

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 MAY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2017/0774/BN	A	1, Maes Slowes Leyes, Rhoose	Single storey extension to extend kitchen/diner
2019/0838/BN	A	107, Wordsworth Avenue, Penarth	Single storey extension
2020/0323/BN	A	Wellwood Lea, Wellwood Drive, Dinas Powys, Penarth. CF64 4TN	Double garage with storage within roof void
2021/0006/PO	AC	58, Bryn Teg, Rhiwbina, Cardiff. CF14 6TT	Hip to gable dormer loft conversion
2021/0008/PO	AC	Albert Hall, Cradock Street, Swansea, SA1 3EP	Refurbishment and conversion of the 156 year old Grade II listed building to include: Retention of the existing Auditorium as a circa. 900-capacity live performance venue. New foyers and cafe/ bar and food offers linked to the venue. A full refurbishment of the building fabric externally and internally to safeguard the buildings future, improve thermal comfort and energy use. Provision of new workspace and leisure / personal services units supporting local employment. Creating a new place to stay in Swansea city centre with 10 new serviced

			apartments with sea-views from the remodelled loft-space and roof terrace
2021/0009/PO	AC	Yellow Wells, Graig Road, Lisvane, Cardiff, CF14 0UF	Detached single storey spa with elevated link
2021/0011/PO	AC	212, Gabalfa Avenue, Cardiff, CF14 2HW	Detached dwelling (2 storey) and dormer
2021/0056/BN	A	9, The Green, Leckwith. CF11 8AR	Two storey side extension including loft conversion
2021/0183/BN	A	Crud Yr Awel, Treoes. CF35 5DH	Enclosing existing covered area and knock through from existing house to sunroom
2021/0192/BR	AC	1, Court Road, Barry, CF63 4ER	Single storey rear extension
2021/0193/BR	AC	35, Trem Y Don, Barry, CF62 6QJ	Two storey side extension
2021/0207/BR	AC	57, St. Brannocks Close, Barry. CF62 7NH	Proposed two storey side extension
2021/0215/BN	A	2, Taff Cottages, Cog Road, Sully. CF64 5TF	Single ground floor extension
2021/0224/BN	A	30, South Road, Sully. CF64 5TG	Single storey extension to enlarge the kitchen
2021/0226/BR	AC	Rockleigh, Southra, Dinas Powys. CF64 4DL	Refurbishment of existing lower ground floor to make a new habitable room, to include installation of steel beams and the provision of new balcony and external stairs
2021/0228/BN	A	Swn Y Nant, Broughton, Cowbridge. CF71 7QR	Proposed two storey side extension with Juliet balcony to front and other alterations to property.
2021/0239/BN	A	37, Voss Park Drive, Llantwit Major. CF61 1YE	Knock through
2021/0240/BN	A	51, Lavernock Road, Penarth. CF64 3NX	Double storey rear and side extension plus front extension to extend all living space

2021/0242/BN	A	1, Fairfield Road, Penarth. CF64 2SN	Single storey extension to enlarge ground floor and knock two rooms into one
2021/0243/BN	A	16, Fieldview Road, Barry. CF63 1ED	Remove wall between kitchen and dining room place supporting beam
2021/0244/BN	A	40, Drylla, Dinas Powys. CF64 4UL	Two storey side and single storey porch extension
2021/0245/BN	A	3, Talbot Terrace, St. Mary Church. CF71 7LW	Single storey extension to rear
2021/0246/BR	AC	Aberthin House, Llanquian Road, Aberthin, CF71 7HE	Single storey rear extension
2021/0247/BN	A	1, Clos Derwen, Dinas Powys. CF64 4BN	Remove garage door and replace with brickwork and window
2021/0248/BN	A	2, Clos Derwen, Dinas Powys. CF64 4BN	Bricking up of garage door and fitting of window
2021/0250/BN	A	44, Eagleswell Road, Llantwit Major. CF61 2UG	Two rooms into one
2021/0252/BR	AC	Waun Wen, Maendy, Cowbridge. CF71 7TG	First floor extension
2021/0254/BN	A	2, St. Illtyds Close, Dinas Powys. CF64 4TZ	Single storey extension to enlarge lounge and porch
2021/0255/BN	A	54, Victoria Road, Penarth. CF64 3HZ	2 No. rear single storey extensions
2021/0256/BN	A	8, Cwrt Y Felin, Wick. CF71 7QT	Single storey rear and front dormer
2021/0257/BN	A	34, Craig Yr Eos Road, Ogmore By Sea. CF32 0PH	Single storey extension
2021/0258/BR	AC	41, Millbrook Road, Dinas Powys. CF64 4BZ	Remove load bearing wall
2021/0259/BR	AC	6, Borough Close, Cowbridge. CF71 7BN	Single storey side and rear extension and internal alterations
2021/0260/BN	A	5, Baroness Place, Penarth. CF64 3UL	Removal of one load bearing wall between living room and kitchen diner. Installation of RSJ

2021/0261/BN	A	5, Mill Park, Cowbridge. CF71 7BG	Bedroom to be built over existing section of kitchen and garage (single storey on first floor). Single storey extension to rear of house to extend existing kitchen and dining room
2021/0263/BN	A	16, Nelson Road, Barry, CF62 9HL	Garage conversion
2021/0264/BN	A	61, Trebeferad, Boverton, Llantwit Major. CF61 1UX	Single storey to rear of property to replace conservatory
2021/0265/BN	A	Flat 21, Elis Fisher Court, Barry. CF62 7AL	Disabled Internal Alterations
2021/0266/BN	A	56, Plymouth Road, Barry, CF62 5TZ	Reroof , New windows and internal alterations to provide dining space
2021/0267/BN	A	Caeronnen, Llantrithyd, CF71 7UB	Single storey orangery to rear
2021/0268/BR	AC	Frolics Farmhouse, Llanmaes Road, Llantwit Major, CF61 2XF	Single storey side extension
2021/0271/BN	A	170, Jenner Road, Barry, CF62 7HR	Single story flat roof garage to rear of property 43m2
2021/0272/BR	AC	10, Lettons Way, Dinas Powys. CF64 4BY	Removal of load bearing wall
2021/0273/BN	A	29, Bedlington Terrace, Barry, CF62 7JA	Single storey extension 4 x 7.2m
2021/0274/BN	A	7, Lewis Road, Llandough. CF64 2LW	Single storey extension between 10m2 and 40m2, internal alts to have open plan kitchen / dining / utility
2021/0275/BR	AC	Wallas Farm, Wick Road, Ewenny, CF35 5AE	Erection of new house and detached garage
2021/0276/BN	A	21, Wood Street, Penarth, CF64 2NH	Creation of single door opening with concrete lintel in single skin brick partition wall on first floor of two storey house

2021/0277/BN	A	24, Baruc Way, Barry. CF62 5AX	Single storey extension
2021/0278/BN	A	24, Elfed Avenue, Penarth, CF64 3LY	Fit Bi-fold doors at rear, remove internal wall to allow for new kitchen, insulate utility area and replaster house. Replace existing UPVC windows. External render
2021/0279/BN	A	44, Porth-y-castell, Barry, CF62 6QD	Proposed garage conversion and extension
2021/0280/BR	AC	Land to West of Southra Farmhouse, Dinas Powys, CF64 4DU	Construction of a bespoke single (low carbon and energy positive) residential dwelling
2021/0281/BR	AC	52, Pardoe Crescent, Barry, CF62 8ER	Two storey side extension, single storey rear extension and attached double garage
2021/0282/BN	A	Huckleberry, Llysworney. CF71 7NQ	Knock Through
2021/0283/BR	AC	Llanquian Road, Aberthin. CF71 7PD	2 New Dwellings
2021/0284/BN	A	22, Millbrook Road, Dinas Powys, CF64 4DA	Re-roof
2021/0286/BN	A	10, Stradling Close, Cowbridge. CF71 7BX	Dormer extension to rear elevation
2021/0287/BN	A	The Old Chapel, The Rhiw, Graig Penllyn, CF71 7RS	Removal of spiral staircase from middle to top floor and installation of new straight staircase. Restructure of top floor partition walls to create 2 bedrooms and bathroom as was there prior.
2021/0288/BN	A	9, Stradling Close, Cowbridge. CF71 7BX	Dormer extension to rear elevation
2021/0289/BN	A	36, Coleridge Avenue, Penarth, CF64 2SP	Single Storey Extension
2021/0290/BN	A	58, Adenfield Way, Rhoose. CF62 3EA	Cut and replace aperture for stannah through floor lift

2021/0291/BN	A	31, Andrew Road, Penarth. CF64 2NS	Re-roof
2021/0293/BN	A	16, Drylla, Dinas Powys. CF64 4UL	Two storey extension to the side of property
2021/0294/BN	A	12, Geraints Way, Cowbridge. CF71 7AY	Single storey extension less than 10m2
2021/0295/BR	AC	14, Heol Eyr Mor, Barry. CF62 5DA	Proposed garage conversion for home office space
2021/0296/BR	AC	51, Murch Road, Dinas Powys. CF64 4RD	Proposed single storey rear extension and extending dormers on rear elevation
2021/0297/BR	AC	Windsor Hotel, Holton Road, Barry, CF63 4HL	Proposed conversion of former pub/hotel to form 18 affordable flats and associated works
2021/0298/BN	A	129, Plymouth Road, Penarth, CF64 5DG	Rear single storey extension with kitchen knock through
2021/0299/BR	AC	8, Salisbury Avenue, Penarth, CF64 3JA	Extension to the side of the property at ground level, infilling the existing courtyard area
2021/0301/BR	AC	1, Y Cerigos, Barry, CF62 6YU	Internal alterations to an existing GF flat to create a new bedroom
2021/0302/BN	A	59, Cosmeston Drive, Penarth, CF64 5FA	Single storey extension
2021/0303/BN	A	70, Conybeare Road, Sully, CF64 5US	Dormer loft conversion
2021/0305/BN	A	11, Heol Livesey, Barry, CF62 5BT	Single storey extension
2021/0308/BN	A	12, Westbourne Road, Penarth. CF64 3HE	9 Windows to front and 2 landing windows to side
2021/0309/BN	A	28, Westbourne Road, Penarth. CF64 3HF	23 No. sliding sash windows, 6 casement windows and 1 door to rear

2021/0311/BN	A	52, Brockhill Way, Penarth. CF64 5QD	Knock through between dining room and kitchen, steel beam fitted as retaining wall
2021/0312/BN	A	28, Marine Drive, Ogmore By Sea, CF32 0PJ	Loft conversion (Hip to Gable)
2021/0313/BR	AC	62, Cosmeston Drive, Penarth. CF64 5FA	Single storey rear extension
2021/0314/BN	A	40 Broadway, Llanblethian, Cowbridge, CF71 7EW	Extension of garage and ground level sun room/conservatory
2021/0315/BR	AC	18, Forster Street, Barry, CF63 2JE	Dormer loft conversion
2021/0316/BN	A	65, Westward Rise, Barry, CF62 6PP	Proposed single storey rear extension and double storey side extension
2021/0317/BN	A	58, Queen Street, Barry, CF62 7EG	Re-roof
2021/0318/BR	AC	Norms, Penllyn. CF71 7RQ	Alteration and extension
2021/0319/BN	A	Warren Farm, Pendoylan. CF71 7UJ	Two storey extension
2021/0320/BN	A	10, Gaen Street, Barry, CF62 6JZ	Re-roof to extension
2021/0321/BR	AC	101, Minehead Avenue, Sully, CF64 5TL	Demolition of existing lean to/outbuildings and construct new single storey extension
2021/0322/BN	A	22, Robinswood Close, Penarth, CF64 3JG	Re-roof
2021/0323/BN	A	11, Cae Garw, Dinas Powys, CF64 4UG	Replace existing conservatory roof with a guardian warm roof
2021/0325/BN	A	Rockleigh, Colwinston, CF71 7ND	Two storey extension and works to existing building
2021/0326/BN	A	22, Main Avenue, Peterston Super Ely. CF5 6LQ	Part single storey extension and two storey extension

2021/0327/BN	A	25, Lower Pyke Street, Barry. CF63 4PH	To widen the front door and four internal doors, kitchen, bedroom, bathroom and lounge
2021/0329/BN	A	Kingshall Court, Wick Road, St. Brides Major. CF32 0SE	New roof and internal alterations
2021/0333/BR	AC	57, Rosella House, Cei Dafydd, Barry. CF63 4BH	To carry out internal alterations, take down internal partitions / new steel and introduction of first floor / staircase
2021/0335/BN	A	3, Doniford Close, Sully, CF64 5XA	Garage conversion
2021/0336/BN	A	14, John Street, Penarth. CF64 1DN	Removal of dividing wall between lounge / kitchen 'of chimney breast in kitchen'
2021/0337/BN	A	Oakwood, Llanmaes, Llantwit Major. CF61 2XR	Loft Conversion
2021/0339/BN	A	14, Maes Slowes Leyes, Rhose Point, Rhose. CF62 3LT	Conversion of integral garage to additional reception room

(b) Building Regulation Applications - Reject

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

2021/0229/BN	R	58, Hastings Avenue, Penarth. Cf64 2TG	Extending an extension, new roof and adding a kitchen
2021/0232/BN	R	Well Field, South Road, Sully. CF64 5TY	Single storey extension
2021/0233/BN	R	2, Denys Close, Dinas Powys. CF64 4JR	Knocking wall between kitchen and dining room
2021/0251/BN	R	Plas Celyn, Bonvilston. CF5 6TR	Re roof
2021/0253/BN	R	Tenewith Cottage, Trehyngyll, Cowbridge. CF71 7TN	Proposed new dwelling



2021/0262/BN	R	35, Conybeare Road, Sully, CF64 5TZ	Two storey side extension and porch
2021/0269/BN	R	27, Philadelphia Close, Barry, CF63 2AQ	Garage conversion
2021/0292/BN	R	33, Afal Sur, Barry. CF63 1FX	1 No. window and smoke alarm to make store room into bedroom
2021/0306/BN	R	21, Westbourne Road, Penarth, CF64 3HA	Complete reconstruction of interior of derelict house, single storey extension and garden room
2021/0310/BN	R	5, Rosebery Place, Penarth, CF64 3LJ	Demolition and rebuilding of garage
2021/0324/BN	R	27, Mountjoy Avenue, Penarth. CF64 2SY	Single storey extension to the house to provide a downstairs toilet and shower room
2021/0330/BN	R	31, Tennyson Way, Llantwit Major. CF61 1WY	Single storey ground floor extension, single storey first floor extension and internal alterations
2021/0346/BN	R	21, Cledwen Close, Barry, CF62 7TE	Convert and extend existing adjoining garage to an additional living space incorporating bay front window. Replace Porch

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

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

2021/0075/AI	A	218, Railway Road, Rhoose, CF62 3FG	Proposed single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0076/AI	A	40, Stanwell Road, Penarth, CF64 2EY	Loft conversion
2021/0077/AI	A	61, Stanwell Road, Penarth. CF64 3LR	Replace conservatory roof with Supalite tiles roof
2021/0078/AI	A	Dyffryn Tawel, Llanharry, Pontyclun. CF72 9JX	Construction of 2 storey, 4 bedroom dwelling

2021/0079/AI	A	19, Knowbury Avenue, Penarth, CF64 5RX	Proposed single storey front extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0080/AI	A	29, Grange Gardens, Llantwit Major. CF61 2XB	Rear extension and associated work
2021/0081/AI	A	142, Westbourne Road, Penarth, CF64 3HH	Proposed single storey rear extension with formation of structural openings on ground floor and rear garden office extension to existing garage (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0082/AI	A	70, Lakin Drive, Barry, CF62 8AJ	Proposed structural opening to form new window
2021/0083/AI	A	37, Dock Street, Cogan, Penarth, CF64 2LA	Proposed installation of attic stairs for storage
2021/0084/AI	A	Mynfa, Heol Y Mynydd, Southerndown, CF32 0SN	Proposed conversion of existing stable block to create garage workshop and hobbies room above (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0085/AI	A	5, John Batchelor Way, Penarth, CF64 1SD	Construction of front and rear balconies
2021/0086/AI	A	5, Greave Close, Wenvoe, CF5 6BU	Proposed change of flat roof to pitched roof on existing extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0087/AI	A	Gleneden, Church Close, Ogmore By Sea, CF32 0PZ	Proposed single storey rear extension

2021/0088/AI	A	6, Romney Walk, Penarth. CF64 2LG	Proposed replacement of existing conservatory roof with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) AMENDED - Proposed single storey rear extension with a Warm Roof System 06/05/2021
2021/0089/AI	C	CANCELLED - 11, Greenhaven Rise, Llandough, Penarth. CF64 2PN	CANCELLED - Proposed replacement of existing conservatory roof with a Warm Roof System (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0090/AI	A	20, Andrew Road, Penarth. CF64 2NS	Proposed single storey rear kitchen extension and internal structural opening (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0091/AI	A	28, Britten Road, Penarth. CF64 3QJ	Replace conservatory roof with Supalite Tiled Roof
2021/0092/AI	A	The Stables, Porthkerry Road, Rhoose. CF62 3BX	Proposed new stables enclosure (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0093/AI	A	Broughton Bungalow, Broughton, Cowbridge. CF71 7QR	Proposed erection of a first floor dormer roof extension, part gable, part flat roof rear extension and a side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0094/AI	A		
2021/0095/AI	A	TG Cornel, Millcroft Court, St. Mary Church	Replacement of an existing conservatory roof

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 26 MAY, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

**Decision Codes**

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

2014/00042/1/N MA	A	Hensol Villas, Hensol	Non Material Amendment - Minor alterations to footprint and elevations. Previous approval 2014/00042/FUL - Construction of a two storey football centre with parking
2016/01363/2/C D	E	Brooklands, Brook Lane, St Nicholas	Discharge of conditions 8 (roof materials) and 13 (drainage scheme) of planning permission 2016/01363/FUL.
2016/01427/9/C D	A	Land off Cowbridge Road, Northfields, St Athan	Discharge of Condition 6 (Affordable housing). Planning approval

			2016/01427/OUT - Residential development of up to 253 units and associated works, including the provision of public open space and strategic access points off Cowbridge Road, St Athan
2017/00476/2/N MA	A	Dockside POS, part of Barry Waterfront development	Non Material Amendment - Raising levels by 500 mm in the public realm area, install dwarf retaining wall along revetment edge. Planning approval 2017/00476/RES - Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping
2018/00324/1/N MA	A	Pen Y Bryn, Penylan Road, Aberthin	Part change of the roof garden enclosure from timber to glass. Previous approval 2018/00324/FUL- Regularisation of various elements from previously approved permissions, including construction of retaining wall, boundary treatment and rear gable extension
2019/00396/1/C D	A	Rhyd Forge/Pont Y Rhyd, Llansannor	Discharge of Condition 5 - Surface Water Drainage Details. Planning reference 2019/00396/FUL - Extension to South elevation of existing barn/forge building. Change existing window to doorway on west elevation. Provision of hardstanding to West of barn/forge building

2019/00436/1/N MA	A	Land at Whitmore High School, Port Road West, Barry	Non-Material Amendment Application seeks permission to amend the layout of the Caretaker's house. Overall, the amendments include the extension of the lounge at the rear of the property and removal of the front porch area. Previous approval 2019/00436/RG3 - Proposed new caretakers house associated with the new Whitmore High School and associated ancillary works
2019/00657/OUT	A	Land at Willow Cottage, Treoes	Outline planning to build 4 detached dwellings
2019/01027/2/C D	A	1, Harriet Street, Cogan	Discharge of Condition 8 - Remediation Scheme, Condition 13 - Bio Diversity enhancements and condition 15 - Hard and soft Landscaping. Planning application 2019/01027/FUL - Demolition of existing dwelling house plus site clearance and the construction of 7no. separate apartments plus all associated works
2019/01060/1/C D	A	Windsor Hotel, Holton Road, Barry	Discharge of Condition 16 (Building Recording). Previous approval 2019/01060/FUL - Demolition of existing single storey rear extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 18 no. affordable apartments (Use Class C3); together with access to car parking spaces, bin store, cycle store, amenity

			area, ancillary works and uses at The Windsor, 166-170, Holton Road, Barry
2019/01061/2/N MA	A	Sea View Labour Club, Dock View Road, Barry	Non-Material Amendment application for the rewording of condition 13 (EPS Licence) to change the trigger point and removal of condition no. 17 - 32 as are duplicates relevant to permission 2019/01061/FUL - Demolition of existing single storey rear extensions; the refurbishment and change of use of the former public house (Use Class A3) to provide 20 no. affordable apartments and the erection of a new detached 2-storey apartment building to the rear to provide 8 no. affordable apartments (Use Class C3), together with a widened existing vehicular access to car parking spaces, cycle store, bin store, ancillary works and uses
2019/01371/1/N MA	A	Barry Waterfront East Quay Public Open space	Non Material Amendment - Amend levels of public open space area on East Quay. Previous approval 2019/01371/RES - Landscaping in so far as it relates to the East Quay phase of development (Planning Permission ref. 2014/00229/EAO)
2019/01403/1/C D	A	Shop Unit 1-2, Skomer Road, Barry	Discharge of Conditions 3 - Noise Insulation Details, 4 - Schedule of Materials and 5 - Waste Storage/Amenity Space. Planning Permission ref. 2015/00818/FUL:

			Proposed first floor extension to accommodate two self-contained residential flats
2020/00226/1/N MA	A	13, Elm Grove Lane, Dinas Powys	Non material Amendment - Side wall of extension to be set in from existing. Previous approval 2020/00226/FUL - First floor extension, with Juliet balcony, above existing ground floor extension
2020/00234/1/N MA	A	38, Main Street, Barry, CF63 2HJ	Non Material Amendment - Amendments to external appearance and apartment layouts. Planning approval 2020/00234/FUL - New build three storey apartment building fitted with seven one bedroom flats and associated parking and amenity space
2020/00252/1/C D	A	Pancross Farm, Llancarfan	Discharge of Condition 3 - Ecological Enhancement Plan. Planning permission 2020/00252/FUL - Building to house a Biomass Boiler Installation with erection of flue (retrospective)
2020/00403/1/C D	A	Gelliaraul Farm, Lime Kiln Lane, Llangan	Discharge of Conditions 3 - Foul, Land and Surface Water Drainage Details; 4 - Materials Details; 6 - Biodiversity Strategy; 7 - Landscaping and 9 - Roof Window of planning approval 2020/00403/FUL - [Roof alterations, extension and conversion of existing cattle shed to holiday let]
2020/00504/FUL	A	52, Pardoe Crescent, Barry	AMENDED PLANS: Proposed two storey side extension with single storey side garage and single storey rear



			extension. Remove large tree covered by TPO No. 5 of 2004
2020/00678/1/N MA	A	Morfa Lane, Welsh St. Donats	Non Material Amendment - Additional window added to side elevation 01 and reduce size of first floor windows to front elevation. Previous approval 2020/00678/FUL - Vary Conditions 2, 3, 4 and 7 of 2019/00323/FUL - Proposed replacement dwelling and garage
2020/00857/FUL	A	Church Cottage (formerly known as Blair Athol), St. Lythans Road, St. Lythans	Extension to raise the height of the dwelling and provide first floor and new open porch to front elevation
2020/00948/FUL	A	Elm House, Merthyr Dyfan Road, Barry	Proposed garage conversion to create new two bedroom dwelling with associated parking
2020/01058/FUL	A	Stable Cottage, Court Farm, Llansannor	Change of use of existing garage with storage over into holiday accommodation
2020/01263/FUL	A	Sunrise Residential Home, 11, Porthkerry Road, Barry	AMENDED PLANS: Proposed change of use from residential care home to an extension to the existing adjacent Mount Rooms Hotel, to include parking at the rear
2020/01350/FUL	A	Land at Lower House Farm, Flanders Road, Llantwit Major	Change of use of the land to tourism use, creation of access track and siting of shepherd's huts, and the retention of track and access from Colhugh Street
2020/01366/FUL	A	St. Andrews Major Golf Club, Argae Lane, St.	The construction of non-permanent, agricultural

		Andrews Major	storage shed for the storage of grounds maintenance machinery
2020/01374/FUL	A	Double Cottage, Coldbrook Road West, Barry	Single storey side and rear extension and alteration works
2020/01375/CAC	A	Double Cottage, Coldbrook Road West, Barry, CF63 1LF	Proposed refurbishment and extension, including the demolition of two storey rear extension and garage
2020/01440/1/C D	A	1 Victoria Avenue, Penarth	Discharge of Conditions 3 (detailed/additional details) and 4 (material details). Previous approval 2020/01440/FUL - The erection of a Portico entrance feature and associated garden wall
2020/01499/FUL	A	16, The Paddocks, Penarth	Variation of Condition 20 of Planning Permission 2012/00873/FUL: Construction of a new single dwelling and associated works
2020/01527/FUL	A	21, Highwalls Avenue, Dinas Powys	Proposed two storey extension to enlarge kitchen and form family room to ground floor, proposed principal bedroom to first floor and roof space conversion, with dormer
2020/01533/FUL	R	38, Wordsworth Avenue, Penarth	Loft conversion comprising hip to gable and dormer to rear. Doors to current first floor rear elevation to be widened
2020/01554/FUL	A	22, Main Avenue, Peterston Super Ely	Demolition of existing rear single storey extension and replacement with a two storey extension

