

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **24 FEBRUARY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

PLANNING APPLICATIONS

Background Papers

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

2020/00351/OUT Received on 1 April 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 East of B4265 - Site A - Western Parcel, Llanmaes

Outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 140 homes and associated development

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

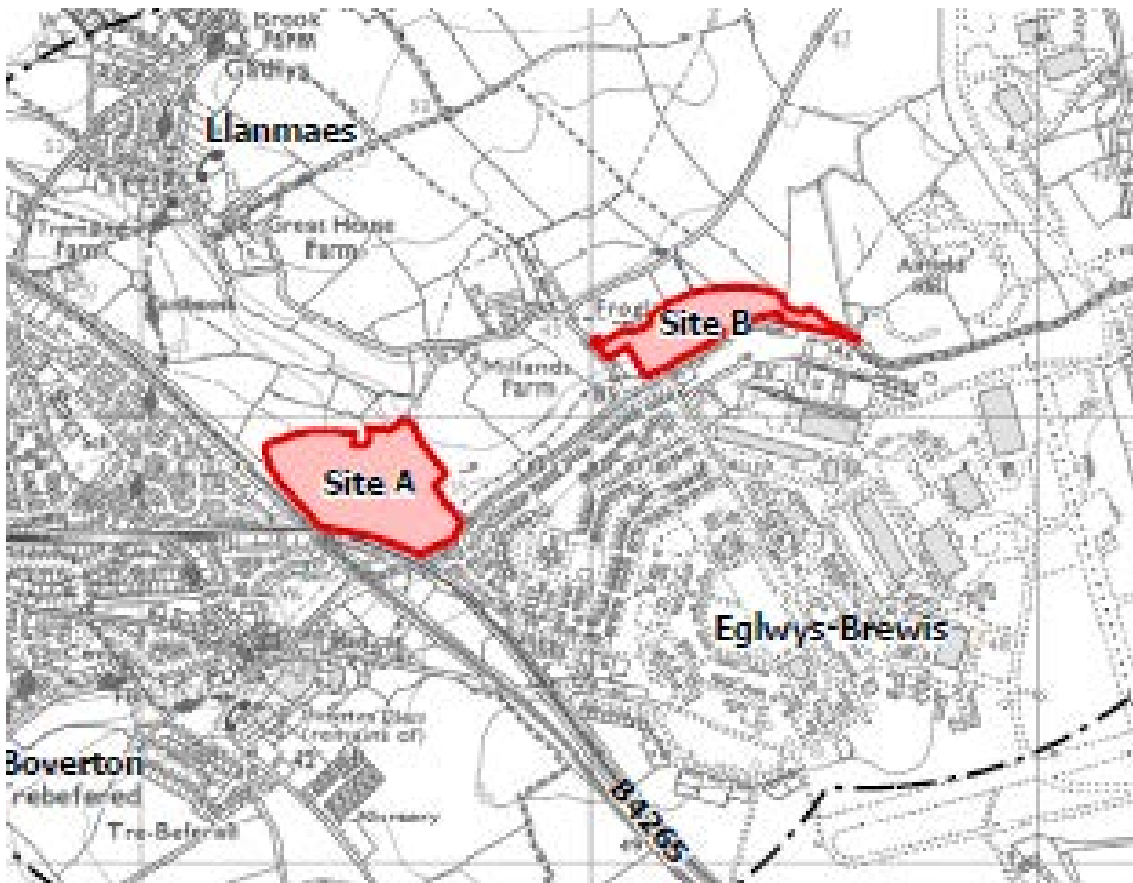
This is an outline planning application (with all matters reserved except 'access') for up to 140 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. The site lies within the settlement boundary of Llantwit Major and a Local Development Plan housing allocation. The proposal is for up to 140 dwellings, of which at least 35% would be affordable. Vehicular access would be directly from Ffordd Bro Tathan and the first part of the access into the site from the main road has already been constructed under planning permission 2017/00564/FUL (i.e. the consent for the Northern Access Road).

The main issues relate to the principle of the development, design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk and impact on the historic environment.

There have been 11 objections to the scheme, while objections have also been raised by Llanmaes Community Council and Llantwit Major Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is 7.9 hectares of land adjacent to the Northern Access Road, Eglwys Brewis. The site is referred to in the application as Site A, whereas the site that is the subject of application 2020/00352/OUT (further along the Northern Access Road) is referred to as Site B. The site's location is shown on the plan below, in addition to the site referred to above as Site B:



The site is adjoined by Eglwys Brewis Road to the south (with dwellings beyond), by the Northern Access Road to the North (with fields beyond), by the B4265 to the west (with the settlement of Llantwit Major beyond) and fields to the east.

The site, the fields to the east and Site B comprise housing allocations in the Vale of Glamorgan Adopted Local Development Plan 1996-2011 under Policy MG2. The site and the fields to the east form allocation (7), while Site B is a separate allocation (6).

The Llanmaes Brook runs along the eastern part of the site (north to south) and the Boverton Brook crosses the south of the site (east to west). These parts of the site (the brooks and the adjacent areas) are within a C2 flood zone, and this is shown by the cross hatched area on the image below.



DESCRIPTION OF DEVELOPMENT

This is an application for outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 140 homes and associated development. The application is accompanied by an indicative master plan, as shown below:



'Layout' is a reserved matter, however, the plan above indicates a way that the site could potentially be developed. A Local Equipped Area for Play is shown towards the eastern part of the site, adjacent to the north/south green corridor. The application proposes that 35% of the dwellings will be affordable.

RELEVANT PLANNING HISTORY

2009/00500/OUT, Address: Land at and adjoining MoD St Athan in the Vale of Glamorgan,, Proposal: Development of a Defence Technical College and associated facilities and works, including 483 Service Families' Accommodation dwellings, military external and field training areas, the alteration and reconfiguration of St Athan golf course, a hotel, an energy centre, improved parking and servicing facilities for the existing spar shop on Eglwys Brewis Road, the provision of a new access road and other associated highway works and improvements, including a garage for Rose Cottage, and all associated ancillary building, sports, community, ecological mitigation and enhancement, engineering, landscaping, means of enclosure and other works., Decision: Approved

2009/00501/OUT, Address: Land at and adjoining the Aerospace Business Park at St Athan, Proposal: Development at and adjoining the Aerospace Business Park, including: the erection of new and replacement buildings, airfield operational facilities and structures; the provision of access roads, hard standings and other infrastructure; security fencing; landscape and ecological works; garage for Rose Cottage; all associated building and engineering works; and related highway improvements, Decision: Approved

2016/00291/SC1, Address: Northern access road, St. Athan, Proposal: Request for EIA screening opinions, Decision: Environmental Impact Assessment (Screening) - Not Required

2017/00564/1/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment - Amendments to Planning Condition 16
2017/00564/FUL--Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/2/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment-The following amendments are proposed to planning condition 10 (additional text underlined and deleted text struck through): Following the construction of the development and prior to the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above. The repair works, if required, are to be completed within 5 months following construction of the new road. Planning Permission
2017/00564/FUL-Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/4/NMA, Address: Northern Access Road, St Athan, Proposal: Non-Material Amendment - Proposed amendment to text of Condition 25 to omit the requirement of low noise surfacing throughout the scheme. Planning Permission ref. 2017/00564/4/NMA:

Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/FUL, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

CONSULTATIONS

Llanmaes Community Council have raised an objection on the following grounds:

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology
7. The MOD live firing range directly opposite the site, and
8. The development is outside the existing LDP

This is attached as Appendix A

Llantwit Major Town Council object on the following grounds:

- *The impact on the infrastructure to Llantwit Major with reference to this proposed development and the ongoing housing estates being built in Llantwit Major and the surrounding areas as detailed in the LDP. There is up to 1000 new residential houses built in Llantwit Major and the surrounding area over the coming few years.*
- *Local schools in Llantwit Major are already reaching their capacity. The Town Council have concerns that this development could cause overcrowding within the Local Schools in Llantwit Major. Llantwit Major Learning Community is the feeder school for Llanmaes and St Athan.*
- *The impact on the already busy Medical Facilities within Llantwit Major.*
- *The impact on the Leisure Centre / Green Spaces within the town.*
- *The increase in traffic and the impact on the parking within the town. It is already difficult to find a parking spot in the town centre.*
- *Boverton Cemetery is nearing capacity and at present no new burial land has been sourced.*

Local Ward Members - Councillor John has objected on grounds relating to flooding, sewerage capacity, proximity to the MOD base, biodiversity, impact on the countryside and the lack of infrastructure.

Ministry of Defence - Requested further consultation when the detail of the development is known.

Civil Aviation Authority - No representations received.

Highway Development - Advice has been provided in respect of connectivity to the existing highway network, infrastructure provision and traffic. The Transport Assessment has been reviewed by a Consultant (on behalf of the Council) and no objection is raised.

Councils Drainage Section - No objection raised, and advice is provided regarding the SAB approval process.

Shared Regulatory Services - Conditions are requested relating to noise mitigation, contamination investigation/mitigation and a Construction Environmental Management Plan.

Cardiff Airport - No objection.

Glamorgan Gwent Archaeological Trust -

Assuming that the round barrow is excluded from the development and any associated Cadw requirements are adhered to, there is unlikely to be an archaeological restraint to this proposed development. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

Cadw - The development would have a slight, but not significant, impact on the settling of Bedford Castle. No objection is raised regarding the barrow find within the site.

Network Rail - No representations received

The Council's Ecology Officer has raised no objection subject to conditions relating to ecological protection.

Wales and West Utilities - No representations received regarding the application.

Housing Strategy have raised no objection and have provided advice in respect of affordable housing need in the ward.

Natural Resources Wales (NRW) - No representations received to date in relation to this application. The application is accompanied by NRW's pre-application response, which raises no objection in respect of ecological impacts, subject to compliance with the ecological appraisal documents. In respect of flood risk, the response notes that the Flood Consequences Assessment submitted at pre-application stage would need to be amended to demonstrate that there would be no unacceptable flood risk.

Dwr Cymru Welsh Water - No objection subject to the following conditions:

No buildings on the application site shall be brought into beneficial use until such time as reinforcement works to the local public sewerage system, into which the development shall drain, have been completed as identified in a Hydraulic Modelling Assessment and written confirmation of this has been issued to the Local Planning Authority.

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall

provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

South Wales Police have provided advice regarding designing out crime.

Cardiff and Vale University Health Board - No representations received.

REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. Eleven representations have been received and the grounds of objection are summarised as follows:

- Flood risk and surface water run off
- Loss of agricultural land
- Insufficient need for the houses
- Inadequate local infrastructure
- Traffic and congestion
- Noise from traffic
- Adverse ecological impacts
- Air pollution
- Environmental damage
- Insufficient sewerage capacity and concerns that existing Dwr Cymru records are not accurate
- Noise impacts
- Adverse impact on residential amenity
- Impact on the character of the area
- Insufficient parking in the town centre

One of the objections is attached as **Appendix B**.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP7 – Transportation

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone
POLICY MG16 – Transport Proposals
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG23 – Buffer Zones

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning 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
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

- 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 1 – Joint Housing Land Availability Study
- Technical Advice Note 2 – Planning and Affordable Housing
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design
- Technical Advice Note 15 – Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18 – Transport
- Technical Advice Note 24 – The Historic Environment

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Minerals Safeguarding
- Parking Standards
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plan
- 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
- 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 primary issues to be considered with this application are considered to be the following:

- The principle of the development.
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impacts on the historic environment.
- Design and layout.
- Highways issues, including highway safety, public transport, and pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site.
- Drainage and flood risk.
- Ecology.
- Agricultural land quality.
- Trees and hedgerows.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision and public open space).

The principle of the development

The application site lies within the settlement boundary of Llantwit Major and within the Local Development Plan housing allocation (see Policy MG2 (7)). It is therefore considered that the development is wholly compliant with policy in respect of the principle of residential development.

The density of the development

While the site is approximately 7.9 hectares in total size, the net developable area is considerably less, as a consequence of flood zones, ecological constraints and archaeological constraints. Based on a net developable area of approximately 3.73 hectares, the density would be approximately 37 units per hectare. Policy MD6 of the LDP requires at least 30 dwellings per hectare in Primary Settlements to ensure that land in sustainable locations is developed efficiently. This proposal would satisfy the requirements of this policy. The whole of the allocation (MG2(7)) is for 375 units and as noted above, this also includes the fields to the east, however, it is possible that as a consequence of the extent of the archaeological resource, this allocation may not be met. However, all that this application can reasonably do is ensure that the developable land is planned efficiently.

Visual impact of the Development within the Wider Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies is directly adjacent (but for intervening roads and verges) to the residential areas to the south and west. The site would also directly adjoin the remainder of housing allocation MG2(7) to the east, with the upper boundary of both defined by the recently constructed Northern Access Road. That road represents a logical, physical and defensible boundary to the site, such that the development would not intrude visually into the undeveloped countryside beyond. The B4265 provides a similar defensible boundary to the west.

Therefore, given the relationship of the site to the adjacent roads, the nearby allocation and the built form of the settlement to the south and west, it is considered that the development would not have an unacceptable impact on the character of the wider area. Notwithstanding this and as noted above, the site is within the settlement boundary of Llantwit Major (and not countryside) and this wider landscape impact was also assessed through the LDP site selection process.

Impacts on the Historic Environment

The closest ancient monument to the site is approximately 450m away to the North West (the site of Bedford Castle). Given this distance, the proposed development would not significantly affect the setting of this monument. Cadw have stated that there would be a slight impact on the setting of the monument as a consequence of it being in the periphery of significant views towards the sea (from the monument), however, Ffordd Bro Tathan, is located between the scheduled monument and the development area, and the intervening field boundaries and vegetation would provide screening. Consequently Cadw raise no objection. Cadw also do not object regarding the relationship to the archaeological find in the south west corner of the site, which may become scheduled as a monument.

In terms of listed buildings, Bethesda'r Fro Chapel (Grade II); and the Forecourt and Graveyard Gates, Gatepiers and Walls of Bethesda'r Fro Chapel (Grade II) are located to the east of site, approximately 600m away. There would be no impact on the setting of these buildings. There are further listed structures some 200m-300m away in Boverton, but the development would also have no visual relationship with these.

The development would be located approximately 70m from Boverton Conservation Area, however, the intervening B4265 and the railway line mean that there would not be an adverse impact on the setting of the Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

GGAT note that the proposal is located in an area of high archaeological potential. As such, several phases of archaeological work have been completed prior to the submission of the application. These include an Archaeological Desk-based Assessment which outlines the previous work, including excavations in 2019 which identified an extensive Bronze Age funerary landscape including a round barrow and a number of satellite cremation burials. In addition a corn drying oven was excavated to the north.

As noted in the assessment, the round barrow is of national significance and is in the process of becoming a Scheduled Monument. GGAT state that the barrow, along with a suitable buffer zone forming the Scheduled Area, must be preserved within the residential development. GGAT note that this is the case on the submitted indicative masterplan and the remainder of the proposed development site has been fully stripped and recorded. GGAT conclude that it is highly unlikely that other archaeologically significant remains will

adversely affected by the proposed works and there are no objections to the positive determination of this application.

In summary, it is considered that the development would comply with the aims of Policies SP10 and MD8 of the LDP.

Design and Layout- Internal Road and Footpath Layout, and house design

As noted above, the application is in outline with all matters reserved and consequently, the only information relating to an internal layout is the indicative concept master plan, as shown below.



Issues relating to the quantity and location of open space are discussed in the Planning Obligations section below, however, it should be noted that the open space within a reserved matters layout should be sited accessibly to all and in a location that would not be prejudicial to residential amenity.

In terms of road layout and development parcels, the master plan suggests a single point of access from the NAR, which would lead to a series of primary and secondary routes. The development parcels would appear to enable active frontages to the respective roads and a hierarchy of streets would potentially enable different character areas/a sense of place to be achieved. It will be particularly important to ensure that there is an active frontage to the main road and that the development does not turn its back on it.

Notwithstanding the above, it is considered that the size and shape of the site gives scope for a development of an acceptable highway and building layout, which would be determined at reserved matters stage.

Scale parameters have been submitted, however, there are no definitive details of house design, size and materials. These would also be issues for any reserved matters submission, if outline permission is granted. The parameters suggest dwellings of between 7m and 12.5m in height and that does not infer that it would be acceptable for all of the dwellings to be 12.5m in height. Rather it would allow for an element of three storey development and in this context, where there is not an immediate relationship with existing streets of neighbouring developments, it is considered that an element of three storey buildings is likely to be acceptable in principle. Notwithstanding that, this would need to be demonstrated through detailed plans with a reserved matters application.

Issues relating to public open space, drainage and ecology are considered further below.

Highways issues, including highway safety, public transport, pedestrian movements.

Highway safety

The sole vehicular access point would be centrally along the site frontage from the NAR. That access was designed to serve a housing allocation as part of the development approved by application 2017/00564/FUL. The section of highway between the NAR and the threshold into the application site has already been constructed and this access has been engineered appropriately to serve this development. Users of the access point would be afforded the necessary visibility along the NAR when leaving the site and movements into the site can be carried out safely. Highway layout matters within the site would be considered in details at the reserved matters stage, if outline permission is granted.

Pedestrian connectivity and sustainable public transport matters

The nature and full scope of pedestrian routes within the site would be determined at reserved matters stage, albeit the indicative masterplan identifies the principal routes through the site, connecting to Eglwys Brewis Road and the site to the east. The submissions do not provide detail as to how pedestrian movements to Eglwys Brewis Road would be facilitated, however, this is not considered to be critical to the acceptability of the development at this outline stage. The more likely route for pedestrians (or cyclists) away from the site would be along the NAR, while there is no reason why a further alternative pedestrian access to Eglwys Brewis Road cannot be achieved. A new 'dropped kerb' at the point opposite where pedestrian access comes onto Eglwys Brewis Road would enable easy access across to the existing footway on the south side of the road. A further dropped kerb on the north side of the road, just west of the railway bridge, would allow pedestrians to easily return at that point (see Planning Obligations section below).

The new footway/cycleway along the NAR provides a comprehensive, safe and well lit piece of pedestrian/cycling infrastructure, which would link up with the same on the B4265. This infrastructure would enable pedestrians and cyclists to easily access the range of services in Boverton and Llantwit Major. Given the quality of the pedestrian/cycling route along the NAR, it is not considered necessary for further comprehensive infrastructure to be implemented along Eglwys Brewis Road, however, the markedly lower levels of traffic using Eglwys Brewis Road (as a consequence of the NAR) mean that this would also not be an unattractive route, particularly for cyclists.

Bus services currently run along Eglwys Brewis Road and that is likely to remain the case until such time as demand dictates that either the existing routes are amended, or otherwise new services are deployed. In considering this matter, the LDP Inspector noted:

Indeed, the new access via the NAR would represent an opportunity to improve sustainable connections to Llantwit Major town centre and the railway station, thereby satisfying the sustainability principles that underpin national policy.

There are new bus stops on both sides of the NAR further along to the east (closer to site B) but still within easy walking distance of this site, and these would (when services use the NAR) give occupiers direct and very convenient access to bus services. While routes continue to use Eglwys Brewis Road, occupiers of the development would still be within walking distance of those existing stops.

The nearest train station is in Llantwit Major town centre, and this can be accessed either along the NAR, the B4265 and then Llanmaes Road, or by turning left out of the NAR and heading towards the crossroads at the end of Eglwys Brewis Road. That route would then continue either through Boverton or through the footpath to the rear of Harding Close. Consequently there are safe and readily available access options to the train station.

It is considered that occupiers of the site would be served by comprehensive transport infrastructure which would give occupiers a genuine choice of how to travel, without being overly reliant on the private car. In that respect the development would be sustainable and would support the aims in both the LDP and Planning Policy Wales.

The Council's Planning Obligations SPG sets a threshold above which sustainable transport contributions are usually sought to mitigate the impacts of developments. In this case, a viability exercise has been carried out which has shown that the development is not financially viable if the SPG level planning obligations were sought. This matter is covered in more detail in the Planning Obligations section below. In such circumstances, it is necessary to consider whether, in the absence of contributions towards certain infrastructure, the development is fundamentally acceptable. While there is not viability to provide a comprehensive contribution here for sustainable transport improvements, the development would be directly served by pedestrian/cycling facilities along the NAR and the new bus stops. While those pieces of infrastructure serve more than this development alone, their cost was substantial and the presence of the housing allocations was a significant driver for their construction. Therefore, while there would not be further significant infrastructure delivered in conjunction with this specific development, it is considered that the recently delivered infrastructure along the NAR means that the development is nevertheless fundamentally acceptable in this regard. A small proportion of the monies discussed below can be used for the dropped kerbs referred to above.

Traffic and congestion issues.

The application is accompanied 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, the number of dwellings and the likely number of car movements and trips by alternative modes.

Specifically, the traffic impacts at the following junctions have been assessed (where the NAR is referred to as Ffordd Bro Tathan):

- B4265 / Ffordd Bro Tathan (Roundabout);
- Ffordd Bro Tathan / Residential MG2(7) (Priority Junction);
- Ffordd Bro Tathan / Residential MG2(6) (Priority Junction);
- Ffordd Bro Tathan / Eglwys Brewis Road (Priority Junction);
- Ffordd Bro Tathan / Bro Tathan / Aston Martin Signals Junction;
- B4265 / B4270/ Cowbridge Road;
- B4265 / Heol Pentre'r Court;
- Gileston Crossroads;
- St Athan Road / Cowbridge / Eglwys Brewis Road;
- Boverton Road / B4265 / Eglwys Brewis Road; and,
- 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 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 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. Furthermore, the TA and subsequent correspondence with the agent have demonstrated that the critical capacity point at the crossroads would also not be reached when all of the following are constructed: The approved employment development at 'Keithrow' (2019/01260/HYB), residential Site B (2020/00352/OUT), the approved Barratt David Wilson Homes development at Cowbridge Road (2016/01427/OUT) and the current (un-determined) employment application at Beggars Pound (2020/00434/OUT). These are considered to be the appropriate range of developments to consider in the context of this assessment, since they either have

planning permission or there are currently applications for them with the Council. i.e. this assessment considers the outcome if they were all constructed before this development at Site A (unlikely as that scenario is).

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 the assessment referred to above regarding the other 'more advanced sites', 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 those 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 show 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.

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

Impact on residential amenity of existing residents.

The application does not have a particularly close relationship to many existing residential properties, and the impacts upon most in the surrounding area would be limited to a change in the composition of longer range views. Such impacts are not considered to be prejudicial to 'living conditions' and residential amenity directly. There is only one property on the north side of Eglwys Brewis Road in the area of the site, but the new dwellings would be in the region of 100m further north. Other dwellings in the vicinity of the development (in a wider context) would be separated from the site either by the B4265 or Eglwys Brewis Road.

It is therefore considered that the presence of dwellings in this location would not adversely affect the amenity of existing residents. There is scope for some impacts during the construction phase, however, a Construction Environmental Management Plan would minimise those impacts as far as reasonably possible (see Condition 12). Objections have been raised regarding extra traffic, however, the site would be accessed via the Northern Access Road and there are unlikely to be significant traffic noise impacts affecting dwellings further afield to the south of Eglwys Brewis Road.

Having regard to the above, it is considered that the development of the site would not be prejudicial to the residential amenity of neighbours, in accordance with Policy MD2 of the LDP.

Amenity of the future occupiers of the site.

Amenity considerations relating to the siting of buildings and windows would be determined by the detailed layout submit with a reserved matters application. That layout would need to ensure that the aims of Policy MD2 and the Council's Residential and Householder Development SPG are met.

The principal residential amenity issue to consider for the proposed development is the impact from traffic on the Northern Access Road and the nearby base and employment land. The Council's Shared Regulatory Services Officer has advised that internal and external mitigation measures should be the subject of conditions (noise monitoring at the post construction / pre-occupancy stage with further mitigation being installed if required- see Condition 13).

However, subject to noise mitigation where necessary (and this will likely be affected by the specifics of a detailed layout) it is considered that the site would not be subject to unacceptably harmful noise nuisance. Further conditions have been requested in respect of ground testing for contamination (see conditions 16-21).

Drainage and flood risk.

In respect of foul drainage, Dwr Cymru Welsh Water (DCWW) have confirmed that it is unlikely sufficient capacity exists in order to accommodate all of the development within the public sewerage network. Therefore a Hydraulic Modelling Assessment is required to identify what solutions would be needed in order to accommodate the development within the public sewerage network. Since DCWW's response to the pre-planning application consultation, the applicant instructed DCWW to undertake a Hydraulic Modelling Assessment. This assessment has now been completed and has identified solutions to accommodate this proposed development. Consequently, DCWW have raised no objection subject to a condition requiring these works to be delivered prior to the first occupation of any of the dwellings (see condition 23). A further condition is requested relating to the detail of the foul sewerage scheme as a whole (see condition 22).

