

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MARCH, 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:

2021/0513/BN	A	20, Cwlwm Cariad, Barry, CF63 1EG	Removal of internal and external load bearing walls
2021/0705/BN	A	37, Nant Talwg Way, Barry, CF62 6LZ	Tie in new drainage into existing drainage for relocation of existing kitchen within existing footprint of the house
2021/0746/BN	A	29, Wenvoe Terrace, Barry. CF62 7ES	Single storey side extension 9m2
2021/0828/BR	AC	The Extension, Lower Beaupre, St Hilary, CF71 7DP	Convert double garage to kitchen and convert upstairs storage area to a bedroom (proposed holiday let)
2021/0935/BR	AC	5, The Glades, Penarth, CF64 3AY	First floor extension over existing garage and internal material alterations
2021/0936/BR	AC	Ty Celyn, Mill Lay Lane, Llantwit Major, CF61 1QE	Single storey rear extensions and internal material alterations.
2021/0941/BR	AC	The Court, Colhugh Street, Llantwit Major, CF61 1RE	Single storey rear extensions and internal material alterations.
2021/0942/BN	A	30, Baron Road, Penarth. CF64 3UE	Single storey side and rear extension (50m2) and removing 2 internal supporting walls

2021/0952/BR	AC	Llanerch Vineyard, Hensol. CF72 8GG	Single storey wine tasting experience building
2021/0966/BN	A	Hillside, 1, St John's Hill, St Athar, CF62 4PA	Workshop conversion to habitable room and internal alterations forming knock throughs
2022/0001/BR	AC	Cowbridge Comprehensive School, Aberthin Road, Cowbridge, CF71 7EN	Conversion from offices to one classroom
2022/0001/PO	AC	98, Cathedral Road, Cardiff	Internal reconfiguration work. Previously used as a health clinic now to become a cosmetic surgery practice
2022/0002/BN	A W	37, Llys Dwynwen, Llantwit Major, CF61 2UH	Single storey rear extension
2022/0005/BN	A	15, Clos Y Wiwer, Llantwit Major, CF61 2SG	Garage conversion and new porch
2022/0010/BN	A	1, Percy Smith Road, Llantwit Major. CF61 1GW	Single storey extension
2022/0011/BN	A	19, Hastings Avenue, Penarth. CF64 2TF	Loft conversion with dormer to rear
2022/0012/BN	A	82, Westward Rise, Barry, CF62 6PQ	Side extension under 10sqm, single storey, re- roof, change windows
2022/0014/BN	A	16, Ael-y-Coed, Barry, CF62 6LN	Renewal of thermal element and knock through
2022/0015/BN	A	25, Mountjoy Avenue, Penarth, CF64 2SY	Garden summerhouse outbuilding
2022/0016/BN	A	29, Kenson Close, Rhoose. CF62 3FS	Replacement of existing garage with new garage with home office and utility attached
2022/0017/BN	A	1, Cudd Y Coed, Barry. CF63 1FE	Two storey side and single storey rear extensions
2022/0019/BN	A	13, Albert Road, Penarth. CF64 1BX	Convert the current kitchen, utility room and downstairs bathroom into a new single open plan kitchen diner by removing the internal walls. Replace

			windows at rear with new sliding patio doors. Replace back door in utility room with new window. Replace kitchen window with new window. Install 2 Velux windows in roof of utility room. Install under stairs cloakroom
2022/0020/BR	AC	Hendre, 22, Maes Y Bryn, Colwinston. CF71 7NP	1 no single storey extension (4.1m2) and 1 no two storey extension (34.5m2)
2022/0021/BN	A	Hedd Fan, Sully Road, Penarth. CF64 2TP	Rear extension re roof
2022/0022/BR	AC	34, Seaview Place, Llantwit Major. CF61 1TF	Two storey rear extension
2022/0023/BN	A	17, Whitmore Park Drive, Barry. CF62 8JL	Single storey lean to side extension providing utility room and shower
2022/0024/BN	A	15, Tair Onen, Cowbridge. Cf71 7UA	Piled reinforced concrete raft to the rear kitchen / utility
2022/0025/BN	A	9, Plover Way, Penarth. CF64 5FU	Conversion of garage into habitable space
2022/0026/BR	AC	Sully House, St. Mary Well Bay Road, Swanbridge, Penarth. CF64 5UJ	Refurbishment of entire house, replacement of roof and all windows, new swimming pool building and garden summer house
2022/0027/BN	A	51, Morel Street, Barry. CF63 4PL	Proposed loft conversion with Velux windows to existing dwelling
2022/0028/BN	A W	23, Mountjoy Avenue, Penarth, CF64 2SY	Single storey rear and side extensions
2022/0029/BR	AC	City Cottage, City, Cowbridge, CF71 7RW	Alterations and extension
2022/0030/BN	A	11, Elm Grove Road, Dinas Powys, CF64 4AA	Single storey rear extension
2022/0031/BN	A	Church Farm, Llanmaes, Llantwit Major. CF61 2XR	Single storey side and rear extension

2022/0032/BR	A	72, Stanwell, Road, Penarth. CF64 3LQ	Addition of under floor insulation to existing suspended timber floors of two ground floor sitting rooms in a residence
2022/0033/BN	A W	13, Maillards Haven, Penarth. CF64 5RF	Proposed ground floor extension to form sunroom
2022/0035/BN	A	19, Slade Close, Sully, Penarth. CF64 5UU	Two storey front and side extension
2022/0036/BR	AC	60, Longmeadow Drive, Dinas Powys. CF64 4TB	Part ground floor front extension and first floor bedroom and en suite extension
2022/0037/BN	A W	23, Elm Grove Road, Dinas Powys. CF64 4AA	Single storey extension and remodel lounge and bathroom
2022/0038/BN	A	64, Heol Ty Draw, Barry. CF62 5DU	Conversion of ground floor integral garage into a bedroom and storage room.
2022/0039/BN	A	68, Redlands Road, Penarth, CF64 2WJ	New hip to gable and rear dormer roof extension
2022/0041/BN	A	19, Merthyr Dyfan Road, Barry, CF62 9TH	Installation of through floor disabled access lift
2022/0042/BN	A	2, Yr Efail, Treoes, CF35 5EG	Reconfiguration and structural works to ground floor to form large open plan living spaces, with extension to first floor and associated landscaping works
2022/0043/BN	A	Chapel at Penarth Cemetery, Castle Avenue, Penarth. CF64 3QY	Existing main building to be re roofed, external steps former and internal works
2022/0044/BN	A	23, Bron Awelon, Barry, CF62 6PR	Conversion of conservatory to extension. new roof and walls to change to a heated room. existing foundations and lower cavity dwarf wall, existing insulated slab, existing door opening