2020/01573/FUL	R	The Granary, Castle Upon Alun, St. Brides Major	Proposed tourist accommodation (4 no. yurts) and associated barn conversion to provide reception / communal area along with private owners / Managers accommodation
2020/01574/LBC	R	The Granary, Castle Upon Alun, St. Brides Major	Proposed tourist accommodation (4 no yurts) and associated barn conversion to provide reception / communal area along with private owners / Managers accommodation
2021/00006/FUL	A	Stanford Cottage, A48, Bonvilston	Change the authorised use of the site from agricultural land to part of the residential curtilage of Stanford Cottage
2021/00015/FUL	A	Y Felin Fach, Monknash	Proposed detached garage
2021/00031/FUL	A	16, Orchard Crescent, Dinas Powys	Single storey rear extension
2021/00050/FUL	A	Mill Farm, Llandow	Retention of hot tub shelter, small wooden potting shed, two wooden carports, decking over small flood storage ponds and three wooden sheds for storage and DIY activities
2021/00081/FUL	A	Pier And Piano, 40-42, Windsor Road, Penarth	External raised decking area and handrail to create external seating area
2021/00096/FUL	A	23, Trem Y Bae, Penarth	First floor side extension and single storey rear extension and store infill to ground floor front
2021/00097/LAW	A	24, Evenlode Avenue, Penarth	Swimming pool in rear garden. The pool will measure 10m by 5m and out building to contain the pumps and mechanical

			elements required to service the pool to measure 2m square and 2.3 in height
2021/00099/FUL	A	25, Cosmeston Drive, Penarth	Proposed single storey side and rear extension
2021/00100/FUL	A	The Vineyard, Lavernock Road, Penarth	Demolition of existing single storey rear extension and the construction of a new two storey rear extension
2021/00108/FUL	A	Land Adjacent to 31, Cedar Road, St Athan	Substitution of house types – Four detached two storey houses with four detached bungalows
2021/00109/FUL	A	15, Mountjoy Avenue, Penarth	Single/two storey side extension and canopy roof over front door
2021/00112/FUL	A	Picquets, 51, Cog Road, Sully	Single storey extension to front of property to create a larger entrance hall and study. Change flat roof of garage to pitched roof
2021/00114/FUL	A	Whitehall Quarry, Old Port Road, Wenvoe	Variation of Condition 1 (time limit for removal of road) of planning permission ref. 2014/00380/FUL (dated 21/05/2014): Proposed continued implementation of planning permission 04/00700/FUL.
2021/00128/FUL	A	Holmview, Pen Y Turnpike Road, Dinas Powys	Partial demolition of garage and rebuild with extended roofs to garage and yard
2021/00131/FUL	A	April Cottage, Park Road, Barry	New detached garage
2021/00132/FUL	A	Broughton Bungalow, Chapel Road, Broughton	Complete refurbishment and redevelopment to include the demolition of the existing single storey

			garage and the construction of a new side extension, a new part flat roof and part gabled rear extension, a new entrance porch and the raising of the existing eaves and gables with a new half hipped roof to accommodate a dormer loft conversion
2021/00137/FUL	R	Crossways House, Crossways, Cowbridge	Demolition of existing bungalow and garage and the construction of a replacement dwelling
2021/00138/FUL	A	Kings Hall Court, Wick Road, St. Brides Major	Extension to and conversion of garage to form granny annexe, single storey link extension to side of dwelling
2021/00141/FUL	A	14A, Laburnum Way, Penarth	Proposed rear garden single storey garden room with flat roof and lantern light adjoining existing living room
2021/00147/FUL	A	Vishwell Farmhouse, St. Andrews Road, Wenvoe	Demolition of existing WC/shower block and bin enclosure, construction of new WC and showers with recycle bin enclosure and notice boards
2021/00148/FUL	A	2, Ashby Road, Sully	Proposed outbuilding for enclosed office and music room
2021/00150/FUL	A	68, Victoria Road, Penarth	Single storey side extension
2021/00157/FUL	A	West Hay, 42, West Farm Road, Ogmore By Sea	Proposed kitchen extension to the side of property
2021/00158/FUL	A	5, Bridgewater Road, Sully	It is proposed to build a first floor extension above an existing ground floor extension to add additional

			bedroom and an ensuite to the main bedroom
2021/00159/FUL	A	The Old Farm House, 43, Pencoedre Road, Barry	Two storey rear extension
2021/00165/FUL	A	Land to rear of 2, Cwrt Llanfleddian, Llanblethian	Removal of existing stables to be replaced by a new barn used as a part field shelter and part feed, fodder and machinery store in connection with the land
2021/00166/FUL	A	25, Sully Terrace, Penarth	Two storey rear extension, loft conversion with rear dormer. Front porch with new bay window
2021/00168/FUL	A	Cherry Acre, Llangan	Alterations to existing conservatory
2021/00172/LAW	A	Ty Uchaf Farm, Llantrithyd	Single storey rear extension
2021/00175/FUL	A	7, Baroness Place, Penarth	Existing conservatory removed. New single storey kitchen extension to replace conservatory with new extension linked to the existing lean to kitchen to form an open plan kitchen and garden sitting area
2021/00176/FUL	A	34, Coed Mawr, Barry	Proposed single storey extension to side
2021/00177/FUL	A	17, Rutland Close, Barry	Proposed single storey side and rear extension for garage, utility, enlarged kitchen and living area
2021/00178/FUL	A	11, Ashgrove, Dinas Powys	Single-storey rear extension
2021/00181/FUL	R	51, Amherst Crescent, Barry	Proposed first floor extension over existing garage with Juliette balcony to front elevation, additional window to first floor rear elevation

2021/00182/FUL	A	The Bridge Cafe, Bron Y Mor, The Knap, Barry	Placement of two wooden clad huts, to be painted white to match the existing building, used for storage
2021/00184/FUL	A	5, Birch Grove, Barry	Demolition of existing garage and conservatory and construction of two storey rear and side extensions
2021/00187/FUL	A	44, Partridge Road, St Athan	Proposed construction of attached dwelling and minor alterations to existing property (previously approved under 2010/00458/FUL)
2021/00198/FUL	A	85A, Fontygary Road, Rhoose	Replacement of existing balcony on the rear of the property with a balcony of the same width and increased depth
2021/00204/FUL	A	2, Llanmihangel Rise, Llanblethian, Cowbridge	Replacement of front porch on existing footprint retaining current roof line, height and shape. New stone pillars to match existing stone on front of house. Side aspects to be glazed panels
2021/00206/FUL	A	9, Cae Brewis, Boverton, Llantwit Major	Convert existing integral garage into a play room by replacing the garage door with a window and brickwork and creating an internal door.
2021/00207/FUL	A	50, Fontygary Road, Rhoose	Proposed two storey side extension with terrace to front elevation and internal/external alterations
2021/00208/FUL	A	11, Ty Pica Drive, Wenvoe	Proposed dormer extension

2021/00210/FUL	A	Wellfield, Wick Road, St. Brides Major	Demolish two car garage made of corrugated iron with a flat roof (completed). Rebuild new pitched roof timber two car garage on the same footprint on a concrete base (concrete base complete)
2021/00214/FUL	A	15A, Plymouth Road, Penarth	Removal of chimney and creation of dormer balcony to rear elevation. Installation of new stainless steel flue
2021/00216/FUL	A	67, Westbourne Road, Penarth	Removal of existing two storey rear annex and renewal with reduced rear two storey annex with the addition of a single storey rear extension and associated works
2021/00219/FUL	A	142, Westbourne Road, Penarth	Ground floor rear extension and rear garage extension
2021/00220/FUL	A	The Larches, St. Owains Crescent, Ystradowen	Removal of existing glass top of conservatory, extending the footprint and provision of new flat roof with glass lantern. Conversion of existing garage
2021/00226/FUL	A	5, Commercial Road, Barry	Single storey rear extension
2021/00229/FUL	A	86, Westbourne Road, Penarth	Proposed demolition of conservatory and single storey extension to side and rear
2021/00230/FUL	R	The Barn, Cuckoo Lane, Moulton	Demolition of existing single storey front extension and erection of new front and rear two storey extensions, with balcony to the front elevation. New store/gym on lower level



2021/00234/FUL	A	101, South Road, Sully	New single storey extension to the front of the property with roof terrace above. Single storey extension to the rear and east side of the property as well as a part first floor extension to the east of the house. Existing garage to be demolished and replaced and a new turning area to be provided off the existing driveway
2021/00236/FUL	A	35, Station Road, Penarth	Proposed single storey extensions to side and rear, including material alterations
2021/00237/LAW	A	4, Countess Place, Penarth	Proposed loft conversion with rear dormer and ground floor side extension for store
2021/00242/FUL	A	23, Maes Y Gwenyn, Rhoose	Enlargement/widening of existing single storey kitchen on rear elevation. Removal of pitched roof and replacement with flat roof
2021/00245/FUL	A	56, Burdons Close, Wenvoe	Loft conversion and rear single storey extension
2021/00251/FUL	A	Arkstone, 25, Mountjoy Avenue, Penarth	Single storey side extension, loft conversion with rear dormer and hip to gable extension plus new garden room
2021/00252/LAW	A	3, Dunster Drive, Sully	Proposed conversion of the existing glazed conservatory into a habitable room with a roof tiled insulated timber vaulted roof, with reduced wall glazing

2021/00255/FUL	A	16, Mountjoy Crescent, Penarth	Construction of a single storey side extension. The extension will be Concrete block and Thermalite block with Tyrolean finish to match the existing building and slate roof. Application also includes Internal alterations.
2021/00260/FUL	A	11, Dyserth Road, Penarth	Single storey flat roof extension to side return.
2021/00268/FUL	A	46, Burdons Close, Wenvoe	Convert existing internal garage to habitable room
2021/00281/FUL	A	The Sycamores, Llysworney	Proposed sun room. Removal of existing conservatory roof and glazing. Installation of tiled roof and bi-fold doors
2021/00282/FUL	A	21, Andover Close, Barry	Proposed single storey side and rear extensions. Demolition of existing garage
2021/00291/FUL	A	16, Elm Grove Lane, Dinas Powys	Single storey rear extension
2021/00293/FUL	A	6, Robinswood Crescent, Penarth	Variation of Condition 3 (Car Park Layout) of 2019/00906/FUL - Demolition of existing garage, conservatory to rear and canopy to the front. Construction of new brick and block/render two storey flat roof extension to the side and rear, and a new brick/block render single storey flat roof extension to the rear, entrance porch and new canopy to the front. Existing roof tiles to be replaced with slate tiles and render finish to be painted dark grey. Existing driveway to be widened

2021/00294/FUL	A	4, Slade Close, Sully	Single storey rear extension
2021/00301/FUL	A	36, Dudley Place, Barry	Proposed single storey extension to rear and new porch to front elevation
2021/00306/FUL	A	13, Victoria Square, Penarth	Proposed rear single storey detached garage
2021/00311/FUL	A	Old White Hart Inn, Wine Street, Llantwit Major	Addition of 2 wooden pergolas, glass balustrade, small wall and steps to the rear beer garden
2021/00312/FUL	R	1, Lakeside, Barry	Demolish existing garage. Proposed part single / part two storey side and rear extensions. including a front glass balcony
2021/00315/HR	A	Field opposite Slade Paddocks, west of disused airfield, Llanmaes	Removal of 330 metres of hedgerow
2021/00323/FUL	A	116, Westbourne Road, Penarth	Single storey extension. Planning permission has already been granted for the proposed works and the attached drawings include an increase in roof height.
2021/00324/FUL	A	65, Stanwell Road, Penarth	Replacement windows
2021/00331/FUL	A	30, South Road, Sully	Variation of Conditions 2 (Plans) and 3 (Balcony Detail) of planning permission 2020/01202/FUL Proposed side dormer extension over existing garage. Single storey rear extension with roof terrace over. Alterations to front elevation lean to roof and associated works

2021/00339/FUL	A	Bwthyn Y Ciper, 1A, Grove Terrace, Penarth	Rebuild chimney
2021/00350/LAW	A	13, Norris Close, Penarth	Single storey rear extension with associated works
2021/00360/LBC	A	Penllyn Castle, Penllyn	Replacement of existing string course
2021/00382/FUL	A	2, Chapel Terrace, Twyn Yr Odyn, Wenvoe	Erection of single storey rear extension
2021/00397/PNA	F	Gwaun Wen Farm, Hensol, Pontyclun	Building for storage of machinery, hay and energy crops
2021/00426/FUL	A	16, Cwrt Ty Mawr, Penarth	Conversion of existing double garage into home office / games room and construction of new single storey garage

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 MAY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved  
E Split Decision

R - Refused

2021/00180/TPO	A	Stepping Stones, Llancarfan	Works to trees covered by Tree Preservation Order No. 24 of 1973: Removal of Ash Trees
2021/00194/TCA	A	Beach House Hotel (now known as Pickfords Galley and Bar with Rooms), The Esplanade, Penarth	Work to Trees in Penarth Conservation Area: Remove 2 bay trees and 6 conifer trees to prevent further damage to properties
2021/00200/TPO	A	Land adjoining Ardwyn Walk, Dinas Powys	Work to tree covered by TPO No.14 of 1973: Cedrus atlantica - 2m reduction of secondary limbs on the Eastern side of the crown over the road to suitable growing points
2021/00227/TPO	A	Oak Court, Myrtle Close, Penarth	Work to Trees covered by TPO No. 3, 2010 - Reducing the size of the crowns, crown thinning, bracing
2021/00278/TCA	A	2, The Causeway, Llanblethian	Work to Trees in a Conservation Area: Laurel

			in front garden - Reduce heavily to stump level. High stumps to be retained to enable re-growth
2021/00287/TCA	A	Y Berllan, Peterston Super Ely, Cardiff	Works to trees in Peterston-Super-Ely Conservation Area: Removal of 1x Ash, 1x Oak, Removal of 7x Leylandii, 1x Horse Chestnut limb
2021/00325/TPO	A	Trehill Farmhouse, St. Nicholas	Works to TPO - No. 05, 1972, sycamore/acer tree. There is clear indications that the tree is host to a broadleaf parasite Works include crown reduction and remove fallen limbs
2021/00328/TCA	A	Hazeldene, Llancadle	Work to Tree in Llancadle Conservation Area: Pollard of Beech tree (T1)
2021/00329/TCA	A	Llancarfan Community Hall, Llancarfan	Work to Trees in Llancarfan Conservation Area: T4 Hazel- coppice, T5 Hazel - coppice, T6 Hazel - coppice
2021/00330/TCA	A	Pear Tree House, Ysticl-garu, Llysworney	Work to Trees in Llysworney Conservation Area: Removal of approx. 2m high Leylandii hedges only, located to the side and front of the property as per attached plan. There are 2 hedges to the front of the property and 7 hedges to the side
2021/00332/TCA	A	Village Green, Llanmaes	Works to trees in the Llanmaes Conservation Area; to include removal of dead limbs, removal of branches overhanging highway and neighbouring properties and other works

2021/00343/TCA	A	St. Quentins House, Llanblethian, Cowbridge	Works to trees in Conservation Area at side and in rear garden of house
2021/00352/TCA	A	Linden Lea, 71, Stanwell Road, Penarth	Work to tree in a Conservation Area: Remove a Horse Chestnut sapling from the front garden
2021/00399/TCA	A	16, Elm Grove Lane, Dinas Powys	Work to Tree in a Conservation Area: Fell Yew tree T1 and replace with Picea Omorica
2021/00407/TCA	A	13, Victoria Square, Penarth	Work to Tree(s) in a Conservation Area: Cordyline - rear left of rear garden - fell to ground level
2021/00498/TCA	A	Greenfield, East Street, Llantwit Major	Remove 3 Leylandii two of which are dying and the third in poor condition to the right of the property in the rear garden. Not covered by TPOs but within the Conservation Area
2021/00520/TPO	A	Llancarfan Community Hall, Llancarfan	Work to Trees covered by TPO No. 24 of 1973 - T1 Holly - 30% reduction, T2 Holly -crown reduction, T3 Holly -crown reduction

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 MAY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. ENFORCEMENT ACTION

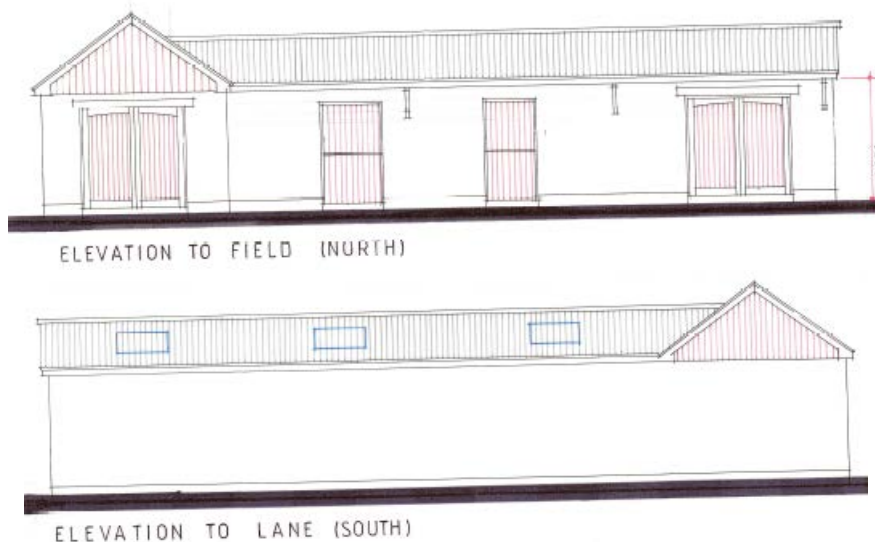
LAND AND BUILDING AT HENSOL COTTAGE, WELSH ST DONATS

Background

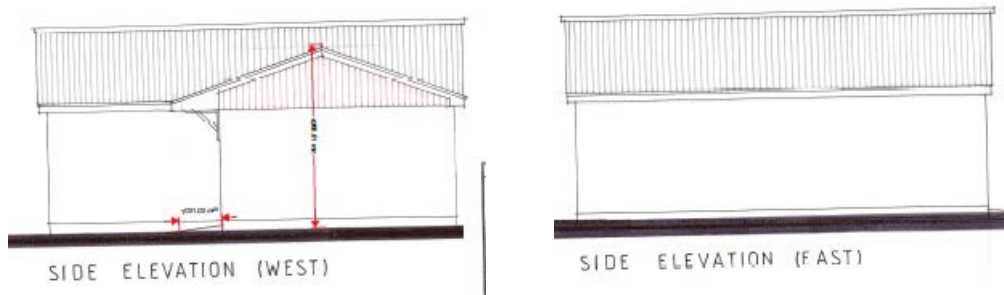
1. A complaint was received by the Local Planning Authority on 18 November 2020, regarding non-compliance with planning permission ref. 2019/00696/FUL, which granted permission for a stable block. On site it was identified that significant variances existed between the approved development and the development that had been carried out.
2. The site relates to a portion of a field to the west of Hensol Cottage, Welsh St. Donats and to the north of an unnamed unclassified road. For planning purposes, the site is located in the open countryside as identified in the Local Development Plan. The site is located in the Ely Valle and Ridge Slopes Special Landscaping Area and a Mineral Safeguarding Zone for limestone (category 2).

Details of the Breach

3. Planning permission (ref. 2019/00696/FUL) was granted on 04/09/19 for the construction of a stable block which was agrarian in appearance and was to be constructed using blockwork and vertical hung wood cladding on the walls and onduline on the roof. There were clear panels approved in the south facing roof elevation and, to be expected, stable doors in the north elevation. The approved plans are shown below:







4. Following an initial site inspection, it was evident that the development had not been carried out in accordance with the approved plans for a number of reasons including:
- The walls had or were being rendered and slates had been installed on the roof which had been constructed with overhanging fascias and a contrasting terracotta ridge tile;
  - The scale of the building did not correspond with the approved plans. The greatest difference was that height of the building was 0.7 metres higher than approved. In addition, the width of the north facing gable end was 1.6 metres greater than approved and at its greatest, the depth of the stables was 0.5 metres greater than approved;
  - 3 velux windows had been installed on the northern elevation;
  - A window had been installed in the wall on the northern elevation;
  - Roller shutter doors had been installed in place of stable doors; and
  - A flue had been installed.
5. Whilst not development for the purposes of s.55 of the Town and Country Planning Act 1990, it is also of concern that a wood burner and a number of electric sockets have been installed inside the building and the walls have been completed with cavity insulation which indicates an alternative use of the building is likely as opposed to a stable / storage building.
6. Given the discrepancies between the approved plans and the development that had taken place on site, the works on site were considered to constitute unauthorised operational development, which did not benefit from planning permission ref. 2019/00696/FUL. There are no permitted development rights for this development and planning permission would be required for this building. As no such planning permission has been granted, the development is unauthorised and amounts to a breach of planning control.
7. In addition to the above, it was noted on site that the building was being used for general storage. Specifically, the following were identified within the building:
- A ride on lawn mower;
  - Stored powers tools;
  - Stored personal protective equipment; and
  - Gardening tools.

8. Further to the conclusions in paragraph 7, given the items identified within the building, as well as the design variances identified in paragraph 5 and the internal fittings identified in paragraph 6, which indicate that the building has not been designed to be used as a stables, it is also considered that the building is being used for the general storage of machinery and equipment which is considered to be a materially different use to the previously approved stable building. It has therefore been concluded that the construction of a building for general storage purposes constitutes a new building in the open countryside and a breach of planning control.
9. Internal and external images of the site, as built, are shown below:



### Action Pursued to Date

10. During the assessment of non-material amendment ref. 2019/00696/1/NMA, which had been submitted to amend the design of the stables approved by planning permission ref. 2019/00696/FUL, it was communicated to the Council that operations to construct the stables had already been commenced for some time. Given the scope of the variances between the proposed amendments and the approved plans, it was considered necessary to set up a planning enforcement investigation.
11. Non-material amendment ref. 2019/00696/1/NMA was refused on the 18/11/20 and the site was attended by an Enforcement Officer on the same day. On 18/11/20, it was noted that the development had not been carried out in accordance with the approved plans and that render and slate had been

used. The site was visited a second time on the 26/11/20, to fully appraise the development that had taken place.

12. Following the second site visit, the Council's concerns with the development were put to a planning agent, representing the site owner. As a result of further discussions with the planning agent, a planning application (ref. 2020/01504/FUL) was submitted. This application sought to make variances to the building as built and was not for the retention of the building as it stood.
13. Concerns were put to the planning agent on 24/03/21, identifying that it was the view of the Council that the works proposed by planning application ref. 2020/01504/FUL were unacceptable, specifically, the appearance of the building remained domestic in character. At the time of writing, negotiations remain on-going toward the determination of that application, however, that proposal is not for the retention of the development as it exists on site.

### Planning History

14. The site has the following planning history:
  - 2020/01504/FUL - Address: Hensol Cottage, Welsh St. Donats, Proposal: Retrospective application to regularise the "as built" development relative to planning permission ref 2019/00696/FUL for a proposed stable block / agricultural machinery store, and associated proposed additional changes, including changes to fenestration and internal changes, Decision: Application under consideration.
  - 2019/00696/FUL – Address: Hensol Cottage, Welsh St. Donats, Proposal: Proposed stable block, Decision: Approved 04/09/19
  - 2019/00696/1/NMA – Address Hensol Cottage, Welsh St. Donats, Proposal: Change to roof covering from Onduline to Natural Slate, small revisions to elevations, Decision: Refused 18/11/20.

This application was refused for the following reason:

*The proposed amendments would make the 'NMA' stable block substantially different from the building approved under 2019/00696/FUL. Not only do they go beyond what the planning authority considers a non-material amendment, but in giving the stable block a domestic character they would have an unacceptable effect on the character, appearance and general amenity of the site and its surroundings. The proposal fails the tests set out in the Welsh Government Guidance "Approving Non-Material Amendments to Existing Planning Permission".*

## Policy

### **Local Development Plan:**

15. 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 MG17 – SPECIAL LANDSCAPE AREAS  
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

### **Future Wales: The National Plan 2040:**

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

### **Planning Policy Wales:**

17. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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.
18. The following chapters and sections are of particular relevance in the assessment of this planning application:

#### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas

#### Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places

- Recognising the Environmental Qualities of Places

**Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

**Supplementary Planning Guidance:**

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

- Design in the Landscape

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”
- 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.

**Welsh National Marine Plan:**

21. 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.

**Well Being of Future Generations (Wales) Act 2015:**

22. 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 need.

