

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JANUARY, 2022**

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:

2021/0039/PO	AC	6, Plas Treoda, Cardiff. CF14 1PT	Single storey rear elevation extension
2021/0041/PO	AC	8, Everard Way, Lakeside, Cardiff. CF23 6DP	Proposed roof conversion to facilitate rear facing dormer with internal alterations and ground floor infill extension (below existing first floor side addition)
2021/0042/PO	AC	32, Waun Gron Road, Cardiff. CF5 2JJ	Single storey side elevation extension with internal reconfiguration
2021/0043/PO	AC	18, Cardiff Road, Glan Y Llyn, Taff's Well. CF15 7QD	Proposed rear single storey extension with associated internal and external works
2021/0791/BR	AC	17, Newbarn Holdings, Flemingston. CF62 4QL	Single storey extension to provide a 'granny annexe'
2021/0803/BR	AC	11th Barry Sea Scouts, Ilminster Street, Barry, CF63 1BT	Single storey side extension
2021/0874/BR	AC	56A, Windsor Road, Penarth,	Demolition of the former garage and erection of a 4-storey building comprising 21 residential units with undercroft parking, access arrangements, and associated works.

2021/0884/BN	A	Ty Garreg, Llangan. CF35 5DW	Garage conversion to office. Amendment to kitchen, utility and storage room
2021/0889/BN	A W	19, Oakfield Road, Barry, CF62 8PR	Rear single storey extension
2021/0898/BN	A	43, Cornerswell Road, Penarth. CF64 2UX	Single storey rear extension, loft conversion with rear dormer and internal alterations
2021/0906/BN	A	Leechmere Barns, Wick Road, Llandow, CF71 7PY	Conversion of two stone barns into two holiday let units
2021/0907/BR	AC	50, Glebe Street, Penarth, CF64 1EG	Dormer loft conversion to self contained flat
2021/0908/BR	AC	Brook Lodge, St Brides Super Ely, CF5 6EY	Proposed part two storey part single storey extensions to form new garage, kitchen, utility, gym, swimming pool and bedroom
2021/0909/BR	AC	20, Coleridge Avenue, Penarth. CF64 2SP	Single storey rear extension and loft conversion with dormer
2021/0913/BN	A	145, Colcot Road, Barry, CF62 8UJ	Knock through
2021/0915/BR	AC	11, Tair Onen, Cowbridge. CF71 7UA	Double storey side extension
2021/0916/BN	A	11, Monmouth Way, Boverton, Llantwit Major. CF61 2GT	Single storey extension to enlarge the kitchen
2021/0917/BN	A	Mawingo, Church Lane, Welsh St Donats. CF71 7SS	Construction of a single storey contemporary glazes orangery extension
2021/0918/BN	A	Court Cottage, Westgate, Cowbridge. CF71 7AS	Internal wall alterations, bathroom renovations, window and door additions and replacement and kitchen alterations
2021/0922/BN	A	18, Heol Pentrer Felin, Llantwit Major. CF61 2XS	Garage conversion to utility room

2021/0924/BN	A	11, Llantwit Major Road, Cowbridge. CF71 7JP	Single storey double garage
2021/0925/BN	A	6, Bradenham Place, Penarth. CF64 2AG	To convert 2 existing flats back into one dwelling
2021/0926/BN	A	67, Burdons Close, Wenvoe. CF5 6FE	Loft conversion to obtain 2 extra bedrooms and a bathroom, including one large dormer window and a number of roof lights
2021/0927/BN	A	49, Porlock Drive, Sully. CF64 5QB	Internal knock through (between current kitchen and dining room) and external knock through (between kitchen and rear garden) installing steel beams as per Structural Engineer Specifications
2021/0928/BN	A	14, Millbrook Heights, Dinas Powys. CF64 4JJ	Re roof, including 3 sun tunnels
2021/0929/BN	A W	106, Morel Street, Barry. CF63 4PN	Rear double storey extension and single storey side extension
2021/0931/BN	A	71, Lavernock Road, Penarth. CF64 3NY	Garage conversion to bike storage / general storage / home workshop
2021/0932/BR	AC	55, Maes Y Gwenyn, Rhoose Point, Rhoose. CF62 3LA	Single storey extension to side and rear to enlarge kitchen and provide new games room
2021/0933/BN	A	82, Dochdwy Road, Llandough. CF64 2PE	Lean to kitchen extension
2021/0934/BN	A W	Pentwyn House, Llangan. CF35 5DW	Two storey extension to add extra living space and master ensuite
2021/0937/BN	A	55, Plymouth Road, Penarth, CF64 3DD	Single storey extension at rear to enlarge kitchen
2021/0938/BN	A	Ty Cwm, Drope Road, St. Georges Super Ely. CF5 6EP	Front porch extension
2021/0939/BN	A	7, Fulmar Close, Penarth, CF64 5FE	Single storey side extension

2021/0940/BR	AC	9, Porth-y-green Close, Llanblethian, Cowbridge, CF71 7JR	Construct new two storey extension, new lean to extension to ground floor, for new veranda and general alterations
2021/0943/BN	A	6, Salmons Wood, Graig Penllyn, Cowbridge. CF71 7SB	Two storey extension to the side of the existing house to include separate garage
2021/0944/BN	A	Foxhollows, Llancarfan, CF62 3AD	Re-roof
2021/0946/BN	A	33, Clos Yr Ysgol, Dinas Powys. CF64 4RJ	Single storey extension
2021/0947/BN	A	Old Parsonage, Llancarfan. CF62 3AG	Re roof and removal of 1 chimney stack
2021/0948/BR	AC	2, Sunnyside Cottage, Beggars Pound, St. Athan. CF62 4PB	Replacement of existing oil tank with new 60 minute fire rated bounded plastic heating oil tank located within
2021/0949/BR	AC	Fairfield, Welsh St Donats, CF71 7SS	To develop existing garage and store - to maintain existing garage and form new gymnasium (including shower room) and garden store
2021/0950/BN	A W	26, The Verlands, Cowbridge. CF71 7BY	Single storey extension (3.85 x 3.5)
2021/0951/BN	A	26, Walston Road, Wenvoe. CF5 6AU	Internal alterations, new heating system and convert garage to utility and W/C
2021/0953/BN	A	80, Dochdwy Road, Llandough. CF64 2PE	Lean to kitchen extension
2021/0954/BN	A	122, Woodlands Road, Barry. CF62 8EE	New first floor extension above existing ground floor extension (under 10m2)
2021/0955/BN	A	10, Shakespeare Avenue, Penarth. CF64 2RU	Single storey rear extension



2021/0956/BN	A	18, Lakeside, Barry, CF62 6ST	Rear dormer, porch alterations, extend balcony, internal alterations and windows
2021/0957/BR	AC	Mereworth House, Heol Y Cawl Lane, Corntown. CF35 5BB	First floor extension to provide additional bedroom
2021/0960/BR	AC	6, Oakwood Close, Llandough, CF64 2PU	Loft conversion with dormer
2021/0962/BN	A	Penllan, Chapel Road, Wick, CF71 7QJ	Removal of internal wall. Change dining room window to bifolding glass doors. Convert part of garage to new utility room, includes internal door. Convert rear of garage to make a new office space, including removal of rear garage wall and replacing with an internal glass bifolding door. Combining current utility room and boiler room to create new office, includes adding f French doors to garden.
2021/0963/BN	A W	8, Summerland Close, Llandough. CF64 2QA	Demolish existing conservatory and build new single storey rear extension
2021/0964/BN	A	1, Heol Yr Ysgol, St Brides Major, CF32 0TB	Garage conversion and internal works plus 2 sets of bi-fold doors
2021/0965/BN	A	44, Plas Taliesin, Penarth, CF64 1TN	Move kitchen and all services into the current dining room, block up current dining room patio door and make into a widow, remove internal wall in kitchen/dining room, relocate boiler in downstairs toilet, open up window opening in current kitchen and install bi fold doors, make new opening in current kitchen and install patio doors, widen lounge patio doors and

			install bi fold doors, replace all windows and open up window in bedroom 3 and install a door and Juliette rail.
2021/0967/BR	AC	36, Falcon Road, Barry, CF63 2AT	Proposed single storey mono-pitched rear extension
2021/0968/BN	A W	45, Cedar Way, Penarth. CF64 3NN	Two storey extension to the rear
2021/0969/BR	AC	56, Heol Tre Forys, Penarth. CF64 3RE	Single storey rear extension to create family room and kitchen including structural alterations
2022/0003/BN	A	11, Dovey Close, Barry. CF62 7BH	Convert garage into habitable kitchen / living space
2022/0004/BN	A	65, Harding Close, Boverton, Llantwit Major, CF61 1GX	Remove wall between kitchen and dining room
2022/0006/BN	A	6, Caerwent Close, Dinas Powys. CF64 4QA	Conversion of garage to living space
2022/0008/BR	AC	3, Robinswood Crescent, Penarth, CF64 3JE	Two storey side extension with single storey rear extension
2022/0009/BN	A	49, Seaview Drive, Ogmore By Sea, CF32 0PB	Taking down internal walls

(b) Building Regulation Applications - Reject

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

2021/0900/BN	R	Cross House, Clawdd Coch, Pendoylan. CF71 7UP	Proposed alterations and extensions to existing property
2021/0905/BN	R	Huntsmans Cottage, Llandough, Cowbridge, CF71 7LR	Single storey extension and renovation of linked garage
2021/0921/BN	R	49, Lon Yr Eglwys, St. Brides Major. CF32 0SH	Internal alterations, 2 dormers to rear and porch to front

2021/0930/BN	R	39, Usk Way, Barry. CF62 7XL	Garage conversion, internal alterations, installation of patio doors and create new doorway between hall and garage
2021/0958/BN	R	Stepaside, River Walk, Cowbridge, CF71 7DW	Orangery 4 x 6.6m
2021/0959/BN	R	6 Handel Close, Penarth, CF64 3QP	Two storey and single storey extension
2021/0961/BN	R	Great House, Southerndown, CF32 0RW	Demolition of an existing single storey extension and garage to allow the creation of a new two storey extension

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

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

2021/0203/AI	A	5, Ash Lane, St Athan. CF62 4JU	Two storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0204/AI	A	52, Redlands Avenue, Penarth. CF64 2QU	2 storey extension, internal alterations and associated works
2021/0205/AI	A	Ty Creigiau, 1, Cwrt Dyfed, Barry, CF63 1DZ	Removal of load-bearing kitchen wall
2021/0206/AI	A	Land adjacent to 38 Main Street, Barry, CF63 2HJ	Construction of one block 7 x 1 bedroom flats
2021/0207/AI	A	Tanglewood, Westra, Dinas Powys, CF64 4HA	New outbuilding for private gym/study use (As amended 20.12.21)
2021/0208/AI	A	Barry Delivery Office, Kendrick Road, Barry. CF63 4ZZ	Installation of a steel cantilevered loading bay canopy, refurbishment of the vacant counter area and general Managers office on the ground floor and the first floor welfare area including other internal reconfiguration works

2021/0209/AI	A	27, Sycamore Crescent, Barry. CF62 9BU	Single storey side extension for utility and en suite facilities and associated works
2021/0210/AI	A	4, Cae Gwyn, Penarth. CF64 3JY	Single storey front extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0211/AI	A	11B and 11C, Royal Buildings, Stanwell Road, Penarth, CF64 3ED	Refurbishment to provide retail and food and drink outlet to existing building
2021/0212/AI	A	75, Cedar Way, Penarth, CF64 3PW	Single storey and two storey rear extension and internal alterations
2021/0213/AI	A	58, Cae Newydd, St Nicholas, CF5 6FF	Single storey rear extension with GRP roof and structural alteration to widen existing doorway at the rear
2021/0214/AI	A	Unit 15, Cardiff Road Business Park, Cardiff Road, Barry, CF63 2PQ	Full internal fit out of warehouse and office units
2022/0001/AI		28, Sully Terrace, Penarth, CF64 3DS	Single-storey rear extension and associated internal alterations (Cancelled – application received)
2022/0002/AI	A	165, Cardiff Road, Dinas Powys, CF64 4JW	Converting porch into WC
2022/0003/AI	A	4, Brookfield Avenue, Barry, CF63 1EQ	Replace existing conservatory roof with Supalite tiled roof
2022/0004/AI	A	109, Pontypridd Road, Barry. CF62 7LQ	Loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0005/AI	A	Green Meadow, Treoes. CF35 5DL	Fire damage reinstatement to flat roof

2022/0006/AI

A 1, Kingsley Close, Sully,  
CF64 5UW

Replace conservatory roof  
with Supalite tiled roof

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

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

**Decision Codes**

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

1996/00732/1/N MA	A	Acorn Camping and Caravanning, Ham Lane South, Llantwit Major	Non Material Amendment to vary condition 2 on application 1996/00732/FUL to change the site opening times from 1st February until 8th December each year to the 1st March until 8th January.
2017/01263/3/C D	A	Land off Gileston Road, St Athan	Discharge of Condition 12 (Materials Details). Planning approval 2017/01263/FUL - Affordable residential development and associated works for 18 dwellings at Land off Gileston Road, St. Athan

2018/00112/1/N MA	A	15, Highbridge Close, Sully	Non Material Amendment - Proposed reduction of ridge height to approved single storey extension to allow retention of existing first floor window. Planning Approval 2018/00112/FUL - Proposed single storey rear extension, with proposed alterations to boundary treatment
2018/00136/1/N MA	A	Ashdene, 10, Bridgeman Road, Penarth	Non Material Amendment - 1. First floor of new extensions - Change glass balustrade to metal balustrade 2. Second floor of new extensions - Change fixed glass to openable glass, add metal balustrade to match first floor of planning permission ref, 2018/00136/FUL
2019/00401/1/C D	A	Ty Mawr, Llanbethery	Discharge Condition 6 - Archaeology
2019/01041/6/C D	A	Pencoedtre High School, Merthyr Dyfan Road, Barry	Discharge of Condition 4 (Landscape Scheme) and 17 (Biodiversity Enhancements). Planning approval 2019/01041/RG3 - Construction of a replacement secondary school building at the site of the existing Pencoedtre High School, sports facilities, and associated works (including landscaping, access and engineering works) along with the demolition of the existing secondary school building
2019/01062/2/C D	A	Castle Hotel, Jewel Street, Barry	Discharge of Condition 3 (Means of enclosure). Planning approval

			2019/01062/FUL - Demolition of existing outbuildings and single storey side extension; the refurbishment, reconfiguration and re-use of the existing public house (Use Class A3)/community facility; the provision of 14 no. affordable apartments (Use Class C3) through change of use, a new build 2-storey side extension; together with repositioning and widening of existing vehicular access to car parking spaces, new paving to beer garden and play area, bin store, cycle store, ancillary works and uses
2020/00181/FUL	A	14, Lakeside, Barry	Retention of raised decking and outbuilding
2020/00441/FUL	A	Tafarn Barn Stables, Treerhyngyll	Proposed agricultural machinery/hay store adjoining the existing stable block.
2020/01173/FUL	A	Penuchadre Farm, Wick Road, St. Brides Major	AMENDED PLANS: Erection of a wooden hut within existing silage pit walls for a milk vending machine. Proposed parking and additional access. Removal of stone wall for gates and construction of new stone wall and post and rail fence
2020/01398/FUL	A	Broadclose Farm, Moulton	Proposed conversion of an existing stone storage barn, to form holiday/tourist accommodation
2020/01518/FUL	A	Treoes Community Allotments adjacent to Saron Chapel, Treoes	Retrospective planning consent for a number of water collection systems, mostly four uprights and a



			roof. Also consent for two further water stand pipes for main supply of water to be added in middle of plot of existing pipe. Two standpipes already in existence at either end of plot.
2021/00111/1/CD	A	Rhoose Library, Fontygary Road, Rhoose	Discharge of Condition 3 (Materials Details) - Planning approval 2021/00111/FUL - Single storey extension to the side and rear of existing library building
2021/00445/FUL	R	Billys Kebab House, The old Post Office, Rock Road, St Athan	Variation of Condition 3 of Planning Permission 2017/00940/FUL to incorporate Use Class A3 (Hot Food/Takeaway)
2021/00588/FUL	A	Pant Wilkin Stables, Aberthin, Cowbridge	Assistant trainers dwelling, use of an existing access.
2021/00782/FUL	A	Land adjacent to shelter, 21m From 3 Picketston Close 5m From Unnamed Road. Eglwys Brewis Road, Eglwys Brewis	Plot 2 Construction of detached five bedroom two and half storey house with attached double garage, forming of new vehicle and pedestrian access, construction of 2.0m wide footway to frontage of site. Associated works including driveway, landscaping, boundary walls and fencing.
2021/00875/FUL	A	31, Chamberlain Row, Dinas Powys	Proposed side extension with dormers at first floor
2021/00892/1/NMA	A	20, Fonmon Road, Fontygary, Rhoose	Non Material Amendment - Shorten the width of front elevation and slightly increase roof pitch together with addition of glazed panels to sides of each door/window at side of extension in the existing

			front wall of the house. Planning approval 2021/00892/FUL - Single storey and double storey extensions to front elevation of existing dwelling
2021/00904/FUL	A	Land at St Lythans Farm, St Lythan	Proposed change of use of land to provide caravan storage (use class B8)
2021/00921/ADV	E	Y Bont Faen Dental Surgery, 64C, Eastgate, Cowbridge	Sign with practice logo to replace existing sign/logo on front elevation (1). Sign on glass of ramp of practice showing treatments provided (5)
2021/00924/FUL	A	29, Kenson Close, Fontygary, Rhoose	Replacement of existing garage with new garage that includes a home office and utility room. New garage will utilise existing access
2021/00952/FUL	A	17, Heol Tapscott, Barry	Proposed single storey rear extension
2021/00965/FUL	A	23, Byrd Crescent, Penarth	Proposed 2 storey rear extension and loft conversion and new front porch
2021/01030/FUL	A	Doggie Day Camp, Pont Sarn Lane, (Land on North side of Cnepyn Lane), Peterston Super Ely	Proposed change of use from the current equestrian use to a proposed sui generis use (Dog day care)
2021/01043/LAW	A	Penarth Marina, Penarth	Certificate of lawfulness of existing sui generis use as a marina, incorporating the berthing of a range of vessels for a mix of residential, leisure and commercial purposes.
2021/01045/FUL	A	90, Coleridge Avenue, Penarth	Single storey rear extension and first-floor

			extension over existing garage
2021/01061/FUL	A	Part of pontoon area, off Y Rhodfa, Barry Waterfront	Proposed temporary sales area in relation to the new Barratt Homes Residential Development at East Quay, Barry Waterfront
2021/01083/LAW	A	Freehold property North of Hayes Road, Sully	Use as warehouse and workshops
2021/01093/LAW	A	Moat Farm, Llysworney	Change of Use of former agricultural building into an ancillary domestic building
2021/01104/FUL	O	The Laurels, Llanquian Road, Aberthin	Variation of Conditions 2 - Plans and 17 - Levels - on planning application 2018/01083/FUL - Proposed construction of 2 detached dwellings with new access
2021/01152/FUL	A	52, Glebe Street, Penarth	Variation of Condition 2 of planning permission 2015/00829/FUL (for the conversion of existing workshop to the rear yard of 52, Glebe Street into one dwelling unit, four person, three bedroom unit) to alter fenestration on the front elevation and to add a canopy over the ground floor windows.
2021/01170/FUL	A	60, Longmeadow Drive, Dinas Powys	Two storey side extension
2021/01186/FUL	A	122-124, The Waverley Care Centre, Plymouth Road, Penarth	Retain smoking shelters erected and work to front boundary wall and structures as built
2021/01206/FUL	A	85, Cardiff Road, Dinas Powys	Proposed two storey side extension and single storey rear extension

2021/01215/FUL	A	Rose Cottage, Church Road, Llanblethian	Conversion of workshop and garage into annex for family use.
2021/01220/FUL	A	3, Hastings Avenue, Penarth	Loft conversion including hip to gable conversion plus new dormers and Juliette balcony to rear plus all associated works. To include raising the height of existing ridgeline
2021/01228/FUL	A	13, Vale Court, Cowbridge	New fence to rear boundary, raised decking area and open ended shed
2021/01231/FUL	A	Mawingo, Church Lane, Welsh St Donats	Construction of a single storey contemporary glazed orangery extension to rear of an existing single occupancy double occupancy residential property
2021/01244/FUL	R	Squirrel Oak Barn, Morfa Lane, Llantwit Major	Proposed two storey side extension with balcony
2021/01246/FUL	A	2, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit	Single storey porch extension and reconfiguration of existing dormer type side extension
2021/01293/FUL	A	Countisbury, St. Lythans Road, St. Lythans	Demolition of existing garage. Proposed 2 storey side and rear extensions
2021/01296/FUL	A	75, Cedar Way, Penarth	Proposed single storey and two storey rear extension and single storey side extension, to create additional living accom. at ground floor level, plus master bedroom and en-suite bathroom at first floor
2021/01315/FUL	A	Avalon, 5, Cwrt Y Vil Road, Penarth	Demolition of existing shed and rear boundary wall to make way for new garden room with veranda

2021/01329/FUL	A	Ellerslie, Sully Road, Penarth	Proposed outdoor swimming pool to rear garden. Proposed loft conversion complete with dormer to rear. Proposed single storey rear/side extensions. Revision of windows at first floor to front and side, including Juliette balconies to side and rear
2021/01331/FUL	A	18, Coleridge Avenue, Penarth	A garden room and shed at the back of the garden within 2 metres of the back boundary wall
2021/01340/FUL	A	1, Seaview Court, Rhose	Proposed ground floor garage and canopy extension and first floor extension above
2021/01347/FUL	A	25, High Street, Barry	Change of use from old class A2 to sale cafe/shop sale of hot food
2021/01354/FUL	A	Ael Y Bryn, 52, Broadway, Llanblethian, Cowbridge	Erection of rear conservatory, veranda and associated rear garden works
2021/01356/FUL	A	52, Holton Road, Barry	Change of use from amusement arcade to A3 - Ground floor and basement
2021/01360/FUL	A	5 and 6, Handel Close, Penarth	Demolition of existing rear extension(s) and side garage structure(s). Proposed side and rear two-storey extension(s). Replacement of existing front porch structure, with all associated external works
2021/01367/FUL	A	16, Lord Street, Penarth	Demolition of existing conservatory, altering two pitched roofs to a flat roof creating a roof terrace

2021/01373/FUL	A	29, Canon Street, Barry	Proposed two storey extension for a kitchen, bedroom and bathroom
2021/01380/FUL	A	Rose Cottage, Port Road, Nurston	Convert existing integral garage to an additional reception room.
2021/01393/FUL	A	71, Caer Odyn, Dinas Powys	Single storey rear extension in place of conservatory
2021/01395/FUL	A	16, Colcot Road, Barry	Finish the external elevations of the existing house in render to match the extension approved under 2021/01499/FUL.
2021/01402/FUL	A	1, Pembridge Drive, Cogan, Penarth	Pre fabricated garage
2021/01403/FUL	A	10, Vere Street, Barry	Two storey development of 2 X one bedroom flats, in garden of 10 Vere Street and fronting Jenner Street
2021/01407/FUL	A	Penllyn Castle, Penllyn	Construction of agricultural barn
2021/01411/LAW	A	Bridge Farm Bungalow, St. Brides Road, Ewenny	The continued use and occupation of Bridge Farm Bungalow without compliance with Condition (1) of Planning Permission 53/81/541 (occupancy condition).
2021/01413/FUL	A	Cross House, Sigingstone	Single storey side extension and new external porch plus all associated works (including some alterations to the roof of an existing garage within the site curtilage)
2021/01416/FUL	A	1, Romilly Road, Barry	Remove existing single storey lean-to and construct two storey extension to existing rear annex

2021/01423/FUL	A	17, Castle Drive, Dinas Powys	Single story side and rear extensions
2021/01425/FUL	A	14A, Walston Road, Wenvoe	Demolition of existing attached garage, utility area and W.C and replace with a single storey extension comprising of home office with W.C, gym/hobby room and storage room
2021/01429/FUL	A	Tower Hill Residential Home, 54, Plymouth Road, Penarth	Change of use from a care home to a residential dwelling
2021/01430/FUL	A	26, John Street, Penarth	Double height rear extension
2021/01442/FUL	A	247, Barry Road, Barry	Existing single storey garage converted into games room on ground floor with new Dutch barn style roof to provide storage at first floor level with the inclusion of two frosted windows for natural daylight
2021/01446/FUL	A	17, Victoria Square, Penarth	Construction of new garage storage to rear of site
2021/01450/FUL	A	20, Tyle House Close, Llanmaes	Ground floor and first floor extensions to the front. External and internal alterations
2021/01452/FUL	A	Flat 4a, Washington House, Stanwell Road, Penarth	Replace kitchen window. The replacement will be made of sapele hardwood with 6.4mm safety glass. The ornate top section will be rebuilt separately and the stained glass replicated using self-adhesive coloured film.

2021/01457/FUL	A	20, Coleridge Avenue, Penarth	Single storey rear extension and rear roof and dormer extension
2021/01458/FUL	A	31, Channel View, Ogmore By Sea	Decking to the front of house with glass balustrade
2021/01459/FUL	A	1, Laburnum Way, Dinas Powys	Single storey side and rear extensions
2021/01460/PNT	A	Existing telecommunications site on rooftop of Barry Gymnasium, Paget Road, Barry	Removal of existing 6No. antennas, 6No. RRU units, 2No. equipment cabinets and other ancillary equipment; Relocation of existing 3m sq. free standing support frame c/w yoke bracket; Installation of 6No. replacement antennas, with the height to top of antennas at 16.90m AGL; 15No. ERS units; 2No. replacement equipment cabinets and ancillary equipment thereto
2021/01462/LAW	A	72, Cog Road, Sully	Roof alteration to create new dormer window to match existing at rear of property
2021/01463/FUL	A	5, River Walk, Llantwit Major	Proposed single storey rear extension and internal alterations to property
2021/01465/FUL	A	77, Woodham Park, Barry	Proposed internal renovation of the garage into a larger kitchen space
2021/01469/FUL	A	8, Lon Fferm Felin, Barry	Erect conservatory to rear
2021/01478/LAW	A	Court House, Flemingston Road, Flemingston	Solar panel Installation to roof of existing dwelling
2021/01479/PNT	A	Rooftop at 88, Windsor Road, Penarth	Proposed upgrade to existing rooftop telecommunications equipment



2021/01480/FUL	A	26, Beryl Road, Barry	Demolition of existing single storey extensions. Construction of single storey extension to the rear with two storey addition to the side
2021/01481/LBC	A	Penarth Yacht Club, The Esplanade, Penarth	Replacement of a single timber lintel above a boiler room doorway
2021/01484/FUL	A	109, Redlands Road, Penarth	Retention of existing boundary wall to front of property
2021/01488/FUL	A	Hook Hill, Love Lane, Llanblethian, Cowbridge	Removal of lean to roof to front of house and partial replacement with a new porch. Adding second storey over existing garage and utility room. New single storey extension at rear of house. Additional windows to west elevation
2021/01493/FUL	A	20, Wordsworth Avenue, Penarth	Existing garage demolition and single storey side extension
2021/01495/FUL	A	Orchard Cottage, Fontygary Road, Rhoose	Replacement of open porch with first floor balcony above and changes to fenestration
2021/01496/FUL	A	121, Fontygary Road, Rhoose	Single storey extension to the rear of the property
2021/01499/FUL	A	9, Porth Y Green Close, Llanblethian, Cowbridge	Demolish existing single storey lean-to to side of dwelling. Construct new two storey side extension with lean-to extension to front elevation. To make alterations to door and window opening and construct new rear elevation veranda

2021/01505/FUL	R	Cross House, Clawddcoch, Cowbridge	Proposed 2 storey side extension and rear extension and alterations to existing house to increase the ridge and eaves
2021/01509/FUL	A	Glenbrook Inn, Dobbins Road, Barry	New double garage
2021/01513/FUL	A	21, Trem Y Don, Barry	Replace 15 metre long x 6 ft featherboard fence with an 8 ft featherboard fence. The fence is situated at the Western boundary of the back garden and is a boundary between the garden and an unlit public footpath (cutting) between Trem Y Don and Marine Drive
2021/01514/FUL	A	7, Millwood Rise, Barry	Proposed rear dormer loft conversion and a single storey extension to rear and partial side of existing domestic dwelling
2021/01517/FUL	A	9, Powys Place, Dinas Powys	Double storey rear extension and loft conversion
2021/01529/FUL	A	Building 406, Beggars Pound, Bro Tathan, Cowbridge Road, St. Athan	Proposed external alterations with all associated works
2021/01531/FUL	A	29, Meadowcroft, Rhoose	Two storey side extension and single storey rear extension
2021/01532/LAW	A	2, Millbrook Road, Dinas Powys	Single storey rear and side extension
2021/01535/FUL	A	40 Crompton Way, Ogmore By Sea	Proposed single storey rear extension to form a conservatory

2021/01540/FUL	A	Pump House, Llysworney	Demolish roof to single storey annex. Ground floor extension to single storey annex. First floor pitched roof extension to extended annex with Juliette balcony to rear
2021/01542/FUL	A	Brown Lion House, Llanmaes	Ground floor single storey extension to northern aspect, including material alterations
2021/01543/FUL	A	33, Crompton Way, Ogmore By Sea	Single storey conservatory addition to rear elevation
2021/01544/FUL	A	23, Price Avenue, Barry	Renewal of planning permission 2016/00733/FUL, for a proposed detached three bedroom house within the side garden
2021/01545/FUL	R	Lily Cottage, The Butts, Cowbridge	Change of use from holiday let to residential (resubmission) one bedroom unit as opposed to two bedroom previously
2021/01546/FUL	A	10, Plover Way, Penarth	Single storey kitchen/dining/utility extension to rear garden area to include alteration of existing conservatory within development
2021/01547/FUL	A	3, Broadway Green, St Nicholas	Proposed two storey rear extension, removal of existing conservatory for new single storey extension with roof terrace
2021/01548/FUL	A	30, Sherbourne Close, Barry	Single storey pitched roof rear and side extensions
2021/01549/FUL	A	62, Heol Cae Pwll, Colwinston	Single storey extension to rear of property to provide garden room

2021/01550/FUL	A	Bryn Glas, 39, Broadway, Llanblethian, Cowbridge	Proposed two storey extension to side elevation and proposed single storey extension to rear elevation
2021/01551/LAW	A	19, Nyth Y Dryw, Rhoose	Single storey rear extension
2021/01552/FUL	A	1, Earl Road, Penarth	Conservatory to the North East elevation
2021/01553/FUL	A	6, Marine Parade, Penarth	Replace frames and roof of existing conservatory in white upvc with design and footprint the same.
2021/01554/FUL	A	Pentwyn, 55, Colcot Road, Barry	Ground floor side/rear annexe extension
2021/01564/FUL	A	29, Rhoose Road, Rhoose	Demolition of existing shed and lean to extension and the construction of a single storey rear extension to provide an additional bedroom and bathroom
2021/01569/FUL	A	10, Priory Gardens, Barry	Retrospective planning application to regularise unauthorised engineering works, resulting in the changed levels of the land. Also change of use of land to rear of property to residential garden
2021/01573/FUL	A	46, Tynewydd Road, Barry	Variation of Condition 1 (Time Limit) of 2016/01026/FUL - Demolish existing single storey garage and rebuild double storey unit
2021/01581/LAW	A	149, Redlands Road, Penarth	Rear single storey extension
2021/01585/FUL	A	1, Cudd Y Coed, Barry	Two storey side extension and single storey rear extension

2021/01592/FUL	A	57, Churchfields, Barry	First floor extension above existing garage/study
2021/01594/LAW	A	16 Cardigan Crescent, Boverton, Llantwit Major	Existing conservatory to be replaced with an extension to the kitchen.
2021/01595/FUL	A	The Stables, Squire Street, Llysworney	Proposed extensions to the ground floor and loft. Proposed conversion of garage into garden storage and studio
2021/01603/FUL	A	2, The Broadshoard, Cowbridge	Two storey rear extension and single storey side extension
2021/01605/FUL	R	28, Westgate, Cowbridge	Alterations/extension to existing dwelling - resubmission following refusal
2021/01614/FUL	A	15 Augusta Crescent, Penarth	Revision to planning approval 2020/01583/FUL - proposed single storey side and rear extension. demolition of garage: To include re-positioning of side wall to boundary and extending rear canopy to side elevation
2021/01674/LAW	A	4, Romilly Avenue, Barry	Proposed loft conversion with rear flat roof dormer and front roof lights
2021/01703/OBS	B	Mynydd Y Glyn, Rhondda	EIA Scoping Opinion - 7 turbine wind farm
2021/01730/OBS	P	Land at Felindre Meadows, Llanharan, Pencoed	Pre-application advice 21/5134/41
2021/01794/OBS	S	Plot F, Felindre Meadows, Pencoed Technology Park, Llanharan, Bridgend (21/1574/10)	Proposed development of Class B2 and/or Class B8 units, access, car parking, landscaping and associated works

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **26 JANUARY 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2020/01370/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 21/3282767  
Appellant: Mr W Davies  
**Location: Ty Dan Y Graig, Graig Penllyn**  
Proposal: Erection of three residential dwellings  
Start Date: 30 November 2021

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LPA Reference No: 2021/00563/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-01380-H9B1N3  
Appellant: Mr Gary Mickelsen  
**Location: 46, Clos Yr Wylan, Barry**  
Proposal: Retrospective application for a "Garden Office" outbuilding, located to the front of the property  
Start Date: 7 December 2021

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

LPA Reference No: 2021/00279/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/21/3281153  
Appellant: Mr Daniel Mallett  
**Location: 20, Elm Grove Place, Dinas Powys**  
Proposal: First floor extension above existing extension with Juliette balcony to rear and two storey extension to front  
Decision: Appeal Allowed  
Date: 7 December 2021  
Inspector: Hywel Jones  
Council Determination: Delegated

## Summary

The main issue was considered to be the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

The Inspector identified that the appeal property lay at the end of a row of 2 pairs of semi-detached houses all of which had similar fenestration patterns and either a rendered or brick-faced finish. The middle two houses had two-storey side extensions with single-storey flat roof garages to their side and the appeal property had a brick-faced side extension which was setback significantly further than the nearby two-storey additions. The proposed extension would be sited above this addition and would include a small infill element at ground floor and two high level windows on the first-floor side elevation.

When viewed in the context of the neighbouring house and given the degree of setback of its front face, the Inspector considered that the proposed first-floor extension would not upset the symmetry of the pair of semi-detached houses, nor would it appear out of proportion. There would remain a significant visual gap between the addition and the end of the neighbouring terraced property and he considered that it would not harm the character of the street, which already displayed a variation in style and detailing.

Whilst the Council was concerned that the width of the extension at 5.5m conflicted with its adopted Residential & Householder Development SPG in that the extension should be proportionate to the original property and the symmetry of the semi-detached properties should be retained, the Inspector considered that the scheme did not conflict with this guidance. He was satisfied that the extent of the setback of the proposed extension would achieve the subservient relationship to the host dwelling sought by the SPG and would not harm its character or appearance or the surrounding area and would not therefore conflict with policies MD2 or MD5 of the LDP.

## Conclusion

It was therefore concluded that the scheme was acceptable, would not cause harm to the living conditions of neighbouring residents and was allowed, subject to the standard conditions.

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LPA Reference No:	2021/00603/TPO
Appeal Method:	Written Representations
Appeal Reference No:	3279042
Appellant:	Mrs. Diane Prosser
<b>Location:</b>	<b>27, Pwll-Y-Myn Crescent, Peterston Super Ely</b>
Proposal:	Works to trees covered by Tree Preservation Order No.2 of 1959: Removal of Two Scots Pine Trees (T1 and T2)
Decision:	Appeal Dismissed
Date:	13 December 2021
Inspector:	Richard Duggan
Council Determination:	Delegated

## **Summary**

The main issue was considered to be whether the Council's refusal was justified, having regard to the contribution that the trees made to public amenity and the reasons put forward for felling.

### *Amenity value*

It was confirmed that the trees were located within the rear garden of the appellant's neighbour at No. 26 and were tall, mature specimens. The trees could be readily seen from surrounding properties and residents, pedestrians and drivers would also have views of the trees. Although they were viewed as being part of a large number of trees in the area, the Inspector considered that they provided a verdant setting to the residences along the street and contributed positively to the wider area. In his opinion, the protected trees along with the other trees in the locality played a significant part in softening public views of the built environment and their removal would have a harmful effect on the locality and the character and appearance of the area.

### *Justification for Felling*

The appeal trees were a feature that provided a pleasant and satisfying aspect to the street scene and the locality as a whole. The basis of the appellant's concerns was that the trees were a danger to herself, her family and local residents and posed a threat to health and safety and that falling leaf litter and debris caused damage to her property.

Whilst the Inspector identified that the scale of the trees were of concern to the appellant and had noted her catalogue of damage between 2011 and 2021, a Tree Inspection Report undertaken in 2015 had concluded that neither trees had significant defects and were not a hazard to the local area. A subsequent report in 2020 had made the same conclusions and these reports were identified as a significant material consideration in assessing the structural integrity of the trees and the risk that they posed to the appellant and neighbouring residents.

The Inspector confirmed that he understood the concerns of the appellant, especially in view of the damage that had been caused to her property and had also taken into account the potential for 'wind throw' as a result of the historical removal of trees close-by, the Treecare Consulting Reports and the statement of support from the owners of No. 27 Pwll Y Myn Crescent. Whilst these considerations were noted, the Inspector considered that the trees appeared to be in good condition with no obvious signs of decay or damage that could lead to failure and there was no evidence to support the claim that the trees were immediately dangerous and needed to be felled.

Whilst the appellant had also raised significant concerns regarding the impact of falling debris on her property, the Inspector did not regard this as a justification for felling the trees as these were considered to be a natural and ordinary consequence of having this specimen of tree within a residential environment. Furthermore, dead wood could be removed under the TPO exemption and the removal of dead and dying branches formed part of the general maintenance of a property with protected trees.



The Inspector considered that when purchasing a property with large trees, it should be accepted that those trees are an integral part of that environment, otherwise the result would be a gradual erosion of the character and appearance of that area and that the choice of residents to buy their respective dwellings had been based on its position within an attractive environment.

#### *Other Matters*

Whilst the appellant considered that the Council had failed to take into account all the information provided rendering the decision to refuse consent invalid, the Inspector considered that the manner in which the Council had determined the application was not relevant to the determination of the planning appeal, which had been based on an assessment of all material considerations and the information supplied by all parties.

#### Conclusion

Felling the trees would diminish the quality of the public realm and such action would mean the removal of healthy trees which would otherwise continue to enhance the visual qualities of the area well into the future. It was considered that their removal would have a detrimental effect on the local environment and would be harmful to the visual amenity of the area. None of the other matters raised by the appellant were considered to be of sufficient weight to alter the balance of considerations which pointed conclusively towards the refusal of consent to fell the trees and it was therefore concluded that the appeal should be dismissed.