2022/0045/BR	AC	9, The Grove, Barry, CF62 6RD	Single storey rear extension and retaining wall
2022/0046/BN	A	Morawelon, St Hilary, Cowbridge, CF71 7DP	Single storey extension with balcony and internal knock through
2022/0047/BN	A	66, Westbourne Road, Penarth. CF64 3HB	4 no. UPVC sliding sash windows to front lower floor
2022/0048/BN	A	72, Brookfield Avenue, Barry, CF63 1EQ	Single storey side extension
2022/0049/BN	A	Greystones, Higher End, St. Athan	Two storey rear extension, re-roof to full house and new structural joists to existing building
2022/0050/BR	AC	41, Marine Drive, Barry, CF62 6QP	First floor extension above garage and loft with balcony
2022/0051/BN	A	17, Grove Place, Penarth, CF64 2LB	Single storey extension
2022/0052/BR	AC	The Croft, 2, Llantwit Major Road, Cowbridge, CF71 7JP	Single storey rear extension
2022/0053/BR	AC	109, Port Road East, Barry, CF62 9PX	Single storey rear extension with part First Floor extension with general alterations and refurbishment
2022/0054/BN	A	14, Coleridge Avenue, Penarth. CF64 2SP	Rear single storey extension and take up floor and replace with underfloor heating to existing house
2022/0055/BN	A	20, Geraints Way, Cowbridge. CF71 7AY	Knock through between kitchen and dining room
2022/0056/BN	A	54, Colcot Road, Barry. CF62 8HP	External drainage works and downstairs wc conversion to accommodate within utility room

2022/0057/BR	AC	42, Clos Derwen, Dinas Powys. CF64 4BN	Single storey rear extension plus side extension to create link corridor to existing garage (Roughly 50m2) only
2022/0058/BN	A	17A, Plassey Square, Penarth. CF64 1HD	Disabled through floor lift
2022/0059/BN	A	21, Redbrink Crescent, Barry. CF62 5TT	Removal of 2 internal walls
2022/0060/BN	A	13, Spitzkop, Llantwit Major. CF61 1RD	Knock through
2022/0061/BN	A	Graig House, Graig Penllyn. CF71 7RT	Orangery and knocking down load bearing wall in the living room
2022/0062/BN	A	38, Eagleswell Road, Llantwit Major. CF61 2UG	Single storey side extension
2022/0065/BR	AC	21, Slade Close, Penarth. CF64 5UU	Two storey side extension and single storey rear extension
2022/0066/BN	A	Broomhill, Church Road, Llanblethian. CF71 7JF	Reduction of double integral garage to single garage to create new front door entrance / hallway; reconfiguration of ground floor plan to create larger kitchen / dining / utility with new bi-fold doors and windows, new cloak room and stair; reconfiguration of first floor plan to create larger fourth bedroom and new master bedroom ensuite and to provide new Juliet balcony and window to N-E elevation of master bedroom.
2022/0067/BR	AC	10, Plover Way, Penarth. CF64 5FU	Single storey extension to rear garden. Accommodation: kitchen / dining / utility to include alterations to existing conservatory

2022/0070/BN	A	Old Hall Community Centre, High Street, Cowbridge, CF71 7AH	Renewal of slate pitched roof with inclusion of a suitably specified breathable membrane sheeting to the Old Hall Community Centre to include repairs and or replacement of rainwater goods and Velux windows.
2022/0072/BN	A	29, Willow Close, Penarth, CF64 3NG	Front elevation re-roof
2022/0074/BN	A	3, Paget Terrace, Penarth, CF64 1DR	Single storey side return extension and knocking through to dining/kitchen area
2022/0075/BN	A	69, Lavernock Road, Penarth, CF64 3NY	Maintenance works to external envelope, refurbish ensuite shower room and general repair items.
2022/0076/BN	A	36 Bryn Y Gloyn, Rhoose, CF62 3LD	Knock through
2022/0077/BN	A W	4, Denbigh Way, Barry, CF62 9AT	Single storey ground floor extension
2022/0078/BR	AC	Jocelyn, 39, Boverton Brook, Boverton, Llantwit Major, CF61 1YH	Proposed front extension to garage
2022/0079/BN	A W	61, Harding Close, Boverton, Llantwit Major, CF61 1GX	Extension to the rear and side of the house. Not wrap around extension, two separate extensions
2022/0080/BR	AC	Beechwood, Wick Road, Ewenny. CF35 5BL	Single storey rear extension and demolition of existing kitchen
2022/0081/BR	AC	4, Longmeadow Drive, Dinas Powys, CF64 4TA	Loft conversion
2022/0084/BN	A	62, Meadow Vale, Barry, CF63 1ES	Ground floor rear extension and first floor extension over previous extension
2022/0085/BN	A	14, Regency Close, Llantwit Major, CF61 2XW	Knock through

2022/0088/BN	A	16, Bell Street, Barry, CF62 6JT	Knock through and flat roof replacement to rear
2022/0091/BN	A W	19, Dyserth Road, Penarth, CF64 3UQ	Single storey rear extension.
2022/0092/BN	A	2, Heol Pilipala, Rhoose, CF62 3LP	Garage Conversion

(b) Building Regulation Applications - Reject

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

2022/0064/BN	R	32 Millbrook Heights, Dinas Powys, CF64 4JJ	Single storey rear extension
2022/0073/BN	R	3, Tyle House Close, Llanmaes, CF61 2XZ	Single story rear extension 10-40m2

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

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

2022/0007/AI	A	19, Glyn Y Gog, Rhoose, CF62 3LJ	Erection of single storey extension
2022/0008/AI	A	21, Robinswood Crescent, Penarth. CF64 3JF	Single storey extension and associated internal alterations
2022/0009/AI	A	Principality Building Society, 28, High Street, Cowbridge. CF71 7AG	Re roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0010/AI	A	3, Ty Draw Road, Llandow, CF71 7NW	Small house extension
2022/0011/AI	A	33, Voss Park Drive, Llantwit Major, CF61 1YE	Dormer loft conversion
2022/0012/AI	A	39, Cae Leon, Barry, CF62 9TF	Single Storey Extension and internal alterations
2022/0013/AI	A	Pump House, Llysworney, Cowbridge, CF71 7NQ	Two storey side extension
2022/0014/AI	A	The Pines, Park Road, Barry. CF62 6NU	Internal structural openings (works to incorporate material alterations to structure, controlled

			services, fittings and thermal elements)
2022/0015/AI	A	Littlewood Cottage, Wick Road, St Brides Major, CF32 0SF	Side dormer extension, new flat roof to side, internal and external structural openings and internal alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2022/0016/AI	A	4, Arcot Street, Penarth. CF64 1ES	Conversion of ground floor and lower ground floor of current commercial premises into 4 no. duplex apartments
2022/0017/AI	A	18, Tresilian Close, Llantwit Major. CF61 1QX	Refurbishment, remodelling of the existing rear extension and annex, alterations to the existing attached garage to create an independent living space, new windows throughout, timber cladding on the ground floor elevations, installation of an air source heat pump, PV installation to the flat roof of the annex and associated works
2022/0018/AI	A	60, Dochdwy Road, Llandough, Penarth. CF64 2PD	Loft conversion into a bedroom, ground floor alterations to remove load bearing wall between kitchen and dining room and associated works
2022/0019/AI	A	Westcliff, Causeway Hill, Llanblethian, Cowbridge, CF71 7HZ	New conservatory to existing footprint of the original
2022/0020/AI	A	Westridge, Church Close, Ogmore By Sea, CF32 0PZ	Garage conversion
2022/0022/AI	A	Unit 2, Link Trade Park, Llandough, Penarth, CF11 8TQ	Interior fit out to ground and first floor

2022/0023/AI	A	Orchard Cottage, Leckwith Road, Leckwith, CF11 8AS	Basement and ground floor extension with replacement detached garage
2022/0024/AI	A	Holly Cottage, 2, Llantrithyd Road, St Hilary, CF71 7DP	Installation of a package treatment plant and associated drainage
2022/0025/AI	A	11, Clinton Road, Penarth, CF64 3JB	Single storey rear wrap around extension

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PLANNING COMMITTEE : 2 MARCH, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