## Reasons for Serving an Enforcement Notice

23. In assessing the expediency of taking enforcement action against the building, the impact of the development on visual amenity and the character of the open countryside must be considered.
24. Criterion 1 and 2 of Policy MD2 (Design of New Development) require: that all development proposals to positively contribute to the context and character of the surrounding natural and built environment; and respond appropriately to the local context and character in terms of use and form, respectively. Criterion 1 of Policy MD1 (Location of New Development) states new development should amongst other criteria have no unacceptable impact on the countryside. Policy DG13 of the Design in the Landscape SPG provides design aims for the rural settlements stating '*to reduce, and wherever feasible, reverse the erosion of locally distinct rural character which results in suburbanisation.*'
25. This is supported by paragraph 5.5 of TAN12 which states: '*The way in which development relates to its urban or rural landscape or seascape context is critical to its success. Because of this, an understanding of landscape quality, including its historic character is fundamental to the design process.*' This is emphasised for rural settings with paragraph 5.8.1 of TAN12 which states that... '*The special qualities of the rural landscape and coastline of Wales should be recognised. The qualities should be enhanced through conservation of the character of the countryside and by achieving quality in new development.*'
26. Due to its location adjacent to the public highway, the site is highly visible and also sits prominently near to a road junction. The site is also very prominent and terminates a vista when travelling North West along a public footpath to the south east of the site. The building is located adjacent to the southern boundary of the site and is therefore readily visible from the public highway.
27. As shown in paragraph 3, the approved stable block was low impact in nature and the officer's report described it as fitting *discreetly in its surrounding*, despite the visual prominence of the site. This was by virtue of its scale, design and the materials proposed to be used.
28. The new building which has been constructed varies significantly from the stable development that was approved, as identified in paragraph 4 and shown in the images in paragraph 9. The existing building possesses a number of features that are fundamentally uncharacteristic and at odds with the countryside setting. Externally, the building appears overtly domestic in its appearance, particularly as the front gable element has been widened. The slate roof is also uncharacteristic of what would be expected on a rural non-domestic building, most notably with the inclusion of roof lights and a flue but also due to: its increased pitch and height; the domestic appearing fascia boards; the overhangs at the eaves; and the use of terracotta tiles in the ridge cap. Furthermore, the use of render and addition of roller shutters is also not considered characteristic of a rural non-domestic building.

29. The building, as constructed, therefore fails to positively contribute to the context and character of the surrounding natural environment and respond appropriately to appropriately to the local context and character in terms of its form. Ultimately, it has an unacceptable impact on the countryside and given its domestic appearance, contributes to the erosion of locally distinct rural character. Therefore, the development fails to comply with the requirements of criterion 1 and 2 of Policy MD1, criterion 1 of Policy MD1, Policy DG13 of the Design in Landscape SPG and the contents of TAN 12.
30. Furthermore, the inclusion of low level sockets, the wood burner and the insulation of the walls is fundamentally at odds with what would normally be provided within a stable block. Neither the landowner nor their planning agent has offered any explanation why the inclusion of these features would be appropriate within a building that is intended for the accommodation of horses and the fact that some of these, such as the electrical sockets would prevent such a use is also of concern. Whilst the inspections undertaken have not identified any other uses aside from general storage, no justification has been given as to why the building is required for general storage purposes and why this needs to take place in an isolated location within an agricultural field. This is especially the case given the proximity of the applicant's residential curtilage to the application site, within which such a building could be easily accommodated without the impacts on the countryside identified above. It has therefore been concluded that the location of a general storage building in this open countryside location fails to respond appropriately to the local context and character and has an unacceptable impact on the countryside. It is, therefore, contrary to the requirements of criterion 1 of policies MD1 and MD2.
31. A planning application ref. 2020/01504/FUL is being considered for the retention and amendment / completion of this building. However, it includes works that are significantly different to the development that exists on site at present, in an attempt to make the building visually acceptable. That application is not for the retention of the development as it exists on site. At present, that application remains undetermined and officers are not satisfied that the current proposals are acceptable.

### Conclusions

1. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action in the form of a Section 172 Enforcement Notice, relating to operational development.
2. It is considered that the decision would comply 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.
3. 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.

### Resource Implications (Financial and Employment)

4. 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)

5. 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).
6. 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)

7. None.

### RECOMMENDATION

- (1) That 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) Demolish the building and break up any footings, hardstanding and services that have been installed in connection with the construction of the building.
  - (ii) Permanently remove from the land all of the materials that result from the taking of step (i).
  - (iii) Return the site to its condition prior to the construction of the building, by levelling the site to match that of the adjoining land, laying topsoil and sowing grass seed.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Reason for Recommendation

- (1) The building, as constructed, fails to positively contribute to the context and character of the surrounding natural environment and respond appropriately to the local context and character. Ultimately, it has an unacceptable impact on the countryside and given its domestic appearance, contributes to the erosion of locally distinct rural character. Therefore, the development fails to comply with the requirements of criterion 1 and 2 of Policy MD1, criterion 1 of Policy MD1, Policy DG13 of the Design in Landscape SPG, the contents of TAN 12 as well as policy and guidance contained within Planning Policy Wales edition 11.



- (2) The location of a building used for general storage purposes is unjustified and fails to respond appropriately to the local context and character and has an unacceptable impact on the countryside. It is, therefore, contrary to the requirements of criterion 1 of policies MD1 and MD2 and policy and guidance contained within Planning Policy Wales edition 11.
- (3) 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.
- (4) 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.

#### Background Papers

Enforcement File Ref: ENF/2020/0401/PRO

Contact Officer - Mr. M. Bayona-Martinez, Tel: 01446 706142

#### Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 MAY, 2021**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. 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.

**2020/00434/OUT** Received on 28 July 2020

**APPLICANT:** Welsh Ministers c/o Agent

**AGENT:** Miss. Louise Darch, 5th Floor, Longcross Court, 47, Newport Road, Cardiff, CF24 0AD

### **Land at Beggars Pound, Cowbridge Road, St. Athan**

Outline planning permission for the demolition of existing buildings and erection of Class B1 floorspace (up to 3,000 sqm), revised access onto Cowbridge Road, associated internal access routes, parking areas, fencing, landscaping, building and engineering operations with all matters reserved

### **REASON FOR COMMITTEE DETERMINATION**

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

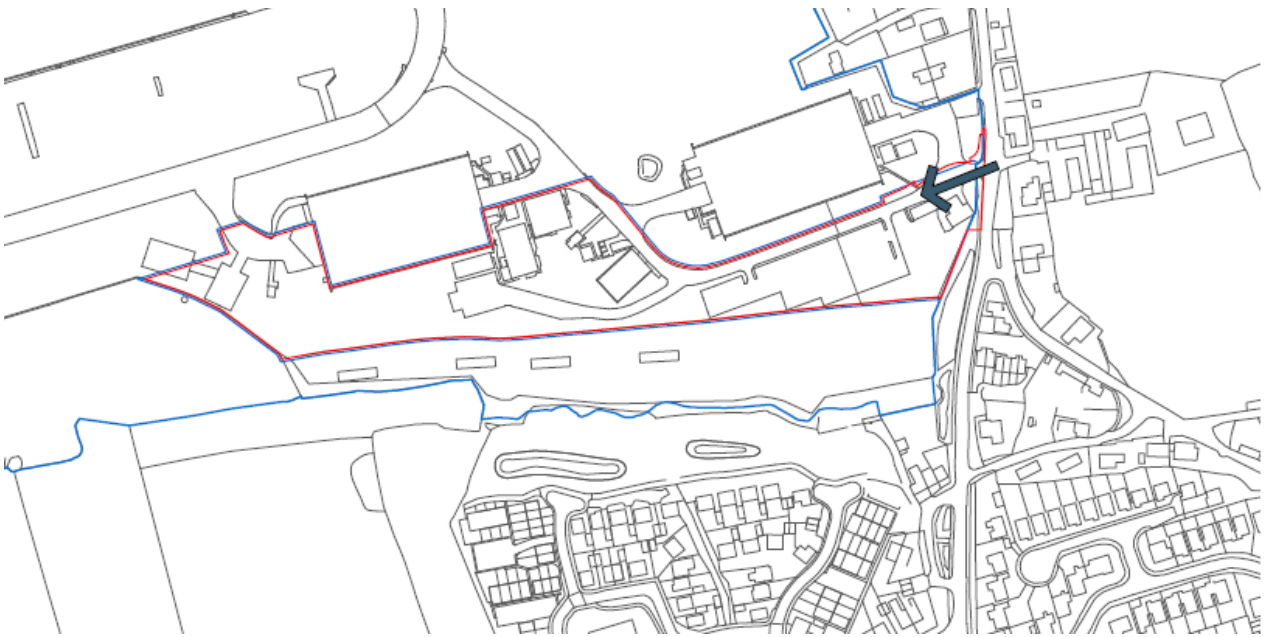
### **EXECUTIVE SUMMARY**

This is a an outline planning application for up to 3000sqm of Class B1 floor space at land known as Beggars Pound, St. Athan. The land lies immediately to the north of the settlement boundary defined in the Council's Adopted Local Development Plan (LDP) and it forms part of the LDP employment allocation known as the St. Athan-Cardiff Airport Enterprise Zone. The application is in outline with all detail matters reserved.

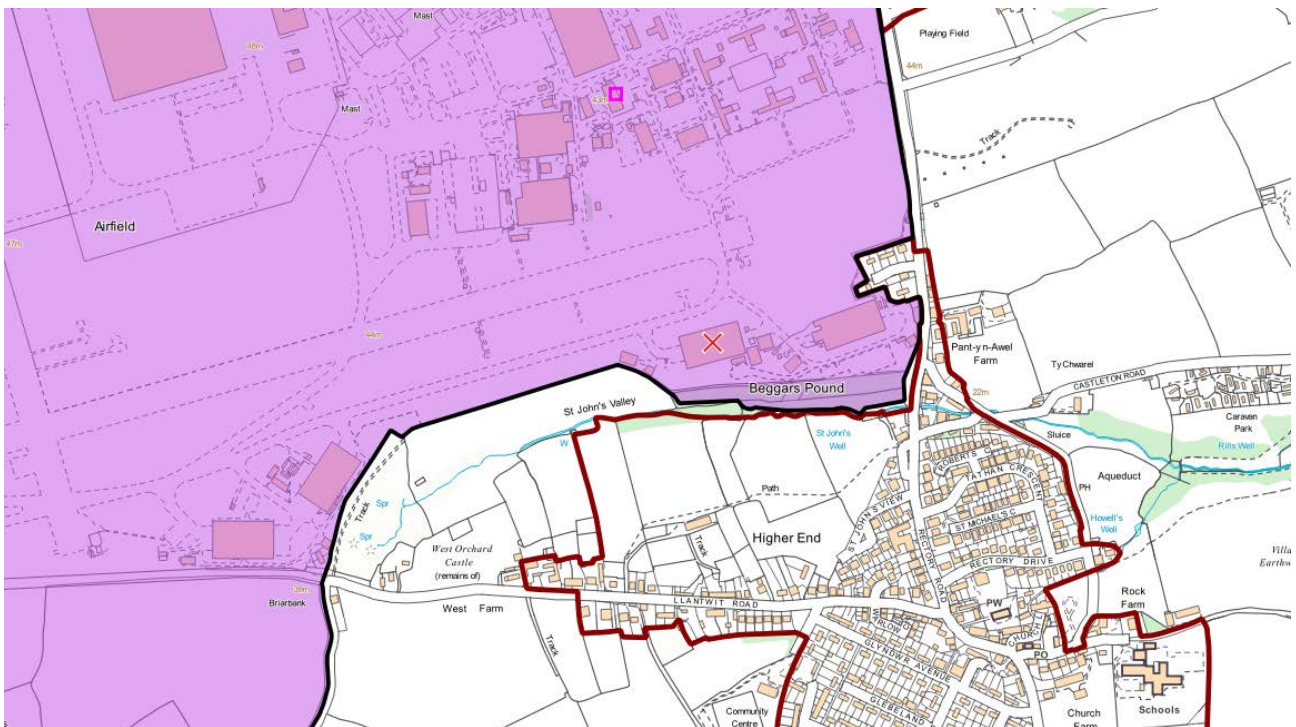
The main issues are considered to be the principle of the development, visual impact and layout, highway safety and traffic generation, the historic environment, impact on neighbours and ecology. The application has attracted objections/concerns from ten local properties and St. Athan Community Council. The application is recommended for approval.

### **SITE AND CONTEXT**

The application site is Land at Beggars Pound, Cowbridge Road, St. Athan, as shown on the plan below:



The site forms part of a Vale of Glamorgan Adopted Local Development Plan (LDP) Employment Allocation (Policy MG9 (3)), which is shown shaded purple on the plan below, (whereby the site occupies the southern part of this section of the allocation):

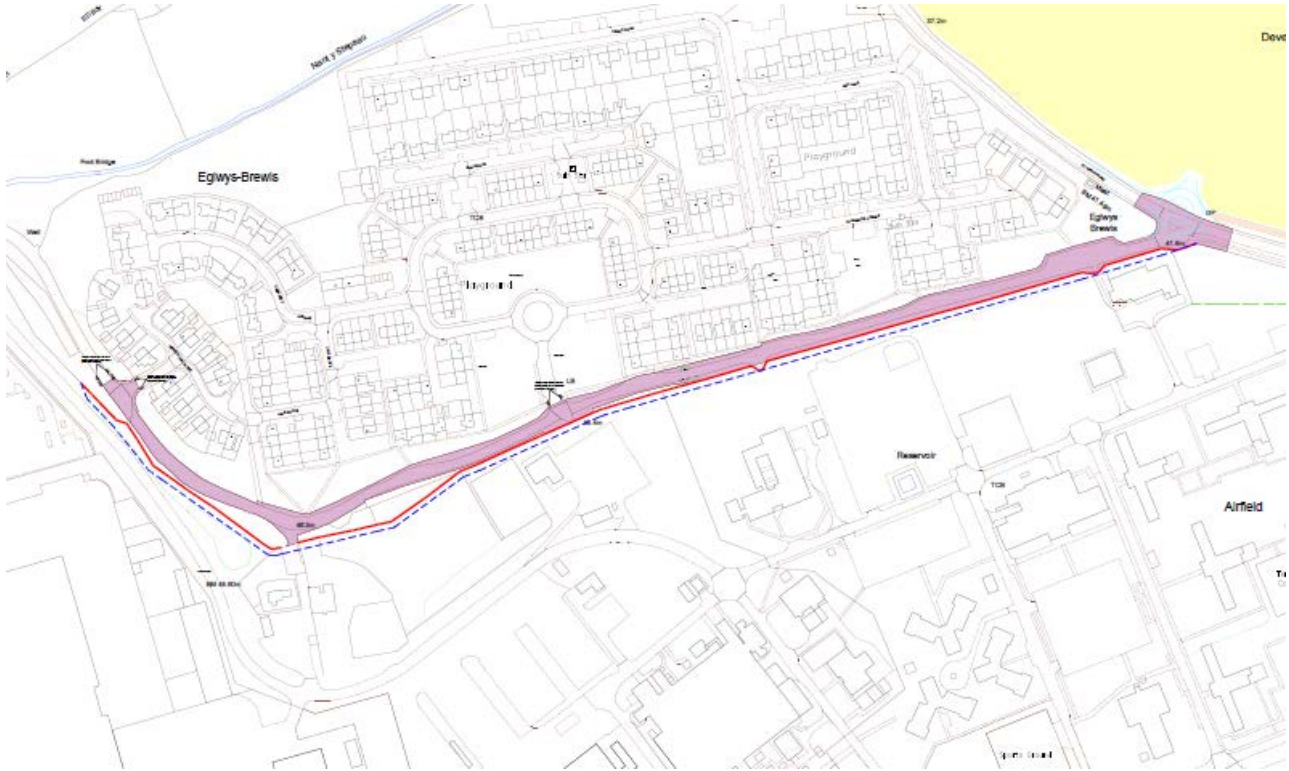


The application site comprises 2.24 hectares of land that lies south east of runway 25 and north / north-west of the village of St Athan, the boundary of which is denoted by the brown line on the plan above.

The site is generally flat, albeit ranging across the site from circa 31m to 38m AOD in the northwest corner. No public rights of way run through the site and it is presently inaccessible to the general public. In terms of flood risk, the site lies in Flood Zone A 'Low Risk' according to the TAN15 Development Advice Maps. There are no other known

statutory or non-statutory designations on or immediately neighbouring the site. The site is bound by Cowbridge Road to the east; dense woodland lies to the south (within the applicant's ownership), beyond which is the Barratt Homes residential estate; grassland to the west; and runway 25 lies to the north. An existing access is provided onto Cowbridge Road.

The application also relates to a strip of land to the north of the main application site, as shown on the plan below:



This land (between the red line and the blue broken line) is to be provided to accommodate a footway in the future (see Description of Development and Issues sections below).

## DESCRIPTION OF DEVELOPMENT

This is an outline planning application for the demolition of existing buildings and erection of Class B1 floorspace (up to 3,000 sqm), with a revised access onto Cowbridge Road, associated internal access routes, parking areas, fencing, landscaping, building and engineering operations. All detail matters are 'reserved'. Class B1 includes offices, light industry and research/development uses.

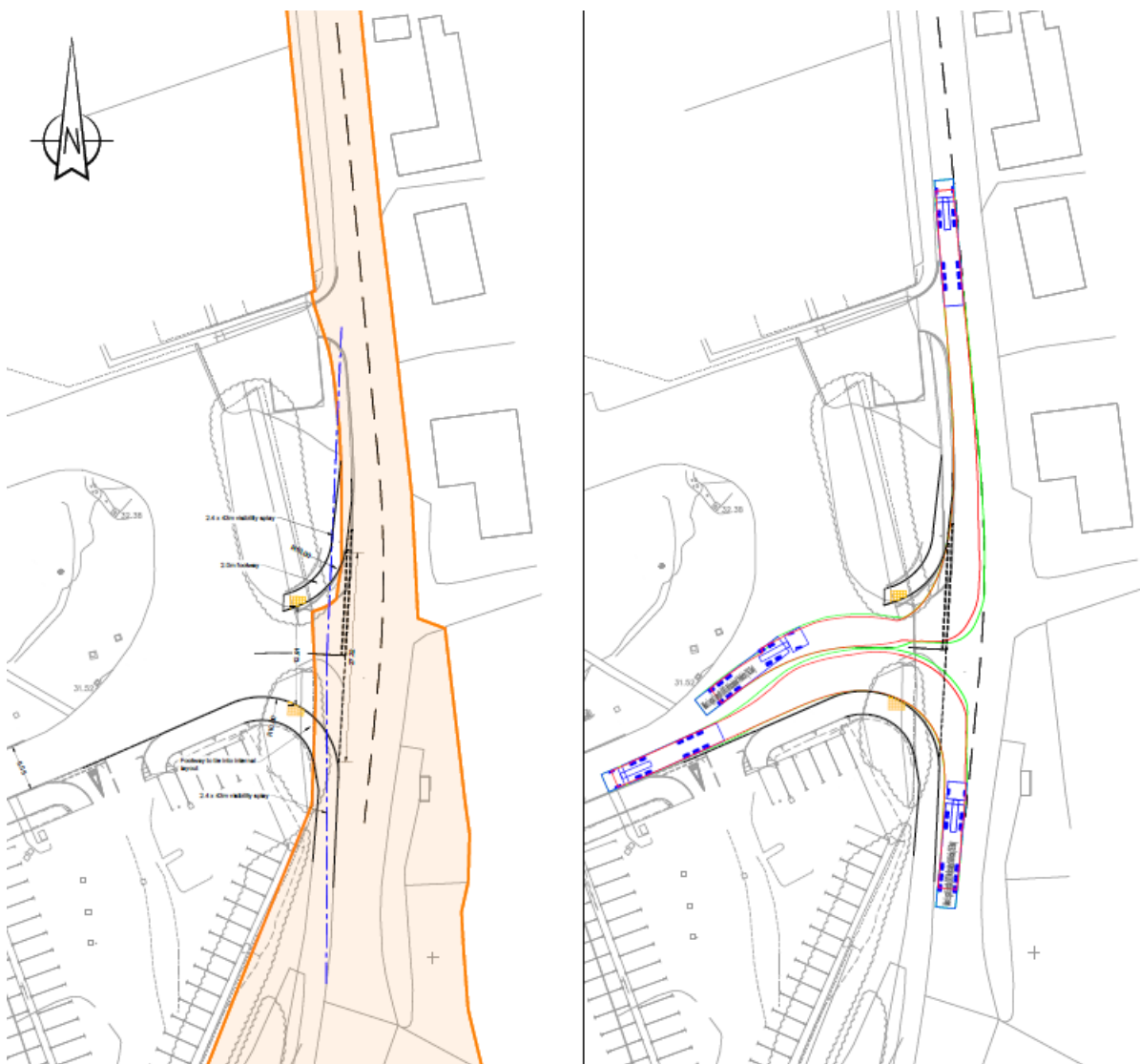
The buildings to be demolished on the site amount to 1,634 sqm and accordingly, the application seeks a net increase of 1,366 sqm of floorspace at the site. (It should be noted that one of the buildings to be demolished, the gatehouse, has already been granted prior notification approval for demolition, ref: 2019/01250/PND).