In respect of surface water, the development is of a size that will require SUDS Approval Body (SAB) approval and this is acknowledged in the submitted drainage strategy. The strategy states that infiltration rates are not sufficient to allow this to be principal means of disposing of surface water. Consequently, it is proposed to discharge surface water into Boverton Brook (which runs along the southern part of the site) at the existing greenfield runoff rate. Features including swales and attenuation basins are proposed to give the necessary hydraulic control to the runoff/discharge rates.

While the detail of the drainage scheme is yet to be designed (indeed this will have an inter-relationship with the proposed residential layout) the strategy provides sufficient information for the drainage principles to be accepted. The Council's Drainage Engineer has considered the proposed strategy and raises no objection, however, the response highlights that the use of further SuDS features would enhance water quality benefits and enable the design to meet statutory standards.

Most of the application sites lies outside of the higher risk C2 flood zone, albeit part of the southern and eastern sections of the site lies within it in the areas of Llanmaes Brook and Boverton Brook. The C2 flood zone is shown below:



TAN 15: Development and Flood Risk, states that highly vulnerable development (such as housing) should not be permitted within zone C2. Consequently, the indicative layout has been shown with the buildings, access and roads located outside of the C2 zone. The application is supported by a Flood Consequences Assessment (FCA) which concludes that the development would, therefore, not be at unacceptable flood risk. Natural Resources Wales (NRW) have been consulted but no response has been received to date. The passage below is the response received in respect of Site B, to which NRW have raised no objection subject to the buildings, access and infrastructure being outside the flood zone:

We note that parts of the redline boundary to the east are within DAM Zone C2. However, the FCA and Site B Framework masterplan 'A093950-14(B)13b_RevC' dated March 2020 has shown that the proposed residential development and associated infrastructure is outside of the fluvial flood outlines. We note, that only amenity green space and/or green corridor is at risk of flooding and that flood free access and egress can be achieved via the newly constructed highway named Ffordd Bro Tathan.

Therefore, based on the above, we advise that the following condition is included to ensure the built development is not located in the flood zone as indicated on the drawing 'A093950-14(B)13b_RevC' when further details are submitted under reserved matters

It is anticipated that NRW's response on Site A will be submitted to officers before the date of the Planning Committee. Subject to NRW submitting a similar response to that above for Site B, (and subject to the detailed design of an appropriate surface water management scheme), the proposed development would not be at unacceptable flood risk and would not increase risk of flooding elsewhere. Members will be updated on the NRW response to the application prior to the Committee meeting.

Ecology

The application is accompanied by an ecological appraisal and bat survey. The bat survey notes that the most commonly used habitats by foraging and commuting bats were the hedgerows and Boverton Brook and Llanmaes Brook corridors, which would be retained as part of the Framework Masterplan. The landscape strategy for the site also includes habitats which are likely to provide additional habitat of value to commuting and foraging bats, such as additional native scrub planting, species-rich grassland planting within surface water attenuation and long grassland areas to enhance structure. The report goes on to recommend that the detailed design of the development, including all landscaping and design of surface water attenuation, should include ecologists input to provide biodiversity enhancements where possible. The report notes that a site specific 'Habitat Management Plan' should be produced and required by planning condition, to agree an ongoing framework to manage the retained habitats to increase their biodiversity value (see condition 27).

The site is located approximately 1.2km from the nearest Site of Interest for Nature Conservation (SINC) and over 5km from the nearest Site of Special Scientific Interest (SSSI). These distances are sufficient to ensure no adverse impacts from the development. The ecology report states that the site comprises habitats of relatively low conservation value including managed and agriculturally improved grasslands with habitats of local value, including semi-improved grassland, broadleaved woodland, hedgerows and running water (including Llanmaes Brook and Boverton Brook), located to the east of the site. However no habitats present are likely to qualify as Section 7 habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales or meet SINC selection criteria. The Council's Ecologist does not dispute this conclusion.

In terms of species, no significant impacts on reptiles are likely, given the nature of the habitat across the site and the retention of the habitats along the brooks. All habitat suitable for hazel dormice would be retained as part of the development and the landscape strategy includes enhancement of habitats through strengthening and enhancement of retained hedgerows and additional native scrub planting. Subject to implementation of habitat recommendations and lighting, significant impacts on hazel dormice are not considered likely. Further recommendations relating to habitat retention and the timing of construction works are made regarding birds and invertebrates.

Notwithstanding the above, (and in respect of Dormice in specifically) as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

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.

Test ii) There is no satisfactory alternative.

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.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the essential contribution it would make towards meeting housing provision (affordable housing provision in particular).

In terms of Test 2, the site has been allocated for housing, having regard to its sustainable location and the other normal planning requirements. Consequently there is not considered to be a satisfactory alternative which would also meet the public interest referred to above.

In terms of Test 3, NRW have not yet responded, however, the pre-application response confirms that subject to the measures in the ecological documents being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

The Council's Ecologist has responded to state that the Ecological Appraisal is comprehensive and no objection is raised, subject to compliance with the measures listed in the Appraisal and the production of a Habitat Management Plan (see condition 27).

NRW raise no objection in their pre-application response in relation to ecological/species impacts, and they request conditions requiring compliance with the submitted ecology documents, and the approval of a lighting scheme and a Landscape and Ecological Management Plan (see conditions 26 and 27). Members will be updated on the NRW response to the application prior to the Committee meeting. A further condition (28) requires ecological enhancements, such as bird boxes on dwellings. Subject to all of the above, it is considered that the development would accord with Policies MD2 and MD9 of the LDP.

Agricultural land quality.

Most of the land in the site is either non-agricultural of grade 3b- i.e. not Best and Most Versatile land. There are limited areas of grade 2 and 3a, however, they are relatively small pockets and in the case of the western area of 3a, it coincides with the area that must be kept free from development due to the heritage interest. Consequently, having regard to their size, and location relative to the historic resource and surrounding roads, those areas could not realistically or practicably be farmed going forward. It is therefore

considered that the development would not conflict with the aims of Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

Trees and hedgerows.

There are no protected trees within the site and, while the main developable area was historically grassed, it is not heavily vegetated with trees or hedgerows. The principle vegetated areas is the wooded corridors at the southern and eastern parts of the site, and these would be retained outside of the area to be developed with buildings. Only 1 individual tree has been assessed of being of moderate quality, along with three groups around the site perimeter. The rest were of low quality or unsuitable for retention. The development would not be a barrier to the retention of the Category B trees, and while further trees and landscaping would be required as part of an acceptable reserved matters layout, the development as a whole is considered acceptable in respect of arboricultural impacts.

Other points of objection

A common theme within objections and representations from the Community/Town Councils and Local Members is the need to need for local infrastructure to serve the development.

While concern regarding infrastructure generally is understandable, it is likely that the development would help to sustain a number of services, such as shops and services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. Similarly it is considered that it is beyond the reasonable scope of the application to enlarge cemetery capacity. The respective consultees have not raised objections in respect of drainage infrastructure.

While representations have been received regarding the need for the houses, fundamentally the site is allocated, following housing need being assessed thoroughly at the time that the LDP was adopted.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

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 size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- 35% affordable housing
- Sustainable Transport = £2,300 per unit
- Community facilities= £1260 per dwelling

- Education facilities= The formulae in the SPG would require a contribution of approximately £1,167,780 based on 140 units
- Public Open Space = 16sq.m. per dwelling (less outdoor sport provision as the ward is already sufficiently equipped).
- Public Art – 1%

Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m² of equipped play space and 12.76m² of other play space, per dwelling. This equates to 5898m² of play space, of which 812m² should be equipped. The LEAP shown on the masterplan measures approximately 400m², however, this is indicative and it is considered that there would be space within the site to provide the required 812m². It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that the equipped and other play space can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

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

1 Bed-132
 2 Bed-114
 3 Bed-42
 4 Bed-14
 5 Bed-1

Total 303

The applicant has agreed to the provision of 35% affordable housing, which is required by Policies MD4 and MG4. This would be at a ratio of 70:30 in favour of social rented units.

Development Viability

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.

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/Estates Section. This includes development costs and likely sales values. The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and the viability case is accepted as being reasonable and evidenced. That appraisal concludes that the developer can deliver the required 35% affordable housing, and other financial contributions totalling £1,165,000. The viability is better with this site than Site B (application 2020/00352/OUT) given that there are not such abnormal costs relating to excavation and disposal of material.

Consequently, officers have considered the reduced Section 106 package, and whilst there isn't any comprehensive provision for art or sustainable transport, it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). In particular the Highways Section above deals with the absence of a Sustainable Transport contribution (save for implementing two dropped kerbs on Eglwys Brewis Road).

In such circumstances, it is necessary to consider how the £1,165,000 would be most appropriately used to support local infrastructure. Subject to the necessary provision of play space on site, it is likely that the contribution would be most appropriately directed to education and community facilities. It is considered that it would be most appropriate to retain a level of flexibility in the Section 106 Agreement regarding the future implementation of community infrastructure to support the development. Consequently it is recommended that a Section 106 Legal Agreement specifies the amount of £1,165,000 (less the cost of the two dropped kerbs referred to above) shall be paid to provide community infrastructure in the vicinity of the site, serving the development. In this case 'community infrastructure' would mean 'Facilities or services to meet the needs of the residents of the development in respect of education, community facilities and/or public open space'. This would enable the areas of most critical need to be addressed at that time, taking into account other funding streams which may become available and having regard to Local Ward Member protocols.

In accordance with Welsh Government's advice regarding development viability, officers have also considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. The above rationale does not infer that contributions towards these matters are not justified and the viability review would ensure that any upward improvements in viability would be paid to the Council

RECOMMENDATION

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

- Provide and maintain in perpetuity 35% of the total number of units as affordable housing (at least 70% of which shall be social rented);

- To pay £1,165,000 (minus the cost of two dropped kerbs on Eglwys Brewis Road) as a contribution towards 'Facilities or services to meet the needs of the residents of the development in respect of education, community facilities and/or public open space'.
- The payment of the balance (between bullet point 2 above and £1,165,000) for the provision of two dropped kerbs on Eglwys Brewis Road.

AND, in the event that the development is not completed within 59 months of commencement, the trigger of a development viability review mechanism.

APPROVE subject to the following conditions(s):

1. Approval of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

A093950-14(B): 1a, 2a, 3a, 4a, 5a, 6a, 7a, 8a, 9a, 10a, 11a and 13a (including flood zones),

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

Site A (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
Site A (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
Flood Consequences Assessment Flood Consequence Assessment, dated March 2020), Project number: 60509148
Site A Framework Masterplan, drawing A093950-14[B]13a_RevC, dated March 2020
WYG Archaeological Desk-Based Assessment A093650-14

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.

5. The development shall be in accordance with the scale parameters submitted on the 2nd April 2020.

Reason:

In the interests of visual amenity and to ensure compliance with Policies MD2 and MD5 of the LDP.

6. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies 2, 8 and ENV27 of the Unitary Development Plan.

7. Prior to the commencement of the construction of any part of the development a scheme (including details of the timing of such provision) for the provision and maintenance of Public Open Space (including children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided and retained in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

8. Notwithstanding the submitted plans, prior to the commencement of the construction of any roads within the site, further details of the highway lighting and all surface materials to be used in the parking areas and carriageways within the

site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

9. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD2 of the Local Development Plan.

11. Prior to the commencement of development, details of the finished levels of the site and dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies MD2 and MD5 of the Unitary Development Plan.

12. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours and construction traffic routes. The CEMP shall utilise the Considerate Constructors Scheme. The CEMP shall include a system for the management of complaints from local residents which shall incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies MD2 and MD7 of the Local Development Plan.

13. Prior to the commencement of development, details of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of background noise sources/levels and measures to protect the amenity of residents in the dwellings. The development shall not be occupied until the approved measures have been implemented.

Reason:

To safeguard the amenities of occupiers of the development, and to ensure compliance with the terms of Policies SP1 and MD7 of the Local Development Plan.

14. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to that part of the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the commencement of any development works 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 and approved in writing by the Local Planning Authority. 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 application site shall be submitted to and approved in writing to the LPA. If no

protection measures are required than 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 Policy MD7 of the LDP.

17. Prior to the commencement of the 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) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September

2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (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 Policy MD2 of the LDP.

18. Prior to the commencement of the development, a detailed contamination remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason:

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

19. The remediation scheme approved by condition 18 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development, or in accordance an alternative set of timescales that shall first be approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works.

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

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

Reason :

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall 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 in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 MD1 and MD7 of the LDP.

22. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy MD7 of the Local Development Plan.

23. No dwellings shall be brought into beneficial use until such time as reinforcement works to the local public sewerage system, into which the development shall drain, have been completed in accordance with a Hydraulic Modelling Assessment (HMA). Details of the HMA shall be submitted to and approved in writing by the the Local Planning Authority prior to the first occupation of any of the dwellings and written confirmation of the completion of the HMA works shall also be submitted to the Local Planning Authority prior to the occupation of any dwelling.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, and to ensure compliance with Policy MD7 of the LDP.

24. The development shall be carried out in accordance with the following:
- Flood Consequences Assessment (AECOM, Residential Development at Llanmaes, Flood Consequence Assessment, dated March 2020), Project number: 60509148
 - Site A Framework Masterplan, drawing A093950-14[B]13a_rev C, dated March 2020.

Reason:

In order to ensure that the development is not subject to unacceptable flood risk, and to ensure compliance with Policies MD2 and MD7 of the LDP.

25. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:
- 'Site A (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
 - 'Site A (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;

- Drawing A093950-14[B]13a_rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment. 013A' by White Young Green dated March 2020.

Reason:

In the interests of biodiversity and to ensure compliance with Policies MD2 and MD7 of the LDP.

26. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
- Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during construction and/or operation.

Please note the lighting plan should also be designed to ensure a sensitive scheme for bats and otter.

Reason:

In the interests of biodiversity and to ensure compliance with Policies MD2 and MD7 of the LDP.

27. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site
- Details of the desired conditions of features (present and to be created) at the site
- Details of scheduling and timings of activities
- Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition
- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

The plan shall be carried out in accordance with the approved details.

Reason:

To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term, and to ensure

compliance with Policies MD2 and MD7 of the LDP.

28. Notwithstanding the submitted details, no development shall take place, including site clearance, until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the occupation of the part of the site that they relate to and they shall be retained at all times thereafter.

Reason:

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

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, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 10, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport**

Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).

2. 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.
3. **Warning: An European protected species (EPS) Licence may be 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>
4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

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

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

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

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

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



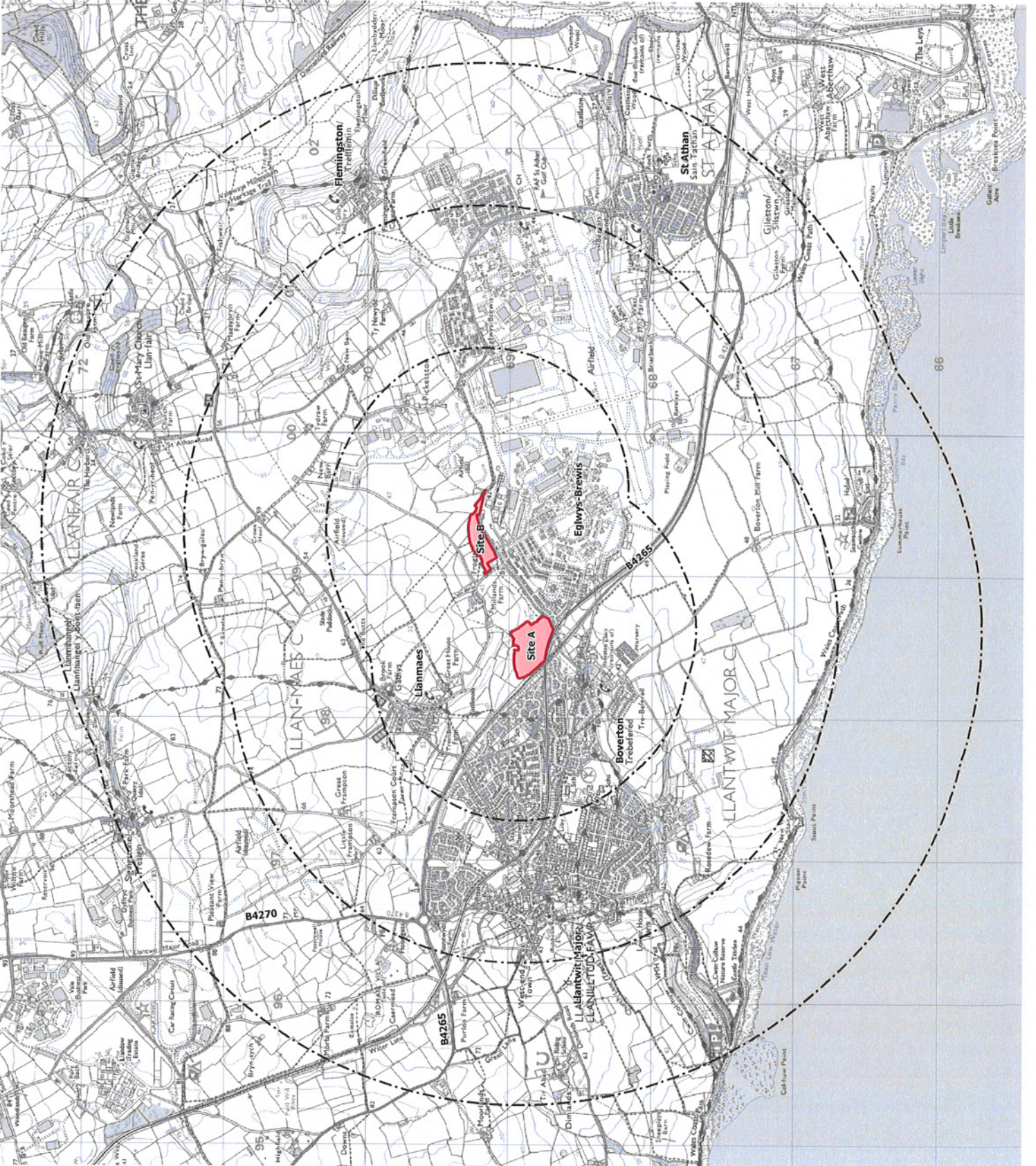
Llywodraeth Cymru
Welsh Government

Llanmaes -
Site A & Site B

Site Location

LA.01

2020/00351/OUT



Key
Site Boundaries
Buffer at 1 km intervals from the site



A093950-14-LA-01 Site Location.mxd

May 2019

5th Floor, Longcross Court, 47 Newport Road, Cardiff CF24 0AD

+44 (0)29 2082 9200 cardiff@wyg.com www.wyg.com

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APPENDIX A



Cyngor Cymuned Llanmaes
Llanmaes Community Council

Clerk: Apartment 2 Alexandra House,
2 Beach Road, Penarth. CF64 1FN

Ffon/Phone: [REDACTED]

E-Bost/E-Mail [REDACTED]

20 April 2020

Dear Sirs

Planning Application No. 2020/00351/OUT

Location: Land east of B4265 – Site A, Western Parcel, Llanmaes

Permission for residential development of up to 140 homes and associated development.

Planning Application No. 2020/00352/OUT

Location: Land north of West Camp – Site B, Eastern Parcel, Llanmaes

Permission for residential development of up to 100 homes and associated development.

Llanmaes Community Council submit their **OBJECTION** to the above two residential developments and request that the same arguments and comments are used when considering both planning applications.

Llanmaes Community Council submit the following reasons for their opposition to the proposals.

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology

1. Scale of the two developments and loss of open countryside

The village of Llanmaes is a small rural settlement with approximately 150 dwellings, 20 out-lying properties and 30 residential park homes at Millands. **The building of an additional 240 houses in “open countryside” will extend the boundary of the village and will have a detrimental effect on the rural aspect of Llanmaes, as well as being ‘out of proportion’ in relation to the size of the village.**

A significant part of the village is designated as a Conservation Area within the Vale of Glamorgan’s Llanmaes Conservation Area Appraisal and Management Plan (2009). Although the proposed developments are outside of the Conservation Area, they do have an impact on the short and long views into and out of the village. The Appraisal and Management Plan recommends that *“The Council will seek to ensure that all development respects the important views within, and from the Conservation Area. The Council will seek to ensure that these views remain protected from inappropriate forms of development.”* **The Community Council believe that these developments would contravene that undertaking.**

2. Sewerage and Foul Water System

The current sewerage and foul water system in the village is insufficient and causes overflow problems on an annual basis. An additional 240 houses will considerably overburden the current system.

3. Impact on the Local Infrastructure

An additional 240 houses will have a detrimental effect and overload the infrastructure of the local area. There are no planned increased amenities to cater for these extra houses with regard to schools, health facilities etc.

4. Flood Risk

Llanmaes Village and surrounding area has been subject to severe flooding for over 20 years and the village is about to have a flood alleviation scheme implemented following extensive modelling of dynamic flows through the village and its environs. The impact of the proposed developments has not been part of the assessment and modelling process and could have a detrimental impact on the proposed Llanmaes Flood Alleviation Scheme and the downstream Boverton Flood Alleviation Scheme.

Assessment of Flood Risk on the Application Form states that the proposal does not increase the flood risk elsewhere – where is the evidence to support this statement?

5. Ecology and Wildlife

The surrounding countryside is rich in wildlife and protected species, with fish and eels using the stream and a badger sett in the vicinity. Again, the application form is misleading as it states there are no designated sites or important habitats on the development sites. The Council would argue that the applicant has not submitted enough information to reassure they have carried out thorough research.

6. Archaeology

The Community Council are pleased to see the acknowledgement of the extensive archaeological findings in and around the development areas. However, there appears to be the assumption that no further discoveries are likely during the development. The Council believe there is the potential for further archaeological findings to be discovered on both sites but there seems to be no plan for on-site monitoring during the construction phase.

One final comment – the Council would ask that in considering both these applications, the Vale of Glamorgan Planning Committee take into account, the fact that the construction of the Claire Garden Village development in Cowbridge has been stopped as the houses were not selling!

Yours faithfully

Clerk
Llanmaes Community Council

APPENDIX B

From: Katia [REDACTED]
Sent: 18 April 2020 20:51
To: Planning
Subject: 2020/00351/OUT: Llanmaes sites a and b

Please see the below comments previously sent when I was advised of this development:

Hi, I live in an affected area (49 eagle road) and so can make relevant representations and I am very much opposed to the two developments for the following reasons:

1. Need

There are several new housing estates being built in the area (cowbridge, llantwit major, and at the boverton traffic lights). It is not clear how many of these have sold.

If there is a need there are many empty raf houses which should be used before building new.

If there is a need to build to new they should build on brown field site not prime agricultural sites... If we need to be more sustainable in how we grow food moving forward to avoid climate change then we need to preserve prime agricultural land to allow this to happen.

2. Services

As above there has been a massive increase in population in tjenlcoal area already in the recent years and ongoing - there will not be enough services for these proposed new houses this includes not enough schools, shops, roads, recreational areas (and jobs).

Although the road immediately outside these proposed developments is new, the roads adjoined the new road are the same existing roads as have been present for years. They already struggle with the traffic. As most people who would live in these houses would need to commute they would need to drive on these existing roads and not just the new road and hence would cause more congestion and road breakdown.

3. Environmental

The area floods and any further development would increase the flooding. An attempt to prevent flooding here will simply worsen flooding in other areas.

There are many types of wildlife in the area, I have personally seen an otter in the field of he proposed development. These would be adversely affected.

The area is already noted as having bats and other protected wildlife which would be adversely affected.

I am happy to expand on these. Please can you confirm whether these representations are being sent to the vale of Glamorgan council by yourselves or whether I should forward them?

Kind regards,
Katia summers
49 eagle road
Sent from my Huawei phone

----- Original message -----

From: Katia [REDACTED]
Date: Tue, 4 Feb 2020, 19:49
To: [REDACTED]
Cc: Dad [REDACTED] matthew popham [REDACTED]
Subject: Llanmaes sites a and b

Hi, I live in an affected area (49 eagle road) and so can make relevant representations and I am very much opposed to the two developments for the following reasons:

1. Need

There are several new housing estates being built in the area (cowbridge, llantwit major, and at the boverton traffic lights). It is not clear how many of these have sold.

If there is a need there are many empty raf houses which should be used before building new.

If there is a need to build to new they should build on brown field site not prime agricultural sites... If we need to be more sustainable in how we grow food moving forward to avoid climate change then we need to preserve prime agricultural land to allow this to happen.

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The area floods and any further development would increase the flooding. An attempt to prevent flooding here will simply worsen flooding in other areas.

There are many types of wildlife in the area, I have personally seen an otter in the field of he proposed development. These would be adversely affected.

The area is already noted as having bats and other protected wildlife which would be adversely affected.

I am happy to expand on these. Please can you confirm whether these representations are being sent to the vale of Glamorgan council by yourselves or whether I should forward them?

