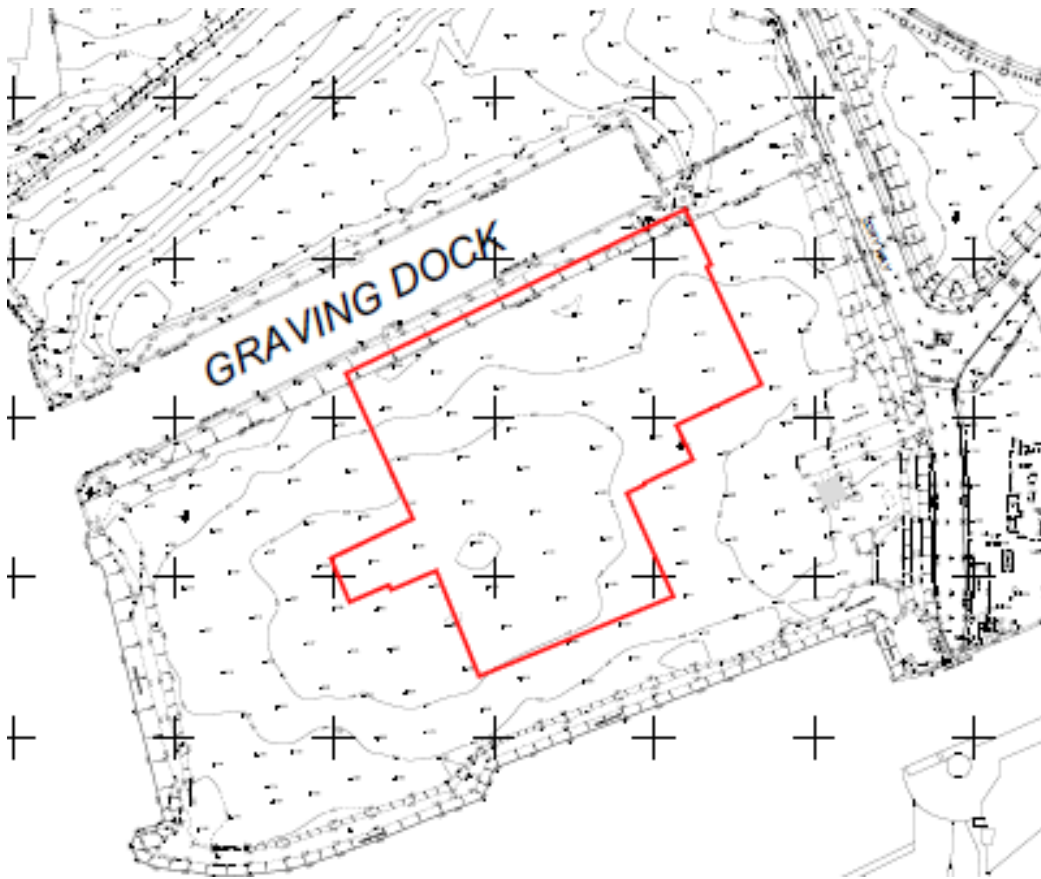
EXECUTIVE SUMMARY

This a reserved matters application for the residential development of a parcel of land at East Quay, Barry Waterfront. The development comprises 62 residential units, made up of 2, 3 and 4 bedroomed properties. Fifty three would be market units and 9 would be affordable (7 no. 2 bedroom social rented dwellings and 2 no. 2 bedroom Low Cost Home Ownership dwellings).

The main issues for consideration are the design and layout of the development, parking and highway safety, and residential amenity. There have been no objections received and the development is recommended for approval.

SITE AND CONTEXT

The application site is part of the area of land known as East Quay, Barry Waterfront. The application relates specifically to the central part of East Quay as shown on the plan below, which is owned by Barratt David Wilson Homes.



The land is allocated for housing in the Council's Local Development Plan and it has outline planning permission for residential development (see applications 2009/00946/OUT and 2014/00229/EAO). The site is adjoined to the north by a strip of public realm and the graving dock, and beyond that by the site of planning application 2019/01371/RES (for a park/public open space). To the west it is adjoined by the Barratt David Wilson Homes part of the residential housing allocation (see application 2019/01385/RES) and to the east it is adjoined by the Taylor Wimpey Parcel (see application 2019/01393/RES). Further areas of Barry Dock (which lie outside of the Waterfront regeneration area covered by the above outline applications) lie to the south. Wider context beyond includes the Barry Biomass plant and a large industrial area further to the east and the Council's Dock Office to the north across Ffordd Y Milleniwm.

DESCRIPTION OF DEVELOPMENT

This is a reserved matters planning application for 62 residential units. The application is associated with outline permission 2014/00229/EAO (which is an amendment to the original outline permission 2009/00946/OUT).

The plan below shows the layout of the proposed development:

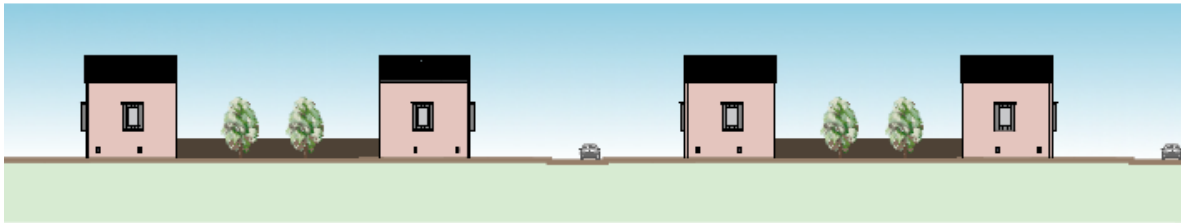


The development would comprise a mix of two and three storey dwellings in semi-detached pairs or terraced rows. There would be a row of three storey dwellings facing the graving dock and the remaining streets would be a mix of two and three storey buildings.

The street scenes below show the composition of the respective building lines:



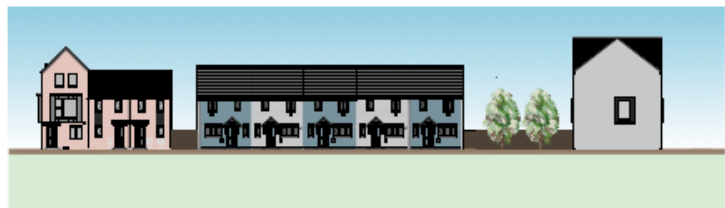
Street Scene AA



Street scene BB



Street scene CC



Street scene DD



Street scene EE

The 62 units would be made up of 53 market dwellings (2, 3 and 4 bedrooms) and 9 affordable dwellings (7 social rented and 2 low cost home ownership- 2 bedrooms each).

PLANNING HISTORY

2009/00946/OUT: 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, Decision: Approved

2014/00229/EAO, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Barry, Proposal: Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the 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, Decision: Approved

2019/01371/RES, Address: East Quay Public Open Space, Barry Waterfront, Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO), Decision: Un-determined.

2019/01393/RES, Address: Land known as East Quay, Barry Waterfront, Barry, Proposal: Residential development for 58 units, together with single retail unit and all associated engineering works. Decision: Un-determined.

2019/01385/RES, Address: Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock), Proposal: Reserved matters submission for 56 dwellings at East Quay Barry Waterfront (2009/00946/OUT), Decision: Un-determined.

2019/01386/RES, Address: Development land at East Quay, Barry Waterfront (to East of Cory Way), Proposal: Approval is sought for the layout, appearance, scale landscaping for a 3-storey apartment block, the Reserved Matters of Planning Permission ref. 2009/00946/OUT, Decision: Un-determined.

CONSULTATIONS

Barry Town Council objects to the above scheme for the following reasons; 1. *Inadequate car parking provision for both residents and visitors.* 2. *Unacceptable landscaping schemes which could adversely affect the integrity of the Graving Dock and undermine its historical importance.* 3. *Lack of amenity space and provision within the redevelopment associated with the above scheme.* 4. *Vehicular access to the proposed developments is via the same road that services the local Barry Wood Gasification facility (Incinerator) and Dow Corning. This is an unsatisfactory highway arrangement which will result in increased traffic flow; increased traffic noise; pollution; be detrimental to both highway safety and to the amenity of the local neighbourhood.*

Highway Development- No objection.

Local ward members- The application has been called in to Planning Committee by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

The Council's Housing Strategy section are supportive of the application.

South Wales Police have provided advice in respect of designing out crime.

REPRESENTATIONS

The neighbouring properties were consulted, a site notice was displayed and the development has been advertised in the press. No representations have been received.

REPORT

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP2 – STRATEGIC SITES
POLICY SP3 – RESIDENTIAL REQUIREMENT
POLICY SP4 – AFFORDABLE HOUSING PROVISION

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
POLICY MG2 – HOUSING ALLOCATIONS
POLICY MG3 – STRATEGIC SITE AT BARRY WATERFRONT
POLICY MG4 – AFFORDABLE HOUSING

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD6 - HOUSING DENSITIES

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 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

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.

Welsh National Marine Plan:

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

Issues

General Compliance with Masterplan

Condition 6 of permission ref. 2014/00229/EAO requires the reserved matters submissions to be in substantial accordance with the parameter plans accompanying the planning application (save in respect of the Arno Quay part of the development).

Having regard to these parameter plans, while it is noted that the final layout differs to a degree from that shown on the outline submissions, this is to be expected, and the overall design and form remains in general accordance with the parameter plans. More specific analysis is provided below.

Density / Numbers of units

The application proposes 62 residential units and, based on the site area of approximately 1.1 hectares, this equates to approximately 56 units per hectare. It is considered that, subject to the review below on the visual impact/character of the proposals, this is acceptable in principle and represents an efficient use of brownfield land in a sustainable location (and it is a density which complies with policy MD6 of the LDP). This approach is

supported in principle by advice in PPW and this will contribute positively to the delivery of the necessary numbers of units identified for the Waterfront in the LDP.

Design and layout

The site would be accessed from Cory Way, and through the adjacent Taylor Wimpey parcel of land. The layout would deliver active frontages of dwellings to all of the 'internal' roads and to the graving dock and public realm to the north.

The dwellings comprise a mix of house types with varying designs and heights. This will serve to create interesting and varied rows of houses that will contribute positively to the wider built environment. The consistent building lines and the siting of dwellings towards the front of the plots will also serve to give a strong sense of enclosure to the respective roads. The grid layout and high density will create a very urban form of built environment and this accords with the principles established at the outline application stage and on the wider site masterplan. This would also be reflective of the phases on the other quays.

The house designs themselves are varied and, while relatively simple in form, they have contemporary detailing- this is emphasised by the use of grey windows. The house types, materials and grey windows are consistent with those used on the earlier phases and this will give a successful degree of continuity. This will be continued through the other phases on East Quay (see reports for application 2019/01385/RES and 2019/01393/RES).

The sections overlooking the water and public realm to the north have been elevated in design and the scale, at three storeys, accords with the principles of the outline permission. The elevations contain projecting bays and a varied palette of materials and it is considered that these would create an interesting frontage, with an appropriate scale facing the public realm and water. The water facing street scene is shown below:



The rhythm of gables is similar to those which have been constructed on the phases fronting the water on South Quay, and the design is considered to be characteristic of modern waterfront buildings.

The frontages to the roads also have design features such as projecting window surrounds and there would again be a varied palette of materials. It is considered that the dwellings would contribute positively to the built environment around the water and throughout the site. The use of grey windows throughout the development is considered to be particularly important in enhancing the elevations and promoting a consistent and more contemporary form of design. A condition (6) is recommended which requires that any replacement windows in the future are grey only, therefore seeking to avoid an incremental erosion of such established character.

Similarly to West Pond and South Quay, the carriageways would be principally tarmac, with block footways. This will give continuity with the earlier phases and reduce the overall

amount of tarmac. The footways (and carriageways in certain areas) would be block work and it is considered that this would give interest to the development, break up the overall extent of tarmac, and would denote a more informal and secondary form of road. E.g. in the southern part of the site- see below:



In summary, it is considered that the proposed development would have a strong degree of continuity with South Quay and West Pond and would continue the contemporary and high standard of design. It would therefore comply, in terms of design, with the above referenced policies and the principles of the outline permission and would contribute positively to the overall redevelopment of the Waterfront.

Landscaping

The application is accompanied by a landscaping scheme which proposes trees, albeit given the high density of the scheme, there isn't scope for a significant amount of trees in some parts of the site. However, this is a very urban environment and it is considered that the development does not require the level of landscaping that may be required in an edge of settlement or rural site, for example. Notwithstanding that, there would be a strong row of trees planted along the northern most road and a number of others (and smaller shrubs and grass) elsewhere. It is considered that the level of planting which can be accommodated would sufficiently soften the appearance of the development.

Boundary treatments

The submitted plans indicate a generally open layout, with the only highly visible higher enclosures being where side gardens are adjacent to the highway. In those instances, a visually higher quality 1.8m high wall is proposed, as opposed to fencing. The garden areas to the dwellings along the main road would be open, and this is considered to be an acceptable approach to dealing with site and property boundaries. While a boundary enclosures plan has been submitted, the nature of enclosures between the site and the public realm to the north is unclear, and consequently further detail is required by Condition 7.

Highway issues, including parking

The Highways Engineer initially raised some concerns with the layout in respect of the amount of parking accessed off the central block work junction, absence of footways in certain areas and technical points regarding vehicle tracking and visibility at junctions. Those matters have now all been addressed, and the Highways Engineer has confirmed the highways layout is acceptable.