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

Decision Codes

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

2020/00184/1/N MA	A	20, Augusta Road, Penarth	Non Material Amendment - In relation to the replacement of the existing roof covering to vary the covering to be used from Brindle clay tiles and to use natural slate in their place. Accordingly, the intention is now to use natural slate. Planning approval 2020/00184/FUL - Single storey rear and side extensions with removal of existing conservatory and associated refurbishment works
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2020/00473/1/N MA	A	University Hospital Llandough, Penlan Road, Llandough	Non Material Amendment - Amendment of roof and external wall cladding material from corrugated metal sheet to corrugated fibre cement panel and from flat metal sheet to flat fibre cement board. Planning approval 2020/00473/FUL - Erection of a one storey timber framed and heated garden pavilion, a proprietary system and mono pitch greenhouse, a small garden shed and the new garden perimeter fencing incorporated into the overall mesh system for climbing planting across the garden
2020/00834/1/N MA	A	Copperfield, Llancarfan, Barry	Non Material Amendment - Reduce overall height of ridge level 400mm. Change proposed external materials. Extend existing chimney vertically. Planning approval 2020/00834/FUL - Ground floor extension, with internal layout changes, including a decking area with glass balustrade, adding a new first floor dormer conversion, with elevation changes
2020/01405/1/N MA	A	St. Brides Court, St. Brides Major	Non Matrial Amendment - Revised internal layout and corresponding external openings. Planning approval 2020/01405/FUL - Proposed demolition of existing dwelling and construction of replacement two storey detached dwelling

2021/00726/FUL	A	81, High Street, Cowbridge	Change of Use of existing retail unit to dental practice. Alteration work to a Grade II listed building to include general refurbishment and alteration work and new rooflights, windows and altered access to flats above
2021/00727/LBC	A	81, High Street, Cowbridge	Alteration work to a Grade II listed building to include conversion of existing retail unit to dental practice, general refurbishment and alteration work and new rooflights, windows and altered access to flats above
2021/00751/1/N MA	A	45, Cedar Way, Penarth	Non Material Amendment - Add two new ground-floor windows to side. Planning approval 2021/00751/FUL - {Rear double storey extension with Juliet balconies. First floor window to side elevation}
2021/01164/FUL	A	1, Porlock Close, Ogmore by Sea	Single storey extension to the rear of the property which will link the sitting room with the kitchen and also provide access to what is currently the garage. The garage will be half converted to a large utility/boot room. The other half will remain as a garage
2021/01166/FUL	A	Whitegate, Old Port Road, Wenvoe	Proposed two storey rear extension
2021/01205/LAW	A	1A, 1, Castle Close, Boverton	2 no. dwellings

2021/01218/FUL	A	14, Boverton Court, Boverton, Llantwit Major	AMENDED - Double and Single Storey Rear extension and loft conversion
2021/01288/FUL	R	23, Nightingale Place, Dinas Powys	Replacement of existing single storey side extensions with a two storey side and rear extension plus loft conversion and a new front entrance and porch
2021/01312/FUL	A	8, Bradenham Place, Penarth	Proposed change of use of dwelling to Day Nursery with single storey extension to side and rear
2021/01334/FUL	O	Lane End, Michaelston Le Pit Road, Michaelston Le Pit	The refurbishment and extension of the existing cottage and the provision of an ancillary annexe and garage, plus all associated works
2021/01404/FUL	A	18, Lakeside, Barry	Rear dormer extension, alterations to porch, extended balcony with glass balustrade and changes to existing elevations including fenestration
2021/01409/FUL	A	Doghill Farm, Dyffryn	Variation of condition 2 (Approved Plan) 4 (Drainage) 5 (Levels) 6 (Materials) 7 (Landscaping) 8 (Planting) and 11 (Access finish) of planning permission 2018/01077/FUL [Erection of a rural enterprise workers dwelling]
2021/01414/FUL	A	Lower House Farm, Rhoose Road, Rhoose	Alteration to internal spaces, construct new timber conservatory structure, insertion of new window and construction of new garden wall

2021/01415/LBC	A	Lower House Farm, Rhoose Road, Rhoose	Alteration to internal spaces, construct new timber conservatory structure and construction of new garden wall
2021/01422/FUL	R	51, Rhodfar Morwydd, Penarth	Change of use of land adjacent to property to residential garden with method of enclosure to new boundary
2021/01426/FUL	A	The Old Orchard, 7, Merevale, Dinas Powys	First floor extension to existing garage to create office space with first floor balcony and patio area together with pedestrian access gate onto Kings Ride
2021/01456/FUL	A	92, Castle Avenue, Penarth	First floor extension over existing ground floor footprint to rear. Loft conversion with flat roof rear dormer higher than existing main roof ridgeline
2021/01473/FUL	A	17, Cherwell Road, Penarth, CF64 3PE	Demolish existing conservatory and single storey kitchen extension. Rebuild two storey rear extension and single storey side extension
2021/01476/FUL	A	49, Cornerswell Road, Penarth	Ground and lower ground floor rear extension
2021/01487/FUL	A	Sherwood, Peterston Super Ely	Single and two storey extensions to the front, side and rear of the existing property, with Juliette balconies to the rear elevation. Internal and external alterations.
2021/01494/FUL	A	Dan Y Bryn, St. Brides Major	Increase of ridge height in single storey section of existing building. New outbuilding / car port to

			provide electric charging point. Changes to fenestration
2021/01501/OBS	P	Fforest Wood Quarry, Cowbridge Road, Talygarn, Pontyclun	Change of use of land to incorporate the enlargement of existing internal access road, including alterations to levels and laying of hard standing
2021/01508/FUL	A	30, Baron Road, Penarth	Replacement single storey rear and side return extension with internal alterations
2021/01520/FUL	A	16, Wood Street, Penarth	Single storey in fill extension with internal alterations to existing and modification of ground floor openings
2021/01524/FUL	A	18, Maes Y Ffynon, Bonvilston	Retrospective application for games room, ancillary to main dwelling
2021/01526/FUL	A	67, John Batchelor Way, Penarth	Combine the existing single and double leaf external doors to provide one larger opening with bifolding doors. The header of the door will be formed in the same style utilising reclaimed bricks.
2021/01534/FUL	A	29, Marine Drive, Barry	AMENDED - Proposed two storey side extension, roof alterations, to include balcony, front elevation re-modelling and single storey rear extension. Finishes in glass, render and zinc cladding to dormer
2021/01557/FUL	A	5, St. Davids Crescent, Penarth	Proposed side and rear single storey extension

2021/01559/FUL	A	Sycamore Cottage, Llanbethery	Remodelling of an existing two storey dwelling, including demolition of an existing front conservatory, new porch and dormer loft extension with balcony to rear
2021/01561/FUL	A	Hafod Wen, 27, Cae Rex, Llanblethian, Cowbridge	Demolition of existing conservatory and replacement with a single and a two storey rear extension with Juliette balcony
2021/01563/FUL	A	32, Clos Yr Ysgol, Dinas Powys	Internal remodelling of existing garage with new decking and glass canopies
2021/01565/LAW	A	Franklen House, Llysworney	Timber orangery
2021/01567/FUL	A	61, Plymouth Road, Penarth	Single storey rear extension
2021/01570/FUL	A	Cae Groes, 29, Heol Yr Ysgol, St. Brides Major	Amendment of roof above garage
2021/01571/FUL	A	The Pumphouse, Hood Road, Barry	Proposed change of use of building from Use Class A3 (Restaurant) to B1 (Tech Hub/Flexible Employment Space)
2021/01574/FUL	A	6 Cherwell Road, Penarth	Demolition of existing garage and construction of new single storey side and rear extension, replacement of the roof, 2no new dormers to front elevation, new dormer with Juliette balconies to rear built over single storey rear extension and alterations to fenestration.
2021/01577/FUL	A	28, Windsor Terrace, Penarth	Single storey extension to rear of property to extend kitchen