Kind regards,
Katia summers
49 eagle road

Sent from my Huawei phone

2020/00352/OUT Received on 1 April 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 North of West Camp - Site B - Eastern Parcel, Llanmaes

Outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 100 homes and associated development

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

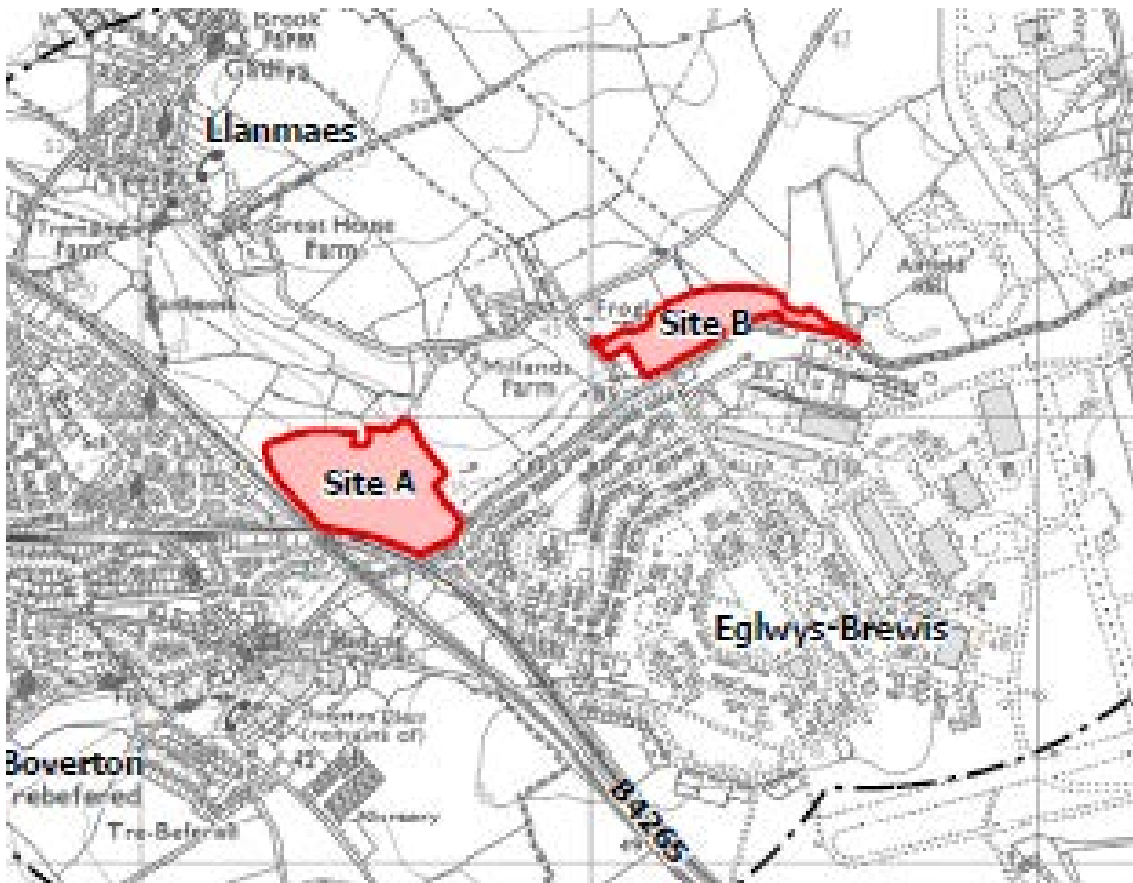
This is an outline planning application (with all matters reserved except 'access') for up to 100 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. Most of the site lies within the settlement boundary of Llantwit Major and a Local Development Plan housing allocation, while two parts of the site (at the western and eastern ends) lie outside the settlement and allocation. The proposal is for up to 100 dwellings, of which at least 35% would be affordable. Vehicular access would be directly from Ffordd Bro Tathan and the first part of the access into the site from the main road has already been constructed under planning permission 2017/00564/FUL (i.e. the consent for the Northern Access Road).

The main issues relate to the principle of the development (given that not all of the site lies within the settlement and allocation), design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk, impact on a rural business and impact on the historic environment.

There have been 10 objections to the scheme, while objections have also been raised by Llanmaes Community Council and Llantwit Major Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

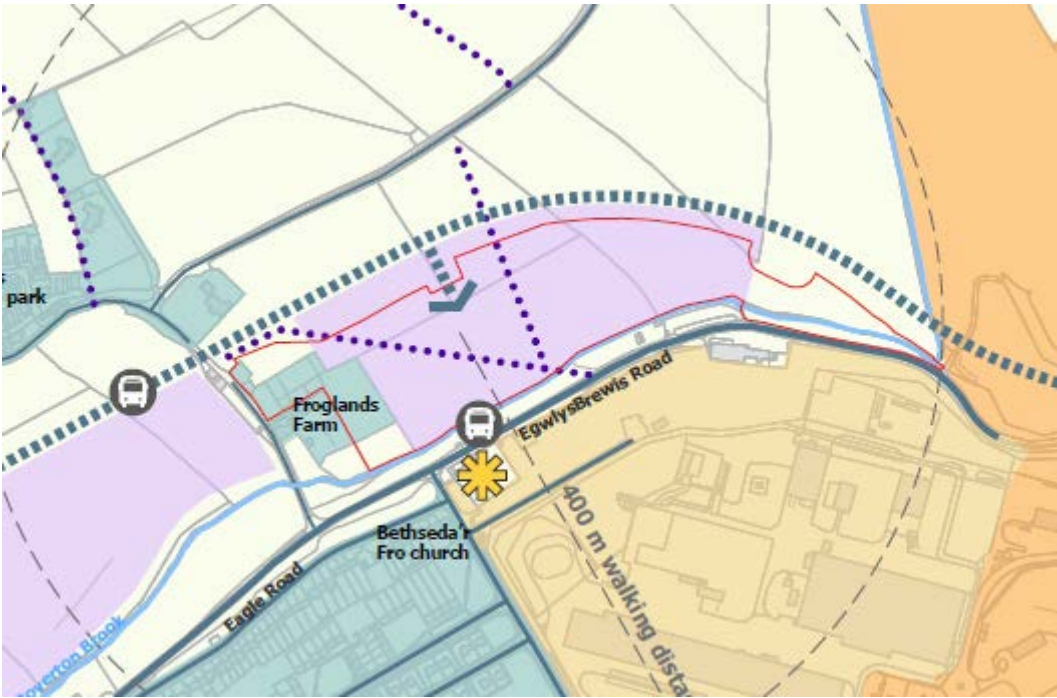
SITE AND CONTEXT

The application site is approximately 4.3 hectares of land adjacent to the Northern Access Road, Eglwys Brewis. The site is referred to in the application as Site B, whereas the site that is the subject of application 2020/00351/OUT (further along the Northern Access Road to the west) is referred to as Site A. The site's location is shown on the plan below, in addition to Site A:



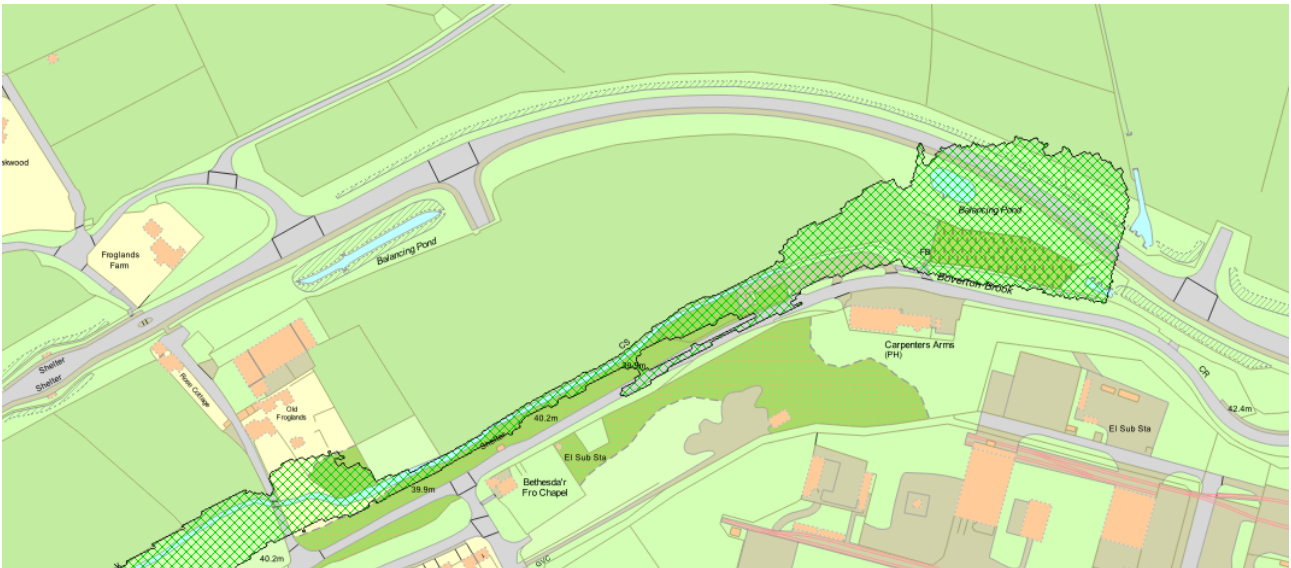
The site is adjoined by Eglwys Brewis Road to the south (with dwelling and the MOD base beyond), by the Northern Access Road to the North (with fields beyond), and by fields to the east and west.

The site, the fields to the west and Site A comprise housing allocations in the Vale of Glamorgan Adopted Local Development Plan 1996-2011 under Policy MG2. The majority of the site and the fields to the east form allocation (7), while Site B is a separate allocation (6). There is additional land within this application site which sites outside the LDP allocation and outside the settlement boundary of Llantwit Major. The part of the site within the allocation also lies within the LDP settlement boundary.



The application site on the plan above is shown by the red outline, whereas the allocation is shown in purple.

The Boverton Brook crosses the south of the site (east to west) and this part of the site (the Brook and the adjacent areas) is within a C2 flood zone, and this is shown by the cross hatched area on the image below.



DESCRIPTION OF DEVELOPMENT

This is an application for outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 100 homes and associated development. The application is accompanied by an indicative master plan, as shown below:



'Layout' is a reserved matter, however, the plan above indicates a way that the site could potentially be developed. A Local Equipped Area for Play is shown centrally along the southern part of the site, between drainage attenuation features. The application proposes that 35% of the dwellings will be affordable.

RELEVANT PLANNING HISTORY

2009/00500/OUT, Address: Land at and adjoining MoD St Athan in the Vale of Glamorgan,, Proposal: Development of a Defence Technical College and associated facilities and works, including 483 Service Families' Accommodation dwellings, military external and field training areas, the alteration and reconfiguration of St Athan golf course, a hotel, an energy centre, improved parking and servicing facilities for the existing spar shop on Eglwys Brewis Road, the provision of a new access road and other associated highway works and improvements, including a garage for Rose Cottage, and all associated ancillary building, sports, community, ecological mitigation and enhancement, engineering, landscaping, means of enclosure and other works., Decision: Approved

2009/00501/OUT, Address: Land at and adjoining the Aerospace Business Park at St Atha, Proposal: Development at and adjoining the Aerospace Business Park, including: the erection of new and replacement buildings, airfield operational facilities and structures; the provision of access roads, hard standings and other infrastructure; security fencing; landscape and ecological works; garage for Rose Cottage; all associated building and engineering works; and related highway improvements, Decision: Approved

2016/00291/SC1, Address: Northern access road, St. Athan, Proposal: Request for EIA screening opinions, Decision: Environmental Impact Assessment (Screening) - Not Required

2017/00564/1/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment - Amendments to Planning Condition 16 Planning permission- 2017/00564/FUL--Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/2/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment-The following amendments are proposed to planning condition 10 (additional text underlined and deleted text struck through): Following the construction of the development and prior to the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above. The repair works, if required, are to be completed within 5 months following construction of the new road. Planning Permission 2017/00564/FUL-Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/4/NMA, Address: Northern Access Road, St Athan, Proposal: Non-Material Amendment - Proposed amendment to text of Condition 25 to omit the requirement of low noise surfacing throughout the scheme. Planning Permission ref. 2017/00564/4/NMA: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

2017/00564/FUL, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved

CONSULTATIONS

Llanmaes Community Council have raised an objection on the following grounds:

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology
7. The MOD live firing range directly opposite the site, and
8. The development is outside the existing LDP

This is attached as Appendix A

Llantwit Major Town Council object on the following grounds:

- *The impact on the infrastructure to Llantwit Major with reference to this proposed development and the ongoing housing estates being built in Llantwit Major and the surrounding areas as detailed in the LDP. There is up to 1000 new residential houses built in Llantwit Major and the surrounding area over the coming few years.*
- *Local schools in Llantwit Major are already reaching their capacity. The Town Council have concerns that this development could cause overcrowding within the Local Schools in Llantwit Major. Llantwit Major Learning Community is the feeder school for Llanmaes and St Athan.*
- *The impact on the already busy Medical Facilities within Llantwit Major.*
- *The impact on the Leisure Centre / Green Spaces within the town.*
- *The increase traffic and the impact on the parking within the town. It is already difficult to find a parking spot in the town centre.*
- *Boverton Cemetery is nearing capacity and at present no new burial land has been sourced.*

Local ward Members- Councillor Hanks has objected on grounds relating to flooding, infrastructure and biodiversity. **Councillor John** has objected on grounds relating to flooding, sewerage capacity, proximity to the MOD base, biodiversity, impact on the countryside and the lack of infrastructure.

Ministry of Defence - Requested further consultation when the detail of the development is known.

Civil Aviation Authority - No representations received.

Highway Development- Advice has been provided in respect of connectivity to the existing highway network, infrastructure provision and traffic. The Transport Assessment has been reviewed by a Consultant (on behalf of the Council) and no objection is raised.

Public Rights of Way Officer -

The granting of Planning Permission does not give the applicant permission to close or divert a Public Right of Way. It also does not mean that any application to alter the Public Rights of Way network will succeed.

A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

Councils Drainage Section - No objection raised, and advice is provided regarding the SAB approval process.

Shared Regulatory Services - Conditions are requested relating to noise mitigation, contamination investigation/mitigation and a Construction Environmental Management Plan.

Cardiff Airport - No objection.

Glamorgan Gwent Archaeological Trust - No objection.

Cadw - "No comments to make".

Network Rail - "No objection in principle"

The Council's Ecology Officer has raised no objection subject to conditions relating to ecological protection.

Wales and West Utilities - No representations received.

Housing Strategy have raised no objection and have provided advice in respect of affordable housing need in the ward.

Natural Resources Wales have raised no objection subject to adherence with the Flood Consequences Assessment and Framework Plan, and subject to ecology conditions.

Dwr Cymru Welsh Water have advised that there is sufficient capacity within the public system to accept foul flows.

South Wales Police have provided advice regarding designing out crime.

Cardiff and Vale University Health Board - No representations received.

REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. Ten representations have been received and the grounds of objection are summarised as follows:

- Flood risk
- Approval of the application would be inconsistent with another decision for a single dwelling at a nearby property
- Loss of agricultural land
- Insufficient need for the houses
- Inadequate local infrastructure
- Traffic and congestion
- Adverse ecological impacts
- Air pollution
- Environmental damage
- There is no relationship now between residential occupation of the site and the MOD base.
- The land is contaminated
- Pollution from water run off
- Insufficient sewerage capacity
- Noise impacts on the development
- Adverse impact on road network
- Part of the site lies outside of the LDP allocation
- Adverse impact on an agricultural holding
- Adverse impact on residential amenity
- Impact on the character of the area

One of the objections is attached as **Appendix B**.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP2 – Strategic Sites
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities
POLICY MG10 – St Athan - Cardiff Airport Enterprise Zone
POLICY MG16 – Transport Proposals
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG23 – Buffer Zones

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning 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
- Accessibility
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

- 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 1 – Joint Housing Land Availability Study
- Technical Advice Note 2 – Planning and Affordable Housing
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 6- Planning for Sustainable Rural Communities
- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design
- Technical Advice Note 15 – Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18 – Transport
- Technical Advice Note 24 – The Historic Environment

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing
- Biodiversity and Development
- Design in the Landscape
- Minerals Safeguarding
- Parking Standards
- Planning Obligations
- Public Art in New Development
- Residential and Householder Development
- Sustainable Development - A Developer's Guide
- Travel Plan
- 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
- 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

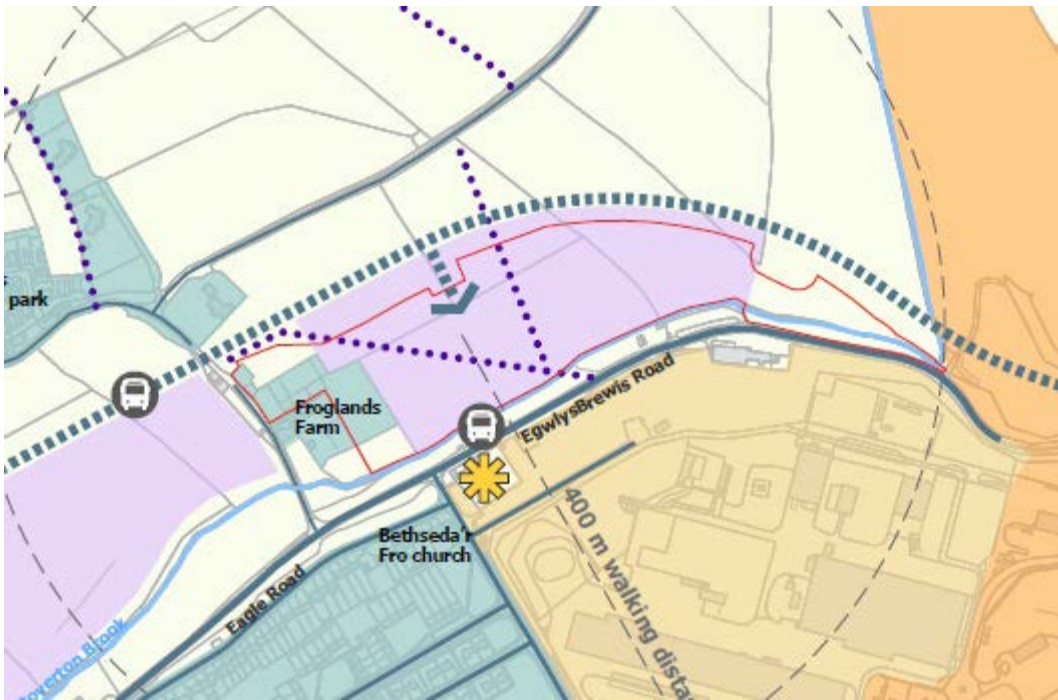
The primary issues to be considered with this application are considered to be the following:

- The principle of the development.
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impacts on the historic environment.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site.
- Drainage and flood risk.
- Ecology.
- Agricultural land quality.
- Impact of the development on the tenant farm.
- Trees and hedgerows.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision and public open space).

The principle of the development

Most of the application site lies within the settlement boundary of Llantwit Major and the corresponding section also lies within the Local Development Plan housing allocation (see Policy MG2(6)). It is therefore considered that the development is wholly compliant with policy in respect of that section of the site. As noted above, there is also land within the

site which lies outside of the settlement and housing allocation boundaries. This is shown on the plan below:



The allocation is shown in purple and the site is shown outlined in red. It should be noted that the strip of purple to the north of the site is indicative of the alignment of the Northern Access Road (NAR). The broadly triangular area to the east of the allocation is landlocked between the NAR and Egwys Brewis Road and consequently, it is not open countryside with a rural character. Similarly the land to the west of the allocation is essentially sited in between two housing allocations and is not an arbitrary incursion into more open countryside. The detailed impacts of these areas being included within the site are assessed in the respective sections below, however, in light of their location relative to the surrounding road network and the settlement/allocations, their inclusion within a residential site is considered acceptable in principle.

The density of the development

While the site is approximately 4.3 hectares in total size, the net developable area is considerably less, as a consequence of flood zones and ecological constraints. Based on a net developable area of approximately 2.7 hectares, the density would be approximately 41 units per hectare. Policy MD6 of the LDP requires 30 dwellings per hectare in Primary Settlements to ensure that land in sustainable locations is developed efficiently. This proposal would satisfy the requirements of this policy. The land is allocated for 90 units, however, the 100 for which permission is sought is reflective of the fact that the site includes additional land outside of the allocation.

Visual impact of the Development within the Wider Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies directly to the east and north of the existing settlement and would directly adjoin (but for intervening roads) the MOD base and residential areas to the south. The site would not directly adjoin housing allocation MG2(7) to the west, but it would have a close physical relationship to it with the upper boundary of both defined by the recently constructed Northern Access Road. That road represents a logical, physical and defensible boundary to the site, such that the development would not intrude, visually into the undeveloped countryside beyond. As noted above, the unallocated wedge at the eastern end is landlocked between the NAR and Eglwys Brewis Road, and the area to the west is directly in between both allocations.

Therefore, given the relationship of the site to the adjacent roads, the nearby allocation and the built form of the settlement to the south, it is considered that the development would not have an unacceptable impact on the character of the wider area. Notwithstanding this and as noted above, the site is largely within the settlement boundary of Llantwit Major (and not countryside) and this wider landscape impact was also assessed through the LDP site selection process.

Impacts on the Historic Environment

The closest ancient monument to the site is approximately 1km away to the North West (the site of Bedford Castle). Given this distance, the proposed development would not adversely affect the setting of this monument. Cadw have stated that intervening topography, buildings and vegetation between the site and surrounding monuments/historic parks within 3km mean it is unlikely that the proposal will be inter-visible with them. Consequently they raise no objection.

In terms of listed buildings, Bethesda'r Fro Chapel (Grade II); and the Forecourt and Graveyard Gates, Gatepiers and Walls of Bethesda'r Fro Chapel (Grade II) are located to the south of the site, across Eglwys Brewis Road. While there would be certain viewpoints along Eglwys Brewis Road from which you may see the development and these buildings in the same 'visual envelope', the degree of spacing is sufficient enough to ensure that the setting of these buildings would not harmfully impinged upon.

The site is located approximately 800m from Boverton and Llanmaes Conservation Areas, and these distances are also sufficient to ensure no adverse impact on their settings, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Glamorgan Gwent Archaeological Trust (GGAT) have considered the submitted desk based assessment, which outlines previous archaeological work, including the geophysical survey and subsequent field evaluation of the site. The survey noted a number of anomalies, however the evaluation trenches determined that they were modern features with a significant depth of made-ground present. Local knowledge suggested that the fill material originated from remediation works on a runway at RAF St Athan. No archaeologically significant features or structures were encountered and GGAT advise that it is unlikely that significant archaeological material will be encountered during the course of the proposed works.

As a result there is unlikely to be an archaeological restraint to this proposed development and GGAT raise no objection. In summary, it is considered that the development would comply with the aims of Policies SP10 and MD8 of the LDP.

Design and Layout- Internal Road and Footpath Layout, and house design

As noted above, the application is in outline with all matters reserved and consequently, the only information relating to an internal layout are the indicative concept plan and master plan, as shown below.



There are differences between the two in respect of the location of a play area, however, the plans are only indicative and this is not critical to the assessment of the principle of the development. Issues relating to the quantity and location of open space are discussed in the sections below, however, it should be noted that the open space within a reserved matters layout should be sited accessibly to all and in a location that would not be prejudicial to residential amenity.

In terms of road layout and development parcels, the master plan suggests a single point of access from the NAR, which would lead to a series of primary and secondary routes. The development parcels would appear to enable active frontages to the respective roads and a hierarchy of streets would potentially enable different character areas/a sense of place to be achieved. It will be particularly important to ensure that there is an active frontage to the main road and that the development does not turn its back on it.

Notwithstanding the above, it is considered that the size and shape of the site gives scope for a development of an acceptable highway and building layout, which would be determined at reserved matters stage.

Scale parameters have been submitted, however, there are no definitive details of house design, size and materials. These would also be issues for any reserved matters submission, if outline permission is granted. The parameters suggest dwellings of between 7m and 12.5m in height and that does not infer that it would be acceptable for all of the dwellings to be 12.5m in height. Rather it would allow for an element of three storey development and in this context, where there is not an immediate relationship with existing streets of neighbouring developments, it is considered that an element of three storey buildings is likely to be acceptable in principle. Notwithstanding that, this would need to be demonstrated through detailed plans with a reserved matters application.

Issues relating to public open space, drainage and ecology are considered further below.

Highways issues, including highway safety, public transport, pedestrian movements.

Highway safety

The sole vehicular access point would be centrally along the site frontage from the NAR. That access was designed to serve a housing allocation as part of the development approved by application 2017/00564/FUL. The section of highway between the NAR and the threshold into the application site has already been constructed and this access has been engineered appropriately to serve this development. Users of the access point would be afforded the necessary visibility along the NAR when leaving the site and movements into the site can be carried out safely. Highway layout matters within the site would be considered in details at the reserved matters stage, if outline permission is granted.