The access/egress points to/from the site benefit from safe vision splays along the carriageway and there is sufficient space for vehicles to turn within the site. The proposed parking bay dimensions are in accordance with the earlier phases and the number of parking spaces also complies with the outline permission and what was delivered on West Pond/South Quay.

It is noted that the approved outline proposal set out parking levels as follows:

2 bed dwellings	1 space
3 beds dwellings	1.5 spaces
4 beds dwellings	2 spaces

This was considered necessary to ensure higher densities could be delivered, to minimise areas dominated by car parking and to promote alternative, more sustainable modes of travel. This approach is supported in principle in PPW and the Council's Parking Guidelines (which impose maximum standards) and is considered to be particularly appropriate in highly sustainable locations such as this, which are within walking distance of a train station, bus links and a range of retail and other day to day services.

In this case the larger dwelling would almost all be served by 2 or 3 spaces, while 2 of the three bedroom units would be served by a single space. The two bedroom units would be served by either 1 space or two spaces. While this is marginally less on average than the other two East Quay phases, it still comfortably exceeds the levels approved at the outline stage and would represent an acceptable balance between not over prioritising car use and meeting the likely needs of the occupiers. There is scope for on street parking to meet visitor need, if visitors arrive by car.

The road at the southern point would be block paved and in addition to the aesthetic benefits of this, it will highlight to road users the change to a more informal/secondary form of highway. It is considered that this will have the effect of reducing vehicle speeds, to the benefit of vehicle and pedestrian safety. The same is true of the central junction and this would warn drivers that they are approaching a junction where speeds should be lowered.

In summary, it is considered that the proposed development would not adversely impact upon highway safety, would provide occupiers of the dwellings with adequate parking and would utilise materials that give a high quality finish.

Residential Amenity and open space

Given the high density, close-knit nature of the development, the standards expected of new residential development in terms of distances between habitable room windows and

the amenity space required per dwelling have inevitably needed to be reduced in some cases, albeit the majority of frontages are separated by 21m. The dwellings would potentially not meet the 20m² garden space per occupant recommended by the Council's SPG (depending on the number of occupants), however, the majority of dwellings have nevertheless been provided with their own private amenity space in the form of rear gardens which are, even in the smallest plots, still considered to be of sufficient size to satisfy the basic amenity requirements of the occupiers. The dwellings fronting the water would be served by open areas to the south and small sitting out areas facing the water. While these areas facing the water are relatively small and while the front garden are not enclosed, it is considered that the water aspect would provide a significant level of amenity and the sitting out areas are likely to be highly used. The dwellings would also be located in close proximity to strategic open space and it is considered that this would also meet the amenity needs of the occupiers.

Sufficient space is maintained between plots and windows to ensure that dwellings wouldn't be overbearing in respect of adjoining properties. Sufficient space would also be maintained between windows and other windows/gardens to adequately preserve the privacy of occupiers.

There are no existing neighbours close to the site that would be adversely affected by the development, in terms of privacy, the siting of buildings or noise/nuisance (from the residential use).

Affordable housing

This parcel of East Quay would be delivered by Persimmon Homes. It is therefore necessary (as has been the case through the course of the previous phases) to consider the aggregate numbers of dwellings provided by this developer to ensure that their affordable housing provision meet the requirements of the legal agreement attached to the outline permission. That agreement requires 15% of all units to be affordable, with an 80%:20% split in tenure for East Quay (where 80% are social rented). For information, certain earlier phases were to be delivered at a tenure split of 50%:50%.

Persimmon have currently provided the following units across their phases:

West pond: 138 units (123 market, 15 Affordable- 8 Social rented, 7 Low Cost Home Ownership)

Site adjacent to link road: 45 units (35 market, 10 Affordable- all Social rented)

Dockside Quay: 39 units- all market

Arno Quay: 92 units (72 market. 20 Affordable- 12 Social rented, 8 Low Cost Home Ownership)

South Quay Parkside: 105 units (81 market, 24 Affordable- 15 Social rented, 9 Low Cost Home Ownership)

District Centre- 57 units (55 market and 2 affordable- both Social rented).

South Quay Waterside- 91 units (76 market and 15 affordable- all Social rented)

This totals 567 units, of which 481 are market units and 86 are affordable. That satisfies the required 15% affordable requirement and the tenures satisfy the necessary 80:20 or 50:50 splits.

This application proposes 62 units, of which 53 would be market and 9 would be affordable. That would result in 629 Persimmon units in total, 95 of which would be affordable (15% would be 94.35). Therefore, the overall number of affordable units satisfies the requirements of the S106 legal agreement.

The affordable units in the phases excluding West Pond, Arno Quay and the District Centre/Dockside Quay are to be split 80:20 in favour of social rented units. This development would result in 303 units in the 80:20 phases and (including this proposal) there would be 58 affordable units on those phases (this includes making up a partial shortfall from West Pond). Eighty percent of 58 is 47 (rounded up), and the 7 social rented units here, in addition to the 40 social rented units on the earlier phases, would result in 47. This provision is, therefore, in compliance with the requirements of the legal agreement.

The Homes4U waiting list identifies the following affordable housing need in the Castleland ward:

CASTLELAND	
1 BED	257
2 BED	107
3 BED	29
4 BED	6
	399

This development would include 7 x 2 bedroom social rented units (and 2 Low Cost Home Ownership), and there remains high evidenced need for units of this size. The Council's Housing section are therefore supportive of the proposal. Issues of the principle of new affordable housing on this site have been dealt with through the outline application (and the associated Section 106 legal agreement).

The units would on plan appear to be in one cluster centrally within the site, however, there would only be 5 and 4 respectively on two different streets. One grouping would in any case not conflict with the Council's SPG which aims for clusters of no more than ten, to ensure that they are well integrated. Consequently, the proposed development is considered acceptable in terms of affordable housing provision.

Drainage

Comprehensive drainage conditions were attached to the outline permission and, therefore, it is not necessary to repeat drainage conditions here. However, the applicant is reminded of these conditions by way of an informative.

Matters relating to the outline consent and the timing of the district centre

At the time of writing of this report, the LPA are in discussion with all three house builders regarding the conditions and requirements of the outline permission, particularly with regard to the commercial district centre. The consortium has submitted a Section 73 application which seeks to vary the terms of the condition which governs the timing of the

delivery of the commercial District Centre. The Section 73 application has not yet been determined, however, it is considered appropriate to condition this reserved matters permission in a way that does not conflict with the requirements of that condition. In this case, that means a condition (see condition 2) to ensure that no dwelling on East Quay is constructed beyond a defined 'first fix' prior to the District Centre being delivered to a shell and core specification (whereby the units are ready for occupation and final fit out).

Other matters including drainage, remediation of contaminated land, a Construction Environmental Management Plan and traffic management remain controlled by conditions on the outline permission.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall only relate to the following list of plans:

Mt-01 Rev 6, SS-01 Rev B, SP01 Rev 9, 10225-101E, 10225-100-O 1, 10225-100-O 2, TDA.2527.01, BH-01 Rev 4.
Housepack received 21/8/20

and the development shall be carried out in accordance with the approved plans at all times, other than where conditions of this permission require or indicate differently.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

2. No dwelling house or apartment hereby approved shall be constructed past 'first fix'* until all of the commercial space in buildings A, B and C of the District Centre (as approved by planning permission 2019/01407/RES) has been completed to 'shell and core specification'* and the two kiosks approved by planning permission 2019/00288/FUL have been fully constructed.

*'first fix means the definition of 'first fix' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

*'shell and core specification' means the definition of 'shell and core specification' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policies SP1, SP2 and MD2 of the Local Development Plan.

3. No dwelling or apartment hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that unit, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

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 Policy MD2 of the Local Development Plan.

4. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule (and samples) of the proposed external materials to be used on the dwellings/apartments and in the construction of all hard surfaces within the development site, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

To ensure the quality of materials used satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure other than those expressly approved by this permission shall be erected, constructed or placed within the curtilage of any dwelling hereby approved, without the prior written consent of the Local Planning Authority, with the exception of enclosures that separate rear gardens of properties.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 of the Local Development Plan.

6. Each dwelling hereby approved shall at the time of construction be fitted with dark grey coloured windows, and at all times thereafter any window inserted or replaced in any dwelling hereby approved shall be dark grey in colour.

Reason:

To ensure the materials used in perpetuity maintain a cohesive development form and satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

7. Notwithstanding the submitted plans, 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 prior to the occupation of any of the dwellings.

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.

8. The development shall be carried out in accordance with the landscaping scheme on plan TDA.2527.01 and a Landscape Implementation and Management Programme, which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings. The plan shall include details of the timing of the implementation of the landscaping scheme and the ongoing management and maintenance of all areas of landscaping outside of the curtilages of individual dwellings (and maintenance of any areas within the adopted highway that may have been agreed to be maintained by the developer). The landscaping shall thereafter be implemented and maintained in full accordance with the agreed scheme and programme unless otherwise approved in writing by the local planning authority.

Reason:

To ensure satisfactory maintenance of the landscaped areas to ensure compliance with Policy MD2 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 – Delivering The Strategy; SP2 – Strategic Sites; SP3 – Residential Requirement; SP4 – Affordable Housing Provision; MG1 – Housing Supply In The Vale of Glamorgan; MG2 – Housing Allocations; MG3 – Strategic Site At Barry Waterfront; MG4 – Affordable Housing; MD1 – Location Of New Development; MD2 – Design of New Development; MD5 – Development Within Settlement Boundaries and MD6 – Housing Densities of the Vale of Glamorgan Adopted Local Development Plan 2011-2016, and the advice in PPW and Technical Advice Note 12, it is considered that the proposed development is acceptable in principle and in terms of design, affordable housing provision, highway safety and residential amenity.

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

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

NOTE:

1. The applicant/developer is reminded of all of the relevant conditions on planning permission 2009/00946/OUT, particularly in respect of drainage.

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 Legend

Application Site

2019/01384/RES

Rev D1 - Spine road included 16.12.19

Project:
Barry Waterfront
East Quay

Drawn By:
Site Location Plan

Job No:
-

Drawn By:
SL-01

Scale:
1:1250 @ A1

Date:
15.11.19

Drawn By:
RJ

Scale:
-

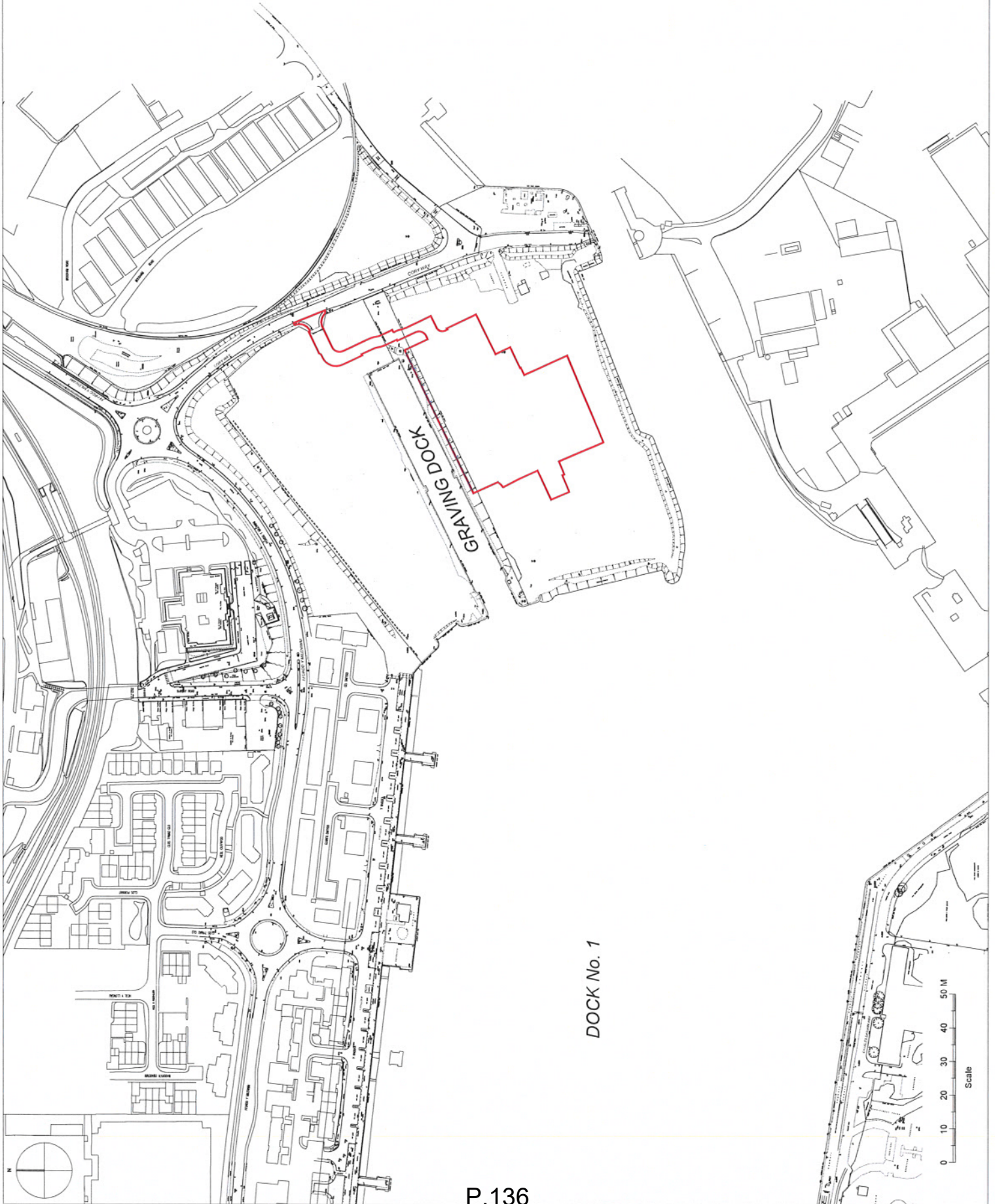
Date:
-

Category:
Technical



**Persimmon
Homes**
East Wales

Persimmon House
Llantrisant Business Park,
Llantrisant,
Mid Glamorgan, Cynon Taff,
CF72 8YP
Tel: 01443 223 653