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LPA Reference No:	2021/00156/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/21/3281903
Appellant:	Mr David Williams
<b>Location:</b>	<b>65, Ffordd Pentre, Barry</b>
Proposal:	Single storey side extension with balcony above
Decision:	Appeal Dismissed
Date:	17 December 2021
Inspector:	Hywel Jones
Council Determination:	Delegated

#### **Summary**

The main issue was considered to be the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area.

The three-storey appeal property occupied a waterfront position within a recently constructed housing estate, with No. 65 being one of two end of terrace properties fronting a short pedestrian path that linked the estate road and the wide waterfront pathway. The front gardens of the properties and the footway combined to create one of several similar gaps in the waterfront terraces that provided attractive vistas of the water.

The Inspector noted that the proposed extension would project at ground floor level into the gap and would erode its open, spacious character. Whilst there

were flat and shallow roofs over porches and bay windows within the development, the scale and box-like shape of the proposed flat roofed extension surmounted by railings would appear as a discordant addition, emphasised by its prominent position. It would disrupt the visual rhythm of the terrace and the symmetry that the two end of terrace facades provided in framing the pedestrian link.

Although the addition would appear subordinate to the host dwelling and the proposed materials would complement the existing finishes, it would nonetheless represent an insensitive addition to the principal façade of the property. Whilst noting the existing features found locally identified by the appellant, there were not considered to alter the Inspector's findings, that the scheme would detract from the pleasing architectural coherence of the townscape.

#### Conclusion

The Inspector therefore concluded that the scheme caused harm to the character and appearance of the host dwelling and failed to respect its immediate setting and the wider surroundings, contrary to policies MD2 and MD5 of the LDP and advice in the Council's Residential and Householder Development SDP. None of the matters raised in support of the scheme by the appellant were considered to outweigh the harm and the appeal was therefore dismissed.

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#### (d) Enforcement Appeal Decisions

None.

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(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	17	4	21	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		17 (81%)	4 (19%)	21	
<b>Committee Determination</b>		1	1	2	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	1	1	-
<b>Enforcement Appeals</b>	<b>W</b>	-	1	1	1
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		(0%)	1 (100%)	-	1
<b>All Appeals (excludes non validation appeals)</b>	<b>W</b>	17	5	22	3
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		17 (77%)	5 (23%)	22	3

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **26 JANUARY, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2021/00843/TPO	R	5, Keepers Gardens, Leckwith Road, Llandough	Removal of Beech tree in front of 5 Keepers Gardens
2021/01507/TCA	A	Elmgrove House, 3 Elm Grove Road, Dinas Powys	Remove the lower branches of Sequoia tree in rear garden to 6.5 metres above ground level, which equates to 1.5 metres per branch to improve light to my property.
2021/01566/TCA	A	Brynheulog, Llangan	Work to Tree(s) in Llangan Conservation Area: G1-cypress hedge – removal of whole hedge measuring 20m in length.
2021/01590/TPO	A	Behind No. 4 and Lon Y Gog, Main Avenue, Peterston Super Ely	Work to Trees covered by Tree Preservation Order 1959, No. 2: Reduce and lower crown by up to 2.5m and remove deadwood from crown over gardens

2021/01599/TCA	A	Tanglewood, Penmark, Barry	Work to tree in Penmark Conservation area: 30% reduction of one willow tree
2021/01600/TCA	A	Marshall Hall, Penmark, Barry	Work to trees in Penmark Conservation Area: Removal of one cherry tree (T1) and removal of one poplar tree (T2)
2021/01601/TCA	A	Bryncethin Cottage, Penmark, Barry	Work to trees in Penmark Conservation Area: Removal of one Poplar tree (T1) and reduction of 25% of one Apple tree
2021/01613/TPO	A	4, Maillard's Haven, Penarth	Work to tree covered by TPO No.1 of 1988: Lime Tree Front garden - Fell to ground level
2021/01622/TCA	A	Penmark Place, Penmark	Work to Tree(s) in a Conservation Area: Ash in field dismantle 1no. stem
2021/01625/TCA	A	Foxglove Cottage, 1, Castle Mews, Llanblethian, Cowbridge	Work to Tree(s) in a Conservation Area: T1 willow - reduction
2021/01656/TCA	A	Bay Tree Cottage, Boverton	Work to Tree(s) in a Conservation Area: Reduction of one Bay tree (T1) - 50% reduction

2021/01657/TCA	A	Gwal Eirth, Barren Hill, Penmark	Work to Tree(s) in a Conservation Area: Removal of one Ash tree (T1), semi mature Elm tree (T2), two semi mature Hawthorn trees (T3) and (4) and one Sycamore (T5); Coppicing of one Hazel tree (T6); Crown lifting of one Sycamore, only garden side (T7)
2021/01731/TCA	A	Sycamore Lodge, Michaelston Le Pit	Work to Trees in a Conservation Area: T1 and T3 Sycamore - Crown lift and clear away from property. T2 Ash - Fell

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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.

**2021/00894/FUL** Received on 29 July 2021

**APPLICANT:** Mr. and Mrs. Watson C/o Agent

**AGENT:** Mr. Andrew Parker Andrew Parker Associates, The Old Farmhouse, Tre'rhyngyll, Vale of Glamorgan, CF71 7TN

**Arwelfa, Wallas Barns, Wick Road, Ewenny**

Proposed new stable block, hay store and tack room including amendments to existing access

**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 C Cave for the reason of local concerns and a possible detrimental impact to the countryside.

**EXECUTIVE SUMMARY**

The site incorporates land formerly part of Wallas Farm, off Wick Road, Ewenny, and once contained an agricultural yard, buildings and a small barn. The barn has been converted and extended to form a dwelling house, now known as Arwelfa, with benefit of planning permission. The site shares a vehicular access to the east with Ysgubor Fawr and Ysgubor Ganol. The proposal is for the erection of a stable block, hay store and tack room including amendments to existing access.

There have been representations received from four neighbouring households, and all contained objections to these proposals. There was also one representation made in support of the proposals. The principal grounds of objection related, in summary, to the principle of the development, scale, visual impact, neighbouring amenity and sanitation, access, animal welfare, and highway/ pedestrian safety. Ewenny Community Council objected to the application, citing neighbour objections.

The principal matters considered in this assessment relate to the principle of the development, the environmental impact of the development, including upon neighbouring/ local amenity and the local landscape, as well as transportation and highway safety.

The report makes a recommendation that Members APPROVE planning permission for the development, subject to a number of conditions.

**SITE AND CONTEXT**

The site incorporates land formerly part of Wallas Farm, off Wick Road, Ewenny, and once contained an agricultural yard, buildings and a small barn. The barn has been converted and extended to form a dwelling house, now known as Arwelfa, with benefit of planning permission (ref: 2007/00040/FUL). The site shares a vehicular access to the east, which also serves Ysgubor Fawr and Ysgubor Ganor. The latter are also residential dwellings, once part of the farm complex.

In addition to the dwelling and its curtilage, the application site includes a paddock to the rear. Both are included in the area edged red on the site location plan extract below:

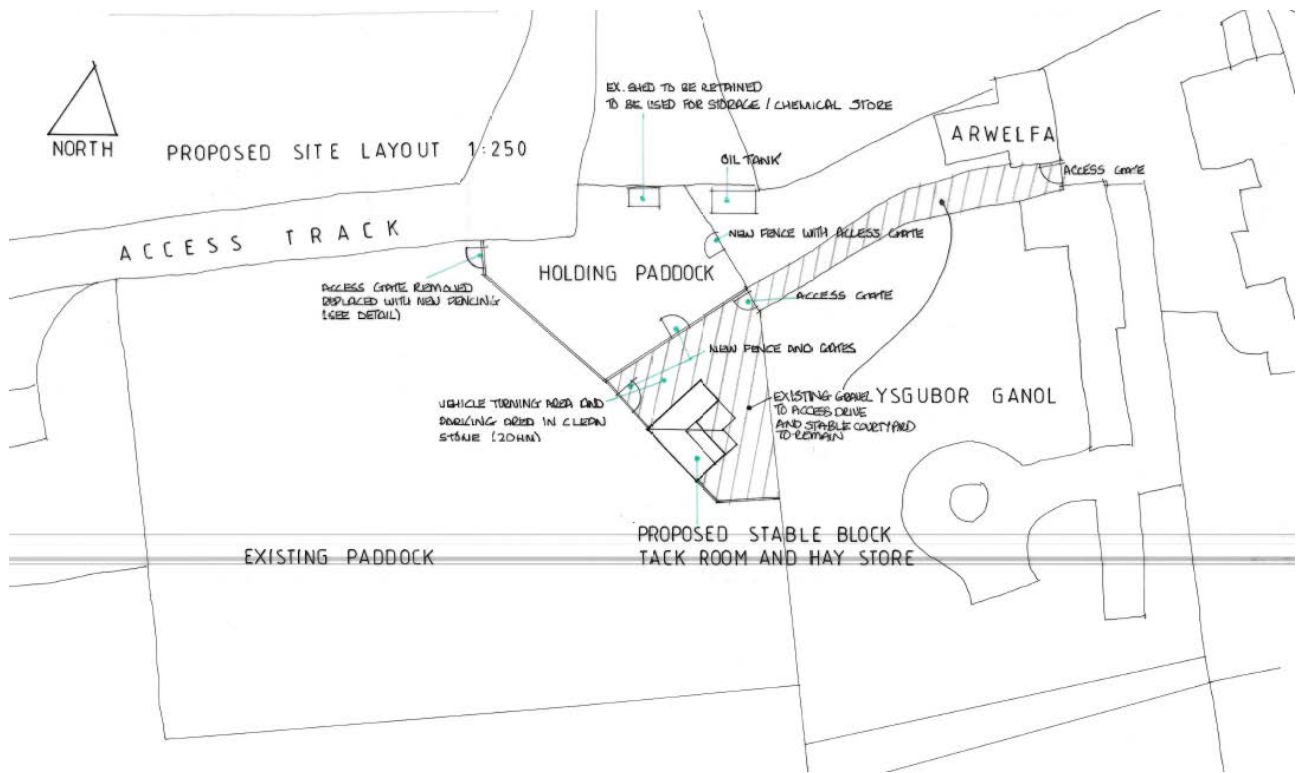




There is a public footpath immediately south of the application site. It is also within Category 1 & 2 Limestone Safeguarding Areas and the Castle Upon Alun Special Landscape Area. It is predicted to be Grade 3b quality agricultural land according to Welsh Government Agricultural Land Classification (ALP) maps.

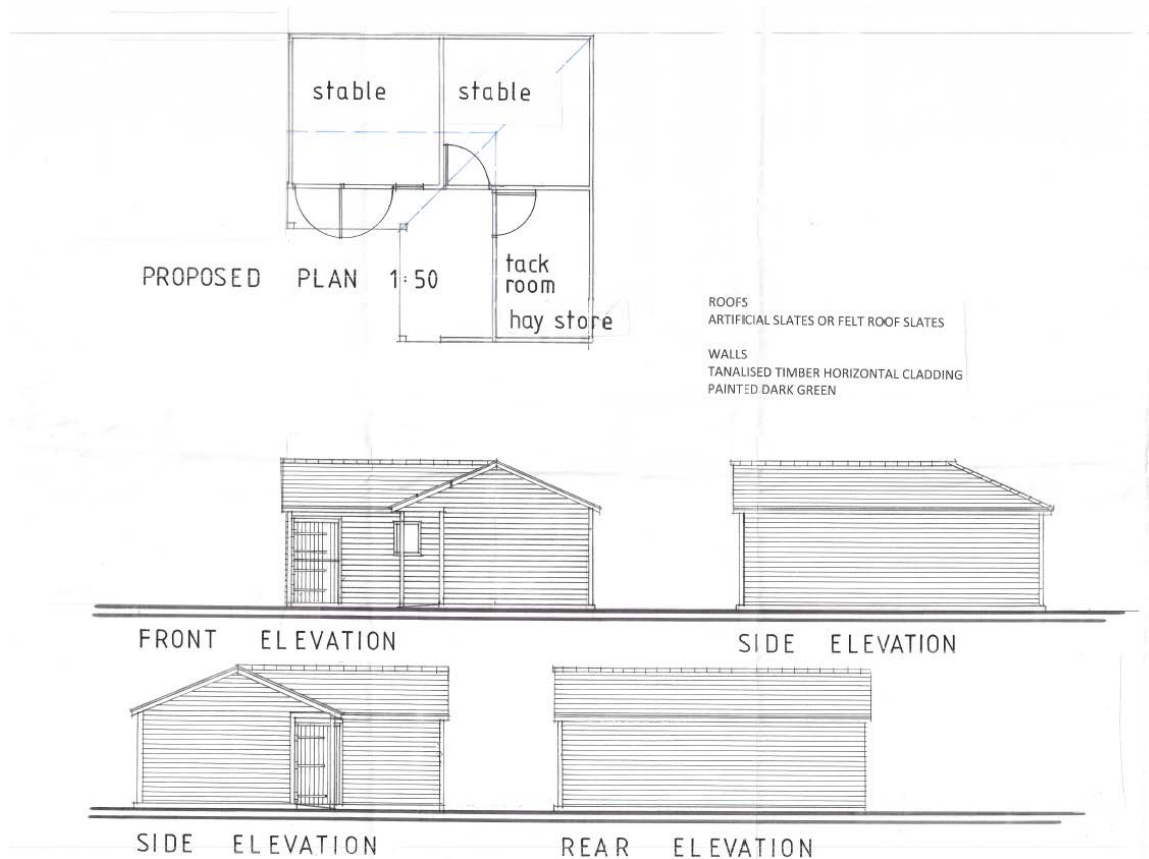
#### DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of a stable block, hay store and tack room including amendments to existing access. The proposed layout is depicted below:



The plans also show the retention of an existing shed and oil tank, hardstanding and a new arrangement of enclosures.

The proposed stable would be of timber construction and measure approx. 8.3m x 8.3m and be approx. 4m tall to the ridge. It is depicted below:



## PLANNING HISTORY

2004/01518/FUL, Address: Arwelfa, Wallas Farm, Wallas, Llampha, Proposal: Conversion of agricultural building into dwellinghouse, Decision: Refused

2005/00541/FUL, Address: Arwelfa, Wallas Farm, Wallas, Llampha, Proposal: Conversion of redundant agricultural building into a residential dwelling, Decision: Approved

2005/01822/FUL, Address: Arwelfa, Wallas Barns, Wick Road, Ewenny, Proposal: Conversion of barn to new dwellinghouse with basement accommodation, Decision: Approved

2007/00040/FUL, Address: Arwelfa, Wallas Barns, Wick Road, Ewenny, Proposal: Barn conversion with alterations and conservatory extension, Decision: Approved

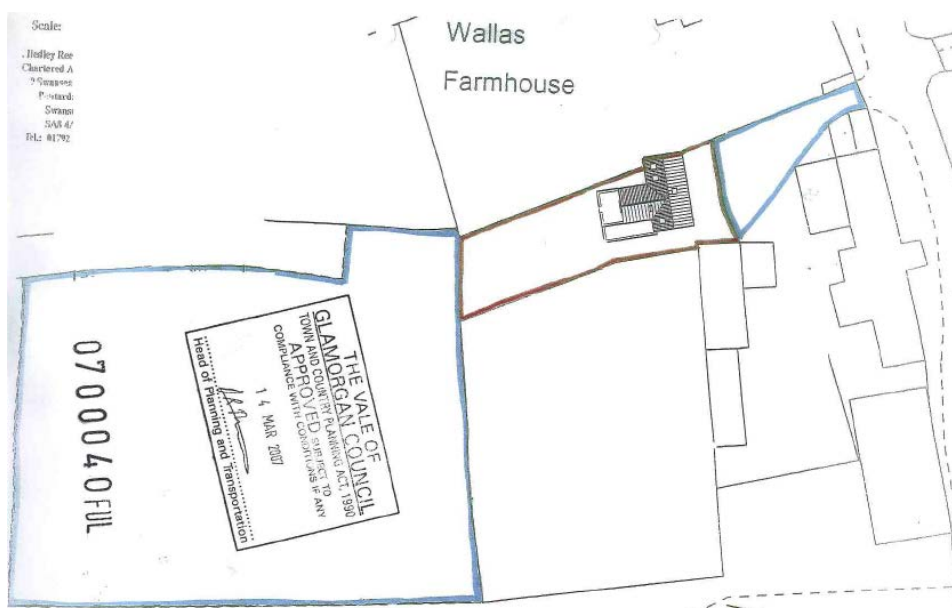
The application was approved subject to a condition which relates to the curtilage of the dwelling house, as shown below:

4. Notwithstanding the site plan submitted with the application, the residential curtilage shall be as defined on the attached plan and prior to the first beneficial occupation of the dwelling hereby approved the residential curtilage as hereby approved and as defined on the site edged red on the plan attached to this consent shall be enclosed in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority and such enclosure shall thereafter be so retained at all times.

Reason:

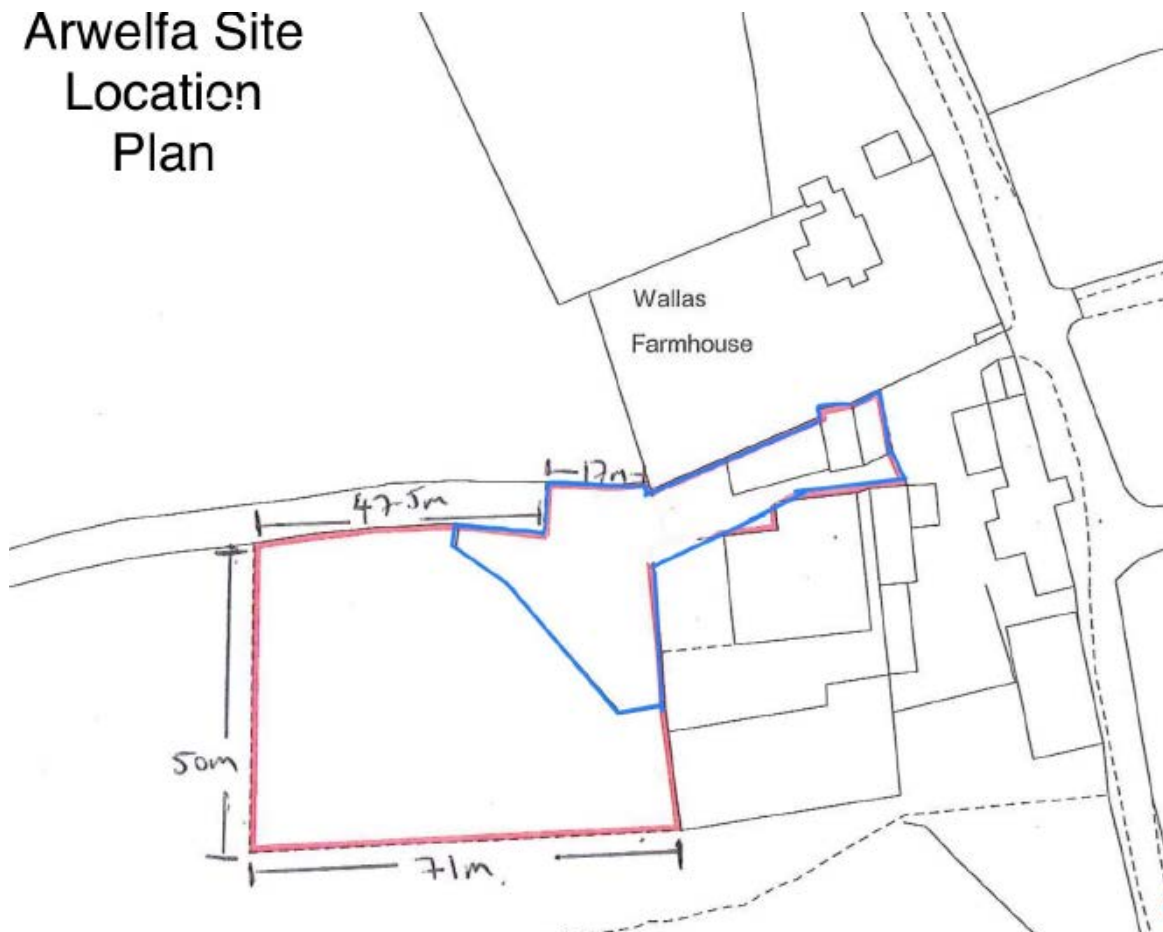
To clearly define on site the extent of residential curtilage hereby approved.

An extract of the plan attached to the Decision Notice is shown below:



**2020/00271/LAW**, Address: Arwelfa, Wick Road, Ewenny, Proposal: To establish the lawfulness of the existing residential curtilage at Arwelfa, Ewenny as outlined in the attached residential curtilage plan outlined in blue, Decision: Refused.

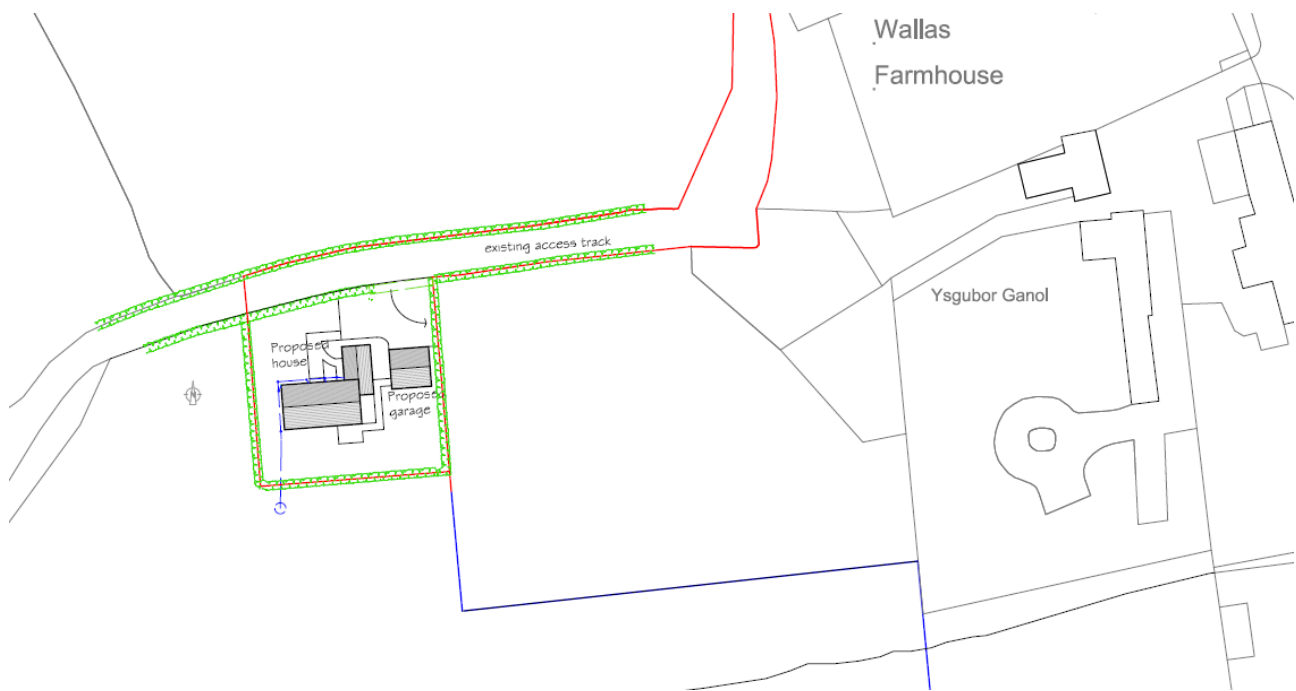
The extent of the application site is shown edged blue, below:



Reason for refusal:

*It is considered that the evidence submitted in support of the application, together with information held on the Council's own records, does not demonstrate that, on the balance of probability, the land indicated in blue on the plan attached hereto has been used for residential purposes incidental to the occupation of Arwelfa, Ewenny, for a period in excess of ten years. As such, the use of this land as described is not considered to be lawful as defined under section 191 of The Town and Country Planning Act 1990.*

In addition to the above, extant planning permission (ref: 2019/00715/FUL) exists for the erection of a new rural enterprise dwelling adjoining the application site to the west, at Wallas Farm. The proposed layout of the dwelling, in context of the site, is shown below:



## CONSULTATIONS

**Highway Development** stated no objection, noting that the proposals would utilise an existing access and that there appeared sufficient turning and parking area within the site.

**Public Rights of Way Officer** – no response received to date.

**Councils Drainage Section** – no response received to date.

**Shared Regulatory Services (Pollution)**– no response received to date.

**Gwent Glamorgan Archaeological Trust** stated that there are no known archaeological sites within the proposed development area, which also appears to have been disturbed by past development. It was considered unlikely that significant archaeological remains would be encountered.

**Ewenny Community Council** objected to the application, citing neighbour objections.

**Ecology Officer** – no response received to date.

**Shared Regulatory Services (Environment)** provided advisory notes relating to contamination and unstable land.

**Councillor C. Cave** stated: *“I am requesting that this matter come before the planning committee as I believe it represents a possible detrimental impact on the countryside and I have been made aware of a number of concerns by people in the Ewenny/Corntown area who also believe this application will not enhance the countryside.”*

**Open Spaces Society** – no response received to date.

## REPRESENTATIONS

The neighbouring properties were consulted on 6 August 2021. A site notice was also displayed on 27 August 2021. There have been representations received from four neighbouring households, and all contained objections to these proposals. The reasons have been summarised below:-

- A lack of need/ justification for the development
- Land inadequate size/ unsuitable for keeping horses
- Issues of animal welfare
- Proposed stable oversized in comparison to paddock
- Inaccuracies within the submitted documentation
- Issues with noise, odour, vermin and public health/ sanitation
- Drainage issues (effluent)
- Matters relating to right of access
- Dangers to highway and pedestrian safety
- Inadequate visibility at the vehicular access
- Inadequate access and turning facilities
- The garden fence should be an agricultural fence
- Enclosures dangerous/ not suitable for keeping to horses
- Chemical store does not meet regulatory requirements
- Concern with potential further development and/or breaches of planning control

In addition, one representation was received in support of the application by a person with an equine background which stated, in summary, that other than additional storage space for supplementary feed, the site and proposed stable would be ideal for the keeping of horses.

## 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 SP9 – Minerals

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  
POLICY MD13 - Tourism and Leisure

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.

**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:

- Design in the Landscape
- Tourism and Leisure Development (2019)

*7.6.1. The use of land for equestrian activities such as stables, field shelters, riding schools, stud farms and livery stables has become increasingly popular in the countryside, particularly on the edge of settlements. Such development requires planning permission and is generally supported as it contributes to the range and choice of rural tourism and leisure facilities on offer and benefits the rural economy.*

*7.6.2. However, the design and location of proposals for new or enhanced horse related leisure / commercial development will be assessed against the criteria set out in Policy MD 2 (Design of New Development). Proposals should therefore be of*



*an appropriate scale and be of a high standard of design that positively contributes to the context and character of the surrounding natural landscape.*

#### **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.
- Welsh Government: Code of Practice for the Welfare of Horses (2018)  
<https://gov.wales/sites/default/files/publications/2020-11/code-of-practice-for-the-welfare-of-horses.pdf>

*1.10 As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout.*

#### **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

#### Procedural note

The planning history of the site has been outlined in more detail within the relevant section of this report, above. The existing hardstanding, shed and oil tank are unauthorised given they have been erected outside of the approved curtilage area of the dwelling. This application seeks de facto approval for retention of these elements of the unauthorised development associated with the residential use, albeit with the hardstanding and shed instead put to use in association with the proposed stable.

The proposed plan depicts a new fence and gate which would effectively delineate the extent of residential use to be retained. The latter area is larger (an additional 65sq.m, approx.) than the approved curtilage, but far less than the present extent of unauthorised residential use (approx. 800sq.m) which persists at the site.



It is noted that the existing paddock depicted has no history of being used for the keeping of horses. The application is therefore assessed on the basis of the existing paddock area being of nil use, although its agricultural use would be lawful. The potential implications of the grant of planning permission upon the unauthorised operational development outlined above also requires consideration.

### Principle of the development

In policy terms, the application site is located within the countryside and outside of any settlement boundary defined within the Local Development Plan (LDP). As noted, a part of the application site has been put to unauthorised residential use, whereas the wider paddock area does not appear to be in active use. The land outside of the approved curtilage area was formerly in active agricultural use. Whilst the residential use remains unauthorised, this proposal is instead for the majority of the land outside of the approved curtilage to be put to an equine/stabling use. Such uses are considered to be a type of 'low impact leisure facility' that are permitted (in principle) in the countryside by Policy MD13 – Tourism and Leisure. Paragraph 7.6.1 & 7.6.2 of the Tourism and Leisure SPG also states these proposals are generally supported, subject to detailed assessment against the criteria of Policy MD2 – Design of New Development. There is consequently no further need to justify the principle of these proposals in policy terms and the principle of the development is considered acceptable.

The change to an equestrian related use is considered acceptable in relation to the agricultural quality of the land, noting the predictive grade according to Welsh Government Maps is Grade 3b. This suggests there would be no loss of the 'best and most versatile' agricultural land (Grade 3a and above) as defined by Policies MD1 – Location of New Development and MD7 – Environmental Protection of the LDP.

Notwithstanding the above, the scale of the proposals in relation to the available land remains relevant, in order to avoid proliferation of unnecessarily large and/or redundant buildings in the countryside, as well as to ensure the rural buildings are designed for their intended purpose and suited to their rural context. This, the relevant design criteria of Policy MD2, as well as other environmental considerations and relevant matters are outlined in more detail below.

### Scale of proposals/ animal welfare

The principle of the development is considered acceptable, as noted above. In terms of the scale of development, the proposal is for a stable building of moderate proportions that could feasibly be used for the stabling of two horses at a time. The size of the existing paddock is approx. 0.345ha, whereas the holding paddock shown is approx. 0.04.ha.

In regard to availability of pasture, the Welsh Government: Code of Practice for the Welfare of Horses (2018) states:

*“As a guide, in order to maintain correct body condition, each horse requires a minimum of 0.4 to 0.6 hectares (one to one and a half acres) of good grazing if no supplementary feeding is being provided. However this will depend on the ground conditions, the time of year, type of horse and degree of pasture management employed. A smaller area may be appropriate where a horse is principally stabled or housed and grazing areas are used only for occasional turnout.”*

The available pasture here would fall short of the above guideline (slightly below 0.4ha in total) considering two horses could be kept on site year-round - although the guidance is clearly meant to provide for a 'rule of thumb' rather than any strict minimum. The exact requirement would naturally vary from animal to animal and upon the nature of site and its management. In the above scenario of two horses, it would be reasonable to conclude they would be likely need supplementary feeding, particularly over winter, to prevent over-grazing of the pasture and poaching during wet weather. There is no evidence to suggest this is infeasible for the keeping of horses or inherent and unacceptable issues of animal welfare would occur - notwithstanding the overarching requirements of the Animal Welfare Act 2006.

The proposed stable is reasonably necessary to facilitate the keeping of horses on the land and is considered to be commensurate in size in proportion to the site and its management requirements. Whereas the applicant has, incidentally, stated the site would be used for keeping of ponies and this would likely result in less intensive grazing of the land, it could not reasonably be made a condition of any planning permission.

It is contended in representations that the closed-board fence and the post and wire fence surrounding the paddock is unsuitable for the keeping of horses. It would be overly paternalistic to prescribe a suite of enclosures designed for the purposes of animal welfare, especially given such needs may change over time and new enclosures can reasonably be accommodated for as and when required without the need further planning permission.

#### Design and Visual/ Landscape Impact

The proposed stable block is of modest size and proportions. It has a simple traditional form and would be constructed of timber. The design and materials are considered suitable for the countryside setting.

The site is in the Castle upon Alun Special Landscape Area (SLA). The surrounding area is of an open character comprising pleasant pasture/ arable landscape, albeit there is sporadic development and a small cluster of dwellings nearby. The stable would clearly be visible from the public footpath to the south, however, even from relatively close viewpoints such as this, it would have the appearance of a modest rural building set against the backdrop of a cluster of dwellings. This modest design and character would ensure the building integrates with the setting and surrounding landscape; and thus, it would not have a significant impact on the important landscape character of the SLA.

The proposed plans also illustrate the retention of an existing shed, oil tank and extension of residential curtilage. The shed, although constructed within the unauthorised part of the garden, is a small timber building with a corrugated roof (shown below). It is simple and modest in design and in the absence of residential trappings such as the maintained lawn, ornamental planting and closed board timber fencing, and physically separated from the residential garden, it would not be incongruous within in the countryside setting. It could reasonably provide for an ancillary storage function to the equine use.

The proposed alignment of the residential garden would make is slightly larger than the approved curtilage and encompass the oil tank (shown below). It would nonetheless meet with the existing stone wall and, being properly defined with a fence to delineate the curtilage allied with cessation of the residential use beyond this point, it would not appear as an arbitrary extension of the residential use into the countryside. In order to secure the implementation of the proposed enclosure to the garden area, condition 2 is proposed.

The existing closed board fencing has a domestic appearance. The plans do not indicate any change to this arrangement, but it appears to have been erected as 'permitted development' and so remains outside the scope of planning control & enforcement. The proposed plans indicate provision of a post and rail fence with stock fencing to the lower rails for the remainder of the holding paddock and this arrangement is considered suitable for the context.



(view of unauthorised garden extension/ proposed holding paddock)



(view of site from public footpath)

The development is therefore considered acceptable in relation to design and has an acceptable impact on the local rural character and landscape, including the important landscape character of the SLA, in accordance with LDP policies MG17 – Special Landscape Areas, MD1 – Location of New Development and MD2 – Design of New Development of the LDP.

### Highway Safety

The development would utilise an existing highway access, one that is shared with the immediate neighbours. The access point with the highway benefits from relatively good visibility, despite a curvature to the road, due to the open verge to either side of it. The local highway network is also very lightly trafficked and the increase in vehicle movements arising from the development (for a private, equestrian use) would not be significant. The provision of extensions, further buildings or a material change of use would all require further planning permission.

It is proposed to retain the area of hardstanding to the rear of Arwelfa to serve as a parking and turning area. The area concerned is considered acceptable in size and would allow for vehicles to turn within the site and egress in forward gear.

The gated access to the rear of Arwelfa is situated close to the private section of the driveway to Ysgubor Ganol. The access points to each private drive are at an approx. 90 degree angle to each other, with visibility obscured by the wall of the dwelling house. This is, nonetheless, a shared gravel drive where it can reasonably be expected for trip volumes to be very light, speeds to be very low and drivers, as well as those in charge of horses being ridden or led at this point, to proceed with caution. The existing arrangement is considered acceptable to serve the proposed development in respect of highway and pedestrian safety.

The Highways Engineer also stated no objection. Having regard to the matters outlined above, the development is therefore considered acceptable in relation to highway safety. The use of the building for private purposes can be secured by condition (see condition 4).

### Neighbouring amenity

With regard to the proposed stable block, the building would be situated nearby to the common boundary with Ysgubor Ganol, it is nonetheless of a size that would not result in any significant shading or daylight impact and would not be overbearing to this neighbour. The principal consideration relates instead to the potential impacts associated with the use, such as noise, odour and flies/vermin.

Shared Regulatory Services (Environmental Health) have been consulted and no formal response has been received. However, it should be noted that the case officer has confirmed the consultation was received and, in conversation with the department, it was advised that no objection would ordinarily be forthcoming for stables/ equine uses based on the above impacts.

The possibility of noise, disturbance and vermin cannot be discounted by any reasonable means. However, these impacts are not an inherent or unavoidable consequence of the proposed use. The keeping and stabling of horses is not unusual in countryside locations such as this and neighbouring impacts can in most cases be acceptably managed by good standards of care and management, such as sealed storage of feed, regular disposal of

manure, and deployment of vermin control measures where necessary. The stable would be close by to a residential dwelling, however it is not of a scale where these kind of neighbouring impacts are likely to be severe or cause an unacceptable impact upon the living conditions of neighbours, such as which might occur with heavy volumes of traffic, or noise from mucking out/ general comings and goings as might be the case with a very large stables or commercial use. The use of the building for private purposes can be secured by condition (see condition 4).

Noting the above, and with regard to the guidance contained within Circular 016/2014, conditions that attempted to control the precise nature of day-to-day activities such as the storage of manure, closed storage of feed/ vermin control and animal welfare/ husbandry would not meet the *tests* of precision and reasonableness. Planning permission should not be granted where unacceptable noise impacts are an inevitable consequence, however where a statutory nuisance was identified (such as through unreasonable behaviour or mismanagement) these could be investigated by the Council under Statutory Nuisance under the Environmental Protection Act 1990.

It is also contended in representations that surface water drains naturally toward neighbouring land, where the stabling use could give rise to issues regarding effluent. There is no detailed surface water drainage provided other than the proposed method would be via soakaway, nevertheless, such details can be secured for further review and approval prior to the commencement of construction of the stable (see condition 3).

It is considered that neighbouring impacts are not unacceptable in this case and the development is therefore compliant with Policy MD7 – Environmental Protection.

#### Other matters

Matters relating to right of access are not a material planning consideration.

The applicant has stated that the shed would not house any significant or industrial quantities of chemicals, such that may require hazardous substances consent or have any significant land use planning implications, likely being limited to weed killers and other incidental items associated with the maintenance of the land.

Given the very limited size of the footprint of this stable, the proposal would not prejudice the extraction of the wider limestone resource in the area and would not likely be viable for extraction.

#### RECOMMENDATION

APPROVE subject to the following condition(s):

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

Site Location Plan submitted 3.12.21

Amended Plan: 833/P/11 - Proposed stable block

Amended Plan: 833/P/01 Rev A - Proposed site layout

Reason:

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

2. The enclosures to delineate the residential garden area of Arwelfa (as highlighted yellow on the plan appended to this decision notice as Appendix A) shall be constructed in accordance with the details shown on plan ref: 833/P/01 Rev A within three months of the determination date of this application.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development) of the Local Development Plan.

3. The construction of the stable shall not commence until details of a scheme of land and surface water drainage, including means of effluent control, have 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 stable and thereafter retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

4. The stables, shed and associated paddock areas shall only be used for private stabling/private equine use.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD8 (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, SP9 – Minerals, SP10 Built and Natural Environment, MG17 – Special Landscape Areas, MD1- Location of New

Development, MD2 – Design of New Development of the Local Development Plan, MD7 – Environmental Protection, MD9 - Promoting Biodiversity and MD13 – Tourism and Development, Supplementary Planning Guidance on Design in the Landscape and Tourism and Leisure and National Guidance contained in Planning Policy Wales (11<sup>th</sup> Edition) and Future Wales 2020-2040, the proposal is considered to be an acceptable form of development in regard to its principle, design and visual impact, landscape impact, upon neighbouring amenity and in relation to highway safety.