While the application is in outline, the following indicative scale parameters have been submitted:

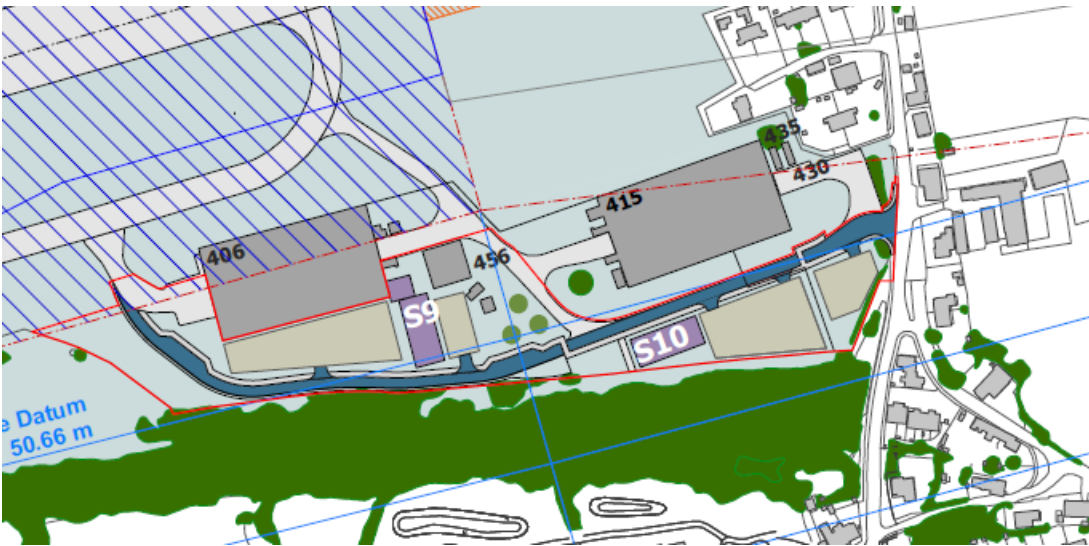
	Upper Limit	Lower Limit
<b>Height</b>	10m	4m
<b>Width</b>	16m	12m
<b>Length</b>	50m	25m

Table 1: Indicative Scale Parameters

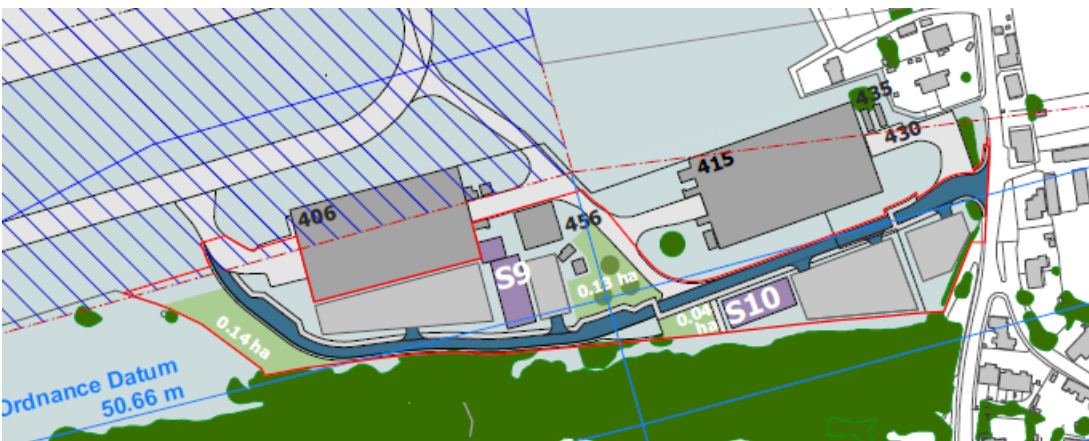
An indicative site access plan has been provided, which shows a widened access in a similar position to the existing, as follows:



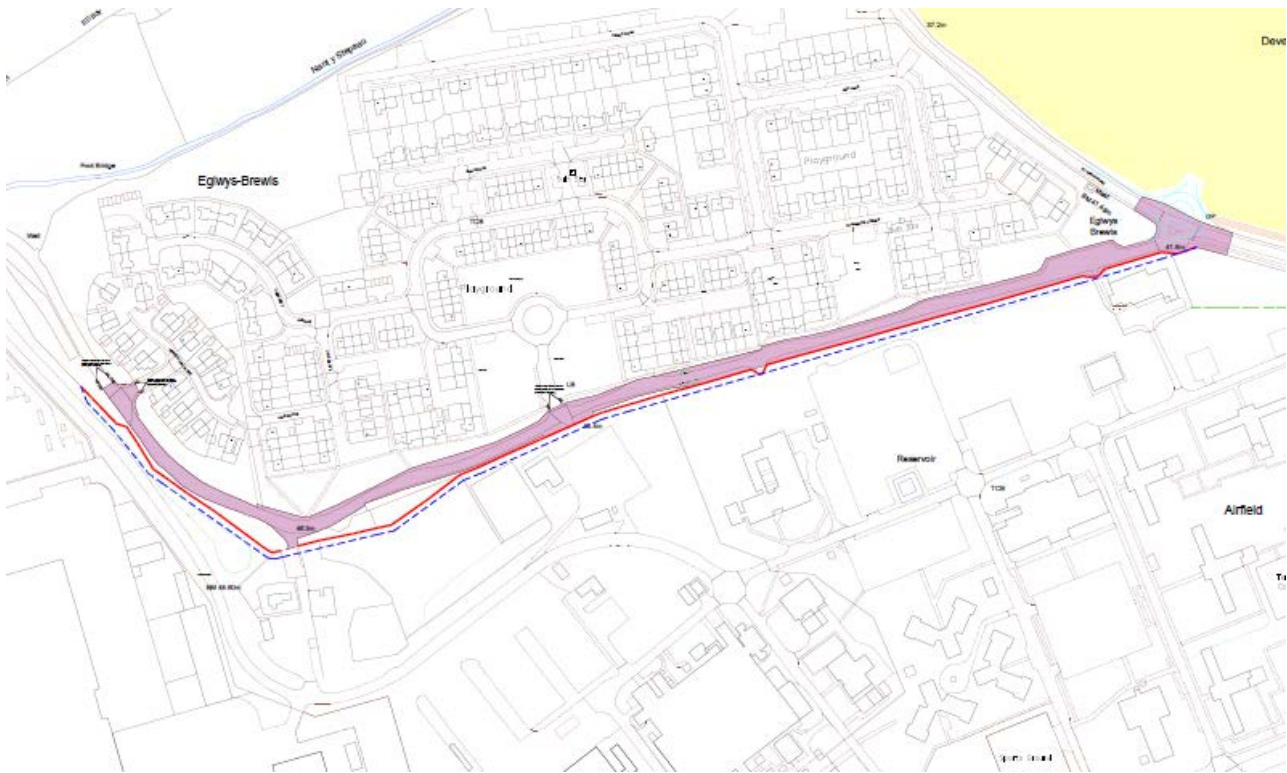
The plan below is the indicative masterplan, and it shows the potential location and footprint of buildings:



The plan below shows (in light green) indicative locations for open space within the site area:



As noted above, the application also relates to a strip of land that runs along the southern side of Eglwys Brewis Road from the junction with Cowbridge Road to a point just opposite the entrance to Picketson Close. This plan is contained again below, for ease of reference:



The applicant proposes to transfer that 4m wide strip of land to the Vale of Glamorgan Council, in order that it can be used to accommodate a footway/cycleway

**PLANNING HISTORY**

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

2012/01217/LAW, Address: Beggars Pound, MOD St. Athan, St. Athan, Proposal: Opening up Crash Gate 3 for use by RRU Unit; New security fence with Crash Gate installed to provide emergency access onto the Airfield beyond. New fence will be 1.9m high (including 3 strands of barbed wire at the top) and will be buried 150mm below ground, Decision: Approved

2019/01250/PND, Address: Mod Site, Cowbridge Road, St. Athan, Proposal: Phase A1, Demolition of buildings at Bro Tathan Business Park, Decision: Approved

**CONSULTATIONS**

**St. Athan Community Council- initially responded to state ‘No objection’, then subsequently amended the comments to state:**



*Ref. Masterplan 506 Revision E - according to this drawing it seems to assume that there will be 2.5 people per parking space which will amount to 140 cars per day which, depending on working hours of the proposed development, would cause excessive congestion onto Cowbridge Road.*

*It states on the plans the entrance will accommodate a full sized articulated lorry. Also on the plan it states a new road will be built to connect to existing roads inside the airfield. This could facilitate a shortcut to other parts of the Bro Tathan site causing more congestion around the proposed entrance to the Beggars Pound project and consequently exacerbate an already much overused road.*

A further response raised concerns regarding a significant increase in office space on site, traffic impacts, the access, drainage, lack of information regarding bus services, transport routes, parking provision, access routes, flood risk and disposal of asbestos.

**Local Ward Members-** No representations received.

**Highway Development** have provided advice in respect of sustainable transport links and parking standards. The Transport Assessment Review has concluded that traffic impacts are acceptable and there is no objection to the new access.

**The Council's Drainage Section-** No representations received.

**Shared Regulatory Services (Pollution)-** No representations received.

**Glamorgan Gwent Archaeological Trust** have raised no objection subject to conditions as follows:

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

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

**Cadw-** No objection.

**Dwr Cymru Welsh Water** have raised no objection subject to the following condition:

*No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.*

**Natural Resources Wales** do not object, subject to conditions relating to contaminated land and protected species.

**The Council's Ecologist** raises no objection subject to compliance with the measures listed in the Ecology Assessment and subject to biodiversity enhancements.

**Shared Regulatory Services (Contaminated Land, Air & Water Quality)** have requested conditions relating to gases and ground contamination.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Ten objections have been received, and the grounds are summarised as follows:

- Noise pollution.
- Impact on historic environment.
- The absence of a recently built housing estate on the submitted plans.
- Road safety.
- Asbestos removal.
- Lack of clarity as to whether trees will remain.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

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

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

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

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

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

POLICY MD14 - New Employment Proposals  
POLICY MD16 - Protection of Existing Employment Sites and Premises

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

### **Planning Policy Wales:**

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

Chapter 5 - Productive and Enterprising Places

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

### **Technical Advice Notes:**

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

- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **Welsh National Marine Plan:**

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

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Cardiff Airport and Gateway Development Zone (2019)
- Design in the Landscape
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

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

### **Future Wales: The National Plan 2040:**

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

### **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

#### The Principle of the Development

The site falls within the St. Athan - Cardiff Airport Enterprise Zone (policies MG 9 and MG10 refer) and is specified under Policy MG9 for an Aerospace Business Park, Employment and Education. Policy MG10- St. Athan-Cardiff Airport Enterprise Zone clarifies that this strategic employment land should be occupied by uses in Classes B1, B2 and B8. The supporting text states: "The site is allocated for aerospace related development and will be expected to meet strategic rather than local needs".

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

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

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

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

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

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

The application seeks a 10-year planning consent which is considered acceptable given the strategic nature of the site and current condition of the aviation industry following Coronavirus impacts.

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

### Design, layout and visual impact

MD2 (Design of New Development) requires proposals to:

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

The application is in outline and, therefore, the design and visual impact cannot be assessed in detail. The assessment of any future reserved matters/full applications for phases of development will involve an appraisal of the design and visual impact of those phases, however, a general assessment can still be made based on the indicative plans and parameters.

The application has been supported with details of the maximum dimensions of buildings, namely up to 10m in height and up to 16m x 50m in area. Buildings of up to these dimensions would not appear over scaled in this context (noting the size of the adjacent hangars) or visually incongruous. The indicative siting/layout, which includes a building in the eastern part of the site close to the road, is likely to give scope for an active frontage to Cowbridge Road.

The development would be clearly visible from the road to the east, however, as noted above it is considered that buildings of this nature and size would not appear alien in this military/industrial context. The submitted Landscape Visual Impact Assessment concludes that *the development would create a limited effect on views which are defined by the existing MOD site and the surrounding farming landscape. The addition of office buildings combined with the existing development on the site will blend with the views of the extended MOD St. Athan context. The containment of the development within the boundary structure the retention of existing green infrastructure within and adjacent to the Site will create negligible effects.* These conclusions are concurred with and it is considered that the development is acceptable in respect of visual impact. The Upper and Lower Thaw Valley Special Landscape Area lies across Cowbridge Road, however, the physical barrier of the road is sufficient to ensure that the development would not affect the setting of this Special Landscape Area.

### Impact on neighbouring uses

The neighbouring/adjacent land generally relates to essentially similar industrial and aviation. Given the use of the neighbouring employment land to the north and west, it is considered that the proposed uses would be compatible.

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

disturbance. Additional guidance is contained in the Council's SPG on Amenity Standards.

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

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

The site lies wholly within the existing employment land (albeit the site is largely 'vacant' and underused) and the nearest residential dwellings are directly across Cowbridge Road to the east, in a cluster around Bingle Lane to the north and to the south, beyond the thick vegetation.

The site is relatively divorced from neighbouring residential properties, such that the new buildings and structures themselves would not have any direct impacts. The buildings would likely be visible from a number of nearby residential properties, however, the distance between them would ensure that there would not be overbearing and unneighbourly impacts.

The application specifically proposes B1 uses, which could involve offices, light industry or research and development uses. Such uses are highly unlikely to be significant noise generators and it is considered that the development would not be harmful to living conditions in this respect. While there would be a degree of noise from the coming and goings of vehicular traffic, Cowbridge Road is already a busy route and the additional traffic associated with the development is unlikely to result in discernibly different levels of noise.

A Construction Environmental Management Plan condition is recommended (see condition 13) to ensure that impacts during the construction phase are minimised as far as practicable.

It is, therefore, considered that subject to this condition and limitations on the uses to those falling within Class B1 (see condition 22), there would not be an unacceptable impact on residential amenity in accordance with the requirements of policies MD1, MD2 and MD7 of the Adopted LDP 2011-2026.

### Parking

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

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

The application has been supported by A Transport Assessment (TA) together with addendum notes. While definitive parking arrangements have not been shown, the TA states that the parking provision will be in accordance with the Council's SPG parking

standards. The TA has based its calculations on 3000 sqm floor area, allowing parking for 183 spaces. Cycle parking is also to be provided in accordance with the Council's standards, with the exact level (required by the standards) being determined by the specific uses. An indicative parking layout has been submitted and it is considered that there is space within the site for adequate parking to be provided. The Council would retain full control over the level of parking to be provided through the course of subsequent reserved matters applications.

### Access and highway safety

The proposed access point would be in broadly the same location as the existing, albeit it would be widened as shown on the plan below:



In respect of the access, the Council's Highways Engineer has advised that the arrangement is acceptable and will be adequate to serve this development. The access would provide users with good visibility in both directions along the carriageway and it would not adversely impact upon the free flow or safety of traffic. The finer detail of the access would be subject to review at reserved matters stage.



## Traffic

The application is supported by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development, in the context of the existing road network and the likely number of car movements. Whilst the development would result in an increased number of traffic movements to and from this site, it is sustainably located on an existing employment site and is accessible from the improved NAR and Eglwys Brewis Road (before accessing Cowbridge Road) as well as by public transport (bus) and footways through St. Athan.

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

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

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

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

In summary, the TA observes that this development would not result in any of the above junctions operating over capacity. It identifies that the Gileston crossroads junction would potentially operate over capacity when all of the committed development were built, and that mitigation works may therefore be required at that junction. However, this development alone (or taken together with the approved development at 'Keithrow' and the approved residential sites off the NAR) would not require those works.

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

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

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

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

### Accessibility/Sustainable Transport links

The site access is served by a pedestrian footway that runs the length of Cowbridge Road between the site and St. Athan village, and there is a bus stop directly opposite the site. The footway continues on the west side of the road in a northerly direction, past The Gathering Place and until the junction with Eglwys Brewis Road. There is a footway on the opposite side of the road from Clive Road, northwards. The Council has secured funding for an Active Travel route from the Gathering Place down to St. Athan village, and this application would involve the transfer of a 4m strip of land (almost  $\frac{3}{4}$  of a km in length) along Eglwys Brewis Road (see Sustainable Transport section below).

Therefore, while the site is already served well by sustainable transport infrastructure, the development would result in further improvements to this which would ensure that occupants of the site would have a range of options available for travelling to the site.

### Ecological Impacts

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

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

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

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

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

The application is supported by an ecological survey which concludes that the site does not contain or lie within any sites of statutory or non-statutory biodiversity value.

Two buildings within the site are known to accommodate bat roosts and consequently, a licence for NRW would be required for any works affecting those roosts (including demolition of the buildings).

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 employment provision and assisting regeneration.

In terms of Test 2, the site has been allocated for employment uses, 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 Ecology report also recommends that prior to any site clearance taking place, a non-licensed method statement should be agreed with the Council's Ecologist with regard to reptiles. This is required by Condition 18. Further recommendations are made with regard to issues including habitat retention and supplementation, nesting birds, compound locations, a wildlife protection plan and a long term habitat management plan. Condition 17 requires compliance with the recommendations in the Ecology Report and Condition 18 also includes provisions for a wildlife protection plan and a long term habitat management plan. The Council's Ecologist has considered these measures and raises no objection subject to conditions as referred to above.

The proposal is, therefore, considered acceptable in respect of ecology matters and would be in accordance with policies MG21, MD9 and the advice within the Biodiversity and Development SPG.

### Trees and landscaping

There is scope for tree planting and landscaping within the site, and the specific details of this would comprise the landscaping reserved matter. A number of local representations have been received regarding the trees that separate the application site and the residential development to the south. The representations generally express concern should it be the case that the development would involve the loss of those trees. The trees predominantly lies outside the site and the proposals do not involve their loss.

### Drainage and Flooding

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

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

Dwr Cymru Welsh Water have requested a condition restricting a connection to the public system until further modelling is undertaken and any subsequent improvement works (as necessary) have been carried out. Therefore, subject to this condition (see condition 6), the proposal is considered acceptable in respect of foul drainage.

### Archaeology/Historic Environment

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

The application has been supported with a desk-based assessment which notes that while there are no designated assets within the application site, within the surrounding area there are assets dating from the prehistoric period, the Medieval period, the Post-medieval periods and Modern periods. Due to the numerous assets of varying dates within the surrounding area, it is possible that remnants of early occupation and land use may be present. Consequently Glamorgan Gwent Archaeological Trust have requested a condition requiring a written scheme of historic environment mitigation to be carried out (which would involve a watching brief). A further condition is requested which requires a programme of historic building recording and analysis for the E Type Hangar (see conditions 14 and 15).

There are no listed buildings or conservation areas in close proximity to the development. The nearest Scheduled Ancient Monument is approximately 400m away to the south west (West Orchard Manor House) and it is considered that the distance is sufficient to ensure that there would be no adverse impact on its setting. Similarly the setting of the Deserted Medieval Village North East of Rock Farm is unlikely to be adversely affected, given the distance and intervening structures. Cadw have considered the submitted assessment and concur with its findings, raising no objection to the proposal in respect of the impact on heritage assets.

As such, the proposal is considered acceptable in respect of the historic environment in accordance with the aims of Policy MD8 of the Local Development Plan.

### Land Contamination

The site has significant history of commercial/industrial uses and as a consequence the application has been supported with a Geo-environmental site assessment report. The proposed development overlies a secondary aquifer and consequently controlled waters at this site are of high environmental sensitivity. Natural Resources Wales (NRW) support the recommendation made in Section 15.5 of the Interpretive Ground Investigation Report reference A093950-21-1, prepared by the applicant's agent, that further work should be completed. NRW have raised no objection subject to a suite of conditions relating to a preliminary risk assessment, verification reports, unsuspected contamination, surface water drainage and piling details. The Council's Contaminated Land officer has also requested a number of conditions relating to ground gasses and materials.

As such, subject to compliance with those requested conditions (see conditions 7-12, 20 and 21), the proposal is considered acceptable in respect of land contamination and pollution.

### Section 106 Matters

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. The following would apply to the proposed development of 3000m<sup>2</sup> of floorspace:

- Sustainable Transport = £2,300 per 100sqm = 30 x 2300 = £69,000
- Training and Development = one trainee (£1255) per 500sqm of new floor space = £7,530 or 6 trainees
- Public Art – 1% of build costs
- Public Open Space = 16sq.m. per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area. Alternatively, in the event that on-site provision is inappropriate, a financial contribution of £1,150 per employee. This would equate to 0.27 hectares based on the projections of up to 170 new jobs.

Those matters are considered in turn below:

## Sustainable Transport

During negotiations, the applicant has raised concern that the Council's requirements for this planning obligation threatens 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. However, where a developer contends that the S106 requirements will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values based on properly sourced evidence. A detailed Viability Appraisal has been prepared by Savills and submitted on behalf of the applicant. This has been reviewed and it is accepted that the viability of the development cannot accommodate this cost.

However, in lieu of this, the applicant proposes to transfer a 4m strip of land to the Council which can accommodate a combined footway/cycleway along the southern side of Eglwys Brewis Road. The land runs from a point adjacent to the junction of Eglwys Brewis Road and Cowbridge Road to just opposite the entrance to Picketston Close (approximately 730m in length).

While this development would not deliver the footway/cycleway itself, it would enable and facilitate the delivery of it. The Council's Active Travel Officer has advised that in addition to construction funding for a new active travel route from St. Athan Village to The Gathering Place, funding has also been secured for design work for a route along Eglwys Brewis Road. While the subsequent funding will need to be secured for construction, the design stage funding is considered to be a very positive pointer towards the deliverability of this route. The facilitation of this is fundamentally dependent on the land first being obtained and consequently, this 'in lieu' offer from the applicant is considered to represent a significant positive contribution towards sustainable transport in the area of the site. The proposal is, therefore, considered acceptable in respect of sustainable transport.

## Open space

The applicant has submitted an indicative layout plan which shows open space in numerous areas, totalling approximately 0.274 hectares. This would satisfy the requirements of the Council's Supplementary Planning Guidance and the proposal is therefore considered acceptable in respect of open space. Condition 23 requires subsequent detailed reserved matters proposals to make provision for at least this much space.

## Training and Development

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

## Public Art

The applicant has advised that a significant public art commission is being progressed for the 'Y Porth' area of the site, and a recently completed draft Development Brief for that area has been prepared. The 1% of build costs will be exceeded by the value of the commission site-wide, the location and scale of which is intended to announce the Bro Tathan site at its entrance location. It is considered that this strategic approach to public art across the employment site is acceptable, and would prevent public art being delivered "piece meal" way which could otherwise have less benefit and presence in the public realm.

## RECOMMENDATION

APPROVE, subject to the applicant first entering into a Section 106 Legal Agreement to secure the following:

- The transfer to the Council of a 4m wide strip of land for the purposes of construction of a pedestrian footway/cycleway, as shown on the plan titled 'Existing Adopted Highway and Fence Line, Project 2099', received on the 25<sup>th</sup> November 2020. The provisions in the legal agreement shall include details of the relocation of the existing boundary fence and details of the timing of the transfer. The legal transfer of the land shall be no later than the commencement of development (or the first phase of the development).

APPROVE subject to the following conditions(s):

1. Details of the access, layout, appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

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

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

Reason:

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

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

Reason:

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

4. The development shall be carried out in accordance with the following maximum scale parameters for buildings (for the development as a whole), up to an aggregate floor space of 3000m<sup>2</sup>:

- Height 10m
- Length 50m
- Width 16m

Reason:

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

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

- A093950-2drg 520 A
- A093950-2drg 521 A
- A093950-2drg 519 A
- A093950-2drg 506 E
- A093950-2drg 539
- A093950-2 SK01 B
- TA A093950-2 March 2020
- TAA 784-B024021 November 2020
- David Clements Ecology Ecological Assessment February 2020
- Interpretive Ground Investigation Report A093950-21-1
- Existing Adopted Highway and Fence Line, Project 2099', received on the 25th November 2020

Reason:

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

6. No development shall take place until a point of connection on the public sewerage system has been identified by a hydraulic modelling assessment, which shall be first submitted to and approved in writing by the local planning authority. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary reinforcement works to the sewerage system, as may be identified by the hydraulic modelling assessment.



Reason:

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

7. 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 the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the 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 Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026

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

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

(ii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified at (i)

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

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

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

Reason:

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

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

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

Reason:

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

to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

10. The remediation schemes approved by condition 9 must be fully undertaken in accordance with their terms prior to the occupation of any part of the development covered by the relevant remediation scheme unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason:

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

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

Reason:

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

12. 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.

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

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

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

Reason:

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

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

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

Reason:

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

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

Reason:

As the building is of architectural and cultural significance the specified records are required to mitigate impact and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

16. The development shall be carried out in accordance with the WYG Framework Travel Plan A093950-2 March 2020.

Reason:

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

17. The development shall at all times be carried out in accordance with the measures and recommendations contained in the David Clements Ecology Ecological Assessment February 2020.

Reason:

In the interests of biodiversity and to ensure compliance with Policy MD9 of the Local Development Plan.

18. Prior to the commencement of development, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Great Crested Newt Method Statement
- Wildlife Protection Plan
- Habitat Management Plan
- Details of Ecological Enhancements

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

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

Reason:

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

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

Reason:

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

21. No development or phase of development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason:

Piling/foundation details should be submitted to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development, and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7- Environmental Protection of the Adopted LDP 2011-2026.

22. The development hereby approved shall only be for uses falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2, MD7 and MG10 of the Adopted LDP.

23. The phases of development comprised in the reserved matters (referred to in condition 2) shall make provision for (in total across all phases) at least 0.27 hectares of open space.

Reason:

In order to ensure that the development and its occupants are served by adequate open space and to ensure compliance with Policy MD2 of the LDP.

### REASON FOR RECOMMENDATION

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

Having regard to Policies SP1, SP2, SP5, SP10, MG9, MG10, MG19, MG20, MD1, MD2, MD4, MD7, MD8, MD9, MD14 and MD16 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales 11, Future Wales, TANs 4, 5, 11, 12, 23 and 24, the Welsh National Marine Plan and the Council's SPG on Biodiversity and Development, Cardiff Airport and Gateway Development Zone, Design in the Landscape, Parking Standards, Planning Obligations, Public Art in New Development, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in terms of design scale, highway safety, traffic, impact on neighbouring uses, ecology, drainage and the historic environment.

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

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

### NOTE:

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

## **2. R4 CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE**

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

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

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

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

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

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

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

- 1) Ensure that a perimeter fence at least 2.4m high and of light coloured weld mesh construction is erected to posts with galvanised fixings on the inside of the posts that securely attach the weldmesh and that are embedded in concrete (LPS 1175:ISSUE 7, SECURITY RATING 2)
- 2) Gated entrance with a gate to the same height as the fence. The gates should free from foot holds that can be used to climb and to LPS 1175: ISSUE 7, SECURITY RATING 2 standard.



- 3) An appropriate access control system is installed – this could be by means of gate house during the day or automatic gates operated by key/ card/manual control.
- 4) CCTV system that is capable of recording and retaining information of evidential quality for a minimum of 30 days. Reason: to control those coming in and out of development and reduce the risk of crime and offer appropriate levels of security.
- 5) Install clear signage Reason: giving direction as to the public / private areas of the site.
- 6) Design paths that are straight and well lit. Any planting near paths should be managed and be of a type that is slow growing with a low mature height of no more than 1m. Reason: To make those using the site to feel safe whilst walking around, particularly at night.
- 7) Produce a scheme work of lighting produced for the whole site. This should be approved by The Vale of Glamorgan council and appropriate for this site.
- 8) Configuring buildings to maximise natural surveillance. Designing out any recessed areas. Reason: During quiet times e.g. over the weekend this could leave the development vulnerable to burglary/ theft.
- 9) Building shell/roof security is important as the site is remote and could be prone to criminal attack during the night/ weekends. If lightweight construction is being considered reinforced lining such as welded steel mesh can enhance the security of the building. All doors and windows to LPS 1175: issue 7 SR 2. Roller shutter and grilles can provide additional protection to internal and external doors and windows, the minimum standard would be to LPS 1175: ISSUE 7 SECURITY RATING 1. Reason: To reduce the risk of burglary.
- 10) Install an access control system for each unit Reason: To reduce the risk of theft
- 11) Install intruder alarm systems to the following standard: LPS 1602 ISSUE 1.0: 2005
- 12) Depending on what is being stored in the premise consideration should also be given to SAFES and STRONGROOMS certified to LPS 1183: ISSUE 4.2
- 13) There should be a management plan in place. If there are multiple users on this site a suitable plan should be in place that clearly defines key areas such as security, access control, vetting of staff, general safety on site etc.
- 14) Install a secure waste storage that is lockable – with a pin code lock Reduce: littering/ instances of arson.
- 15) The documents refer to the site being accessible to cyclist – A cycle stand should be in overlooked by occupied offices. Bicycles should facilitate the locking of both wheels and the crossbar, be of galvanised steel construction and have a minimum depth of 300mm with a welded anchor bar. Reason: Reduce risk of theft.
- 16) Appropriate Fire Risk Assessments are in place and include adequate fire warning and prevention measures.