2019/01385/RES Received on 28 August 2020

APPLICANT: Mrs Francesca Evans Barratt Homes, Oak House, Village Way, Tongwynlais, Cardiff, CF15 7NE

AGENT: Mrs Francesca Evans Barratt Homes, Oak House, Village Way, Tongwynlais, Cardiff, CF15 7NE

Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock)

Reserved matters submission for 56 dwellings at East Quay, Barry Waterfront (2009/00946/OUT)

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 Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

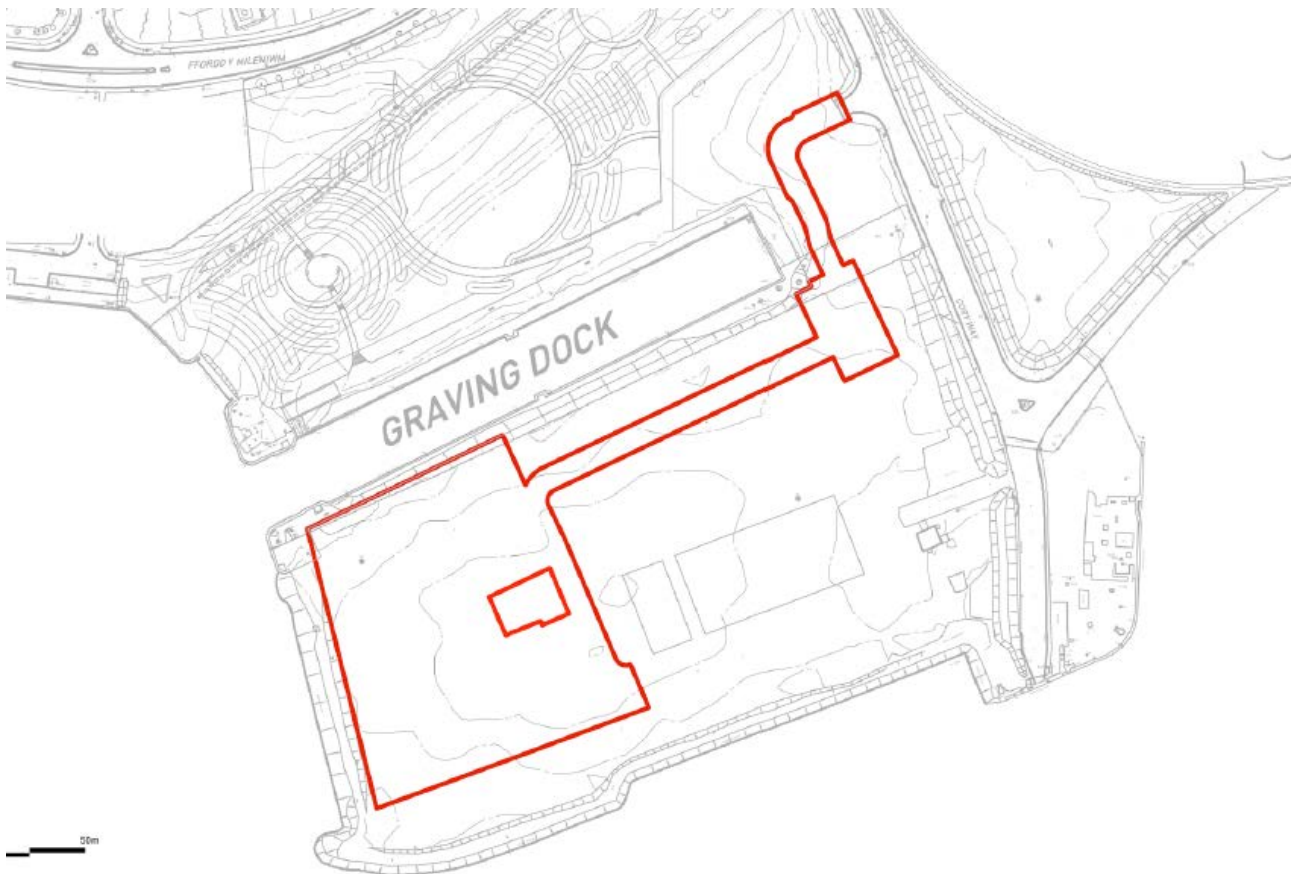
EXECUTIVE SUMMARY

This a reserved matters application for the residential development of a parcel of land at East Quay, Barry Waterfront. The development comprises 56 residential units, made up of 1, 2, 3 and 4 bedroomed properties (dwellings and flats). Forty eight would be market units and 8 would be affordable (2 no. 2 bedroom social rented flats, 2 no. 1 bedroom social rented flats, 3 no. 2 bedroom social rented dwellings and 1 no. 2 bedroom Low Cost Home Ownership dwelling).

The main issues for consideration are the design and layout of the development, parking and highway safety, and residential amenity. There have been no objections received and the development is recommended for approval.

SITE AND CONTEXT

The application site is part of the area of land known as East Quay, Barry Waterfront. The application relates specifically to the western part of East Quay as shown on the plan below, which is owned by Barratt David Wilson Homes.



The land is allocated for housing in the Council's Local Development Plan and it has outline planning permission for residential development (see applications 2009/00946/OUT and 2014/00229/EAO). The site is adjoined to the north by a strip of public realm and the graving dock, and beyond that by the site of planning application 2019/01371/RES (for a park/public open space). To the west it is adjoined by the main open area of the dock and to the east it is adjoined by the Persimmon Homes parcel (see application 2019/01384/RES). Further areas of Barry Dock (which lie outside of the Waterfront regeneration area covered by the above outline applications) lie to the south. Wider context beyond includes the Barry Biomass plant and a large industrial area further to the east and the Council's Dock Office to the north across Ffordd Y Milleniwm.

DESCRIPTION OF DEVELOPMENT

This is a reserved matters planning application for 56 residential units. The application is associated with outline permission 2014/00229/EAO (which is an amendment to the original outline permission 2009/00946/OUT).

The plan below shows the layout of the proposed development:



The development would comprise a mix of two and three storey dwellings in semi-detached pairs or terraced rows, and two apartment blocks at the north western and south western corners of the site. There would be a row of three storey dwellings facing the gravings dock and the remaining streets would be a mix of two and three storey buildings.

The street scenes below show the composition of the respective building lines:



The site would be access from Cory Way, and via the adjacent Persimmon Homes and Taylor Wimpey parcels of land.

The 56 units would be made up of forty eight market units and 8 would be affordable (2 no. 2 bedroom social rented flats, 2 no. 1 bedroom social rented flats, 3 no. 2 bedroom social rented dwellings and 1 no. 2 bedroom Low Cost Home Ownership dwelling).

PLANNING HISTORY

2009/00946/OUT: 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, Decision: Approved

2014/00229/EAO, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Barry, Proposal: Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the 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, Decision: Approved

2019/01371/RES, Address: East Quay Public Open Space, Barry Waterfront, Proposal: Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO), Decision: Un-determined.

2019/01393/RES, Address: Land known as East Quay, Barry Waterfront, Barry, Proposal: Residential development for 58 units, together with single retail unit and all associated engineering works. Decision: Un-determined.

2019/01384/RES, Address: Development parcel of East Quay, Barry Waterfront (land to West of Cory Way, South of the Graving Dock), Proposal: Reserved matters submission for 62 dwellings at East Quay Barry waterfront (2009/00946/OUT), Decision: Un-determined.

2019/01386/RES, Address: Development land at East Quay, Barry Waterfront (to East of Cory Way), Proposal: Approval is sought for the layout, appearance, scale landscaping for a 3-storey apartment block, the Reserved Matters of Planning Permission ref. 2009/00946/OUT, Decision: Un-determined.

CONSULTATIONS

Barry Town Council *objects to the above scheme for the following reasons; 1. Inadequate car parking provision for both residents and visitors. 2. Unacceptable landscaping schemes which could adversely affect the integrity of the Graving Dock and undermine its historical importance. 3. Lack of amenity space and provision within the redevelopment associated with the above scheme. 4. Vehicular access to the proposed developments is via the same road that services the local Barry Wood Gasification facility (Incinerator) and Dow Corning. This is an unsatisfactory highway arrangement which will result in increased traffic flow; increased traffic noise; pollution; be detrimental to both highway safety and to the amenity of the local neighbourhood.*

Highway Development- No objection.

Local ward members- The application has been called in to Planning Committee by Councillor Ian Johnson, because the development is 'of size and in a location which will generate significant public interest'.

The Council's Housing Strategy section are supportive of the application.

South Wales Police have provided advice in respect of designing out crime.

REPRESENTATIONS

The neighbouring properties were consulted, a site notice was displayed, and the development has been advertised in the press. No representations have been received.

REPORT

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY
POLICY SP2 – STRATEGIC SITES
POLICY SP3 – RESIDENTIAL REQUIREMENT
POLICY SP4 – AFFORDABLE HOUSING PROVISION

Managing Growth Policies:

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN
POLICY MG2 – HOUSING ALLOCATIONS
POLICY MG3 – STRATEGIC SITE AT BARRY WATERFRONT
POLICY MG4 – AFFORDABLE HOUSING

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT
POLICY MD2 - DESIGN OF NEW DEVELOPMENT
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES
POLICY MD6 - HOUSING DENSITIES

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 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Barry Development Guidelines
- Parking Standards (Interactive Parking Standards Zones Map)

Other relevant evidence or policy guidance:

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

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

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.

Welsh National Marine Plan:

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

Issues

General Compliance with Masterplan

Condition 6 of permission ref. 2014/00229/EAO requires the reserved matters submissions to be in substantial accordance with the parameter plans accompanying the planning application (save in respect of the Arno Quay part of the development).

Having regard to these parameter plans, while it is noted that the final layout differs to a degree from that shown on the outline submissions, this is to be expected, and the overall design and form remains in general accordance with the parameter plans. More specific analysis is provided below.

Density / Numbers of units

The application proposes 56 residential units and, based on the site area of approximately 0.95 hectares, this equates to approximately 59 units per hectare. It is considered that, subject to the review below on the visual impact/character of the proposals, this is acceptable in principle and represents an efficient use of brownfield land in a sustainable location (and it is a density which complies with policy MD6 of the LDP). This approach is supported in principle by advice in PPW and this will contribute positively to the delivery of the necessary numbers of units identified for the Waterfront in the LDP.

Design and layout

The site would be accessed from Cory Way, and through the adjacent Taylor Wimpey and Persimmon Homes parcels of land. The layout would deliver active frontages of dwellings to all of the 'internal' roads, to the graving dock and public realm to the north and to the Dock to the west.

The dwellings comprise a mix of house types with varying designs and heights. This will serve to create interesting and varied rows of houses that will contribute positively to the wider built environment. The consistent building lines and the siting of dwellings towards the front of the plots will also serve to give a strong sense of enclosure to the respective roads. The grid layout and high density will create a very urban form of built environment and this accords with the principles established at the outline application stage and on the wider site masterplan. This would also be reflective of the phases on the other quays.

The house designs themselves are varied and, while relatively simple in form, they have contemporary detailing- this is emphasised by the use of grey windows. The house types, materials and grey windows are consistent with those used on the earlier phases and this will give a successful degree of continuity. This will be continued through the other phases on East Quay (see reports for application 2019/01384/RES and 2019/01393/RES).

The sections overlooking the water and public realm to the north and west would be three storeys in height, and this accords with the principles of the outline permission. The elevations contain projecting bays and a varied palette of materials and it is considered that these would create an interesting frontage, with an appropriate scale facing the public realm and water. The water facing street scenes are shown below:



The rhythm of gables is similar to those which have been constructed on the phases fronting the water on South Quay, and the design is considered to be characteristic of modern waterfront buildings. The scale and form would give continuity with the elevations facing the water on the adjacent Persimmon Homes parcel.

The frontages to the roads also have design features such as projecting window surrounds and there would again be a varied palette of materials. It is considered that the dwellings would contribute positively to the built environment around the water and throughout the site. The use of grey windows throughout the development is considered to be particularly important in enhancing the elevations and promoting a consistent and more contemporary form of design. A condition (6) is recommended which requires that any replacement windows in the future are grey only, therefore seeking to avoid an incremental erosion of such established character.

Similarly, to West Pond and South Quay, the carriageways would be principally tarmac, with block footways. This will give continuity with the earlier phases and reduce the overall amount of tarmac. The footways (and carriageways in certain areas) would be block work and it is considered that this would give interest to the development, break up the overall extent of tarmac, and would denote a more informal and secondary form of road. E.g. in the western part of the site- see below:



In summary, it is considered that the proposed development would have a strong degree of continuity with South Quay and West Pond and would continue the contemporary and high standard of design. It would therefore comply, in terms of design, with the above referenced policies and the principles of the outline permission and would contribute positively to the overall redevelopment of the Waterfront.