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

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

**NOTE:**

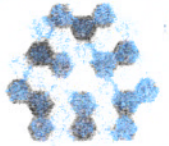
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.**





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ADDRESS:

**ARWELFA, WICK ROAD, EWENNY**

FOR MR AND MRS. A. WATSON

JOB TITLE

**PROPOSED NEW STABLE BLOCK, HAY STORE AND  
TACK ROOM INCLUDING AMENDMENTS TO  
EXISTING ACCESS AND APPLE ORCHARD**

**ANDREW PARKER ASSOCIATES**  
ARCHITECTS, LANDSCAPE AND DESIGN CONSULTANTS

TENEWITH COTTAGE, TRERHYNGYLL, COWBRIDGE CF71 7TN

Mob: 07702 262516

Email: [andrew@greatbarn.com](mailto:andrew@greatbarn.com)



**2021/01082/RG3** Received on 24 August 2021

**APPLICANT:** Visible Services and Transport, Clive Moon, The Alps, Wenvoe, CF5 6AA

**AGENT:** Mr Athan Tzovaras 1 Callaghan Square, Cardiff, CF10 5BT

### **Llanmaes, Llantwit Major**

This scheme is a Flood Alleviation Scheme for Llanmaes Village

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

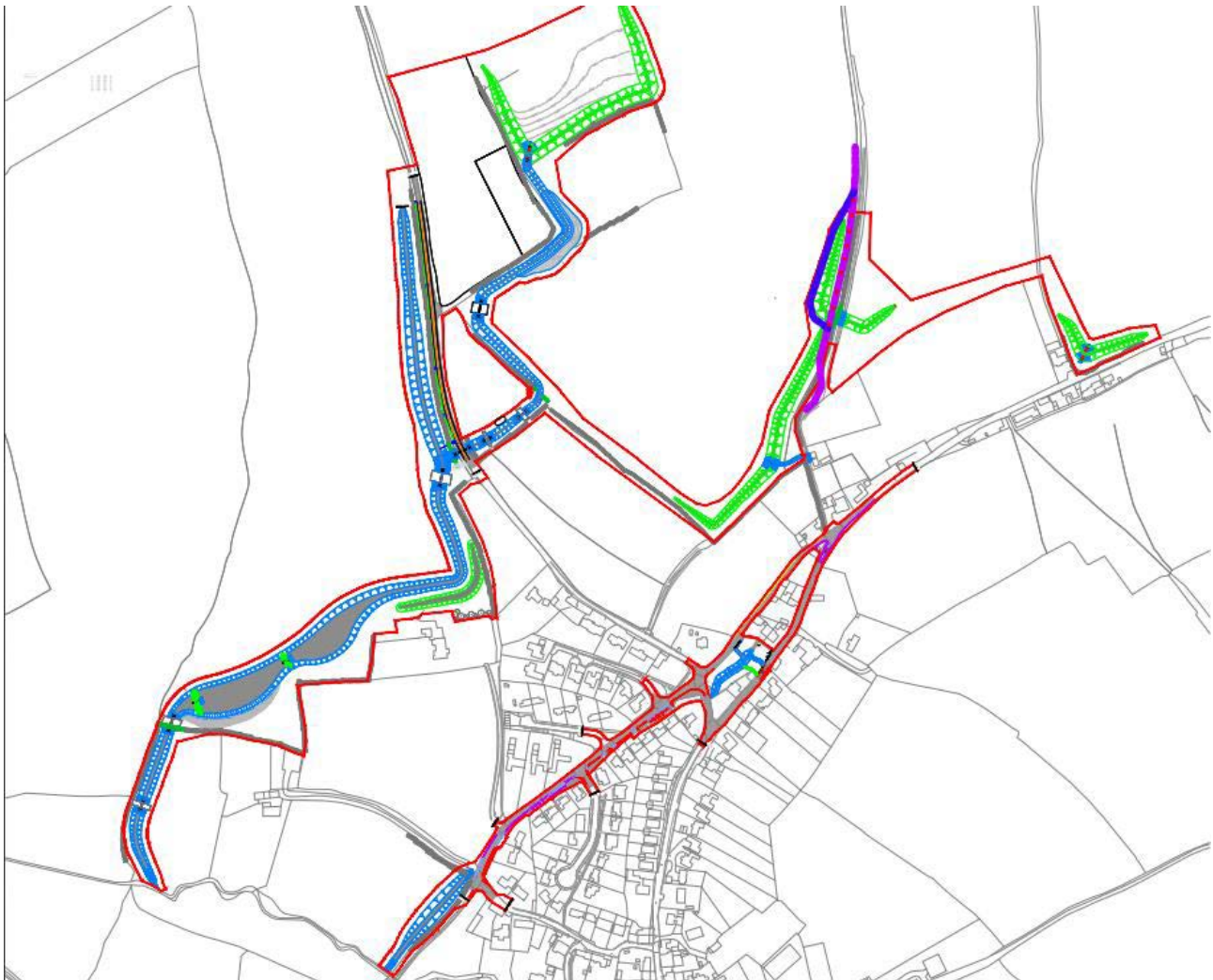
The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale that is not covered by the scheme of delegation

#### **EXECUTIVE SUMMARY**

This is a full application for planning permission for flood alleviation works at Llanmaes in the Vale of Glamorgan. The purpose of the scheme is to provide flood protection to Llanmaes village, by capturing and controlling rainwater, and reducing the volume of rainwater reaching the village. The works involve creating a series of bunds and ditches in the fields to the north and west of the village, and re-profiling road carriageways. Concerns were raised by three members of the public, however, these concerns have now been addressed by the applicant's scheme. Llanmaes Community Council, Llantwit Major Town Council and Councillor Gwyn John have expressed support for the principle of the proposal. The application is recommended for approval.

#### **SITE AND CONTEXT**

The application site is land at Llanmaes, and includes land both within the village and within the fields surrounding the village. The site area is shown on the plan below:



The application site for the scheme is approximately 12.8 hectares in area. This includes land required for flood risk mitigation, drainage, construction access, construction compounds and landscaping.

Much of the land lies within a minerals safeguarding zone and the site is crossed by a national cycle route, which runs along the road between Llanmaes and Sigingstone, and two public rights of way. Part of the site also lies within the Llanmaes Conservation Area. The southern tips of the site, adjacent to the brook, lies within a C2 flood zone.

### DESCRIPTION OF DEVELOPMENT

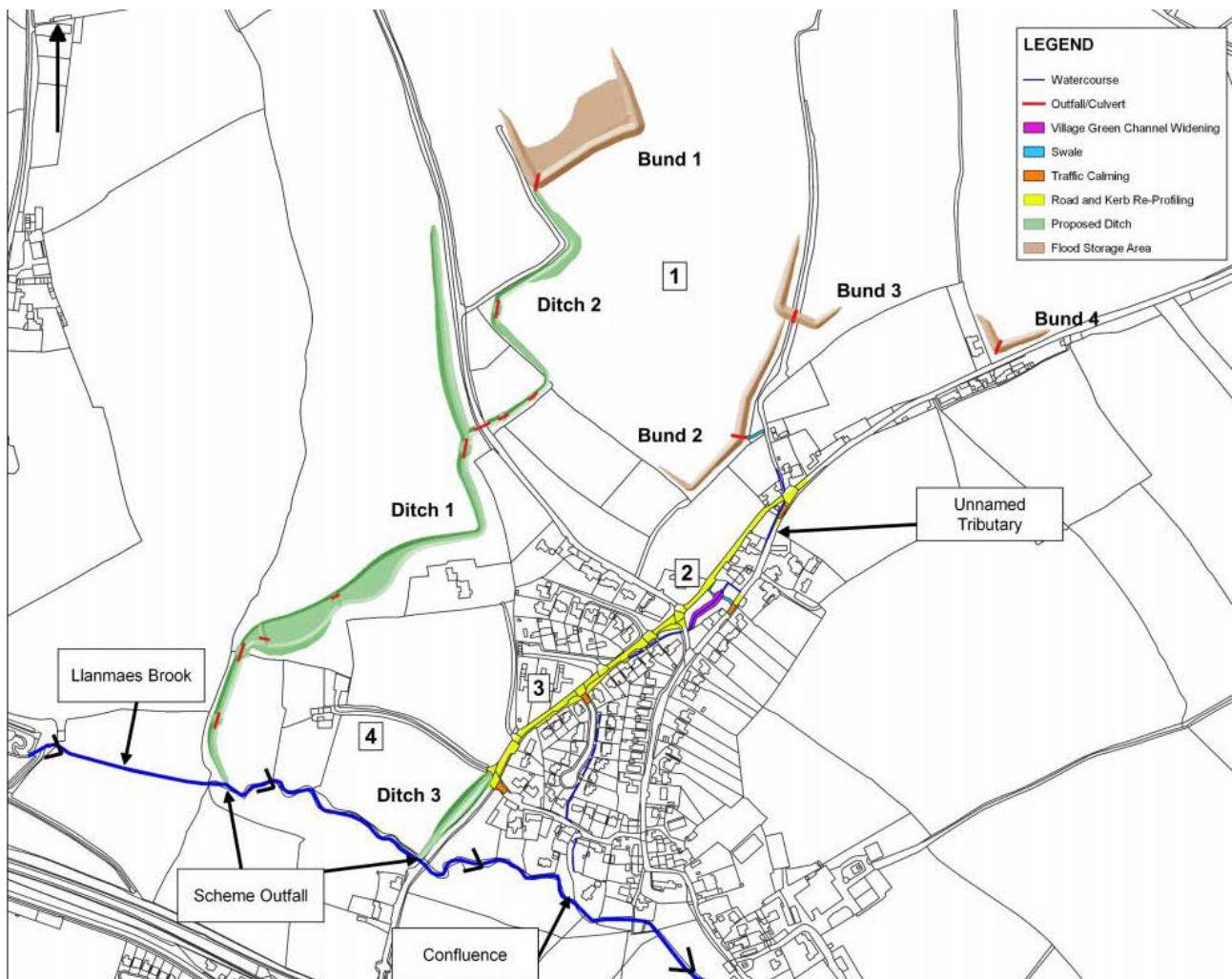
The application proposes a flood alleviation scheme for Llanmaes Village. The purpose of the scheme is to provide flood protection to Llanmaes village, by capturing and controlling rainwater, and reducing the volume of rainwater reaching the village. Some residual flooding would be likely remain but the purpose of the application is to significantly reduce flooding, with betterment to the village. The application comprises broadly the following:

The proposed development consists of:

1. Four upstream flood storage areas including a series of bunds to retain the surface water run-off

2. A series of ditches and swales to manage surface water flows, including check dams for storage, outfalling to Llanmaes Brook
3. Agricultural crossings to provide access to fields across the new ditches and swales
4. Road re-profiling along West Road to the Village Green
5. Road re-profiling along West Road from Tyle House Close to Franklin Court
6. Road re-profiling and raised road junction at the entrance to Tyle House Close
7. Road re-profiling and raised road junction across Gadlys Lane (Village Green Road) and West Road junction
8. Road re-profiling and raised road junction at Low Road and West Road junction
9. General resurfacing works within Gadlys Lane (Village Green Road), West Road and Sigingstone Lane
10. Kerb re-profiling and footway renewal along the southern side of West Road
11. Re-profiling of the grass area within the Village Green and re-profiling of Gadlys Lane (Village Green Road), north of The Croft
12. Two swales connecting West Road and Gadlys Lane (Village Green Road) to the Village Green watercourse
13. Upgrading and installing a new drainage system on West Road, downstream of the Village Green until the southern end of the village

The plan below shows the scope of works described above:



The proposed development is described in the submissions as being a low-impact ‘soft’ engineering solution. The scheme promotes the use of soft features such as flood bunds, ditches and swales to better manage the water flows naturally. In terms of materials management, all materials that would be excavated from the ditches and swales would be re-used on site to construct the flood bunds. The following aspects of the development are highlighted:

**Attenuation storage and ditches:** Four flood storage areas, designed to hold water and release it at a controlled rate. In the case of the largest storage area above (behind bund 1), the water would be directed to ditches 1 and 2, which have been designed to restrict and control flows directly into Llanmaes Brook.

**Sigingstone Lane:** The road would be re-profiled to provide crossfalls which direct runoff into a new filter drain located in the western verge. The runoff would be collected in the filter drain and discharged to the new ditch located beyond the hedge line. This is designed to help remove surface water flows from the lane and minimise runoff from the lane into the Village during a storm event.

**West Road:** At the north of the village the carriageway would be re-profiled and raised to channel the runoff away from properties. New gullies are to be provided to drain runoff and existing gullies are to be repositioned to align with the new road alignment.

From the Village Green southwards, a new surface water carrier drain is proposed to increase capacity of the road drainage system. Increased numbers of gullies would also be provided to improve the collection of runoff from the road surface. This new sewer would discharge flows into the new ditch located to the west of the road. This ditch would attenuate and treat the runoff prior to discharge to Llanmaes Brook.

West Road Junction with Village Green Road: At the north of Village Green Road there are existing gullies which collect and discharge runoff. Moving south and past The Croft, gullies with blockages and capacity issues are located in both sides of the road. The proposed drainage would see this network being extended and redirected to discharge into the existing drainage network at the west end of the Village Green, which ultimately outfalls into the unnamed tributary.

### PLANNING HISTORY

None relevant to this application.

### CONSULTATIONS

**Llanmaes Community Council-** Support the scheme but would like the following points noted:

1. Residents in properties in the vicinity of the water pump have expressed concerns over access to their properties because of road profiling and raised kerbs in the vicinity of their properties.
2. Residents in properties adjacent to Llanmaes Brook have expressed concern over the apparent extra volume of water being delivered to the brook.
3. We would like to show our support to the application in reference to design elements preserving the amenity value of the Village Green at the same time as ensuring passing traffic is kept off the Green.

**Llantwit Major Town Council-** “no objections”.

**Local ward members-** Councillor Gwyn John has stated support for the application.

**Public Rights of Way Officer-** Advice has been provided regarding maintaining the PROW free of obstruction, and the legal process if a temporary closure is required.

**Councils Drainage Section-** No representations received (essentially the applicant).

**Shared Regulatory Services (Pollution)-** Conditions requested regarding unforeseen contamination, importation of materials and a CEMP.

**Glamorgan Gwent Archaeological Trust-** No representations received.

**Dwr Cymru Welsh Water** have provided advice regarding the location of foul and clean water assets.

**Ecology Officer-** No objection.

**Natural Resources Wales** have requested conditions in respect of FCA modelling, water quality and contamination.

## REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. One email of support has been received.

Three letters of concern were received, raising points relating to (in summary):

- Impact of the bunds on water flows.
- Implications of re-profiling the carriageways.
- Access to water supply.
- Traffic speed tables.
- Impact of altered water flows on access to stables.
- Works will have to be very precise to achieve the aims.
- Maintenance of the system.

Subsequently emails have been received from two of the concerned residents (referencing the third) regarding a meeting between the applicants. The emails state that the concerns appear to have been taken into account in the proposals.

## 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 SP9 – Minerals

POLICY SP10 – Built and Natural Environment

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

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

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

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- 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)
- Design in the Landscape
- Trees, Woodlands, Hedgerows and Development (2018)
- Llanmaes Conservation Area Appraisal and Management Plan

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

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

### Issues

#### Background

The village of Llanmaes is situated on the eastern bank of Llanmaes Brook, approximately 1km north-east of Llantwit Major. A small unnamed watercourse, forming a tributary of Llanmaes Brook, flows from northeast to southwest through Llanmaes and provides the primary conveyance route for the residential area and surrounding agricultural land.

Llanmaes has a history of flood events caused by surface water runoff from the surrounding fields. Once surface runoff reaches Llanmaes, the unnamed watercourse does not have capacity to convey the water away resulting in flooding to highways and properties. Since 2004, the Council has explored a number of options for the Llanmaes Flood Alleviation Scheme through the production of a Pre-feasibility Study, Project Appraisal Report and Options Appraisal Report. The aim of the process between the three studies was to develop a feasible and technically suitable option to take forward for construction which reduces flood risk to properties in Llanmaes, whilst providing no detriment with respect to flooding downstream in Boverton via Boverton Brook. The scheme before Members is considered by the applicant to represent the most effective and deliverable solution to alleviate flooding.

#### The principle of development and flood risk

There is a well-documented history of flooding through the village and in principle, a flood alleviation scheme is considered wholly positive. The principle of the proposal is supported by the Local Member (Councillor John), Llantwit Major Town Council and Llanmaes Community Council. There have been no fundamental objections raised by local residents (the only concerns raised related to specific technical details). In principle, therefore, the development complies with Policies MD1 and MD7 of the LDP.



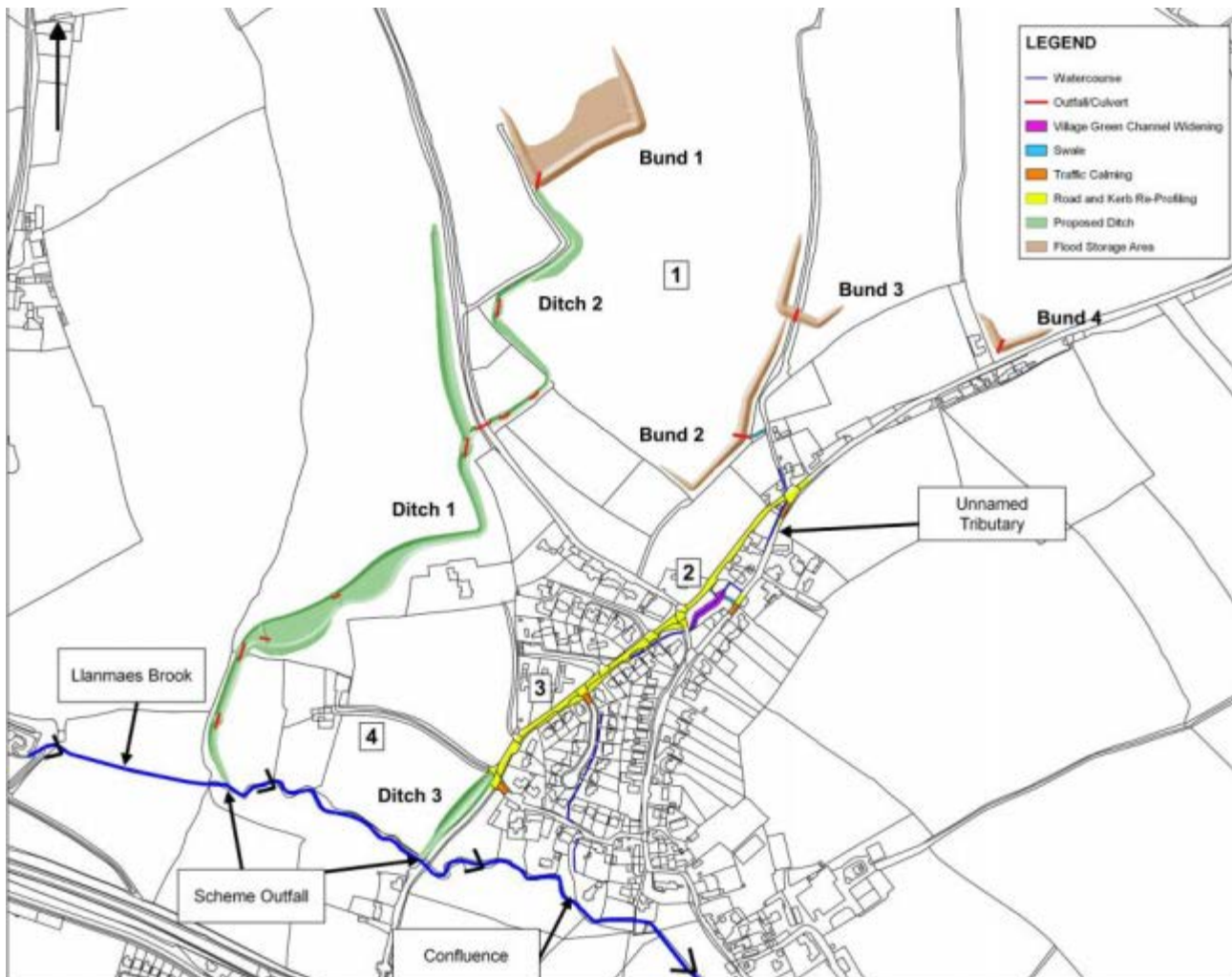
Policy MD1 states that developments should benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment. This proposal would be new infrastructure and consequently it is necessary to ensure that there is no detriment to the environment. Policy MD2 states that development should include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change. Therefore, while the principle of the proposal is clearly acceptable, it is still necessary to assess whether the proposed development would achieve those aims and not worsen environmental impacts. Similarly, TAN 15 states that:

All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement<sup>1</sup>; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; **and**,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

These tests are principally to assess the merit of new development that may be subject to flood risk, rather than works that are fundamentally proposed to lessen flood risk. However, notwithstanding that, the location (of part of the site) within Zone C is necessary to assist this flood alleviation initiative and the consequences of flooding have been assessed (see below). The land is not, in the main, previously developed, however, given the nature of the works this does not infer conflict with the aims of the TAN.

The main parts of the proposal are depicted on the plan below (replicated from above for ease of reference):



The four bunds to the north of the village would create flood storage areas, from which water would be released at a controlled and restricted rate. These areas feed into a series of new drainage ditches (from Bund 1) or a re-profiled highway (Bunds 2-4), which in turn both feed into the Brook. The effect of these works would be to reduce flood depths in Llanmaes and allow water through or around the village at a reduced rate. There are other more minor works proposed such as widening the watercourse channel by the village green and other localised areas of carriageway re-profiling, all of which would serve the same purpose of reducing flood risk to properties in the village.

Natural Resources Wales (NRW) have been consulted and initially responded to state that a detailed review of the hydraulic modelling information was necessary to ensure that it is fit to inform the Flood Consequence Assessment (FCA) prepared by the applicant. Subsequently, NRW responded to advise that for robustness, certain changes were required to the flood model. However, NRW acknowledge in their report that based on the current modelling the “updated Flood Alleviation Scheme reduces flood depths within Llanmaes, without adversely affecting flows at Boverton” and that “although the flows for Boverton Brook have not been applied, this should not affect the current comparison”. i.e. The relatively minor technical changes requested are not likely to fundamentally affect the conclusions, which are that the development would alleviate flooding in Llanmaes without detriment downstream at Boverton. NRW have agreed that this matter can be dealt with by condition, whereby the amended FCA model must be approved by NRW prior to the commencement of works. This is recommended at Condition 3.

Neighbouring residents initially raised some concerns regarding certain aspects of the work, principally with regard to whether the development would result in increased re-directed flows towards certain properties. However, as noted above the applicant has now met with the respective residents on site to describe in detail the overall design principles and how the proposals would affect flood risk outside specific properties. Correspondence received from these residents suggest that these concerns have now been allayed.

In summary, and subject to the above referenced condition 3, it is considered that the proposed development would have a positive impact on alleviating flood risk in Llanmaes, without causing detriment in Boverton. The development therefore complies with the aims of Policies MD1, MD2 and MD7 of the LDP and the aims of TAN 15.

### Visual impact

The principal engineering operations are the construction of the new bunds and ditches. The bunds would generally vary between 1m and 2m in height and they have slopes around 1:4. They would be sited at the corners and perimeter of field parcels, closely adjoined by hedgerows and trees. Therefore, having regard to their siting and proportions, they would not be significant landforms or substantially affect the wider landscape. Bunds 2 and 3 would be most highly visible due to their proximity to the public right of way, however, they, and the other bunds, would be planted with a diverse grass mix. Consequently, they would effectively assimilate into the wider rural landscape and would not cause harm to the character of the countryside. The proposed ditches similarly have relatively gentle profiles and they would be more visually discreet than the bunds. The same kind of planting mix would ensure that they also assimilate into the fields.

The works to re-profile carriageways and widen the watercourse channel by the village green would have nominal impact on the character of the streets and the village green area. While the raised tables in the carriageway (designed to re-direct water flows) would result in the road having a slightly more 'engineered' appearance, these works are very small in scale and would not have an adverse impact on the character of the conservation area. Consequently, the development would comply with the aims of Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

In summary, it is considered that the development would preserve the character of the countryside surrounding the village and the character of the area within the village, in compliance with policies MD1, MD2, MD5 and MD8 of the LDP.

### Water Quality and Biodiversity

On the matter of water quality and biodiversity, Natural Resources Wales (NRW) has raised no objection but provided advice in respect of measures which they contend would maximise biodiversity gain. These suggestions include varying the profiles of the ditches, 'two stage channels' instead of flat ditch bases, burying inverts of culverts, more significantly burying erosion control matting, and additional scour protection.

The scheme as now designed does address many of the suggestions listed by NRW; for example, ditches now have localised suppressions to hold water longer, allowing for localised biodiversity, the Village Green ditch (as is today) would become a swale with greater "green" characteristics and increased safety for the public, and matting to prevent erosion. The applicant does not propose to bury the inverts of culverts given that this

would require the flood model to be re-designed, and given that deposition over time is likely to achieve a similar effect.

The Council's Ecologist has raised no objection but suggests that the ecological enhancements would ideally be amended to provide tree sparrow boxes rather than barn owl boxes. This recommendation can be accommodated through submission to Condition 8. NRW raise no objection in this respect, subject to compliance with the recommendations contained in the submitted Ecology report. This is required by Condition 7.

In summary, the development would not have adverse water quality or biodiversity impacts, in accordance with Policies MD2 and MD9 of the LDP.

### Residential amenity

The works themselves would not have a physical form or presence that would harmfully affect the outlook or amenity of any residential property. Bund 4 would have the closest relationship to a dwelling (Penllyne Bungalow), but it would be of a size and siting that preserves residential amenity. The only alterations that could have an impact from a noise and vibration perspective are the raised road tables that will be used to direct surface water run-off at certain locations. To avoid potential negative impacts, these features will be designed to ensure appropriate ramp gradients and heights minimise noise caused by vehicles travelling across the road tables. The greatest likelihood of noise or disturbance would occur during the construction phase and, while this has the scope to affect residential amenity, the impacts would be temporary and can be minimised through adherence to a robust Construction Environmental Management Plan (CEMP) (see condition 6). Furthermore, the long term benefits to the village of reduced flood risk are considered to outweigh any temporary construction issues.

### Highways issues

The proposed works have been designed in consultation with the Council's Highway Development section and the proposed carriageway works would not have an adverse impact on highway safety. The remainder of the works (outside the village envelope) would not have a material impact on the highway. The greatest scope for highway related impacts would come during the construction phase and this would also be managed through the CEMP.

### Minerals

Policy MG22 states that:

New development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

In this case, the nature of the works are such that development would not prejudice future working of the mineral, but in any case much of the working in that area could not occur due to proximity to residential properties.

## 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:

Llanmaes Flood Alleviation Scheme (FAS). Preliminary Ecological Appraisal' by AECOM dated March 2021.

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Reason:

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

3. Prior to the commencement of development, an amended Flood Consequences Assessment (FCA) shall be submitted to and approved in writing by the Local Planning Authority, which responds to the Natural Resources Wales Flood Model Review. The amended FCA shall take account of and adopt the amendments listed in the NRW review, or provide justification for any amendment(s) not being adopted.

Reason:

In order to minimise flood risk and to ensure compliance with Policy MD7 of the LDP.

4. 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 Policy MD7 of the LDP.

5. 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.

6. 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, fuel and chemical storage areas and bunds; details of water consumption, wastewater and energy use
  - xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
  - xiv) a system for the management of complaints from local residents which will incorporate a reporting system.
  - xv) details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain;
  - xvi) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures;
  - xvii) Soil Management: details of topsoil strip, storage and amelioration for re-use;
  - xviii) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
  - xix) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan;
  - xx) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;
  - xxi) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

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

Reason:

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

7. The development shall be carried out in accordance with the 'Llanmaes Flood Alleviation Scheme (FAS). Preliminary Ecological Appraisal' by AECOM dated March 2021, and all recommendations and measures shall be implemented.

Reason:

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

8. Prior to the commencement of development, further details of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority, including details of the timescales for their implementation. The measures shall thereafter be carried out in accordance with the approved timescales and retained at all times thereafter.

Reason:

In the interests of biodiversity and to ensure compliance with Policy MD9 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, SP9, SP10, MG19, MG20, MG22, MD1, MD2, MD5, MD7, MD8 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, PPW 11, TANs 5, 12, 15 and 24, The Council's SPG Biodiversity and Development, Design in the Landscape, Trees, Woodlands, Hedgerows and Development, the Llanmaes Conservation Area Appraisal and Management Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, the proposed development is considered acceptable in principle and in respect of visual impact, highway safety, residential amenity, flood risk, ecology and environmental 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.

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

**NOTE:**

- 1. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
  
- 2. The 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.**

Outdated survey data mapping supplied by Welsh Government 2019. © Crown copyright and database rights 2018. Ordnance Survey

CLIENT  
 VALE OF GLAMORGAN COUNCIL



CONSULTANT  
 AECOM  
 1 CALLAGHAN SQUARE  
 CARDIFF  
 CF10 1AA  
 TEL: (029) 2087 4600  
 FAX: (029) 2087 4699

**NOTES**

- TO BE READ IN CONJUNCTION WITH  
 ALL OTHER DRAWINGS AND  
 DOCUMENTATION / INFORMATION.  
 ALL LEVELS RELATE TO ORDNANCE  
 DATUM.  
 DO NOT SCALE FROM THIS DRAWING.  
 USE PRINTED DIMENSIONS ONLY.

**LEGEND**



2021/01082/RG3

**STATUS**

DETAILED DESIGN

**ISSUE/REVISION**

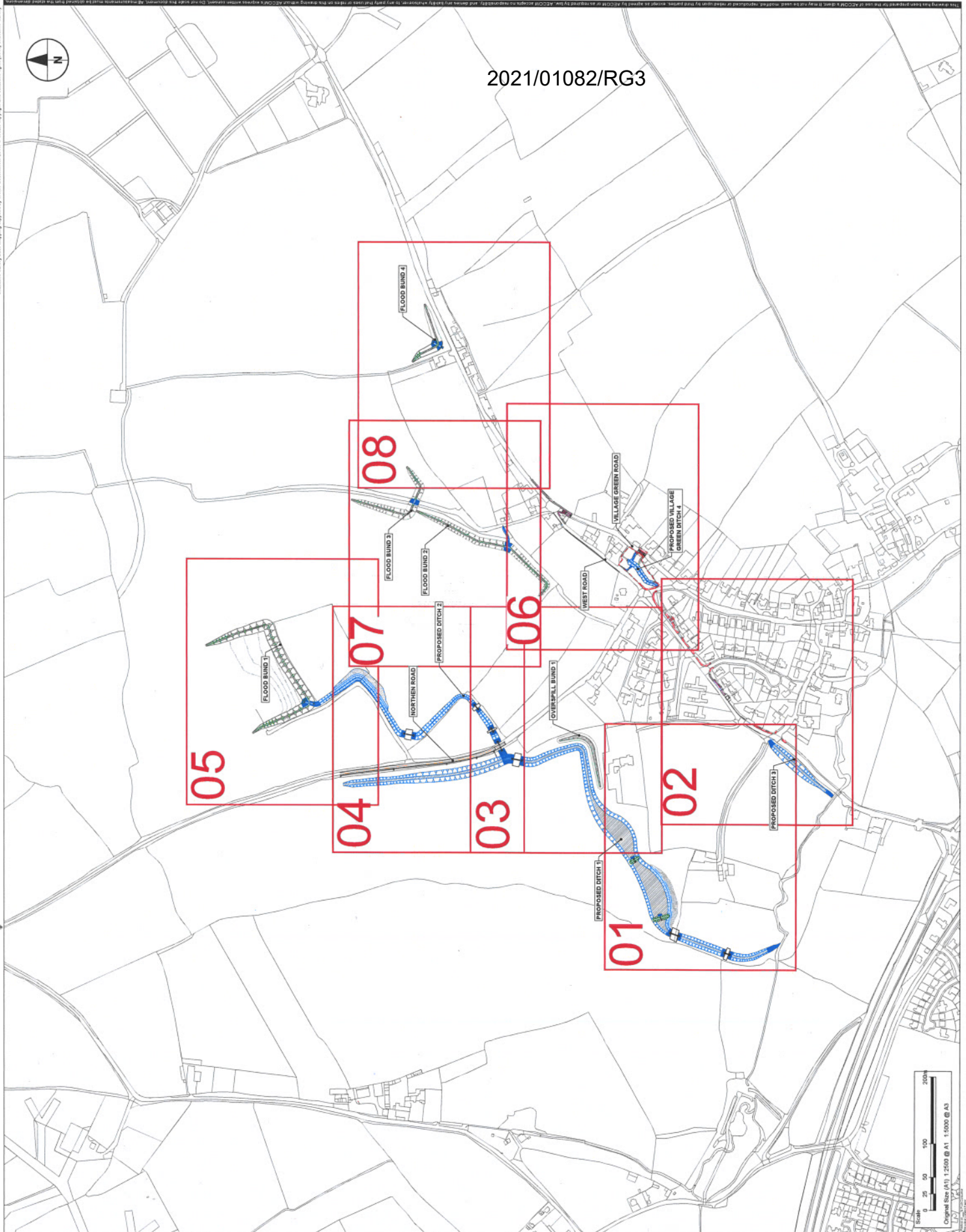
NO	DATE	DESCRIPTION
C	07/07/2021	FOR PRICING
B	24/05/2021	DETAILED DESIGN
A	02/12/2020	DRAFT DETAILED DESIGN
01		ISSUE FOR DESIGN

PROJECT NUMBER  
 01/010078

SHEET TITLE  
 FLOOD ALLEVIATION SCHEME

LOCATION PLAN  
 SCALE 1:5000

SHEET NUMBER  
 01/010078-LOC-01-F1-01-0000-CT-0001



**2021/01095/FUL** Received on 16 September 2021

Martin Smith & Ruba Sivagnanum 39, Clive Place, Penarth, CF64 1AW  
Mr Nigel Humphrey 51 Clive Place, Penarth, CF64 1AX

### **39, Clive Place, Penarth**

Demolition of the existing garage and replacement with ancillary accommodation and storage

#### **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 serving Councillor.

#### **EXECUTIVE SUMMARY**

The application is for the construction of a single storey flat roof ancillary accommodation and storage building, replacing the existing garage. The main considerations involved in this application regard the principle of the development, the design and visual impact of the proposal on the character and appearance of the Penarth Conservation Area and Article 4 application site, along with neighbour impacts, amenity impacts and parking provision.

The proposed development has received one letter of objection, raising concerns about impact on the Article 4 property, loss of off-street parking, rear lane precedent, and potential noise and disturbance. Cllr N Thomas raised concern about potential separation to a separate dwelling needing control by condition. Penarth Town Council stated no objection to the application. Having considered the above issues, the proposed development is recommended for approval subject to conditions.

#### **SITE AND CONTEXT**

The application site relates to 39, Clive Place, Penarth, a yellow brick built dwelling located within a uniform terrace, situated within the Penarth Conservation Area and Settlement Boundary as identified in the adopted LDP 2011-2021.

The property is also subject to an Article 4 direction which seeks to control minor developments by removing permitted development rights.



## DESCRIPTION OF DEVELOPMENT

This is a full application for the demolition of an existing garage and a replacement building for the use of ancillary accommodation and storage. The replacement building measures approximately 6.5m in width, 6.1m in depth, with a total height of 2.5m. Exterior materials consist of larch cladding.

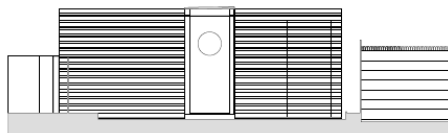




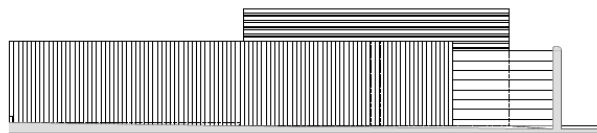
SOUTH ELEVATION



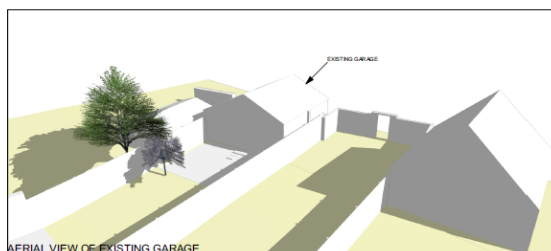
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



AERIAL VIEW OF EXISTING GARAGE



AERIAL VIEW OF PROPOSED STORAGE AND ANCILLARY ACCOMMODATION



VIEW FROM HOUSE



AERIAL VIEW OF PROPOSED FROM SOUTH EAST



WEATHERED LARCH

Amendment	
Job No/Drawing No	Job Title
129.P.06	39 CLIVE PLACE

## PLANNING HISTORY

2004/00803/FUL, Address: 39, Clive Place, Penarth, Proposal: Various works to front of property in Article 4(2) including reinstatement of front boundary wall, Decision: Approved

## CONSULTATIONS

**Penarth Town Council** was consulted on 29<sup>th</sup> September 2021 and stated 'No Objection'



**St Augustines Ward Members** were consulted 29<sup>th</sup> September 2021 and Cllr Neil Thomas responded with the below comments 'This is apparently a back lane development of a potentially separate dwelling and if the delegated officer is minded to approve then I would expect strict conditioning to ensure that such a state of affairs is impossible in the future. Unfortunately I was unable to open the statement in support part of the documents.'

## REPRESENTATIONS

The neighbouring properties were consulted on 21 September 2021, and a site notice was also displayed on 2 November 2021 and to date, one letter of objection has been received, with a summary of the comments below:

- Application breaks all the requirements of a development affecting a prestigious Article 4 property
- Loss of off-street parking for the property located on a busy and heavily parked bus route
- Rear lane access to a new residential unit will set a precedent for the area
- Potential noise and disturbance to existing dwellings
- Development that is entirely inappropriate to its surroundings
- Refusal should be recommended

## 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 Development Policies:**

POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD8 - Historic Environment

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

#### **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 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

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

- Penarth Conservation Area
- Residential and Householder Development (2018)
- Penarth Conservation Area Appraisal and Management Plan

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

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

### **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 principal issues in the assessment of this application against the above policies and guidance include the principle of development, design and visual impact, impact on neighbouring amenity, impact on residential amenity and parking provision.

### Principle of development

The proposed ancillary accommodation and storage area will provide limited residential accommodation, comprising of a sitting area, kitchen and a shower. The annex would be located within the curtilage of the existing dwelling.

Objective 7 of the LDP seeks to provide the opportunity for people in the Vale of Glamorgan to meet their housing needs. This recognises that one of the greatest demands for the development of land arises from the provision of new housing to meet the future needs of the population. The LDP aims to provide a range and choice of housing in sustainable locations and supporting sustainable communities.

The proposed annex will allow a degree of independence to the occupiers, ancillary to the main dwelling. There will be the need to control the occupation of the unit, as its use as a separate dwelling has not been assessed under the current application and would give rise to other material considerations. Paragraph 5.43 of Welsh Government Circular 016/2014 recognises that it may be appropriate to impose a condition to ensure that an annexe is only used as ancillary accommodation to a main dwelling and prevent its independent occupation. A model condition is suggested and has been used in similar situations on other applications throughout the Vale.