Pedestrian connectivity and sustainable public transport matters

The nature and full scope of pedestrian routes within the site would be determined at reserved matter stage, albeit the indicative masterplan identifies the principal routes through the site, connecting to Eglwys Brewis Road and the lane to the west. The submissions do not provide detail as to how pedestrian movements to Eglwys Brewis Road would be facilitated, however, this is not considered to be critical to the acceptability of the development. The most likely route for pedestrians (or cyclists) away from the site

would be along the NAR, however, access to Eglwys Brewis Road could be easily achieved by exiting the site on the western boundary and then turning left along the lane.

The new footway/cycleway along the NAR provides a comprehensive, safe and well lit piece of pedestrian/cycling infrastructure, which would link up with the same on the B4265. This infrastructure would enable pedestrians and cyclists to easily access the range of services in Boverton and Llantwit Major. Given the quality of the pedestrian/cycling route along the NAR, it is not considered necessary for further comprehensive infrastructure to be implemented along Eglwys Brewis Road, however, the markedly lower levels of traffic using Eglwys Brewis Road (as a consequence of the NAR) mean that this would also not be an unattractive route, particularly for cyclists.

Bus services currently run along Eglwys Brewis Road and that is likely to remain the case until such time as demand dictates that either the existing routes are amended, or otherwise new services are deployed. In considering this matter, the LDP Inspector noted:

Indeed, the new access via the NAR would represent an opportunity to improve sustainable connections to Llantwit Major town centre and the railway station, thereby satisfying the sustainability principles that underpin national policy.

There are bus stops on both sides of the road just over 100m from the site, and these would (when services use the NAR) give occupiers direct and very convenient access to bus services. While routes continue to use Eglwys Brewis Road, occupiers of the development would be within a short 200m-250m walking distance from them, via the lane at the west of the site.

The nearest train station is in Llantwit Major town centre, and this can be accessed either along the NAR, the B4265 and then Llanmaes Road, or by turning left out of the NAR and heading towards the crossroads at the end of Eglwys Brewis Road. That route would then continue either through Boverton or through the footpath to the rear of Harding Close. Consequently there are safe and readily available access options to the train station.

It is considered that occupiers of the site would be served by comprehensive transport infrastructure which would give occupiers a genuine choice of how to travel, without being overly reliant on the private car. In that respect the development would be sustainable and would support the aims in both the LDP and Planning Policy Wales.

The Council's Planning Obligations SPG sets a threshold above which sustainable transport contributions are usually sought to mitigate the impacts of developments. In this case, a viability exercise has been carried out which has shown that the development is not financially viable if the SPG level planning obligations were sought. This matter is covered in more detail in the Planning Obligations section below. In such circumstances, it is necessary to consider whether, in the absence of contributions towards certain infrastructure, the development is fundamentally acceptable. While there is not viability to provide a contribution here for sustainable transport improvements, the development would be directly served by pedestrian/cycling facilities along the NAR and the new bus stops. While those pieces of infrastructure serve more than this development alone, their cost was substantial and the presence of the housing allocations was a significant driver for their construction. Therefore, while there would not be further infrastructure delivered in conjunction with this specific development, it is considered that the recently delivered

infrastructure along the NAR means that the development is nevertheless fundamentally acceptable in this regard.

Traffic and congestion issues.

The application is accompanied 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, the number of dwellings and the likely number of car movements and trips by alternative modes.

Specifically, the traffic impacts at the following junctions have been assessed (where the NAR is referred to as Ffordd Bro Tathan):

- B4265 / Ffordd Bro Tathan (Roundabout);
- Ffordd Bro Tathan / Residential MG2(7) (Priority Junction);
- Ffordd Bro Tathan / Residential MG2(6) (Priority Junction);
- Ffordd Bro Tathan / Eglwys Brewis Road (Priority Junction);
- Ffordd Bro Tathan / Bro Tathan / Aston Martin Signals Junction;
- B4265 / B4270/ Cowbridge Road;
- B4265 / Heol Pentre'r Court;
- Gileston Crossroads;
- St Athan Road / Cowbridge / Eglwys Brewis Road;
- Boverton Road / B4265 / Eglwys Brewis Road; and,
- 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 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 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. Furthermore, the TA and subsequent correspondence with the agent have demonstrated that the critical capacity point at the crossroads would also not be reached when all of the following are constructed: The approved employment development at 'Keithrow' (2019/01260/HYB), residential Site A (2020/00351/OUT), the approved Barratt David Wilson Homes development at Cowbridge

Road (2016/01427/OUT) and the current (u-determined) employment application at Beggars Pound (2020/00434/OUT). These are considered to be the appropriate range of developments to consider in the context of this assessment, since they either have planning permission or there are currently applications for them with the Council. i.e. this assessment considers the outcome if they were all constructed before this development at Site B (unlikely as that scenario is).

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 the assessment referred to above regarding the other 'more advanced sites', 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 those 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 show 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.

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

Impact on residential amenity of existing residents.

The application does not have a particularly close relationship to many existing residential properties, and the impacts upon most in the surrounding area would be limited to a change in the composition of longer range views. Such impacts are not considered to be prejudicial to 'living conditions' and residential amenity directly. Closer to the site, Rose Cottage and Froglands Farm would be separated from the development by Froglands Farm Lane and the NAR respectively. The distances are again considered to be sufficient to protect residential amenity.

The nearest property to the development is Old Froglands, and the application site would adjoin its boundary. The house itself is located approximately 35m from the site boundary to the east, and that is sufficient to ensure that new buildings in that part of the site would not unreasonably affect living conditions within the house. Impacts on the garden would be determined by how far away new buildings were located, however, this would be a matter for the reserved matters stage and there is no reason why an acceptable detailed layout could not be designed to take account of this relationship. Similarly, while the dwelling is closer to the site boundary to the north, the detailed layout can take account of this.

The indicative concept plan shows a play area adjacent to the boundary with Old Froglands. Should the applicant wish to promote a layout with a play area in that location, further consideration would have to be given to the likely impacts on the amenity of this

neighbour. If it were determined that this siting would be harmful to the living conditions of the occupiers, then the play area would need to be sited elsewhere within the site. However, given that 'layout' is not a matter for consideration now, this is not fundamental to the consideration of granting outline planning permission.

Having regard to the above, it is considered that the development of the site can appropriately protect the residential amenity of neighbours, in accordance with Policy MD2 of the LDP. A Construction Environmental Management Plan (CEMP) condition is recommended to ensure that construction impacts are minimised as far as possible (see Condition 12).

Amenity of the future occupiers of the site.

Amenity considerations relating to the siting of buildings and windows would be determined by the detailed layout submit with a reserved matters application. That layout would need to ensure that the aims of Policy MD2 and the Council's Residential and Householder Development SPG are met.

The principal residential amenity issue to consider for the proposed development is the impact from traffic on the Northern Access Road and the adjacent base and employment land. The Council's Shared Regulatory Services Officer has advised that internal and external mitigation measures should be the subject of conditions (noise monitoring at the post construction / pre-occupancy stage with further mitigation being installed if required-see Condition 13).

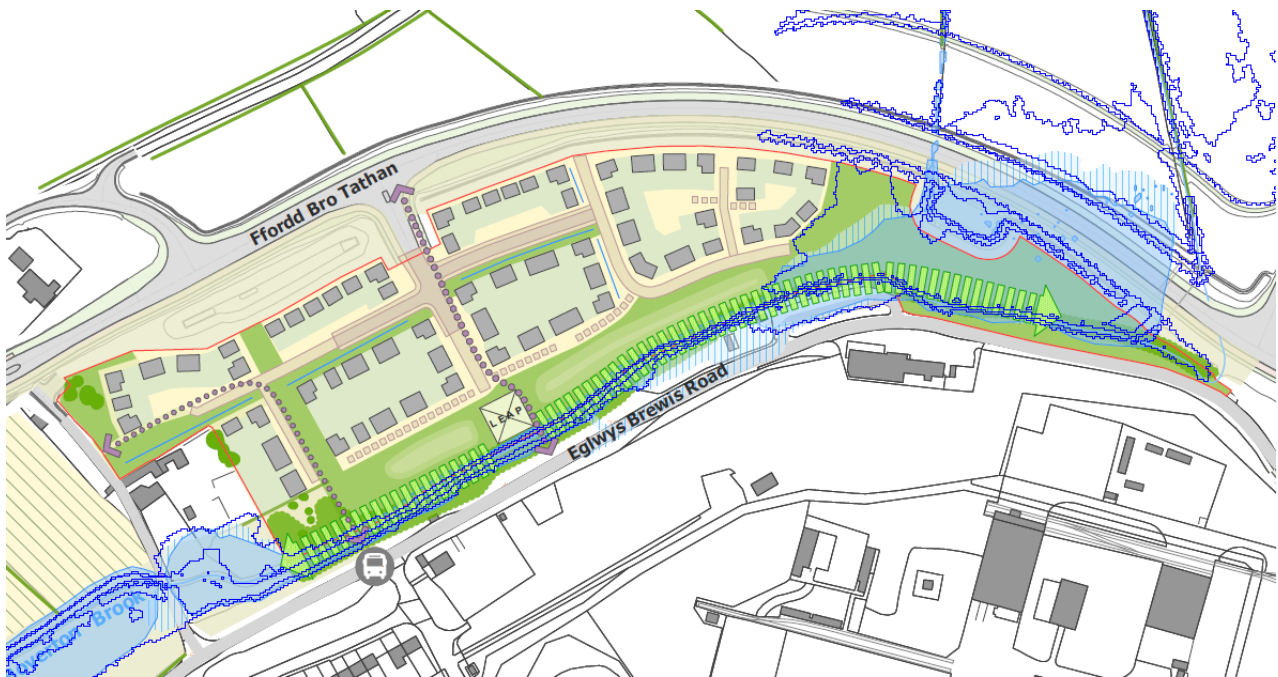
However, subject to noise mitigation where necessary (and this will likely be affected by the specifics of a detailed layout) it is considered that the site would not be subject to unacceptably harmful noise nuisance. Further conditions have been requested in respect of ground testing for contamination (see conditions 16-21)

Drainage and flood risk.

In respect of foul drainage, Dwr Cymru Welsh Water have confirmed that capacity exists within the public sewerage network to receive the domestic foul flows from the proposed development site. In respect of surface water, the development is of a size that will require SUDS Approval Body (SAB) approval and this is acknowledged in the submitted drainage strategy. The strategy states that infiltration rates are not sufficient to allow this to be principal means of disposing of surface water. Consequently, it is proposed to discharge surface water into Boverton Brook (which runs along the southern part of the site) at the existing greenfield runoff rate. Features including swales and attenuation basins are proposed to give the necessary hydraulic control to the runoff/discharge rates.

While the detail of the drainage scheme is yet to be designed (indeed this will have an inter-relationship with the proposed residential layout) the strategy provides sufficient information for the drainage principles to be accepted. The Council's Drainage Engineer has considered the proposed strategy and raises no objection, however, the response highlights that the use of further SuDS features would enhance water quality benefits and enable the design to meet statutory standards.

Most of the application sites lies outside of the higher risk C2 flood zone, albeit part of the southern section of the site lies within it. The C2 flood zone is shown below:



TAN 15: Development and Flood Risk, states that highly vulnerable development (such as housing) should not be permitted within zone C2. Consequently, the indicative layout has been shown with the buildings, access and roads located outside of the C2 zone. The application is supported by a Flood Consequences Assessment (FCA) which concludes that the development would, therefore, not be at unacceptable flood risk. Natural Resources Wales (NRW) have considered the submitted FCA and have advised as follows:

We note that parts of the redline boundary to the east are within DAM Zone C2. However, the FCA and Site B Framework masterplan 'A093950-14(B)13b_RevC' dated March 2020 has shown that the proposed residential development and associated infrastructure is outside of the fluvial flood outlines. We note, that only amenity green space and/or green corridor is at risk of flooding and that flood free access and egress can be achieved via the newly constructed highway named Ffordd Bro Tathan.

Therefore, based on the above, we advise that the following condition is included to ensure the built development is not located in the flood zone as indicated on the drawing 'A093950-14(B)13b_RevC' when further details are submitted under reserved matters

Having regard to the above and subject to the detailed design of an appropriate surface water management scheme, the proposed development would not be at unacceptable flood risk and would not increase risk of flooding elsewhere.

Ecology

The application is accompanied by an ecological appraisal and bat survey. The bat survey notes that the most commonly used habitats by foraging and commuting bats were the hedgerows to the west of the site and Boverton Brook corridor, which would be retained as

part of the Framework Masterplan. The landscape strategy for the site also includes habitats which are likely to provide additional habitat of value to commuting and foraging bats, such as species-rich grassland planting within surface water attenuation and long grassland areas to enhance structure. The report goes on to recommend that the detailed design of the development, including all landscaping and design of surface water attenuation, should include ecologists input to provide biodiversity enhancements where possible. The report notes that a site specific 'Habitat Management Plan' should be produced and required by planning condition, to agree an ongoing framework to manage the retained habitats to increase their biodiversity value (see condition 26).

The site is located approximately 1.75km from the nearest Site of Interest for Nature Conservation (SINC) and over 4km from the nearest Site of Special Scientific Interest (SSSI). These distances are sufficient to ensure no adverse impacts from the development. The ecology report states that the site comprises habitats of relatively low conservation value including managed and agriculturally improved grasslands and arable land with habitats of local value, broadleaved woodland, hedgerows and running water (including Boverton Brook), located to the south of the site. However no habitats present are likely to qualify as Section 7 habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales or meet SINC selection criteria. The Council's Ecologist does not dispute this conclusion.

In terms of species, no significant impacts on reptiles are likely, given the nature of the habitat across the site and the retention of the habitat along the brook. All habitat suitable for hazel dormice would be retained as part of the development with the retention of hedgerows and broadleaved woodland included within the green corridor. Subject to implementation of habitat recommendations and lighting, significant impacts on hazel dormice are not considered likely. Further recommendations relating to habitat retention and the timing of construction works are made regarding birds and invertebrates.

Notwithstanding the above, (and in respect of Dormice in specifically) as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

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.

Test ii) There is no satisfactory alternative.

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.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the essential contribution it would make towards meeting housing provision (affordable housing provision in particular).

In terms of Test 2, the site has been allocated for housing, having regard to its sustainable location and the other normal planning requirements. Consequently there is not considered to be a satisfactory alternative which would also meet the public interest referred to above.

In terms of Test 3, NRW have advised that subject to the measures in the ecological documents being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

The Council's Ecologist has responded to state that the Ecological Appraisal is comprehensive and no objection is raised, subject to compliance with the measures listed in the Appraisal and the production of a Habitat Management Plan (see condition 26).

NRW similarly raise no objection in relation to ecological/species impacts, and they have requested conditions requiring compliance with the submitted ecology documents, and the approval of a lighting scheme and a Landscape and Ecological Management Plan (see conditions 25 and 26). A further condition (27) requires ecological enhancements, such as bird boxes on dwellings. Subject to all of the above, it is considered that the development would accord with Policies MD2 and MD9 of the LDP.

Agricultural land quality.

All of the land within site has been classified as Grade 3B, following soil testing. Grade 3B land is not classed as Best and Most Versatile (that is grades 1, 2 and 3A) and consequently, the development would not conflict with Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

Impact of the development on the tenant farm.

Part of the site is occupied with agricultural activities and objections have been submitted from the property 'Old Froglands' regarding the impact on the unit if the scheme were to be approved. TAN 6 states at para 6.2.6- *Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.* It is therefore necessary to consider the impact of the development in this respect, and whether any such impacts outweigh the material considerations in favour of granting permission.

The objections state that the development would result in the loss of 4 barns and hardstanding, which cover 0.134 hectares of land. The barns are used for the storage of agricultural equipment, the housing of lambs during the winter months, lambing in the spring and regular livestock husbandry at all times of the year. The objections explain that this forms part of a 90 acre farm that is located a mile away and that they should be seen in the context of that business (when considering if it is a viable agricultural unit).

In terms of size, the area to be lost comprises less than 1% of the total holding, albeit it would appear that the buildings in question are presently the only buildings serving it. There is not likely to be an objection in principle to the siting of a building on the main part of the holding, commensurate to the agricultural need and, therefore, the loss of the existing buildings (lease issues aside) should not in principle be critical to the continued operation of agricultural activities.

The applicant requested further details of the holding from the owner of Old Froglands, including the turnover/profit, employees, etc. The owner has not considered it necessary to provide this information and while there is no obligation to do so, the absence of such information means that it is not evidenced as a viable agricultural business. While the owner has projected a profit for 5 years' time, there is no evidence as to how the business would grow to this point or what the state of the business is currently.

The land in question forms a very small part of the overall land holding and the lease for the barns initially ran out in December 2020. Therefore, while understandably disappointing to the tenant, there is no long term security to the use of the barns. While the applicant's agent has advised that this is subject to a rolling short term extension, that does not fundamentally alter the position regarding the long terms prospects of the lease remaining.

Having regard to the size of the land (as a proportion of the holding), the location of the barns relative to the main part of the holding, the relatively limited scale of agricultural activity, the facts regarding the end of the lease and the absence of information to demonstrate that this is a viable business, it is considered on balance that there would not be an unacceptable severance impact, as referred to in TAN 6.

Trees and hedgerows.

There are no protected trees within the site and the main developable area is, while grassed, not heavily vegetated with trees or hedgerows. The principle vegetated area is the wooded corridor at the southern part of the site, and this would be retained outside of the area to be developed with buildings. Only 4 trees have been assessed of being of moderate quality, and the rest were of low quality. The development would not be a barrier to the retention of the Category B, moderate quality trees. Further trees and landscaping would be required as part of an acceptable reserved matters layout, and the development as a whole is considered acceptable in respect of arboricultural impacts.

Public rights of Way (PROW)

The site is crossed by two rights of way and any subsequent development should take account of this. The PROW officer has given advice regarding the legal procedures that would be involved in stopping up or diverting the routes. A reserved matters submission can appropriately accommodate these routes within the layout, ensuring that public access is maintained.

Other points of objection

A common theme within objections and representations from the Community/Town Councils and Local Members is the need to need for local infrastructure to serve the development.

While concern regarding infrastructure generally is understandable, it is likely that the development would help to sustain a number of services, such as shops and services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. Similarly it is considered that it is beyond the reasonable scope of the application to enlarge cemetery capacity. The respective consultees have not raised objections in respect of drainage infrastructure.

While representations have been received regarding the need for the houses, fundamentally the site is allocated, following housing need being assessed thoroughly at the time that the LDP was adopted. The application is not comparable with other individual proposals for single dwellings in the countryside, albeit near to the site.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

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 size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- 35% affordable housing
- Sustainable Transport = £2,300 per unit
- Community facilities= £1260 per dwelling
- Education facilities= The formulae in the SPG would require a contribution of approximately £880,000 based on 100 units, however, having regard to other contributions secured in the area, and the projected need in the relevant schools in the coming years, the Council's Education section have raised no objection to no contribution for this development.
- Public Open Space = 16sq.m. per dwelling (less outdoor sport provision as the ward is already sufficiently equipped).
- Public Art – 1%

Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m² of equipped play space and 12.76m² of other play space, per dwelling. This equates to 1856m² of play space, of

which 580m² should be equipped. The LEAP shown on the masterplan measures approximately 400m², however, this is indicative and it is considered that there would be space within the site to provide the required 580m² (if 100 dwellings were proposed at reserved matters stage). It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that equipped and the other place pace can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

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

1 Bed-132
2 Bed-114
3 Bed-42
4 Bed-14
5 Bed-1

Total 303

The applicant has agreed to the provision of 35% affordable housing, which is required by Policies MD4 and MG4. This would be at a ratio of 70:30 in favour of social rented units.

Development Viability

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.

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/Estates Section. This includes development costs and likely sales values. The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and the viability case is accepted as being reasonable and evidenced. That appraisal concludes that the developer can deliver the required 35% affordable housing, but cannot make any other financial contributions. This is principally due to significant abnormal costs relating to excavation and disposal of material that currently comprise the 'made ground' on the site.

Consequently, officers have considered the reduced Section 106 package, and whilst there isn't any provision for art, community facilities, sustainable transport and education,

it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). In particular and as noted above, the Council's Education Section have not deemed a contribution fundamentally necessary from this development, and the Highways Section above deals with the absence of a Sustainable Transport contribution.

In accordance with Welsh Government's advice regarding development viability, officers have considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. The above rationale does not infer that contributions towards these matters are not justified and the viability review would ensure that any upward improvements in viability would be paid to the Council

RECOMMENDATION

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

- Provide and maintain in perpetuity 35% of the total number of units as affordable housing (at least 70% of which shall be social rented);

AND, in the event that the development is not completed within 59 months of commencement, the trigger of a development viability review mechanism.

APPROVE subject to the following conditions(s):

1. Approval of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
- (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

A093950-14(B): 1b, 2b, 3b, 4b, 5b, 6b, 7b, 8b, 9b, 10b, 11b and 13b (including flood zones),

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

Site B (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;

Site B (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;

Flood Consequences Assessment Flood Consequence Assessment, dated March 2020), Project number: 60509148

Site B Framework Masterplan, drawing A093950-14[B]13b_RevC, dated March 2020

WYG Archaeological Desk-Based Assessment A093650-14

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.

5. The development shall be in accordance with the scale parameters submitted on the 2nd April 2020.

Reason:

In the interests of visual amenity and to ensure compliance with Policies MD2 and MD5 of the LDP.

6. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies 2, 8 and ENV27 of the Unitary Development Plan.

7. Prior to the commencement of the construction of any part of the development a scheme (including details of the timing of such provision) for the provision and maintenance of Public Open Space (including children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided and retained in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

8. Notwithstanding the submitted plans, prior to the commencement of the construction of any roads within the site, further details of the highway lighting and all surface materials to be used in the parking areas and carriageways within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 and MD2 of the LDP.

9. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD2 of the Local Development Plan.

11. Prior to the commencement of development, details of the finished levels of the site and dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies MD2 and MD5 of the Unitary Development Plan.

12. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours and construction traffic routes. The CEMP shall utilise the Considerate Constructors Scheme. The CEMP shall include a system for the management of complaints from local residents which shall incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies MD2 and MD7 of the Local Development Plan.

13. Prior to the commencement of development, details of noise mitigation shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of background noise sources/levels and measures to protect the amenity of residents in the dwellings. The development shall not be occupied until the approved measures have been implemented.

Reason:

To safeguard the amenities of occupiers of the development, and to ensure compliance with the terms of Policies SP1 and MD7 of the Local Development Plan.

14. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to that part of the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

16. Prior to the commencement of any development works 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 and approved in writing by the Local Planning Authority. 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 application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than 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 Policy MD7 of the LDP.

17. Prior to the commencement of the 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) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

(ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (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 Policy MD2 of the LDP.

18. Prior to the commencement of the development, a detailed contamination remediation scheme and verification plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, and to ensure compliance with Policy MD7 of the LDP.

19. The remediation scheme approved by condition 18 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development, or in accordance an alternative set of timescales that shall first be approved in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of the commencement of the remediation scheme works.

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

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

Reason :

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall 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 in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall 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, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) 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 MD1 and MD7 of the LDP.

22. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy MD7 of the Local Development Plan.

23. The development shall be carried out in accordance with the following:
- Flood Consequences Assessment (AECOM, Residential Development at Llanmaes, Flood Consequence Assessment, dated March 2020), Project number: 60509148
 - Site A Framework Masterplan, drawing A093950-14[B]13b_RevC, dated March 2020

Reason:

In order to ensure that the development is not subject to unacceptable flood risk, and to ensure compliance with Policies MD2 and MD7 of the LDP.

24. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:
- 'Site B (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
 - 'Site B (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
 - Drawing A093950-14[B]13b_Rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment.

Reason:

In the interests of biodiversity and to ensure compliance with Policies MD2 and MD7 of the LDP.

25. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:

- Details of the siting and type of external lighting to be used
- Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
- Details of lighting to be used both during construction and/or operation

The lighting shall be installed and retained as approved during construction and/or operation.

Please note the lighting plan should also be designed to ensure a sensitive scheme for bats and otter.

Reason:

In the interests of biodiversity and to ensure compliance with Policies MD2 and MD7 of the LDP.

26. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site
- Details of the desired conditions of features (present and to be created) at the site
- Details of scheduling and timings of activities
- Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition
- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

The plan shall be carried out in accordance with the approved details.

Reason:

To ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term, and to ensure compliance with Policies MD2 and MD7 of the LDP.

27. Notwithstanding the submitted details, no development shall take place, including site clearance, until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. The approved ecological enhancements shall be implemented prior to the occupation of the part of the site that they relate to and they shall be retained at all times thereafter.