2021/01580/FUL	A	5, Bridgewater Road, Sully	Amendments to Planning Approval 2021/00158/FUL: Use render to match the existing but add some details with brick quoin features to the corners as shown on the elevations. Also amend the design of the roof to eliminate the step and therefore have a larger eaves overhang to the front of the property as shown on the elevations.
2021/01583/FUL	A	12, Station Road, Dinas Powys	Rear ground floor extension and alterations to elevations
2021/01584/FUL	A	Priory House, Leckwith Road, Llandough	Single storey rear extension, new shed and internal alterations
2021/01591/FUL	A	The Manse, Llancadle	Provision of additional car parking to the side of the property
2021/01596/FUL	A	9, Whitcliffe Drive, Penarth	Revision to Planning Approval Ref 2020/01400/FUL - to include new rooflight 'cabrio balcony system' to front and increase in dormer width to rear
2021/01602/FUL	A	Tusker House, 71 Main Road, Ogmore By Sea, Bridgend	Erect a sun lounge to the North West elevation
2021/01604/FUL	A	20, Tarrws Close, Wenvoe	Build 1 no. bedroom with ensuite over existing garage, with extended balcony, on side elevation
2021/01607/FUL	A	67, Romilly Park Road, Barry	Proposed two storey extension to front of existing dwelling, including balcony.

2021/01608/FUL	R	Parish Field, Ystradowen	Establishing a small field shelter in readiness for future livestock protection during winter months and tool storage
2021/01610/FUL	A	Millands House, Llanmaes, Llantwit Major	Removal of existing timber windows and doors and replacement with new traditional style double glazed upvc windows and doors
2021/01615/FUL	A	21, Slade Close, Sully, Penarth	Two storey side extension and Single storey rear extension.
2021/01616/FUL	A	Church Farm, Llanmaes	Single storey side and rear extension.
2021/01617/FUL	A	8, Albert Street, Barry	Rear Extension incorporating a shower room
2021/01618/FUL	A	131, Lavernock Road, Penarth	Single and two storey rear extension. Ground floor work includes the replacement and extension of an existing ground floor garage/store to the side of the property. Front modifications to the site entrance to allow in and out driveway entry. Existing roof covering to be replaced and the removal of a chimney stack from above roof level as an option.
2021/01621/FUL	A	Whitewebbs, Penllyn	New front porch
2021/01623/FUL	A	14, Coleridge Avenue, Penarth	Single storey rear extension. Garage alterations to provide new utility room.
2021/01627/FUL	A	4, Longmeadow Drive, Dinas Powys	Loft conversion with front and rear dormers

2021/01629/FUL	A	86, Port Road East, Barry	Rear and side extension with loft conversion including dormer and balcony to rear
2021/01635/LAW	A	18, The Grange, Baroness Place, Penarth	Loft conversion with flat roof dormer (to rear) plus associated works
2021/01637/FUL	A	Sheringham, 4, Carys Close, Penarth	Demolition of an existing detached residential garage and construction of a detached studio offering independent living within a supported environment in connection with the main dwelling
2021/01638/FUL	A	1, Stone House, Dyffryn	Two storey side extension with Juliette balcony. Re-configuring of roof to existing rear extension complete with canopy. New entrance location complete with porch. Existing external finishes upgraded, changes to fenestration
2021/01639/FUL	A	17, Sully Terrace, Penarth	Ground floor rear extension and rear dormer
2021/01640/FUL	A	Morawelon, St. Hilary	Demolition of dated ground floor extension and replacement with modern contemporary ground floor extension with terrace over
2021/01645/FUL	A	5, Meadow View Court, Sully	Extend and change existing store into a family sitting area on ground floor and extend bedroom on first floor to form ensuite and dresser above family sitting and external alterations
2021/01648/FUL	A	Great Hamston Farm, Dyffryn	Replacement garden room with associated works

2021/01649/ADV	A	Marks And Spencer Plc, Culverhouse Cross, Cardiff	Replacement fascia sign on North West elevation
2021/01651/FUL	A	15, Whitcliffe Drive, Penarth	Proposed two storey/single storey rear and side extension. New balcony / extended balcony to front. External openings revised. Existing external finishes upgraded
2021/01652/FUL	A	Hillside, St. Mary Church	External alterations to the front elevation including removal of up and over garage door and window insertion and construction of porch enclosure
2021/01662/FUL	A	19, Rhodfar Morwydd, Penarth	Loft conversion with dormer to rear
2021/01663/FUL	A	50, Fairfield Road, Penarth	Proposed single storey extension to rear of existing domestic dwelling
2021/01664/FUL	A	26, Drylla, Dinas Powys	Proposed 2 storey extension to side and part of rear with a single storey extension at the rear
2021/01666/FUL	A	Llandow Caravan Park, Llandow	Variation of Condition 2 of Application No. 2020/01115/FUL to allow caravans to be left on pitches while the site is closed, between 1st February and 28th February (29th February in a leap year) in any one year.
2021/01668/FUL	A	41, Marine Drive, Barry	Proposed first and second floor extension to side of property over existing garage with balconies to front elevation

2021/01670/FUL	A	64, Ffordd Pentre, Barry	Enclose amenity space within the legal boundary of the house with steel low (1100mm) railings (black), to match the frontage and neighbouring property. Maintain rear yard and parking space as existing
2021/01673/FUL	A	38, Melrose Walk, Sully	Proposed summer house/home office at rear of garden in existing domestic dwelling
2021/01677/FUL	A	9, Dobbins Road, Barry	Single storey rear extension to create a usable kitchen with WC for future use
2021/01683/FUL	A	24, Westbourne Road, Penarth	Existing conservatory to rear to be replaced with a larger orangerie style extension
2021/01687/FUL	A	Springside, Llanmaes	Single storey rear extension - Amended/upgraded garage pitched roof
2021/01693/ADV	R	Land at ETB Autocentre, Cardiff Road, Barry	Replacement of a previously removed existing illuminated 48-sheet advertisement display with an illuminated 48-sheet digital advertisement display
2021/01696/FUL	A	9, Heol Dewi Sant, Barry	Proposed single storey extension to the side of existing domestic semi-detached dwelling
2021/01698/LAW	A	6, Bradenham Place, Penarth	Conversion of No. 6, Bradenham Place from 2 no. flats to 1 no. house
2021/01700/FUL	A	35 Tynewydd Road, Barry	Demolition of existing rear double garage and erection of ancillary granny annex