### Design and Visual Impact

The proposal replaces an existing, gabled roof garage, accessed from a back lane off Clive Place. Due to its location set back from Clive Place, the proposed ancillary accommodation is unlikely to have an unacceptable visual impact on the character of the Article 4 dwelling, or the wider Penarth Conservation Area.

The proposal is to have a flat roof and will be clad in larch timber boards, which is considered an acceptable material with the conservation area. The proposed accommodation and storage will be of a similar size to the existing detached garage and is considered a subservient building to the main house and proportionate to its context. The neighbouring dwellings have existing garages or accommodation of a similar size and scale.

Overall, it is considered that the proposal is compliant with Policies MD2, MD5 and MD8 of the adopted LDP and is therefore acceptable in regards to visual amenity.

### Impact on Neighbouring Amenity

The proposed building will replace an existing garage of a similar footprint, therefore the impacts to neighbouring amenity are minimal. Notwithstanding this, the proposal will be built within 0.5m to the neighbouring boundaries, however due to its single storey, flat roof nature, is not likely to have an unacceptable impact on neighbouring amenity.

To the front elevation, a door with inset window is proposed, and to the rear, another door with inset window is proposed, however, these are not considered to offer any additional views that are worse than the existing. A roof lantern running the length of the building is also proposed, however as this is not at eye level, no unacceptable views will be gained.

Consequently, it is considered that the application complies with policies MD2 and MD5 of the Adopted LDP and is therefore acceptable with regard to neighbouring amenity.

### Amenity Space

As stated, the proposal replaces an existing double garage of a similar footprint, and it is considered that ample amenity space remains to serve the extended dwelling and its occupants, in line with the Council's SPG on Residential and Householder Development.

### Parking Provision

The proposal will reduce the number of off-street parking spaces by removing the existing garage, however the application site is located within a sustainable area of Penarth, and on street parking is available. Therefore the application is considered acceptable with regard to parking provision.

## 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, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and Policy MD8 – Historic Environment of the Adopted Vale of Glamorgan Local Development Plan and Future Wales – the National Plan 2040. and the Council's Supplementary Planning Guidance on Residential and Householder Development (2018) and the Penarth Conservation Area Appraisal and Management Plan, it is considered that the proposal is acceptable in principle and would not harm the character of the Penarth Conservation Area and the wider area whilst sufficiently safeguarding the visual and neighbouring amenity of the street scene and neighbouring properties along with residential amenity and parking provision and therefore considered to be acceptable, provided that the applied conditions are met.

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.

## 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:

129.P.01 Location Block and Proposed Plans

129.P.03 Proposed Plan

129.P.05 Proposed Elevations

129.P.06 3D Images

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 proposed ancillary accommodation and storage room shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 39, Clive Place.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 Location of New Development and MD2 Design of New Developments of the Local Development Plan.

### NOTE:

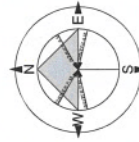
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**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the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

2021/01095/FUL



**MAS**  
 51 CLIVE PLACE  
 PENARTH CF64 1AX  
 T: 02920709565  
 e: info@mas.eu.com  
 W: www.mas.eu.com

Amendment: Job No/Drawing No: 1289.P.01  
 Date: 07.21  
 Scale: AS  
 Do not scale

Date: 39 CLIVE PLACE  
 Job Title: 39 CLIVE PLACE  
 Drawing Title: LOCATION, BLOCK, AND PROPOSED PLANS  
 Drawn: NH  
 Location, Block, and Proposed Plans  
 All dimensions to be checked on site



**2021/01519/CAC** Received on 28 October 2021

**APPLICANT:** M. Smith and R. Sivagnanum 39, Clive Place, Penarth, CF64 1AW

**AGENT:** Nigel Humphrey 51, Clive Place, Penarth, CF64 1AX

### **39, Clive Place, Penarth**

Demolition of the existing garage and replacement with ancillary accommodation and storage

#### **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 serving Councillor.

#### **EXECUTIVE SUMMARY**

The application seeks conservation area consent for the demolition of the existing garage. A separate planning application is submitted alongside for 'Demolition of the existing garage and replacement with ancillary accommodation and storage' also being considered by Planning Committee on this agenda. The main considerations involved in this application regard the principle of the development and the impact on the character and appearance of the Penarth Conservation Area and Article 4 application site.

The application is recommended for approval.

#### **SITE AND CONTEXT**

The application site relates to 39, Clive Place, a two storey mid-terrace property located on a uniform street scene within the Settlement Boundary and Conservation Area of Penarth as identified in the Adopted LDP 2011-2026.

The site is also covered by an Article 4 direction which seeks to retain traditional features of a dwelling by removing its permitted development rights.





### DESCRIPTION OF DEVELOPMENT

This application seeks Conservation Area Consent for the demolition of the existing garage located in the rear garden of the site (shown in photograph below).



The demolition is in connection for a proposal (planning application ref. 2021/01095/FUL) for a replacement ancillary accommodation and storage unit.



## PLANNING HISTORY

2004/00803/FUL, Address: 39, Clive Place, Penarth, Proposal: Various works to front of property in Article 4(2) including reinstatement of front boundary wall, Decision: Approved

## CONSULTATIONS

**Penarth Town Council** was consulted on 21<sup>st</sup> September 2021 and no response has been received to date.

**St Augustines Ward Members** were consulted 21<sup>st</sup> September 2021 and no response has been received to date.

The **Council's Conservation Officer** stated: "No objection. [...] The primary consideration for any works affecting a listed building or conservation area is the statutory requirement to have special regard to the desirability of preserving the building, its setting or any features of special architectural or historic interest which it possesses in the case of listed buildings and the desirability of preserving or enhancing the character or appearance of the conservation area in the case of conservation areas.

The building subject of this application is not identified as making a positive contribution to the character or appearance of the conservation area in the CAAMP. I am satisfied from the evidence before me that this remains the case.

As a result, its demolition is considered, in principle, acceptable subject to an acceptable proposal for the reuse of the site. I note a planning application has been submitted. If you are minded to approve this, then I have no objection to this application being positively determined.”

## REPRESENTATIONS

A site notice was displayed on 2<sup>nd</sup> November 2021 and to date no letters of representation have been received.

## REPORT

### Planning Policies and Guidance

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

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

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

#### **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 24 – The Historic Environment (2017)

### **Supplementary Planning Guidance:**

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

- Penarth Conservation Area
- Penarth Conservation Area Appraisal and Management Plan

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

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

### **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

An analysis of the works proposed has been considered under a separate application (2021/01095/FUL) and therefore, this report will only look at the acceptability of any demolition works proposed, given its location within a conservation area.

The primary issue to consider when assessing this application against the above policies and guidance is whether the proposed demolition would preserve or enhance the character of the Penarth Conservation Area.

The application site is a traditional dwelling that is covered by an Article 4 direction. The proposal includes the demolition of an existing garage to the rear of the site that is not directly visible from the street scene of the principal elevation.

The Conservation officer stated 'No Objection', with the officer stating that the building subject of application is not identified as making a positive contribution to the character or appearance of the conservation area in the CAAMP. As a result its demolition is considered, in principle, acceptable subject to an acceptable proposal for the reuse of the site.

It is considered that the garage proposed to be demolished does not make any significant contribution to the visual amenity of the site or wider conservation area and is not of any architectural merit. It is considered that the proposed works would preserve the character of the Article 4 property and Penarth Conservation Area, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

#### REASON FOR RECOMMENDATION

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales (Edition 11) and Future Wales: The National Plan 2040 as well as TAN12 (Design) and TAN24 (The Historic Environment); it is considered that the proposed demolition of the existing garage would preserve the visual amenity of the site and wider conservation area.

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.

#### RECOMMENDATION

##### APPROVE

1. No Conditions

#### REASON FOR RECOMMENDATION

Having regard to Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; and national guidance contained in Planning Policy Wales (Edition 11) and Future Wales: The National Plan 2040 as well as TAN12 (Design) and TAN24 (The Historic Environment); it is considered that the proposed demolition of the existing garage would preserve the visual amenity of the site and wider conservation area.

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.

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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.



**MAS**  
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Amendment	Date
Job No/Drawing No 1289.P.01	Job Title 39 CLIVE PLACE
Scale AS	Drawn NH
Date 07.21	Drawing Title LOCATION, BLOCK, AND PROPOSED PLANS
Do not scale All dimensions to be checked on site	





**2021/01185/FUL** Received on 6 September 2021

**APPLICANT:** Mr Gavin Rose 9, Heol Glannant, Bettws, Bridgend, CF32 8RW

**AGENT:** Mr Gavin Rose 9, Heol Glannant, Bettws, Bridgend, CF32 8RW

**Rose Paddock, adjacent to and west of Cnepyn House, Pont Sarn Lane, Peterston Super Ely**

Retention of existing timber outbuildings and other ancillary including a small caravan and lockable container

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is recommended for refusal, with a dual recommendation for enforcement action. The enforcement action, which also includes additional development that has not been applied for, is not covered by the scheme of delegation so committee authorisation is required.

**EXECUTIVE SUMMARY**

This report considers an application for retrospective permission for the retention of a number of timber structures, a stable block, a mobile caravan and a metal shipping container on an agricultural parcel of land located adjacent to Cnepyn House, Peterston Super Ely.

It is concluded that the structures represent an unjustified and unacceptable form of development in the countryside, which fail to respond appropriately to the rural context and are harmful to the appearance and character of the immediate surroundings and the wider countryside setting, so are contrary to local and national policies.

Therefore, this report makes a dual recommendation that the application is refused, and enforcement action is authorised to secure the removal of the caravan, shipping container and timber structures.

In addition, during the assessment of the application it became apparent that there were a number of other domestic and non-agricultural items stored on the land. Consequently, in addition to the unauthorised structures, for which retrospective permission is sought under this application, there is also an unauthorised change of use of the land for storage of domestic items, for which retrospective permission has not been sought.

The unauthorised use of the land resulting from the items stored on site has no bearing on the determination of the retrospective application for the retention of structures. However, in recommending that enforcement action be taken following the refusal of the application, it is necessary to ensure that all breaches of planning control at the site are considered at the same time. Consequently, this report also considers the expediency of taking enforcement action to secure the removal of the unauthorised storage of items.

It is concluded that whilst the retention of the stables on site are acceptable, the unauthorised structures and domestic paraphernalia represent an unjustified and unacceptable form of development in the countryside, out of keeping with the context of the immediate setting, and serves to domesticate the land, so in contrary to local and



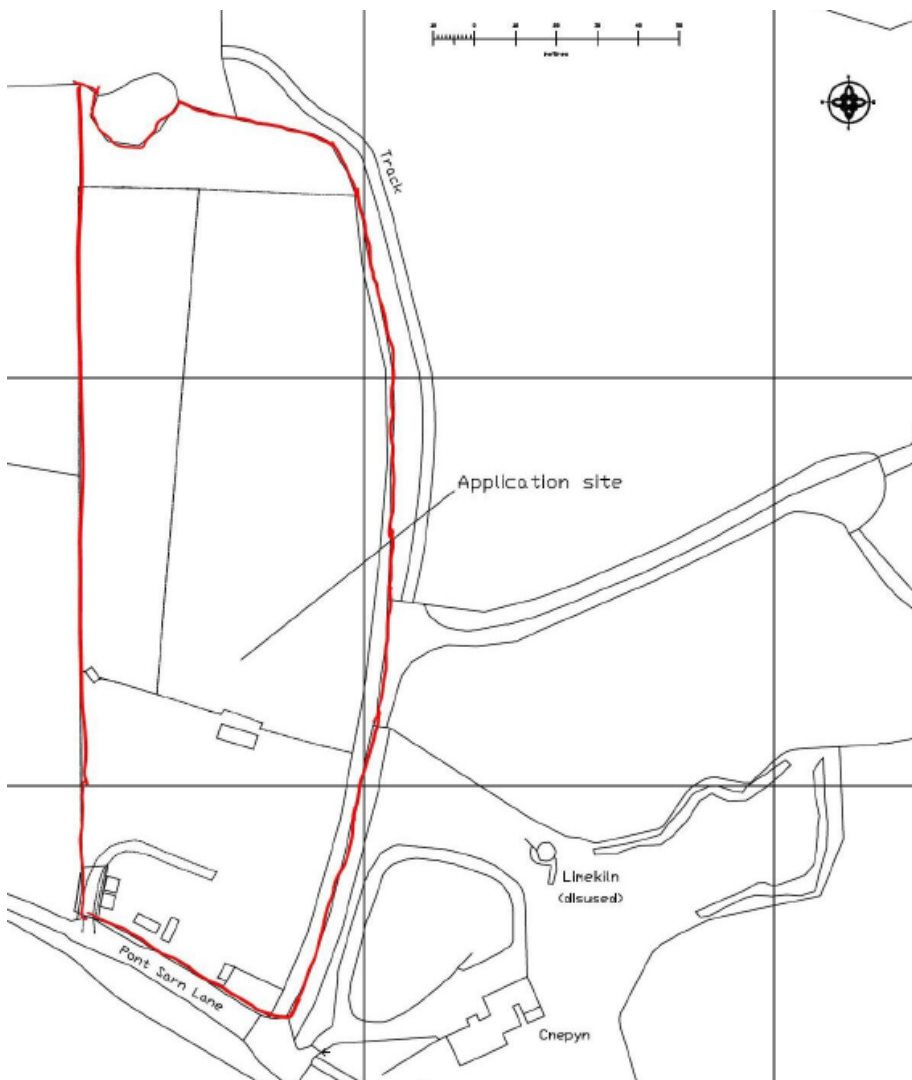
national policy. It is considered expedient to take enforcement action to secure the removal of the harm created by the structures/items. Therefore, this report makes a further recommendation that enforcement action is authorised, so that an enforcement notice can be issued, to secure the removal of the unauthorised structures and items.

In addition, in the event of non-compliance with the enforcement notice, authorisation is also sought to take such legal proceeding that may be required.

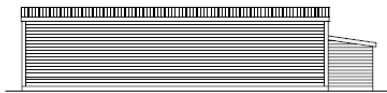
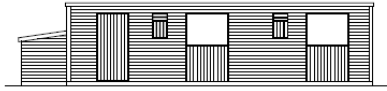
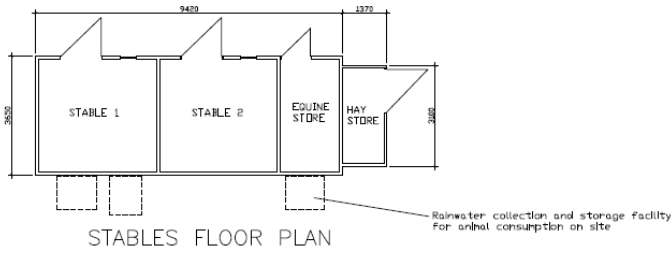
### SITE AND CONTEXT

The application site is located to the north of Peterston-Super-Ely and to the west of St Brides-super-Ely. The application site is located outside of any settlement boundary and is therefore located in the countryside as defined by the Local Development Plan (LDP). The site measures approximately 1.4ha and currently is used for equine purposes together with the keeping of chickens. The application site is also located within a Limestone Safeguarding Zone designation (Category 2).

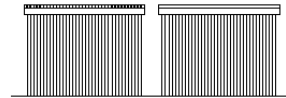
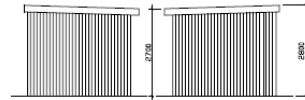
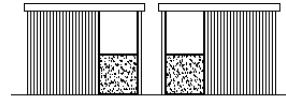
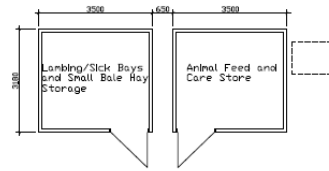
An extract of the site plan can be viewed below. The red outlined area denotes the extent of the site.





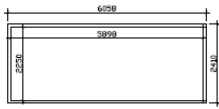


**EXTERNAL FINISHES**  
**ROOF** - Corrugated bitumen sheets, black in colour laid to fall at 1 in 50 from front to rear.  
**WALLS** - Softwood T&G cladding in natural colour, fixed to internal timber frame structure on timber bearers  
**DOORS** - Softwood timber natural colour  
**RAINWATER GOODS** - black half round upvc guttering with 63mm diameter rainwater pipes which discharge to collection vessels for distribution.



EXISTING FLOOR PLANS & ELEVATIONS

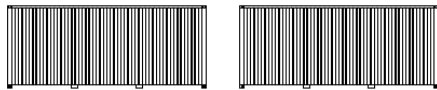
<b>PROJECT</b>	<b>DRAWING EXISTING FLOOR PLANS &amp; ELEVATIONS</b>	
RETENTION OF EXISTING TIMBER OUTBUILDINGS & OTHER ANCILLARY ITEMS, ROSE Paddock ADJACENT TO AND WEST OF CHERPIN HOUSE, PONT BARN LANE, PETERSTON SUPER ELY, VALE OF GLAMORGAN.	SCALE 1:100	DATE JULY 2021
THIS DRAWING IS COPYRIGHT	DRAWN RE	DRG.NO. 2



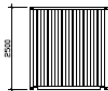
CONTAINER FLOOR PLAN



FRONT ELEVATION

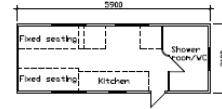


SIDE ELEVATIONS

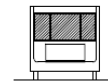


REAR ELEVATION

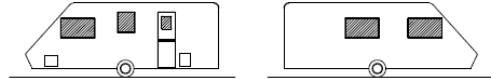
EXISTING FLOOR PLANS & ELEVATIONS



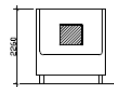
CARAVAN FLOOR PLAN



FRONT ELEVATION



SIDE ELEVATIONS



REAR ELEVATION



PHOTO OF SHEDS



PHOTO OF STABLES



PHOTO OF SHIPPING CONTAINER AND CARAVAN

*Additional matter for consideration*

During the site visit for the application, it became apparent that a number of items stored on the site that do not benefit from permitted development rights and do not have planning permission. These include a number of trailers, half a car (Volkswagen Beetle), football goals posts and timber material. Consequently, in addition to the unauthorised structures, for which retrospective permission is sought under this application, there is also unauthorised change of use of the land for storage of these items for which retrospective permission has not been sought.

The unauthorised siting of the items has no direct bearing on the determination of the retrospective application for the retention of structures. However, it is necessary to consider the site as a whole because if any enforcement action is considered necessary, all identified breaches of planning control at the site need to be covered.

Extracts of site photos of the items can be seen below.





UNAUTHORISED SITING OF VOLKSWAGEN CAR BODY



UNAUTHORISED SITING OF TRAILERS AND FIREWOOD





UNAUTHORISED SITING OF TRAILERS AND FIREWOOD



UNAUTHORISED SITING OF FOOTBALL GOALS

## PLANNING HISTORY

2021/00742/PNA, Address: Rose Paddock, Pont Sarn Lane, Peterston Super Ely,  
Proposal: Agricultural building, Decision: Refused

## CONSULTATIONS

Peterston Super Ely Community Council were consulted on 8 September 2021. No response was received at the time of writing this report.

The Councils Shared Regulatory Services (Pollution) Team were consulted on 8 September 2021. No response was received at the time of writing this report.

Peterston Super Ely Ward Members were consulted on 8 September 2021. No response was received at the time of writing this report.

## REPRESENTATIONS

The neighbouring properties were consulted on 8 September 2021 and a site notice was also displayed on 20 September 2021. To date two letters of objections have been received from local residents. The objections relate to the stationing of the storage container, caravan and other non-agricultural items and noise.

## 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 SP9– Minerals

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

POLICY MG22 – Development in Minerals Safeguarding Areas

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

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY 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.

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
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside

*3.9 “The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations.”*

*3.14 “Site and context analysis should be used to determine the appropriateness of a development proposal in responding to its surroundings. This process will ensure that a development is well integrated into the fabric of the existing built environment.”*

*3.16 “Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected.”*

*3.38: “The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources”.*

3.60 *“Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.”*

4.2.24 *“In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.”*

### **Technical Advice Notes:**

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

- Technical Advice Note 12 – Design (2016)

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

4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*

4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*

5.8.1 *“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”.*

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

## **Welsh National Marine Plan:**

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

## **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)

## **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

In assessing the development against the above policies and guidance it is considered that the main issues relate to: the justification for the development; the impact on the character and appearance of the surrounding area; any effect on neighbouring and general amenity; mineral safeguarding; and biodiversity.

The applicant has stated that he tends to the land and animals during the day and spends time with family on the site. He uses the caravan to get changed and to take breaks.

## Principle of development

The most relevant policy is MD1- Location of New Development which allows new development on unallocated sites subject to certain criteria including the requirement that it should not unacceptably impact on the countryside. The supporting text to Policy MD 1 states: "Within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development." Therefore,

development in the countryside should generally be limited to that which is necessary for the purposes of agriculture, forestry or other rural enterprise or small-scale recreational use (such as stables).

The applicant's site extends for approximately 1.4h and is currently used for equine purposes and some hobby farming comprising a dozen chickens. The applicant states that he owns 10 sheep although there was no evidence of livestock at the site during the site visit. Therefore, there does not appear to be sufficient justification for the number of buildings on the site, nor the unauthorised use of the land for storage of miscellaneous items. The level of activity at the site would not appear to justify the need for a caravan on site for 'rest periods'. The proliferation of these buildings and structures on the land has a clear visual impact (addressed below) and without suitable justification, if allowed, would set a harmful precedent for other unjustified and unacceptable development in the countryside contrary to policy MD 1.

Notwithstanding the above, in terms of the stables, there was evidence of an equine use at the site and given the size of the paddock, there is sufficient space for up to 3 horses to graze on land of this size. The stable building has two stables, a hay store and a tack room, and is an appropriate scale and design. The stable building is considered acceptable in principle and would not unacceptably impact on the countryside. However, this part of the planning application cannot be considered in isolation from the rest as we are unable to make a split decision on planning applications.

#### Agricultural Land Quality

The Council's Agricultural Land Classification records show that the site land is classified as Grades 3 & 3b and is therefore partly the higher quality referred to in national guidance. Notwithstanding this, it is considered that the nature of the works is such that the development would not prejudice full agricultural use of the land at a future date and the development does not conflict with Policy MD1, in this regard.

#### Visual impact

Policy MD1 of the LDP seeks to ensure that new development does not have an unacceptable impact on the countryside. The supporting text of the policy states that within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected.

Policy MD2 Design of New Developments of the Vale of Glamorgan Local Development Plan 2011-2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (inter alia):

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.

Policy DG1 of the Council's SPG on Design in the Landscape requires the layout of development to be designed to avoid or minimise the impact on natural features.

Whilst not lying within a statutorily protected area or landscape designation, nevertheless, the application site is located in the countryside and it has a pleasant rural character and setting.

The proposal seeks the retention of a number of structures at the site. The stable building has two stables, a hay store and a tack room. It is of a suitable scale, design and materials. This is considered acceptable in visual amenity terms and not considered out of character.

The other structures on the site comprise a caravan, timber sheds and sheep store. The mobile caravan on the site is not justified and its permanent siting on the land would detract from the rural character and visual amenity of the site. While individually the remaining structures (if reasonably necessary) might have limited visual impact due to their size, nonetheless, the number of buildings together has a cumulative impact which detracts from the visual amenity of the site and surrounding countryside. For example, the sheep store whilst very small in scale, adds to the clutter of structures at the site without any justification. The land is limited in size and could not adequately support grazing for the horses and the sheep the applicant states he owns.

The steel shipping container appears as an alien addition to this rural field and is considered to be wholly inappropriate. There is no visible agricultural use of the site and horses use the limited holing parcel to graze. Therefore, there should be little need for machinery at the site.

Policies within local and national framework are generally restrictive of what should be allowed in the countryside. This is to protect distinctive rural character from unacceptable and unjustified new development. The retention of the timber sheds, mobile caravan, sheep shed and steel shipping container is unjustified insofar as there is no reasonable agricultural justification or need for these structures in this location. The collective siting of these structures harms the character and appearance of the surroundings and there are no overriding reasons for their retention.

In isolation these items individually may not be harmful. However, as a collection they result in a proliferation of structures that degrade the rural character and urbanise this field parcel. On this basis, it is considered that the proposal has an unacceptable impact on the countryside, so fails to meet criterion 1 of MD1, criteria 1 and 2 of MD2 and is contrary to the advice within paragraph 3.38 of PPW.

This is supported by 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.'*

The site is enclosed by mature hedgerow which partially screens views of the development from the wider area. Nevertheless, this is not considered sufficient grounds to erode rural character.

This view is also supported with national policy in PPW11. Paragraph 4.2.24 states *"In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of*

*permission; such permissions could be granted too often, to the overall detriment of the character of an area.”*

Whilst every application is judged on its own merits, small incremental changes such as that being considered under this application undermine the character of the countryside, collectively resulting in long term harm to its setting.

In summary, the development does not respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact and the urbanising effect on the countryside are considered to be demonstrably harmful to the appearance and character of the immediate surroundings and the wider countryside setting. The development therefore conflicts with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 4.2.24 of PPW (Edition 11), as outlined above.

In respect of the siting of the football goal posts and the use of the land for storage of trailers, half a Volkswagen Beetle and timber pallets and pieces. These items have no agricultural use and their presence significantly domesticates the field parcel and has an unacceptable impact on the rural character of the site and its countryside setting. For these reasons, had an application to retain the outbuilding been submitted, it would have been considered to be contrary to Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 4.2.24 of PPW (Edition 11), as outlined above.

### 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. Additional guidance is contained in the Council's SPG on Residential and Householder Development (2018).

The structures are located approximately 65 metres away from the nearest neighbouring dwelling and screened by hedgerow. Given this, the proposal is not considered to adversely impact the privacy or amenity of neighbours beyond the general harm to the visual amenity of the countryside identified above.

### Biodiversity

Policy MD9 of the LDP is most relevant in respect of ecology matters, and it states 'New development proposals will be required 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.

The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. The application has not been supported by a biodiversity scheme, however given the scale and nature of the development, it is considered that enhancements could be secured by way of condition should the application be acceptable in other regards.

### Mineral Safeguarding

Policies SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) seek to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

In this case, having regard to criterion 2, given the proximity to dwellings, it is considered that any extraction of the mineral resource would be likely to have an unacceptable impact on the amenity of the occupiers of the neighbouring dwellings. Therefore, as extraction would be likely to have an unacceptable impact on amenity, the proposal is in line with Policy MG22 in that it would satisfy criterion 2.

### DUAL RECOMMENDATION

#### REFUSE AND AUTHORISE ENFORCEMENT ACTION (W.R.)

- (1) The Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The demolition of the timber structures, with the exception of the stable building,
  - (ii) The cessation of the use of the land for the siting of a caravan, lorry body and a football goal post and the storage of, trailers, Volkswagen car body, timber pallets and timber material.
  - (iii) The removal from the land of the caravan, lorry body, football goal post, trailers, Volkswagen car body, timber pallets and timber material.
  - (iii) The reinstatement of the land to its former condition, by the laying of topsoil and the sowing of 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.

#### Implications of serving an Enforcement Notice

- Resources - 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 - If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended). The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.
- Equal opportunities - None.

## REASON FOR DUAL RECOMMENDATION

1. The caravan, buildings and associated development and use of land represents unacceptable and unjustified development in the countryside that does not respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact and the urbanising effect on the site are considered to be demonstrably harmful to the appearance and character of the immediate surroundings and the wider countryside setting. It is therefore contrary to policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's approved Supplementary Planning Guidance on Design in the Landscape and National guidance contained in Planning Policy Wales (Edition 11) and Technical Advice Note 12-Design.

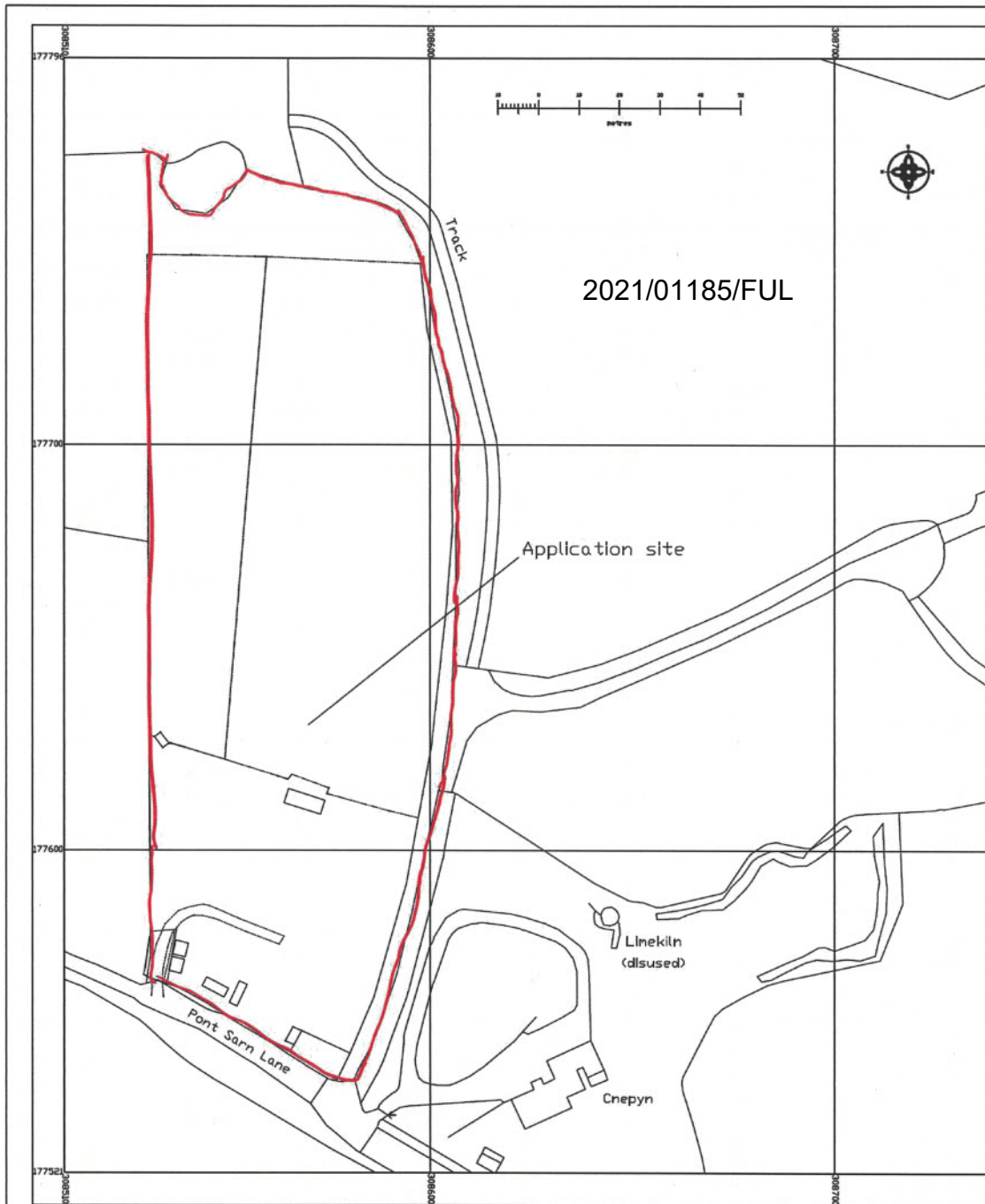
The decision to recommend refusal of permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate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

Having regard to policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's approved Supplementary Planning Guidance on Design in the Landscape and National guidance contained in Planning Policy Wales (Edition 11) and Technical Advice Note 12-Design, the development does not respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact and the urbanising effect on the countryside are considered to be demonstrably harmful to the appearance and character of the immediate surroundings and the wider countryside setting.

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.





Retention of existing timber outbuildings and other ancillary items, Rose Paddock, adjacent to & west of Cnepyn House, Pont Sarn Lane, Peterston Super Ely, Vale of Glamorgan.

Location Plan	Plan Ref. - LP1
Scale : 1/1250	July 2021

**2021/01363/FUL** Received on 28 September 2021

**APPLICANT:** Donna Ovenstone The Cwtch Caravan, Oyster Bend, Sully, CF64 5LW  
**AGENT:** Mr Tasos Asprou Studio 2, The Coach House, Stanwell Road, Penarth, CF64 3EU

### **Land adjacent to 12, Oyster Bend, Sully**

The erection of a new two storey three bedroom dwelling

### **REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Penrose due to the following concerns raised by neighbours: "Incongruous with the street scene; Overlooking neighbouring properties; Inadequate parking provision; Inappropriate to coastal display; Proposed balconies intrude on neighbour's privacy; Placing neighbouring properties gardens into shade; Covenants existing on the land which the proposals are in breach of."

### **EXECUTIVE SUMMARY**

The application relates to a plot of land off the cul-de-sac at Oyster Bend, Sully. Full planning permission is sought for the erection of a three bedroom dwelling. The proposed new dwelling is largely single storey, whilst utilising the roof space to accommodate first floor accommodation. Access will be via Oyster Bend, where three car parking spaces are provided together with an attached garage.

Two letters of representations have been received objecting to the scheme on grounds of design, access, overlooking, the size of the pergola and its proximity to the neighbour, loss of privacy, drainage and covenants on the land.

The main issues are the principle of residential development, the scale, form and design of the proposed dwelling and its impact on the street scene, the impact on the amenities of neighbouring properties, highways issues and parking, amenity space and drainage.

The application is recommended for approval subject to conditions and a section 106 agreement securing appropriate provision for affordable housing.

### **SITE AND CONTEXT**

The application relates to a plot of land off the cul-de-sac at Oyster Bend. The site is located within the Sully Settlement Boundary and there is a public footpath at the rear of the site (part of the Wales Coastal Path). The streetscene along Oyster Bend consists of similarly scaled detached bungalows of a traditional appearance, finished in a yellow brick exterior. Further afield to the east, the streetscene of Somerset View consists of detached dwellings of varying designs and finishes, although predominantly single storey with second storey accommodation utilised within the roof space.

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



## DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the erection of a new dwelling, which would accommodate a three bedroom property, two living rooms, a kitchen diner, cinema room, gym, utility, a study and an attached single storey garage. A pergola is also proposed on the southern extent of the property, situated on the patio terrace, together with solar panels on the roof.

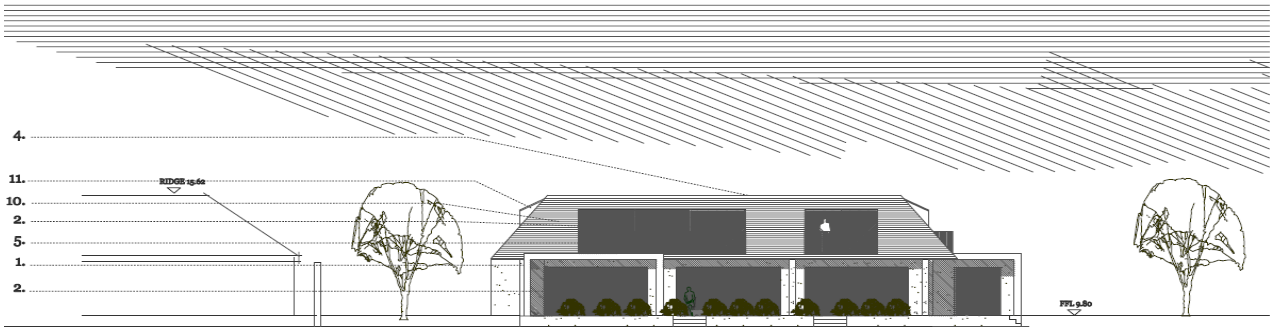
The proposed new dwelling is largely single storey, whilst utilising the roof space to accommodate first floor accommodation. It will have a width of approximately 23.9m and depth of approx. 20.1m (inclusive of the attached garage), and a maximum ridge height of 6.1m and 3.5m to the eaves. The proposed garage will measure approximately 2.9m to the proposed ridge at the shortest section of the site and 3.2m at the tallest section (owing to the ground level that marginally slopes downwards towards the garden). The dwelling would be constructed of a relatively conventional general form, with contemporary detailing and features, finished in a simple pallet of materials including masonry render painted off-white walls, powder coated aluminium windows and doors and a natural slate roof.

The proposed pergola would measure approximately 3m in height and 4.6m in length. The proposed pergola would be finished in a white aluminium powder coated frame, with timber cladding panels by means of an enclosure.

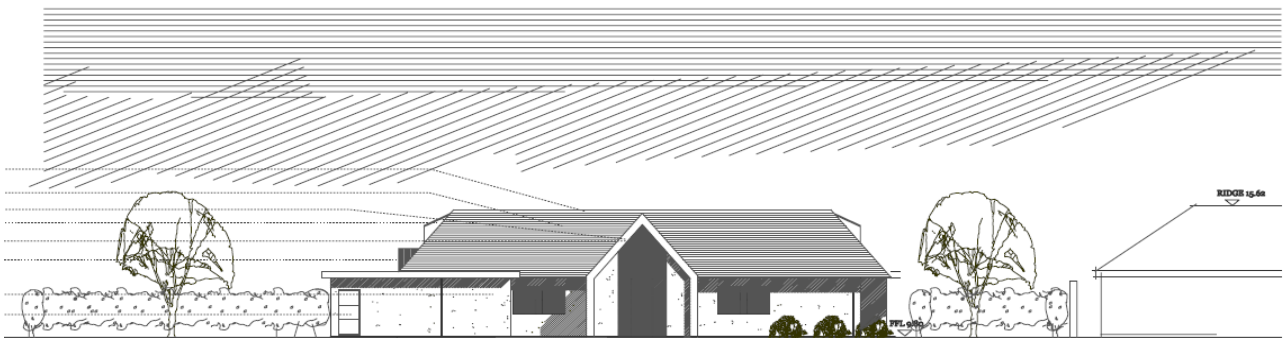
The means of access will be via Oyster Bend, whereby three car parking spaces are provided to serve the dwelling, together with an attached garage on the north eastern wing of the dwelling.