Landscaping

The application is accompanied by a landscaping scheme which proposes trees, albeit given the high density of the scheme, there isn't scope for a significant amount of trees in some parts of the site. However, this is a very urban environment and it is considered that the development does not require the level of landscaping that may be required in an edge of settlement or rural site, for example. Notwithstanding that, there would be a relatively strong rows of trees planted along the road frontages, supplemented by smaller shrubs. It is considered that the level of planting which can be accommodated would sufficiently soften the appearance of the development.

Boundary treatments

The submitted plans indicate a generally open layout, with the only highly visible higher enclosures being where side gardens are adjacent to the highway and where the rear gardens of the northern row are enclosed. In those instances, a visually higher quality 1.8m high wall is proposed, as opposed to fencing. The frontages would otherwise be open and there is a low level railing set back from the site edge with the public realm to the north. The proposals initially sought to enclose the western edge of the site (adjacent to the Dock) with 1.8m high close board fencing. Concern was raised with this due to the likely visual impact across the water, and this fence has subsequently be replaced with a railing. The enclosures along the boundaries between the rear gardens of those properties in the western row have also been amended such that they would be only 1.2m in height in the parts closer to the water. It is considered that these amendments will ensure that the appearance and character of the development is acceptable from views to the north, along South Quay and from the water.

Highway issues, including parking

The Highways Engineer initially raised some concerns with the layout in respect of the amount of parking accessed off the central block work junction, absence of footways in certain areas and technical points regarding vehicle tracking and visibility at junctions. Those matters have now all been addressed, and the Highways Engineer has confirmed the highways layout is acceptable.

The access/egress points to/from the site benefit from safe vision splays along the carriageway and there is sufficient space for vehicles to turn within the site. The proposed parking bay dimensions are in accordance with the earlier phases and the number of parking spaces also complies with the outline permission and what was delivered on West Pond/South Quay.

It is noted that the approved outline proposal set out parking levels as follows:

2 bed dwellings	1 space
3 beds dwellings	1.5 spaces
4 beds dwellings	2 spaces

This was considered necessary to ensure higher densities could be delivered, to minimise areas dominated by car parking and to promote alternative, more sustainable modes of travel. This approach is supported in principle in PPW and the Council's Parking Guidelines (which impose maximum standards) and is considered to be particularly

appropriate in highly sustainable locations such as this, which are within walking distance of a train station, bus links and a range of retail and other day to day services.

In this case the flats would be served by a space each, which is considered to be an acceptable level of provision, and in all other cases the dwellings would be served by 2 spaces. This exceeds the levels approved at outline stage and is considered to be an appropriate level of parking which will meet the needs of the occupiers without resulting in significant pressure for parking on street. There would also be 3 visitor spaces which would, in addition to curtilage parking, adequately meet visitor need. The Highways Engineer has raised no objection to the levels of parking.

The road at the western side would be a block paved shared surface and in addition to the aesthetic benefits of this, it will highlight to road users the change to a more informal/secondary form of highway. It is considered that this will have the effect of reducing vehicle speeds, to the benefit of vehicle and pedestrian safety. This is appropriate in this part of the site, which is likely to be very lightly trafficked.

It is also appropriate to block pave the central junction as this would warn drivers that they are approaching a junction where speeds should be lowered.

In summary, it is considered that the proposed development would not adversely impact upon highway safety, would provide occupiers of the dwellings with adequate parking and would utilise materials that give a high quality finish.

Residential Amenity and open space

Given the high density, close-knit nature of the development, the standards expected of new residential development in terms of distances between habitable room windows and the amenity space required per dwelling have inevitably needed to be reduced in some cases, albeit the majority of frontages are separated by 21m. The dwellings would potentially not meet the 20m² garden space per occupant recommended by the Council's SPG (depending on the number of occupants), however, the dwellings have nevertheless been provided with their own private amenity space in the form of rear gardens which are, even in the smallest plots, still considered to be of sufficient size to satisfy the basic amenity requirements of the occupiers. The dwellings would also be located in close proximity to strategic open space and it is considered that this would also meet the amenity needs of the occupiers.

Sufficient space is maintained between plots and windows to ensure that dwellings wouldn't be overbearing in respect of adjoining properties. Sufficient space would also be maintained between windows and other windows/gardens to adequately preserve the privacy of occupiers.

There are no existing neighbours close to the site that would be adversely affected by the development, in terms of privacy, the siting of buildings or noise/nuisance (from the residential use).

Affordable housing

This parcel of East Quay would be delivered by Barratt David Wilson (BDW) Homes. It is therefore necessary (as has been the case through the course of the previous phases) to consider the aggregate numbers of dwellings provided by this developer to ensure that

their affordable housing provision meet the requirements of the legal agreement attached to the outline permission. That agreement requires 15% of all units to be affordable, with an 80%:20% split in tenure for East Quay (where 80% are social rented). For information, certain earlier phases were to be delivered at a tenure split of 50%:50%.

BDW have currently provided the following units across their phases:

West pond- 112 units (101 market, 11 Affordable- 5 Social rented, 6 Low cost home ownership)

South Quay Parkside 1- 20 units (9 market, 11 Affordable- all social rented)

South Quay Parkside 2- 72 units (63 market, 9 Affordable- 5 Social rented, 4 Low cost home ownership)

South Quay Waterside- 171 units (145 market, 26 Affordable- 21 social rented and 5 Low cost home ownership).

This totals 375 units, of which 318 are market units and 57 are affordable. That satisfies the required 15% affordable requirement and the tenures satisfy the necessary 80:20 or 50:50 splits.

This application proposes 56 units, of which 48 would be market and 8 would be affordable. That would result in 431 BDW units in total, 65 of which would be affordable (15% would be 64.65). Therefore, the overall number of affordable units satisfies the requirements of the S106 legal agreement.

The affordable units in the phases since West Pond are to be split 80:20 in favour of social rented units. This development would result in 319 units in the 80:20 phases and (including this proposal) there would be 54 affordable units on those phases (this includes making up a partial shortfall from West Pond). Eighty percent of 58 is 44 (rounded up), and the 7 social rented units here, in addition to the 37 social rented units on the earlier phases, would result in 44. This provision is, therefore, in compliance with the requirements of the legal agreement.

The Homes4U waiting list identifies the following affordable housing need in the Castleland ward:

CASTLELAND	
1 BED	257
2 BED	107
3 BED	29
4 BED	6
	399

This development would include 7 x 1 and 2 bedroom social rented units (and 1 Low Cost Home Ownership), and there remains high evidenced need for units of this size. The Council's Housing section are therefore supportive of the proposal. Issues of the principle of new affordable housing on this site have been dealt with through the outline application (and the associated Section 106 legal agreement).

The units would on plan appear to be in one cluster centrally within the site, however, there would only 4 each on two different streets. One grouping would in any case not conflict with the Council's SPG which aims for clusters of no more than ten, to ensure that they are well integrated. Consequently, the proposed development is considered acceptable in terms of affordable housing provision.

Drainage

Comprehensive drainage conditions were attached to the outline permission and, therefore, it is not necessary to repeat drainage conditions here. However, the applicant is reminded of these conditions by way of an informative.

Matters relating to the outline consent and the timing of the district centre

At the time of writing of this report, the LPA are in discussion with all three house builders regarding the conditions and requirements of the outline permission, particularly with regard to the commercial district centre. The consortium has submitted a Section 73 application which seeks to vary the terms of the condition which governs the timing of the delivery of the commercial District Centre. The Section 73 application has not yet been determined, however, it is considered appropriate to condition this reserved matters permission in a way that does not conflict with the requirements of that condition. In this case, that means a condition (see condition 2) to ensure that no dwelling on East Quay is constructed beyond a defined 'first fix' prior to the District Centre being delivered to a shell and core specification (whereby the units are ready for occupation and final fit out).

Other matters including drainage, remediation of contaminated land, a Construction Environmental Management Plan and traffic management remain controlled by conditions on the outline permission.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. This consent shall only relate to the following list of plans:

P17-1387: 06E, 19F, 07Q, 09D, 10D, 11D, 12F, 13F, 16D, 17D, 18D, 20D and 50E.

and the development shall be carried out in accordance with the approved plans at all times, other than where conditions of this permission require or indicate differently.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

2. No dwelling house or apartment hereby approved shall be constructed past 'first fix'* until all of the commercial space in buildings A, B and C of the District Centre (as approved by planning permission 2019/01407/RES) has been completed to 'shell and core specification'* and the two kiosks approved by planning permission 2019/00288/FUL have been fully constructed.

*'first fix means the definition of 'first fix' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

*'shell and core specification' means the definition of 'shell and core specification' as contained in the phasing plan referenced in condition 19 of planning permission 2014/00229/EAO (as amended by application 2014/00229/1/NMA) or any subsequent amended version of that phasing plan which is approved by any further variation to that condition.

Reason:

To ensure a comprehensive and mixed use development of the site in accordance with Policies SP1, SP2 and MD2 of the Local Development Plan.

3. No dwelling or apartment hereby approved shall be brought into beneficial use until such time as the parking area(s) to serve that unit, including all associated access and turning areas, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

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 Policy MD2 of the Local Development Plan.

4. Notwithstanding the submitted plans, prior to their use in the construction of the development hereby approved, a schedule (and samples) of the proposed external materials to be used on the dwellings/apartments and in the construction of all hard surfaces within the development site, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and at all times maintained in accordance with the approved details.

Reason:

To ensure the quality of materials used satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure other than those expressly approved by this permission shall be erected, constructed or placed within the curtilage of any dwelling hereby approved, without the prior written consent of the Local Planning Authority, with the exception of enclosures that separate rear gardens of properties.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 of the Local Development Plan.

6. Each dwelling hereby approved shall at the time of construction be fitted with dark grey coloured windows, and at all times thereafter any window inserted or replaced in any dwelling hereby approved shall be dark grey in colour.

Reason:

To ensure the materials used in perpetuity maintain a cohesive development form and satisfactorily reflect the high design standards expected for this important strategic Brownfield development, and to ensure compliance with Policy MD2 of the Local Development Plan.

7. The development shall be carried out in accordance with the landscaping scheme on plan P17-1387_50-E and a Landscape Implementation and Management Programme, which shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings. The plan shall include details of the timing of the implementation of the landscaping scheme and the ongoing management and maintenance of all areas of landscaping outside of the curtilages of individual dwellings (and maintenance of any areas within the adopted highway that may have been agreed to be maintained by the developer). The landscaping shall thereafter be implemented and maintained in full accordance with the agreed scheme and programme unless otherwise approved in writing by the local planning authority.

Reason:

To ensure satisfactory maintenance of the landscaped areas to ensure compliance with Policy MD2 of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 – Delivering The Strategy; SP2 – Strategic sites; SP3 – Residential Requirement; SP4– Affordable Housing Provision; MG1 – Housing Supply In the Vale of Glamorgan; MG2 – Housing Allocations; MG3 – Strategic Site At Barry Waterfront; MG4 – Affordable Housing; MD1 – Location Of New Development; MD2 – Design Of New Development; MD5 – Development within Settlement Boundaries; MD6 – Housing Densities of the Vale of Glamorgan Adopted Local Development Plan 2011-2016, and the advice in PPW and Technical Advice Note 12, it is considered that the proposed

development is acceptable in principle and in terms of design, affordable housing provision, highway safety and residential amenity.