Reason:

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

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, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 10, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
2. 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.
3. **Warning: An European protected species (EPS) Licence may be 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>
4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

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

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

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

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

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

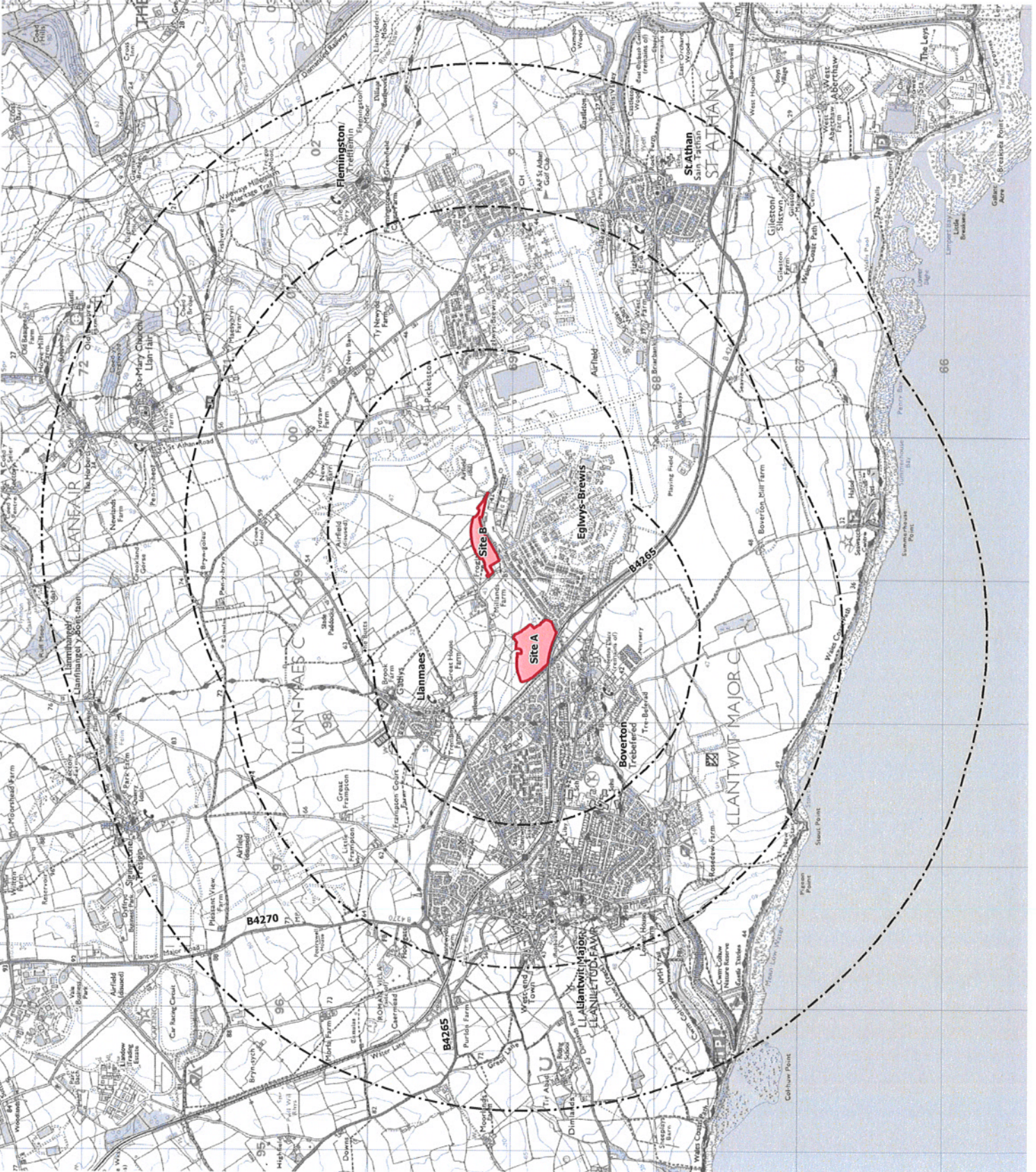


Llywodraeth Cymru
Welsh Government

Llanmaes -
Site A & Site B
Site Location

LA.01

2020/00352/OUT



Key
Site Boundaries
Buffer at 1 km intervals from the site



A093950-14-LA-01 Site Location.mxd

May 2019

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APPENDIX A



Cyngor Cymuned Llanfaes
Llanmaes Community Council

Clerk: Apartment 2 Alexandra House,
2 Beach Road, Penarth. CF64 1FN
Ffon/Phone: [REDACTED]

E-Bost/E-Mail: [REDACTED]

20 April 2020

Dear Sirs

Planning Application No. 2020/00351/OUT

Location: Land east of B4265 – Site A, Western Parcel, Llanmaes

Permission for residential development of up to 140 homes and associated development.

Planning Application No. 2020/00352/OUT

Location: Land north of West Camp – Site B, Eastern Parcel, Llanmaes

Permission for residential development of up to 100 homes and associated development.

Llanmaes Community Council submit their **OBJECTION** to the above two residential developments and request that the same arguments and comments are used when considering both planning applications.

Llanmaes Community Council submit the following reasons for their opposition to the proposals.

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology

1. Scale of the two developments and loss of open countryside

The village of Llanmaes is a small rural settlement with approximately 150 dwellings, 20 out-lying properties and 30 residential park homes at Millands. **The building of an additional 240 houses in “open countryside” will extend the boundary of the village and will have a detrimental effect on the rural aspect of Llanmaes, as well as being ‘out of proportion’ in relation to the size of the village.**

A significant part of the village is designated as a Conservation Area within the Vale of Glamorgan’s Llanmaes Conservation Area Appraisal and Management Plan (2009). Although the proposed developments are outside of the Conservation Area, they do have an impact on the short and long views into and out of the village. The Appraisal and Management Plan recommends that *“The Council will seek to ensure that all development respects the important views within, and from the Conservation Area. The Council will seek to ensure that these views remain protected from inappropriate forms of development.”* **The Community Council believe that these developments would contravene that undertaking.**

2. Sewerage and Foul Water System

The current sewerage and foul water system in the village is insufficient and causes overflow problems on an annual basis. An additional 240 houses will considerably overburden the current system.

3. Impact on the Local Infrastructure

An additional 240 houses will have a detrimental effect and overload the infrastructure of the local area. There are no planned increased amenities to cater for these extra houses with regard to schools, health facilities etc.

4. Flood Risk

Llanmaes Village and surrounding area has been subject to severe flooding for over 20 years and the village is about to have a flood alleviation scheme implemented following extensive modelling of dynamic flows through the village and its environs. The impact of the proposed developments has not been part of the assessment and modelling process and could have a detrimental impact on the proposed Llanmaes Flood Alleviation Scheme and the downstream Boverton Flood Alleviation Scheme.

Assessment of Flood Risk on the Application Form states that the proposal does not increase the flood risk elsewhere – where is the evidence to support this statement?

5. Ecology and Wildlife

The surrounding countryside is rich in wildlife and protected species, with fish and eels using the stream and a badger sett in the vicinity. Again, the application form is misleading as it states there are no designated sites or important habitats on the development sites. The Council would argue that the applicant has not submitted enough information to reassure they have carried out thorough research.

6. Archaeology

The Community Council are pleased to see the acknowledgement of the extensive archaeological findings in and around the development areas. However, there appears to be the assumption that no further discoveries are likely during the development. The Council believe there is the potential for further archaeological findings to be discovered on both sites but there seems to be no plan for on-site monitoring during the construction phase.

One final comment – the Council would ask that in considering both these applications, the Vale of Glamorgan Planning Committee take into account, the fact that the construction of the Claire Garden Village development in Cowbridge has been stopped as the houses were not selling!

Yours faithfully

Clerk
Llanmaes Community Council

APPENDIX B

Old Froglands
Llanmaes
Llantwit Major
Vale of Glamorgan CF61 2XR



Attachment to Objection

Re: Application for outline planning Permission for Land North of West Camp, Llantwit Major - Site B - Application reference 2020/00352/OUT

We wish to object to the development in whole and in particular to the extension of the development outside of the strategic housing allocation site MG2(6). I therefore set out below specific issues that support our objection which are either incorrect within the documents or have not been considered with respect to the strategic housing allocation site MG2 (6) and separately the proposed extension to MG2 (6).

1.0 Strategic Housing Allocation Site MG2 (6)

1. This site was originally proposed for housing for staff relating to the proposed Academy and therefore had a relationship to the adjoining land. There is no such relationship now and is out on a limb and not related to any settlement. This goes against Welsh Government and the Vale of Glamorgan policies.
2. The land on which the development is sited, we believe, is contaminated having been built up many years ago with material from work carried out at the St Athan Airport and contains large pieces of concrete and oil which regularly leaked into the stream. The Planning Statement draws reference to this contamination including the potential for asbestos, PAH and metals. Reference is made to the potential for shallow foundations to overcome this problem, however reference is also made to the need for relieving ponds to mitigate surface water run off close to the river which is where most of the made up ground exists. This could result in contaminates leaching into the river. This matter needs to be fully investigated to provide the full facts before any planning permission is considered.
3. The foul sewer system running along the Eglwys Brewis Road is inadequate to accommodate satisfactorily the present demand let alone another 100 dwellings. The sewer overflows on to the Eglwys Brewis road in high rainfall conditions and also overflows into the stream causing pollution which has been regularly reported to Welsh Water. I have received a letter from Welsh Water confirming that the sewerage network suffers from hydraulic overload and that was before the new development at the southern end of the Eglwys Brewis road was built. No mention of this is made in the Masterplan Report & Design and Access Statement (MRD&AS) or the Planning Statement (PS). There is no reference to a Foul Drainage Strategy Report within the documents submitted. This is a significant issue and will undermine any proposed development. Proposals for a complete

upgrade of the foul sewer system along the Eglwys Brewis road needs to be established with Welsh Water before any planning permission is considered.

4. The development will result in a considerable amount of surface water draining into the stream due to the hard surfacing. This is discussed in the documents and it has been stated that SUDs will be employed. This however does not get away from the fact that more water will be getting into the stream and increasing the likelihood of flooding. It should be noted that the area has a high concentration of springs and the water table is high. This will limit the ability to retain the run off water. This can be demonstrated by observing the relieving pond at the eastern end of the site constructed as part of the Northern Access Road road works that is continually full of water and does not soak away. Due to the road construction, the surface water that previously drained off the fields and road adjacent to the Milland's site entered the stream downstream of our property now it is drained into the stream upstream of our property. With this additional surface water draining into the stream flooding of our property will be extensive. This has already been demonstrated when we had rainfall during the recent winter period which was nowhere near a 1 in 100 year storm.
5. There is no mention of the MOD live firing range in section 232 of the MRD&AS. It is not included in Fig 17 headed 'Issues' and clearly this is a significant issue similarly it is not mentioned in 'Constraints'. The firing range is mentioned in the Planning Statement and the following statement is made 'The recommended WHO/BS8233 internal noise levels are GENERALLY met across the site during daytime and nighttime, assuming a window closed scenario'. No mention is made of the impact of the gun shot noise within open space such as the gardens and children's playing areas. A Noise Assessment Report is presented in which the noise from the firing range is addressed. I would like to emphasise the following facts that are stated:- a. It is understood there may be requirements to use the firing range during night-time hours (up to 23.30) or during any hour in the event of urgent operation requirements. This is entirely correct and has happened on a number of occasions. It is used on any day of the week including Sundays. b. Up to 2000 rounds per hour may be used. I cannot vouch for the exact number of rounds but they can be in single or multiple shots and it is not just rifles as I have heard machine guns as well. It can also go on for longer than an hour. c, I could see no mention of WHO/BS8233 in this document. It is noted that noise monitoring has taken place but the sites that have been chosen are both adjacent to the very thick hedge which covers the stream on both sides and would have significantly reduced the noise level recorded. I believe that the monitors should have been placed in the middle of the site which would have also been closer to the elevation of the firing range. The calculations presented appear to provide average noise levels over a period of one hour. This clearly would reduce the noise level from the impact at real time. In addition the impact in open space in particular gardens is not addressed satisfactorily. This noise level will undoubtedly exceed Category D where planning permission should normally be refused. The community around the site can confirm that the noise is excessive and can easily be heard as far away as the village of Llanmaes. This matter has not been sufficiently investigated at this particular site and the full facts need to be provided. I do not believe that this matter was fully considered at the public enquiry for the LDP as it is clearly totally inappropriate to build a new housing estate right opposite and within a 100 metres of a live firing range used regularly by the MOD. In the approved LDP Appendix 3 Housing Allocations there is a detailed description of the constraints to developing MG2(6) covering drainage,

flooding, ecology, water supply, archaeology and land quality. There is no mention of the proximity of the military firing range confirming that this issue was not satisfactorily considered at the LDP enquiry.

6. There is no detail relating to improvements to the Eglwys Brewis road which are required to improve the safety of residents in the area. We understand that this road will continue to be a bus route and will also be used by many residents in the area to access the shops at Boverton and Llantwit Major. There have been fatalities and a number of accidents on the road due to its poor condition and lack of footpaths.
7. There does not appear to be a Transport Assessment Report.

2.0 Element of Site B outside of LDP allocation North and East of Old Froglands.

1. The outline planning application covers not only the designated site in the LDP MG2(6) but proposes an extension. With reference to Policy MD2 it clearly states that one of the criteria to be considered identifying areas for developments **point 8 Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.** In ED7 it emphasises **that development proposals will be required to demonstrate that they will not result in unacceptable impact on people, residential amenity and property.** These are two fundamental reasons why the original boundary for development was drawn.
2. In the original outline planning application for the Defence Technical College and associated family accommodation referenced in section 2.5 Relevant Planning History it is clearly shown that the land North and West of Old Froglands was not to be developed and this formed a buffer between the proposed development and the community known as Froglands on all OS maps going back to the early 1900s. This community consists of 7 detached houses and a permanent chalet park of 29 homes. Representations were made to the planning inspector at the public enquiry for the LDP and Strategic Site MG2(6) was confirmed leaving the land North and West of Old Froglands undeveloped in accordance with the original outline planning application. There were sound environmental and development reasons for this decision.
3. The MRD&AS has a section headed 'Surrounding Context - Character'. This section refers to a number of villages and provides a map; Figure 13 showing some of the area's rural settlements. The settlement Eglwys Brewis is entirely in the wrong location and if anything should be part of the location named Bro Tathan. The settlement known as Froglands as mentioned above is not identified but it forms an important part of the parish of Llanmaes. This settlement should be identified as it is significantly impacted by this application.
4. The Planning Statement in 1.1.2 provides text from a written response by the Vale of Glamorgan where consideration is given to the area around Old Froglands being considered as infilling/rounding off, however it is caveated with the statement 'albeit the acceptability will ultimately depend on the relationship with the neighbouring property and the impact on the amenities of the occupiers.' It should be noted that the Vale of Glamorgan have recently refused application No. 2019/00598/FUL for the following reason(s) 'The proposed dwelling represents an unjustified and an unacceptable form of residential development in a rural location which, by reason of the rural

character of the site and its surroundings, would adversely affect the character and setting of the countryside. As such the proposals are considered to be contrary to policies MD1 - location of New Development and MD2 - Design of New Development of the'. In the conclusion of the Planning Statement it states that the unallocated land in the application site is now considered a windfall site but the boundary of MG2(6) was drawn for a reason and approved after LDP Examination. How can this now be considered a windfall site.

5. Item 202 of the MRD&AS states 'the site comprises around 4.3 hectares of agricultural land plus a small number of agricultural buildings associated with Froglands Farm.' These barns actually cover 0.095 hectares or 0.134 hectares including the hardstanding. This amounts to 21% of the area north and east of Old Froglands (0.64Ha). The barns are therefore a significant element of the land proposed to be used outside of the Strategic allocation site MG2(6) and cannot be considered as a 'small number of agricultural buildings. Item 5.4.4 of the MRD&AS refers to 'a barn'. This is incorrect and conflicts with the statement mentioned above. The complex is made up of 4 significant barns and hardstanding totalling 0.134 hectares. They are in excellent condition and have many years of life ahead of them. They have been rented by the undersigned for over 10 years in the full knowledge of the Welsh Government lately under a lease at a commercial rent all be it with only planning permission to be used for agricultural purposes. These barns are used for the storage of agricultural equipment, the housing of lambs during the winter months, lambing in the spring and regular livestock husbandry at all times of the year. This forms part of a 90 acre farm that is located a mile away and therefore cannot be considered on their own with respect to viability as an agricultural business. The equipment for Llanmaes village fete is also stored there to support the village community. The removal of these barns would have a major impact on the agricultural business and local community and would be removing a significantly valuable facility that is not redundant by virtue of use or lifespan. In the conclusion of the Planning Statement it states in 6.1.1 3rd bullet point **The barn in Site B is temporarily rented and is not associated with a viable agricultural unit. The loss is deemed acceptable.** This statement is incorrect as it is associated with a viable agricultural unit as mentioned above and the loss mentioned was never discussed with me.
6. Item 308 of the MRD&AS refers to Policy ED7 which emphasises that development proposals will be required to demonstrate they will not result in unacceptable impact on people, residential amenity, property and/or the natural environment. I believe the extension of the development outside of the Allocated Land impacts on all these matters.

Finally we came to our property some 31 years ago when it was adjacent to a working farm and in open countryside. We now have a new road driven through this open countryside, lit all the way along resulting in noise and light pollution. A huge wall has been built which is totally inappropriate for a rural location and now the area which was to be a buffer between ourselves and the housing estate which was confirmed in the Local Development plan is proposed to be removed. In addition the route of the Northern Access Road has resulted in the lane to Llanmaes Village being closed north of our property severing us off from the Llanmaes Community which we are very much part of. I trust you can understand our disappointment at the Welsh Government and the Vale of Glamorgan Council to even consider developing this area of land and we strongly object to such a proposal.

Yours sincerely,

David Harris

2020/01108/FUL Received on 18 September 2020

APPLICANT: Mr Mathath 70, Eastgate, Cowbridge, Vale of Glamorgan, CF71 7AB

AGENT: Charles Champion Cowbridge Design, 32, Middlegate Court, Cowbridge, Vale of Glamorgan, CF71 7EF

70, Eastgate, Cowbridge

Demolition of existing storage, replacement storage area. Extensions to both kitchen and bar areas

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 recommended for refusal, with a dual recommendation for enforcement action. The enforcement action, which also includes additional development that has not been applied for, is not covered by the scheme of delegation so committee authorisation is required.

EXECUTIVE SUMMARY

The application seeks consent to alter the existing unauthorised store at the rear of the property to construct solid walls from blockwork and retain the existing metal roof. The application also includes a rear kitchen extension and internal bar store area.

It is considered that the design of the proposal together with the impact upon neighbouring properties represents an unacceptable form of development and is contrary to local and national planning policies. For the same reasons the building currently on site is contrary to local and national planning policy and it is considered expedient to take enforcement to secure its removal.

Therefore, this report makes a dual recommendation that the application is refused, and enforcement action is authorised, to secure the removal of the building from the site.

SITE AND CONTEXT

The application site is located at the rear ground floor of No.70 Eastgate, within the settlement boundary of Cowbridge. The application site relates to a two storey, terraced property which is currently utilised as a restaurant / take-away "Shampan" at ground floor level and residential at first floor. The property is situated within the Cowbridge Conservation Area, District Retail Centre and is a Grade II Listed Building.



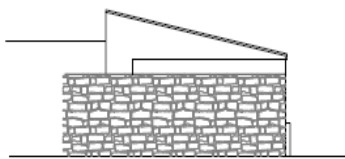
The site has a frontage to the retail area of Eastgate, but at the rear the site adjoins residential properties and gardens on The Limes.

DESCRIPTION OF DEVELOPMENT

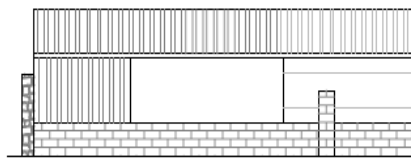
The application seeks consent to retain the existing structure and replace the plastic/metal sheeting used on the existing elevations with rendered and painted blockwork. The application also proposes a rear kitchen extension and internal bar store area.

The storage area measures 10.8m in width and 5.1m in depth, with a monopitch roof to a height of 3.5m to the ridge and 2.5m to the eaves. The existing profiled metal sheet roof will be retained.

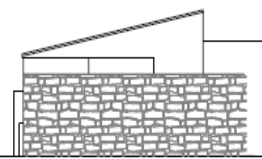
All measurements are approximate and plans of the proposal are shown below;



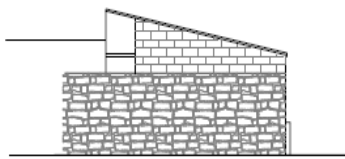
Existing Side Elevation



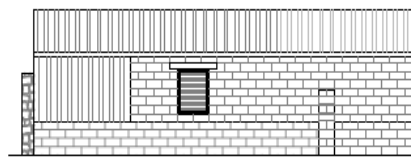
Existing Rear Elevation



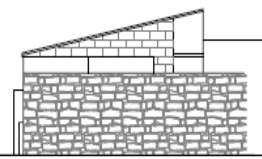
Existing Side Elevation



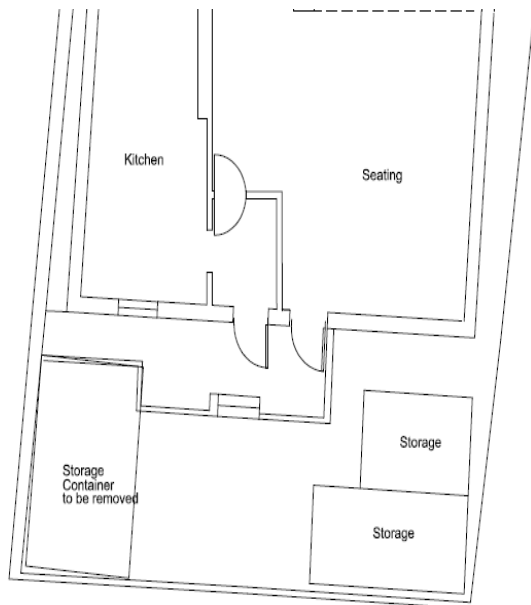
Proposed Side Elevation



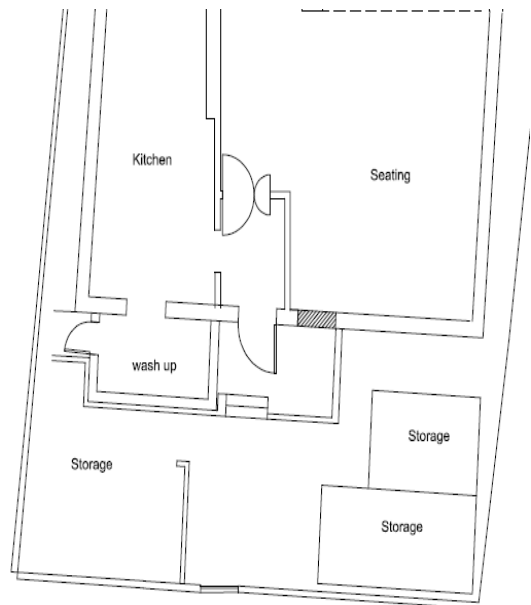
Proposed Rear Elevation



Proposed Side Elevation



Existing



Proposed

Images and a description of the building currently on site are provided below:



Side of building along southern boundary facing neighbour (before erection of fence).



The building, which has been constructed on the boundary has now been enclosed by a fence placed immediately in front of it, as shown in the second and third photographs.



As built the walls primarily comprise of a mix of white UPVC and steel cladding / sheets. The building has a rear facing door and window. To the sides, the existing structure is largely open. The building currently on site is used for storage and the preparation of food, associated with the A3 use of the ground floor of the property as shown in the internal photograph below.



PLANNING HISTORY

1981/00779/ADV, Address: 70, Eastgate, Cowbridge - Bridge Studio, Proposal: Projecting shop sign, Decision: Approved;

1986/00777/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Division of existing shop to two shops, Decision: Approved;

1986/00777/LBC, Address: 70, Eastgate, Cowbridge, Proposal: Division of existing shop into two shop units, Decision: Approved;

1997/00042/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Change of use of internal rear area within existing shop to a tea/coffee/snack area ancillary to main general shop area, Decision: Approved,

1997/00826/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Change of use from existing shop to a restaurant, Decision: Refused;

1998/00219/LBC, Address: 70, Eastgate, Cowbridge, Proposal: Change of use of ground floor to restaurant (No demolition or external alteration except for extract fume duct at rear), Decision: Approved;

1999/01014/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Alteration to provide restaurant, Decision: Approved;

1999/01015/LBC, Address: 70, Eastgate, Cowbridge, Proposal: Alterations to provide restaurant, Decision: Approved;

2004/01831/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Remove conditions 6 and 9 from planning permission 99/01014/FUL to allow take-away sales, Decision: Approved;

2004/01901/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Change of use from existing first floor flat to office accommodation, Decision: Approved;

2006/00252/FUL, Address: 70, Eastgate, Cowbridge, Proposal: Remove Condition 4 from planning permission 04/01831/FUL for take-away sales to continue, Decision: Approved;

2008/01214/ADV, Address: 70, Eastgate, Cowbridge, Proposal: Externally illuminated signage and canopy, Decision: Refused;

2008/01275/LBC, Address: 70, Eastgate, Cowbridge, Proposal: Externally illuminated signage and canopy, Decision: Refused;

2009/00432/ADV, Address: 70, Eastgate, Cowbridge, Proposal: Re-position hanging sign and install new shop name in aluminium profile letters (6 no) Re-naming business with new name Zahins, Decision: Approved

2009/00433/LBC, Address: 70, Eastgate, Cowbridge, Proposal: Re-position hanging sign and install new shop name in aluminium profile letters (6 no), Decision: Approved;

2010/00964/FUL, Address: First Floor, 70, Eastgate, Cowbridge, Proposal: Change of use of first floor from residential to office use, Decision: Approved;

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted and no representation has been received.