2021/01701/FUL	A	19, Slade Close, Sully, Penarth	Proposed two storey front and side extension, loft conversion with rear dormer and Juliet balcony
2021/01708/ADV	A	Swansea Building Society, 75, High Street, Cowbridge	1 no. double sided projecting sign, 2 no. main fascia signs and 2 no. information signs
2021/01720/FUL	A	National Police Air Service, Llantwit Road, St. Athan	Extension to the North-East elevation of the existing National Police Air Service building and associated engineering works
2021/01742/ADV	A	Barry Delivery Office, 3-5 Holton Road, Barry	Various new signs associated with the delivery office
2021/01744/LAW	A	Freehold property North of Hayes Road, Sully	Use for light and heavy industrial workshops and warehouses.
2021/01753/OBS	P	Brynwell Farm, Leckwith	Proposed development and dismantling of the existing overhead 11,000kv line which runs under the existing 132kv Pylon line
2021/01764/OBS	B	International Sports Village, International Drive, Grangetown, Cardiff (21/02848/MJR)	Construction of a 333m outdoor Velodrome with clubhouse and stand
2021/01768/FUL	A	47, Pantycelyn Road, Llandough, Penarth	Rear dormer
2021/01774/PND	A	Cardiff International Airport, Airport Access Road East, Rhoose	Building in poor state of repair and beyond economical repair. The structure badly corroded and cladding panels becoming loose causing potential safety hazard to the operations of the airfield

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MARCH 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2020/01428/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01361-Y0C7V3
Appellant: Mrs Audrey Harding
Location: Lily Cottage, The Butts, rear of 10, Westgate, Cowbridge
Proposal: Conversion of existing holiday let into separate dwelling
Start Date: 19 January 2022

LPA Reference No: 2021/00020/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01460-H4F0F7
Appellant: Mr and Mrs Markos and Markella Asprou
Location: 3, White House, Barry
Proposal: Single and two storey extensions to the front and rear of property to include annex; single storey extension to the side, including material and other alterations. Rear terrace and alterations to front boundary treatments. Internal alterations.
Start Date: 28 January 2022

LPA Reference No: 2021/01285/ADV
Appeal Method: Written Representations
Appeal Reference No: CAS-01596-M6X0X5
Appellant: Mrs Liza Byrne
Location: 14A, High Street, Cowbridge
Proposal: Installation of 3 separate signs, front side and entrance to the building
Start Date: 28 January 2022

LPA Reference No: 2020/01504/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-01576-R4H4N8
Appellant: Gareth Lloyd
Location: **Hensol Cottage, Welsh St Donats**
Proposal: Retrospective application to regularise the "as built" development relative to planning permission ref 2019/00696/FUL for a proposed stable block / agricultural machinery store, and associated proposed additional changes, including changes to fenestration and internal changes (appeal against condition 1)
Start Date: 31 January 2022

(b) Enforcement Appeals Received

LPA Reference No: ENF/2017/0289/PC (B)
Appeal Method: Written Representations
Appeal Reference No: APP/Z6950/F/21/3272866
Appellant: Mrs Charlotte Leighton
Location: **3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit**
Proposal: On 24th November 2016 planning permission was granted under reference number 2016/01172/FUL for a two storey side extension (together with various associated internal renovation works) to the original dwellinghouse at the Property.
It appears to the Council that the following conditions of the Planning Permission have not been complied with:
2. The development shall be carried out in accordance with the following approved plans and documents:-
- Location Plan, Dwg. No. 426_01 rev B, received 29 September 2016;
- Proposed plans and elevations, Dwg. No. 426_110 rev D, received 29 September 2016; and
- Design and Access Statement, received 13 October 2016.
3. The external finishes of the development hereby approved shall match those of the existing building.
Start Date: 31 January 2022

LPA Reference No: ENF/2017/0289/PC (A)
Appeal Method: Written Representations
Appeal Reference No: APP/Z6950/F/21/3272869
Appellant: Mrs Charlotte Leighton
Location: **3, Norman Cottages, Michaelston Le Pit Road, Michaelston Le Pit**
Proposal: Without planning permission, nor in accordance with permitted development rights, the carrying out of operational development to the original dwellinghouse on the Property, consisting of:
(i) The application of smooth cement render to the front, side and rear elevations of the Original Dwellinghouse; and
(ii) The replacement of the existing red clay pantiles on the front and rear roof planes of the Original Dwellinghouse with grey concrete tiles.
Start Date: 31 January 2022

(c) Planning Appeal Decisions

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
Decision: Appeal Dismissed
Date: 25 January 2022
Inspector: Paul Selby
Council Determination: Committee

Summary

The main issue was considered to be the effect of the development on the character and appearance of the area. The appeal relates to a semi-detached property and in common with neighbouring residential properties to the west and north, the dwelling of No 46 was set to the rear of a modest front garden.

It was identified that close-boarded fences erected around rear gardens of dwellings were commonly used to afford an element of privacy to occupants. In contrast, nearby properties' front and side gardens were enclosed by boundary treatments which were either visually permeable or landscaped to below eye level. This, in combination with the generally open and undeveloped nature of these garden spaces was considered to contribute to the spacious and orderly appearance of the immediate area.

The Inspector acknowledged both Policy MD2 of the LDP and the Residential and Householder Development SPG, which state that development should positively contribute to the context and character of the surroundings and be

sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials; with regard had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene.

It was considered that whilst the siting of the appeal structure adjacent to the rear boundary fence of No 26 Clos y Fulfran, and on ground lower than Clos yr Wylan, moderated its apparent bulk from some viewpoints, in several close range views it presented as an evident feature of the street scene. In notably limiting the extent of unbuilt space within the front garden, the Inspector considered that the structure afforded the appeal site a cramped appearance which jarred with the more open, orderly appearance of the other semi-private front gardens which adjoined the footpath. Furthermore, its incongruous siting forward of the appeal dwelling, and its orientation, with glazing facing towards the adjacent front garden, further drew the eye of the observer.

Despite the structure's modest scale, the Inspector considered that such characteristics to be materially harmful to the immediate area's character and appearance and landscaping secured by condition would not adequately mitigate this harm. Whilst the Inspector considered other permitted developments nearby, he did not consider these to be comparable to the appeal scheme and those he had observed maintained the openness of side or front garden areas and he therefore afforded these other examples limited weight.

It was considered that light spill from the structure's side-facing elevation would be of a similar or lesser magnitude to the ground floor windows in dwellings and would not therefore appear unusual or intrusive at night-time, however this did not outweigh the harm he had identified. The Inspector therefore concluded that the development related poorly, and was not sympathetic, to the existing pattern of development in terms of its massing, form and positioning, and did not make a positive contribution to the context and character of the surroundings, thereby conflicting with the objectives of LDP policy MD2 and the advice of the Council's SPG.

Other Matters and Conclusion

Whilst the Inspector acknowledged the demands placed on individuals and families to work and study from home and the reasons for seeking to secure additional workspace, he did not consider that the personal circumstances of the appellant were so unique, rare or prolonged to justify and outweigh the identified harmful effects of the development, which would be permanently experienced. Despite the purported support for the scheme from nearby residents, this did not alter his conclusion that the appeal should be dismissed.

LPA Reference No:	2021/00536/FUL
Appeal Method:	Written Representations
Appeal Reference No:	APP/Z6950/A/21/3280410
Appellant:	Mr J McCarthy
Location:	Land at Tynywaun Farm, Newton

Proposal: Retrospective planning permission for the erection of close board timber fence
Decision: Appeal Dismissed
Date: 7 February 2022
Inspector: Hywel Jones
Council Determination: Committee

Summary

This appeal against the Council's decision to approve a retrospective planning application for the fence (Appeal A) was considered together with an associated appeal lodged against the Council's decision to issue an enforcement notice requiring the fence to be reduced in height (Appeal B), which is detailed in the report below (APP/Z6950/C/21/3280407).

The Inspector identified that Appeal B had been lodged on the grounds that planning permission should be granted for the works specified in the enforcement notice allegation. As those works were also the subject of the retrospective permission sought by appeal A, he had dealt with them together, noting that appeal B was only concerned with the roadside (northern) section of the fence whereas appeal A also encompassed the side (eastern) section.