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

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

NOTE:

- 1. The applicant/developer is reminded of all of the relevant conditions on planning permission 2009/00946/OUT, particularly in respect of drainage.**

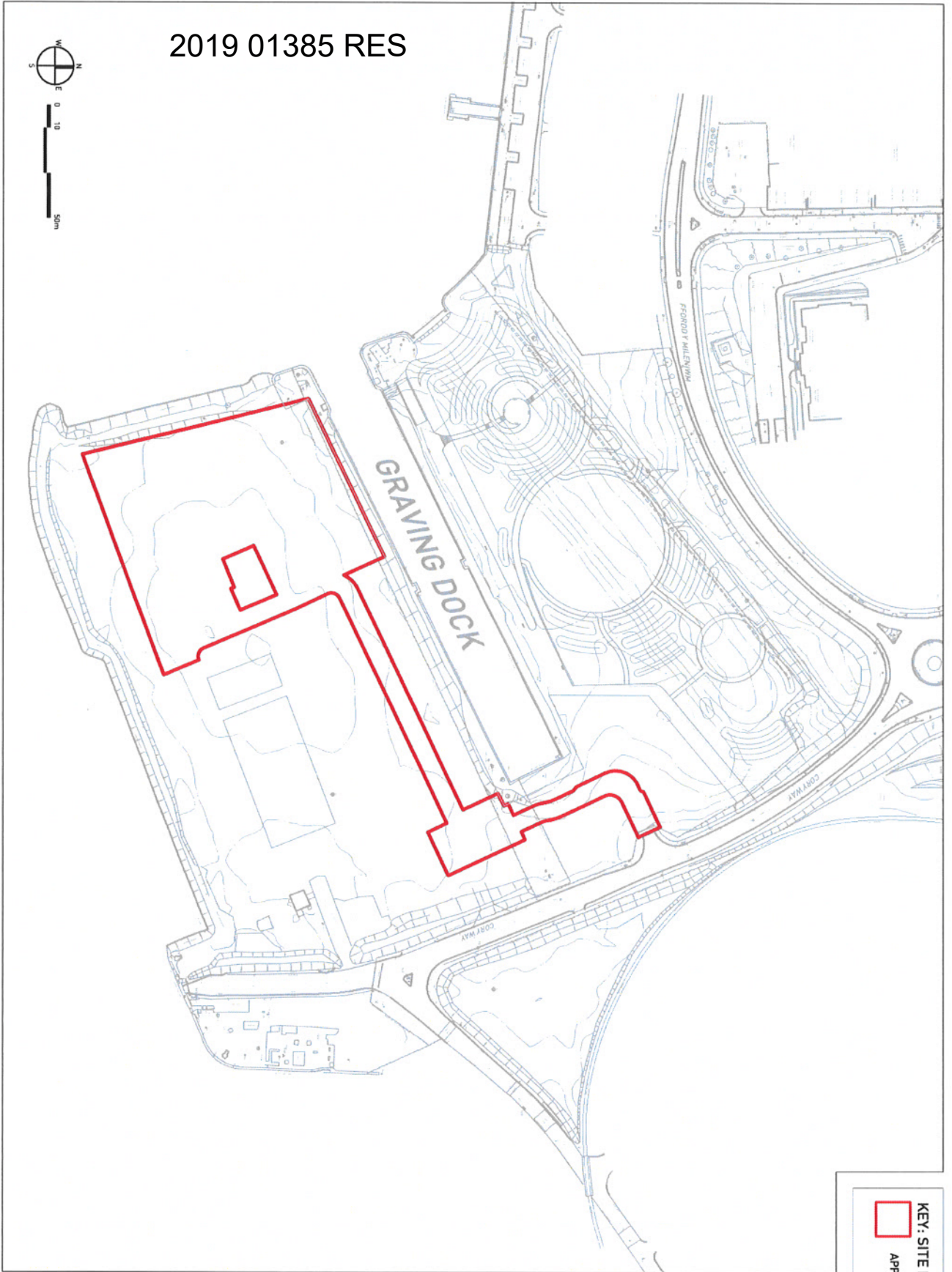
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

2019 01385 RES



KEY: SITE LOCATION PLAN
APPLICATION BOUNDARY

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

EAST QUAY, BARRY WATERFRONT, BARRY - SITE LOCATION PLAN

Pegasus
Design

www.pegasusgroup.co.uk | TEAM/DRAWN BY: MFA/KUN | APPROVED BY: MFA | DATE: 02/12/19 | SCALE: 1:2500 @ A4 | DRWG: P17-1387_08 SHEET NO: _ REV: | CLIENT: BARRATT & DAVID WILSON HOMES |

2020/00277/FUL Received on 1 June 2020

APPLICANT: Craig & Jude Maunder c/o Agent

AGENT: Mr. Sam Courtney LRM Planning, 22, Cathedral Road, Cardiff, CF11 9LJ

Land to the West of Southra Farmhouse, Southra, Dinas Powys

Construction of a bespoke single (low carbon and energy positive) residential dwelling, diversion of a footpath, landscape planting and associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The main application site comprises an unused and vacant parcel of agricultural land located immediately to the west of Southra Farmhouse, Westra, Dinas Powys. The site is accessed from the North-East, via a private driveway that branches off from Southra Road. A public right of way path extends from the East to the West of the site. The application site lies outside of the Dinas Powys Settlement Boundary as defined within the Local Development Plan.

This is a full planning application for construction of a detached split-level, five bedroom dwelling, The dwelling measures some 33m (max) in width by a depth of 22m (max) stepping down to some 13m. Due the split levels nature of the property, it will measure a height of 6.3m to the rear and some 3.2m to the front.

To the rear the dwelling will be primarily glazed and finished a natural vertical timber cladding, with the use of stone to the lower level at the rear. The flat roof will be planted as a "Green Roof".

To date four letters of objection from neighbouring properties have been received along with an objection from the Community Council raising concerns principally in respect of the impacts of the dwelling on the countryside and outside of the settlement boundary within the countryside. One letter of support has been submitted.

It is considered that the material considerations and more up to date guidance as set out in Planning Policy Wales Edition 10, would in this instance, based on the application and the supporting documents, override the fact that the proposed development would not be wholly in accordance with the policies contained within the Development Plan. On this basis the proposed dwelling, in terms of its siting, design together with landscaping proposal, would not have an unacceptable effect on the countryside and would reflect the character and pattern of development in the area. The proposal is also considered acceptable in respect of the impacts on the public rights of way, access and parking, neighbouring amenity, ecology, drainage and archaeology.

SITE AND CONTEXT

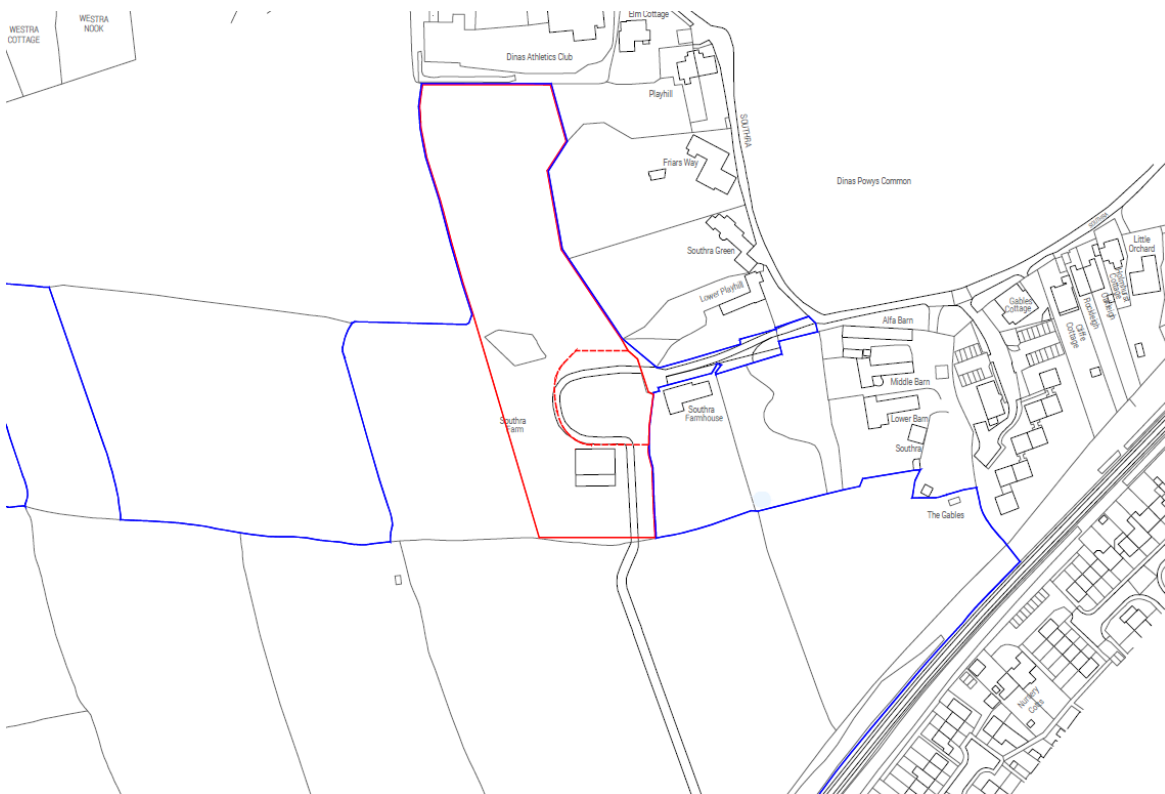
The main application site comprises an unused and vacant parcel of agricultural land which is covered in scrub planting, which slopes from north to south, falling from a height of 21.0 metres to 16.0 metres.

A two-storey extended farmhouse, known as Southra Farmhouse with a contemporary single storey flat roofed structure is located to the east of the proposed dwelling and to the south, is a modern agricultural storage building associated with the farmstead. The agricultural fields which surround the site, extend both to the north, west, south east and south, with the railway line forming the boundary of the applicants' ownership to the south.

Both Southra Farmhouse and the site are accessed from 'The Southra', a public highway off Station road, which connects to the A4055 to the A4232. A public right of way path extends from the East to the West of the site.

The site is accessed from the North-East, via a private driveway that branches off from Southra Road. The road runs along the southern edge of Dinas common and is without a pedestrian walkway and serves a number of residential properties, terminating at Dinas Powys Athletic Club to the north.

The application site lies outside of the Dinas Powys Settlement Boundary as defined within the Local Development Plan.



DESCRIPTION OF DEVELOPMENT

This is a full planning application for construction of a bespoke, split-level dwelling, comprising of the following components:

- single detached split-level dwelling with green roof;
- boundary wall to form courtyard entrance/parking area with solar panels above;
- comprehensive landscape planting including sustainable drainage;
- diversion of the PRow; and
- associated works.

The dwelling itself is proposed to appear as single storey at the front/north boundary and two storey at the rear/south. The schedule of accommodation is to include; an open plan living/dining/kitchen area, utility room, separate lounge, 5 no. bedrooms and a garage.

The dwelling measures some 33m (max) in width by a depth of 22m (max) stepping down to some 13m. Due to the split levels nature of the property, it will measure a height of 6.3m to the rear and some 3.2m to the front.

To the rear the dwelling will be primarily glazed on both ground and first floor level with a mix of full height glazed windows and sliding doors set behind a frameless glass balustrade. Openings to the other three elevations are more limited. The dwelling will primarily be finished with a natural vertical timber cladding, with the use of stone as a secondary material to the lower level at the rear. The flat roof will be planted as a “Green Roof”.

Externally, the courtyard area at entrance level is to be bound by a wall which will follow the northern boundary with solar panels above orientated south. The courtyard area is to be landscaped and leads out onto the existing stone track which is aligned with the re-directed PRow. At garden level an enclosed courtyard is proposed at the side/western boundary with terraces to the rear, including covered terraces formed from the balconies to the entrance level bedroom accommodation.

The integrated garaging, which is accessed from the courtyard via the extended private drive, will provide storage for vehicles and bicycles and will have electric charging points for both.



Proposed North (Front) Elevation

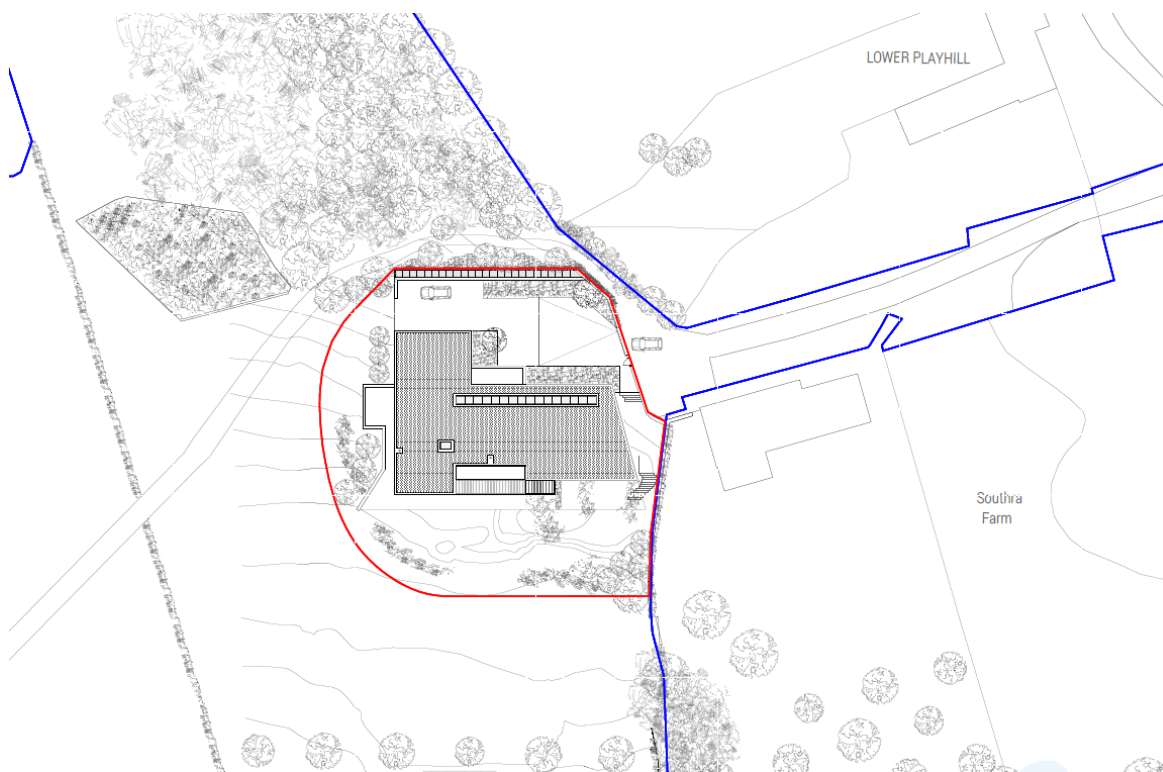


Proposed South (Rear) Elevation



Proposed West (Side) Elevation

The dwelling is to be accessed off an existing access track and driveway which serves an existing property, located to the east, defining most of the perimeter of the field parcel.



Proposed Site Layout Plan

PLANNING HISTORY

2014/00972/FUL, Address: Southra Farm, Southra, Dinas Powys, Proposal: Proposed alterations and extension to farmhouse, Decision: Approved.