Shared Regulatory Services (Pollution) responded advising an informative should be attached to the permission relating to contaminated land. A further response was received, which stated that concerns were raised with regard to the impacts the washing up and storage activity would have and the potential to cause a noise issue to residents in the close vicinity; the roof structure is not insulated this will allow any noise generated to escape and affect the residents living close to the restaurant.

GGAT were consulted and a response was received which stated that they have no objections to the application.

Cowbridge Ward members were consulted and a response was received from Cllr Jarvie stating support for the application.

REPRESENTATIONS

The neighbouring properties were consulted on 2 October 2020 and a site notice was displayed on the 22 October 2020 and one letter of representation was received from the co-owner of 5 The Limes and a summary of the comments are below;

- this application is in the conservation area and materials and design need to be sympathetic to the surroundings;
- various occupied dwellings look onto this design monstrosity;
- Current structure built without permission;
- Existing plans do not show rear window installed;
- Built on the rear boundary;
- Building a fire hazard.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG14 – Non A1 Retail Uses Within Town and District Retail Centres

Managing Development Policies:

POLICY MD2 - Design of New Development

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

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 (TAN) 12 – Design (2016)

TAN 12 provides the following advice:

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

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

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

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Cowbridge Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

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

Design and visual impact on the amenity of the area

In policy terms the site is located within the Settlement Boundary for Cowbridge and Policy MD5 (Development within Settlement Boundaries) states that new development within settlements will be permitted where the proposed development (inter alia):

- Makes efficient use of land or buildings.
- Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
- The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting; and
- Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

Policy MD2 (Design of New Development) is also relevant, and states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density; and
- Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

In terms of the planning application, the proposal seeks to retain the existing unauthorised extension which covers the whole of the rear yard with alterations to the existing structure to provide blockwork walls to the rear and side elevations. Whilst the application is described as demolition of the existing structure and rebuilding, officers have sought clarification with the agent who has confirmed that the existing roof structure will remain in place and it is only the elevation materials that will be changed. The application also proposes to extend the kitchen area as a wash up room, however it would not be visible as it would be screened by the main rear extension. The proposed internal store would also not be visible from Eastgate or the rear of the building as it would be created within the building.

As shown in the photographs above, what has been built on site is an unsightly structure constructed in a range of different materials (i.e. block, timber, metal and plastic cladding) in very close proximity to the boundary with neighbouring properties from where it is highly prominent.

The application plans propose to amend the existing structure by replacing some of the clad elevations with block work. By email they have advised this could be rendered and painted although that is not shown on the plans, which still indicate part of the rear elevation to be clad. Whilst rendered and painted blockwork could be an appropriate finish,

there are concerns, due to the proximity of the structure to the boundaries of the site, that it would be very difficult to execute these works to a satisfactory standard, given the restricted work area, principally between the fence that has recently been erected by the neighbour and to undertake these works within the land controlled by the applicant, notwithstanding the need for ongoing maintenance. Indeed having raised this matter with the agent, he has advised that “If the blockwork cannot be practically rendered, then it will be painted with masonry paint using a long handled roller”, which is not considered satisfactory.

While the proposed amendments to the existing structure are considered to be a marginal improvement compared to what is currently on site, it must be noted that the existing structure does not have the benefit of planning permission and therefore the appearance of the existing structure is not a material consideration and this planning application must be assessed as a wholly new structure.

In terms of its impacts, the proposal would not look significantly different than the existing structure, except that some parts of the building where plastic/metal cladding materials that have been used are proposed to be replaced by rendered blockwork, which will be painted.

On the basis of the above, it is considered that the alterations to the elevations would not look materially different from the existing structure and as such the proposal would appear as visually incongruous form of development and out-of-keeping and insensitive with the surroundings. The proposal would not be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and would not respond appropriately to the local context and character of neighbouring buildings in terms of its design and materials.

It is noted that the development is to the rear of the property, and as such the harm from this poorly designed unsightly building is limited to its impact on neighbouring amenity for those properties whose windows and gardens overlook the building. Nevertheless, it is considered that this harm is sufficient to warrant refusal of the application as contrary to LDP policy MD 2 criterion 8 which requires development proposals to safeguard existing residential amenity.

Impact on Conservation Area and Listed Building

The application site is a Grade II Listed Building and is located within the Cowbridge Conservation Area. It is acknowledged that the likely impact of the development on the character and appearance of the existing building, the wider Conservation Area, and the setting of the listed building, requires special consideration, and carries substantial weight in the determination of the application.

Of particular relevance is the duty imposed on the Council under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. However, there is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the setting of the Conservation Area.

As built and as amended by the proposal, the extension is located on the rear of the site and would not be visible from public vantage points on Eastgate or The Limes. It would only be visible from the rear of the private neighbouring properties at the Limes and Eastgate. The store would be located within the relatively modern part of the building and therefore the significance of the listing building impact is considered to be neutral.

Therefore, it is not considered that the development as built or as proposed would have a significant adverse effect on the character and appearance of the Conservation Area or listed building. Nevertheless, as set out above, the visual harm to residential amenity is considered to be unacceptable.

Impact on neighbouring properties

As set out above, the extension is visible from the neighbouring buildings at 68 and 72 Eastgate due to its location on the boundary and is being considered as a wholly new structure given that the existing store does not have the benefit of planning permission. The extension would extend some 10.8m wide and would have an eaves height of 2.5m. In particular being sited immediately on the boundary with the property to the rear (5 The Limes), by virtue of its eaves height and width, the extension would be very prominent when viewed from the neighbour's rear garden. Whilst a hit and miss fence has been erected by the neighbour, a significant part of the upper building and roof would still be visible.

With regard to the neighbouring property to the rear at The Limes, the replacement building would utilise a fixed obscurely glazed window. Whilst this would prevent any direct overlooking, its location immediately on the boundary and partly above the fence is considered unneighbourly and would wholly rely on light coming from the adjoining property. In addition given the commercial use of the structure the light generated and use of the storage area at a night will, due to its location on the boundary, impact upon the residential amenity of the neighbouring property at no.5 The Limes through light spill.

Concerns have also been raised by Shared Regulatory Services in respect of noise escaping through the uninsulated metal roof structure and the openings within the side elevations. It is noted that the restaurant has the ability to operate until 2300 hours Monday to Saturday and 2230 hours on Sundays. Due to the materials used within the proposal, and the open sides of the structure the noise and activities generated within this structure would not be contained within the fabric of the building leading to noise breakout which could impact on the amenities of the adjacent occupiers.

Other matters

It is noted that neighbouring comments raised concerns with regard to fire safety, however fire regulations fall outside of planning remits and will be considered by building control.

Consideration of the unauthorised building currently on site

In terms of the enforcement recommendations within this report, consideration is only being given to the impacts of the existing unauthorised structure. As stated above, the building currently on site has been poorly finished / detailed and has been constructed using a mix of inappropriate materials including, upvc cladding, steel cladding and clear corrugated plastic sheeting utilising a portion of pre-existing blockwork boundary wall and piers. The building is not sealed externally, particularly along the two side elevations which

are largely open and therefore appears more as a covered canopy. As a result, the design and finished form and appearance of the building is one of makeshift / improvised functional structure.

The building immediately adjoins the rear garden of 5 The Limes. A building of this design, in very close proximity to the boundary with the neighbour is very imposing and its visual impact is considered to unacceptably harm the enjoyment of the adjoining garden, for the reason set out above.

In addition, by virtue of the lightweight materials used in the construction of the building, it is likely that the building will do little to limit the disturbance created by activities taking place within it. Namely, the noise and light pollution created from the storing and associated activities in connection with the use of the restaurant. Therefore, the building currently on site is an inappropriate form of development in this location, which due to its visual, noise and light pollution impacts will unacceptably harm the amenity of neighbouring properties. As a result, the development is contrary to the requirements of policies SP1, SP10, MD2 and MD5 of the Local Development Plan.

ENFORCEMENT ACTION

In view of the above assessment, it is recommended that an enforcement notice be issued under Section 172 of the Town and Country Planning Act 1990 in respect of the of the unauthorised building currently on site. The building was constructed in summer 2020, so it is not exempt from planning enforcement action.

The only way for the identified harm that results from the building to be remedied would be to require the removal of the building in its entirety. It is also essential to require the safe removal of all materials that result from the demolition of the building from the site.

REASON FOR RECOMMENDATION FOR PLANNING APPLICATION

The proposal by virtue of its siting, form, materials and design would appear as an insensitively designed and visually incongruous form of development, which would harm the amenity of neighbouring properties. The development is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment); MD2 (Design Of New Development); MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Local Development Plan (2011 - 2026); the Cowbridge with Llanblethian Conservation Area Appraisal and Management Plan and national guidance for development in conservation areas including Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design.

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

REASON FOR TAKING ENFORCEMENT ACTION

By virtue of its siting, form, materials and design, the building currently on site is considered to be an insensitively designed and visually incongruous form of development, which harms the amenity of neighbouring properties. The development is considered to be

contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment); MD2 (Design Of New Development); MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Local Development Plan (2011 - 2026); the Cowbridge with Llanblethian Conservation Area Appraisal and Management Plan and national guidance for development in conservation areas including Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design.

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

It is considered that the decision to refuse planning permission and issue an enforcement notice 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.

RESOURCE IMPLICATIONS (FINANCIAL AND EMPLOYMENT)

Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

LEGAL IMPLICATIONS (TO INCLUDE HUMAN RIGHTS IMPLICATIONS)

If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended). The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

EQUAL OPPORTUNITIES IMPLICATIONS (TO INCLUDE WELSH LANGUAGE ISSUES)

None.

RECOMMENDATION

It is recommended that:

- (1) The application for the proposed store is refused for the following reason:
 1. The proposal, by virtue of its siting, form, materials and appearance would constitute an insensitively designed and visually incongruous form of development, which would be demonstrably harmful to the outlook and amenity of neighbouring properties. The development is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment); MD2 (Design Of New Development); and MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Local Development Plan (2011 - 2026); and national guidance including Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design.
- (2) Enforcement action is taken against the building currently on site for the following reason:

1. By virtue of its siting, form, materials and appearance, the building currently on site is an insensitively designed and visually incongruous form of development, which is demonstrably harmful to the outlook and amenity of neighbouring properties. The development is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment); MD2 (Design Of New Development); and MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Local Development Plan (2011 - 2026); and national guidance including Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design.
- (3) The Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The demolition of the building and all of its supporting structure; and
 - (ii) The removal of all debris that results from the demolition of the building from the site.
- (4) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.


REFUSE

1. The proposal, by virtue of its siting, form, materials and appearance would constitute an insensitively designed and visually incongruous form of development, which would be demonstrably harmful to the outlook and amenity of neighbouring properties. The development is considered to be contrary to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment); MD2 (Design Of New Development); and MD5 (Development Within Settlement Boundaries) of the Vale of Glamorgan Local Development Plan (2011 - 2026); and national guidance including Planning Policy Wales (Edition 10) and Technical Advice Note 12: Design

NOTES

2020/01108/FUL



Cowbridge Design 27 Midlegate Court Cowbridge CF71 7EF T 01446 77230 www.cowbridge-design.co.uk	 cowbridge design	
CLIENT MR S Mathath	JOB TITLE 70 Eastgate Cowbridge Shampian Restaurant	
DRAWING TITLE LOCATION PLAN		
STATUS PLANNING	DATE 06.05.20	SCALE @ A3 1:500
JOB NO. 201918	DRAWING NO. 09	REV.
<small>THIS DRAWING IS THE PROPERTY OF COWBRIDGE DESIGN. ANY REUSE OR ALTERATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF COWBRIDGE DESIGN IS STRICTLY PROHIBITED. THE DRAWING SHALL BE USED AS SHOWN AND NOT AS A GUIDE.</small>		

2019/00274/FUL Received on 8 January 2021

APPLICANT: Mr. Michael Renisson 48A, Eastgate, Cowbridge, Vale of Glamorgan, CF71 7AB

AGENT: Mr. Michael Renisson 48A, Eastgate, Cowbridge, Vale of Glamorgan, CF71 7AB

48A, (Bijou), Eastgate, Cowbridge

Change of use of the site to D1 (Non-residential institution) nursery, including the use of a section of the outdoor area at the rear of the site as a play area.

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 Cllr Andrew Parker citing the impact on the amenity of neighbouring occupiers as a concern.

Executive Summary

This application relates to the change of use of no.48a Eastgate, Cowbridge in its entirety, to a nursery and space incidental to that. The site has already commenced operating as a nursery and therefore this application is retrospective. No.48a is located centrally within Eastgate and is also located in the Cowbridge District Retail Centre and the Cowbridge with Llanblethian Conservation Area.

The principal issues considered are: the principle of the change of use of a section at the front of the site from A1 (retail) to D1 (non-residential institution); the impact on the amenity of neighbouring occupiers; and the impact of the car parking provision on highway safety.

In summary, the report concludes that the development is acceptable, subject to conditions, in terms of the principle and its impact on neighbouring amenity, highway safety and visual amenity. In view of this, the application is recommended for approval.

SITE AND CONTEXT

The application site refers to 48a Eastgate, located within the Cowbridge Settlement Boundary. At the front of the site exists a two storey building, formerly known as no.50 Eastgate, and this is connected with a converted chapel to its rear, which is 48a. The two are linked internally. The site previously comprised of a mixed use ground floor and a chiropractor at first floor. An open area, formerly used wholly for car parking, exists at the rear of the site.

Eastgate forms part of the principal east to west route through Cowbridge and along with High Street and West Gate form the commercial centre for the town. The site falls within the Cowbridge District Retail Centre. The surrounding locality has a proliferation of various commercial and residential uses, including a number of A1-A3, C3, D1 and D2 uses.

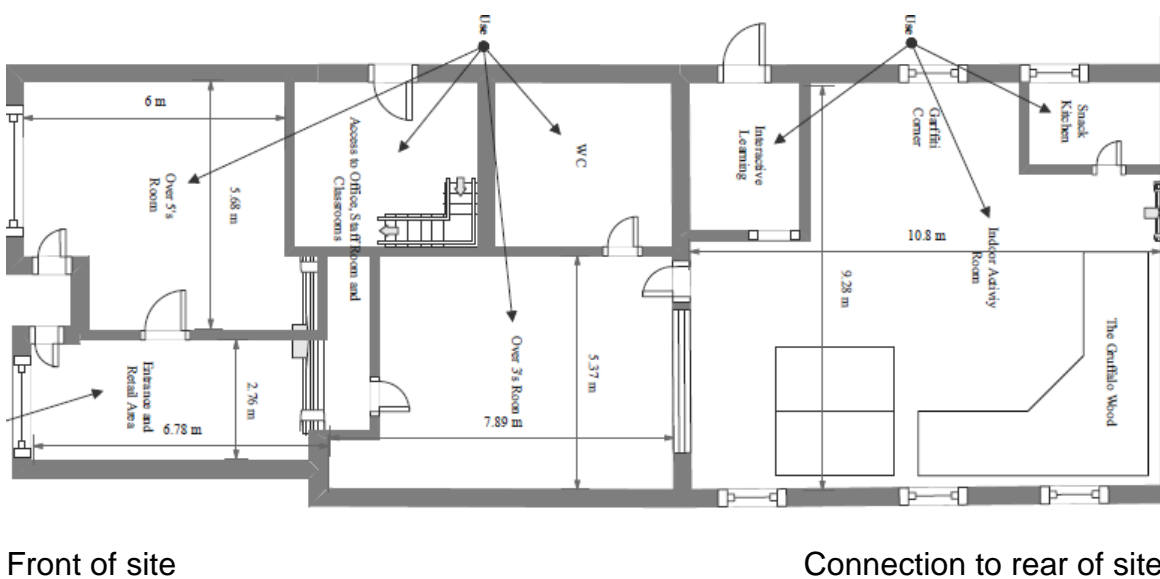
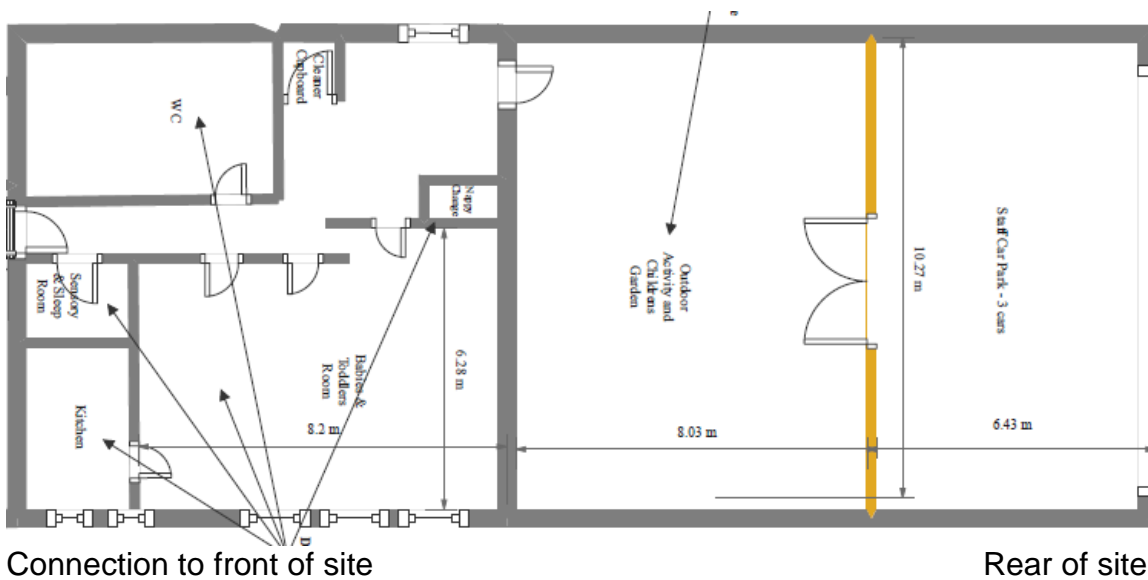
The site is also located within the Cowbridge Conservation Area. The building at the front of the site is a Grade II Listed Building, which was listed as it is a well preserved 19th Century House with group value when viewed with adjacent buildings.

DESCRIPTION OF DEVELOPMENT

This is a full, retrospective, application for the change of use of no.48a from a mixed use of D2 (Assembly and Leisure), A3 (Food and Drink) and A1 (Retail) to D1 (Non Residential Institutions). The application also includes the use of a part of a rear car park as an outdoor play area and modifications to the enclosures at the rear of the site. No works are proposed to the listed element at the front of the site.

The site is currently operating as a nursery under use class D1, without the benefit of planning permission. The site, in totality, has a depth of 50 metres and a (maximum) width of 11 metres. The outdoor play area is 82 sq metres and the car parking area is 64 sq metres. (All measurements are approximate)

The site is shown across the two plans below:



The car parking layout at the rear of the site is shown below:



The site owner has also clarified that the business has recently expanded into the first floor of no.48a. This area is being used as a staff room and workplace incidental to the D1 nursery. Planning permission ref. 2009/00787/FUL granted consent for the use of this area as a D1 chiropractors. Condition no.2 of that consent restricted the D1 use of that space to a chiropractors only. Therefore, the acceptability of the amalgamation of this site into one planning unit and use of this space as incidental D1 will also be considered in this application.

PLANNING HISTORY

The site has a protracted planning history, which can be viewed on the planning register. The most relevant planning history is identified below:

2011/00348/FUL, Address: 48A, Eastgate, Cowbridge, Proposal: Change of use from former Cowbridge Gallery to Childrens Play Centre (D2) with associated retail and cafe facility (A1). Minor demolition to brick built sheds to rear of property, and parking for four cars., Decision: Approved

2016/01171/FUL, Address: Ground Floor, 48a, Eastgate, Cowbridge, Proposal: Consent to include ancillary D1 use, Decision: Approved

2017/00181/FUL, Address: Bijou Play Center, 48a Eastgate, Cowbridge, Proposal: Vary Conditions 3 and 6 of 2011/00348/FUL, Decision: Approved

2018/01016/ADV, Address: 48A, Eastgate, Cowbridge, Proposal: New business signage to the front of building, Decision: Approved

CONSULTATIONS

Cowbridge with Llanblethian Town Council were originally consulted on the 18th of March 2019 and responded with the following comments:

Support the business, however concerns about parking and safety of children

Following the re-registration of the application, **Cowbridge with Llanblethian Town Council** were re-consulted on the 24th of June 2019 and responded with no objections, subject to compliance with conditions.

A further re-consultation took place on the 12th of September 2019, as amended details were received. **Cowbridge with Llanblethian Town Council** responded with no objection subject to compliance with the Highways Department.

Shared Regulatory Services (Pollution) were originally consulted on the 18th of March 2019 and responded outlining the planning history of the site, in relation to environmental health and that by nature of the use, they would not be able to take future action against the noise created by children, as it is not considered a statutory nuisance. The following conclusions were provided:

In conclusion the following should be noted;

1. *Should the facility be the subject of complaint with regard to noise there are no means of redress by action of nuisance. That is if planning permission was to be granted any action at a later date in terms of noise nuisance may not be possible in light of the judgement in Moy v Stoop (1909), which held that the use of a house as a day nursery did not, by the crying of children therein, amount to an actionable nuisance.*

If planning permission was to be granted it is advised that mitigation measures, conditioned accordingly, be put in place so to protect residential amenity, these measures could include;

2. *Ensuring the measures outlined in the original and subsequent application decisions and detailed in the Acoustics Assessment... are in place. It should be noted that the internal layout detailed in the current application differs from that in the original Acoustic Report.*
3. *If permission was to be granted for an outside play area its use should be time limited. For example;*

<i>Monday to Friday</i>	<i>09:00 – 16:00</i>
<i>Saturday, Sunday and Bank Holidays</i>	<i>10:00 – 16:00</i>

With a maximum of 2 hours 'play-time' in anyone day. This could bring the facility into a comparable position to the local primary school off Borough Close

4. *It is also advised, fire risk assessment and escape provision permitting that an internal door be placed between the outer door into the play area and after the door into the store so to form an acoustic lobby off the corridor coming directly the Play Area, as shown below.*
5. *Finally the applicant is advised to review their Fire Risk Assessment, should permission be granted, as the erection of a security fence could result in escape from the building onto Aubrey Terrace being prevented.*

Shared Regulatory Services (Pollution) were re-consulted on the 24th of June 2019, following the re-registration of the application. No response was received.

Shared Regulatory Services (Environment Team) were consulted on the 24th of June 2019 and responded by recommending an informative be added to any grant of planning permission, relating to land contamination and stability. The purpose of this is to ensure the change to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

Highways Development were originally consulted on the 12th of July 2019 and were re-consulted following the submission of amended plans on the 12th of September 2019. Following both of these consultation the Highway Authority identified concerns with the parking layout at the rear of the site and requested the submission of additional information. Following the submission of additional details, the Highways Department responded with the following comments on the 11th of November 2020:

The application has provided photographic evidence that the walls constructed around the parking area are less than 900mm in height to achieve the required visibility and that the parking area has been constructed in bound material.

Therefore the highway authority has no further comments.

Cowbridge Ward Members were originally consulted on the 18th of March 2019 and responses were received from Cllr Hunter Jarvie and Cllr Andrew Parker, raising concerns in relation to the impact of the development and the concern it resulted in locally. Cllr Jarvie stated: "Councillor Geoff Cox and I both wish to register our objection to this application. There is considerable local concern as these premises are in a tight-knitted residential area."

Cllr Andrew requested that the application be called in to Planning Committee and that a site visit be undertaken.

Cowbridge Ward Members were re-consulted on the 24th of June 2019 and 12th of September 2019 and no further correspondence was received.

REPRESENTATIONS

The neighbouring properties were originally consulted on the 18th March 2019 and a site notice was also displayed on the 27th of March 2019. Following the re-registration of the application and the submission of amended details, the neighbouring properties were re-consulted on the 24th of June 2019 and the 12th of September 2019.