The proposals are illustrated below:

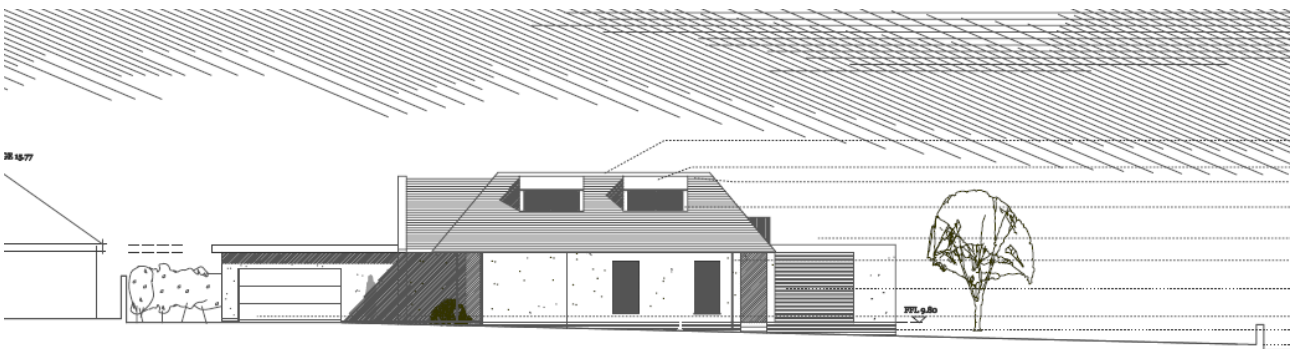
**Below: Proposed south-west facing (rear) elevation**



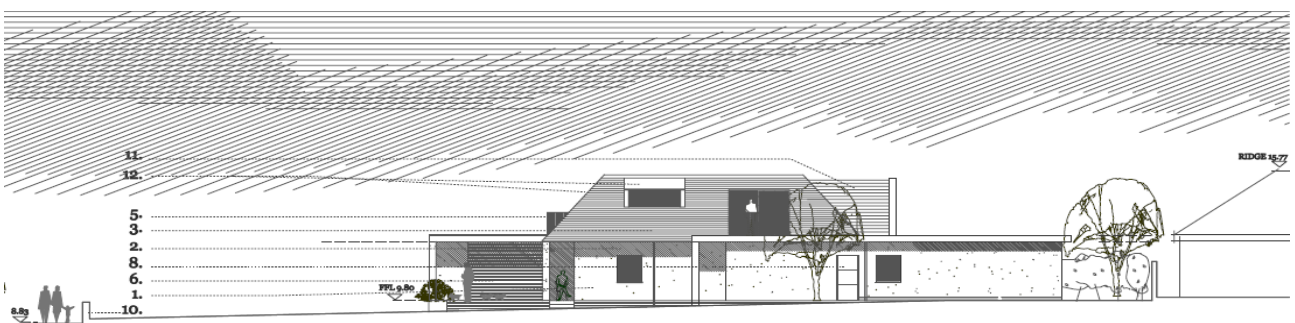
**Below: Proposed north-east facing (front) elevation**



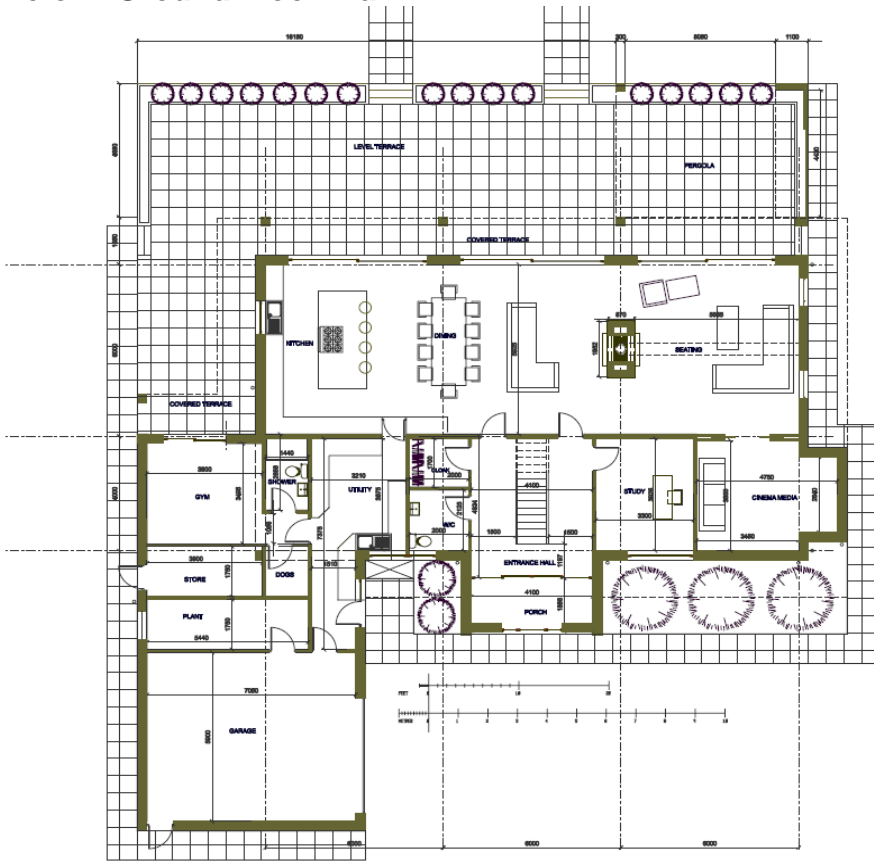
**Below: Proposed north-west facing (side) elevation**



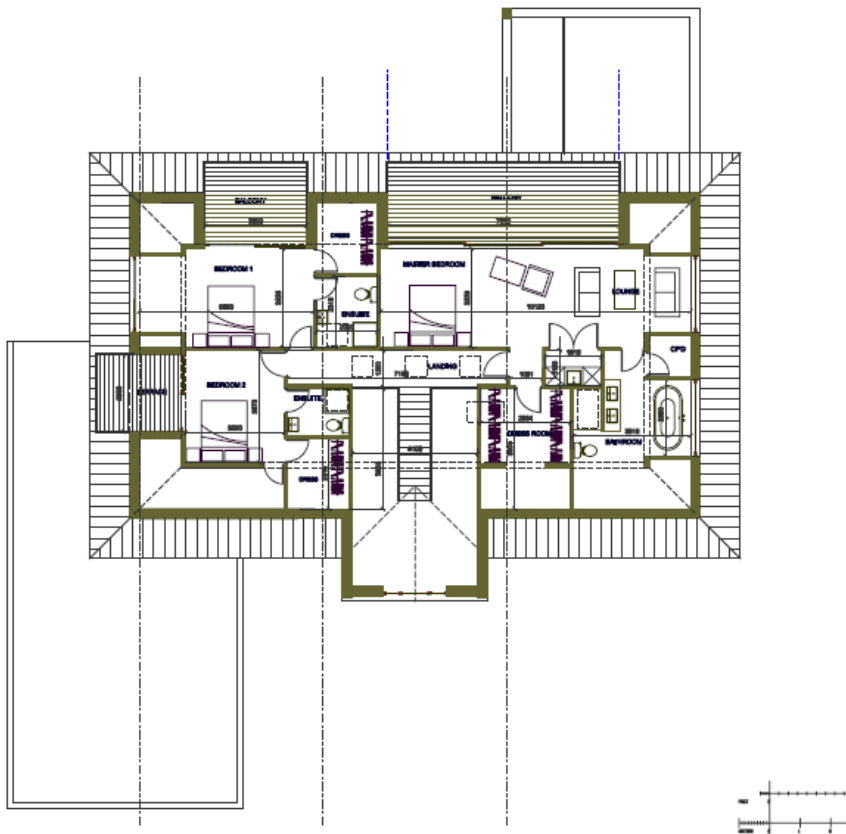
**Below: Proposed south-east facing (side) elevation**



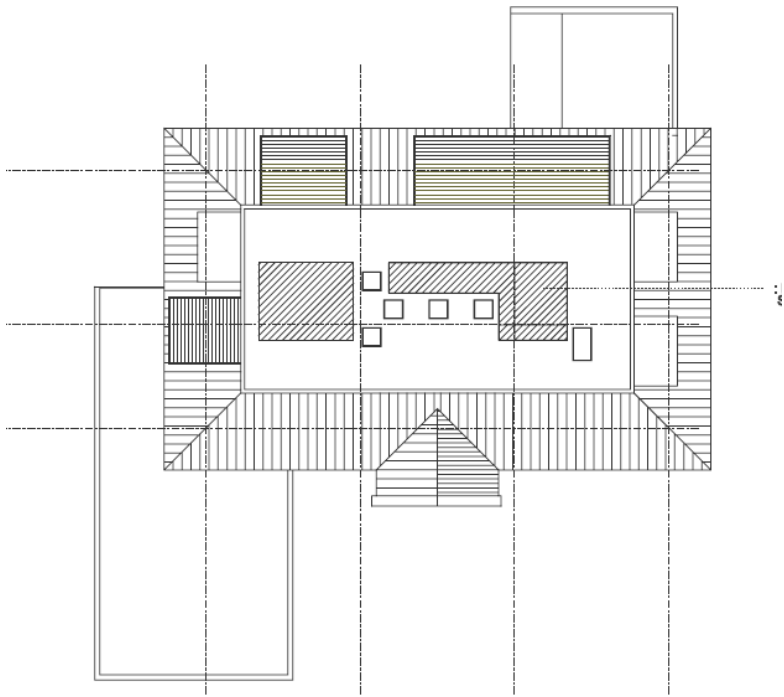
**Below: Ground Floor Plan**



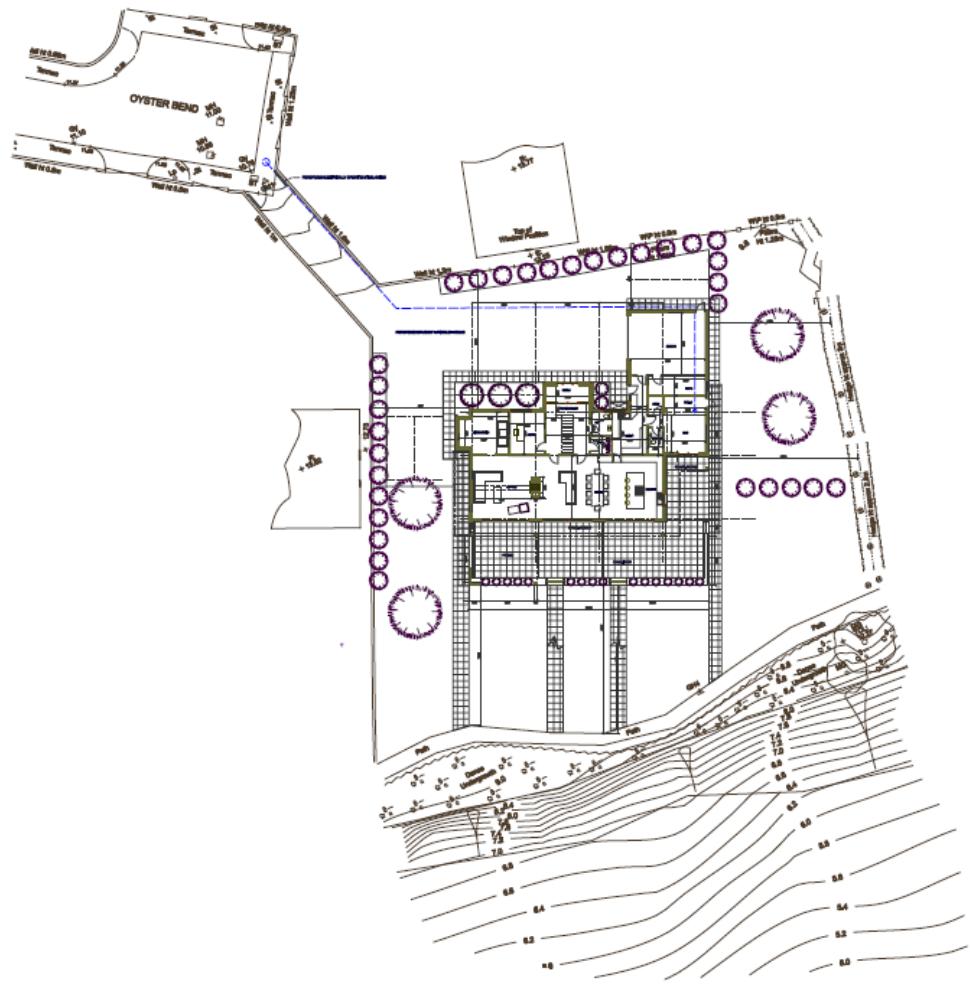
**Below: First Floor Plan**



**Below: Roof Plan**



**Below: Proposed site layout plan**





## PLANNING HISTORY

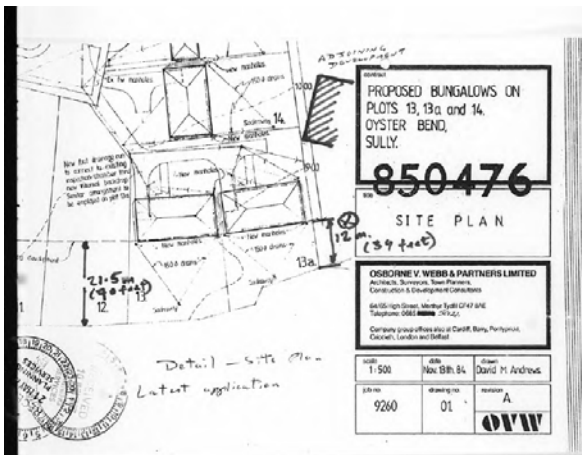
1975/00639/OUT, Address: Garden of 42, Smithies Avenue, Sully, Proposal: Construction of one detached bungalow for residential purposes, Decision: Appeal Dismissed;

1979/01352/OUT, Address: Rear garden sections on No.'s 34, 36, 38, 42 and 44, Smithies Avenue, Sully, Proposal: Residential Development of 17 Plots plus access, Decision: Approved;

1981/00606/FUL, Address: Oyster Bend, rear of Smithies Avenue, Sully, Proposal: The erection of 17 purpose built bungalows with garages or car ports, Decision: Approved;

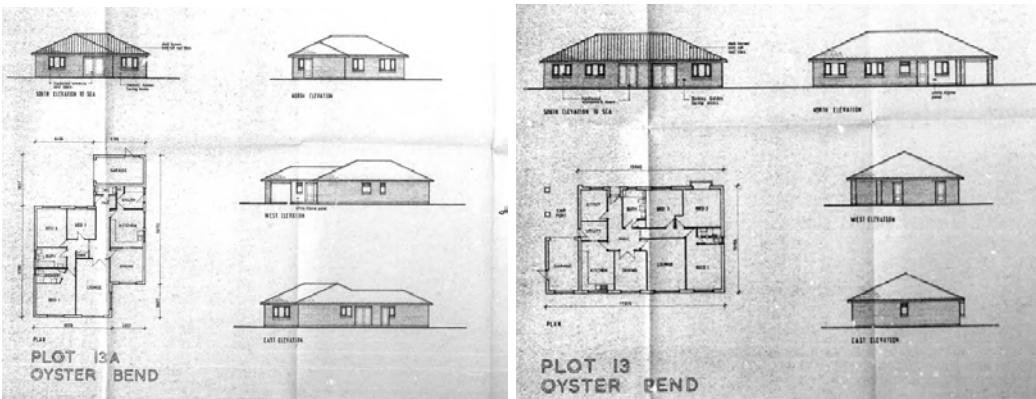
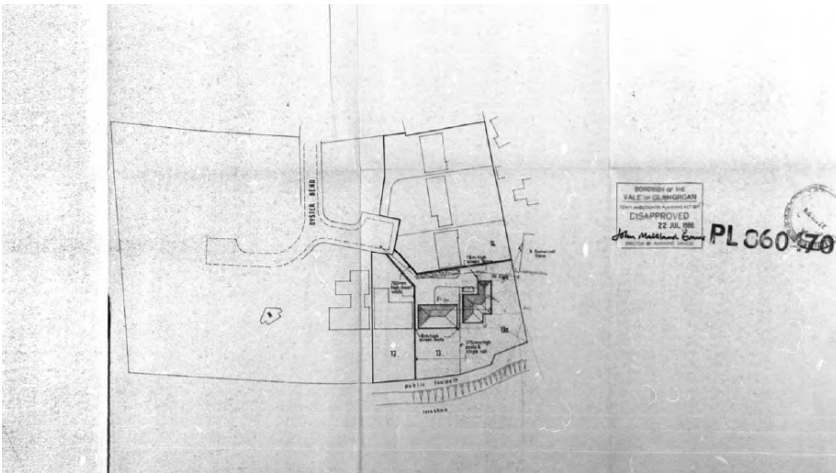
1985/00476/FUL, Address: Oyster Road, Sully, South Glamorgan, Proposal: Construction of 3 bungalows (13, 13A and 14), Decision: Refused;

1. It is considered that the dwelling proposed for that part of the site referred to on the application Plan No. 9260.01 as Plot No. 13A would be detrimental to local visual and residential amenities by virtue of its visually obtrusive siting particularly in relationship to the adjacent existing dwelling to the east.

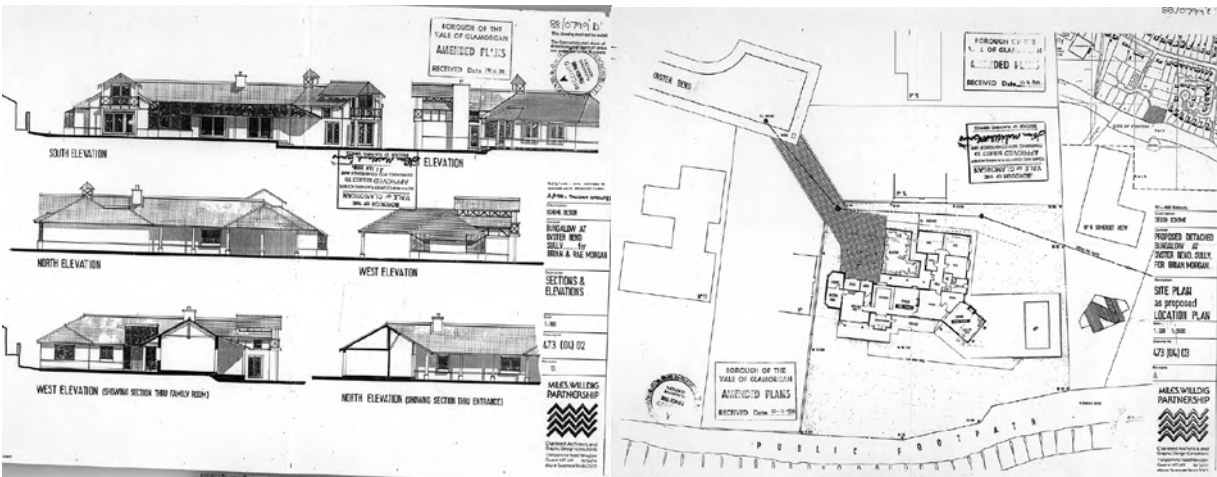


1986/00470/FUL, Address: Plots 13 and 13A, Oyster Bend, Sully, Proposal: Two detached bungalows, Decision: Refused;

1. It is considered that the dwelling proposed for that part of the site referred to as Plot No. 13A on the submitted layout plan would be detrimental to local visual and residential amenities by virtue of its visually obtrusive siting particularly in relationship to the adjacent existing dwelling to the east.

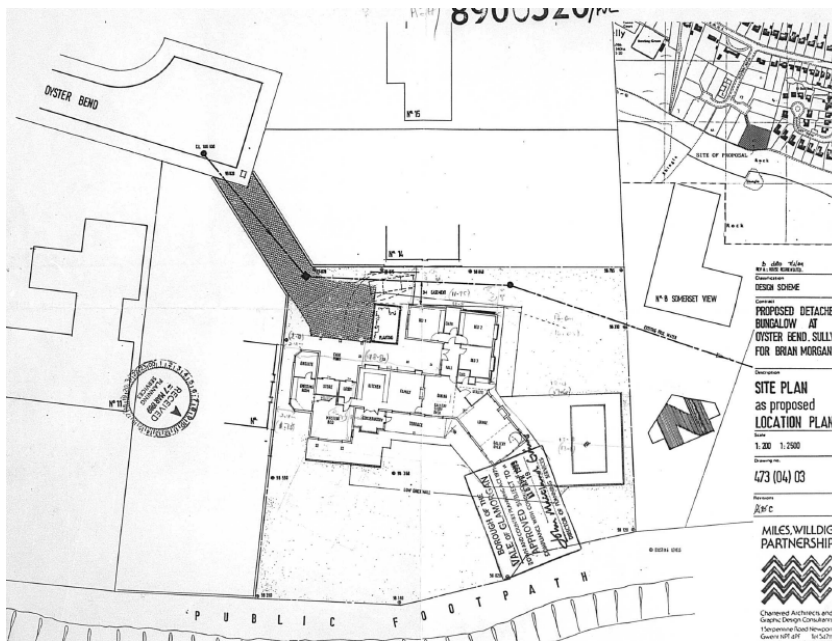


1988/00799/FUL, Address: Plot of land at Oyster Bend, Sully, Proposal: Residential dwelling. Decision: Approved;



1989/00320/FUL, Address: Plot 13, Oyster Bend, Sully, Proposal: Dwelling (amended proposal), Decision: Approved;





2015/00911/FUL, Address: Land adjacent to 12, Oyster Bend, Sully, Proposal: Construction of 2 No. two storey dwellings, Decision: Withdrawn;

## CONSULTATIONS

**Sully Community Council** were consulted on 5 October 2021 and re-consulted on 11 November 2021. A response was received on 25 October 2021 confirming no objection.

**Highway Development** were consulted on 5 October 2021 and re-consulted on 11 November 2021. A response was received on 19 October 2021 advising what the required parking standards, access materials and drainage requirements are, and suggesting the applicant contact the Highway Authority prior to carrying out any works on site adjacent to the adopted highway.

**Public Rights of Way Officer** were consulted on 5 October 2021 and re-consulted on 11 November 2021. A response was received on 25 October 2021 confirming no objection subject to the attachment of an advisory note.

**Councils Drainage Section** were consulted on 5 October 2021 and re-consulted on 11 November 2021. To date, no response has been received at the time of writing this report.

**Shared Regulatory Services (Pollution)** were consulted on 5 October 2021 and re-consulted on 11 November 2021. To date, no response has been received at the time of writing this report.

**Dwr Cymru / Welsh Water** were consulted on 5 October 2021 and re-consulted on 11 November 2021. A response was received on 22 October 2021 confirming no objection subject to the attachment of conditions and advisory notes.

**Ward Members** were consulted on 5 October 2021 and re-consulted on 11 November 2021. Cllr Penrose declared an interest owing to living within Oyster Bend. Subsequently Cllr Penrose requested the matter be called-in to be determined by Planning Committee for the below mentioned reasons raised by neighbouring residents which I support:\*  
Incongruous with the street scene.

- \* Overlooking neighbouring properties
- \* Inadequate parking provision.
- \* Inappropriate to coastal display.
- \* Proposed balconies intrude on neighbour's privacy.
- \* Placing neighbouring properties gardens into shade.
- \* Covenants existing on the land which the proposals are in breach of

**Contaminated Land, Air & Water Quality** were consulted on 5 October 2021 and re-consulted on 11 November 2021. A response was received confirming no objection subject to the attachment of conditions and advisory notes.

## REPRESENTATIONS

The neighbouring properties were consulted on 5 October 2021 and re-consulted on 11 November 2021. A site notice was also displayed on 12 October 2021. To date, two letters of representations have been received and have provided the following comments in objection to the scheme:

- Building is completely out of character to the existing dwellings (the original proposals);
- Solar panels are not indicated correctly on the flat roof;
- Access to the site is not large enough to accommodate the dwelling;
- The original artists impression did not portray the correct trees;
- Concerns surrounding overlooking into side bathroom windows;
- Concerns regarding the size of the pergola and its proximity to the neighbour;
- The balcony extends beyond the building line and loss of privacy;
- Whether the existing foul water system can cope with a new dwelling;
- Querying whether the covenants on the land have been adhered to.

## 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 SP4 – Affordable Housing Provision

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

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

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

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development  
POLICY MD5 - Development within Settlement Boundaries  
POLICY MD6 - Housing Densities  
POLICY MD7 – Environmental Protection

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

### **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. The following chapters and policies are of relevance in the assessment of this planning application:

#### Chapter 3: Setting and achieving our ambitions

- 11 Future Wales’ outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

#### Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

### **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
- Promoting Healthier Places
- Accessibility

#### Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

### **Technical Advice Notes:**

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

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

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

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

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

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

## Issues

It is considered that the main issues involved in the proposed development are the principle of residential development, the scale, form and design of the proposed dwelling and its impact on the street scene, the impact on the amenities of neighbouring properties, highways issues and parking, amenity space and drainage.

Amended plans have been received during the course of the determination period following Officer concerns with the design of the original proposals. The concerns related to the overall scale, mass and impacts of the resultant design of a contemporary two storey flat roof dwelling, that would not appear in-keeping with those properties within Oyster Bend.

## Principle of Development

Policy MD5 states that settlement boundaries have been defined around all those locations included within the LDP settlement hierarchy. The policy also states that development would be permitted within settlement boundaries subject to criteria. As such, given the planning history associated with the site, a residential dwelling in this location is likely to be considered acceptable in principle subject to it being in accordance with this criteria and other relevant policies, such as MD2.

LDP Policy MD6 (Housing Densities) indicates that residential development proposals within settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. As the application proposes 1 dwelling on a site area of 0.2 (ha), the density on site would meet the requirements within settlements.

In conclusion, the development of the site is considered acceptable in principle subject to compliance with other relevant policies, which are discussed in turn below.

## Design and Visual Impact

Policy MD2 Design of New Development of the Council's LDP states that proposals should:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

Policy MD5 Development within Settlement Boundaries states that new development within settlements will be permitted where the proposed development:

- Makes efficient use of land or buildings.
- Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

The application site relates to a parcel of land just off the cul-de-sac at Oyster Bend, Sully, and is marginally visible from the adopted highway, and clearly visible from the coastal footpath to the south. The existing streetscene immediately north and west is characterised principally by similarly scaled detached uniform bungalows. The dwellings are of a traditional appearance, single storey, finished in a yellow brick exterior, brown uPVC windows and doors, together with a hip roof. However, further east, along Somerset View, consists of predominantly single storey white rendered bungalows, albeit a number have been altered and extended at first floor level with residential accommodation utilising the roof space.

The resultant dwelling, as amended, would be of a relatively conventional general form with a mansard roof which is reflective of the traditional style of dwellings in Oyster Bend. However, the dwelling is detailed contemporarily with a dual pitched glass gable projection on the principal elevation, together with large glazed windows to the rear of the proposed property. Whilst the proposal provides a dwelling that slightly differs in design to those within Oyster Bend, the development when viewed in its context, is considered acceptable in terms of its scale and design. Furthermore, it is considered it would not unacceptably impact upon the street scene in terms of character and appearance given that there is sufficient variation further east such that the dwelling would not appear harmfully alien, especially when viewed from the public footpath.

The height of the proposed dwelling would be comparable with the immediately neighbouring properties and in light of this, the dwelling would not appear over scaled or unduly large when viewed from either the adopted highway nor from the adjoining public footpath. The dwelling reads as a single storey dwelling when viewed from Oyster Bend, albeit it utilises the roof space to provide first floor accommodation. It is considered that the design is interesting and would not appear incongruous in that context.

Having regard to the width and depth of the plot, the layout of the proposals have been carefully designed with an active frontage to Oyster Bend, off road parking and private amenity space sited to the rear and side. This would continue the general prevailing pattern of development along the road. There is also appropriate spacing between properties owing to the generous size of the plot and the layout demonstrates that the dwelling can be erected with sufficient separation distance so that it does not appear cramped and contrived.

Turning to appearance, the contemporary design approach, whilst differing in style and design to those within the immediate wider street scene of Oyster Bend, is considered to add visual interest through the materials proposed and an interesting composition of glazing. The building is proposed to be finished in a masonry render painted off-white external walls, powder coated aluminium windows and doors and a natural slate roof. The proposed materials as specified are viewed as acceptable and it is considered that the proposals overall would represent an appropriate form of development.

Furthermore, the proposals also seek permission for an attached single storey garage located to the northern extent of the host dwelling. The garage is positioned within the site whereby it is set a significant distance from the highway and approximately 6m from any neighbouring boundary. Given its moderate size and its siting within the application grounds, the proposed garage would appear subservient in scale to the proposed dwelling and it would be of a design that is compatible with the proposed house. On this basis, it is considered it will not be visually intrusive to a harmful degree and is therefore in keeping with the wider proposals.

In terms of the proposed pergola, it would be not be visible from the street and is visually enclosed within the applicant's private garden, however, is visible from the public right of way. Given its moderate size and that such structures are not uncommon in residential settings in rear amenity gardens, it is not considered that the pergola would alter the character of the proposed dwelling or impact the wider setting.

Lastly, the proposal also includes a series of solar panels located on the roof. Whilst full details have not been provided at this stage, it is confirmed that the panels will be laid at 20 degrees and thus will be approximately 300mm at the highest point. Given the height marginally exceeds permitted development rights, it is considered necessary to request further details by condition. However, the maximum height of 300mm is considered unlikely to have any harmful design and visual impacts to the proposed dwelling or wider area and therefore deemed acceptable from a visual impact perspective.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the street scene, complying with the requirements of policies MD2 and MD5 of the Adopted LDP 2011-2026.

#### Highway Safety, Parking and Access

Criterion 3 of LDP 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 Council's Car Parking Standards for residential development require a maximum of 1 space per bedroom with a maximum of 3 spaces per unit.

The plans indicate three onsite parking spaces being provided, therefore the proposals meet the Council's Parking Standards. The access arrangement proposed to the site would be via the private driveway entrance and extended driveway, constructed in porous tarmac. The provision of access enables safe accessibility to and from the site and would not result in any highway safety problems. There is also considered to be sufficient circulation space to allow for the parking of additional vehicles as well as adequate turning space. The level of traffic associated with the development would not be significant and it is considered that it would not result in any vehicular conflict. The Highways Engineer has raised no objection and a condition is recommended to control the of the construction of the access (condition 8 and informative 4 refer).

In concluding on matters relating to highway safety, overall, the proposal is considered acceptable in respect of highway safety, accessibility and parking, subject to the appropriate conditions.

#### Impact on Neighbours

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

The Council's adopted Residential and Householder SPG provides guidance relating to amenity consideration for residential development, including acceptable distances between opposing habitable windows. The acceptable distance for opposing windows for

habitable rooms would be 21m and it would typically be expected, where windows could overlook neighbouring gardens, that a distance of 10.5m be achieved.

#### *No. 12 Oyster Bend*

To the west is a bungalow property, No. 12 Oyster Bend. The development would be sited approximately 9.4m from the boundary with this neighbour and approximately 10.4m from the dwelling itself. It is noted that the positioning of the dwelling does not project past the rear elevations of the property (excluding the pergola) and is located within the uniform building line along this row of dwellings of Oyster Bend. In light of this, together with the separation distance, it is considered it would not inherently result in any significant shading, overbearing impact or loss of light to this property. While the side of the pergola would be 'infilled' with timber, it is far enough away from the boundary to ensure that it would not appear overbearing.

With regards to overlooking and loss of privacy, there are two first floor windows proposed in the new dwelling in this west-facing elevation that will serve a bathroom and master bedroom / lounge. It is noted that there exists two side elevation obscurely glazed windows at ground floor level in the neighbouring dwelling. Following a site assessment and liaison with the owners, both windows serve a bathroom and toilet (non-habitable rooms). Concerns have been raised that the two windows proposed on the western elevation at first floor level will provide direct overlooking when the bathroom windows are open, resulting in a loss of privacy. However, it is unlikely that any appreciable views towards the property and windows will be had given that the window opening mechanisms of this property are both 'top opening' and the panels of glass for each window is obscurely glazed. In light of this, it would be unreasonable to request or condition obscurely glazed windows on the side elevation of the proposed dwelling on this basis.

The proposals do also include a balcony to the rear elevation facing south. Comments have also been raised with regards to loss of privacy to the garden/patio area of this neighbour. The proposed balcony is largely set within the rear roof slop and is located approximately 11.8m from the boundary of this neighbour. It is also noted that the rear garden of No 12 Oyster Bend (like many houses along the coastal path) already has low-level enclosures and an open aspect meaning that it is a semi-private space where views are already available from neighbouring gardens and the coastal path. Whilst it is noted that the proposed new balcony would offer views towards this garden, it is considered that the limited projection of the balcony and the distance to the neighbouring property is sufficient to ensure no detrimental overlooking towards the garden of this neighbour. As a result and on balance, it is considered the development overall will not cause any unacceptable impact on privacy to this property.

Concern has been raised with regards to the positioning of the proposed pergola projecting past the building line. However, the pergola is single-storey and sited approximately 9m from the neighbouring boundary and due to its lightweight construction and moderate size, it is considered it presents no significant or harmful impacts with regard to overbearing or overshadowing.

#### *No. 14 Oyster Bend*

To the north is No. 14 Oyster Bend and the new dwelling would be sited approximately 11.3m from the boundary with this neighbour and approximately 12.7m from the dwelling itself. There is an obscurely glazed side elevation window serving a bathroom at ground



floor level. Given it serves a non-habitable room and the separation distance between the proposed new dwelling and the boundary of No 14, it is considered to not provide any by any unacceptable overlooking, overbearing or overshadowing impacts on the side elevation windows.

Turning to the proposed garage which is sited closest to this neighbour, it will be single storey in size measuring approximately 3.2m in height to the proposed ridge. It would be located off the boundary to this neighbour by approximately 5.8m. Whilst the outlook for the neighbour would be slightly altered by the proposed garage given its positioning to the boundary and its scale, it is considered it would not inherently result in any significant impacts to this neighbour.

#### *No. 8 Somerset View*

The new dwelling would be located approximately 11.5m (at its closest point) away from the boundary of No 8 Somerset View. The side elevation of the new dwelling proposes two bedroom windows facing this neighbour, one with a set of patio doors leading to a 2.5m wide terrace, largely set within the roof slope.

It is noted that there is a window on the rear elevation of the neighbour's property at ground floor level. Whilst on site, the Officer was unable to establish the use of the room. Therefore, for the purpose of this assessment, it is assumed that this window serves a habitable room. Given the separation distance of the property to the east, whilst the outlook would inevitably change from this window, it is considered that there would be no significant overshadowing or any adverse overbearing impacts. In addition, whilst the proposal will have an appreciable visual presence to this neighbour, it would not unreasonably enclose the neighbour's outlook given the sufficient degree of separation.

With regard to the balcony on the southwest facing elevation of the proposed property, it is acknowledged that this balcony would allow views towards the rear of No 8, albeit these would be at an angle and a distance of approximately 20-21m to the ground floor rear window which is considered sufficient distance to ensure no detrimental overlooking impacts. Nonetheless, the applicant proposes to screen the balcony to mitigate any overlooking impacts. Details of the screen are required by condition 13. Furthermore, the proposed balcony is located a sufficient distance from the site boundary of this neighbour to mitigate any overlooking impacts to the rear amenity garden. In light of this, the proposals would comply with the aims of distances between habitable room windows (which is also applied to balconies). As such, it is considered that the level of overlooking would not be un-neighbourly.

Overall, the development would accord with the Residential and Householder Development SPG in this regard.

#### Amenity Space

The development provides approx. 1,595sq.m of amenity space located within the application grounds, together with 40 sq.m provided through the addition of the balconies. The amount provided exceeds the minimum level of amenity space required by the Residential and Householder Development SPG. The proposed arrangement is therefore considered acceptable in meeting the outdoor functional and relaxation needs of the occupiers.

## Drainage

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.

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.

Whilst no comments have been received from the Council's Drainage Officer, 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.

It is indicated that the proposed dwelling would connect foul drainage to the main sewer. Concern has been raised whether the existing system can accommodate a new dwelling. No objections have been raised by Welsh Water and that the developer will need to discuss connection with Welsh Water prior to any works. The drainage proposals are therefore considered acceptable in principle, with detailed submissions subject to required approval via the SAB process (surface water) and Welsh Water (foul main).

It is considered that the proposed development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk. On the basis of the above, the applicant shall be advised of the need to submit an application to the SuDS Approval Body (SAB) by way of an informative.

## Affordable Housing

The Council's adopted Local Development Plan (LDP), under Policy SP4 sets a target for the provision of 3,252 affordable dwellings over the plan period 2011-2026 to help address the identified affordable housing need. Policy MG4 of the LDP is the Council's primary means of securing of affordable housing through the planning system. The policy identifies three tiers of threshold and percentage requirements that were identified in the Council's development viability evidence prepared in support of the LDP. For Sully, Policy MG4 requires the provision of 40% affordable housing on sites resulting in a net gain of 1 dwelling.

On small sites of less than 10 units the policy indicates that affordable housing contribution may be provided either on site or in the form of a financial contribution, or a combination of both. In all cases the policy indicates that the provision of affordable housing will be considered on a site by site basis taking into account development viability and local need. The ACG value will reflect the type of house that the Council would seek to build off-site to meet housing need, in this case, a one bed unit. The affordable housing contribution sought would therefore be **£27,770.40**.

The latest Affordable Housing SPG (2018) sets a process whereby the requirement to pay an off-site affordable housing contribution is not applicable for self-build housing developments. It is noted the applicant (or their successors in title) may wish to seek such an exemption. It is therefore proposed to enter into an s106 agreement that either secures that the self-build exemption is claimed and verified or where not eligible, payment of the affordable housing contribution is made.

### Contamination

The Councils Contaminated Land Officer has requested a condition to unforeseen contamination and requests an advisory note is attached relating unstable land. It is considered necessary to attach a condition and informative note to that effect.

### Other Matters

Comments have been received in respect of the covenants on the land title and whether they have been adhered to. However, covenants are a separate legal matter and not material in the determination of the planning application.

Concern was also made in response to the original proposals on the accuracy of the artist's impression provided with the application submission. Whilst this plan has now been superseded, the impressions are provided for a visual representation and are not conditioned to a planning consent, should it be granted.

### RECOMMENDATION

Subject to the interested parties first entering into a S106 agreement to pay an affordable housing contribution of £27,770.40 or otherwise demonstrate the self-build exemption applies.

#### 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:
  - AE 01 rev2 Proposed Elevations Southwest Facing (Received 25/11/2021)
  - AE 02 rev2 Proposed Elevations Northeast Facing (Received 25/11/2021)
  - AE 03 rev2 Proposed Elevations Southeast Facing (Received 25/11/2021)
  - AE 04 rev2 Proposed Elevations Northwest Facing (Received 25/11/2021)
  - AL 01 rev6 Proposed Ground Floor Plan (Received 25/11/2021)
  - AL 02 rev6 Proposed First Floor Plan (Received 25/11/2021)
  - AL 03 rev2 Proposed Roof Plan (Received 25/11/2021)
  - Site Layout AS 01 rev3.pdf (Received 25/11/2021)
  - Email Specifying Indicative Solar Panel Details (Received 07/01/2022)

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, prior to their use in construction a schedule of materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason:

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

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

Reason:

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

5. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
  - i) existing and proposed finished levels or contours;
  - ii) means of enclosure and any retaining structures;
  - iii) hard surfacing materials;
  - vi) Soft landscape works, which shall include: planting plans; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and an implementation programme.

Reason:

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

6. Notwithstanding the submitted details, full details of the solar panels to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, prior to their installation. The development shall be completed in accordance with the approved details.

Reason:

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

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

Reason:

To prevent hydraulic overloading of the public sewerage system, 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.

8. Prior to beneficial occupation of the development, the proposed access and driveway shall be completed in accordance with the details shown on Drawing Ref: 'Site Layout AS 01 rev3', and thereafter retained in perpetuity.

Reason:

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

9. Any topsoil natural or manufactured, or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

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

11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place 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 in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

12. 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.

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.