Other relevant:

2011/00310/FUL – Address: Westra Cottage, Westra, Dinas Powys. Decision: Refused for the following reasons:

1. In the opinion of the Local Planning Authority, the proposal represents an unacceptable extension of ribbon development outside the residential settlement boundary for Dinas Powys, which would detract from the attractive open and spacious appearance of the site and cause demonstrable harm to the rural character of the wider area, contrary to Policies ENV1 - Development in the Countryside; ENV27 - Design of New Developments; HOUS2- Additional Residential Development; HOUS3 - Dwellings in the Countryside; and HOUS8 - Residential Development Criteria; Strategic Policies 1 & 2 - The Environment; and 8 - Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development and national guidance contained in Planning Policy Wales 2011.

2. By virtue of its size, pattern of development and backland location, the proposal would result in an unacceptable form of residential development out of character with the existing pattern of development in this area, located beyond any logical village `edge`, which would not be considered to constitute infill or rounding off. The proposal is therefore considered contrary to Policies ENV1 - Development in the Countryside; ENV27 - Design of New Developments; HOUS3 - Dwellings in the Countryside; and HOUS 11 - Residential Privacy and Space.

Appeal Decision: Allowed, stating: “It would not appear as backland development but provide a logical minor extension to the overall pattern of development.” [...] “it would represent a rounding off of the built up area and would not represent ribbon development. Overall, it would not have a harmful effect on the character and appearance of the surrounding area.” [...] “The proposed dwelling would be seen in the context of the cluster of buildings of which Westra Cottage is a part, and the wider countryside which is characterised by suburban development at the edge of Dinas Powys.”

CONSULTATIONS

Dinas Powys Community Council were consulted and reconsulted on the amended plans and raised an objection on the grounds that the proposal is an intrusion into the countryside, located beyond the boundary of the community and in conflict with the LDP.

Dinas Powys Ward Members were consulted. No comment received.

Council’s Highway Development Team were consulted and have stated that the proposal in principle is acceptable, however they have noted at the junction with the Private Drive and Southra, that the road markings do not clearly identify the appropriate right of way for traffic, leading to confusion to the detriment of highway safety. As part of the proposals they require this arrangement to be altered to adhere to the Traffic Signs regulations and General Directions 2016 and improve highway safety. Which can be secured on via a suitably worded condition.

Council’s Public Rights of Way Officer was consulted and have advised that the applicant proposes the diversion of the Public Right of Way that crosses the development (No.13 St Andrews Major, status – Footpath). They advise that not all Public Right of Way diversion applications are successful and a diversion order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

The Public Right of Way must be kept open and available for safe use by the public at all times and should the Public Right of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984.

Furthermore, material shall not be stored on the paths and no barriers, structures or any other obstructions placed across the legal alignment of the path.

GGAT have responded stating that archaeological remains may be encountered during ground works associated with the proposed development, this includes any site clearance and/or preparatory works and have recommended a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource in the form of a watching brief during the groundworks required for the development,

Dwr Cymru Welsh Water were consulted and have stated that capacity exists within the public sewerage network for domestic foul only from the proposed development site. The development may require approval of Sustainable Drainage Systems (SuDS) features and it is recommended that the developer engage in preapplication consultation with the relevant SuDS Approval Body (SAB). The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

REPRESENTATIONS

The neighbouring properties were consulted on 12 March 2020 and 2 June 2020 (in respect of the amended plans) and site notices were also posted.

To date a total of four letters of objection have been received relating to the original and amended schemes. The comments received are summarised below:

- Justification provided for construction of this house is invalid as the client already lives next door to the farm in one of the Southra Barn conversions,
- The parcel of land proposed for construction of the property is erroneously defined as “scrub”,
- The repositioning of the Public right of way is not in the public interest,
- The application does not consider the impact on properties at the West end of the Common,
- The impact assessment grossly underestimates the potential far-reaching impact of the proposed construction on the local community,
- The proposal references recent construction projects which are themselves, inconsistent with local development patterns,
- The application deliberately understates the potential impact of the project on local residents and users of The Common,
- The application represents an extension into a greenfield site, into countryside and not a ‘rounding off’ of current boundaries,
- Development is in direct conflict with Vale of Glamorgan LDP,
- It will set a precedent for further development outside of the village boundary on green belt land.

One letter of support has been submitted, as summarised below:

- The proposed dwelling is sensitively designed into the slope and the wider landscape and offers a range of environmental and bio-diversity benefits
- Design is complemented with a high-quality landscape scheme including a green roof.
- re-routing of the PROW will provide a positive benefit to the community as the currently approved PROW route is not followed.

REPORT

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 SP4 – Affordable Housing Provision

Managing Growth Policies:

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

Managing Development Policies:

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

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 10, 2018) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)

Para 3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Chapter 4 - Active and Social Places

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

Globally Responsible Wales is promoted by locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel which in turn will reduce our carbon footprint. For example, by locating new housing developments within existing settlements enables people to take advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.

Para 4.1.31 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling.

Para 4.2.24 In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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 issue in the assessment of this application is:

- Whether the site is considered to be in a sustainable location having regards to the latest guidance in PPW 10 and LDP policies.
- Whether/how the site relates to the built form of development to the east.
- The impact of the proposal on the rural character of the area
- The visibility of the site from the adjacent public right of way

Other matters include access and parking, ecology, drainage and affordable housing.

Principle of development

Under the terms of the Local Development, the site is neither within nor adjacent to the settlement boundary of Dinas Powys and is within the countryside. However, it is located adjacent to a cluster of dwellings at the Southra and is in very close proximity to the Primary Settlement of Dinas Powys.

Whilst Policy MD5 provides criteria and developments within settlement boundary, the supporting text within Para 7.33 states:

“...The boundaries define the settlements within which new development will be permitted encouraging the under-use of land and buildings and preventing the spread of new development in the open countryside. Accordingly to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in para 9.3.2 of PPW. Such development would also need to respond appropriately to the local context and accord with Policies MD1 and MD2.”

Since adoption of the LDP, Planning Policy Wales has been updated. However, there are a number of relevant paragraphs in PPW Edition 10 which build on the same sentiment, which has weight as a material consideration in determining this planning application in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004.

The main drive within PPW Edition 10 in relation to new dwellings, can be summarised as follows:

- *Ensuring that new development in the countryside is within and adjoining those settlements served by infrastructure, access, habitat and landscape conservation.*
- *new building in the open countryside away from existing settlements must continue to be strictly controlled.*
- *New development should be of a scale and design that respects the character of the surrounding area.*
- *locating and designing developments which reduce trip lengths for everyday journeys and supports sustainable modes of travel*

- *taking advantage of the shorter trip lengths to places of employment, retailing and other community services by walking, cycling or public transport.*
- *In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*

The guidance set out with PPW Edition 10, should also be considered in conjunction with LDP Policy MD1 (Location of new Development). This policy states that new development on unallocated a site should amongst other things, have no unacceptable impact on the countryside; support the delivery of affordable housing in areas of identified need; have access to or promote the use of sustainable modes of transport; promote sustainable construction and make beneficial use of previously developed land and buildings and have no unacceptable impact on the best and most versatile agricultural land.

On the basis of the above, the two principal issues are therefore that new residential development is sustainable in terms of its location and that any new development must not be visually intrusive, reflect the pattern and character of the area and should not be sited away from existing settlements or within the open countryside.

Sustainability

In terms of the ability to access the facilities within the village, any new development should be able to be access by sustainable modes of travel. Whilst the site is located outside of the settlement boundary of Dinas Powys, it is nevertheless only some 500m from the edge of the defined settlement. Moreover, the site is some 650-700m from the Dinas Powys Local Retail centre which provides access to a range of services and facilities. Further to the east of the site, approximately 1km along Cardiff Road, there are a number of additional shops and facilities. In addition, Dinas Powys common which provides open space and children's play equipment is within 120m of the site.

With regard to public transport provision, the site is located approximately 500m from Dinas Powys Rail Station and bus stops on Cardiff Road. These stops provide services to Barry Island, Cogan, Cardiff and other local destinations, whilst Dinas Powys Rail Station provides direct services to Cardiff and Barry Island approximately every 15 minutes during weekday timetable hours.

In terms of the ability to access these facilities and services, these facilities are, due their limited distance away and local topography, within easy walking distance from the site. Whilst Southra does not have a footway or street lighting, it is a no through adopted road and already provides access for a number of properties served off Southra. In terms of the usability and safety of Southra as a walking route, whilst there are no pedestrian footways, the majority of Southra is abutted by the Common and grassed verges which can be utilised to walk along to gain access to village, as well as routes across the Common itself to provide more direct access to facilities such as the school, tennis and bowls club.

On the basis of the above, the site is within easy walking distance of the settlement of Dinas Powys and other nearby services and facilities and occupiers of the new dwelling can use suitable means of accessing these facilities without the reliant on the private car.

Visual Impact

As stated above, the site itself is some 470m to the west of the defined settlement edge of Dinas Powys (via Southra), at its junction with Station Road, as set out in the LDP. However, regard must be given to the pattern of development within the vicinity of the site, coupled with the wider topography of the site and the surrounding area, which is such that residential development forms a backdrop to the east and north of the site.

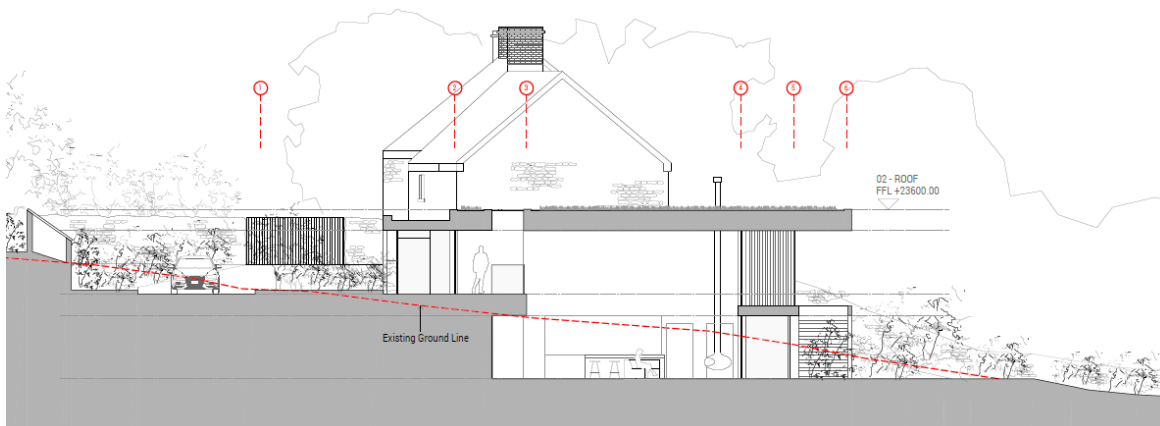
Southra Farmhouse is a two-storey stone dwelling of traditional construction and appearance. The property has been extended to the side/rear, with the development taking a more contemporary approach to its design through a sympathetic combination of stone and glazing. Beyond the Farmhouse, to the east and north/north east of the site are a number of large detached properties, either barn conversions or large residential dwellings, which have been developed in a ribbon pattern along the southern/western and eastern edge of Southra. The properties are set in substantial plots, with large gardens and private access roads. There is also a significant development of 1960's apartments surrounding a parking court located off Southra.

It is considered that the site relates well to the cluster of established development along Southra, although it does relate to agricultural land on the western fringe of the cluster of dwellings and on land immediately adjacent to the former Farmhouse. The informal farm track which surrounds the site, stems from the existing private drive passing the Farmhouse and traverses the levels around the site, providing access to the fields to the south.

To the north of the site is the rugby/cricket clubhouse, whilst to the north east are the rear gardens of the properties which are located off Southra. The land immediately to the south and to the west are clearly open agricultural fields, although the site does have more of a visual relationship and connection with the built form along Southra, than the large open fields laying beyond (to the west and south).

Siting, scale and design

The dwelling has been designed to nestle into the sloping site and is split level and building appears single storey to the front/northern boundary and two storeys at the rear/south. The cross section below shows how the dwelling will be excavated into the sloping levels of the site and shows the height of the adjacent Farmhouse as a reference.



The building takes a linear/horizontal form, adopting a contemporary style which aims to sit it sensitively within the landscape and compliment Southra Farmhouse, as extended, which is located immediately adjacent to the eastern boundary.

The proposed building has been positioned and orientated so as to respect privacy and amenity for both the existing and proposed dwellings adjacent and maximise solar efficiency. The design approach is modern with environmental considerations expressed in its design, with deep overhangs on the southern facade to provide shading and the green roof which promotes biodiversity, and the solar panels which are integrated into the boundary wall.

The main choice of material palette is equally legible, the stone used on the lower storey on an element which is partly buried which sits in contrast to the natural timber cladding of the upper level, which will weather over time. The proposed materials and finishes are considered acceptable in principle, reflecting those used in the locality, albeit in a more contemporary way. However, any planning permission granted should be conditioned requiring a full schedule and samples of all materials and finishes including additional details of the key elements of the dwelling (**Conditions 3 and 14**).