Six letters of objection were received from the neighbouring properties and a further letter was received, identifying that the site had begun operating as a nursery. The concerns identified in the objections are categorised and summarised below:

Noise concerns

- Approval of this application will result in unacceptable noise from the children's play area, especially as the site backs on to a residential area
- If the nursery remains open until late in the evening, this will result in disturbance from noise and vehicle movements late at night
- The use of the outdoor area should be refused, as it has been previously, as its use results in unacceptable noise.

- A neighbour referred to the recommendations made by SRS and that these had to be put in place
- Aubrey Terrace and Borough Close are quiet streets, which are predominantly residential. The only other uses relate to parking at the rear of buildings that front onto Eastgate. This noise created by this use would be out of place in this context.

Highways/parking concerns

- There is limited parking in the locality
- Children being picked up or dropped off at the rear of the site would cause serious highways issues, with the blocking of Aubrey Terrace
- The play area backs onto a single track road with no pavement, which would not be a safe area for children to play
- The site fronts onto a busy main road
- The use of the play area would result in the loss of car parking spaces, which would set a precedent for businesses to be able to extend and lose car parking spaces
- Staff will have to park in residential areas
- The parking survey is flawed
- Deliveries to the site will block the road
- Aubrey Terrace has double yellow lines, but cars routinely park on them
- Extended hours would result in car parking issues in residential areas throughout the day
- The gates at the rear of the site opening into the children's play area is a risk

Further concerns

- The proposals are out of character with the description of Cowbridge as a traditional Welsh market town.
- The proposals will devalue nearby properties
- There are a number of discrepancies in the submitted documents
- There is limited disabled access within the site
- Locals have not been consulted by the business
- Staff have been witnessed littering at the rear of the site

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP6 – Retail

Managing Growth Policies:

POLICY MG14 – Non A1 Retail Uses Within Town and District Retail Centres

Managing Development Policies:

POLICY MD2 - Design of New Development

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:

- Activities in Places (retail and commercial development)
Chapter 4, paragraph 4.3.36 states the following:

Planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

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)
Chapter 9, Paragraph 9.2 states the following:

When a retail and commercial centre's performance is poor, due perhaps to local or national economic conditions, and frontages become characterised by persistently high vacancy rates, local planning authorities should consider applying a more flexible strategy. Local planning authorities should decide if

restricting change of use from A1 to non A1 uses in primary areas is the most effective strategy. In these circumstances over emphasis on A1 uses alone in primary areas may serve to weaken the centre's prospects of being vibrant and viable; making it more vulnerable to decline. The positive role that non A1 uses such as food and drink, financial, and other services can bring to both primary and secondary areas should be examined by local planning authorities. In addition, the role that residential uses can play in supporting centres should also be recognised. Whilst residential use is unlikely to be appropriate at ground floor level in primary areas, residential use on upper floors can add to a centres vibrancy and viability, increasing footfall and contributing to both the daytime and evening economies of a centre.

- Technical Advice Note 11 – Noise (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.

Supplementary Planning Guidance:

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

- Parking Standards (2019)
- Cowbridge with Llanblethian Conservation Area Appraisal and Management Plan

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:

- Town and District Retail Centre Appraisal (2013 Update)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

When considering these proposals against the above policy and guidance, the principal matters to assess are the principle of development and the impact the development will have on neighbouring amenity and highway safety. Consideration will also be given to the impacts on visual amenity and the character of the conservation area.

The first floor of the building, which has consent to be used for D1 purposes, will be incorporated into the wider D1 use of no.48a. Therefore, there is no change of use of this space. Instead, the use of this space as workspace incidental to the nursery, as opposed to as a chiropractor has to be assessed. The principal issues to consider when assessing this would be the impact on neighbouring amenity. There are no identified reasons to object to the principle of the amalgamation of these two planning units.

Principle of the change of use

This application is to regularise the change of use of 48a in its entirety to a D1 (Non-Residential Institution) nursery. Previously, 48a operated with a mixture of D2 (Assembly and Leisure), A1 (Retail) and A3 (Food and Drink). These were split across two premises: 48a Eastgate was formerly a chapel and located at the rear of the site was primarily used for D2 (Assembly and Leisure) purposes with an incidental element of A3 (Food and Drink); and 48a Eastgate at the front, which was a mixture of A1 (Retail) and D1 (Non-Residential Institution).

Change of use of D2 and incidental A3 to D1

As identified above, 48a Eastgate, at the rear of this site, was previously primarily a D2 use, which comprised of a children's play centre and a dance studio. A small A3 café was also located in this area, which was incidental to the main use of the play centre.

The surrounding locality is a proliferation of various commercial and residential uses, including a number of A1-A3, C3, D1 and D2 uses. Therefore, this D1 use would not be out of place in this mixed use commercial /retail location and the principle of the change of use of the D2 and incidental A3 areas of the site (the rear element) to D1 is acceptable in principle.

Change of use of A1 to D1

The A1 use at no.48a is located at the front of the site and comprises approximately 30 square metres, following the approval of planning permission 2016/01171/FUL. Policy MG14 of the Local Development Plan seeks to protect District Retail Centres, such as the

one that 48a is sited within, from the unjustified loss of A1 uses. In this regard, Policy MG14 states the following:

Proposals for non-A1 retail uses at ground floor level within the town and the district centres will be permitted where:

- 1. They would not result in more than 35% of non-A1 retail uses within the primary shopping frontage;*
- 2. They would not result in more than 50% of non-A1 retail uses within the secondary shopping frontage;*
- 3. They would not create an over concentration of non-A1 retail uses within the centre;*
- 4. They complement the character of the existing centre, benefit the daytime economy and maintain an attractive shop frontage; and*
- 5. They would not prevent the beneficial use or reuse of upper floors.*

Within the town and district retail centre boundaries, proposals for the conversion of a ground floor existing A1 unit to a non-A1 use will only be permitted where it can be demonstrated that the unit has been appropriately marketed and that the proposed use would have no unacceptable impact on the role and function of the retail centre.

The application site is located within Cowbridge District Retail Centre and falls outside of both the defined primary and secondary frontages. Therefore, the requirements of criterion 1 and 2 of Policy MG14 would not apply.

In terms of compliance with criterion 3, the Council's 2020 retail monitoring identifies that 54.6% of the units within the Cowbridge District Retail Centre are classified as A1 (retail) uses. The loss of this unit would lower the overall percentage to 54.1%. This would not result in the over concentration of non-A1 uses within the centre as a whole, and the primary frontage (77%) remains well served by A1 (retail) uses. As a result, these proposals comply with the requirements of criterion 3.

It is considered that the proposed development complies with the requirements of criterion 4 as no alterations are proposed to the frontage of the site. Moreover, the use attracts footfall to the area, thus benefitting the daytime economy and it is a use that is in keeping with the mixed commercial character of this part of the District Centre. It is likely that a number of journeys are made to the nursery to drop children off, which may result in users utilising other services within the retail centre. In this way, the site would directly contribute to the continued vitality, viability and attractiveness of the centre in that regard.

Notwithstanding the above, no evidence has been submitted in support of the application showing that the retail (A1) area of the site was marketed prior to the change of use. As this area is now being used as part of the established nursery, this clearly conflicts with the marketing requirement of MG14.

The only way to regularise this conflict would be to require the cessation of the D1 (nursery) use of the front of the site (the area that was formerly A1 floor space). However the site owner has advised that this requirement would mean that the nursery, in its entirety, would have to cease to operate. This is because the applicant has identified that only persons that benefit from an advanced Disclosure and Barring Service (DBS) check can access the site. This restriction has not been evidenced, as the site owner has advised that it is not written in the relevant guidance, but is a requirement of safety inspectors. However, the site owner did identify that standard 24.5 of the *National Minimum Standards for Regulated Childcare for children up to the age of 12 years* (Wales)

identifies that it must be ensured: *there is a system for managing access to the premises and a record of visitors kept*. If customers for the A1 retail use had to register every time they entered the building, this would clearly reduce the attractiveness and viability for any future retail operator of the store. Therefore, it is reasonable, based on the expansion of the approved D1 use to the whole of the ground floor that any new A1 operator would, due to the relationship and internal layout with the approved D1 nursery, likely prejudice its safe and future operation.

In view of this, the merits of retaining the nursery and losing the A1 floor space have to be weighed against the policy objection that exists, due to the absence of marketing evidence.

The site owner has identified that having trialled a number of business plans at this site, including an element of A1, the nursery is the only viable option. Having opened in September 2019, the number of registered children at the nursery was 24 at the time of the 'first lockdown' due to Covid-19 in March 2020. Following the lifting of that lockdown, the applicant has advised that the number of registered children increased to 93, with an additional number on a waiting list. It has been advised that the site is seeking to increase the number of children they are allowed on site at any one time, in order to address the demand. Therefore, it is evident, and significant, that even in clearly undesirable circumstances for retail centres, being the Covid-19 pandemic, this business is successful, growing in trade and proving resilient.

As identified in the assessment of compliance with criterion 4 of Policy MG14, it is of relevance that this business does not detract from the vitality, viability and attractiveness of the retail centre. Indeed, it likely contributes significantly to it, due to the number of journeys needed to the site to drop off and collect children. It is reasonable to state that the current use at the Bijou site, which comprises approximately 500 metres square, attracts more footfall to the retail centre than the area formerly used as A1, which only occupies 30 square metres.

It is also noteworthy that the Council's retail monitoring survey has identified that two A1 retail businesses (Coco Blush and Sacred) have previously occupied this floor space. These businesses have failed to be successful in this tertiary location and vacated it. As mentioned, Bijou also tried to maintain an A1 presence.

To a lesser extent, when compared to the aforementioned material considerations, the context of the eastern part of the Cowbridge District Retail Centre is of relevance. This section is under increased pressure to change buildings from commercial uses to residential, when appropriate marketing is provided. Since 2018, two applications have been approved (2018/00747/FUL and 2019/01410/FUL) on Eastgate, outside of the primary and secondary retail frontage, for the change of use of vacant A1 sites to residential uses. The immediate locality is, therefore, susceptible to losing commercial units to residential uses, if sufficient evidence is provided, which is clearly increasingly available. As identified in local and national policy, residential units are the least desirable use at ground floor in retail centres and offer the least in terms of vitality and attractiveness.

In this context, comparisons can be drawn from the emphasis of the content of paragraph 9.2 of TAN 4 and paragraph 4.3.36 of Planning Policy Wales Edition 10. These paragraphs, as identified in full above, advise that Local Authorities should use flexibility when considering proposals to change uses in retail centres from retail, if those centres

are performing poorly. It is not considered, or suggested here, that the Cowbridge District Retail Centre is performing poorly. However, it is apparent that this peripheral section of the District Retail Centre is struggling to sustain commercial uses, as evidenced by recent approvals for changes of use to residential.

Overall, it is clear that the current D1 at this site use is performing well, even under unprecedented external circumstances (Covid-19 pandemic). The use of this site, as a whole, very likely results in greater vitality, vibrancy and attractiveness for the retail centre than the limited A1 floor space would, if occupied. In addition, this peripheral section of the District Retail Centre has a number of various uses, which the D1 nursery is not out of keeping with.

Therefore, despite the absence of marketing details, it is considered that it would be unreasonable to object to the continued use of the ground floor of this building as a nursery, as an expanding commercial business providing a valuable childcare facility within the District Centre of Cowbridge and the fact that, in any case would comply with criterion 3 and 4 of Policy MG14.

The in principle acceptability of this use is subject to compliance with other policies of the Local Development Plan, namely Policy MD2 (Design of New Development) and Policy MD5 (Development within Settlement Boundaries).

Impact on neighbouring amenity

Criterion 8 of Policy MD2 Design of New Development identifies that proposals should: *safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance*. Similarly, Policy MD7 requires that proposal demonstrates that they will not result in unacceptable impacts of people and residential amenities from, amongst other things, noise and vibration and light pollution.

The inside of the building at 48a Eastgate has approval to be, and has previously been used as, a dance centre and a children's play centre. These uses result in a degree of noise, which would be accompanied by a degree of impact on residential amenity. It is not considered that the use of the building as a nursery would result in any greater harm to neighbours. Therefore, the use of the inside of the building as a nurse is considered acceptable in terms of its impacts on neighbouring amenity. To mitigate the impact of noise from within the building, an acoustic report was previously prepared for the approval of planning permission ref. 2011/00348/FUL. The internal layout of the site has altered since that grant of planning permission. Therefore, it is reasonable to attach a condition in this instance, requiring the preparation of a new acoustic report and the implementation of the recommendations of that report.

The use of a part of the car park at the rear of the site as an outdoor play area will result in the introduction of additional noise in this location. To a limited degree, the high enclosures around the site will reduce the impact of this and it is a small space, so the number of children that can occupy it restricted. There are no dwellings immediately adjacent to the outdoor play area and a car park and garage immediately adjoin the site.

SRS (Pollution) have recommended that the outdoor play area should be used for no more than 2 hours in any day, to bring the outdoor play area into a comparable position with the nearby primary school, to the rear of Borough Close. These 2 hours would only be between 09:00-16:00 on weekdays and 10:00-16:00 on weekends. It is relevant that the

outdoor play area began operating in the summer of 2020 and no complaints have been received by the Council relating to the noise from the outdoor play area (**condition 4 refers**).

Concern was initially raised in representations with regards to the operating hours of the site, as the original proposals included opening hours as late as 21:00. However, since commencing operation, the site owner has identified that the business only operates until 18:00. Although the site does not operate until 21:00, it is considered that as long as the mitigation specified in planning permission ref. 2011/00348/FUL is in place, the operation of the nursery until this time would not result in harm. That is because those mitigation methods are in place to remove the harm of noise created inside the building. For the same reason, previous uses in this building were allowed to operate until the early evening. The use of the outdoor play area would still have to cease at 16:00. Therefore, it is not considered necessary to restrict the operating hours to 18:00.

The use of the first floor as space incidental to the nursery, as opposed to as a chiropractor, may result in more movements and noise being produced in this area of the building. However, as this area is only being used by staff at various times throughout the day, it is not considered that this would result in any undue harm to adjoining neighbours. Therefore, the use of this section of the building as space incidental to the nursery (staff room/ manager workspace), is considered acceptable. If this area were used by children attending the nursery, it could be that this would result in unacceptable harm for adjoining neighbours, without mitigation. Therefore, it is considered reasonable to attach a condition restricting the use of the first floor from children attending the nursery.

Car Parking Provision

Taking into account the Car Parking SPG, the maximum car parking standard for this site is 1 space for every 2 fulltime members of staff. There are 12 (rounded up from 11.95 aggregated) fulltime members of staff, therefore the parking requirement is 6 spaces. The application site only provides 3 car parking spaces and therefore the maximum standard is not met.

As this is a maximum standard, the context of the site should be taken into account in determining whether less parking is acceptable. The site is located within the town centre in Cowbridge, which is a sustainable location that can be readily accessed on foot or bicycle and has an established public transport network. In addition, on-street parking exists along East Gate and off-street parking is available in the nearby locality. Therefore, by virtue of the sustainable location of the site and availability of off-site parking in the locality, the parking provision at the site is considered acceptable.

In relation to the design of the parking at the site, concern was initially raised in relation to the layout of the rear car park and the visibility that was afforded to drivers when leaving. This was due to the dimensions of the 4 car parking spaces identified at that time and the height of the walls at the rear of the site, within 2.5 metres of the highway. These concerns were put to the site owner and the number of car parking spaces on site was reduced to 3 and works were carried out reduce the height of boundary walls either side of the rear access to 0.9 metres. The Highway Authority have confirmed that these alterations are acceptable.

It is considered that a sufficient number of car parking spaces exist in the locality to serve customers. It is not considered that the current use would have any greater impact in this

regard, when compared to previously approved uses. The use of the rear of the site for access for customers has proven to result in traffic problems previously. It is therefore considered reasonable to restrict access from the rear of the site to staff only.

Impact on visual amenity

The external alterations that are to be regularised by this application are as follows: the installation of a timber fence and gate, which separates the children's play area from the car parking area; and the reduction in height of the walls at the rear entrance. These are located at the rear of the site and are visible from Aubrey Terrace. This application does not include works that have taken place to the listed building at the front of the site, neither does it include any that are proposed.

The northern section of Aubrey Terrace, where the rear of the application site is sited, is characterised by various buildings and enclosures that form the rear of the bourgeois plots that front onto Eastgate. Enclosures and an area for car parking are not out of keeping with this setting. When considering the metal gate and fence that previously existed on site, the arrangement on site, which is seeking to be regularised by this application, is considered to enhance visual amenities of the conservation area.

By allowing safe levels of visibility out of the site for parked vehicles, the benefits of the reduction in height of the walls at the rear of the site outweigh the merits of objecting to their reduction. One wall is stone and the other is brick. No concerns are raised in relation to the reduction of the brick wall. The stone wall may have historically formed part of an attractive stone wall, which contributed positively to the conservation area at that time. However, works that have taken place previously at the rear of the application site and its adjoining neighbour have reduced its length to a create accesses. The reduction in height of the remainder of this wall is not considered harmful to the conservation area.

Other Matters

The following statements are included in response to the concerns raised in representations that have not been addressed above:

- The predicted devaluation of a property as a result of the approval of this application, or any, is not a material planning consideration.
- Any concerns relating to the accessibility of the site for disabled persons would have to be addressed under the Equality Act 2010. The concerns relating to the accessibility of the site to disabled persons were relayed to the site owner on the 27/01/21.
- Staff littering does not have any impact on the acceptability of this development in planning terms.
- In this instance, there was no requirement for the applicant to consult nearby residents.

RECOMMENDATION

APPROVE

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

Site Location Plan, Received 07/01/21

Addendum to the Planning Application for 48a Eastgate, Cowbridge (Car Parking Details), Received 08/11/20

Use Classes for Planning, Received 30/10/20

Plan Ref. 00525-GLP-PLN-DRG-000120, Parking To Rear, Received 27/08/19

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. Within 3 months of the date of this approval, an acoustic report shall be submitted in writing to the Local Planning Authority for approval. That report shall include:

- a measurement of typical daytime ambient noise levels to refer against the break out figures from inside no.48a Eastgate;
- a noise break out assessment to assess the existing levels of sound insulation afforded by the existing structures at the building; and
- any recommendations as may be required to bring the noise break out levels at the site to or below daytime ambient noise levels.

Any recommendations of the acoustic report shall be implemented on site within 2 months of the date that the acoustic report is approved in writing by the Vale of Glamorgan Council. All recommendations of the acoustic report shall be retained on site at all times thereafter.

Reason:

To protect the amenity of adjoining neighbours and ensure compliance with Policy MD2 (Design of New Development) of the adopted Local Development Plan.

3. The three on-site car parking spaces and the rear access to the site shall only be used by staff of no.48a Eastgate and shall not be used at any time by customers.

Reason:

To ensure highway safety and ensure compliance with Policy MD2 (Design of New Development) of the adopted Local Development Plan.

4. The Outdoor Activity and Childrens Garden, identified on plan titled 'Use Classes for Planning', hereby approved shall only be used for a maximum of 2 hours within any one day, between the hours of:

09:00 – 16:00 from Monday-Friday; and
10:00 – 16:00 on Saturday, Sunday and Bank Holidays.

Reason:

To protect the amenity of neighbouring occupiers and ensure compliance with Policy MD2 of the adopted Local Development Plan.

5. The first floor of the application site shall only be used for purposes incidental to the use of the nursery and shall not be used at any time as space that is primarily used by children attending the nursery, unless permitted in writing by the Local Planning Authority.

Reason:

To protect the amenity of adjoining neighbours and ensure compliance with Policy MD2 (Design of New Development) of the adopted 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, SP6 - Retail, MG14 - Retail Uses within Town and District Retail Centres, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD8 - Historic Environment of the adopted Local Development Plan, as well as guidance contained within the Parking Standards SPG, TAN 4 Retailing and Commercial Development, TAN 11 Noise, TAN 12 Design and Planning Policy Wales Edition 10, the continued use of the ground floor and first floor of the building and the external works that have been carried out are considered acceptable in terms of the principle of development and the impacts they have on neighbouring amenity, car parking provision, highway safety and visual 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.

NOTE:

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

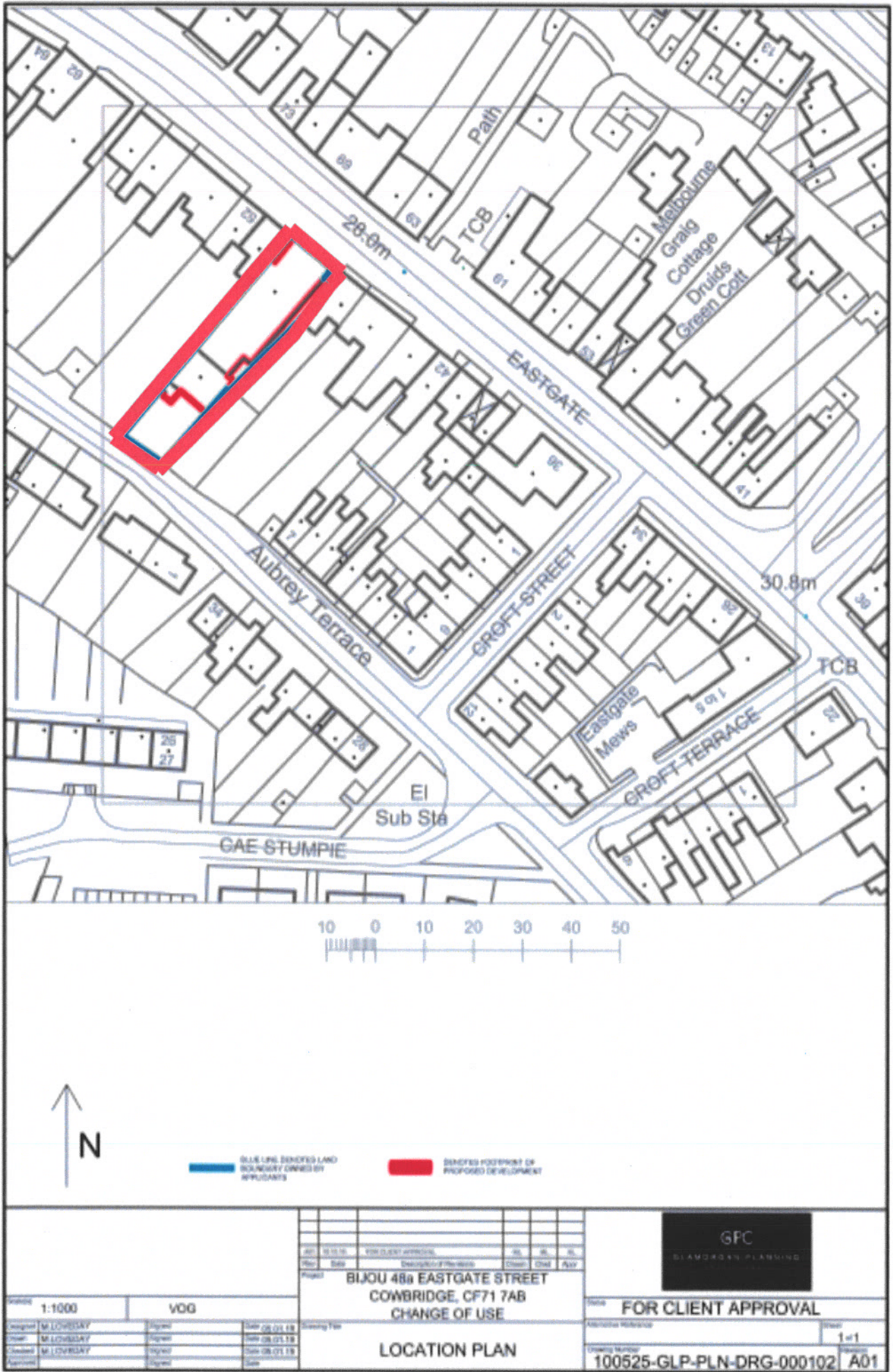
Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land. The Local Planning Authority has determined the application on the basis of 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.



<p>Scale: 1:1000</p> <p>VOG</p>		<p>Project: BIJOU 48a EASTGATE STREET COWBRIDGE, CF71 7AB CHANGE OF USE</p>		<p>GFC GLAMORGAN PLANNING</p>	
<p>Designed: M. LOVREY</p> <p>Drawn: M. LOVREY</p> <p>Checked: M. LOVREY</p> <p>Approved:</p>		<p>Client: VOG</p> <p>Date: 08.01.18</p> <p>Date: 08.01.18</p> <p>Date: 08.01.18</p>		<p>Status: FOR CLIENT APPROVAL</p> <p>Sheet: 1 of 1</p>	
		<p>Location Plan</p>		<p>Drawing Number: 100525-GLP-PLN-DRG-000102</p>	
		<p>Scale: 1:1000</p>		<p>Sheet: A01</p>	

2020/01131/FUL Received on 25 September 2020

APPLICANT: Mr Paul Young 20 Durham Street, Grangetown, Cardiff, CF11 6PB

AGENT: Miss Sophie Berry Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR

The Stables, St. Andrews Road, St. Andrews Major

Erection of agricultural building and retention of replacement hardstanding area

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 Cllr Andrew Robertson due to concerns about impacts on nearby dwelling West Lodge, St Andrews Road.