The main issue in both appeals was the effect of the fence on the character and appearance of its surroundings, including the Upper and Lower Thaw Valley Special Landscape Area. The appeal property comprised a detached dwelling and outbuildings and agricultural buildings and the surrounding area was mainly characterised by fields enclosed by hedgerows with some sporadic development. Its attractive open appearance was reflected in its local designation as a Special Landscape Area.

The close-boarded timber fence ran for some 44 metres along the frontage of the Tynywaun Farm property, from its splayed entrance gates and returns rearwards along part of one side boundary. The roadside section of the fence, which was the subject of the enforcement notice, abuts a roadside hedgerow on ground elevated above an adjoining drainage ditch.

The Inspector noted that the side boundary fence was a conspicuous feature when approaching the site from the east and although the roadside hedgerow screened much of the front facing fence, there were gaps in the vegetation and the upper parts of the fence were therefore generally readily visible above the hedge. He considered that the height of the fence at 2 metres was a discordant feature when viewed from the adjacent section of the public highway and its stark appearance created a fortress like impact that was out of keeping with the surrounding open rural character.

Whilst the appellant had suggested that the adjacent highway was rarely used, during the Inspector's visit a walker, 2 cyclists and a horse rider as well as several cars had passed the site. The appellant had also suggested that the hedge would be allowed to grow to improve its screening quality, however concerns had been expressed that its future health could not be assured as it was closely flanked by the fence and ditch. The Inspector agreed and shared the Council's concern that a planning condition could not effectively secure its long-term protection and the mitigation provided by the vegetation did not

justify permitting this insensitive development. Although the appellant's suggestion that the means of enclosure permitted development rights established that such works were acceptable in principle, the appeals had been determined on their individual planning merits.

The Inspector found that the fence was harmful to the character and appearance of the Special Landscape Area and contrary to policy MG17 (Special Landscape Areas) of the LDP. As the scheme had an unacceptable impact on the countryside and did not contribute positively to its surroundings, it also conflicted with policies MD1 and MD2.

Other Matters

The Inspector noted that the site lies within Zone C2 as defined by the Development Advice Maps accompanying Technical Advice Note 15 (Development and Flood Risk) and in an area considered at risk from surface water flooding. However, noting the advice of Natural Resources Wales, he was satisfied that neither these matters, nor others raised in objection, would warrant withholding permission, had he found it acceptable.

Conclusion

The Inspector concluded that the fence had an unacceptably harmful impact on its surroundings. He therefore dismissed the appeal and refused to grant planning permission.

(d) Enforcement Appeal Decisions

LPA Reference No:	ENF/2020/0252/PC
Appeal Method:	Written Representations
Appeal Reference No:	APP/Z6950/C/21/3280407
Appellant:	Mr J McCarthy
Location:	Land at Tynywaun Farm, Newton
Proposal:	Without planning permission, the erection of a two metre high fence, adjacent to a highway used by vehicular traffic
Decision:	Appeal Dismissed
Date:	7 February 2022
Inspector:	Hywel Jones
Council Determination:	Committee

Summary

This appeal against the Council's decision to approve a retrospective planning application for the fence (Appeal A) was considered together with an associated appeal lodged against the Council's decision to issue an enforcement notice requiring the fence to be reduced in height (Appeal B), which is detailed in the report above (APP/Z6950/A/21/3280410).

The Inspector identified that Appeal B had been lodged on the grounds that planning permission should be granted for the works specified in the enforcement notice allegation. As those works were also the subject of the retrospective permission sought by appeal A, he had dealt with them together,

noting that appeal B was only concerned with the roadside (northern) section of the fence whereas appeal A also encompassed the side (eastern) section.

The main issue in both appeals was the effect of the fence on the character and appearance of its surroundings, including the Upper and Lower Thaw Valley Special Landscape Area. The appeal property comprised a detached dwelling and outbuildings and agricultural buildings and the surrounding area was mainly characterised by fields enclosed by hedgerows with some sporadic development. Its attractive open appearance was reflected in its local designation as a Special Landscape Area.

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Whilst the appellant had suggested that the adjacent highway was rarely used, during the Inspector's visit a walker, 2 cyclists and a horse rider as well as several cars had passed the site. The appellant had also suggested that the hedge would be allowed to grow to improve its screening quality, however concerns had been expressed that its future health could not be assured as it was closely flanked by the fence and ditch. The Inspector agreed and shared the Council's concern that a planning condition could not effectively secure its long-term protection and the mitigation provided by the vegetation did not justify permitting this insensitive development. Although the appellant's suggestion that the means of enclosure permitted development rights established that such works were acceptable in principle, the appeals had been determined on their individual planning merits.

The Inspector found that the fence was harmful to the character and appearance of the Special Landscape Area and contrary to policy MG17 (Special Landscape Areas) of the LDP. As the scheme had an unacceptable impact on the countryside and did not contribute positively to its surroundings, it also conflicted with policies MD1 and MD2.

Other Matters

The Inspector noted that the site lies within Zone C2 as defined by the Development Advice Maps accompanying Technical Advice Note 15 (Development and Flood Risk) and in an area considered at risk from surface water flooding. However, noting the advice of Natural Resources Wales, he was satisfied that neither these matters, nor others raised in objection, would warrant withholding permission, had he found it acceptable.

Conclusion

The Inspector concluded that the fence had an unacceptably harmful impact on its surroundings. He therefore dismissed the appeal, upheld the enforcement notice and refused to grant planning permission on the application deemed to have been made under the appeal.

(e) April 2021 – March 2022 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	19	4	23	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		19 (83%)	4 (17%)	23	
Committee Determination		4	1	5	-
Other Planning appeals (inc. appeal against a condition)		-	1	1	-
Enforcement Appeals	W	1	1	2	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (50%)	1 (50%)	2	1
All Appeals (excludes non validation appeals)	W	20	6	26	3
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		20 (77%)	6 (23%)	26	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 : 2 MARCH, 2022

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2021/01420/TPO	A	Mount Farm House, 23, Station Road, Dinas Powys	Pollarding of Yew tree in the front garden. TPO – No. 14, 1973.
2021/01533/TPO	A	Rear of Sycamore Tree Inn and The Old Vicarage, Colwinston	Work to Tree(s) in a Conservation Area: Removal of Ash as suffering dieback
2021/01575/TPO	A	11, Gladstone Gardens Court, Buttrills Road, Barry	Work to Trees covered by TPO No.01 of 1981: Crown lift 1 cypress away from private property, situated in Gladstone Gardens, overhanging 11 Gladstone Gardens Court Buttrills Road, Barry - Remove lower branches, not all the way to top of Cypress.
2021/01579/TPO	A	The Cherry Orchard, Barry Road, Barry	Work to Trees covered by Tree Preservation Order, No. 06, 1986 - Lift all tree over the highway and footpaths - Highway 40m, Footpath 2.8m