13. The balcony on the eastern side of the dwelling hereby approved shall not be brought into beneficial use until details of a 1.8m high privacy screen have been submitted to and approved in writing by the Local Planning Authority. The screen shall be erected prior to the first beneficial use of the balcony and it shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

## REASON FOR RECOMMENDATION

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

Having regard to Policies SP1– Delivering the Strategy, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD2 - Design of New Development, MD5 – Development within Settlement Boundaries, and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Affordable Housing (2018), Residential and Householder Development (2018) and Parking Standards SPGs, Planning Policy Wales 11th Edition, TAN12- Design and TAN18 – Transport, and Future Wales: The National Plan 2040, it is considered that the proposed dwelling would be acceptable in respect of the visual amenities and character of the street scene, neighbouring and residential amenity, parking and highway safety.

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

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

**NOTE:**

- 1. 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 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.**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

- 3. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**



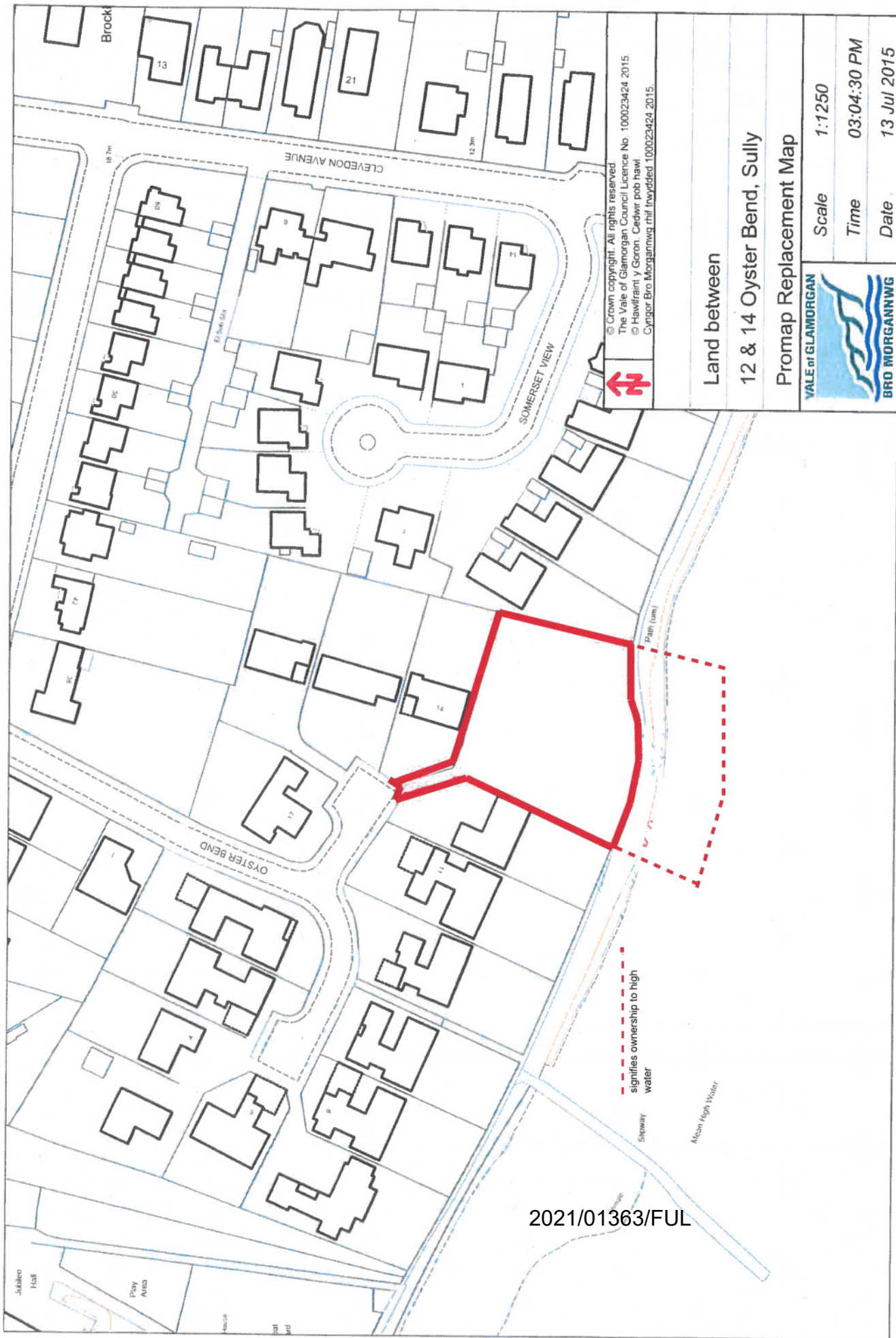
- 4. The applicant is required to contact Mr. Peter Coughlan of the Highways Section prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety**
- 5. 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.**

**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.**



**2020/00351/OUT** Received on 1 April 2020

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

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

### **Land East of B4265 - Site A - Western Parcel, Llanmaes**

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

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

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

#### **EXECUTIVE SUMMARY**

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

The main issues (relating to the principle of the development, design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk and impact on the historic environment) were considered previously in the Officer's Report (see Appendix A) which was considered by Planning Committee on 24th March 2021 and approved subject to a legal agreement which has not been signed to date.

The application is being reported back to Planning Committee following a public consultation exercise which publicised the previous viability assessment. Members are also provided with an update relating to the new Technical Advice Note 15 (relating to flood risk). This report considers any material considerations that have arisen since Planning Committee's previous decision and recommends approval subject to a section 106 report and conditions.

#### **Issues**

#### **Background**

This planning application was initially reported to the Council's Planning Committee on the 24<sup>th</sup> March 2021, at which time Members resolved to approve the application, subject to the signing of a Section 106 Legal Agreement. That Section 106 Agreement has not yet been signed.

That report (which is attached as **Appendix A**) set out the viability review process that had been carried out prior to the application being considered at Planning Committee. In summary, a detailed Viability Appraisal was been prepared by Savills and submitted on behalf of the applicant, which was reviewed by the Council's Property/Estates Section. This included development costs and likely sales values. The Council's Property/Estates Section concluded that the assumptions and costs were reasonable, and the viability case was accepted as being reasonable and evidenced. That appraisal concluded that the developer can deliver the required 35% affordable housing, and other financial contributions totalling £1,165,000. This position was set out in the officer's report to Committee.

Notwithstanding that, in light of recent case law and having regard to the Local Government Act 1972 (Schedule 12(A)) and the advice in Planning Policy Wales Edition 11, the development viability referred to above has (since Planning Committee's previous consideration) been made publicly available. While that information was taken into account when the application was reported to the Council's Planning Committee and was available to Members at request, officers have considered it appropriate to make this information openly available for public inspection.

Consequently, all neighbours originally consulted on the application, all neighbours that responded to the application, Llantwit Major Town Council, Llanmaes Community Council and the local ward members were contacted directly to advise of this information being publicised. A site was also erected to the same effect.

This application is now reported back to Planning Committee, in order to advise Members of any additional representations received in respect of the viability information.

#### Representations and Consultation Responses Received

**Llantwit Major Town Council**- note that although the development for the proposed site does not fall under the Council's area, the Council feel strongly that the development will impact on the town and infrastructure. Thus, they propose that a large proportion of the S106 funding should be spent within Llantwit Major.

**The Town Council** have concerns that the present infrastructure of the town is potentially inadequate to deal with these two significant housing developments with regard to education, health care, waste management, damage to the environment and travel.

**Llanmaes Community Council** have re-iterated their opposition to the planning application, due to it being an intrusion on open countryside with no planned addition of supporting infrastructure.

**The Community Council** have stated that they believe the housing market data used in the assessment will be out of date, and have advised that it would be unacceptable if the developer contributions are being reduced. The Community Council have advised that they have ideas as to how the S106 monies should be spent and have requested an active dialogue on this matter. It is also stated that no further progress has been made in attracting employment to the adjacent Bro Tathan site, and consequently the purpose of the dwellings is questioned.

**Local Ward Members- Councillor Gwyn John** has stated support for the figures reached for both sites in community benefits, and expressed disappointment if the figures are reduced. **Councillor Sally Hanks** has given support to these comments.

**Public representations** have been received from two local residents. One states that the application does not demonstrate that it will provide community benefits which are reasonably related in scale and location to the development or mitigate pressure on local facilities.

The representation also list objections in respect of loss of countryside, flood risk, impacts on wildlife, traffic, the change to the landscape, antisocial behaviour, loss of privacy and lack of need for more housing. The second objection received refers to concerns regarding flood risk and surface water management.

### Issues

Firstly it should be clarified that the applicant does not propose to reduce the Section 106 package previously reported to Planning Committee. Rather the purpose of this report is to report representations received in respect of the recent consultation.

While the objections/comments relating to issues other than viability are recognised and have been considered (including those raised by Llantwit Major Town Council), these matters were addressed in the previous report (appended) and the acceptability of the scheme in these respects has not materially changed. Consequently, the purpose of this report is to discuss any implications arising from the responses relating to the viability information.

In respect of the Community Council's comments, the Council's Estates section have confirmed that the position previously accepted as reasonable in the viability report remains reasonable. Notwithstanding this, the legal agreement will contain a development viability review mechanism to ensure that uplifts are captured if the development is not completed by a specified date. Regarding Bro Tathan, since this application was previously reported to Planning Committee, a further outline permission has been granted for employment uses at Beggars Pound and an application for Screening and Scoping opinions has been submitted for other allocated land near Picketston. It is, therefore, considered that there have been material further developments within the wider allocation, however, this site is in any case allocated for residential development in the LDP. i.e. this development could not reasonably be resisted based on how advanced nearby employment developments are. In respect of the public representations received, the issues relating to size of contribution and infrastructure were assessed in the previous, now appended, report.

In summary, it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). It is considered that the viability assessment (including a review trigger) remains acceptable, subject to the resolution and conditions below.

### Other matters

The matters relating to loss of countryside, flood risk, impacts on wildlife, traffic, the change to the landscape, antisocial behaviour, loss of privacy and lack of need for more



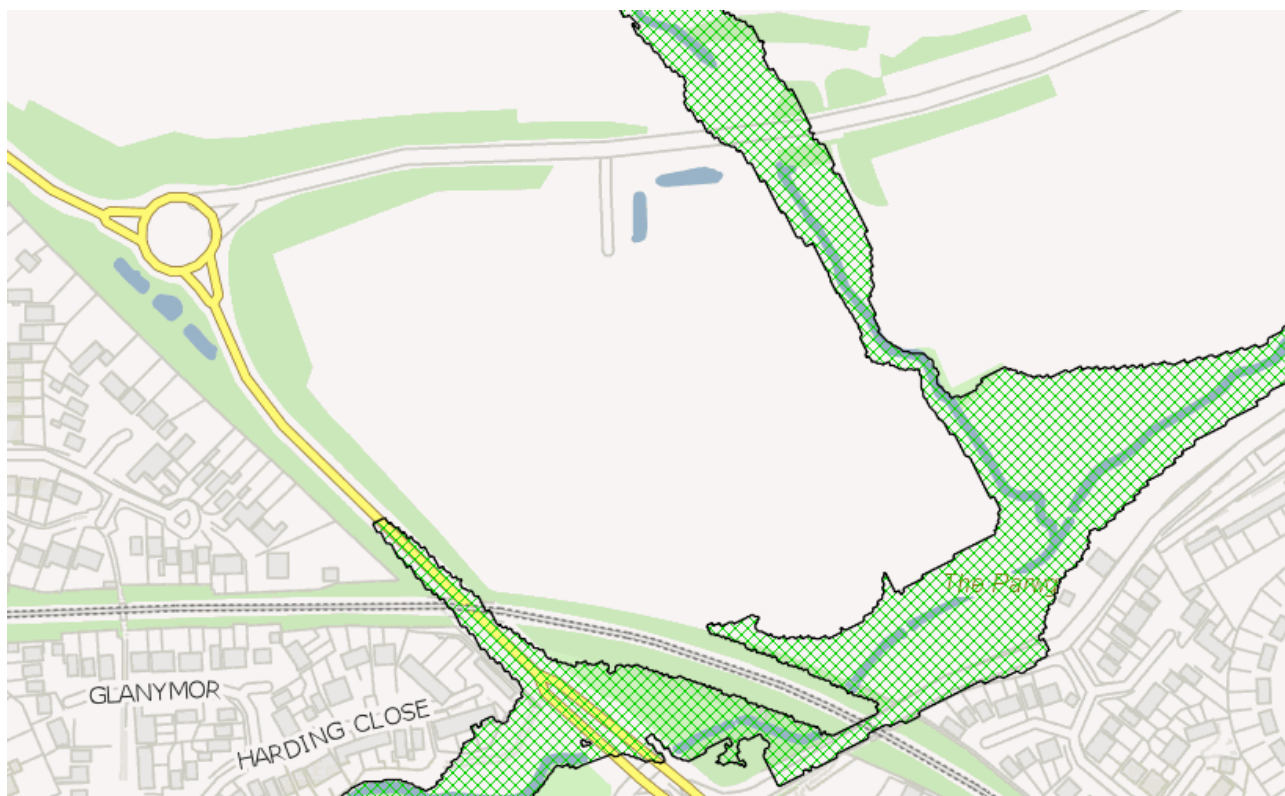
housing (and in particular the important issues raised by Llantwit Major Town Council), were addressed in the previous report.

In respect of flood risk, Members are advised that since the last Committee meeting, a New Technical Advice Note (TAN) on flooding has been progressed alongside a new Flood Map for Wales (FMfW) that represents the most up to date data on flooding and supersedes the previous Development Advice Maps (DAMs). The new TAN has not yet come into effect (likely in June 2023), however, in December 2021 Welsh Government (WG) wrote to Local Planning Authorities to advise that despite this, *planning authorities should recognise that it may be appropriate to take best and more recent information into account as a material consideration.*

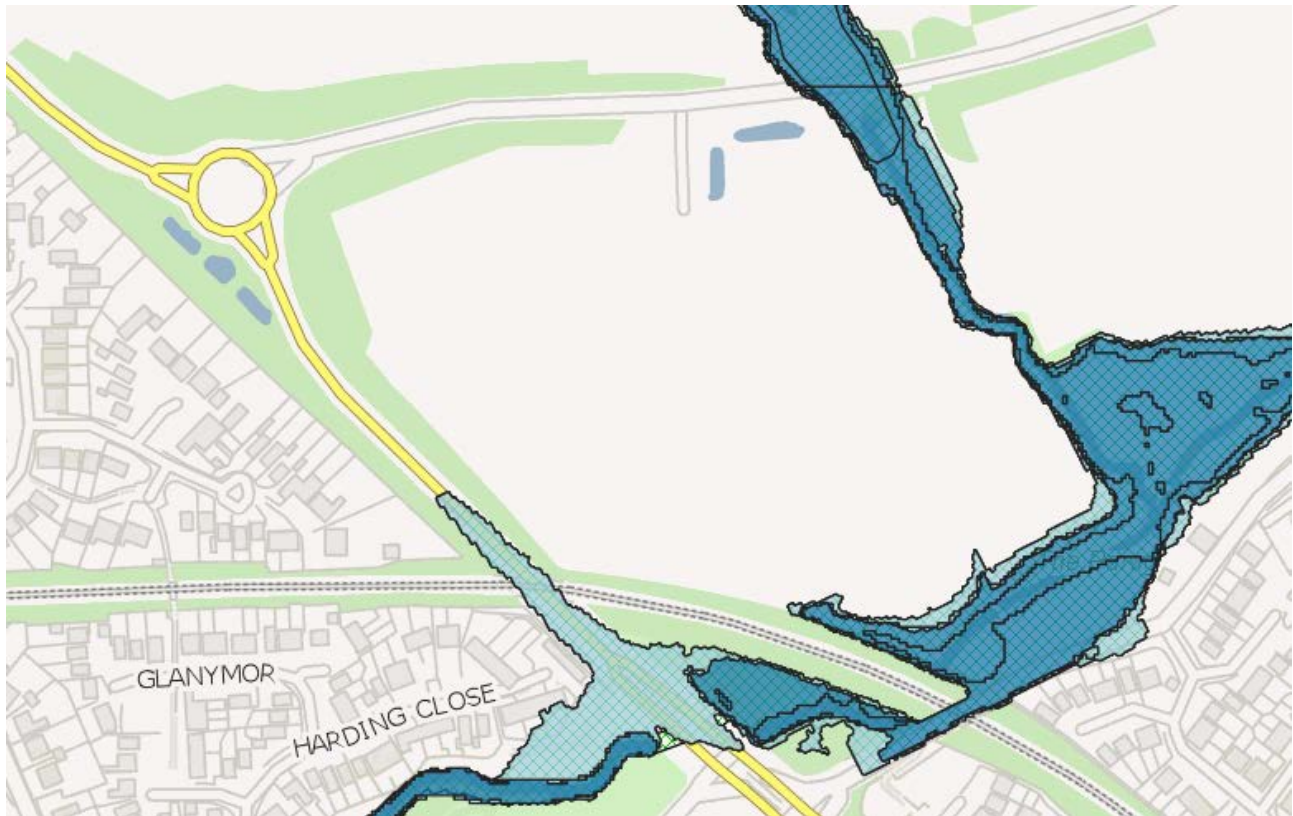
The new FMfW classifies flood risk (from seas and rivers) as being in Zones 1, 2 or 3. Zone 1 is less than a 1 in 1000 chance of flooding in any given year, Zone 2 is less than 1 in 100 but greater than 1 in 1000 chance, and Zone 3 (highest risk) is greater than 1 in 100 chance.

In this case, the new flood maps are negligibly different to the previous flood maps (comparing highest risk areas- Zone C2 versus Zone 3), such that there is no additional impact on the developable area of the site. The plan extracts below show the existing C2 areas and the proposed Zone 2/3 areas.

Zone C2 overlay (Development Advice Map ):



Zones 2 (lighter blue) and 3 (darker blue) overlay (new FMfW):



Consequently, and having taken account of the updated information, the development remains acceptable in respect of flood risk, and it would comply with Policy MD7 of the LDP.

#### REASON FOR RECOMMENDATION

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

Having regard to Policies, SP1, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales: The National Plan 2040, PPW 11, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology,

agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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

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

### RECOMMENDATION

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

- Provide and maintain in perpetuity 35% of the total number of units as affordable housing (at least 70% of which shall be social rented);
- To pay £1,165,000 (minus the cost of two dropped kerbs on Eglwys Brewis Road) as a contribution towards 'Facilities or services to meet the needs of the residents of the development in respect of education, community facilities and/or public open space'.
- The payment of the balance (between bullet point 2 above and £1,165,000) for the provision of two dropped kerbs on Eglwys Brewis Road.

AND, in the event that the development is not completed within 32 months of commencement, the trigger of a development viability review mechanism.

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

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

Reason:

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

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

Reason:

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

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

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



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

Reason:

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

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

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

Site A Framework Masterplan, drawing A093950-14[B]13a\_RevC, dated March 2020

WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order

revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

16. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason:

To ensure that the safety of future occupiers is not prejudiced, and to ensure compliance with Policy MD7 of the LDP.

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

The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

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

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD2 of the LDP.

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

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

Reason:

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

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

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

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

Reason:

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

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

unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

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

Reason:

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

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

Reason:

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

24. The development shall be carried out in accordance with the following:

- Flood Consequences Assessment (AECOM, Residential Development at Llanmaes, Flood Consequence Assessment, dated March 2020), Project number: 60509148
- Site A Framework Masterplan, drawing A093950-14[B]13a\_rev C, dated March 2020.

Reason:

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

25. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:

- 'Site A (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
- 'Site A (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
- Drawing A093950-14[B]13a\_rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment. 013A' by White Young Green dated March 2020.

Reason:

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

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

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

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

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

Reason:

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

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



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

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

Reason:

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

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

Reason:

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

## REASON FOR RECOMMENDATION

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

Having regard to Policies, SP1, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales: The National Plan 2040, PPW 11, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design

and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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

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

**NOTE:**

- 1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. Warning: An European protected species (EPS) Licence may be required for this development.  
This planning permission does not provide consent to undertake works that require an EPS licence.  
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.  
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**
- 4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

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

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

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

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

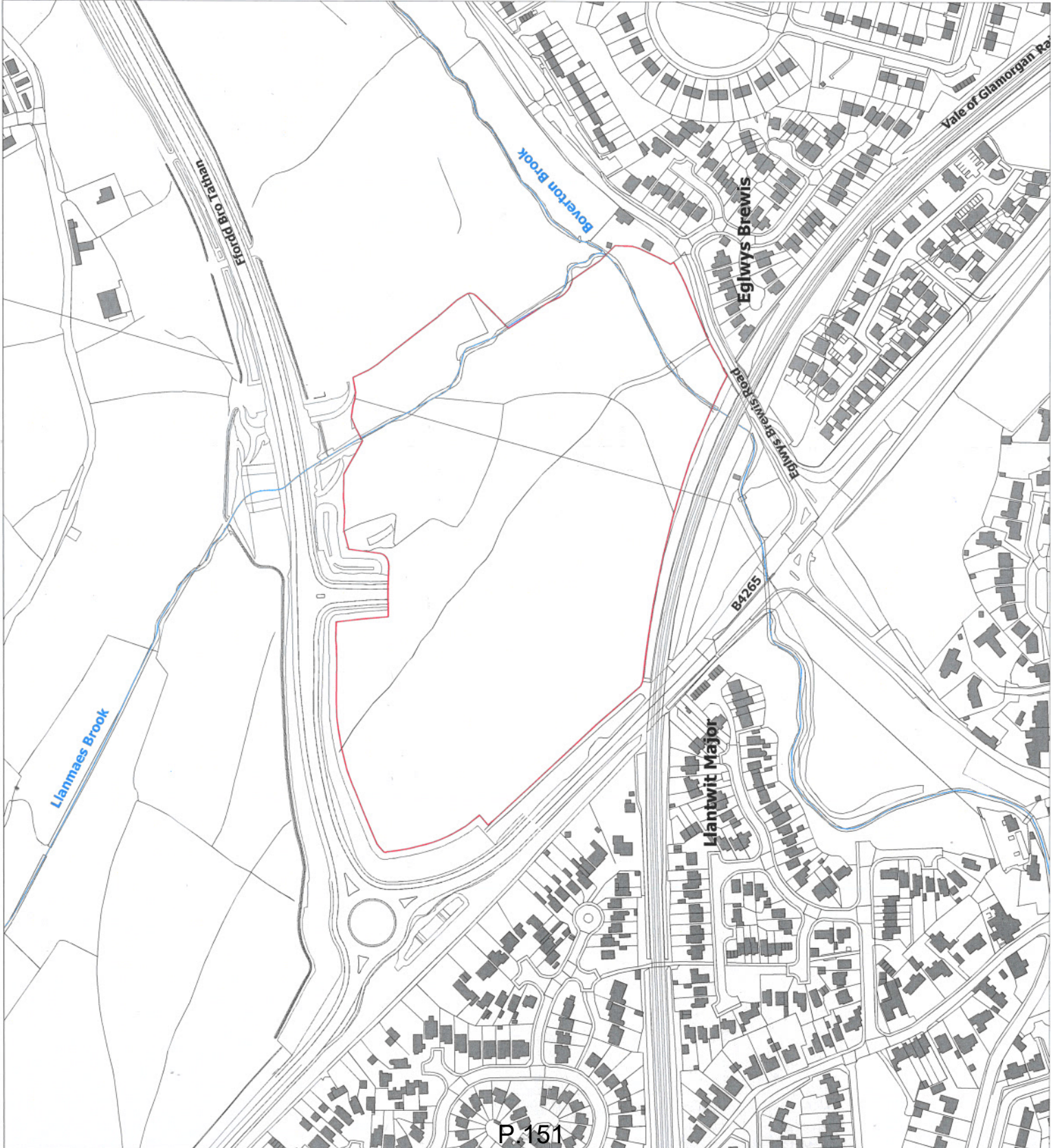
Land East of B4265  
Framework masterplan  
Application site

01a

Key

Application site boundary (7.86 ha)

2020/00351/OUT



0 25 50 100 150 metres

A093950-14[B]01a  
A093950-14[B]017.wmk  
Scale 1:2,500@A3  
October 2019

creative minds safe hands

WYG Group  
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**2020/00351/OUT** Received on 1 April 2020

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

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

**Land East of B4265 - Site A - Western Parcel, Llanmaes**

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

**REASON FOR COMMITTEE DETERMINATION**

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

**EXECUTIVE SUMMARY**

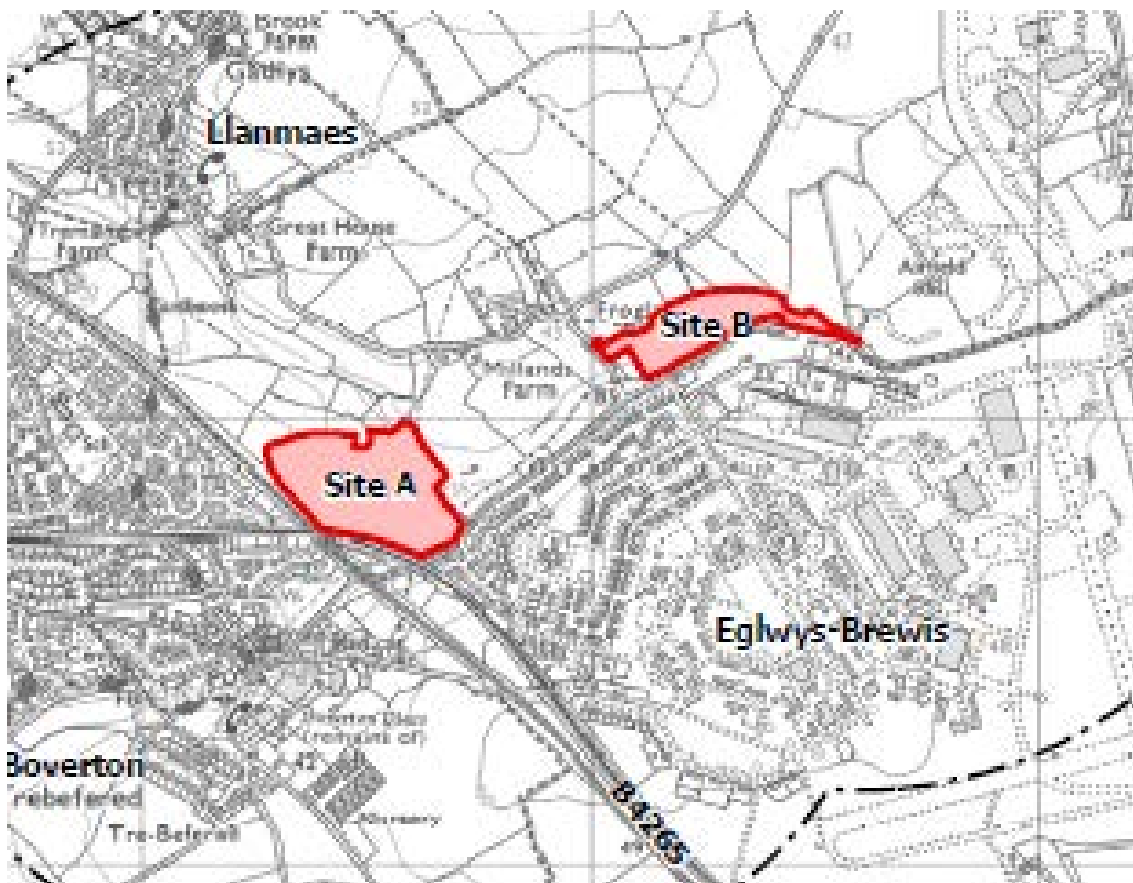
This is an outline planning application (with all matters reserved except 'access') for up to 140 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. The site lies within the settlement boundary of Llantwit Major and a Local Development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

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

There have been 13 objections to the scheme, while objections have also been raised by Llanmaes Community Council and Llantwit Major Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

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



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

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

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





## DESCRIPTION OF DEVELOPMENT

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



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

### RELEVANT PLANNING HISTORY

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

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

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



## APPENDIX A

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

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

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

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

### CONSULTATIONS

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

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

This is attached as Appendix A

**Llantwit Major Town Council** object on the following grounds:

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

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

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

**Civil Aviation Authority-** No representations received.

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

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

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

**Cardiff Airport-** No objection.

**Glamorgan Gwent Archaeological Trust-**

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

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

**Network Rail**- No representations received

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

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

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

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

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

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

*No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.*

**South Wales Police** have provided advice regarding designing out crime.

**Cardiff and Vale University Health Board**- No representations received.

## REPRESENTATIONS

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

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

- Cumulative impacts with other developments

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

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

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

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

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

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

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

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

### **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. The following chapters and policies are of relevance in the assessment of this planning application:

#### Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

#### Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

### **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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- The Best and Most Versatile Agricultural Land
- Supporting Infrastructure

**Chapter 4 - Active and Social Places**

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

**Chapter 5 - Productive and Enterprising Places**

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

**Chapter 6 - Distinctive and Natural Places**

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

**Technical Advice Notes:**

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

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

**Welsh National Marine Plan:**

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of

sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

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

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

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

#### Issues

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

- The principle of the development.
- Density of the development.

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

### Future Wales

At the outset it should be noted that Future Wales – the National Plan 2040 is the new national development plan and this came into force in February 2021. Members may have noted that this application was withdrawn from the Council's February Planning Committee agenda in order to ensure that the application submissions address all of the requirements set out in that document. In summary, it is considered that the proposed development does not conflict with the aims, objectives and policies of Future Wales. In particular it should be noted that Policy 16 (Heat Networks) does not apply to this proposal given that it is not a mixed use development (The document states: *As a minimum, proposals for large-scale, mixed-use developments of 100 or more dwellings or 10,000sqm or more of commercial floorspace should consider the potential for a heat network*).

### The principle of the development

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

### The density of the development

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



### Visual impact of the Development within the Wider Landscape

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

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

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

### Impacts on the Historic Environment

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

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

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

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

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As noted in the assessment, the round barrow is of national significance and is in the process of becoming a Scheduled Monument. GGAT state that the barrow, along with a suitable buffer zone forming the Scheduled Area, must be preserved within the residential development. GGAT note that this is the case on the submitted indicative masterplan and the remainder of the proposed development site has been fully stripped and recorded. GGAT conclude that it is highly unlikely that other archaeologically significant remains will adversely affected by the proposed works and there are no objections to the positive determination of this application.

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

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

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



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

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

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

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

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

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

### Highway safety

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

### Pedestrian connectivity and sustainable public transport matters

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

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

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

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

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

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

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

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

### Traffic and congestion issues.

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development in the context of the existing road network, the number of dwellings and the likely number of car movements and trips by alternative modes.

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

- B4265 / Ffordd Bro Tathan (Roundabout);
- Ffordd Bro Tathan / Residential MG2(7) (Priority Junction);
- Ffordd Bro Tathan / Residential MG2(6) (Priority Junction);
- Ffordd Bro Tathan / Eglwys Brewis Road (Priority Junction);
- Ffordd Bro Tathan / Bro Tathan / Aston Martin Signals Junction;
- B4265 / B4270/ Cowbridge Road;
- B4265 / Heol Pentre'r Court;
- Gileston Crossroads;
- St Athan Road / Cowbridge / Eglwys Brewis Road;
- Boverton Road / B4265 / Eglwys Brewis Road; and,
- B4265 / Llanmaes Road.

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

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

In summary, the TA observes that this development would not result in any of the above junctions operating over capacity. It identifies that the Gileston Crossroads junction would potentially operate over capacity when all of the committed development were built, and that mitigation works may therefore be required at that junction. However, this development alone would not require those works. Furthermore, the TA and subsequent correspondence with the agent have demonstrated that the critical capacity point at the crossroads would also not be reached when all of the following are constructed: The approved employment development at 'Keithrow' (2019/01260/HYB), residential Site B (2020/00352/OUT), the approved Barratt David Wilson Homes development at Cowbridge Road (2016/01427/OUT) and the current (un-determined) employment application at Beggars Pound (2020/00434/OUT). These are considered to be the appropriate range of developments to consider in the context of this assessment, since they either have

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

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

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

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

### Impact on residential amenity of existing residents.

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

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

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

Amenity of the future occupiers of the site.

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

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

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

Drainage and flood risk.

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

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

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



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



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

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

*Therefore, based on the above, we advise that the FCA and Framework Masterplan are included in the condition identifying approved plans and documents, if permission is granted. This will ensure built development is not located in the flood zone as indicated on the drawing 'A093950-14(B)13a\_RevC' when further details are submitted under reserved matters.*

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



Ecology

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

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

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

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

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

Test ii) There is no satisfactory alternative.

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

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

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

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

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

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

NRW similarly raise no objection in relation to ecological/species impacts, and they have requested conditions requiring compliance with the submitted ecology documents, and the approval of a lighting scheme and a Landscape and Ecological Management Plan (see conditions 26 and 27). A further condition (28) requires ecological enhancements, such as bird boxes on dwellings. Subject to all of the above, it is considered that the development would accord with Policies MD2 and MD9 of the LDP.

### Agricultural land quality.

Most of the land in then site is either non-agricultural of grade 3b- i.e. not Best and Most Versatile land. There are limited areas of grade 2 and 3a, however, they are relatively small pockets and in the case of the western area of 3a, it coincides with the area that must be kept free from development due to the heritage interest. Consequently, having regard to their size, and location relative to the historic resource and surrounding roads, those areas could not realistically or practicably be farmed going forward. It is therefore considered that the development would not conflict with the aims of Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

### Trees and hedgerows.

There are no protected trees within the site and, while the main developable area was historically grassed, it is not heavily vegetated with trees or hedgerows. The principle vegetated areas is the wooded corridors at the southern and eastern parts of the site, and

these would be retained outside of the area to be developed with buildings. Only 1 individual tree has been assessed of being of moderate quality, along with three groups around the site perimeter. The rest were of low quality or unsuitable for retention. The development would not be a barrier to the retention of the Category B trees, and while further trees and landscaping would be required as part of an acceptable reserved matters layout, the development as a whole is considered acceptable in respect of arboricultural impacts.

### Other points of objection

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

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

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

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

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

- 35% affordable housing
- Sustainable Transport = £2,300 per unit
- Community facilities= £1260 per dwelling
- Education facilities= The formulae in the SPG would require a contribution of approximately £1,167,780 based on 140 units
- Public Open Space = 16sq.m. per dwelling (less outdoor sport provision as the ward is already sufficiently equipped).
- Public Art – 1%

Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m<sup>2</sup> of equipped play space and 12.76m<sup>2</sup> of other play space, per dwelling. This equates to 5898m<sup>2</sup> of play space, of which 812m<sup>2</sup> should be equipped. The LEAP shown on the masterplan measures approximately 400m<sup>2</sup>, however, this is indicative and it is considered that there would be space within the site to provide the required 812m<sup>2</sup>. It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that the equipped and other play space can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

Affordable Housing

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

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

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

Total 303

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

Development Viability

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

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

A detailed Viability Appraisal has been prepared by Savills and submitted on behalf of the applicant, which has been reviewed by the Council's Property/Estates Section. This includes development costs and likely sales values. The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and the viability case is accepted as being reasonable and evidenced. That appraisal concludes

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that the developer can deliver the required 35% affordable housing, and other financial contributions totalling £1,165,000. The viability is better with this site than Site B (application 2020/00352/OUT) given that there are not such abnormal costs relating to excavation and disposal of material.

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

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

In accordance with Welsh Government's advice regarding development viability, officers have also considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach (in principle) was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. However, that development was for up to 253 dwellings, whereas this proposal is for up to 140 dwellings. The submitted viability appraisal states as follows:

*"We have assumed that construction works will be undertaken over a period of 26 months. We have assumed marketing will commence 6 months after construction commences and have assumed a sales rate of 3.5 open market sales per calendar month. The sales period extends to 26 months. The total development period is 32 months."*

Consequently it is considered that a reasonable period for the review point to be contained in the legal agreement is 32 months.

The above rationale does not infer that contributions towards these matters are not justified and the viability review would ensure that any upward improvements in viability would be paid to the Council

RECOMMENDATION

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

- Provide and maintain in perpetuity 35% of the total number of units as affordable housing (at least 70% of which shall be social rented);
- To pay £1,165,000 (minus the cost of two dropped kerbs on Eglwys Brewis Road) as a contribution towards 'Facilities or services to meet the needs of the residents of the development in respect of education, community facilities and/or public open space'.
- The payment of the balance (between bullet point 2 above and £1,165,000) for the provision of two dropped kerbs on Eglwys Brewis Road.

AND, in the event that the development is not completed within 32 months of commencement, the trigger of a development viability review mechanism.

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

## APPENDIX A

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

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

Site A Framework Masterplan, drawing A093950-14[B]13a\_RevC, dated March 2020

WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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



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

Reason:

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

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

Reason:

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

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

Reason:

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

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

## APPENDIX A

Reason:

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

16. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason:

To ensure that the safety of future occupiers is not prejudiced, and to ensure compliance with Policy MD7 of the LDP.

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

The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

- human health,
- groundwaters and surface waters

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

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

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

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD2 of the LDP.

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

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

Reason:

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

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

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

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

Reason :

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

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

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or

## APPENDIX A

other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

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

Reason:

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

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

Reason:

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

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

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Reason:

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

25. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:
- 'Site A (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
  - 'Site A (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
  - Drawing A093950-14[B]13a\_rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment. 013A' by White Young Green dated March 2020.