As set out in the accompanying Design and Access Statement, any new dwelling should inherently seek to reduce its energy demands as a priority (in line with Policy MD1), before the application of renewable technologies. As such, the proposal is designed with a 'fabric first' approach, ensuring that the dwelling is well insulated and sealed in order to reduce heat loss. Cooling loads are also a consideration, and so solar shading has been incorporated into the composition of the southern elevation, in order to minimise solar heat gain in summer, but allow the low winter sun to naturally warm the dwelling. In addition, the dwelling will have a green roof, which not only supplements the insulated fabric, but also serves to soak up rainwater, slowing its run-off from the roof. It will also enhance biodiversity and minimise the visual impact of the dwelling, especially when viewed from the higher land to the north.

Members should note that as part of the pre application process, one of the early design considerations was siting and orientation, where the initial proposal was orientated in order to frame the entrance courtyard and provide views through this to the fields beyond and maximise views to the south west and to frame the entrance courtyard. The design was further developed incorporating a new orientation, allowing the building to make best use of the existing topography, whilst keeping the driveway clear in order to frame the view to the west from the approach. The building now sits more in line with the existing dwelling to east. The scheme was presented to the Design Commission for Wales and has evolved addressing their comments, which is set out in full within the DAS (page 35). Their comments principally relate to the way that the dwelling was laid out internally, design of the southern facade, solar panels and shading and the impact on the Public Rights of Way.

Impact on the Countryside

The application has been supported by a Landscape and Visual Appraisal (as amended), to consider the potential effects of the proposal upon the character and appearance of the landscape in which it is located and ways in which this can be mitigated through design. Furthermore, the report considers opportunities for enhancements associated with the scheme, including in relation to biodiversity and green infrastructure.

As described previously, the split level contemporary dwelling is such that changes to the wider landscape as a result from the proposal would be limited to the development of an area of undeveloped agricultural land, which is currently overgrown scrub. No hedgerows or trees will be affected by the proposed development, however the proposals commit to providing a new high-quality landscaping scheme along the frontage and western extent of the proposals, that will remove the overgrown scrub within the site and replace it with native tree and shrub planting of local provenance.

In the context of the character of the site the loss predicted, in combination with the provision of new planting, leads to a high magnitude of change, and a moderate/minor adverse effect. It is the case, as described within the viewpoint assessment, that there are very few publicly accessible locations where the change in usage of this discrete area of landscape would be apparent. The report states that the site has extremely limited visibility from the wider landscape, resulting from its enclosure by hedges, trees and the area's undulating landform, although the LVA acknowledges that it is more open to the south and west, allowing views from the site to the open rural landscape in that direction. The, availability of publicly accessible viewpoints is limited to the following receptors:

- Dinas Powys Rugby Football Club, located c.150m north of the site;
- Dinas Powys Common, located c.80m to the east and c.190m to the north;
- Public Footpath S1/13; which travels from Dinas Powys Common to the east, westwards to the north-east corner of the site boundary, before heading south through the site and into the agricultural landscape to the south-west.
- Barry Branch railway line located at its closest point c.180m south-east of the site; and
- Dwellings along Westra, located to c.295m to the north-west of the site.

The LVA concludes that given the high-quality design, location and above factors, that the proposed new dwelling is largely consistent with the overall pattern of the surrounding development around Southra, Dinas Powys. Additionally, the proposed development would be consistent with nearby development of similar nature, such as the contemporary Southra Farmhouse extension east of the site and Westra Nook dwelling to the north-west of the site. Furthermore, it adds that the linear and split-level nature of the proposed dwelling, along with the accompanying landscape scheme, comprise a visually discrete feature that would allow the assimilation of the building into the surrounding landscape. Perceptually and spatially, it is stated in the LVA that the proposal would represent a "rounding off" of the dwellings along Southra to the north of the site and would not represent ribbon development."

It is accepted that despite falling outside of the settlement boundary, the landscape encompassing and surrounding Land West of Southra Farm has a rural edge character, with the immediate area including and surrounding the site comprising typical farming paraphernalia. Generally, it is not until you proceed out of the field boundary, just south of the existing barn, that a true sense of the more open aspect of the rural countryside is achieved. The scheme proposals aim to compensate any landscape fabric loss resulting from the construction of the dwelling, with the provision of a green roof and a high-quality landscape scheme located north of the dwelling comprising a number of native trees and shrubs.

Given the limited visibility of the scheme and its context, the overall effect on landscape character is considered in the study to be minor-negligible and that the underlying

agricultural and rural character of this part of the landscape will largely be unchanged as a result of the proposed scheme.

In respect of the visual spread of effects as a result of the proposals, these are limited, but the most notable effect will be upon the Public Footpath which passes through the site itself. However, these effects would only be experienced for a limited distance beyond the proposals, where due to the split level design (being single storey to the front) users of the footpath would only view a circa 1.8m stone boundary wall, behind which the dwelling would be largely screened (based on the diverted route). Whilst the views for users of the public footpath would differ for the first 25-30m, the only real perceived change would be the stone boundary wall, which in any case would reflect the rural character of the area, and following the initial change, the more open countryside views would remain to the west.

When viewed from the countryside to the south, the development would have a similar appearance to the adjacent residential area to the east of the site, and the residential area to the north-west of the site along Westra, would reflect the overall pattern of development. The proposals are also situated at a similar grade to the adjacent Southra Farmhouse and would not appear as an incongruous addition as a result, although it would extend the built form of this building group westwards. However, as established, distant views to the site from the south and west are limited by a combination of screening provided by hedgerow trees and subtle variations in topography, that would reduce the impact of the proposal further.

Notably the proposed dwelling would largely be seen in the context of the cluster of buildings of which Southra Farmhouse is a part, and the wider countryside which is characterised by suburban development at the edge of Dinas Powys.



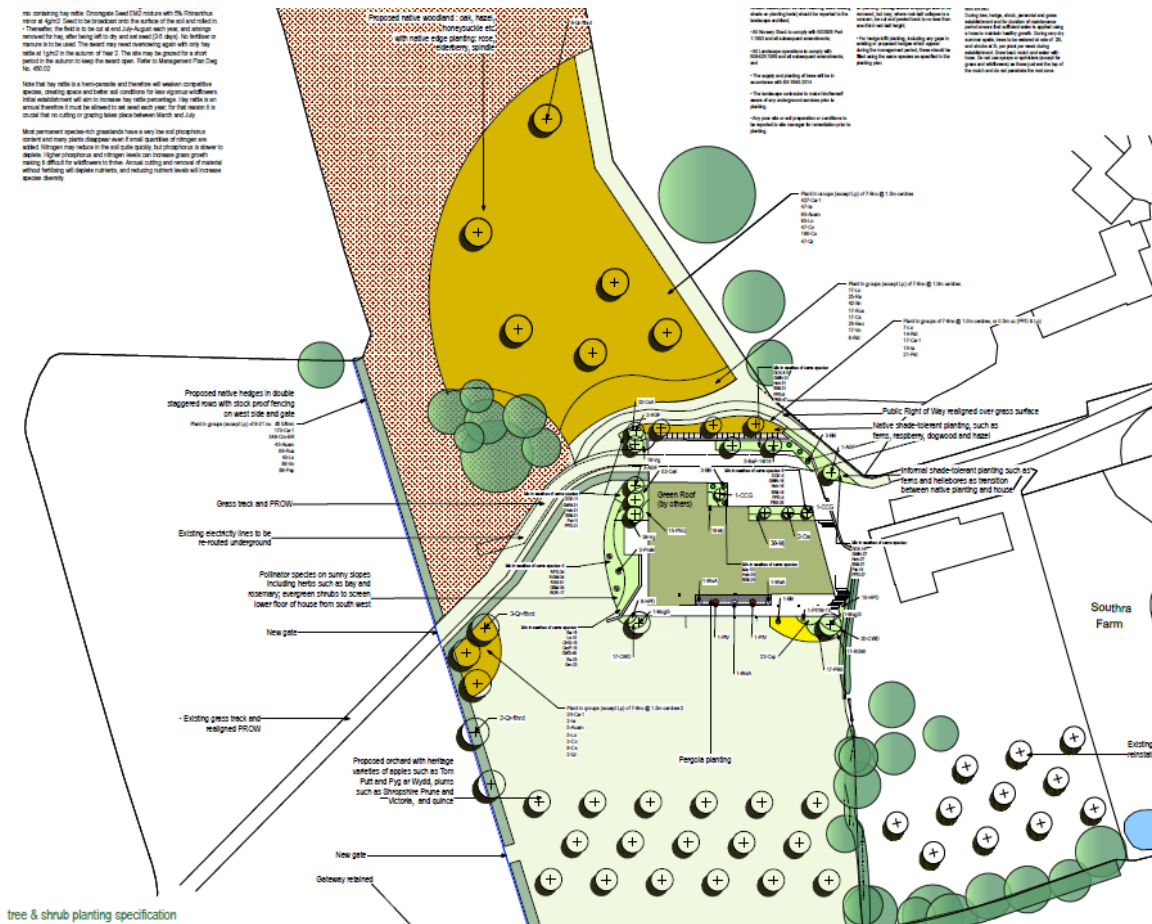
Proposed view from the South



Proposed view from the West

Overall, any negative effects of the proposals are limited and is considered to be balanced by the provision of the landscape mitigation. Given that a significant part of the proposal is the extensive scheme of landscaping and wider tree planting, full details of landscaping have been submitted and assessed as part of the application. The application has been supported by detailed planting plan and management plan which has been amended and refined during the application, in conjunction with comments received from the Councils Landscape Architect.

The application proposes a number of significant positive landscape enhancements help to soften its impact on the wider landscape setting (as illustrated below), including woodland, orchard, hedgerow and other tree planting, removal of a section of overhead power cables and removal of an existing agricultural building.



Proposed Planting Plan

Given the extensive scheme of landscaping and that this forms an integral part of the proposals, it was also requested that the application be supported by a detailed Landscape Management Plan which sets out all measures to ensure the establishment of grassland, trees and hedges in a way which maximises biodiversity, maintains the Public Right of Way corridor running through the site, whilst achieving a visual appearance appropriate for the countryside.

Having assessed the Landscape and Visual Appraisal and following the development of a detailed scheme of landscaping and a management plan, the Councils Landscape Architect is of the opinion that the development would not have unacceptable visual impact on the Countryside setting. However, it is noted that the landscape proposals indicated in the submission are required to be implemented in full and managed appropriately to ensure that the planting becomes established, which shall be secured by condition **(Conditions 6 and 7)**.

The amended site location plan includes the wider site to the north and south of the proposed dwelling (where there is woodland planting and other tree planting), to ensure that the wider scheme of landscaping can be secured and managed by condition. As set out below under amenity space, the land shown be used in connection with the dwelling as amenity space is defined on the plan and is limited to a much smaller area to the side and rear of the house, which is itself not considered to impact on the rural character of the area, particularly as this area is shown largely to remain as grass with tree planting. The landscaping plan does show the curtilage and the landscape area beyond as one area with no delineation between the two. It is considered necessary to physically delineate the

extended of the residential curtilage of the property along the line of that shown on the site layout plan, to ensure that the wider site is not used in connection with the dwelling, which shall be imposed by conditions (**Conditions 4 and 5** refer).

Agricultural Land

Both Policies MD1 (9) and MD7 (7) seek to ensure that proposal do not have any unacceptable impacts of the best and most versatile agricultural land. Whilst the land is undeveloped, the Councils own predicative Agricultural Land Classification maps show that the area to be developed falls within an “urban” and would not result in the loss of the best and most versatile agricultural land.

Amenity Space

The Supplementary Planning Guidance ‘Residential and Householder Development’ indicates that for houses, a minimum of 20 sq. m of amenity space per occupier should be provided, and the majority should be private garden space.

The proposed dwelling would benefit from a garden area of a sufficient size to serve the five bedroom property in line with the standards and is considered commensurate with the size of the property without any undue incursion into the country. It should be noted that whilst the application site is large this includes the woodland planted area, outside of the proposed residential curtilage of the dwelling. The garden area whilst relatively open will still be considered as being generally ‘private’ to meet requirements of the SPG.

Impact on Neighbouring Amenity

Given the location of the proposed dwelling and the distance from adjacent and nearby neighbours, it is not considered that it will impact on the privacy of any nearby occupiers. The nearest dwelling is the adjacent property at Southra Farmhouse (to the east), which is some 11m metres from the application dwelling. Given that the proposed dwelling is largely in line with Southra Farmhouse and the split level nature of the dwelling, it is not considered that the proposal will have any overbearing impacts on Southra Farmhouse. Furthermore, the east elevation does not contain of the proposed dwelling does not contain any windows and would not result in any loss of privacy.

Access and Parking

The proposed dwelling will utilise the existing section of private drive which serves Southra Farmhouse, which links to a short section of adopted track from Southra. The scheme proposes garaging for two/three cars in addition to parking within the courtyard area. The parking provision proposed is considered to be in line with the standards set out within Parking Standards SPG.

Further to the comment made by the highway engineer in respect of the road markings at the junctions of the private drive and Southra, following further clarification, on the basis that the road marking are on the adopted highway, it has been agreed the matter will be progressed separately by the Councils Highways (Traffic) Team and falls outside the scope of this application.

Impact on Public Right of Way

It is proposed that the existing Public Right of Way (S1/13) that runs through the site is diverted to go around the driveway of the proposal, via a new section of path which is to be landscaped with woodland planting, with new signage to further aid navigation. The Planning Statement states that the applicant has been in discussion with the PRow Officer over a number of years and that the public do not currently use the formal 'definitive' route and it is the applicants' intention to progress with the formal diversion once planning permission has been granted.