EXECUTIVE SUMMARY

The application site relates to a parcel of agricultural land located to the South of St. Andrews road and to the north-west of Dinas Powys. The site is located outside of any defined settlement boundary within the Local Development Plan.

The proposal is for the construction of an agricultural building and associated hardstanding area.

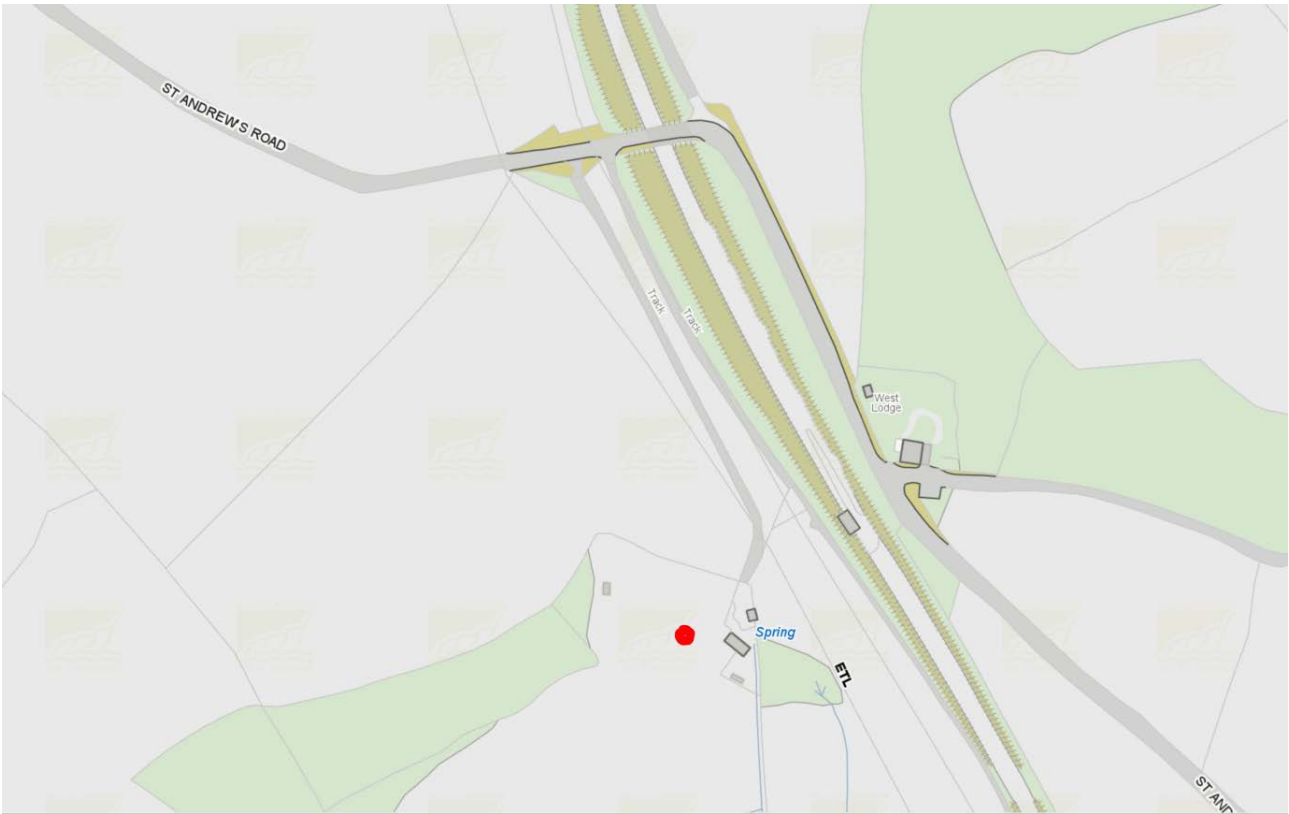
Four letters of representation have been received and the concerns raised principally relate to noise and disturbance, odours and visual impact.

Overall, it is considered that the proposals would not result in an unacceptable impact to the visual amenities of the wider area. Given the relatively small number of cattle housed for approximately half the year, it is highly unlikely to pose a nuisance or be detrimental to residential amenity. The application is recommended for approval.

SITE AND CONTEXT

The application site relates to a 0.28 hectare parcel of agricultural land located to the South of St. Andrews road and to the north-west of Dinas Powys. The site is located outside of any defined settlement boundary within the Local Development Plan.

The application site is approximately 780m South-east of Wenvoe and 1550m North-west of Dinas Powys.

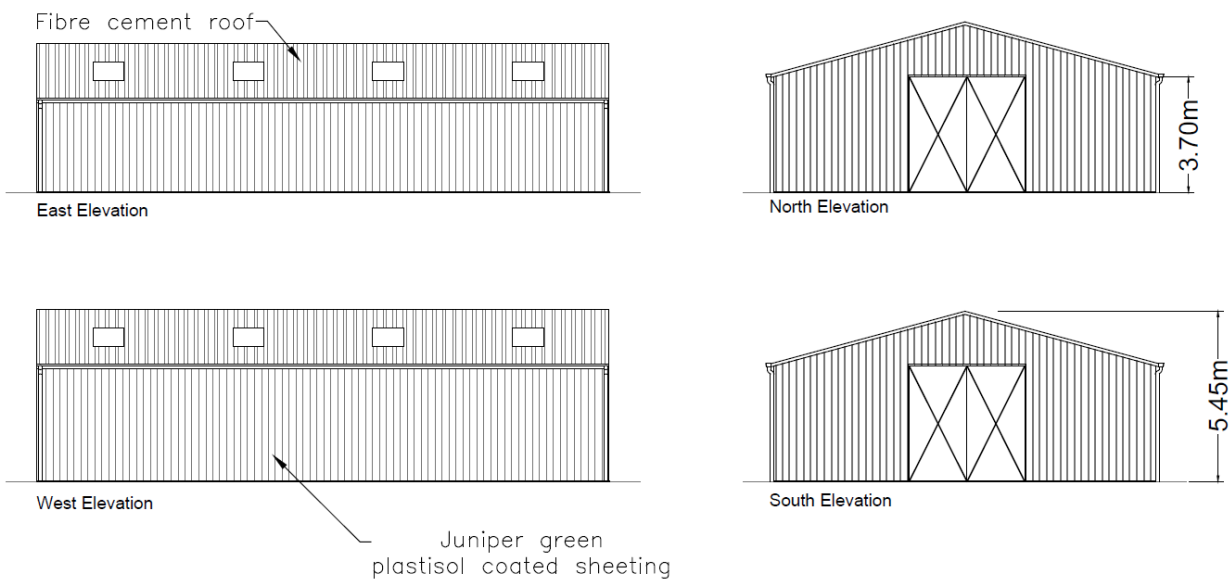


The site is accessed by an existing access off St. Andrews Road and single track to the existing field. The site was previously used for keeping horses.

The site falls within area identified for Sand and Gravel Deposits and Limestone Category 1 as defined in the Local Development Plan.

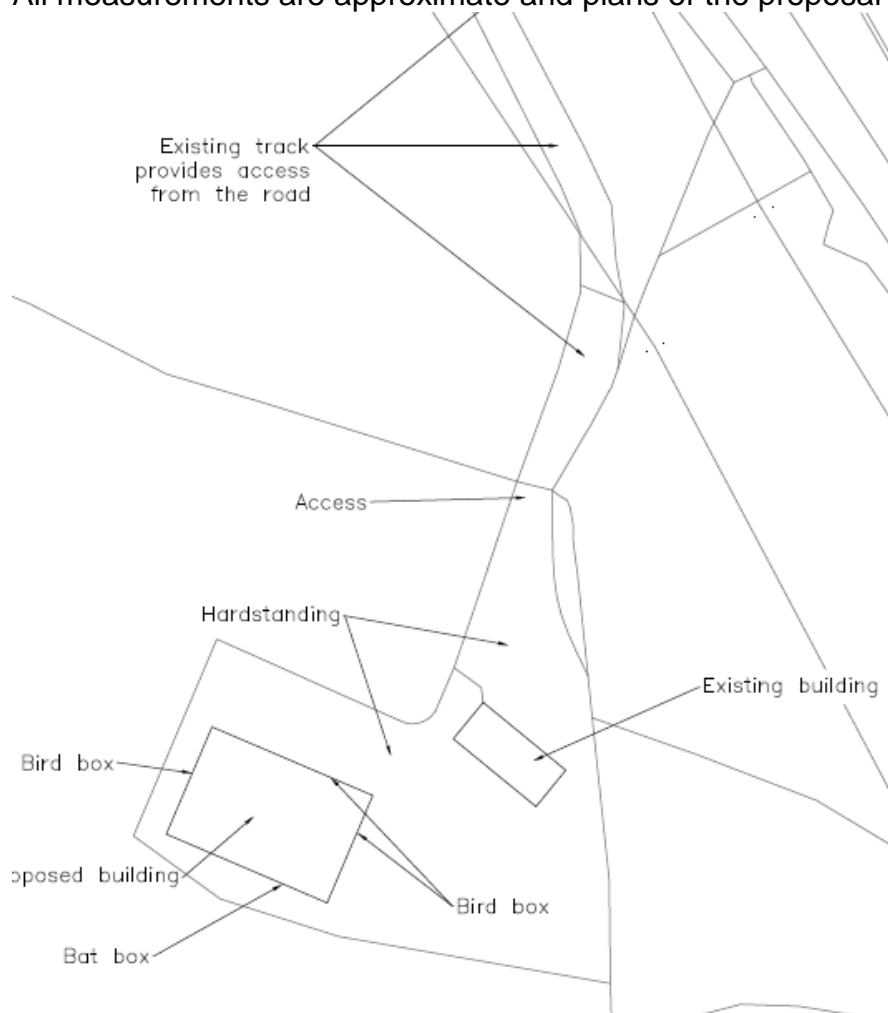
DESCRIPTION OF DEVELOPMENT

The application seeks consent to construct a new agricultural building and hardstanding area next to the existing hardstanding.



The agricultural building would measure 18.3m in width, 12.2m in depth and to a height of 5.4m at the ridge and 3.7m at the eaves. The building would be completed in Juniper green plastisol coated sheeting and a fibre cement roof. The building is to be used for housing cattle and for the storage of hay, straw, feed and machinery. The proposed hardstanding would measure 560 sqm.

All measurements are approximate and plans of the proposal are shown below;



PLANNING HISTORY

None relevant for this application.

CONSULTATIONS

Wenvoe Community Council were consulted and a response was received which stated no objection and that the offer to move the access gate off the road should form part of the permission.

Councils Highway Development Team were consulted and a response was received which raised the following comments:

- The gate proposed for the site access off St Andrews Road should be set back 10m to prevent large agricultural vehicles causing an obstruction on the Highway and the gate should open inwards towards the development.

- There is a need to ensure appropriate visibility is available at the junction with St Andrews Road in accordance with the standards taking into account the speed of vehicles using the highway.
- I am concerned of debris from the current access spilling onto the highway and therefore require the access from the boundary of the adopted highway to the proposed gate to be in a bound material.

Councils Drainage Section were consulted and no representation has been received to date.

Shared Regulatory Services (Pollution) were consulted and a response was received which stated that the provision of a building to house 13 suckler cows/ heifers and their resulting calves, that the impact will be minor and the proposal will not be detrimental to residential amenity. The resulting odour and noise in a rural location of such a relatively small number of cattle, only housed for approximately half the year, it is highly unlikely to pose a nuisance or be detrimental to residential amenity.

Wenvoe Ward Member was consulted and no comments have been received to date

REPRESENTATIONS

The neighbouring properties were consulted on 14 October 2020 and 2nd December 2020 and site notice was also displayed on 22nd October 2020 and four representations were received, raising the following comments;

- Development represents a serious impact upon existing residential amenity, in respect on noise, vision and disturbance.
- 60m from property with a westerly/ south-westerly wind, will hear and smell activities from the site.
- Does not accord with permitted development
- The proposed building would be visible during winter months
- No escape from the development
- The planning statement makes no reference to safeguarding residential amenity.
- LDP is not referred to in planning statement.
- Contamination of water course from slurry/ manure
- Have relevant departments been consulted regarding suitability of land as it is poorly drained.
- Is there good reason as to why the land was sold off as a small parcel.
- Query the sustainability of the business
- Insufficient land for intended livestock
- Concerns over vehicles accessing the site.
- Amended plans make insufficient difference.

Comments have been received from **Cllr Robertson (Dinas Powys Ward Member)** on the grounds that the building is intended for livestock and the concomitant slurry this will involve and is less than 400 metres from the curtilage of a dwelling, West Lodge, St Andrews Road. This residence is a mere 65 metres from the proposed building.

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 SP9 – Minerals

Managing Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD17 - Rural Enterprise

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.

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

- Design in the Landscape
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Well-being of Future Generations (Wales) Act 2015

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

ISSUES

Principle of development

In policy terms the application site is located outside of any settlement as defined in the Local Development Plan. As such the relevant planning policies would include MD1- Location of New Development and MD2- Design of New Developments. The policies seek to allow development outside of settlements that would have no unacceptable impact upon the countryside or the best and most versatile land, as well as reinforcing the role and function of settlements.

The application site is agricultural land located within the countryside. The parcel of land was previously used for keeping horses. The application proposes an agricultural building for the housing of cattle and supplementary storage of food and machinery.

The application site has been registered as an agricultural holding following the business's relocation from Five Mill Lane. The agent has stated that the scale of the proposed building is directly linked to the business requirements in order to facilitate 13 Hereford suckler cows/ heifers and calves.

Along with the additional grazing land, the site is large enough to support the small scale enterprise. As a consequence of this, it is concluded that the building is reasonably necessary for the purposes of agriculture and its activities would potentially positively contribute towards the rural economy of the area, complying in principle with the requirements of LDP policies MD1 and MD2.

Design and visual impact

Having regard for policy MD2 of the Local Development Plan, following the submission of amended plans, the building has been located slightly west of the originally proposed sitting. However, it would be located in close proximity to an existing agricultural building towards the north east of the field and next to the existing field entrance.

It is considered that the new building is designed for agricultural purposes and has been designed to be a modest scale agricultural building typically found in a rural context. The building proposed is of an appropriate agricultural size, scale and design and is considered to be an appropriate form of development that is not out of character within the locality. It is therefore considered that the proposed development would not have a unacceptable and harmful impact on the visual amenity of the immediate site and surroundings.

The building is considered to be appropriately sited within the field, close to the access, reducing the need for a significant extension to the track and hardstanding. The building would be located approximately 220m from the access on St. Andrews Road and would be screened by the existing trees and hedgerow and fall in ground levels. For this reason any views of the building would be limited and from a distance that is not considered to impact upon the immediate rural setting.

It is noted that the re-location of the building approximately 9m to the west has resulted in the extension of the hardstanding, however the increase is considered to be modest and would not harm the immediate setting.

The proposed hardstanding is sited close to the access to the field which is considered sympathetic to the rural setting and is of a reasonable size.

Overall, it is considered that the proposals would not result in an unacceptable impact to the visual amenities of the wider area, complying with the requirements of policies MD1 and MD2 of the Adopted Local Development Plan 2011-2026.

Impact upon neighbouring properties

The building would be located approximately 110m south east of the closest neighbouring property at West Lodge located on St. Andrews Road. Noting the physical separation between the building and the nearest property, along with the modest scale and height, and the extensive vegetation screening the site, the proposal is not considered to result in undue detriment to the amenities of neighbouring properties in terms of its visual impact.

It is noted that objections have been received with regard to the nature of the use, due to resultant noise, disturbance and smells generated from the site. Whilst it is noted that some agricultural related noise would be possible, the scale of the enterprise (13 suckler cows/ heifers and their resulting calves) is not considered to generate an unacceptable level of noise, smells or disturbance. Notably the Councils SRS Team consider that the resulting odour and noise in this rural location, given the relatively small number of cattle housed for approximately half the year, is highly unlikely to pose a nuisance or be detrimental to residential amenity.

The scale of the proposal, together with its screening and distance from West Lodge is not considered to unacceptably harm the residential amenity of the neighbour.

Having regard for the neighbouring property at Garn Farm, the proposed building would be located at a lower ground level than Garn Farm and would be considerably screened by the existing woodland. The building would also be located approximately 400m from the property and is not considered to harm their residential amenity.

Ecology / biodiversity

A Phase 1 Habitat Survey has been conducted by BE Ecological and has been submitted in support of the application. The findings of the survey state that the site is of negligible ecological value due to the lack of vegetation on site however the site is bounded by habitats of greater ecological hedgerow such as the mature hedgerow.

The survey suggests that the eastern hedgerow should be protected as it is possibly used by bats, dormice and breeding birds. While the proposed building would be located away from the hedgerow to avoid any conflict it is considered necessary that a condition is attached to the permission for the eastern hedgerow is to be fenced off from the development prior to any works commencing and for the duration of the works, this is also stated within the application planning statement (**Condition 2** refers).

The application also proposes bird and bat boxes on the building in order to enhance biodiversity at the site and additional planting will be provided for any gaps in the hedgerow (**Condition 3** refers). The proposed impact upon existing biodiversity at the site is considered negligible and the proposed enhancement measures are considered in accordance with Policy MD9 of the LDP.

Drainage

The planning statement confirms that the roof run off will be collected and used for the cattle, reducing the water requirement for the site. A connection to the water mains will be required and any excess water will be diverted to a soakaway and nearby spring. The aggregate surface will allow water to percolate slowly into the ground and improve the drainage in this area of the site.

Due to the scale of the development, the proposal would trigger a SAB application whereby the sustainable drainage of the site will be assessed. As such, an informative is recommended advising that a surface water drainage scheme should be submitted and agreed prior to any works on site.

Highways and Access

The site would be accessed directly off St. Andrews Road, with an agricultural gate currently located 8.5m back from the highway. The existing track provides access to the field and no work is proposed to the access track. The single track is considered sufficient for an enterprise of this scale and is considered sympathetic to the rural location.

The planning statement states that the access would generate four vehicle movements per day in order to feed and tend to the cattle. This is not considered to intensify the use of the existing access to a considerable degree. The access is located on a relatively straight section of St. Andrews road with a relatively wide junction and vision splays. However, following comments from the Councils Highway department, a condition will be attached to the permission to ensure that the gate is set back from the road by a further 1.5m in order accord with highway recommendations (**Condition 4** refers). In order to avoid any debris spilling onto the highway a condition will also be attached to ensure the area of access from the road to the gate is to be in bound material (**Condition 5** refers).

Mineral Safeguarding

The site is also situated within a limestone and sand and gravel mineral safeguarding location. Policies SP9 and MG22 of the LDP relate to minerals safeguarding areas and significant weight are given to safeguarding these resources. However, given scale of the proposed works, it is considered the proposal would not impact upon future extraction of the mineral resource due to the small area of development as it would not be economically viable for extraction, complying with Policies SP9 and MG22 of the LDP.

RECOMMENDATION

APPROVE

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. Prior to the commencement of the development, the hedgerow along the eastern boundary of the site shall be fenced off from the development, in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority . The agreed scheme of fencing shall remain until works are completed.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

3. Prior to the first beneficial use of the proposed building, the bird boxes and bats boxes shown on plan RAC/8695/3 shall be installed and retained in perpetuity.

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.

4. Prior to the first beneficial use of the development hereby approved, the existing gate at the site entrance off St Andrews Road shall be set back 10m from the edge of the adopted highway and shall only inwards into the application site.

Reason:

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

5. Prior to the first beneficial use of the development hereby approved, the access from the boundary of the adopted highway to the relocated gate shall to be constructed in a bound material.

Reason:

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

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

RAC/8695/3 - Elevation Plan -Received 24/09/20

RAC/8695/2 - Site Plan - Received 30/11/20

RAC/8695/1 - Location Plan -Received 30/11/20

Planning Statement - Received 24/09/20

Ecology Appraisal - Received 04/11/20

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.

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, SP9– Minerals, MG22 – Development in Minerals Safeguarding Areas, MD1 - Location of New Development, MD2 - Design of New Development, MD7 - Environmental Protection, Policy MD9 - Promoting Biodiversity and Policy MD17 - Rural Enterprise and policies with Planning Policy Wales and Technical Advice notes, it is considered that the proposed new building and hard-standing would be necessary for the purposes of agriculture, and would have no demonstrable impact on the wider landscape or amenities of nearby properties, locality or highway safety and minerals

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

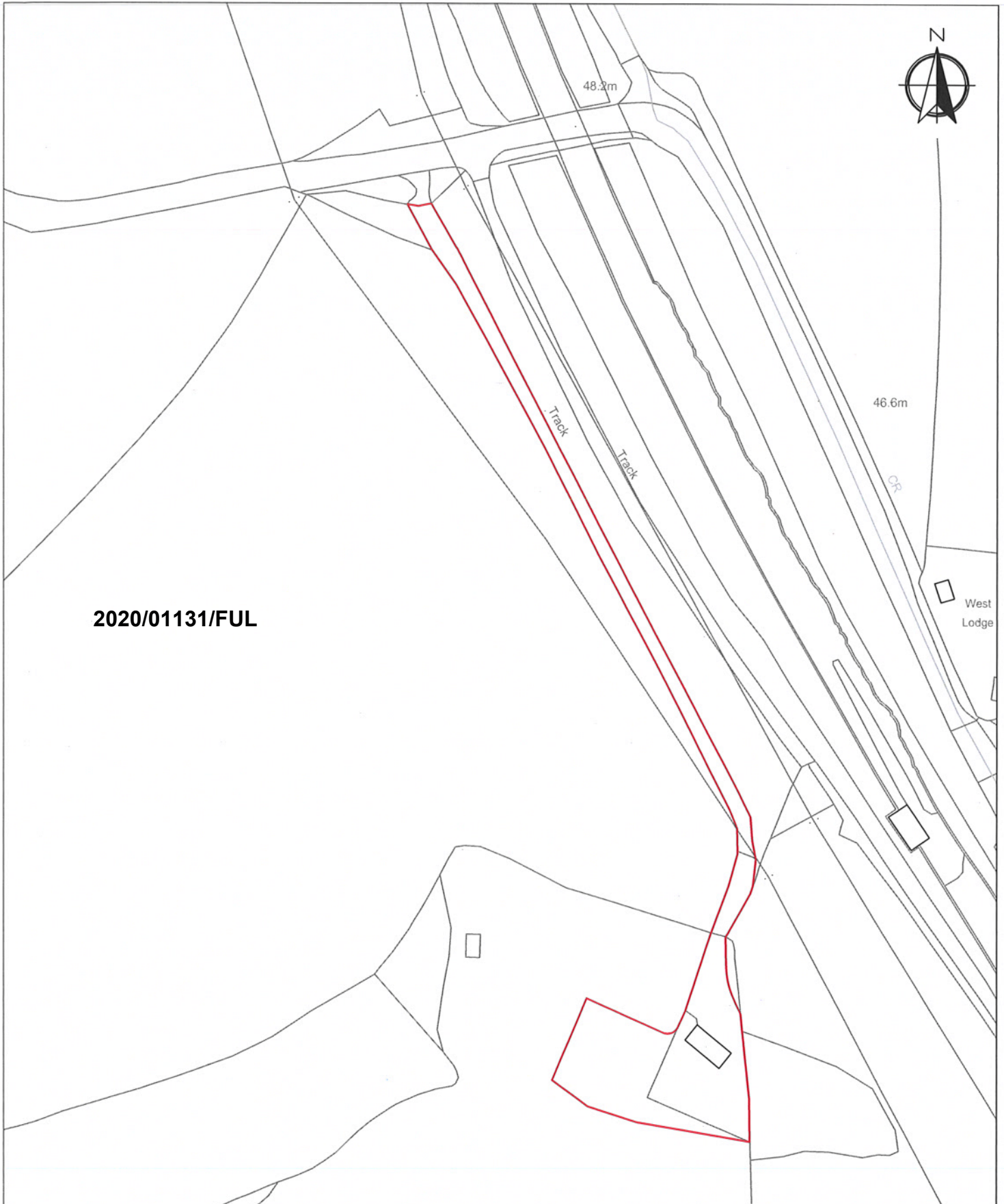
Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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

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

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

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



2020/01131/FUL

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Drawing title LOCATION PLAN	Ref. RAC/8695/1	Rev.				Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RGB ORR 01491 684233 www.reading-ag.com
Contract PAUL YOUNG, DINAS POWYS	Drawn by AGM	Checked by IDW/SB				
Scales 1:1,250@A4	Date 11/2020					
			Rev.	Comment	Date	