2021/01624/TPO	A	White Cottage, Graig Penllyn	Work to Trees covered by Tree Preservation Order 2001, No. 15 : T1 and 2 Beech - removal, T3 and 4 Beech - reduction of canopy on downward slope to rebalance crown, T5 Oak removal of 3 lower limbs to rebalance canopy
2021/01636/TPO	A	The Old Malthouse, Sigingstone	Work to Trees covered by TPO No.19 of 2007: 1. Beech - (Fagus sylvatica) - crown lift of the areas around the tree where potential danger to property and pedestrian may occur, overall crown thinning of any defective branch systems, 2-3M crown reduction. 2. Magnolia (grandiflora) - crown lift the areas around the tree where potential hazards may occur, a 30%-40% crown reduction of the canopy
2021/01653/TPO	A	Raycroft, Cross Common Road, Dinas Powys	Work to tree covered by Tree Preservation Order 2006, No. 2: T.1 - Fell Oak
2021/01655/TCA	A	86, Westward Rise, Barry	Work to Tree(s) in a Conservation Area: Crown reduction of Beech tree to reduce height and lateral growth of canopy interfering with utility lines. This will be no more than 20% reduction of canopy. work will be carried out by tree surgeon

2021/01671/TPO	R	Front garden of 29, Vennwood Close, Wenvoe	Work to Tree(s) covered by Tree Preservation Order - No. 04, 1973: T9 - Sycamore - Remove deadwood, thin out congested branches and reduce crown by 1.5m
2021/01724/TCA	A	11, Lower Cwrt Y Vil Road, Penarth	Work to Tree(s) in a Conservation Area: Remove Malus in rear garden
2021/01732/TCA	A	Brown Lion House, Llanmaes	Work to Trees in a Conservation Area: All works to be carried out on trees in rear garden of property. 1. Cornusmas - Prune, shape and rebalance; 2. Cedrus Atlantica - Remove lower heavy limb prune upper branches; 3. Cotoneaster - Crown by 0.5m. 4. Garrya Eliptica - Prune sides and top away from pathway
2021/01733/TCA	A	Culvery, Llancarfan	Work to Trees in a Conservation Area: Lime Tree - Reduction by 30% - overgrowing into Pancross Lane and drive. Ash Tree - To rear of property. showing signs Ash die back so requires felling
2022/00015/TCA	A	The Croft, Cowbridge Road, St Nicholas	Work to Tree(s) in a Conservation Area: Pruning of Deodar Cedar tree located in the garden.

2022/00037/TPO	A	South of St. Andrews Road. Woodland is known as Coed Yr Argae and forms part of Barry Woodland SSSI	A significant water leak (labelled KNO 145) is located within the woodland at ST1285971430. The leak is currently polluting adjacent land and water courses with chlorinated water and silted runoff. In order to repair the leak Lewis CE on behalf of DCWW will need to access the leak location from the North via adjacent farmland and machinery. In order to facilitate access to the leak location by the machinery a number of trees will need to be removed or trimmed or coppiced. NRW have granted assent for the works as the woodland is also designated a SSSI (officer Liz Felton)
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THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **2 MARCH, 2022**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 49, PONTYPRIDD ROAD, BARRY

Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the rear dormer window, roof terrace, raised patio area and block screen wall which have been constructed at the property. The principal issue is the potential impact for the overlooking of neighbouring properties and resulting loss of privacy for the occupiers of those properties and unacceptable visual impact.

The report recommends that an Enforcement Notice is issued to require one of two options in respect of the dormer extension and raised patio area. These are either to modify the rear dormer window and raised terrace to development that would constitute 'permitted development' and would not require planning permission (the 'fall-back' position), or to install a railing across the doors in the dormer extension to prevent access onto the roof of the extension and privacy screens on the raised patio area in order to prevent overlooking and loss of privacy. Enforcement action is also recommended to require the cessation of the use of the roof of the ground floor extension as a roof terrace / amenity area and the removal of the block screen wall. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background and Site Description

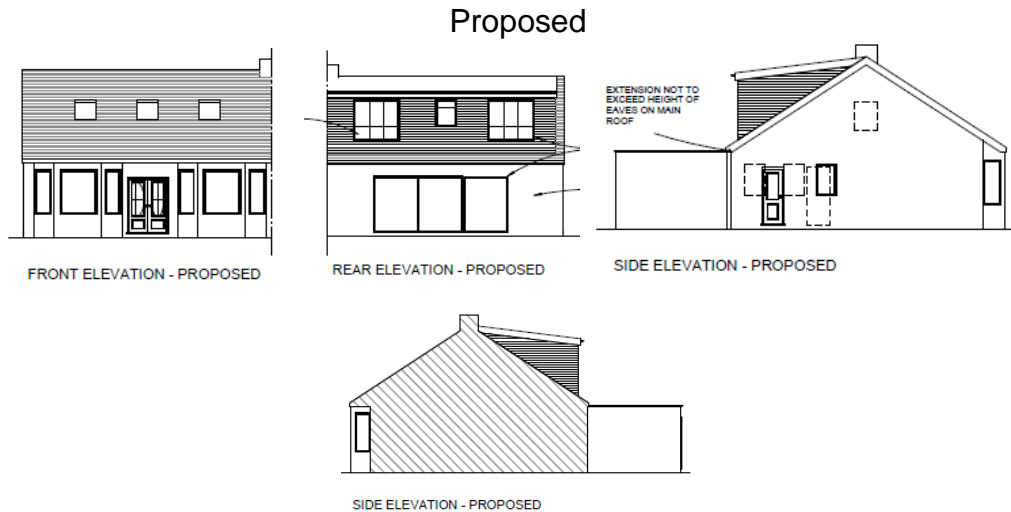
1. A complaint was received on 26 January 2021, regarding the carrying out of development that was not in accordance with a Lawful Development Certificate (LDC) previously granted under application 2019/00668/LAW at number 49, Pontypridd Road, Barry. At the same time, a query was also raised by the Council's Building Control section regarding the use of the flat roof of the single storey rear extension as a balcony / roof terrace.
2. The site to which this complaint relates, number 49 Pontypridd Road is a semi-detached property located in the Barry settlement boundary. Adjacent properties are generally bungalow properties although a number appear to have provided accommodation at first floor level with both Velux and dormer windows incorporated into the front and rear elevations. Properties are located in a consistent building line and are regularly spaced with driveways in between and are on land which is slightly raised up from the pavement and highway.

- The site and its relationship with surrounding properties is identified on the plan below:



- The LDC previously submitted by the owner of the property related to the construction of a single storey rear extension, rear dormer to loft conversion and three Velux windows to the front (2019/000668/LAW). The development was determined as falling within Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 which relates to the enlargement, improvement or other alteration of a dwelling house and its roof and was therefore considered to be 'permitted development' (PD) and planning permission was not therefore required. The LDC was granted on 24th July 2019.
- The rear ground floor extension was shown as having a depth of approximately 4m extending out from the rear of the property (which is the maximum depth that can be constructed under PD) and had a maximum eaves height of 2.7m (the maximum height under PD being 3m). The dormer was shown not exceeding the height of the existing roof and was set back from the eaves of the existing roof by 30cm (although the minimum distance required under PD is 20cm). The plans of the existing property and proposed alternations under the LDC are shown below:





6. A photograph showing the rear of the property before development commenced is shown below (right-hand side):



Details of the Breach

7. Following the receipt of the complaint and correspondence with the site owner, the exchange of photographs of the development and a site visit being undertaken, a number of differences between the development proposed under the LDC and that being constructed were identified. In relation to the rear extension, whilst the footprint of the development was in accordance with the dimensions of that shown in the LDC i.e. 4m in depth by 9m in width, the roof had been constructed at a height of 3.1m to the eaves, rather than the 2.7m shown in the LDC. This increase in height means that the rear extension no longer falls within PD limits and requires planning permission.