The Public Right of Way officer has stated that not all Public Right of Way diversion applications are successful and a diversion order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. In addition, supplementary comments are made in respect of the need to ensure that the PRow is not affected during construction and is a temporary closure to assist in facilitating works is required, this should be sought under the Road Traffic Regulation Act 1984.

Following further clarification from the PRow Team, they have stated that on the assumption that the proposals for diversion are to follow the realigned track then they appear acceptable and that the correct order is to grant planning permission, and then process and confirm the path diversion and then to commence the build when that's all complete.

The applicant shall be advised of the need for a diversion by way of an informative.

Ecology

The application has been supported by an Ecological Assessment. In summary the Assessment states that the site comprises a mixture of coarse and rank habitats which are dominated by bramble scrub and tall ruderal plants. None of the habitats are considered to be of greater than local value for wildlife and there are currently no record of protected species on the site, although it is likely that nesting birds and common reptiles are present. It also states that the protected great crested newt might occur, whilst in its terrestrial phase, although there are no suitable breeding habitats of this species on the site.

The Assessment sets out the standard statutory obligations should any protected species be found on the site and also recommends that a method statement should be submitted for the clearance of the site in addition to a reptile mitigation strategy and wildlife protection plan to minimise impacts during site clearance and construction. This shall be secured by condition (**Condition 10**)

Biodiversity enhancements are also proposed in the form of new bat and bird boxes, although no detailed proposals have been submitted. Biodiversity enhancement is a requirement as set out in the Councils Biodiversity and Development SPG, and the full details of scheme of enhancement shall be submitted and secured by condition (**Condition 11**). In addition, it should be noted that the scheme also proposes bio-diversity enhancement in the form of the extensive scheme of tree and hedgerow planting which will create new habitat.

Drainage

With regards to storm water drainage, the scheme proposes a number of sustainable drainage techniques, including rainwater harvesting, a green roof and soakaways. It is stated that pre-application discussions with the Sustainable Drainage Body (Council Drainage Team) have been positive and a formal application to SAB will follow in due course. Given that the development would trigger a SAB application, an informative shall be added to any planning permission advising the applicant of the need for separate SAB approval.

In relation to foul drainage, it is proposed to connect the proposed development to the existing 225mm foul water sewer and manhole located to the south. Welsh Water have confirmed that capacity exists within the public sewerage network. They have also stated that any connection to the public sewer network is either via a lateral drain or via a new sewer would require the applicant to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991), which should be by way of an informative.

Archaeology

Glamorgan Gwent Archaeological Trust have stated that the proposal is located to the southwest of Dinas Powys Common, where there are the remains of a Romano British farmstead, a Scheduled Monument. As a result, there is the possibility that archaeological remains may be encountered during ground works associated with the proposed development, this includes any site clearance and/or preparatory works. Therefore, GGAT recommend a condition requiring the applicant submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource, which shall be secured by condition (**Condition 8** refers)

Affordable Housing

Criterion 4 of Policy MD1 of the LDP requires new residential development to support the delivery of affordable housing in areas of identified need. The Council are aware of the acute need for such provision within the Dinas Powys area. The Council's policy on affordable housing is set down in Policy MG4 of the LDP relating to Affordable Housing, and requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing.

The Councils Housing Team have provided the latest figures for affordable housing need within Dinas Powys as set out below:

Dinas Powys	
1 Bed	139
2 Bed	107
3 bed	35
4 bed	10
5 Bed	1
Total	292

Both Dinas Powys and the rural Vale of Glamorgan lie within an area where there is a requirement for 40% affordable housing to be provided. Based upon sites of 1-9 dwellings, the Council's Adopted SPG on Affordable Housing (2018) sets out how to calculate the level of off-site contribution. On the basis that a whole unit can't be delivered on site, the policy requires a financial contribution towards off-site affordable provision within the Vale, which would be based on the following:

Acceptable Cost Guidance (£) x Social Housing Grant x Number of affordable housing units = Financial contribution (£).

Within the Ward of Dinas Powys, One-bedroomed, two-person dwellings are the types of dwellings most needed. This means that a single-dwelling proposal should yield the following contribution for affordable housing:

119,700 (ACG £ per unit) x 0.58 (% SHG) x 0.4 (N) = **£27,770.40**

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

The agent has agreed in writing on behalf of the applicant his agreement to pay the above sums, which shall be secured through a S106 Legal Agreement.

RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- to pay the required affordable housing contribution of £27,770.40

APPROVE subject to the following condition(s):

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

Reason:

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

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

Ecological Assessment
Planning Statement with Appendices
1731/S210 North Elevation (Coloured)
1731/S212 East Elevation (Coloured)
1731/S211 South Elevation (Coloured)
1731/S213 West Elevation (Coloured)
1731/S102 Entrance Level Plan
1731/S103 Roof Plan

1731/S111 Garden Level Plan
1731/S101 Garden Level Plan
1731/S112 Entrance Level Plan
1731/S100 Site Plan
1731/S200 North Elevation
1731/S113 Roof Plan
1731/S201 South Elevation
1731/S202 East Elevation
1731/S203 West Elevation
1731/S300 Section A-A
1731/S301 Section B-B
SK 01 Drainage Scheme

Above received on 04/03/2020

Design and Access Statement
Landscape and Visual Appraisal Paper -edp9857_r001-A

Above received on 28/05/2020

1731 L01A - Existing Location Plan
1731 L02A - Existing Location Plan

Above received on 01/06/2020

Management Plan - Catherine Etchell Associates
450.01 A. Planting Plan

Above received on 11/06/2020

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

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. The approved residential curtilage of the dwelling hereby approved is the area of land that falls within the red line on drawing ref.1731/S100 Site Plan.

Reason:

For the avoidance of doubt and in the interests of the visual amenities of the rural area as required by Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

5. Prior to the commencement of development on the construction of the dwelling, full details of a means of enclosure to fully delineate the approved residential curtilage of the dwelling as shown in red on drawing ref.1731/S100 Site Plan, shall be submitted to and approved in writing by the Local Planning Authority. The agreed means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the dwelling and shall thereafter be so retained at all times thereafter.

Reason:

In the interest of the visual amenities of rural area and provide certainty as to the extent of the residential curtilage as required by Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

6. All planting, seeding or turfing comprised in the approved details of landscaping as set out Drawing ref 450.01 A. Planting Plan, (and where it forms part of any means of enclosure as agreed under Condition 5) shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, (whichever is the sooner)

Reason:

To ensure satisfactory implementation of the landscaping to ensure compliance with Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

7. The scheme of landscaping as implemented shall be managed in full accordance with the approved Management Plan by Catherine Etchell Associates 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 and management of the landscaping to ensure compliance with Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

8. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

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 SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

9. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance within the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

10. No development (or any site clearance works shall take place) until a method statement for site clearance has been submitted to and approved in writing by the Local Planning Authority which shall be in line with the recommendations set out within the Ecological Assessment. The method statement shall include:

- i) A plan showing wildlife / habitat protection zones;
- ii) Details of development and construction methods, phasing and measures to be taken to minimise the impact of any works;
- iii) Wildlife protection plan
- iv) Reptile Mitigation Strategy

All site clearance and construction stages shall be in accordance with the approved scheme.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

11. Prior to the construction of the dwelling, details of a scheme of biodiversity enhancements in line with the recommendations set out within the Ecological Assessment, shall be submitted to the Local Planning Authority. Within 6 months of the completion of the development or first beneficial occupation (whichever is the sooner) the agreed scheme of biodiversity enhancements shall be implemented/completed on site, which shall thereafter be retained, in accordance with the agreed details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG9 (Promoting Biodiversity) of the Local Development Plan.

12. Notwithstanding the provisions of schedule 2, Part 1, Class A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), [the development hereby approved shall not be altered in any way and no extensions shall be erected or outbuildings/structures erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development in the interest of the visual amenities of rural area in compliance with Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

13. 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), other than the means of enclosure approved to delineate the curtilage of the dwelling under Condition 5, no additional fences, gates or walls shall be erected within or forming the site boundary, as shown in red on drawing ref. 1731 L02A - Existing Location Plan.

Reason:

To enable the Local Planning Authority to control the scale of development in the interest of the visual amenities of rural area in compliance with Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

14. Notwithstanding the submitted plans and prior to their use on site full details (including sections and 1:20 scale drawings) of the proposed solar panels, rooflights, glazing, doors, canopies and balustrades, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD1 (Location of New Development) and Policy MD2 (Design of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development Within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection and MD8 -Historic Environment, it is considered that the material considerations and more up to date guidance as set out in Planning Policy Wales Edition 10, would in this instance, based on the application and the supporting documents, override the fact that the proposed development would not be wholly in accordance with the policies contained within the Development Plan. On this basis the proposed dwelling, in terms of its siting, design together with landscaping proposal, would not have an unacceptable effect on the countryside and would reflect the character and pattern of development in the area. The proposal is also considered acceptable in respect of the impacts on the public rights of way, access and parking, neighbouring amenity, ecology, drainage and archaeology.

NOTE:

- 1. The applicant shall be advised that in respect of Condition, the archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

- 3. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 4. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

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

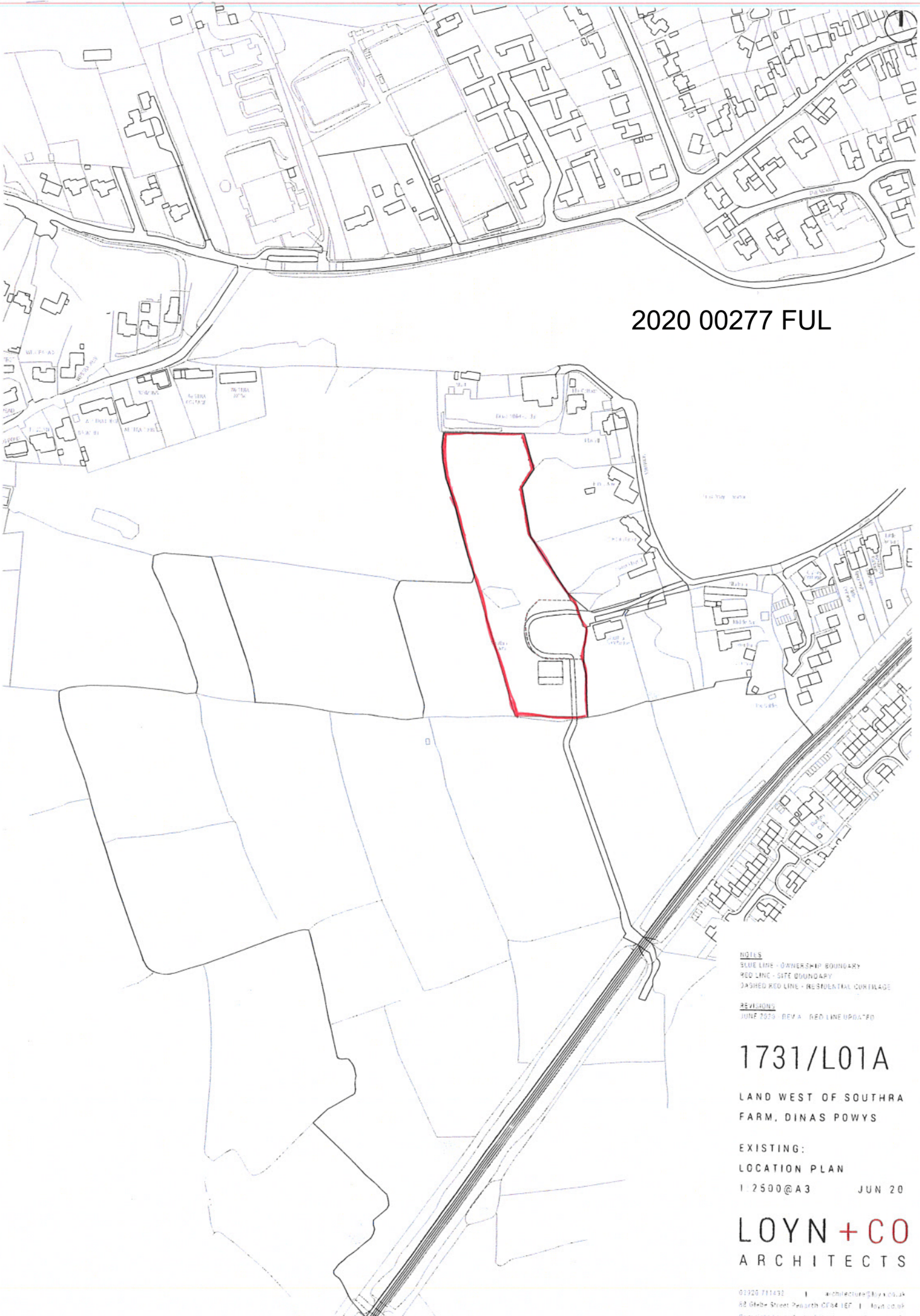
5. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.

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.



2020 00277 FUL

NOTES
BLUE LINE - OWNERSHIP BOUNDARY
RED LINE - SITE BOUNDARY
DASHED RED LINE - RESIDENTIAL CURTILAGE

REVISIONS
JUNE 2020 REV A RED LINE UPDATED

1731/L01A

LAND WEST OF SOUTHR
FARM, DINAS POWYS

EXISTING:
LOCATION PLAN
1:2500@A3 JUN 20

LOYN + CO
ARCHITECTS

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