Reason:

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

26. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used
  - Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
  - Details of lighting to be used both during construction and/or operation

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

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

Reason:

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

27. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
  - Details of the desired conditions of features (present and to be created) at the site
  - Details of scheduling and timings of activities
  - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition

## APPENDIX A

- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

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

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

Reason:

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

### REASON FOR RECOMMENDATION

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

Having regard to Policies, SP1, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales: The National Plan 2040, PPW 11, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

## APPENDIX A

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

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

### **NOTE:**

1. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **Warning: An European protected species (EPS) Licence may be required for this development.  
This planning permission does not provide consent to undertake works that require an EPS licence.  
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.  
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**
4. **New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

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



## APPENDIX A

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

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

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





Llywodraeth Cymru  
Welsh Government

Llanmaes -  
Site A & Site B

Site Location

LA.01

# APPENDIX A 2020/00351/OUT



0 100 200 400 600 800 1,000 m  
Scale @ A3 - 1:25,000

**Key**  
■ Site Boundaries  
○ Buffer at 1 km intervals from the site

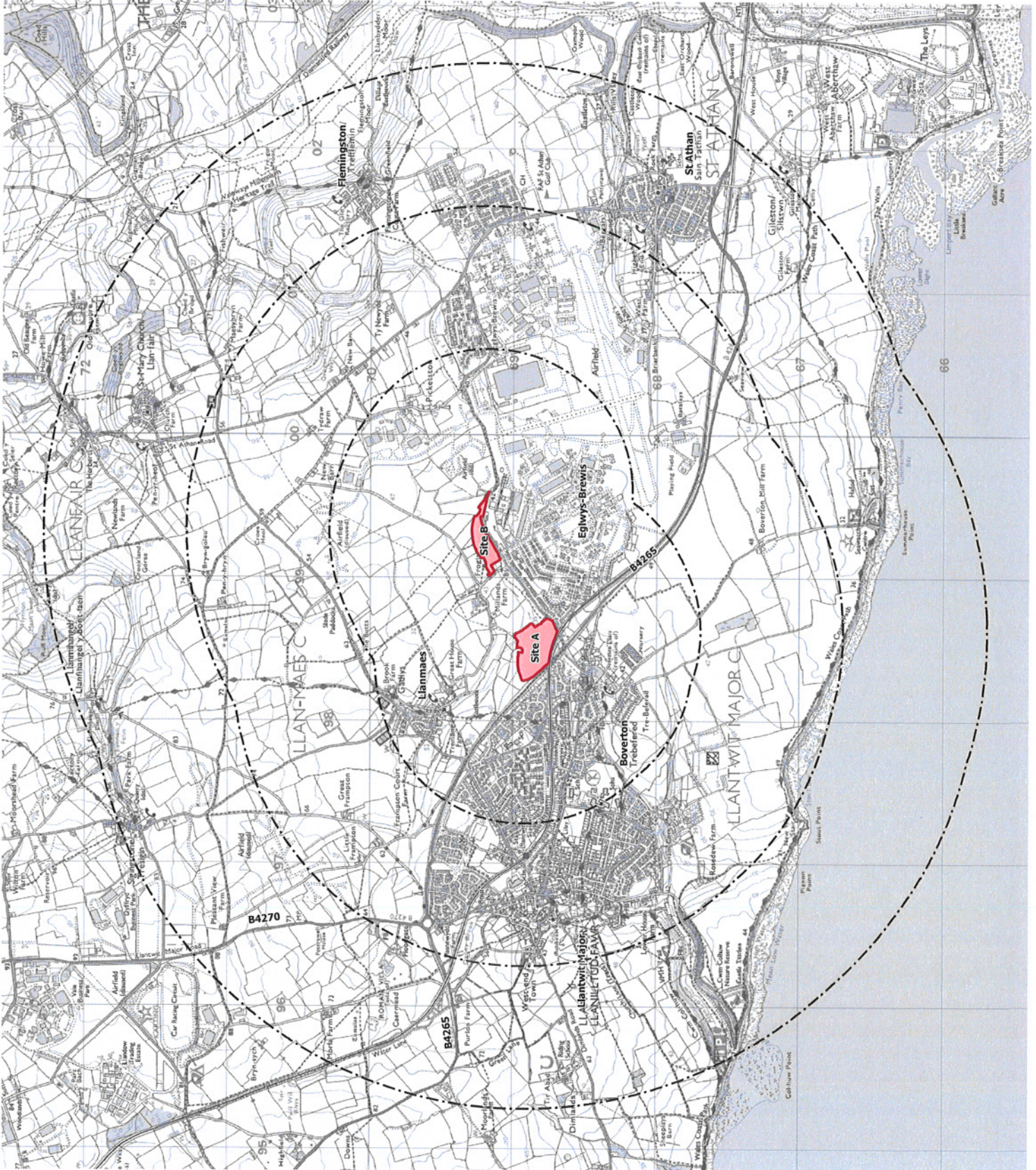
A093950-14-LA-01 Site Location.mxd

May 2019

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# APPENDIX A



Cyngor Cymuned Llanmaes  
Llanmaes Community Council

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

E-Bost/E-Mail [REDACTED]

20 April 2020

Dear Sirs

**Planning Application No. 2020/00351/OUT**

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

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

**Planning Application No. 2020/00352/OUT**

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

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

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

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

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

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

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

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

**2. Sewerage and Foul Water System**

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

**3. Impact on the Local Infrastructure**

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

**4. Flood Risk**

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

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

**5. Ecology and Wildlife**

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

**6. Archaeology**

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

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

Yours faithfully

Clerk  
Llanmaes Community Council



## APPENDIX B

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

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

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

#### 1. Need

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

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

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

#### 2. Services

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

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

#### 3. Environmental

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

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

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

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

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

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

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

## APPENDIX A

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

### 1. Need

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

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

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Kind regards,  
Katia summers  
49 eagle road

Sent from my Huawei phone

**2020/00352/OUT** Received on 1 April 2020

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

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

### **Land North of West Camp - Site B - Eastern Parcel, Llanmaes**

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

### **REASON FOR COMMITTEE DETERMINATION**

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

### **EXECUTIVE SUMMARY**

This is an outline planning application (with all matters reserved except 'access') for up to 100 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. Most of the site lies within the settlement boundary of Llantwit Major and a Local Development Plan housing allocation, while two parts of the site (at the western and eastern ends) lie outside the settlement and allocation.

The proposal is for up to 100 dwellings, of which at least 35% would be affordable. Vehicular access would be directly from Ffordd Bro Tathan and the first part of the access into the site from the main road has already been constructed under planning permission 2017/00564/FUL (i.e. the consent for the Northern Access Road).

The application is being reported back to Planning Committee following a public consultation exercise which publicised the previous viability assessment. Members are also provided with an update relating to the new Technical Advice Note 15 (relating to flood risk). The main issues (relating to the principle of the development, design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk, impact on a rural business and impact on the historic environment) were considered previously in the Officer's Report (**see Appendix A**) which was considered by Planning Committee on 24<sup>th</sup> March 2021 and approved subject to a legal agreement which has not been signed to date. This report considers any material considerations that have arisen since Planning Committee's previous decision and recommends approval subject to a section 106 report and conditions.

### **Issues**

### **Background**

This planning application was initially reported to the Council's Planning Committee on the 24<sup>th</sup> March 2021, at which time Members resolved to approve the application, subject to the signing of a Section 106 Legal Agreement. That Section 106 Agreement has not yet been signed.

That report (which is attached as **Appendix A**) set out the viability review process that had been carried out prior to the application being considered at Planning Committee. In summary, a detailed Viability Appraisal was prepared by Savills and submitted on behalf of the applicant, which was reviewed by the Council's Property/Estates Section. This included development costs and likely sales values. The Council's Property/Estates Section concluded that the assumptions and costs were reasonable, and the viability case was accepted as being reasonable and evidenced. That appraisal concludes that the developer can deliver the required 35% affordable housing, but cannot make any other financial contributions (however, it is noted that the infrastructure delivered by the sums required for Site A would also be likely to meet needs of residents in Site B). This is principally due to significant abnormal costs relating to excavation and disposal of material that currently comprise the 'made ground' on the site.

Notwithstanding that, in light of recent case law and having regard to the Local Government Act 1972 (Schedule 12(A)) and the advice in Planning Policy Wales Edition 11, the development viability referred to above has (since Planning Committee's previous consideration) been made publicly available. While that information was taken into account when the application was reported to the Council's Planning Committee and was available to Members at request, officers have considered it appropriate to make this information openly available for public inspection.

Consequently, all neighbours originally consulted on the application, all neighbours that responded to the application, Llantwit Major Town Council, Llanmaes Community Council and the local ward members were contacted directly to advise of this information being publicised. A site was also erected to the same effect.

This application is now reported back to Planning Committee, in order to advise Members of any additional representations received in respect of the viability information.

#### Representations and Consultation Responses Received

**Llantwit Major Town Council**- note that although the development for the proposed site does not fall under the Council's area, the Council feel strongly that the development will impact on the town and infrastructure. Thus, they propose that a large proportion of the S106 funding should be spent within Llantwit Major.

**The Town Council** have concerns that the present infrastructure of the town is potentially inadequate to deal with these two significant housing developments with regard to education, health care, waste management, damage to the environment and travel.

**Llanmaes Community Council** have re-iterated their opposition to the planning application, due to it being an intrusion on open countryside with no planned addition of supporting infrastructure.

**The Community Council** have stated that they believe the housing market data used in the assessment will be out of date and have advised that it would be unacceptable if the developer contributions are being reduced. The Community Council have advised that they have ideas as to how the S106 monies should be spent and have requested an active dialogue on this matter. It is also stated that no further progress has been made in attracting employment to the adjacent Bro Tathan site, and consequently the purpose of the dwellings is questioned.



**Local Ward Members- Councillor Gwyn John** has stated support for the figures reached for both sites in community benefits and expressed disappointment if the figures are reduced. **Councillor Sally Hanks** has given support to these comments.

**Public representations** have been received from three local residents. One makes the following objections/points relating to viability:

- The site suffers from a large number of abnormal costs, including potential ground remediation.
- As a consequence of the bullet above, the abnormal costs may have been underestimated.
- Underestimation of sewer upgrade costs.
- Underestimation of surface water runoff alleviation.
- Relief from S106 costs would not be given to a private developer.

It also raises objections regarding proximity to the firing range.

The second raises concerns regarding the firing range and states that the costs associated with the development appear to be prohibitive and deny its viability to a commercial developer. The third representation raises concerns regarding flood risk and surface water management.

### Issues

Firstly, it should be clarified that the applicant does not propose to reduce the Section 106 package previously reported to Planning Committee. Rather the purpose of this report is to report representations received in respect of the recent consultation.

While the objections/comments relating to issues other than viability are recognised and have been considered (including those raised by Llantwit Major Town Council), these matters were addressed in the previous report (appended) and the acceptability of the scheme in these respects has not materially changed. Consequently, the purpose of this report is to discuss any implications arising from the responses relating to the viability information.

In respect of the Community Council's comments, the Council's Estates section have confirmed that the position previously accepted as reasonable in the viability report remains reasonable. Notwithstanding this, the legal agreement will contain a development viability review mechanism to ensure that uplifts are captured if the development is not completed by a specified date. Regarding Bro Tathan, since this application was previously reported to Planning Committee, a further outline permission has been granted for employment uses at Beggars Pound and an application for Screening and Scoping opinions has been submitted for other allocated land near Picketston. It is, therefore, considered that there have been material further developments within the wider allocation, however, this site is in any case allocated for residential development in the LDP. i.e. this development could not reasonably be resisted based on how advanced nearby employment developments are. In respect of the public representations received, the issues relating to size of contribution and infrastructure were assessed in the previous, now appended, report.

One public representation submits that the development costs are likely to be greater than set out in the viability report. Notwithstanding this, the application is accompanied by a comprehensive viability report which has been reviewed by the Council's relevant departments, and the applicant has indicated that they will sign up to a Section 106 agreement which makes provision for the matters listed below. i.e. the applicant has considered their development costs robustly and does not propose to further lower the contributions and/or affordable housing percentage. While it is also asserted that a private developer would not be afforded the same position, the Council has (where supported with viability appraisals and where the planning balance justifies), granted planning permission for such residential developments without 'full' Section 106 contributions.

In summary, it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). It is considered that the viability assessment (including a review trigger) remains acceptable, subject to the resolution and conditions below.

### Other matters

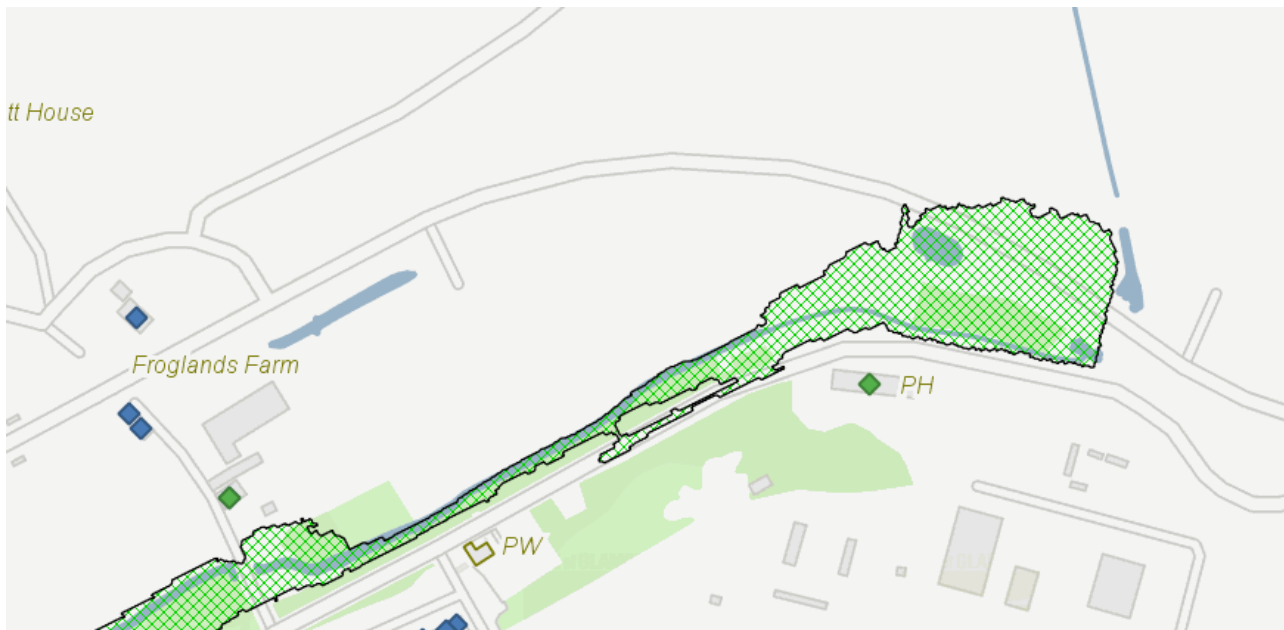
The matters relating to the firing range were addressed in the previous report and were the subject of debate at the previous committee meeting, and there has been no change to the material considerations in this respect. Furthermore, the important issues raised by Llantwit Major Town Council were also addressed in the previous report.

In respect of flood risk, Members are advised that since the last Committee meeting, a New Technical Advice Note (TAN) on flooding has been progressed alongside a new Flood Map for Wales (FMfW) that represents the most up to date data on flooding and supersedes the previous Development Advice Maps (DAMs). The new TAN has not yet come into effect (likely in June 2023), however, in December 2021 Welsh Government (WG) wrote to Local Planning Authorities to advise that despite this, *planning authorities should recognise that it may be appropriate to take best and more recent information into account as a material consideration.*

The new FMfW classifies flood risk (from seas and rivers) as being in Zones 1, 2 or 3. Zone 1 is less than a 1 in 1000 chance of flooding in any given year, Zone 2 is less than 1 in 100 but greater than 1 in 1000 chance, and Zone 3 (highest risk) is greater than 1 in 100 chance.

In this case, the new flood maps are negligibly different to the previous flood maps (comparing highest risk areas- Zone C2 versus Zone 3), such that there is no material impact on the developable area of the site. There is a nominally greater area within Zone 2 of the new FMfW, however this is also negligible in the context of the site as a whole and would not prejudice the development of up to 100 units. The plan extracts below show the existing C2 areas and the proposed Zone 2/3 areas.

Zone C2 overlay (Development Advice Map):



Zones 2 (lighter blue) and 3 (darker blue) overlay (new FMfW):



Consequently, and having taken account of the updated information, the development remains acceptable in respect of flood risk, and it would comply with Policy MD7 of the LDP.

**RECOMMENDATION**

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

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

AND, in the event that the development is not completed within 25 months of commencement, the trigger of a development viability review mechanism.

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

Flood Consequences Assessment Flood Consequence Assessment, dated March 2020), Project number: 60509148  
Site B Framework Masterplan, drawing A093950-14[B]13b\_RevC, dated March 2020  
WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

16. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before

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

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason:

To ensure that the safety of future occupiers is not prejudiced, and to ensure compliance with Policy MD7 of the LDP.

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

The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

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



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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD2 of the LDP.

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

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

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

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

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

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

Reason:

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

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

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

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

Reason:

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

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

Reason:

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

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

Reason:

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

25. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used
  - Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
  - Details of lighting to be used both during construction and/or operation

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

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

Reason:

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

26. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
  - Details of the desired conditions of features (present and to be created) at the site
  - Details of scheduling and timings of activities
  - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition
  - Details of management and maintenance responsibilities for the ecological features, habitats and landscape
  - Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

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

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

Reason:

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

## REASON FOR RECOMMENDATION

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

Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to Policies, SP1, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales: The National Plan 2040, PPW 11, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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

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

**NOTE:**

- 1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. Warning: An European protected species (EPS) Licence may be required for this development. This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.**

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

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

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

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

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

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

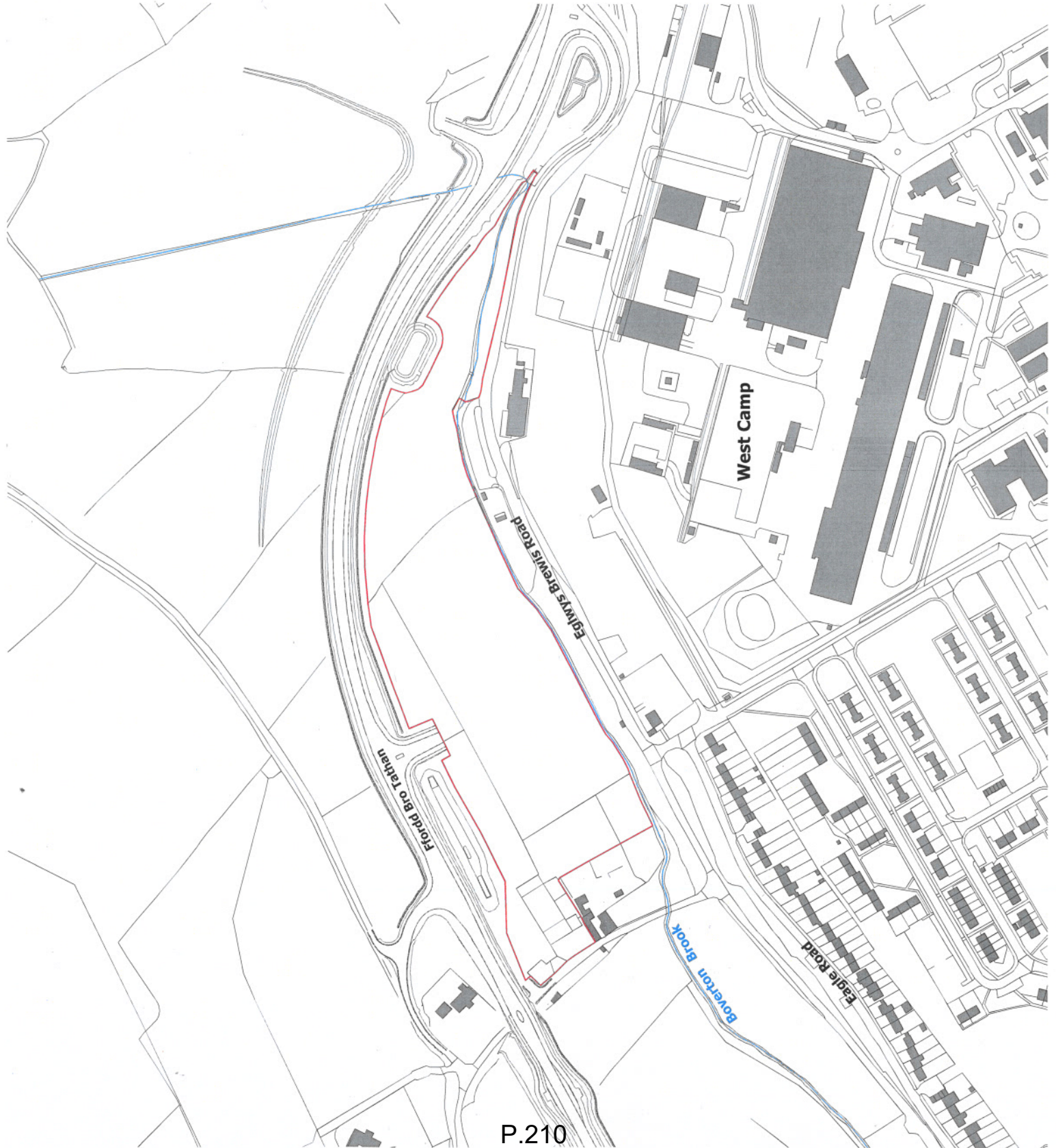
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

# Land North of West Camp Framework masterplan Application site

## 01b

### Key

Application site boundary (4.31 ha)



0 25 50 100 150 metres

A093950-14fB01b  
A093950-146f01v17.wx  
Scale 1:2,500@A3  
October 2019

creative minds safe hands

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**2020/00352/OUT** Received on 1 April 2020

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

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

**Land North of West Camp - Site B - Eastern Parcel, Llanmaes**

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

**REASON FOR COMMITTEE DETERMINATION**

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

**EXECUTIVE SUMMARY**

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

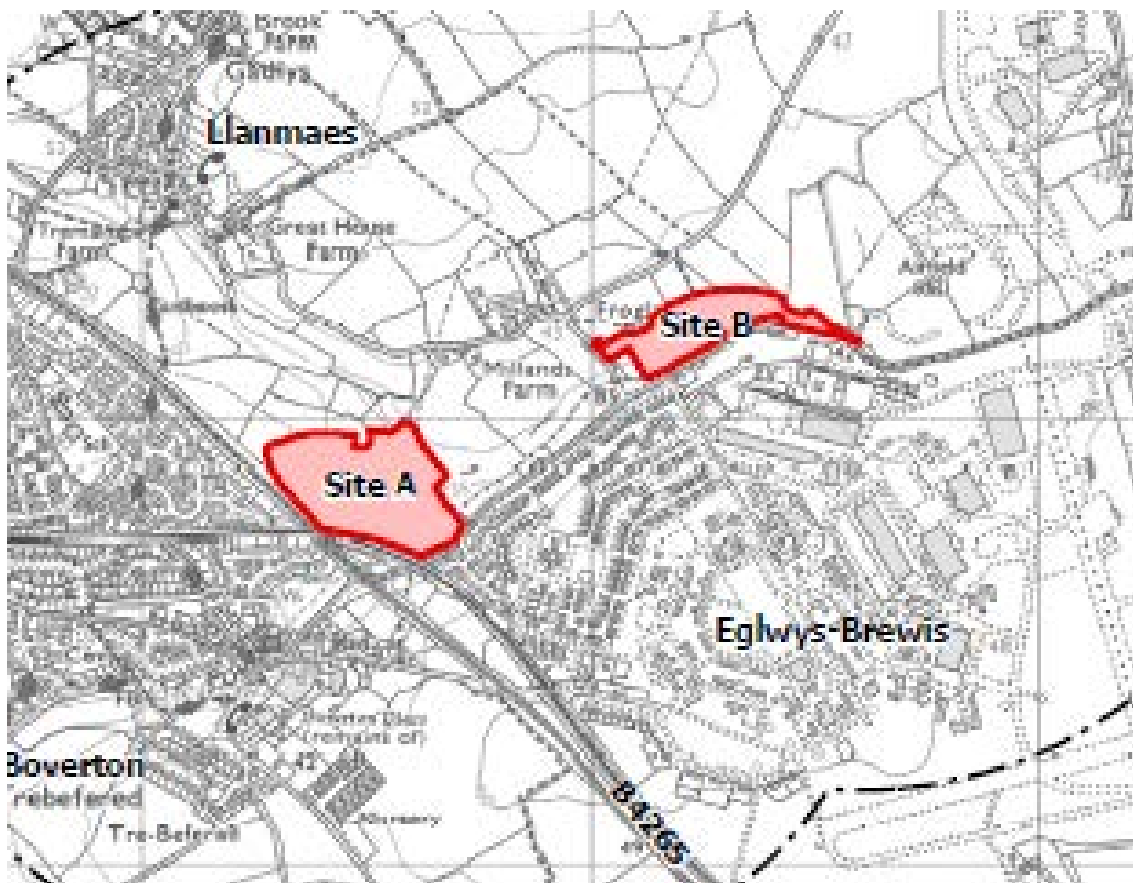
The main issues relate to the principle of the development (given that not all of the site lies within the settlement and allocation), design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk, impact on a rural business and impact on the historic environment.

There have been 13 objections to the scheme, while objections have also been raised by Llanmaes Community Council and Llantwit Major Town Council. Having considered the above issues, the proposed development is recommended for approval, subject to conditions.

**SITE AND CONTEXT**

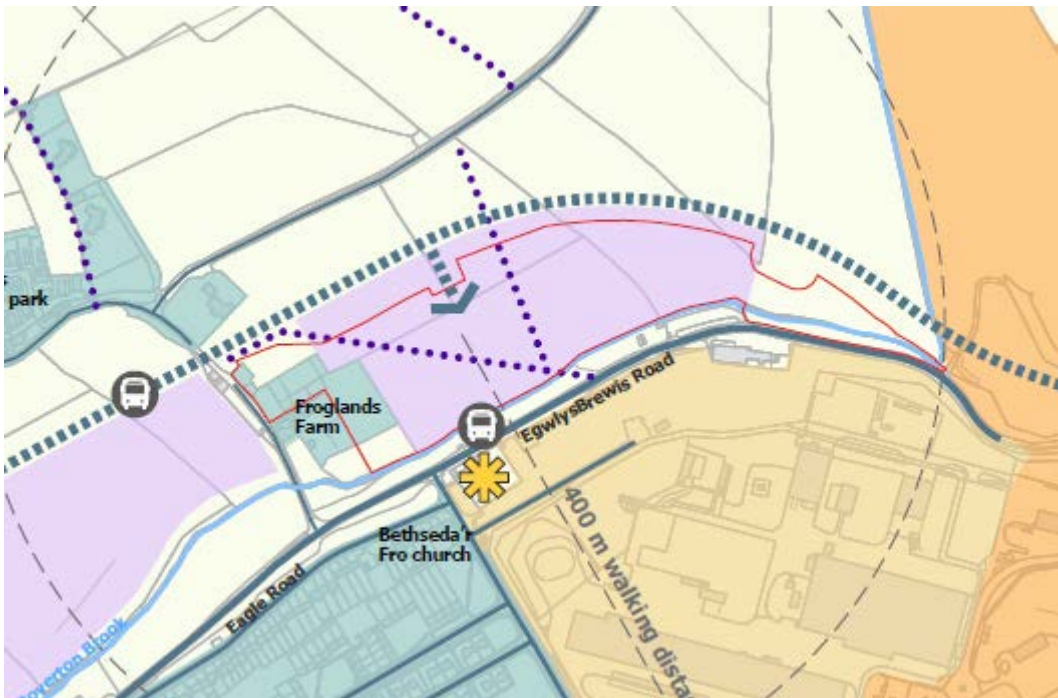
The application site is approximately 4.3 hectares of land adjacent to the Northern Access Road, Eglwys Brewis. The site is referred to in the application as Site B, whereas the site that is the subject of application 2020/00351/OUT (further along the Northern Access Road to the west) is referred to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





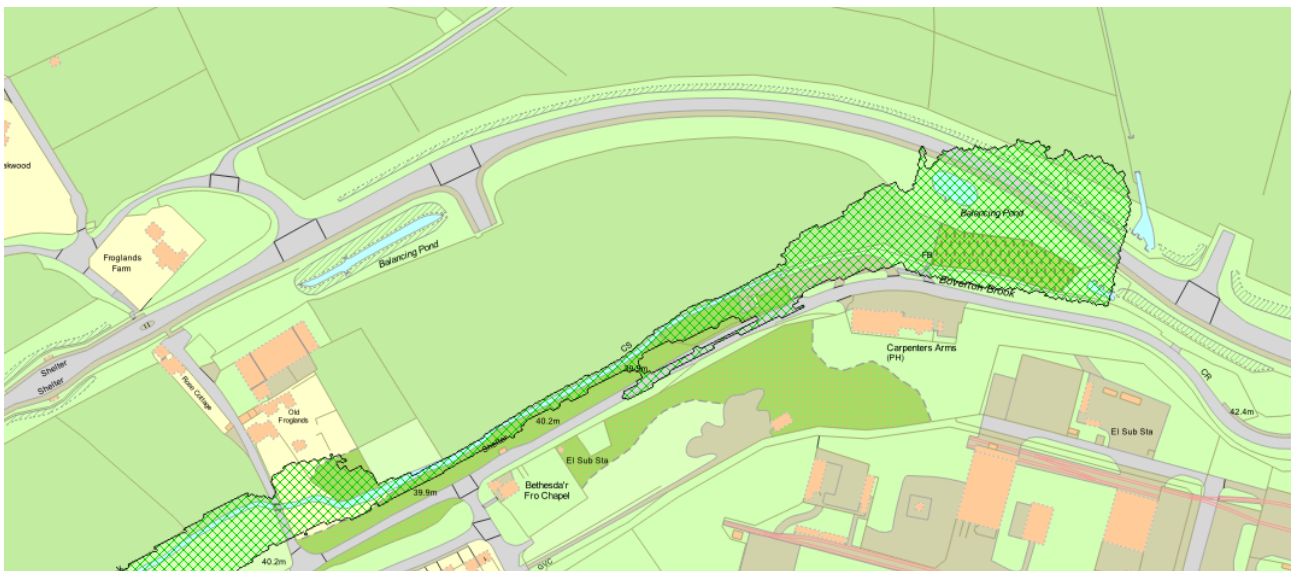
The site is adjoined by Eglwys Brewis Road to the south (with dwelling and the MOD base beyond), by the Northern Access Road to the North (with fields beyond), and by fields to the east and west.

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



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

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



## DESCRIPTION OF DEVELOPMENT

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



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

### RELEVANT PLANNING HISTORY

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

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

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

## APPENDIX A

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

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

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

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

### CONSULTATIONS

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

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

**This is attached as Appendix A**

**Llantwit Major Town Council** object on the following grounds:

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

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

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

**Civil Aviation Authority-** No representations received.

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

**Public Rights of Way Officer-**

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

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

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

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

**Cardiff Airport-** No objection.

**Glamorgan Gwent Archaeological Trust-** No objection.

**Cadw**- “No comments to make”.

**Network Rail**- “No objection in principle”

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

**Wales and West Utilities**- No representations received.

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

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

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

**South Wales Police** have provided advice regarding designing out crime.

**Cardiff and Vale University Health Board**- No representations received.

### REPRESENTATIONS

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

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

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



REPORT

Planning Policies and Guidance

**Local Development Plan:**

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

**Strategic Policies:**

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

**Managing Growth Policies:**

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

**Managing Development Policies:**

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

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

### **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. The following chapters and policies are of relevance in the assessment of this planning application:

#### Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

#### Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

### **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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- The Best and Most Versatile Agricultural Land
- Supporting Infrastructure



### Chapter 4 - Active and Social Places

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

### Chapter 5 - Productive and Enterprising Places

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

### Chapter 6 - Distinctive and Natural Places

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

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

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

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

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

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of

WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

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

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

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

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

#### Issues

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

- The principle of the development.

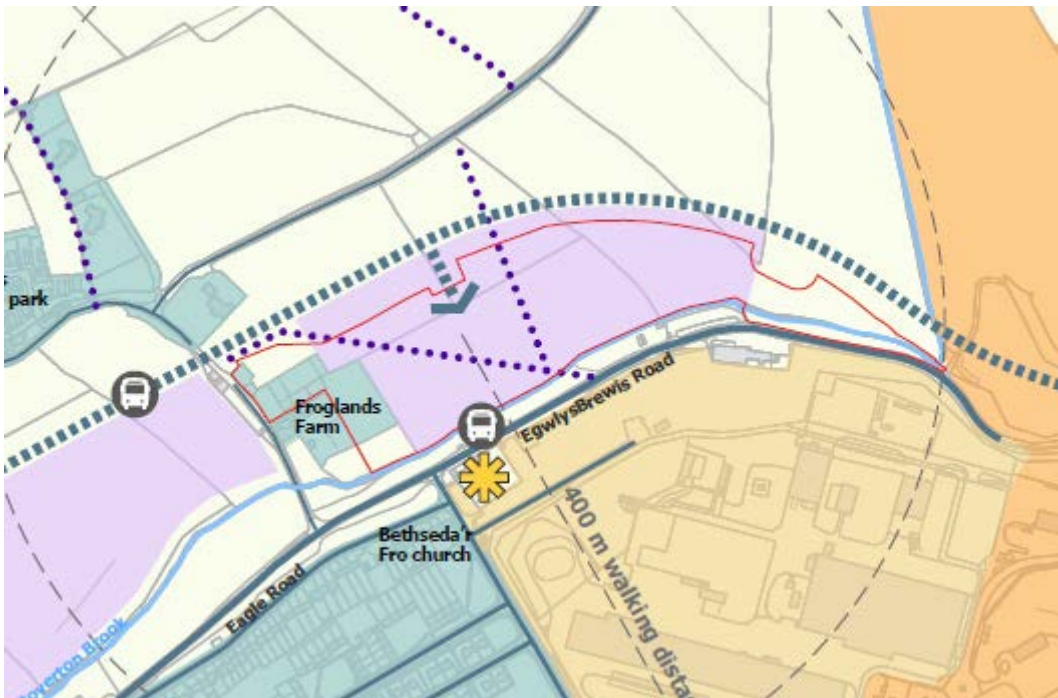
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impacts on the historic environment.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity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

### Future Wales

At the outset it should be noted that Future Wales – the National Plan 2040 is the new national development plan and this came into force in February 2021. Members may have noted that this application was withdrawn from the Council's February Planning Committee agenda in order to ensure that the application submissions address all of the requirements set out in that document. In summary, it is considered that the proposed development does not conflict with the aims, objectives and policies of Future Wales. In particular it should be noted that Policy 16 (Heat Networks) does not apply to this proposal given that it is not a mixed use development (The document states: *As a minimum, proposals for large-scale, mixed-use developments of 100 or more dwellings or 10,000sqm or more of commercial floorspace should consider the potential for a heat network*).

### The principle of the development

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



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

#### The density of the development

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

#### Visual impact of the Development within the Wider Landscape

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

The application site lies directly to the east and north of the existing settlement and would directly adjoin (but for intervening roads) the MOD base and residential areas to the south. The site would not directly adjoin housing allocation MG2(7) to the west, but it would have

## APPENDIX A

a close physical relationship to it with the upper boundary of both defined by the recently constructed Northern Access Road. That road represents a logical, physical and defensible boundary to the site, such that the development would not intrude, visually into the undeveloped countryside beyond. As noted above, the unallocated wedge at the eastern end is landlocked between the NAR and Eglwys Brewis Road, and the area to the west is directly in between both allocations.

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

### Impacts on the Historic Environment

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

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

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

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

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

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

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





## APPENDIX A

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

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

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

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

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

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

### Highway safety

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

### Pedestrian connectivity and sustainable public transport matters

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

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

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

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

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

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

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

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

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



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

### Traffic and congestion issues.

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development in the context of the existing road network, the number of dwellings and the likely number of car movements and trips by alternative modes.

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

- B4265 / Ffordd Bro Tathan (Roundabout);
- Ffordd Bro Tathan / Residential MG2(7) (Priority Junction);
- Ffordd Bro Tathan / Residential MG2(6) (Priority Junction);
- Ffordd Bro Tathan / Eglwys Brewis Road (Priority Junction);
- Ffordd Bro Tathan / Bro Tathan / Aston Martin Signals Junction;
- B4265 / B4270/ Cowbridge Road;
- B4265 / Heol Pentre'r Court;
- Gileston Crossroads;
- St Athan Road / Cowbridge / Eglwys Brewis Road;
- Boverton Road / B4265 / Eglwys Brewis Road; and,
- B4265 / Llanmaes Road.

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

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

In summary, the TA observes that this development would not result in any of the above junctions operating over capacity. It identifies that the Gileston Crossroads junction would potentially operate over capacity when all of the committed development were built, and that mitigation works may therefore be required at that junction. However, this development alone would not require those works. Furthermore, the TA and subsequent correspondence with the agent have demonstrated that the critical capacity point at the crossroads would also not be reached when all of the following are constructed: The approved employment development at 'Keithrow' (2019/01260/HYB), residential Site A (2020/00351/OUT), the approved Barratt David Wilson Homes development at Cowbridge

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

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

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

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

### Impact on residential amenity of existing residents.

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

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

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

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

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

### Amenity of the future occupiers of the site.

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

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

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

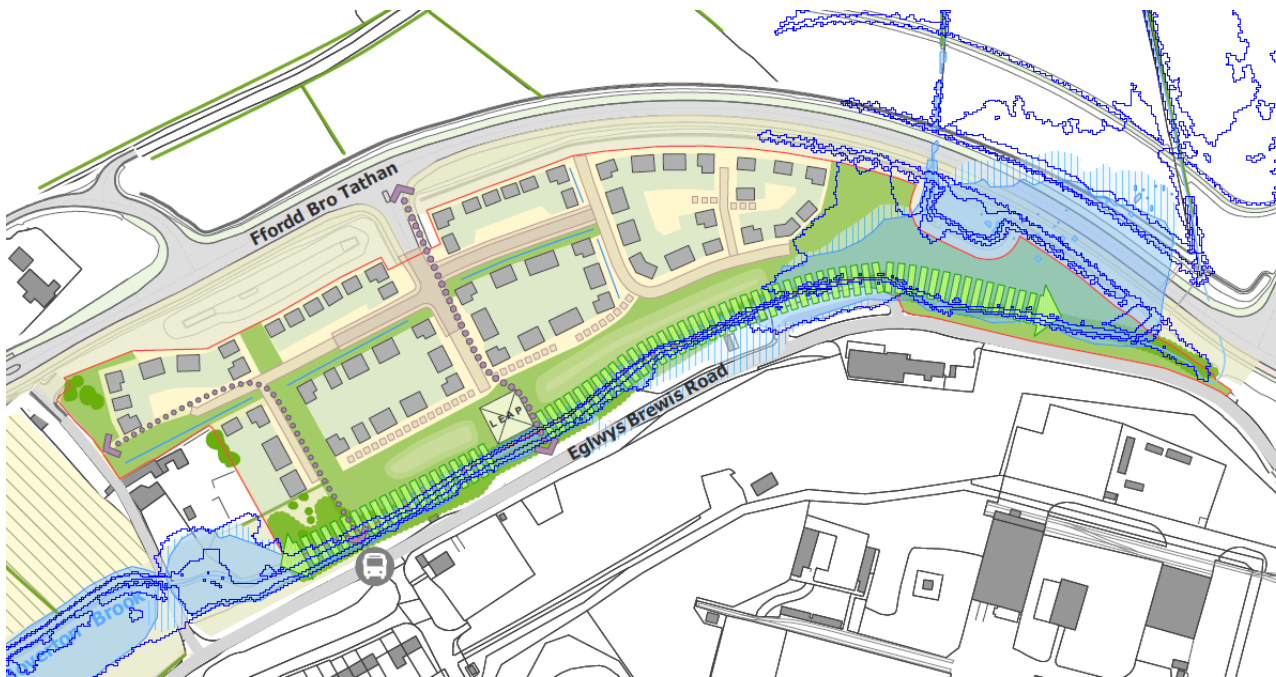
### Drainage and flood risk.

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

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

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



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

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

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

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

### Ecology

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

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

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

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

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

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

Test ii) There is no satisfactory alternative.