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](mailto:sab@valeofglamorgan.gov.uk)

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

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

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

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

6. The applicant is advised to

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency's 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
3. Refer to the Environment Agency's (2018) 'Approach to Groundwater Protection'

The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

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

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

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

**It is an offence to deliberately capture, kill or disturb EPS or to 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.**

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

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

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

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



**Bro Tathan**  
 Beggars Pound  
**Application site boundary**  
 revision A

**Key**

- Application site boundary (2.22 ha)
- Other land in control of the applicant
- Access point

2020/00434/OUT

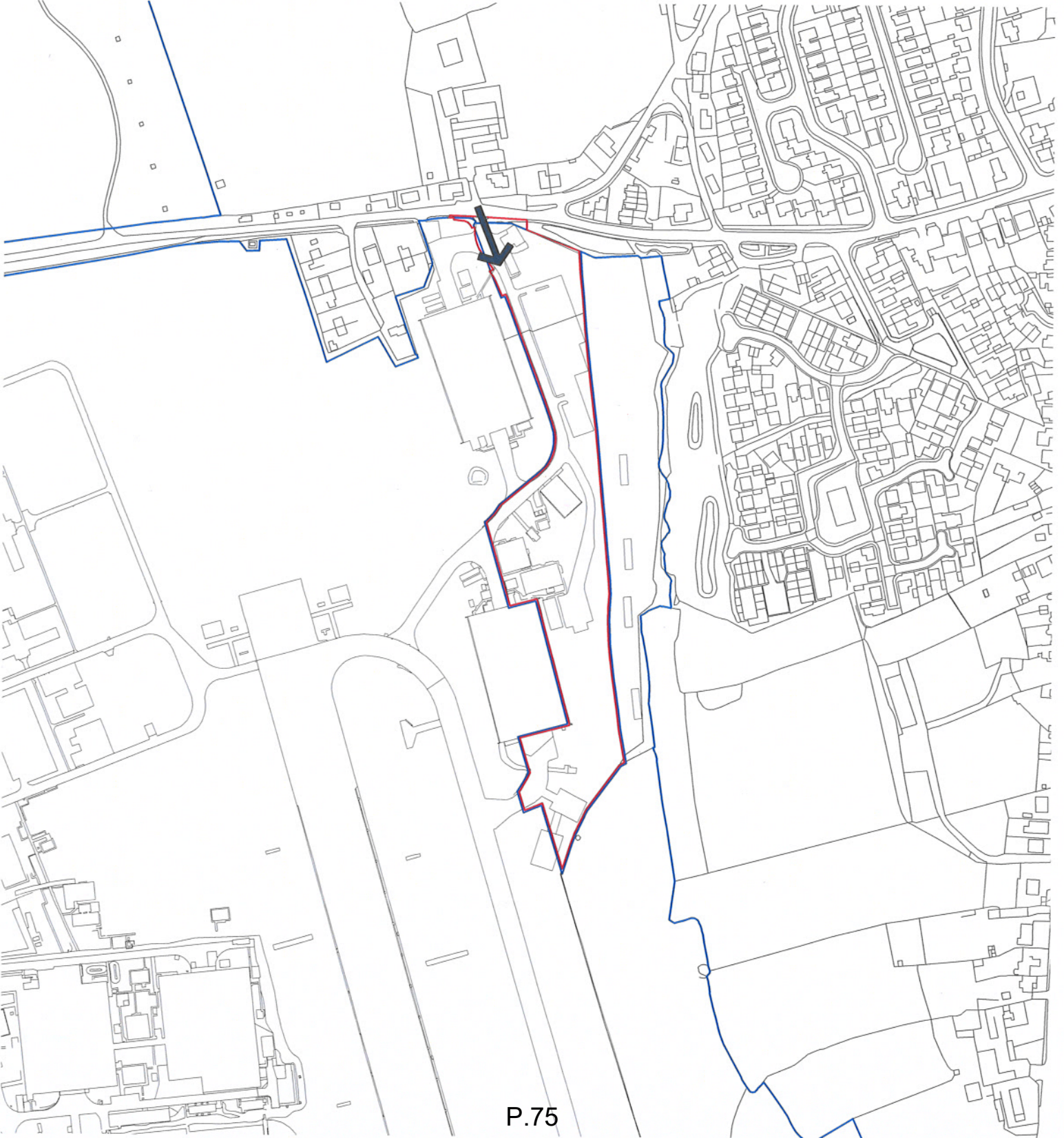


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 Scale 1:2,500@A3  
 21 May 2020  
 File: A093950-2 v15.vwk

creative minds safe hands

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**2020/01367/RG3** Received on 13 November 2020

**APPLICANT:** Vale of Glamorgan Council Vale of Glamorgan Council, Alps depot, Wenvoe, CF5 6AA

**AGENT:** Vale of Glamorgan Council Vale of Glamorgan Council, Alps depot, Wenvoe, CF5 6AA

### **Plot C, Atlantic Trading Estate, Barry**

Proposed resource recovery facility and associated works

#### **REASON FOR COMMITTEE DETERMINATION**

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

#### **EXECUTIVE SUMMARY**

The application site is located within the Atlantic Trading Estate, Barry on land referred to as 'Plot C', adjoining existing warehousing, including a commercial skip hire business and the Council's Civic Amenity Site (The Recycling Centre). The trading estate is an established employment estate primarily occupied by industrial and commercial businesses. The nearest residential properties are approximately 120 metres to the north of the site on Bendrick Road.

The proposal is for a Resource Recovery Facility and associated works. The facility is designed to receive, store, process and bulk a range of primarily pre-sorted materials, such as mixed recyclables, inert materials residual waste and organic material. No hazardous waste would be accepted. Once sorted and bulked, the materials would be transported off-site to be reprocessed for end users and for reuse/ recycling.

Representations have been received from one neighbour and the principal reason for objection related to the over-proliferation of industrial development in the area. In addition, three representations were received to the pre-application consultation, where objections and concerns included increase in traffic and danger to cyclists on South Road, Sully, and the disruption of electrical supply to adjacent units.

Barry Town Council stated a strong objection on several grounds, as detailed within the body of the report. Amongst the reasons were procedural matters, additional traffic volume, as well as detriment to highway safety and residential amenity. Sully Community Council stated no comment.

The principal matters considered in this application relate to the principle of the development, the environmental impact of the development, including upon neighbouring amenity, as well as transportation and highway safety. The report recommends that Members resolve to APPROVE planning permission for the development, subject to a number of conditions.

## SITE AND CONTEXT

The application site is located within the Atlantic Trading Estate, Barry on land referred to as 'Plot C'. The trading estate is an established employment estate primarily occupied by industrial and commercial businesses. The application site itself adjoins existing warehousing, including a commercial skip hire business and the Council's Civic Amenity Site (The Recycling Centre).

The nearest residential properties are approximately 120 metres to the north of the site on Bendrick Road.

The Severn Estuary lies some 150m to the south and a Scheduled Ancient Monument (a Round Barrow) is located on the opposite side of Cadoxton River, approximately 250m west of the site.

The location is depicted on the plan extract below:



## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the construction of a Resource Recovery Facility (RRF). The facility is designed to receive, store, process and bulk a range of primarily pre-sorted materials. These would include mixed inert recyclables such as glass, plastic and cans, wood, paper and card.

Some recyclable items would be separated, sorted and baled for onward transfer. The processing would include separation of distinct metals and plastic, for example. They would however primarily be pre-sorted due to the introduction of separated recycling collection services in the Vale, but be baled on-site for bulk transfer.

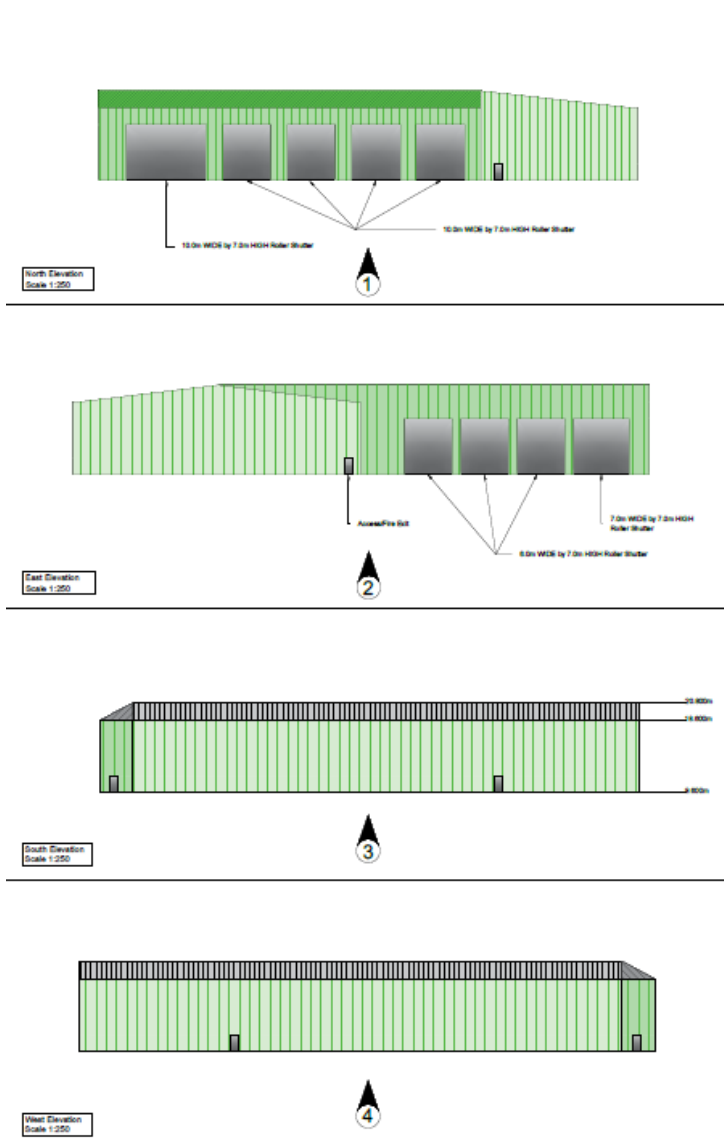
In addition, the site would also function as a transfer station for other municipal waste streams such as organic material including garden and household food and residual (black bag) waste. These items would not be processed on site, but would be temporarily held in sealed containers, before being transfer in bulk for processing off-site.

No hazardous waste would be accepted at the site and its operation would also be subject of an Environmental Permit, which would specifically govern the type and amount of waste inputs permitted at the site. Once sorted and bulked, the materials would be transported off-site to be reprocessed for a variety of end users including reuse/recycling and energy recovery. The proposed general hours of operation would be between 6am and 9pm.

In terms of access, it is proposed to utilise a one-way loop for HGVs, the primary access being via an improved junction at the north-west of the site. The exit and staff access would be via a new eastern junction to the recycling centre. The layout is illustrated on the site plan extract below:



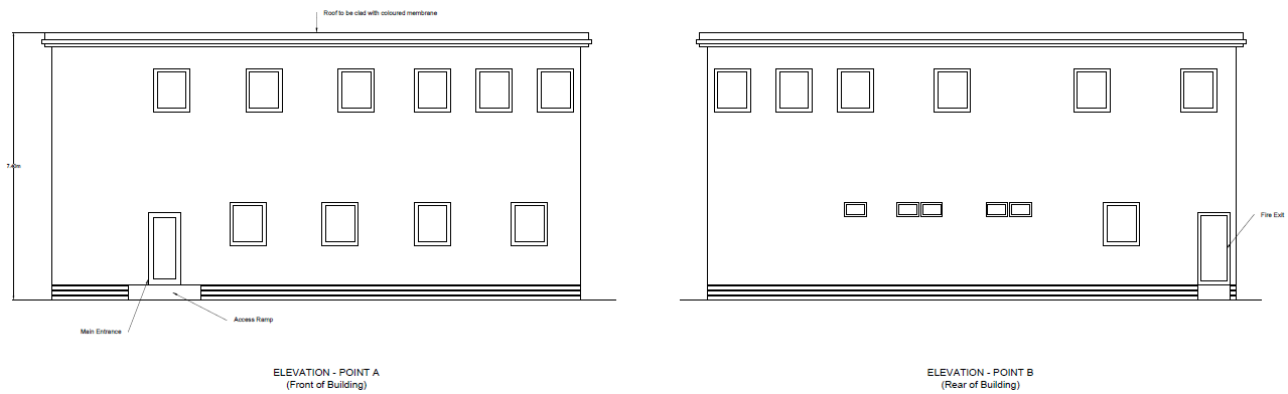
The principal building that within which the RRF operations would take place is located to the southern end of the site. It is a large 'L-shaped' that measures 73m (width) by 77m (length) and 11.2m in height. The elevations and roof would have grey and green profiled sheeting to the exterior. The elevations of the main building are illustrated below:



In addition, a secondary storage building is proposed that would act as a holding bay for bulked materials from the main building, prior to being transported off-site. This would be constructed of similar materials, be located to the northern end of the site and measure approx. 44m by 20.5m and be 10.5m tall. A third storage building approx. 25.5m by 8.5m and 6.5m tall would also be located to the site from another facility.

In addition to the above, a two-storey staff welfare building would also be located centrally in the site. This building would be rectangular with a flat roof. The finishes are not indicated, but the proposed elevations are depicted below:





## PLANNING HISTORY

**2019/01014/SC1:** Atlantic Trading Estate, Barry. Proposal: Waste Transfer Station.  
Decision: EIA not required.

*Reason:*

*Having regard to the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 and Welsh Office Circular 11/99, the Local Planning Authority is of the view that the development does not fall within Schedule 1 or Schedule 2 of those Regulations.*

*Accordingly, there is not considered to be a requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.*

## CONSULTATIONS

**Barry Town Council** stated a strong objection to the application. The grounds of objection are summarised as follows:

- The additional volume of traffic via Hayes Road, Barry will be an unacceptable highway hazard and be detrimental to local amenity.
- The additional noise, dust, vibration, noxious odour and from operational activities will be to the detriment of air quality and the amenity of local residents and businesses.
- Planning consent has been granted new residential developments in close proximity of the proposed Resource Recovery Facility, which could also be adversely affected.
- Great concerns it may will not comply with the terms and guidance advocated within; The Well-being of Future Generations (Wales) Act 2015.
- The excessive opening hours would also adversely affect the amenity of local residents and businesses.

- Failure to not seek suitable and sustainable alternative sites for the Resource Recovery Facility.
- Great concerns that it has not been subject to an appropriate Environmental Impact Assessment.

**Sully Community Council** stated no comment.

**Highway Development** stated no objection in principle, subject to the provision of pedestrian crossing points (dropped kerb/ tactile paving) either side of both vehicular access points, internal signage, and disabled parking bays to appropriate standard.

It was requested that visibility splays be illustrated, though it was later clarified with the Highways Engineer that the proposed arrangement benefited from adequate visibility.

**Councils Drainage Section** – advised that a surface water drainage scheme has been approved via the SAB regulation submissions.

**Shared Regulatory Services (Neighbourhood)** – stated in conclusion; that, should the noisiest activity (glass handling) be time limited, the impact and disturbance as should not be detrimental to residential amenity.

The following operating hours were advised:-

“All off-loading of vehicles to take place during the following hours, except for glass;

MONDAY to FRIDAY	07:00 to 19:00
SATURDAY	07:00 to 16:00
SUNDAYS and PUBLIC HOLIDAYS	09:00 to 16:00

With any GLASS off-loading, handling and processing, not including bulk loading, taking place during the following hours;

MONDAY to FRIDAY	09:00 to 19:00
SATURDAY	09:00 to 16:00
SUNDAYS and PUBLIC HOLIDAYS	09:00 to 16:00

Bulk loading of glass shall take place during the following hours;

MONDAY to FRIDAY	09:00 to 17:00
------------------	----------------

Finally, with regard to the application for the following hours, as per the planning application;

Seven days a week 06:00 to 21:00

The above hours would be deemed appropriate in this location for the movement of vehicles on and off site to commence and terminate collections as well as the processing of materials within the buildings on site.

Obviously, the extensive hours of 06:00 to 21:00 would not apply to the off-loading or processing and bulk loading of glass on site.”

In relation to odour, it was stated in conclusion that the Odour Assessment utilised a robust methodology and the conclusions were agreed – namely that the granting of planning permission would not be detrimental to residential amenity

**Gwent Glamorgan Archaeological Trust** stated no objection and made no recommendation for further archaeological mitigation. They also stated that the submitted fieldwork results met current standards and, whilst the area is within a zone of high potential for archaeological deposits, no significant finds were identified.

**CADW** stated that whilst the facility will be visible, albeit heavily screened, from the nearby scheduled monument it would not be within a significant view not have any effect on its setting or the way that it is experienced, understood and appreciated.

**Castleland Ward Councillors** – no response received to date.

**Dwr Cymru / Welsh Water** – recommended a condition requiring submission of a foul water drainage scheme for approval, in the interest of preventing hydraulic overloading of the public sewerage system. They also provided advisory notes relating to trade effluent, sewer connections and surface water disposal.

**The Council's Ecology Officer** stated, in conclusion, that he was content to allow the development as its impact will be purely local and not affect directly any European Protected Species. It was also recommended that:

- A methodology for site clearance for protection of reptiles and birds and a scheme of biodiversity mitigation be agreed by condition.
- A drainage plan showing that contaminated water and accidental spills of any liquids will not enter the Severn Estuary
- That consideration is given to the provision of a hedge on the western boundary to allow permeability for biodiversity.

**Natural Resources Wales** – recommended that planning permission only be granted subject to conditions requiring the further assessment and details relating to land contamination and surface water drainage, noting the site was located on a principal aquifer and was adjacent to controlled waters.

It was noted that the site lay partially within DAM Flood Zone C2, however the flood risk was considered acceptable given the extent of the site was affected, i.e. only the existing access road.

It was also advised that the Council's Ecologist be consulted to establish if the presence of European Protected Species was reasonably likely and that the proposed activity may require an Environmental Permit.

**Western Power Distribution** – stated no objection, but advised that underground electricity cables run between that substation and the highway and so care should be taken during excavation.

**Shared Regulatory Services (Environment)** – recommended that further assessment and mitigation details for ground gas and contamination be agreed by condition, due to the former use of the land and proximity of former landfill sites.

## REPRESENTATIONS

The neighbouring properties were consulted on 4<sup>th</sup> December 2020.

Site notices were also displayed on 10<sup>th</sup> December 2020.

The application was also advertised in the press on 11<sup>th</sup> December 2020.

One representation was received, which made an objection to the development. It was stated that there was enough industry in the area, and that local residents' Council Tax reduction should be looked at again, given the tremendous growth in the industrial area since the purchase of their home.

In addition, three representations were received during the pre-application consultation. There were two objections made, although one of these referred to a different development. The other was on grounds of increased number of lorries, inadequate infrastructure and a danger to cyclists on South Road, Sully. The other raised concern regarding the potential disruption of electrical supply to a neighbouring production facility, given economic reliance upon continuous uninterrupted service via a sub-station on the application 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 SP5 – Employment Requirements  
POLICY SP7 - Transportation  
POLICY SP8 – Sustainable Waste Management  
POLICY SP10 – Built and Natural Environment

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

POLICY MG9 – Employment Allocations  
POLICY MG19 – Sites and Species of European Importance  
POLICY MG20 – Nationally Protected Sites and Species  
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

**Managing Development Policies:**

POLICY MD1 - Location of New Development  
POLICY MD2 - Design of New Development  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity  
POLICY MD14 - New Employment Proposals  
POLICY MD15 - Protection of Allocated Employment Sites  
POLICY MD20 - Assessment of Waste Management Proposals

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

**Future Wales: The National Plan 2040:**

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

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

**Chapter 5 - Productive and Enterprising Places**

- 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)

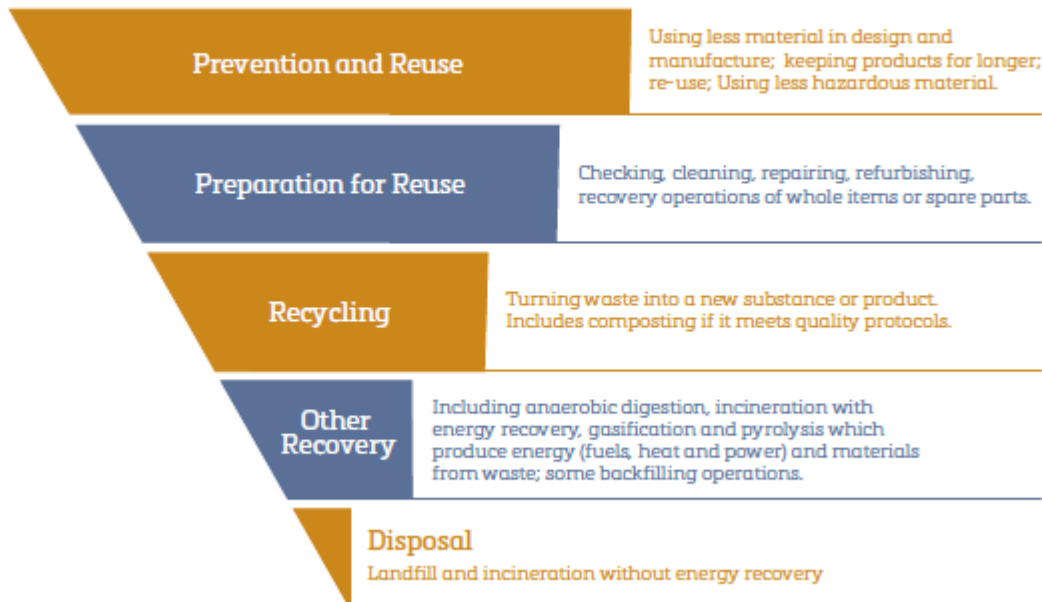
Section 5.11 highlights the environmental, social and economic benefits of sustainable resource management in respect of waste. Including making best use of resources and promoting the circular economy.

Section 5.13 highlights that the planning system has an important role to play in facilitating the provision of sustainable waste management facilities, whilst also ensuring that the any adverse environmental impacts and avoiding risks to human health are minimised, including protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

It is stated at paragraph 5.13.4:

*“The Welsh Government’s policy for waste management is contained in Towards Zero Waste and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy (see Figure 11) as far as possible.”*

Figure 11: Waste Hierarchy



Paragraph 5.13.10 and 5.13.11 go on to state:

*“Planning authorities must support the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy. The extent to which a proposal demonstrates a contribution to the waste management objectives, policy, targets and assessments contained in national waste policy will be a material planning consideration.”*

*The ‘Nearest Appropriate Installation’ concept and the principle of self-sufficiency will only be applicable in relation to wastes covered by Article 16 of the revised Waste Framework Directive and should guide the provision of an integrated and adequate network for the treatment of such wastes. The network should include all necessary supporting facilities such as waste transfer stations and processing facilities.”*

## Chapter 6 - Distinctive and Natural Places

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

## Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

TAN 21 is of particular relevance to this development. It reinforces the PPW approach towards ‘zero waste’ and the ‘circular economy’, and includes the concept of the Waste Hierarchy – as shown by the diagram at Figure 11 (above) of Planning Policy Wales (Ed.11 2021).

TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN 21 explains:

*‘Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:*

- *Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;*
- *Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;*
- *Recognise and support the economic and social benefits that can be realised from the management of waste as a resource within Wales.’*

TAN21 also indicates at paragraph 3.2 that *‘In the short to medium term there will be a continued need to develop more waste treatment and recovery facilities in order to reduce reliance on landfill’.*

Paragraph 3.26 advises:

*‘In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment, and with the best potential contribution to a broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses’*

Potential sites for facilities at paragraph 3.27 include:

- *industrial areas, especially those containing heavy or specialised industrial uses*

- *degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use*
- *existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations.'*

In relation to collection facilities, the guidance at paragraphs 4.60 and 4.61 states:

*“Transfer stations are of significant importance to all sectors. They serve to manage the flow of waste more effectively and can reduce overall reliance upon landfill; as increasingly the capture of recyclable materials takes place at these facilities. Sited carefully, they can enhance the area in which they are sited and reduce costs to waste carriers by providing alternative markets for targeted bulk materials rather than to deposit small volumes continuously to landfill. Some transfer stations may include physical treatment options to optimise their recycling, recovery and the efficiency of onward transport (e.g. sorting of wastes, compaction of mixed loads, shredding of wood wastes etc).*

*The required site and building design measures will depend on the type of transfer station proposed (i.e. inert, hazardous, or clinical waste). However it will be necessary to ensure these installations are located in suitable areas taking into account the planning considerations set out under Annex C of this document. Transfer stations can create issues with odour, noise, dust, vermin and visual amenity where storage of waste occurs in the open, as well as high traffic movements associated with delivering and collecting. Therefore, planning issues to consider in relation to these types of development include, but are not limited to: suitable highway access for the type and volume of vehicle movements, mitigation of noise and odour and that suitable bunds and impermeable surfacing is provided to ensure that there is no pathway to sensitive receptors such as ground water as well as the impact on communities and the natural and built environmental.”*

### **Welsh National Marine Plan:**

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

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Parking Standards (2019)



### **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 11/99 – Environmental Impact Assessment
- 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.
- Towards Zero Waste – One Wales: One Planet. The Overarching Waste Strategy Document for Wales (June 2010)
- The Collections, Infrastructure and Markets (CIM) Sector Plan (July 2012)
- South East Wales Regional Waste Plan (March 2004)
- Review of the South East Regional Waste Plan (September 2008)
- Waste Framework Directive 2008/98/EC (as amended)
- The Institute of Air Quality Management (IAQM) '*Guidance on the Assessment of Odour for Planning*' (version 1.1 July 2018)
- Technical Guidance Note (TGN7.01) Reducing Fire Risk at Sites Storing Combustible Materials.
- Waste Industry Safety and Health Forum: reducing Fire Risk as Waste Management Sites (October 2014).

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:

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

### **Well-being of Future Generations (Wales) Act 2015**

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

## Issues

The main issues considered in this report are as follows:

1. The principle of the development in this location and the support for such development provided in national and local policy and guidance;
2. Environmental impact of the development upon the adjoining land uses and residential amenity by way of noise, dust, odour and pests;
3. Highway safety and parking;
4. Fire Risk;
5. Drainage and contaminants;
6. Flood Risk
7. Ecology,
8. Heritage,
9. Visual Impact,
10. Representations

These matters will be considered in turn below:-.

### **The Principle of the Development**

At national level, Planning Policy Wales (PPW), TAN 21- Waste and documents such as 'Towards Zero Waste' and The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012 set out the Welsh Government waste strategy and policy framework, which is geared toward reducing the amount of waste being taken to landfill, through means such as waste prevention, reuse, recycling and energy recovery. The guidance and context provided by Planning Policy Wales in this area is detailed within the Planning Policies and Guidance section above.

The overarching waste strategy is set out 'Towards Zero Waste' and, for development management, Technical Advice Note (TAN) 21 is of particular relevance. The strategy is also informed by the Collections, Infrastructure and Markets (CIM) Sector Plan (July 2012).

- Towards Zero Waste (June 2010):

The Welsh Government's general policy for waste management is contained in its overarching waste strategy Towards Zero Waste (paragraph 12.5.1 PPW). Planning Authorities should, in principle, be supportive of facilities which fit with these priorities, and in doing so reflect the priority order of the Waste Hierarchy (Figure 11 PPW), as far as possible. Towards Zero Waste also sets out the following national minimum targets for the re-use, recycling and landfill reduction for municipal waste, illustrated below:

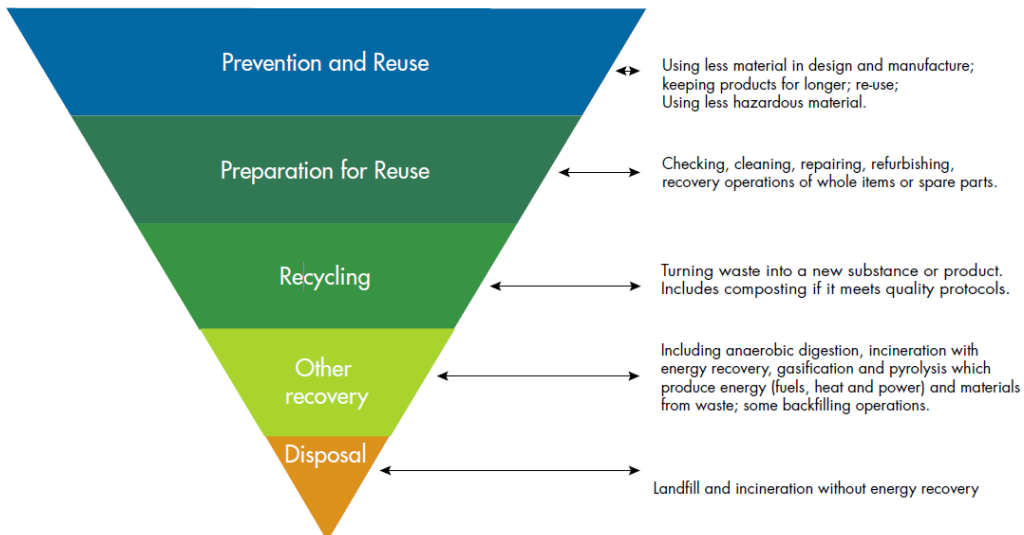
Municipal Waste collected by local authorities	09/10	12/13	15/16	19/20	24/25
Minimum levels of preparing for reuse and recycling/composting (or AD) for municipal waste.  We will consult on proposed minimum levels of composting (or AD) of source separated food waste from kitchens in our municipal sector plan.	40 %	52 %	58 %	64 %	70 %
Minimum proportion of preparing for reuse/recycling/composting that must come from source separation <sup>24</sup> .	80 %	80 %	80 %	80 %	80 %
Maximum level of landfill of municipal waste.	-	-	-	10 %	5 %
Maximum level of energy from waste of municipal waste for individual local authorities.	-	-	42 %	36 %	30 %
Minimum levels of preparing for reuse (excluding WEEE).  We propose to undertake research to build on this target in the municipal sector plan.	-	0.4 %	0.6 %	0.8 %	1.0 %

- Technical Advice Note 21 – Waste

Part 2 of TAN 21 sets out the ‘Planning Principles’ for waste management which correspond to a number of the Articles in the Waste Directive Framework. Part 4 sets out how to apply these principles in development management decisions. With this in mind, the planning principles of waste management are considered as follows:

*The Waste Hierarchy:*

The first part of this process is to apply the waste hierarchy, which is set out in TAN 21, as below:



Paragraph 2.6 states that *'The objective of the waste hierarchy is to ensure that wastes are managed in a sustainable way. The options for waste management appear in the waste hierarchy as a priority order in waste prevention and management'*. Paragraph 2.7 of also states that the *'When taking planning decisions it is expected that the waste hierarchy be applied as a priority order'*

In addition to the above, Paragraph 4.7 of TAN21 suggests that *'In applying the waste hierarchy to proposals falling within the ambit of Article 16 of the Waste Framework Directive (disposal of waste or recovery of mixed municipal waste) it will be appropriate to consider how the proposal contributes towards the provision of an integrated and adequate network of facilities'*. Paragraph 2.9 of TAN 21 refers to the requirements of Article 16 of the Waste Framework Directive which requires that mixed municipal waste should be *'disposed of or recovered in one of the nearest appropriate installations whilst ensuring a high level of protection for the environment and human health'*.

- Local Policy

The South East Wales Regional Waste Plan (RWP) (March 2004), and subsequent review, has directed Councils, as far as possible, to be self-sufficient in dealing with its waste. In addition, Paragraph 7 of the Waste Background Paper to the LDP estimated that 6.6 (indicative number of facilities) are required to deal with 252,836 tonnes of waste and on an estimated land area of 8.6ha.

Policy SP8 – Sustainable Waste Management of the LDP goes onto identify suitable locations for Waste Management Facilities based on the guidance set out in TAN 21. Atlantic Trading Estate is identified as one of these suitable locations for in-building waste management solutions. Furthermore, the application site is specifically allocated within the adopted LDP for B1, B2 and B8 employment uses and sustainable waste management facilities (Policy MG9 (4) refers), and LDP Policy MD20 Assessment of Waste Management Proposals states that *"Proposals for waste management facilities that accord with the locations set out in Policy SP8 will be favoured"*. This location is therefore considered acceptable in principle for the provision of these types of largely contained waste management/ transfer facilities.

- Waste Planning Assessment

Policy MD20 of the LDP provides criteria for assessing waste management facilities. The first and second criteria refer to proposals being supported by a *Waste Planning Assessment*, and that the proposal has regard to the waste hierarchy, the proximity principle and requirements of the Waste Framework Directive. Though not termed as such, the submitted Design and Access Statement (DAS) has, inter alia, provided a policy statement and declaration of compliance with Toward Zero Waste and the CIM.

The waste management facility is primarily an operation to sort and bulk waste material to be sent on and used in a recycling operations elsewhere, therefore it is considered to fall within the 'recycling' rung of the hierarchical ladder. Despite falling behind prevention and reuse, this facility is still very much encouraged in policy terms, as it would contribute towards eliminating disposal to landfill and meeting Local Authority 'Toward Zero Waste' targets. Moreover, effective separation processes help drive up recycling rates by improving the quality of materials for recycling exiting the Vale. Mixed recyclables are known to be of higher risk of contamination, which can affect the quality and ultimately

recycle/reusability. The effective sorting of these waste streams would ultimately reduce the total amount reaching landfill – in line with the Total Zero Waste goals and aforementioned policy.

The DAS identifies that the facility would receive, store, process and bulk a range of primarily pre-sorted materials from municipal collections. The streams, layout and site capacity is outlined on plan ref: HP/01/322, and is designed with contingency to meet fluctuations in future demand. The tonnages processed by the service at present are:

- Residual – 13,500
- Dry Mixed – 16,000
- Green 7,500
- Food – 7,800

The facility is designed to receive 75,000 tonnes of material, though it is anticipated (per above) that it would handle approx. 45,000 tonnes per annum based on current/foreseeable output and demand.

The proposed operations are clearly not a stand-alone waste management or any kind of final disposal facility. It is a local authority led initiative to support municipal waste collection services and improve sorting capacity within its local area. The facility would be part of a wider chain, insofar that it would sort and prepare recyclable waste, for ready for onward transfer. The end processing of materials into reusable products would take place off site. The organic and residual waste would be transferred to facilities in the Cardiff area for end use such as energy recovery and composting. The recyclables are presently used for a variety of end products, such as recycled paper/packaging, fibreglass, aggregate and recycled metal and plastic products. The collection, bulking and transfer of these materials is a vital component in the wider recycling network.

In addition, the holding and bulk transferring of other wastes on the site will improve efficiency of local municipal collection services, negating the need for individual fleet vehicles to travel directly on to end processing sites outside of the Vale. In this respect, the proposals will assist the Vale to meet sustainability goals and contribute towards the provision of an integrated and adequate network of waste management facilities, minimising trip frequencies, and ensuring waste is dealt with in an appropriate local facility.

In summary, and notwithstanding the consideration that the national and local planning guidance requires careful attention to be given to the environmental impact of the development, it is considered the proposal accords with the general principles found in the above mentioned national guidance documents. As such, and having considered the policy position in detail above, the development is considered to comply with the aims of the first two criteria of Policy of MD20 of the LDP and TAN 21.

As for the remaining criteria of policy MD20, and the objectives of the remaining relevant LDP policy, i.e. SP11, MD2, MD7, MD13, MD14 and MD16 these are these are considered in the remaining sections of this report:-

### **Environmental impact of the development upon the adjoining land uses and residential amenity**

The various environmental impacts of the development have been considered in turn, as follows, taking into account the assessment relates to the proposed land use and the

potential inherent effects on the environment associated with it. The day to day operations and controls regarding the receipt and handling of waste on site would also be subject to an Environmental Permit, administered by NRW. The facility would have no significant implications in relation to TAN 21 considerations relating to future land restoration and instability.

- Noise, Disturbance and Hours of Operation:

Criteria 3 of LDP policy MD20 states that proposal for waste management facilities will be permitted where it is demonstrated that the development, *inter alia*, ‘would not result in unacceptable harm to.....the amenity of neighbouring land uses’. Such requirements are mirrored in LDP policies MD2 and MD7.

A Noise Assessment has been carried out, carried out by Stantec dated April 2021, which has been reviewed by the Shared Regulatory Services. As a proposed development, the methodology used in the assessment has been to combine comparable operational data (in relation to noise emitted by comparable equipment and processes) with measured background and residual sound levels for the area and local topography. The nearest *sensitive* receptors have been identified as the residential properties on Bendrick Road, approx. 100m distance from the site.

The results of the analysis of the calculated level compared to the (representative, existing) background sound level is shown below:

- 4.5.1 The rating level of the WTS operations at the nearest receptor has been calculated using the acoustic model and the results summarised in **Table 4.2**.

Table 4.2: BS4142 Assessment

Description	Sound Level (dB)
Calculated Rating Level at Receptor ( $L_{A,T,r}$ )	38
Background Sound Level ( $L_{A90,T}$ )	43
Difference between Rating Level and Background Sound Level	-5

The analysis would suggest site operations, while audible, would be below existing background levels at Bendrick Road. The site operations are therefore deemed to likely have a low impact based on this assessment. The Council’s EHO, did note that the assessment was conservative in its assessment of ‘*distinctive noise*’, which can include sharp clanks such as from the operations of the JCB and from unloading and handling of glass deposits. It was stated:

*“Although the Assessment is conservative in its evaluation only allowing a penalty of 3dB for distinctive noise. Having carried out my own calculations in terms of a 6dB penalty for clearly perceptible impulsive noise and distance calculations allowing for the noisiest activity; tipping glass into an empty truck at 96dB(A) I conclude that should this the noisiest activity be time limited in terms of days of the week and times of the day impact and disturbance as the nearest residential noise sensitive receptors (NSR) should be such that the Facility is not detrimental to residential amenity.”*

In view of this, the EHO considers that it would be necessary to curtail some of the site operations, such as deliveries, bulk loading and glass handling, to avoid unacceptable impact to residential amenity at likely quieter times. The applicant considers that the site

can be successfully managed in accordance with the suggested hours, and these have been incorporated within Conditions 16 & 17.

- Dust and emissions

The waste streams accepted by the proposed facility would not generate a significant amount of dust in storage, being largely items such as dry recyclables. In addition, the majority would be stored inside the proposed buildings, whereas materials stored outside would be baled or in covered containers. Details of hard surfacing have not been confirmed, but it is anticipated that site access and internal roads would be surfaced in a bound material and so minimal dust is likely to emanate from the movement of vehicles about the site. This is referred to in Condition 14.

The site would not generate significant emissions, other than by traffic movements etc. and is not located within an Air Quality Management Area.

- Litter and vermin

The risk of attracting flies/ birds and vermin would be minimised by containing food waste and any other vulnerable waste in a sealed container, before transfer off-site for further processing. Windblown litter is likely to be concentrated around the site perimeter fencing, which will be picked up manually. In addition, measures such as waste spraying and baiting would be deployed when required.

The site is unlikely to result in significant detriment to the environment and neighbouring occupiers/ businesses, on this basis. It is not considered necessary to require details of day-to-day management, particularly as it would be Local Authority operated.

- Odour

The application is supported by an Odour Assessment produced by Stantec, dated April 2021. A qualitative risk-based approach has been taken to the assessment, as is appropriate for proposed development and with reference to The Institute of Air Quality Management (IAQM) '*Guidance on the Assessment of Odour for Planning*' (version 1.1 July 2018).

The Odour Assessment has been reviewed by Shared Regulatory Services. In the opinion of the EHO, it "*details appropriate handling and storage techniques, such as the holding of potential odorous materials such as food waste in sealed skips for limited periods of time. Also, in accordance with the IAQM Guidance a Source-Pathway-Receptor framework has been utilised and across 11 representative receptor sites, including residential properties on Bendricks Road as well as other occupiers of Atlantic Trading Estate*"

The assessment concludes that the potential for odour impacts at '*receptor locations range from negligible to slight adverse. Therefore, in accordance with the IAQM guidance, the overall effect of the Proposed Development on amenity at sensitive receptor locations is considered to be 'not significant.'*' (Section 6.1.2). The EHO concludes that that in their opinion the granting of planning permission would not be detrimental to residential amenity.

It is considered that, subject to the mitigation measures outlined, such as containment and short term (typically 24hrs) storage of putrescible items such as food and bagged residual

waste, the development would not cause significant harm to the environment or amenity from odour. The facility would be subject to an Environmental Permit, which is issued and enforced by NRW independently of the Council. The permitting process may, at discretion of NRW, require operation under terms of an agreed the Odour Management Plan. It is not necessary to duplicate such controls by condition.

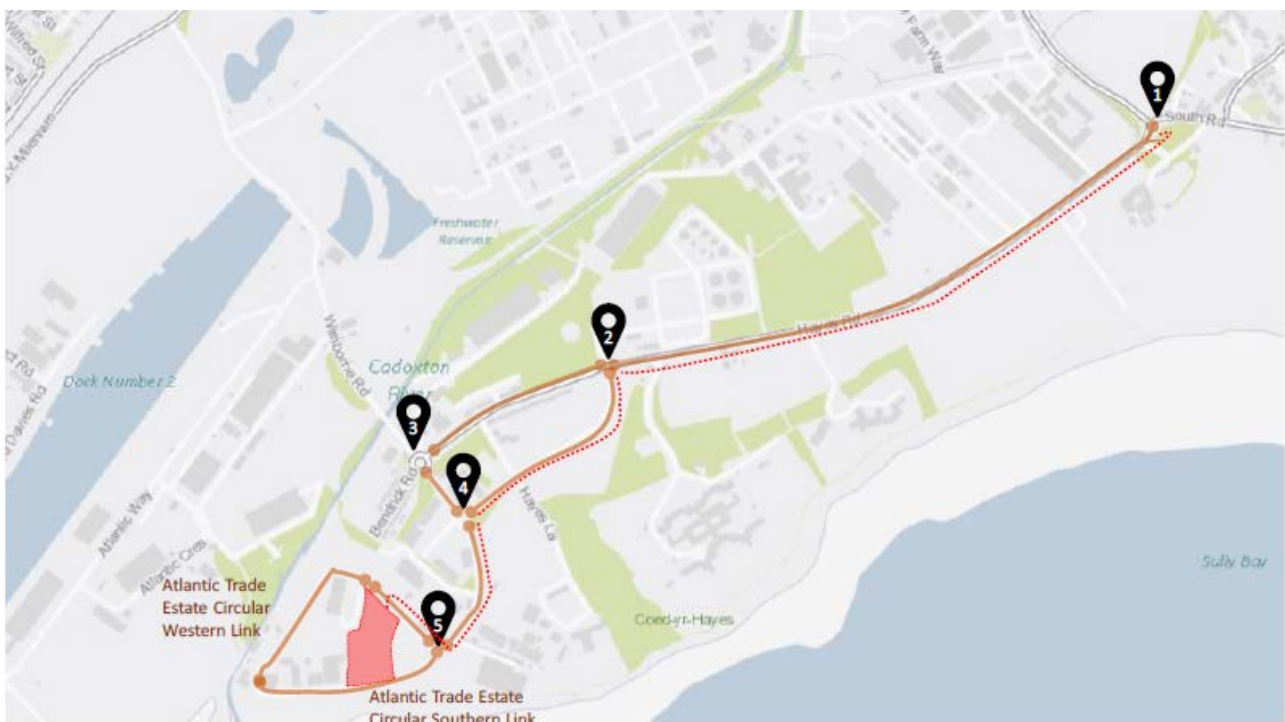
- Construction

The site benefits from adequate space to provide for parking of vehicles and storage during construction, as well as being a sufficient distance from neighbouring residential properties as to avoid any significant detriment to amenity, such as from dust and noise, during the construction phase.

### **Highway Safety and Parking**

The application has been accompanied by a Transport Assessment (TA). It is anticipated that operational vehicles would attend the site for drop off and pick up only, with approx. 4 – 8 staff members located permanently on the site. The operational vehicles would continue to be stored overnight at the Vale’s Alps depot. In this respect, the proposed 10 parking spaces (as well as cycle stands) is considered sufficient to serve the development, with only minimal and occasional visits outside/guests expected on the site.

The primary access to the site will make use of the existing road network, entering the trading estate from the B4267 and traveling along Hayes Road, as shown below:



The TA identifies that the vehicular route to the site is appropriate for HGV traffic, with the ability to bypass part of Hayes Road to the south. The route experiences a higher than usual concentration of HGV traffic, but not unsurprisingly so, and it is not overly congested at present. It is estimated that the proposed development would result in a maximum of 75 daily trips, primarily comprising of operational vehicles. It is estimated that this would result



in an increase of 2-3% in traffic volumes on Hayes Road – but an increase that can be safely accommodated without resulting in significant local congestion. It should also be noted that the bulk transfer of materials is intended to increase efficiency and reduce overall trips within the wider waste collection service (including to drop off locations in Cardiff).

In relation to South Road, Sully, some HGV traffic will inevitably use this route, particularly those servicing that area and Penarth. However, it would be a smaller proportion of the overall trips and would not have significant implications in relation to congestion and highway safety in the area.

The site interior would operate a one way system, with HGV traffic directed to the westernmost vehicular access point and egressing via the eastern access. The layout has been assessed using tracking software and is considered acceptable for the intended use, as well as for access by, typically smaller, emergency vehicles and fire appliances.

The Council's Highway Engineer stated no objection in principle, subject to the provision of pedestrian crossing points (dropped kerb/ tactile paving) either side of both vehicular access points, appropriate visibility, internal signage, and disabled parking bays to appropriate standard (Condition 15). In relation to visibility, the westernmost access is entry only, whereas the eastern access benefits from good visibility (approx. 80m east and 100m west). This is considered acceptable bearing in mind the site context and local road layout.

In view of this, the development is considered to accord with the relevant LDP policies MD2 and MD20.

### **Fire Risk**

The operations of a waste facility such as this bring an element of risk due to the nature of materials being stored on the site. These risks can, however, be acceptably managed and mitigated by incorporating a number of fire prevention measures as part of the development. As noted above, the site provides for acceptable access and manoeuvrability for fire appliances. The layout is also considered acceptable in relation to fire separation distances, noting the buildings would be required to meet Building Regulations approval, and the external facing elevations (facing the site perimeter) are devoid of any significant openings. The building envelope should therefore provide some containment of the thermal radiation in the unlikely event of a fire.

The operation of the facility would need to be in accordance with an agreed Fire Prevention and Mitigation Plan. This would be administered and enforced by NRW, in consultation with the Fire and Rescue Authority, as part of the Environmental Permit. There is therefore no requirement to duplicate this function via the planning process.

The development is therefore considered acceptable in relation to fire risk.

### **Drainage and Contamination**

The site is in an environmentally sensitive location as it overlies a principal bedrock aquifer. In consultation, NRW have advised that further information is required in order to understand and mitigate the potential risk from the development to these controlled waters. It is recommended that any planning permission be made subject to conditions

requiring a preliminary risk assessment be carried out prior to commencement of development, as well as a site investigation, any mitigation measures and a long term management to be agreed prior to occupation. Please refer to Conditions 7 – 9 in relation to these requirements.

In consultation with Shared Regulatory Services, similar conditions were recommended in relation to ground contamination, However, due to the presence of former landfill areas nearby, a condition requiring a ground gas protection scheme is also recommended (Condition 6).

In view of controls imposed under the Environmental Permit for day-to-day operations, and the controls that could be imposed under planning condition, as suggested above, the development would comply with requirements of LDP Policies MD7 and MD20 with regard to land and ground water pollution.

A condition requiring approval of a drainage scheme has also been recommended by NRW (and the Council's Ecologist), in order to protect from ground water contamination, and Welsh Water in order to agree a scheme of foul drainage. It is understood a surface water scheme has (since consultation took place) been approved by the Council's Drainage Engineer via separate SAB Regulations. However, in light of the site conditions and above consultation responses, it is considered necessary to also agree a scheme by condition (Condition 5 refers).

### **Flood Risk**

There is a small proportion of the site access (approx. 180sq.m) located within DAM Flood Zone C2, as defined by TAN 15: Development and Flood Risk. In reference to flood risk, Policy MD7 of the LDP states that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk. The extent of the C2 Zone is show in the plan extract, below:



(Flood Zone C2 overlaid in green cross-hatch)

The guidance within TAN15 states new development should be directed away from Zone C wherever possible and towards suitable land in Zone A, otherwise to Zone B, where river or coastal flooding is less likely. However, in view of the strategic nature of the development, the allocation within the LDP, and that the portion of the site affected is a small part of the existing (but improved) access, it is considered that the development complies with the relevant policy tests of the TAN.

In addition, in consultation and in relation to flood risk, NRW commented:

*“Given the extent of flood risk shown to be affecting the application site, i.e. only the existing access road (and in the absence of a flood consequences assessment), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.”*

In addition, a Flood Consequence Assessment has been prepared and the risk associated with the development examined in more detail. The document concludes these risks are acceptable, noting the ‘sequential approach’ is followed, whereby buildings and operational areas are located outside of area at greatest risk of flooding. In addition, the floor levels will likely be set at a minimum of 9.20 m AOD (over a metre above the 1 in 200 annual probability plus allowance for climate change level) and a safe secondary access would be maintained at the eastern side of the site.