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

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

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

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

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

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

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

### Agricultural land quality.

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

### Impact of the development on the tenant farm.

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

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

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

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

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

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

### Trees and hedgerows.

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

### Public rights of Way (PROW)

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

### Other points of objection

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

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

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

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

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

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

### Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m<sup>2</sup> of equipped play space and 12.76m<sup>2</sup> of other play space, per dwelling. This equates to 1856m<sup>2</sup> of play space, of



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which 580m<sup>2</sup> should be equipped. The LEAP shown on the masterplan measures approximately 400m<sup>2</sup>, however, this is indicative and it is considered that there would be space within the site to provide the required 580m<sup>2</sup> (if 100 dwellings were proposed at reserved matters stage). It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that equipped and the other place pace can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

### Affordable Housing

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

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

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

Total 303

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

### Development Viability

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

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

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

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

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

In accordance with Welsh Government's advice regarding development viability, officers have also considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach (in principle) was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. However, that development was for up to 253 dwellings, whereas this proposal is for up to 140 dwellings. The submitted viability appraisal states as follows:

*"We have assumed that construction works will be undertaken over a period of 19 months. We have assumed marketing will commence 6 months after construction commences and have assumed a sales rate of 3.5 open market sales per calendar month. The sales period extends to 19 months. The total development period is 25 months."*

Consequently it is considered that a reasonable period for the review point to be contained in the legal agreement is 25 months.

### RECOMMENDATION

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

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

AND, in the event that the development is not completed within 25 months of commencement, the trigger of a development viability review mechanism.

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

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

Reason:

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

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

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Reason:

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

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

Reason:

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

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

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

Site B Framework Masterplan, drawing A093950-14[B]13b\_RevC, dated March 2020

WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

6. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall

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include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

## APPENDIX A

and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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Reason:

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

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

Reason:

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

16. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

\* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments,.

Reason:

To ensure that the safety of future occupiers is not prejudiced, and to ensure compliance with Policy MD7 of the LDP.

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

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The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

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

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

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment, and to ensure compliance with Policy MD2 of the LDP.

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

## APPENDIX A

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

Reason:

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

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

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

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

Reason :

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

20. In the event that contamination is found at any time when carrying out the development that was not previously identified, it shall be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place (unless otherwise agreed in writing) until a scheme to deal with the contamination found has been approved in writing by the local planning authority. The scheme shall include an investigation and risk assessment and where remediation is necessary a remediation scheme and verification plan shall be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and



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approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

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

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure compliance with Policies MD1 and MD7 of the LDP.

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

Reason:

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

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

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Reason:

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

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

Reason:

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

25. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used
  - Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
  - Details of lighting to be used both during construction and/or operation

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

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

Reason:

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

26. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
  - Details of the desired conditions of features (present and to be created) at the site
  - Details of scheduling and timings of activities
  - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition

- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

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

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

Reason:

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

### REASON FOR RECOMMENDATION

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

Having regard to Policies, SP1, SP2, SP3, SP4, SP&, SP10, MG1, MG2, MG4, MG7, MG10, MG16, MG19, MG20, MG22, MG23, MD1, MD2, MD3, MD4, MD5, MD6, MD7, MD8, and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales: The National Plan 2040, PPW 11, TANs 1, 2, 5, 6, 11, 12, 15, 16, 18 and 24, and the Council's SPG on Affordable Housing Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plan and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of the Density of the development, Visual impact, the historic environment, Design and layout, highways issues, including highway safety, public transport, pedestrian movements, traffic and congestion issues, impact on residential amenity of existing residents, amenity of the future occupiers of the site, drainage and flood risk, ecology, agricultural land quality, the impact of the development on the tenant farm, and trees and hedgerows.

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

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

### **NOTE:**

- 1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. Warning: An European protected species (EPS) Licence may be required for this development.  
This planning permission does not provide consent to undertake works that require an EPS licence.  
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.  
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>**
- 4. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

**Further information of the SAB process can be found at our website or by contacting our SAB team: [sab@valeofglamorgan.gov.uk](mailto:sab@valeofglamorgan.gov.uk)**

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

## **APPENDIX A**

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

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

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





Llywodraeth Cymru  
Welsh Government

Llanmaes -  
Site A & Site B

Site Location

LA.01

# APPENDIX A 2020/00352/OUT



0 100 200 400 600 800 1,000 m  
Scale @ A3 - 1:25,000

**Key**  
■ Site Boundaries  
○ Buffer at 1 km intervals from the site

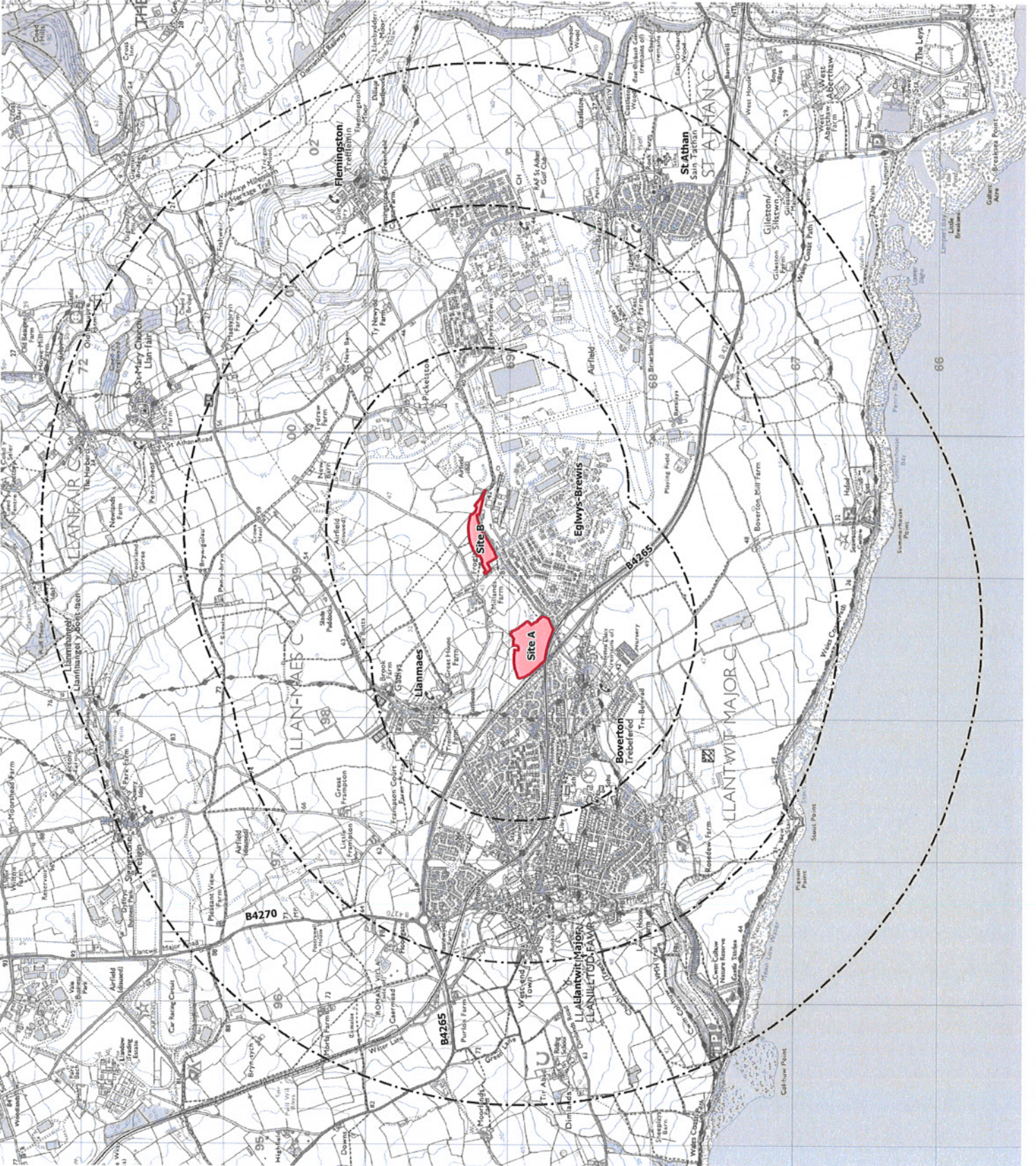
A093950-14-LA-01 Site Location.mxd

May 2019

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

+44 (0)29 2082 9200 [cardiff@wyg.com](mailto:cardiff@wyg.com) [www.wyg.com](http://www.wyg.com)

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Cyngor Cymuned Llanfaes  
Llanmaes Community Council

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

E-Bost/E-Mail: [REDACTED]

20 April 2020

Dear Sirs

**Planning Application No. 2020/00351/OUT**

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

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

**Planning Application No. 2020/00352/OUT**

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

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

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

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

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

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

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

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

## **2. Sewerage and Foul Water System**

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

## **3. Impact on the Local Infrastructure**

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

## **4. Flood Risk**

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

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

## **5. Ecology and Wildlife**

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

## **6. Archaeology**

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

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

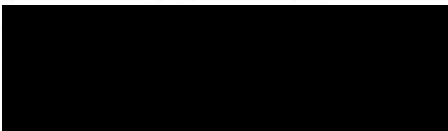
Yours faithfully

Clerk  
Llanmaes Community Council



APPENDIX A  
APPENDIX B

Old Froglands  
Llanmaes  
Llantwit Major  
Vale of Glamorgan CF61 2XR



## Attachment to Objection

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

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

#### 1.0 Strategic Housing Allocation Site MG2 (6)

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



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

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



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

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

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

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



## APPENDIX A

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

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

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

Yours sincerely,

David Harris

**2021/00345/FUL** Received on 4 May 2021

**APPLICANT:** Ms Lorraine Garrad-Jones, Gileston Manor, Gileston Road , Gileston , CF62 4HX

**AGENT:** Mr Geraint John Geraint John Planning Ltd, Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

### **Gileston Manor, Gileston Road, Gileston**

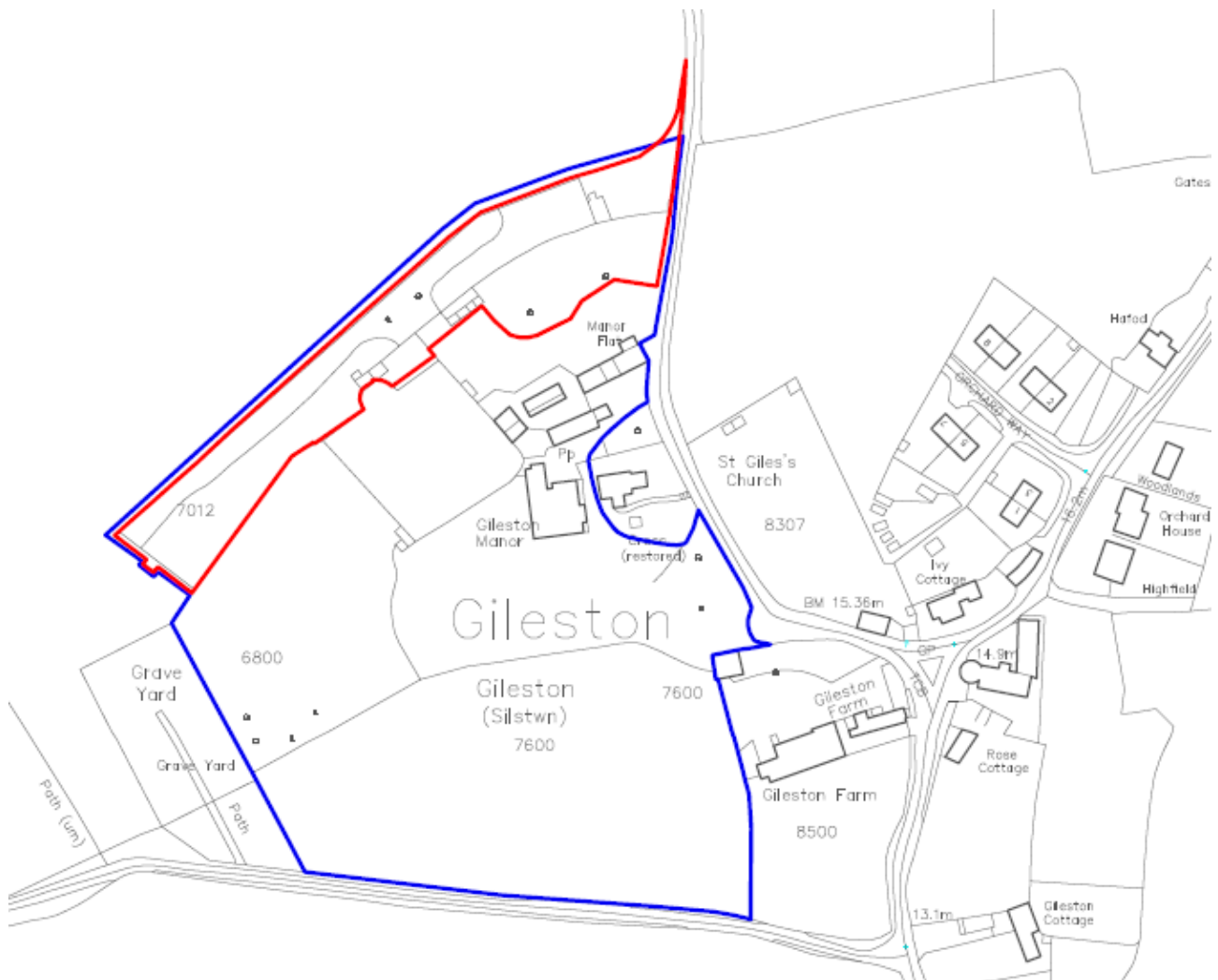
Variation of Condition 13 of Planning Permission 2018/00382/FUL relating to the use of the site only as a wedding and conference venue

#### **SITE AND CONTEXT**

The application site is set largely within the grounds of Gileston Manor, which occupies an expansive area to the west of the village of Gileston. The manor is a Grade II\* listed building with separate vehicular access, located adjacent to St Giles Church. There are several outbuildings within the extensive grounds of the manor, including the Coach House, Cheese House and pigsty, which are both listed (Grade II) and have which have been converted to holiday lets. The perimeter wall and summerhouse, within the defined site area for this application, are also listed structures. There are also a number of trees on the site subject to Tree Preservation Order.

The site, specifically, is located to the north and northern part of the grounds, bordered by an avenue of trees and beyond that, open farmland. This part of the site has an existing vehicular access located at the northern end of Gileston. The access has recently been improved with a gravel surface having been laid down beyond it. A section of the adjacent field, next to the access, is also included within the application site area. A public right of way crosses the site access, connecting to the adjacent field from Gileston Road.

The application site, in context of the Manor grounds and Gileston village, are illustrated in the below plan extract:



The site is also located within the Gileston Conservation Area and within the designated Glamorgan Heritage Coast. The site and wider village are not within a settlement boundary as defined within the Local Development Plan.

### DESCRIPTION OF DEVELOPMENT

The application is made under Section 73 of the Town and Country Planning Act 1990 to vary Condition 13 of Planning Permission 2018/00382/FUL. The condition relates to the use of the site only as a wedding and conference venue, and states:

13. *The land and buildings within the application site shall be used only as a wedding and conference venue and for no other purpose (including any other purpose in class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).*

*Reason:*

*To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD8 (Environmental Protection) ] of the Local Development Plan.*



The proposed wording seeks to vary the condition as follows:

13. *“The land and buildings within the application site shall be used only as a wedding, conference and event venue and for no other purpose (including any other purpose in class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).*

13.a. *Events (over and above, and distinct from the weddings and conferences) catering for over 60 people will be sold by no. of tickets per time slot.*

13.b. *The number of attendees at the application site within any one time slot during events will not exceed 200 attendees.*

In effect, the application is seeking greater flexibility as to the scope of the use, to allow for varied events such as, but not limited to, private functions and other themed days/evenings. The type of events recently held and/or proposed are:

- After dark party
- Beaujolais Day
- Pilates Holistic Workshop
- Christmas Wreath Workshop
- Festive Party
- Tea with the Ice Queen (children’s event)

These comprise some party evenings and daytime events. It is understood that the capacity for each type of event varies depending on the type, however, the usual minimum no. of tickets is 20 and the maximum no. of tickets 100. The proposed variation however seeks to cap event attendees at 200, noting planning conditions do not currently limit the number of attendees for weddings.

## PLANNING HISTORY

2019/00489/LBC - Variation to Listed Building Consent ref: 2016/01434/LBC for the conversion of the coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, internal and external alterations and associated works – not determined.

2018/00382/1/CD, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Discharge of Condition 3-Junction Details Planning Application 2018/00382/FUL: Retention of a marquee, kitchen / toilet marquee and garden temple for use as wedding and conference venue and creation of a secret garden room, change of use of land to wedding and conference venue, alterations to access, creation of car parking areas, ancillary works and landscaping at Gileston Manor, Gileston, Decision:

2018/00382/2/CD, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Retention of a marquee, kitchen / toilet marquee and garden temple for use as wedding and conference venue and creation of a secret garden room, change of use of land to wedding and conference venue, alterations to access, creation of car parking areas, ancillary works and landscaping, Decision: Case Officer: , Decision Date: ;



2018/00382/3/CD, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Discharge Condition 10 of Planning Permission 2018/00382/FUL-Retention of a marquee, kitchen / toilet marquee and garden temple for use as wedding and conference venue and creation of a secret garden room, change of use of land to wedding and conference venue, alterations to access, creation of car parking areas, ancillary works and landscaping at Gileston Manor, Gileston, Decision: ,Case Officer: ,Decision Date: ;

2018/00382/FUL, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Retention of a marquee, kitchen / toilet marquee and garden temple for use as wedding and conference venue and creation of a secret garden room, change of use of land to wedding and conference venue, alterations to access, creation of car parking areas, ancillary works and landscaping, Decision: Approved,

2019/00276/LBC, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Proposed alterations to listed wall and summerhouse, Decision: Approved

2016/01425/FUL: Change of use of coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, and internal and external alterations and associated works – Approved

2016/01434/LBC - Change of use of coach house and cheese house into 4 no. additional holiday accommodation units, demolition of single storey lean-to attached to coach house and replacement with single storey conservatory, and internal and external alterations and associated works – Approved

2015/00794/FUL, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Conservation repairs, reconfiguration, services renewal and extension of a Grade II\* listed house, to include minor demolition works to boiler house and part demolition of pantry, Decision: Approved

2015/00706/LBC, Address: Gileston Manor, Gileston Road, Gileston, Proposal: Conservation repairs, reconfiguration, services renewal and extension of a Grade II\* listed house, to include minor demolition works to boiler house and part demolition of pantry, Decision: Approved

2014/00450/FUL, Address: Gileston Manor, Gileston, Proposal: The creation of a new pond, Decision: Approved

2013/00404/LBC, Address: Gileston Manor, Gileston, Barry, Proposal: Proposed replacement of main entrance gates, proposed installation of new rear courtyard gates and restorative work to existing greenhouse, Decision: Approved

2013/00439/FUL, Address: Gileston Manor, Gileston, Barry, Proposal: Proposed replacement of main entrance gates, proposed installation of new rear courtyard gates and restorative work to existing greenhouse, Decision: Approved

2014/00450/FUL, Address: Gileston Manor, Gileston, Proposal: The creation of a new pond, Decision: Approved

## CONSULTATIONS

**St. Athan Community Council** stated: *(1) Most of the planning applications for Gileston Manor House have been made retrospectively, this application was to regularise the breach of conditions which have taken place for most of 2020. (2) This Council expect due consideration is given towards the mitigation of any noise or other relating issues, affecting the quality of life for local residents.*

**Highway Development** – stated no objection subject to:

- No more than one event taking place at any one time or for sufficient time to be provided in between each event to prevent overlapping.
- Each capacity to be no greater than the current use for weddings and conferences.

**Shared Regulatory Services** – no response has been received to date.

**GGAT** – stated no objection and, in summary, that there is unlikely to be an impact on the archaeological resource or historic environment by this proposed development.

**Cadw (Ancient Monuments)** – no response has been received to date.

**St. Athan Ward Councillor** – no response has been received to date.

**Ecology Officer** – no response has been received to date.

**Natural Resources Wales** stated no comment.

## REPRESENTATIONS

The neighbouring properties were consulted on 29 March 2021.

A site notice was also displayed on 12 April 2021.

Eight representations have been received. All objected to the proposed variation. The comments and grounds of objection are summarised below:

- Difficulty parking within the village
- Traffic associated with the events causes extra congestion and danger to highway users' safety in the village and local lanes
- Exacerbation of the adverse noise impact occurring from the existing use, including from the associated holiday accommodation and anti-social behaviours in the village, after the events
- Detrimental visual impact from associated paraphernalia
- Odour impact from fast food catering vans
- The original planning submission stated events would number no more than 50 annually – this should be limited, along with control maintained over type/scale/duration/ hours of events.
- The trend of seeking planning permission retrospectively
- Large scale events have been held in breach of conditions
- Past instances of playing amplified music in breach of condition
- Complaints being ignored by applicant in breach of condition

- Clay pigeon shooting also being advertised
- Several other breaches of condition/ planning control remain outstanding
- The Public Right of Way marker at the site entrance has not been replaced
- Covid 19 economic impact does not justify long term detrimental impacts to neighbouring/ local amenity
- Site location plan shows additional area outlined in red

## 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 SP9 – Minerals  
 POLICY SP10 – Built and Natural Environment  
 POLICY SP11 – Tourism and Leisure

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

POLICY MG19 – Sites and Species of European Importance  
 POLICY MG20 – Nationally Protected Sites and Species  
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species  
 POLICY MG22 – Development in Minerals Safeguarding Areas  
 POLICY MG27 – Glamorgan Heritage Coast  
 POLICY MG29 – Tourism and Leisure Facilities

#### **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 MD11 - Conversion and Renovation of Rural Buildings  
 POLICY MD13 - Tourism and Leisure

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 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 24 – The Historic Environment (2017)

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

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

### **Supplementary Planning Guidance:**

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

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Conversion and Renovation of Rural Buildings (2018)

- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)
- Gileston Conservation Area Appraisal and Management Plan

#### **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
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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

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

#### Issues

##### Background

The use of the site as a wedding and conference venue was approved by planning permission reference 2018/00382/FUL, subject to several conditions. Condition 13 effectively limits the scope of the use, as described above.

It is noted that unauthorised events (falling outside the scope of Condition 13) have taken place and/or been advertised at the site, though for much of the intervening period since the approval of the original application large scale events have been subject to Covid 19 related restrictions.

In spite of the above, it should be noted that Welsh Government had advised Local Planning Authorities to avoid taking enforcement action, unless there is a significant detrimental impact to amenity, where businesses are making temporary changes to try to

adapt to the ongoing and evolving Covid 19 restrictions. However, by this time, social restrictions are by now much more relaxed. The proposal is for a permanent change to the condition and therefore, as means of justification, this aspect is given very limited weight.

### Assessment

The principle of the development and location has been subject of previous approval, and so this assessment limited to the acceptability of the proposed variation and its associated impacts. The proposed variation does not seek to materially change the use of the site; therefore, the principal considerations relate to the impact upon neighbouring amenity and traffic congestion/ highway safety arising from a broader range of events being held at the site.

The matters, together with other relevant considerations, are assessed in turn below: -

#### Heritage, Landscape and Glamorgan Heritage Coast

The proposed variation does not include any operational development. It is noted that some paraphernalia/ decorations (for example, fairies, Christmas décor etc.) have been placed around the grounds on previous occasions, however, these have been of a temporary nature associated with specific events. The likely visual impact of such things is likely to be minimal and temporary and would not have a significant impact upon the landscape and heritage value of the Glamorgan Heritage Coast. The development is therefore considered acceptable in relation to the requirements of Policy MG27 – Glamorgan Heritage Coast. Likewise, the development, as proposed to be varied, would continue to preserve the character and appearance of the setting of the listed buildings on the Gileston Manor site, as well as that of the wider Gileston Conservation Area, in accordance with Policy MD8 (Historic Environment) of the LDP and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Transportation

The original application for the wedding and conference venue was approved on condition that proposed improvements to the vehicular access, to aid visibility, and to provide additional parking were implemented. The alterations to the access have been carried out satisfactorily. The approved parking layout illustrates that 48 spaces can be provided on the site and, although these do not appear to have been fully implemented, there is no alteration to the proposed plans in this respect. There have been no significant problems relating to parking overspill observed from weddings and events held at the site to date.

The proposed amendment would vary the event types approved at the site. However, the proposed event types are unlikely to be of a greater scale or impact than the approved weddings. The access and parking arrangements are considered acceptable to serve the different types of events and workshops that have taken place at the site to date. The events to date are also been infrequent and are likely to be limited to winter or other times when weddings are not taking place.

The term *event* is nonetheless very broad and does not provide complete clarity as to the potential future impact, should other types of events (of potentially larger scale) take place. The Council's Highway Department also stated no objection subject to no more than one event taking place at any one time and capacity to be no greater than the current use for weddings and conferences. To give the condition greater clarity and ensure that the site

facilities are adequate to cater for them, the applicant has suggested other event capacity be capped at 200 attendees. This is understood to be in line with their premises licence, noting the wedding capacity is not limited by the planning permission.

The permitted weddings are, by definition, likely to be infrequent occasions which are organised around the couple and their family. They aren't open to the general public and although indefinite numbers will generally be limited by the organisers, given the day is structured. Moreover, those attending will know each other and are more likely to arrange shared transport etc. The provision of a cap on the scale of proposed events is considered to be a suitable means of control to ensure events are commensurate to the site facilities and instances of unacceptable parking overspill and traffic generation can be avoided.

It is considered, subject to this cap, that there is unlikely to be any significant change to the nature and transportation impacts of the development. It would continue to be acceptable in relation to traffic generation and parking and have limited impact upon the traditional rush hour peaks.

### Neighbouring amenity

The original application for the wedding and conference venue was approved on condition that amplified music was played via an approved directional array system (Condition 11) and an approved Noise Management Plan was implemented (Condition 12). It is not proposed to alter these requirements and so any events would be required to adhere to the conditions in the same manner as the permitted weddings.

It is likely that the neighbouring impacts from low-key events such as craft workshops would be far less than the permitted weddings and are considered acceptable. The other events carried out to date, such as themed evenings with music, are likely to be similar in their potential impacts - subject to adherence with the aforementioned conditions. Whilst these unauthorised events do not appear to have resulted in any significant harm to amenity, it is noted that the unauthorised events appear to have been limited in capacity to 100.

The broadening of the scope of the condition would likely incur more licensable events such as themed party evening which include amplified music and alcohol consumption taking place than would be the case purely for a wedding use. This would likely be more evident in winter, outside of the traditional wedding season.

The permitted wedding use is not subject to planning restrictions in relation to capacity or frequency, as previously noted. Nevertheless, given the broader scope of the proposed condition it is considered appropriate to cap the number of event attendees at 200 at any one time. This, as well as the aforementioned controls and mitigation offered by conditions 12 & 13, are likely to ensure that the impact of the proposed variation would not exceed that experienced at present and which has previously been deemed acceptable. The proposed variation of condition is therefore considered acceptable in relation to neighbouring amenity.

### Other matters

Whilst a Public Right of Way (PROW) marker is noted to have been removed - it is not relevant to this assessment.



This assessment is related only to the impact arising from the proposed variation of condition. The existence of other breaches (and investigations thereto) of planning control is a separate matter and not a determining factor in this assessment. The number of occasions which planning permission has been sought retrospectively is noted but again not a material consideration in the assessment of the planning merits of this proposal.

## RECOMMENDATION

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

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

7791-S03 Rev D Site Location Plan A3  
18-015 Rev A Marquee & Kitchen Tent Plan A1  
18-015-A101 Rev D Garden Room Layout (proposed) A1  
18-015.03 Garden Temple Plan  
18-015-A104 Rev A - Garden Room External Elevations (Proposed) A1  
18-015-A105 Rev A - Buttress Detail A3  
AS 1050 - Drainage Channel Specification  
805/001 Technical Memorandum - Acoustic Feasibility Study  
Noise Management Plan  
378/001 Gileston Manor - Zone Array Proposal  
WWE17215 - Ecological Report Jan 2018  
WWE19113 Ecology Supporting Statement  
18-015 c-S02 Rev F Access Road A1  
7791-S01 Rev L Site Plan A1  
Buttress Method Statement

Reason:

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

2. No further events shall take place until the unauthorised buttresses have been dismantled and fully reinstated in accordance with the steps outlined within the Buttress Replacement Methodology dated 17th September 2019. The buttresses shall be inspected by the Local Authority Conservation Officer at an agreed time prior to the completion of the reinstatement works.

Reason:

In order to preserve the character of the listed wall in accordance with Policy MD8 - Historic Environment of the Local Development Plan.

3. Notwithstanding the plans and details submitted, works to implement the proposed access development shall not commence until engineering details of the new junction to Gileston Road and the composition (including materials, elevation and sectional detail) of the relocated wall have been submitted to and approved in writing by the Local Planning Authority. No further events shall be held until the

junction has been fully constructed and the wall and hedgerow translocated in accordance with the approved details.

Reason:

In the interest of visual amenity, 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), MG27 - Glamorgan Heritage Coast, MD1 - Location of New Development, MD2 (Design of New Developments) and MD8 - Historic Environment of the Local Development Plan.

2018/00382/1/CD

10237\_S228\_700 Rev 06 General Arrangement

10237\_S228\_701 Rev 04 Pavement Construction

10237\_S228\_702 Rev 04 Construction Details

Approved 13/8/20 - Vale of Glamorgan Council

4. No structure or erection exceeding 0.9 metres in height shall be placed within the 2m x 39m visibility splay identified on plan 18-015 c-S02 Rev F Access Road A1

Reason:

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

5. No further events shall take place until the proposed parking arrangement has been fully implemented in accordance the details shown plan 7791-S01 Rev L Site Plan A1 and the parking and access arrangement retained for so long as the development remains in existence

Reason:

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

6. The wall and hedgerow translocation shall be carried out in full compliance with the methodology, timings and measures for future maintenance as specified in document: WWE19113 Ecology Supporting Statement.

Reason:

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

7. No further events shall take place at the site until a light mitigation strategy, including measures to reduce light spillage onto off-site habitat identified within

WWE17215 - Ecological Report Jan 2018, has first be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance within the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

2018/00382/2/CD

External Lighting Details submitted on 07/09/20

Lighting Report submitted on 25/11/21

Approved 07/01/22 - Vale of Glamorgan Council

8. No further events shall take place until development shall take place until detailed hard and soft landscaping scheme has first been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include details of existing and proposed planting for the northern site boundary and the car parking area.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

2018/00382/2/CD

7791-S07 Entrance Landscaping Plan

Approved 29/10/20 - Vale of Glamorgan Council

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

10. No further works to implement the proposed parking arrangement shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be

retained on drawing number 7791-S01 Rev L Site Plan A1. The protection measures shall be implemented in full accordance with the approved details.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policy Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

2018/00382/3/CD

ArbTS\_437.5 Gileston Manor tree report (002) Nov 2020

Approved 06/11/20 - Vale of Glamorgan Council

11. No amplified sound, including live or recorded music, shall be played on the site other than via the approved directional array system within the approved marquee location shown on plan 7791-S01 Rev L Site Plan A1. Where music continues beyond 23:00 the LAeq for Entertainment Noise (EN) shall not exceed the LA90 (WEN)\*, and the L10 (EN) shall not exceed L90 (WEN) in any 1/3 octave band between 40 and 160Hz.

(\*WEN = representative background noise level without the entertainment noise, both measured 1m from the façade of the noise-sensitive premises.)

Reason:

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

12. No further events shall be held until a revised Noise Management Plan, covering both regulated and non-regulated entertainment noise sources, has been submitted to and approved by the Local Planning Authority. The plan shall establish a fixed dance floor volume level that thereafter will not be exceeded by the operator.

Reason:

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

2018/00382/2/CD

Noise Management Plan (Nov 2020)

Approved 11/12/20 - Vale of Glamorgan Council

13. The land and buildings within the application site shall be used only as a wedding, conference and event venue and for no other purpose (including any other purpose in class D2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification). Events (over and above, and distinct from the weddings and conferences) catering for over 60 people

will be ticketed and no more than 200 attendees shall be permitted on the site at any one time.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD8 (Environmental Protection) ] of the Local Development Plan.

14. No regulated or other entertainment shall be carried out outside the hours of 09:00 to 00:00hrs and no guests/event attendees shall be permitted on the site outside the hours of 09:00 to 00:30.

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 and Future Wales – the National Plan 2040.

Having regard to Policies SP1– Delivering the Strategy, SP9 – Minerals, SP10 – Built and Natural Environment, SP11 – Tourism and Leisure, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MG27 – Glamorgan Heritage Coast, MG29 – Tourism and Leisure, MD1 – Location of New Development, MD2 - Design of New Development, MD7 – Environmental Protection, MD8 – Historic Environment, MD9 - Promoting Biodiversity, MD11 – Conversion and Renovation of Rural Buildings (2018) and MD13 – Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice within the Council's Supplementary Planning Guidance on: Biodiversity and Development; Conservation Areas in the Rural Vale; Conversion of Rural Buildings; Design in the Landscape; Minerals Safeguarding; Parking Standards; Tourism, Leisure and Development; and Trees, Woodlands, Hedgerows and Development, and the Gileston Conservation Area Appraisal and Management Plan, as well as national policies and guidance within Future Wales and Planning Policy Wales 11<sup>th</sup> Edition, and TAN5 – Nature Conservation and Planning, TAN6 – Planning for Sustainable Rural Communities, TAN10 – Tree Preservation Orders, TAN11 – Noise, TAN12- Design, TAN13 – Tourism, TAN14 – Coastal Planning, TAN – Transport and TAN24 - Historic Environment, it is considered that the proposed variation is acceptable in principle, in relation to the impacts upon the Glamorgan Heritage Coast, the Gileston Conservation Area and the setting of the listed

buildings within and adjacent to the site, is acceptable in relation to traffic generation, highway safety and parking, would not result in a significant detriment to the character and amenity of the area or to neighbouring amenity. The development also accords with Sections 69 & 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

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

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

**NOTE:**

1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
2. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
3. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
4. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
5. **\* Contact:**  
  
**Peter Thomas,  
Conservation Officer,  
Vale of Glamorgan Council,  
Dock Office,  
Barry.  
CF63 4RT**  
  
**Tel: 01446 704628.**
6. **The use hereby approved relates only to the site area as defined on plan reference: 7791-S03 Rev D Site Location Plan A3**

**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.**

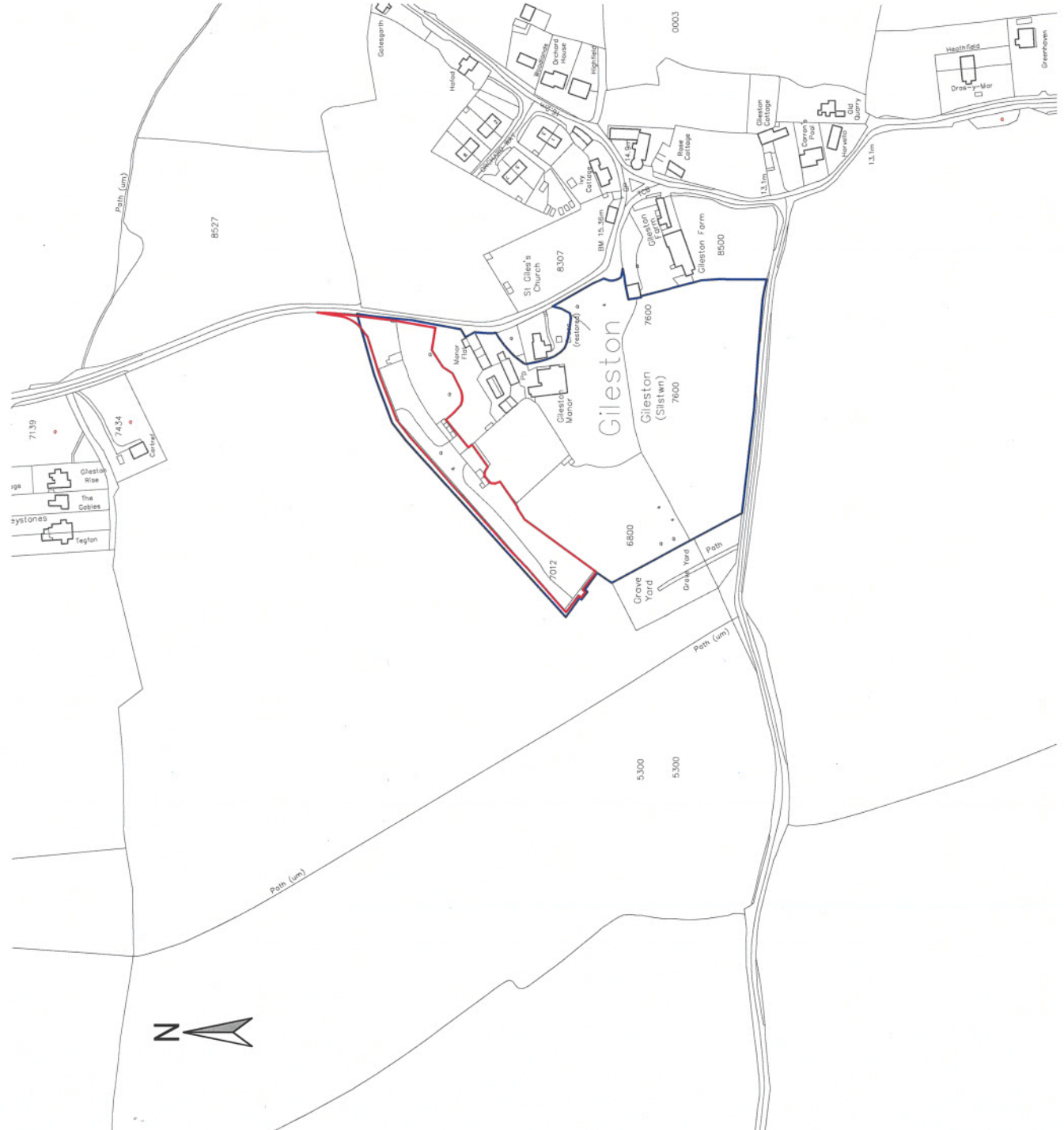


**NOTES**

1. All dimensions are in millimetres unless noted otherwise.
2. All levels are shown in metres unless noted otherwise.
3. Do not scale from the drawing. Use figured dimensions only.
4. Any discrepancies to be reported immediately to the engineer.
5. This drawing to be read in conjunction with all relevant Architects, engineers, subcontractors and specialists drawings and specifications.

**FOR PLANNING**

2021/00345/FUL




rev.	description	date	drawn	checked	approved
D	Amended works boundary	21/12/19	MJ	MJ	MJ
C	North arrow added	19/03/19	MJ		
B	Amended works boundary	22/07/19	MJ		
A	Amended works boundary	19/03/19	MJ		
D					

Client	LORRAINE GARRARD JONES
Project	GILESTON MANOR VALE OF GLAMORGAN CF62 4HX
Title	SITE LOCATION PLAN
date	12/04/18
scale @ A3	1:2500
status	7791-site
fig. no.	- 7791-S03
rev.	D

	
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