In conclusion, the area affected is a small part of the site and therefore the development would not be at significant risk should these areas flood and would not pose significant flood risk elsewhere. The development is therefore considered acceptable in relation to LDP Policy MD7 and the guidance within TAN 15.

## **Ecology**

A Preliminary Ecological Assessment of the site has been prepared by David Clement Ecology. In addition, Natural Resources Wales have asked the Council's Ecologist to address any survey requirements in relation to European Protected Species. The site and local data assessment and revealed no European Protected Species present, with the only likely potential candidates being bats, as a feeding and commuting area only. The Council's Ecologist is therefore content to allow the development, subject to several conditions.

These conditions include that site clearance be undertaken in accordance with a methodology for the protection of reptiles and birds, that a mitigation plan is put in place for the undeveloped area and a new hedgerow was considered on the western boundary (Condition 3 refers) and a drainage scheme was agreed (as outlined previously in this report) .

It is considered that, subject to the aforementioned conditions, the development is acceptable in relation to ecology and species protection, and offers the scope for biodiversity enhancement in accordance with Policy MD9 of the LDP.

## **Heritage**

A report detailing the results of an Archaeological Evaluation are submitted with the application, with the fieldwork undertaken and the report prepared by Archaeology Wales (dated March 2020). In consultation with the Gwent Glamorgan Archaeological Trust, it was confirmed that the fieldwork and content meet current professional standards.

The results demonstrated that, whilst the area is within a zone of high potential for archaeological deposits, no significant archaeological deposits or finds were identified on the site. The only finds recorded were of modern date.

A Scheduled Ancient Monument (GM310 Round Barrow 612m N of Bendrick Rock) is located approx. 250m from the site. The monument comprises the remains of an earthen built Bronze Age round barrow.

The facility will potentially be visible from the scheduled monument, but in consultation with CADW, it was advised that it was *"not in the identified significant view and will be heavily screened by existing vegetation and buildings. As such whilst there may be a very slight visual change in the view from the monument this will not have any effect on the way that it is experienced, understood and appreciated."*

The development is therefore considered acceptable in relation to archaeology and the setting of the monument, and so accords with Policy MD8 of the LDP.

## **Visual Impact**

The proposed development includes several substantial buildings, with the main storage building being approx. 11.2m tall. The buildings are each sizeable and visual impact appreciable, though they would not appear overly intrusive or over-scaled in the context of the site, which includes several other large industrial buildings of similar scale. They would be of fundamentally industrial character by design, though this is not to be unexpected

given the nature of the development and the location within the Atlantic Trading Estate. In this respect, the design is suited to the immediate context.

There are proposed floor levels are provided for the storage buildings only. These indicate the northern building would sit above road level, but not significantly or obtrusively so. The larger storage building would sit below the more elevated road level to the south. Level detail for the buildings and wider site can be secured by condition (Condition 4).

The visual impact, including from the coast, of the development is considered acceptable and in compliance with Policy MD2 of the LDP.

### **Other matters raised in representations**

The comment in relation to electrical supply is noted, however Western Power Distribution have been consulted and stated no objection. It was nevertheless advised that underground electricity cables run between that substations and the highway, and so care should be taken during excavation.

The development has undergone the EIA screening process. It was concluded that an EIA was not required for this development. The relevant documentation and report are held under planning reference 2019/01014/SC1.

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. The development is considered acceptable in principle, with particular emphasis on its contribution to meeting sustainable waste management goals as outlined earlier in this report. It is considered to be compliant with the Act.

It is noted that planning permission has been granted for development, yet to be constructed, off and north of Bendrick Road, as well as south of Hayes Road. These sites are all located a further distance from the application site than the nearest existing residential properties on Bendrick Road. The scope of the noise and odour impacts (which took account of the latter) are therefore considered acceptable. The impacts of the development would likely be no more keenly felt from these new residential units (if so developed).

### **RECOMMENDATION**

**Deemed planning consent be GRANTED subject to the following condition(s):**

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

Reason:

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

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

HP/01/315 - Existing Site Layout  
HP/01/307 Rev C - General Arrangement  
HP/01/300 Rev A - Main Storage Building Plan and Elevation  
HP/01/301 - Secondary Storage Buildings Elevations A and Floorplans  
HP/01/319 Rev A - Welfare Office  
HP/01/322 - Internal Layout - Rev C

Reason:

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

3. Notwithstanding the submitted details, no development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include:

- i) Details of sensitive site clearance with respect to reptiles and breeding birds;
- ii) Details of the management of ecology features to maximise biodiversity;
- iii) Measures to be undertaken to enhance biodiversity on site;

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

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

Reason:

To ensure that visual amenity and flood risk are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

5. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and retained in perpetuity.

Reason:

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

6. Prior to the commencement of development, a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required 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. 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.

Reason:

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

7. No development shall commence until an assessment of the nature and extent of contamination affecting the application site area (as illustrated on plan HP/01/315) has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \*in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

- archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

Reason:

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

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

Reason:

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

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

Reason:

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



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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

14. A schedule of materials, including internal roads and hard surfacing, to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial occupation.

Reason:

To safeguard local visual and residential amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

15. Details of the proposed vehicular accesses, to include pedestrian crossing points (dropped kerbs with tactile paving), shall be submitted to and approved by the Local Planning Authority. The access shall thereafter be implemented in accordance with the approved details, and in conjunction with drawing no. HP/01/307 Rev C - General Arrangement, prior to the first beneficial use of the development.

Reason:

In the interest of residential amenity and 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.

16. The approved facility shall not be operated outside the hours of 06:00 to 21:00 on any given day.

Reason:

To ensure that residential amenity is protected, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy, MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

17. No off-loading of kerbside collection vehicles (domestic and commercial) shall take place outside the following hours;

MONDAY to FRIDAY	07:00 to 19:00
SATURDAY	07:00 to 16:00
SUNDAYS and PUBLIC HOLIDAYS	09:00 to 16:00

In the case of any GLASS, no off-loading, handling and processing shall taking place outside the following hours;

MONDAY to FRIDAY	09:00 to 19:00
SATURDAY	09:00 to 16:00
SUNDAYS and PUBLIC HOLIDAYS	09:00 to 16:00

No bulk loading of glass shall take place outside the following hours;

MONDAY to FRIDAY	09:00 to 17:00
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Reason:

To ensure that residential amenity is protected, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

### 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, SP5 – Employment Requirements, SP7 – Transportation, SP8 – Sustainable Waste Management, SP10 – Built and Natural Environment, MG9 – Employment Allocations, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 – Location of New Development, MD2 – Design of New Development, MD7 – Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity, MD14 - New Employment Proposals, MD15 - Protection of Allocated Employment Sites, MD20 - Assessment of Waste Management Proposals, Future Wales: The National Plan 2040, Planning Policy Wales (11th Ed.) and TANs 11- Noise, 15 – Development and Flood Risk 18 – Transport, 21 – Waste, 23 – Economic Development and 24 – Historic Environment, as well as the Biodiversity and Development and Parking Standards SPG's, the development is considered acceptable in principle and in relation to waste management policy, is suitably located, and would not cause significant harm to the environment or local amenity, and is

also acceptable in relation to drainage, contamination, flood risk, ecology, heritage 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.

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

**NOTE:**

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

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

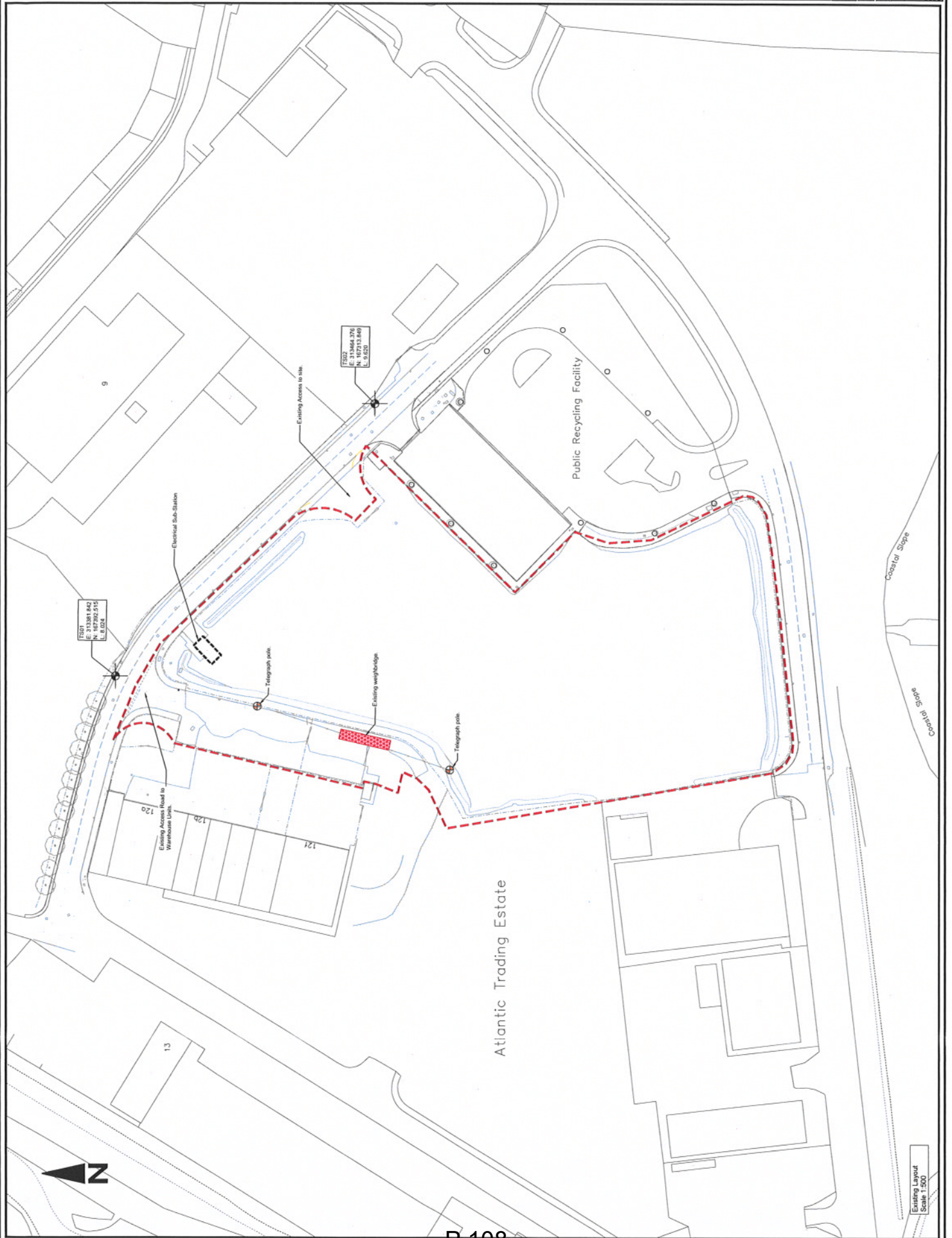
**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised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

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

# 2020/01367/RG3

- Site Boundary
- Weightbridge
- Electrical Sub-Station
- Setting Out Marker
- Pole - Telecom


  
 Vale of Glamorgan Council
   
 BRD MORGANNWG
   
 DETAIL DESIGN
   
 RESOURCE RECOVERY FACILITY
   
 EXISTING SITE LAYOUT
   
 2108
   
 2108
   
 2108



Existing Layout  
Scale 1:500

**2021/00231/FUL** Received on 19 February 2021

**APPLICANT:** Mr David Stephenson University Hospital Llandough, Penlan Road, Llandough, Cardiff, CF64 2XX

**AGENT:** Mr David Stephenson University Hospital Llandough, Penlan Road, Llandough, Cardiff, CF64 2XX

### **University Hospital Llandough, Penlan Road, Llandough**

Two storey Endoscopy extension to house new plant room on the first floor and new recovery area on the ground floor. The existing recovery area re-modelled to house two new theatres

### **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 George Carroll for the reason of local public interest.

### **EXECUTIVE SUMMARY**

This is a full application for a two storey extension to the endoscopy units at the hospital. The proposed extension would operate as an extension to the existing endoscopy unit at ground floor with a plant room at first floor which would be accessed by external staircases.

The existing site falls within the Llandough Settlement boundary and forms a landscaped area to the front of the main hospital building adjacent to the new restaurant area.

The application has been advertised with site notices and to date 1 letter of representation has been received via Cllr Carroll objecting to further development of the hospital site.

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

### **SITE AND CONTEXT**

The site relates to land within the curtilage of the established Llandough Hospital site. The hospital building is locally listed as a County Treasure. The hospital is a large complex to the edge of Llandough, with access off Penlan Road to the east. The application site is located within the Llandough Settlement Boundary.

The proposed extension would be located to the north west of the new entrance and restaurant adjacent to the memorial wall.

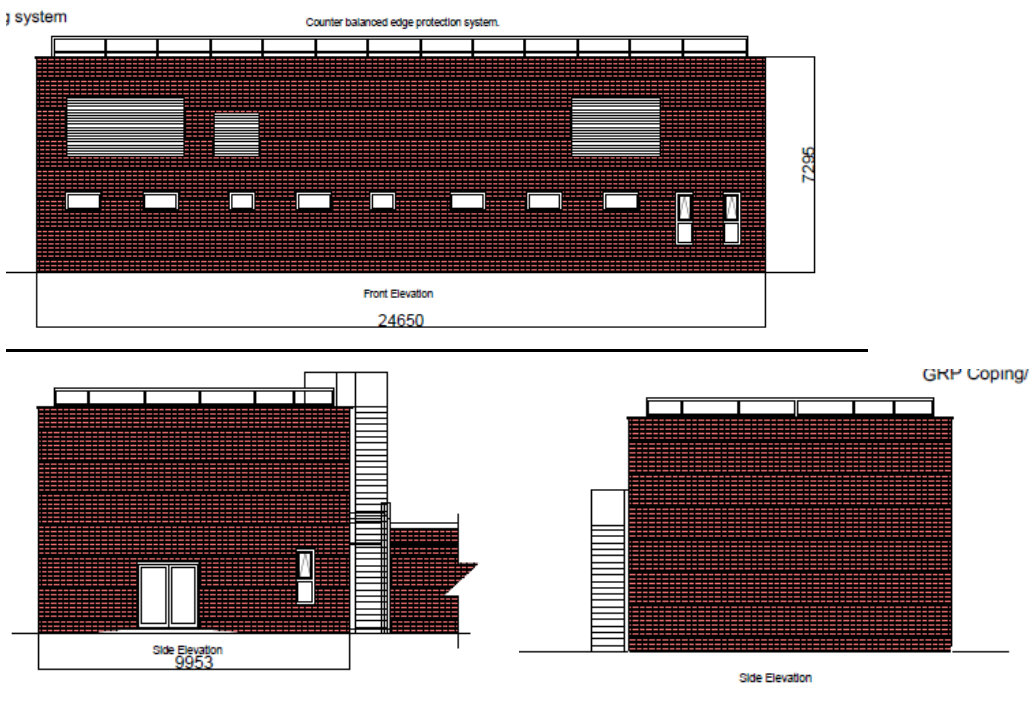
An extract of the site location plan can be viewed below:

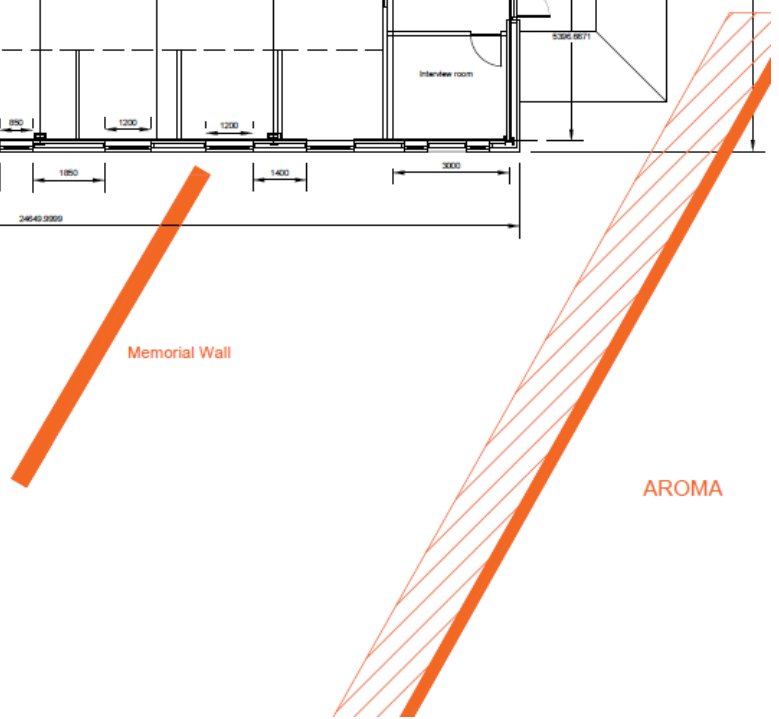
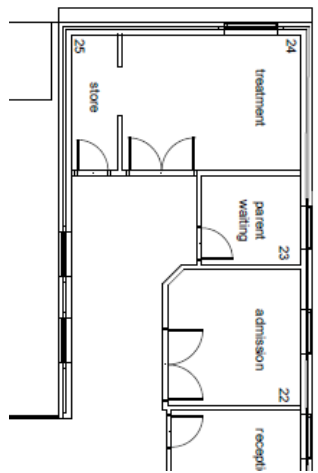
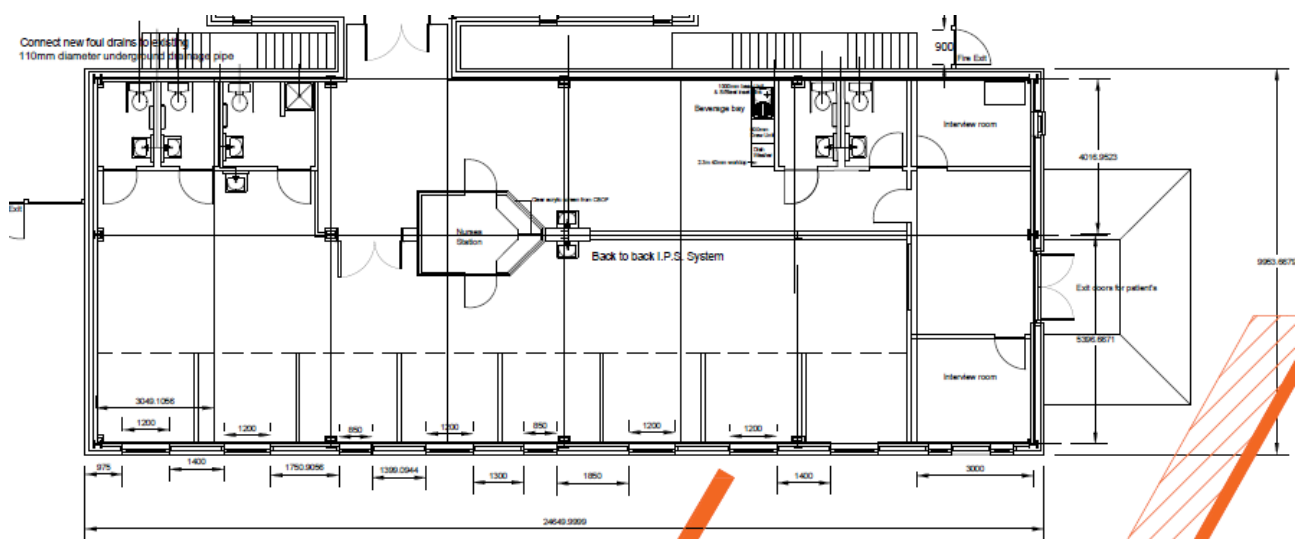
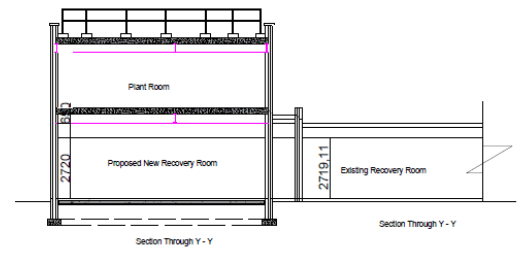
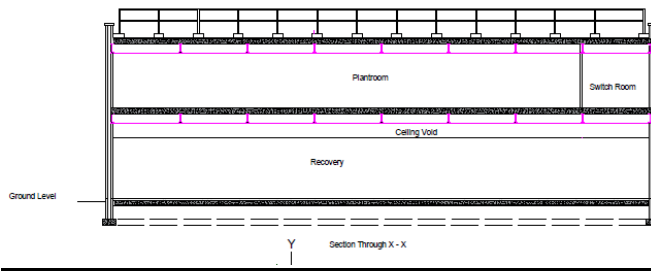
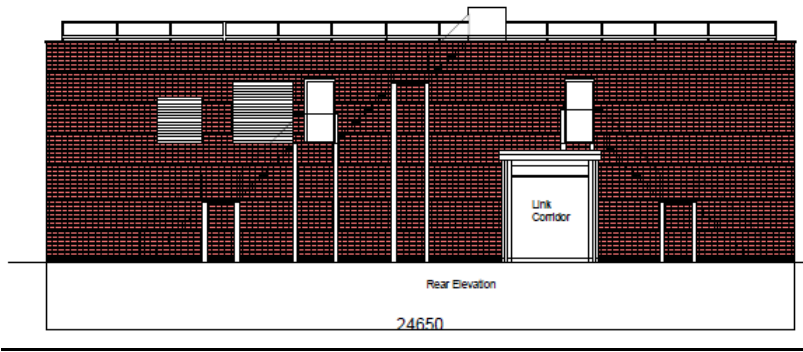


## DESCRIPTION OF DEVELOPMENT

This is full application for the erection of a two storey flat roof extension to the existing endoscopy department. The proposed building would measure 24.6 metres wide, 9.9 metres in depth with a maximum height of 7.2 metres finished in matching facing brick.

Extracts of the proposed plans and elevations together with a photo showing the site can be viewed below.









## RELEVANT PLANNING HISTORY

1990/00659/CROWN, Address: Llandough Hospital, Penlan Road, Llandough, Proposal: Extension to children's centre, Decision: Approved

1999/00065/FUL, Address: Llandough Hospital, Penlan Road, Llandough, Proposal: Extension to ward West One to accommodate six bed ward, playroom, toilets and bathroom, Decision:

1999/01187/FUL, Address: University Hospital of Wales and Llandough Hospital, Penlan Road, Penarth, Proposal: A split level car parking unit, Decision:

2002/01135/FUL, Address: Llandough Hospital/St. Mary's Hospital, Penlan Road, Penarth, Proposal: Construction of new access road to facilitate entry to main carpark at Llandough Hospital and St. Mary's Hospital Site, Decision:

2008/00580/FUL, Address: Llandough Hospital, Llandough, Penarth, Proposal: Proposed extension & refurbishment to house a new endoscopy suite for the trust, Decision: Withdrawn

2011/00769/SC1, Address: Llandough Hospital, Llandough, Proposal: Proposed expansion of hospital, Decision: Environmental Impact Assessment (Screening) - Not Required

2012/00652/FUL, Address: University Hospital, Llandough, Penlan Road, Penarth,  
Proposal: Proposed Acute Mental Health Unit and concourse buildings, hard and soft  
landscaping, highway improvements and means of enclosure - Amended by  
2014/00881/NMA, Decision: Approved

2014/00881/NMA, Address: Cardiff and Vale NHS Trust, University Hospital Llandough, P,  
Proposal: Application to vary Condition 18 of planning permission 2012/00652/FUL to  
include new plans in relation to amended hard and soft landscaping, Decision: Approved

## CONSULTATIONS

Llandough Community Council were consulted on 10 March 2021. No response was received at the time of writing this report.

The Councils Drainage Section were consulted on 10 March 2021. No response was received at the time of writing this report.

The Councils Shared Regulatory Services (Pollution) were consulted on 10 March 2021. No response was received at the time of writing this report.

Glamorgan Gwent Archaeology Trust were consulted on 10 March 2021. A response received on 16<sup>th</sup> April 2021 confirms no objection.

Councils Highway Engineer was consulted and a response received on 12 May 2021 confirms no objection to the proposal but requests conditions be imposed in respect of construction/traffic management and survey/remedial works of the haulage route.

The Councils Contaminated Land, Air & Water Quality Team were consulted on 10 March 2021. A response received 10 March 2021 requests conditions be imposed in respect of unforeseen contamination and importation of aggregates and an advisory note in relation to contamination and unstable land

Llandough Ward Members were consulted on 10 March 2021. A response received from Cllr Carrol on 17 March 2021 requests that the application be decided by planning committee.

## REPRESENTATIONS

Site notices were displayed on 22 March 2021. To date one letter of representation has been received from a local resident via Cllrs Carroll who objects to further extensions to the site owing to traffic and access issues.

## REPORT

### Planning Policies and Guidance

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

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier

of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

**Strategic Policies:**

POLICY SP1 – Delivering the Strategy  
POLICY SP10 – Built and Natural Environment

**Managing Growth Policies:**

POLICY MG8 – Provision of Health Facilities

**Managing Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD7 - Environmental Protection  
POLICY MD8 - Historic Environment  
POLICY MD9 - Promoting Biodiversity

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

**Future Wales: The National Plan 2040:**

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

**Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

## **Welsh National Marine Plan:**

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

## **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Parking Standards (2019)

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

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

## **Well-being of Future Generations (Wales) Act 2015**

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

## Issues

The main issues are therefore considered to be:

- Principle of development;
- The impact on the character and appearance of the existing hospital & wider area;
- Impact on residential amenity;
- Highway safety and parking;
- Biodiversity;
- Drainage;
- Archaeology.

## Principle of development

LDP policy MG8 (Provision of Health Facilities) states that:

*Developments which provide new or enhanced health facilities, including the co-location of healthcare, school, library and leisure facilities and other community services in accessible locations will be favoured.*

Paragraph 6.46 of the supporting text states that:

*A significant investment in the University Hospital Llandough (UHL) site is planned by the Cardiff and Vale University Health Board (UHB) over the next 3 years. This investment in estate development supports the UHB strategic plan for the UHL site to become a 'centre of excellence' for rehabilitation and recovery services and will significantly increase the number of beds and outpatient activity on the site. However given the prominence of the site, any future development proposals will be required to be carefully designed in accordance with Policies MD1 and MD2 to ensure that they respect the local context and character of the surrounding natural and built environment. Any expansion of the hospital will require significant highway improvements and will be required to enhance existing access to the site by walking, cycling and public transport.*

In providing improved healthcare facilities at an established hospital, the development proposal accords with LDP policy MG8. Because the site is in defined settlement and a low-risk flood zone, the proposal also accords with the relevant parts of LDP policies SP1 (Delivering the Strategy) and MD1 (Location of New Development).

### Visual Impact

The LDP policy of most relevance in assessing the design and visual impact of the development is MD2-Design of New Development. This is a criteria based policy which includes the requirement that development proposals;

- are of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment,
- respond appropriately to the local context and character of neighbouring buildings and uses in terms of type, form, scale, mix and density.

Policy MD5 of the Council's LDP refers to development proposals within settlement boundaries. One of the key requirements of this policy is that new development within these settlements will be permitted where the proposed development "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 of the settlement or its setting", which is supported by Planning Policy Wales (edition 11) and TAN12- Design (2016).

As aforementioned, the proposal relates to an extension of an existing established hospital complex. The main hospital building is a designated 'County Treasure'. The designation notes that '*The original buildings are typical of the period being simplified classical / Georgian in appearance*'.

The proposed extension would be situated between the original main building and a side wing. The area in-between has been extended with a two and single storey extension with a mix of hipped and flat roofs. It is noted that the wider site has been developed with more contemporary development and there are a mix of designs and finishes.

The proposed design, scale and finish of the extension is considered acceptable. The proposed building would be two storey flat roofed finished to the eaves level of the main building that would ensure the character and appearance of the main building is maintained. The building would be finished in brickwork to match and generally screened from the wider area by the wider hospital complex and internally by existing extensions. It

is considered necessary to condition that the brickwork shall match that of the existing building (Condition 3).

Overall, the proposal is respond positively to the local context and character and respects its immediate setting. As such, the proposal is considered compliant with policy MD2 & MD5.

### Neighbouring Amenity

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

The proposed extension would be approximately 140 metres from the nearest dwellings on Lewis Road and Spencer Drive and some 400m form the dwelling to the south in Corbett Road, and in any case are screened by the existing hospital buildings. Given this, it is considered that the proposal would have no noticeable effect on local residential amenity, judged in terms of light pollution, natural light, noise pollution, outlook and privacy.

Overall, the proposal is considered acceptable in respect of neighbouring and residential amenity in compliance with Policy MD2.

### Access and Parking

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

The proposal would create roughly 243 square metres of additional care space and the existing endoscopy ward would be re-modelled to provide new theatres. The application forms state that the development would not result in the employment of any new staff. The hospital has several large car parks, and a bus services between Cardiff and Penarth. It is noted that there have been significant improvements to parking arrangements at the hospital and there is currently an application for the retention of an existing 196 space car park at the site.

The site is located in a sustainable location and the thrust of local and national policy seeks to encourage a move away from car usage towards more sustainable transport modes. It is noted from a recent planning application for the site that the hospital has created a Travel Plan for the site indicating measures that are considered to improve sustainable transport measures and encourage a modal shift of staff away from private car. It is also noted that as part of the wider development of the site has included increased cycle parking provision and the need for S106 contributions towards sustainable transport are also pending for some parts of the site which would all contribute towards better access to the site.

Notwithstanding this, the proposal would not change existing arrangements for access or parking, and it seems unlikely to bring about a noticeable increase in demand for parking given the size and nature of the proposal, in relation to the size of the existing hospital.

The Council's Highway Engineer has considered the proposal and has not raised an objection. He has requested a number of conditions related to construction traffic management and condition surveys/remedial works to an agreed haulage route for any construction traffic. Given the scale of the work, it is considered appropriate to impose the condition requiring a construction management plan. However, conditions relating to condition surveys of an agreed haulage route and remedial works are considered to be onerous given the scale of the proposal and given the difficulty in attributing any damage as the local road network is widely used. Therefore, subject to a condition relating to a construction management plan (**Condition 4**) the proposal is considered acceptable.

Comments from neighbours relating to parking and access problems at this university hospital site are noted. However, as stated above, it is considered that the proposal would not materially exacerbate parking and access problems at the site whilst noting there have been improvements at the site and the health board continue to look to ways of improving parking and access to the site.

Overall, the proposal is considered acceptable in respect of access and parking.

### Biodiversity

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

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

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

The application has not been supported with any biodiversity plan, it is therefore considered appropriate to require an ecological enhancement plan to ensure the proposal adheres to the requirements of Policy MD9 and the Council's Biodiversity and Development SPG.

As such, subject to a condition, there are no ecological concerns with respect to the development and the proposal complies with the requirements of Policies MD9 of the Adopted LDP 2011-2026.

### Drainage and Flooding

Policy MD7 - Environmental Protection requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15, citing specific requirements relating to Zone C2.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The application form indicates that surface water would be disposed via sustainable drainage systems. The proposal will require SuDS Approval Body (SAB) approval prior to the commencement of construction. Therefore, the applicant will be advised to contact the SuDS Approval Body As such, the proposal is considered acceptable in relation to surface water drainage.

The site is located within a mains sewered area and therefore the proposal is considered acceptable in terms of foul drainage. The developer will need to discuss connection with Welsh Water prior to any works. An advisory condition will be imposed advising the applicant to contact Welsh Water,

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

### Archaeology

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

Glamorgan Gwent Archaeological Trust (GGAT) as the Council's advisors have advised that whilst there are archaeological resources at the wider site, given the scale of works proposed, the proposal would not likely impact archaeological remains and as such they do not raise an objection.

Overall, the proposal is considered acceptable in respect of impact on archaeological resources.

### Other Matters

The comments made by the Council's Contaminated Land, Air & Water Quality Team are noted which shall be secured by condition /informative as requested (conditions 6 & 7 refer).

### RECOMMENDATION

APPROVE subject to the following condition(s):

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



Reason:

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

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

Proposed Elevation- Drawing No B102 Received on 19 February 2021.

Proposed Ground Floor Plan - Drawing No: B101 Received on 19 February 2021.

1:1250 Site Location Plan Received on 19 February 2021.

Reason:

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

3. The materials to be used in the construction of the external surfaces of the approved extension shall match those used in the existing building that exists at the time of this approval.

Reason:

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

4. The provision of a Construction Management / Traffic Plan together with any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required associated with the Development shall be submitted to and approved by the Local Planning Authority prior to commencing any works. The Construction Management and Traffic Plan shall include measure of storage of materials and plant, parking of construction vehicles, control of mud and debris on site and information regarding deliveries to site including haulage routes and delivery times.

Reason: In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network and to comply with Policy MD2 of the Local Development Plan

5. Prior to the beneficial use of the extension hereby approved, a biodiversity strategy shall be submitted to and approved by the Local Planning Authority which shall detail the conservation and enhancement measures to be provided for the site biodiversity interests (and including timescales for their provision). The biodiversity strategy shall then be completed in accordance with details approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan & the Council's adopted Supplementary Planning Guidance on Biodiversity.

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

Reason:

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

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

Reason:

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

## REASON FOR RECOMMENDATION

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

Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG8 – Provision of Health Facilities, MD1 – Location of New Development, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries, MD7 – Environmental Protection and MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and national guidance contained in Future Wales – the National Plan 2040 and Planning Policy Wales 11th Edition it is considered that the proposal would be acceptable in principle in respect of visual amenity, neighbouring amenity, access and parking. In addition, there should be no detriment to biodiversity interests on the site, archaeology, drainage/flood risk and contamination.

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.**
- 2. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 3. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due**

diligence when assessing these impacts, however you are minded that the responsibility for

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

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

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

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

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

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

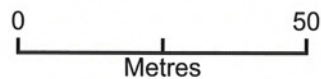
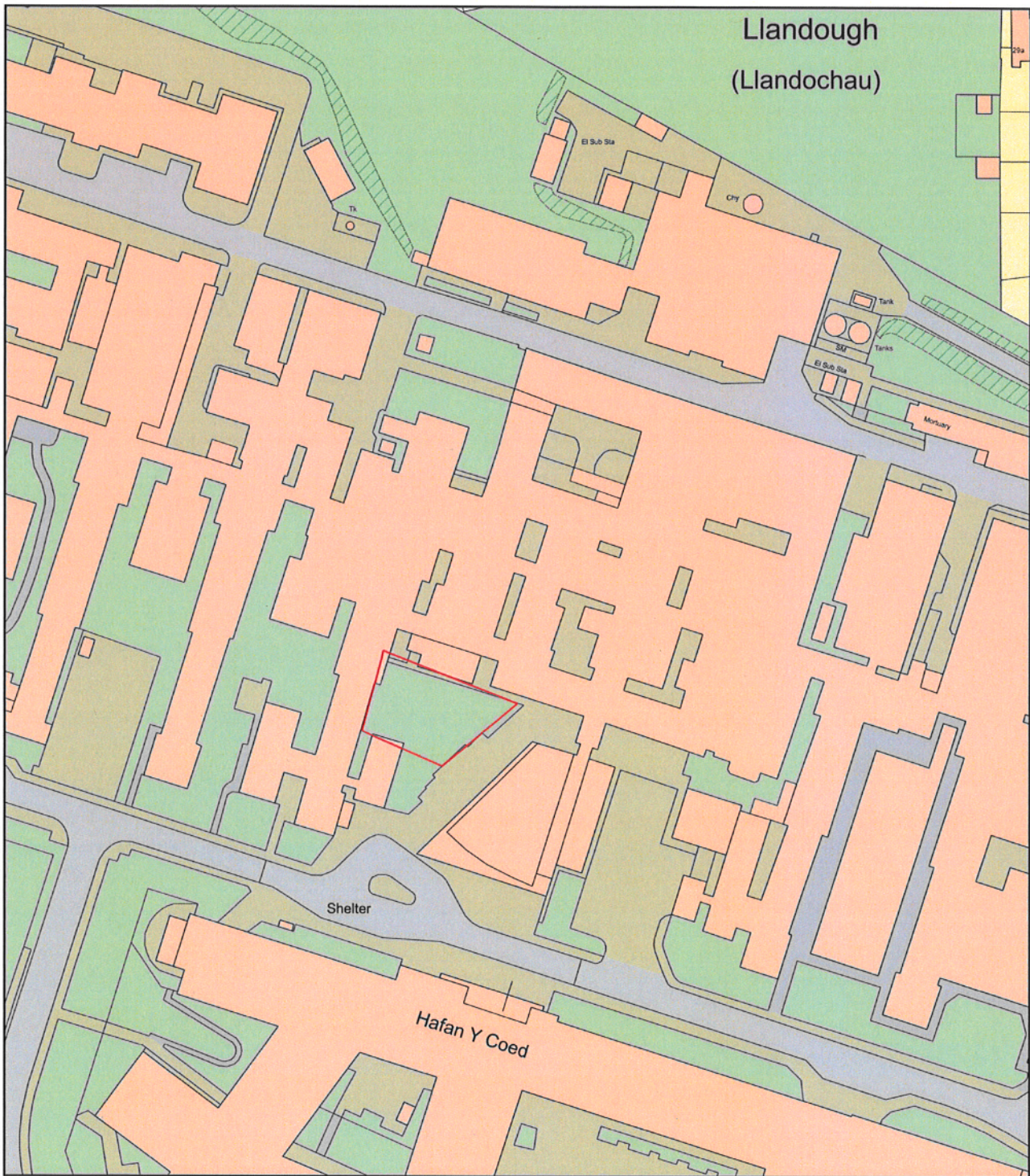
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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

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

# UHL Endoscopy Location Plan

## 2021/00231/FUL



Plan Produced for: David Stephenson

Date Produced: 18 Feb 2021

Plan Reference Number: TQRQM21049110133777

Scale: 1:1250 @ A4

**2021/00295/FUL** Received on 4 March 2021

**APPLICANT:** Mr. Steffan Wiliam 14, Friars Road, Barry, Vale of Glamorgan, CF62 5TR  
**AGENT:** Mr. Steffan Wiliam 14, Friars Road, Barry, Vale of Glamorgan, CF62 5TR

## **14, Friars Road, Barry**

Loft conversion, with rear and front dormers

### 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 submitted by a current Member of the Council.

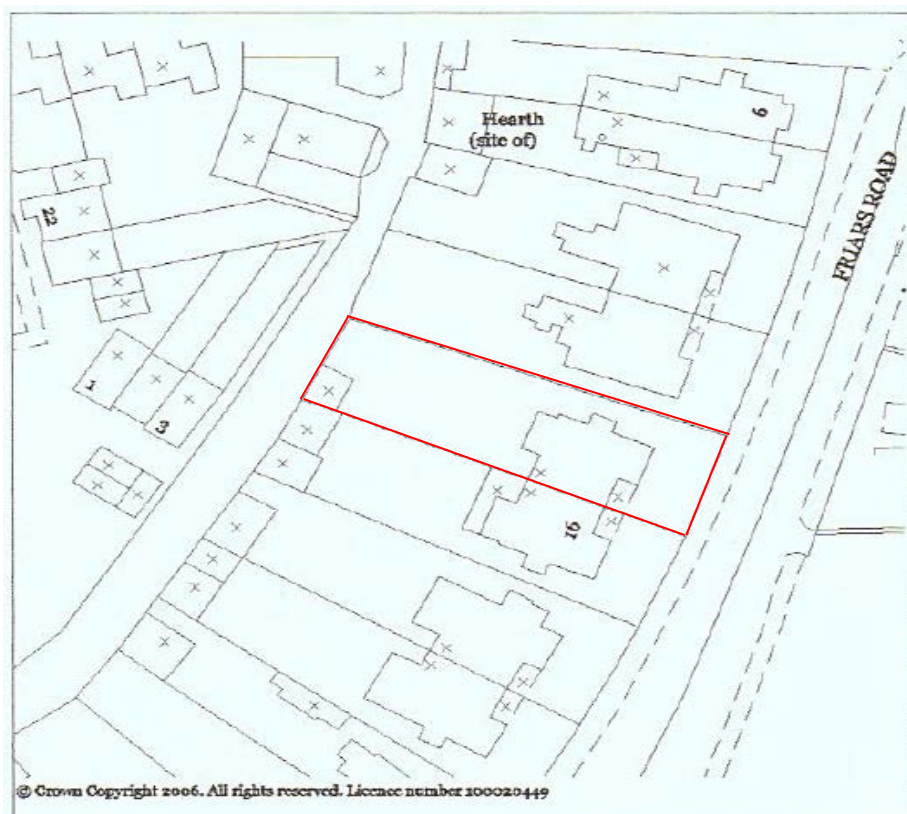
### EXECUTIVE SUMMARY

The application is for a loft conversion at 14 Friars Road, Barry Island, including the addition of front and rear dormers. The main considerations involved in this application are the design and neighbour impacts of the proposed conversion including the addition of the new dormers.

The proposed development has attracted no comments from neighbours, local ward members or Barry Town Council, either supporting or objecting to the proposed development. Having considered the above issues, the proposed development is recommended for approval subject to conditions.

### SITE AND CONTEXT

The application site is 14 Friars Road, Barry Island, a semi-detached residential property located within the Barry Settlement Boundary. A site plan is included below:



The site is located in the middle of Friars Road, with this street and the majority of the neighbouring area being residential in nature. The street scene on is relatively consistent in general character, while there is variance to the detailed design and form of the respective buildings. Notably a dormer extension has been constructed within the front roof plane of the adjoining semi-detached property- number 16 Friars Road. The opposing side of the street is grassed public open space.

## DESCRIPTION OF DEVELOPMENT

The application proposes to convert the loft of the property to provide a new bedroom and en-suite, with front and rear dormers. The front dormer would be approximately 2.5m high, extending 3.8m from the roof plane, with the rear dormer being 3m high, 4.4m wide and extending 4.4m from the roof. The rear extension is also proposed to feature obscured glass, as it would serve the new en-suite bathroom. Plans are included below.

### Existing Plans



## Proposed Plans



## PLANNING HISTORY

1989/00710/FUL, Address: 14, Friars Road, Barry, Proposal: Domestic extension, Decision: Approved

2004/01387/FUL, Address: 14, Friars Road, Barry, Proposal: Front and rear dormer to 14, Friars Road and an extension to the coach house at the rear of the site, Decision: Approved

2005/01593/FUL, Address: 14, Friars Road, Barry, Proposal: Demolition of existing dilapidated coach house and construction of new coach house/working studio and storage area, Decision: Withdrawn



## CONSULTATIONS

Barry Town Council – No comments received.

Local Ward Members – No comments received.

## REPRESENTATIONS

The neighbouring properties were consulted on 19 March 2021. No comments have been received.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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

#### **Future Wales: The National Plan 2040:**

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

#### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (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

#### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

#### **Supplementary Planning Guidance:**

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

- Barry Development Guidelines
- Parking Standards (2019)
- Residential and Householder Development (2018)

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

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

#### **Well-being of Future Generations (Wales) Act 2015**

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

#### Issues

The main considerations are the design and neighbour impacts from the proposed development.

## Design Impacts

To ensure that new developments help create healthy, sustainable and high quality environments, Policy MD2 of the adopted LDP (2011-2026) states that they should:

- 1) “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”
- 2) “Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density”

Furthermore, the development is located within the Barry Settlement Boundary, meaning the Policy MD5 is also of relevance. As a result, the development should also conform to the following criteria as well:

- 3) “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”
- 4) “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”

The application site is part of a relatively mixed street scene on Friars Road which contains semi-detached properties finished in both render and brick, a detached art deco property and a much larger brick/render care home. Notwithstanding that, there is a generally consistent ‘character’ to the buildings and there is much shared architectural detailing. The roof slopes along the street are largely uninterrupted, however, a flat roof dormer extension has been constructed at number 16 Friars Road (the adjoining semi-detached property to the application dwelling- granted permission in 1991). The application dwelling and number 16 are shown in the photograph below:



The dormer proposed for the front elevation would be openly visible from the street scene of Friars Road and it would have an appreciable impact on the property's roof form. However, the presence of a very similar dormer extension on the adjoining property would mean that the development would largely equalise the appearance of those properties and restore a better balance to the shared roof plane. This application seeks approval for the same dormer that was approved in 2005 (see planning history above) and the restoration of balance to the pair was the principal rationale for this previous approval. That rationale remains relevant now and in the context of the adjoining property, it is considered that the front dormer would not cause demonstrable harm to the character of the dwelling or the wider street scene.

The rear dormer would be visible from lane behind the garden's property, however, this lane primarily serves as a means of access to the rear of the Friars Road properties and would not see regular use by members of the public. Consequently the rear dormer would not be particularly prominent and it would not harmfully impact upon the dwelling or the wider built environment. The proposed dormer at the rear would be slightly larger than that proposed for the front elevation, but it would not unduly dominate the rear elevation. This dormer also replicates that which was approved in 2005.

Having regard to the above, , the proposed development is considered acceptable with regard to design impacts as required by Policies MD2 and MD5 of the Adopted Local Development Plan.

### Neighbour Impacts

Referring again to Policy MD2 of the adopted LDP (2011-2026), developments should also have consideration for the impacts on the public, in particular:

- 5) "Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance"

The proposed dormers would be of a modest size and they would be set back from the roof eaves by approximately 2.2m and 2.5m respectively. As a result, the dormers would not overbear or overshadow the neighbouring properties or gardens. The dormers would also introduce new windows to the front and rear, however the views from these would not be materially different to those already available from the first floors of the property. The front dormer would look over Friars Road which, being a public space, presents no potential breaches of privacy. The rear dormer would be approximately 23m from the rear boundary of the site, thereby having no adverse impact on properties opposite, while the potential views down into the neighbouring gardens of 16 and 12 Friars Road would be very similar to what already exists from the first floor windows. Therefore, while the rear dormer is proposed with obscured glass in any case, there would be no breaches of privacy or unacceptable views available from the new dormer.. The loft conversion and proposed dormers are therefore considered acceptable with regard to neighbour impacts, as required by Policy MD2 of the Adopted LDP and the Council's Residential and Householder Development SPG.

### Parking Impacts

The Council's Parking Guidelines SPG contains a maximum requirement of three parking spaces for a property with three or more bedrooms. However, as 14 Friars Road will

change from a four bedroom to a five bedroom dwelling, the maximum requirements would not change for this site. The property is served by on-street parking that adequately meets the needs of the site, with the proposed development having no material impact on this. Therefore, the proposal is also considered acceptable with regard to parking provision.

## RECOMMENDATION

### APPROVE subject to the following condition(s):

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

Reason:

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

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

- 89-284-PL-02 - Proposed Plans, Sections and Construction Notes. Received: 02/03/2021.

- 89-284-PL-03 - Proposed Elevations and Construction Notes. Received: 02/03/2021.

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 and Future Wales – the National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, MD2 – Design of New Development and MD5 – Development in Settlement Boundaries, in addition to TAN 12 – Design (2016) and the Barry Development Guidelines, Residential and Householder Development (2018) and Parking Standards (2019) SPGs, the proposed loft conversion and dormers are deemed acceptable with regard to design, neighbour and parking impacts.

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:**

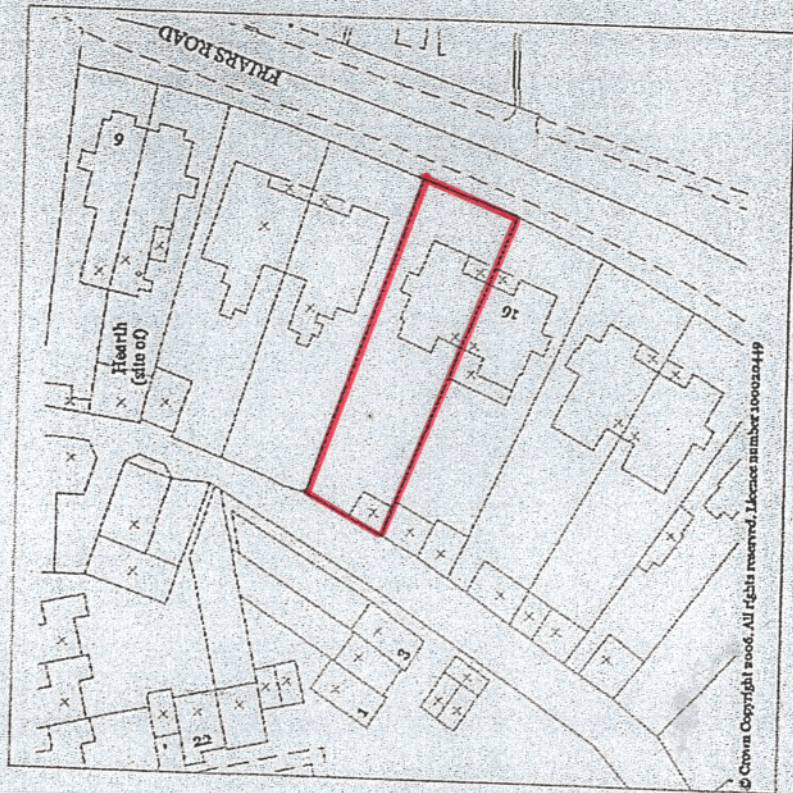
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**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the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

2021/00295/FUL



Location Plan