8. On the south-east side of the rear extension, a block wall has been constructed on top of the side wall of the rear extension which appears to have been designed as a screen wall in connection with the use of the roof of the rear extension as a roof terrace. The height of this wall at approximately 4m, exceeds the height of a wall which can be constructed under PD and therefore requires planning permission. The photograph below shows the block wall on the right-hand side of the extension.



9. During officers' investigation, it was also identified that the rear extension was being built onto and tied into the external wall of a neighbouring property, with no Part Wall Agreement being in place. As Members will be aware, issues affecting landownership and property rights are private matters over which the Council has no jurisdiction and such issues cannot therefore affect its decision in relation to the planning merits of a case or the taking of enforcement action.
10. The design of the dormer roof extension, whilst appearing to be constructed in accordance with the design and dimensions shown in the LDC i.e. approximately 4m in depth by 8m in width, was found to have been extended further forward, so instead of a gap being retained between the bottom of the dormer and eaves of the original roof, the bottom of the dormer intersects with the top of the roof of the extension. The removal of the gap of 20cm between the bottom of the dormer and the original eaves means that the rear dormer no longer falls within PD and requires planning permission.
11. In addition, whilst the LDC application detailed two bedroom windows and a smaller bathroom window in the rear elevation of the dormer, two 'French' full height doors have now been installed which enable access to be provided from the dormer directly onto the top of the flat roof extension. It is noted that full height doors could have been installed in the dormer shown in the LDC application under PD rights, although they would not have been able to

provide a means of access onto the flat roof (due to the set-back from the eaves).



12. During the initial investigation undertaken by officers, it was also identified that a raised patio had been constructed to the rear of the extension which runs along the width of the new extension and provides a patio area with steps down into the garden. At a constructed height of 70cm above the existing ground level, this exceeds the PD rights for raised patios which is 30cm and therefore requires planning permission. The photograph above shows the raised patio which extends across the whole width of the rear extension.

13. Whilst not forming part of the original complaint received by the Council, the landowner has also recently constructed an 'L' shaped 'play room' which is located in the southern corner of the garden adjacent to the rear boundary, although the building is currently being used as a home office. This building has a depth of 6.3m, width of 6.5m and height of between 2.75m and 2.85m and as it exceeds a height of 2.5m within 2 metres of the boundary of the property, it also requires planning permission. The 'play room' is the building to the left shown in the photograph below:



14. A 'play house' which has been constructed out of timber in the opposite western corner of the garden with children's slide which again exceeds a height of 2.5 metres within 2 metres of the boundary of the garden. During further investigations into the planning history of the site, it has been identified that this structure was constructed over 4 years ago and would therefore be immune from any enforcement action. The 'play house' is the building to the right shown in the photograph above.

Action Pursued to Date

15. Following the receipt of the initial complaint on 26th January 2021, the landowner was contacted initially by telephone and then by email on 29th January 2021 and requested to confirm the full details of the changes he was undertaking. It was advised that until the position could be established, he should stop any further works that did not comply with the LDC previously granted (2019/00668/LAW).
16. It was subsequently confirmed to the landowner on 2nd February 2021 that based on the photographs he had submitted on 1st February 2021, planning permission was required for the roof terrace on the flat roof of the extension, the block screen wall and the rear raised patio, if this exceeded 30cm above ground level.
17. On 8th February 2021, the Council was contacted by the owner's father who was acting as his planning agent and asked officers to confirm the planning objection to the roof structure. He suggested that the point of contention was the amount of the flat roof used as a terrace and suggested that this could be overcome by limiting the roof terrace to 2-3 metres and the erection of a glazed barrier across the width of the roof to prevent encroachment to the roof edge.
18. In response, officers confirmed on 17th February 2021 that the main concerns regarding the roof terrace was the potential overlooking into neighbouring

gardens and the resulting loss of privacy and also, the visual impact of any screens that would be necessary to prevent overlooking. Having considered the planning agent's suggestion of reducing the depth of the terrace, it was not considered that this would acceptably prevent views over the gardens of nearby properties and the loss of privacy that occupiers of those properties would experience from anyone looking down from such close proximity, would be unacceptable. It was therefore confirmed that it was unlikely that any planning application submitted proposing a roof terrace (or a reduced terrace) would be supported and he was again advised not to proceed with any further works that did not comply with the LDC.

19. As no response was received and works were continuing at the property which were considered to be unauthorised and unacceptable, it was confirmed to the owner on 22nd March 2021 that officers were considering taking enforcement action.
20. Later on the same day, a planning application was submitted via the Planning Portal by the owner seeking to use the surface of the flat roof of the existing approved rear extension as a roof terrace. The application was subsequently registered under the reference 2021/00428/FUL. Whilst the description of the application only made reference to the use of the flat roof, the submitted details showed the roof terrace extending across the full width and depth of the single-storey extension, with 1.1m high privacy walls and 0.6m high glazed amenity screens on top on either side and a glazed safety barrier across at the rear. It was also confirmed that the blockwork of the rear extension would be clad in charcoal coloured zinc panelling, however no further reference was made to the rear extension, dormer or raised patio area which were also considered to require permission.
21. On 23rd March 2021 a site inspection was undertaken to the property in order to confirm whether unauthorised works were continuing and to determine whether enforcement action was expedient. The owner confirmed at the time that it was his intention to use the roof of the extension as a roof terrace and install balcony screens and he confirmed that he had submitted a planning application. Whilst the owner had been advised on 17th February 2021 not to undertake any further works, it was clear that further unauthorised works had since been carried out at the site.
22. Following correspondence sent to the owner's agent on 9th April 2021 in respect of additional information required to validate the planning application, the application was subsequently withdrawn by the planning agent on 15th April 2021, who advised that it was his intention to reapply.
23. Following further correspondence sent to the owner's agent, he confirmed on 26th May 2021 that a further planning application would be submitted by the end of the month.
24. On 3rd June 2021, a further planning application as submitted to alter the flat roof design which was to be used as a roof terrace including French windows to the upper rear bedrooms and the retention of a games room at the bottom of the garden (2021/00822/FUL). The submitted details again showed the roof terrace extending across the full width and depth of the single-storey

extension. Whereas on the previous application 1.1m high privacy walls with and 0.6m high glazed amenity screens were shown on either side and a glazed safety barrier across at the rear, this application showed a change on the northern elevation with a 1.1m high timber upstand fence with obscure glazed panels on top. The application also included details of the 'L' shaped play room located at the bottom of the garden with dimension of 6.3m in depth by 6.5m in height and a height of between 2.75m and 2.85m. Due to various details missing from the application, it was however unable to be validated.

25. On 11th June 2021, further correspondence was sent to the planning agent identifying that no reference had been made in the application or on the plans to the raised patio area to the rear of the extension which he had been advised also required planning permission. The planning agent subsequently submitted details on 21st June 2021 for the raised patio area at the rear, which were to be added to the application. These showed the patio extending the whole width of the rear extension constructed at a height of 69cm above the level of the garden and with a 1.05m wall at the northern end and steps leading down into the garden at the south.
26. On 30th June 2021, further correspondence was sent to the planning agent asking what further progress had been made towards the submission of the revised application as the Council had written on 17th June 2021 requesting the submission of a further plan to enable application 2021/00822/FUL to be validated.
27. On 13th July 2021, following the validation of the application, it was confirmed to the planning agent that the proposed development was unacceptable and whilst he suggested that he would be able to design something with acceptable impacts, no further amendments were received.
28. In response to further correspondence sent on 2nd August 2021 to the planning agent requesting confirmation of whether it was his intention to submit amended plans, he confirmed on 5th August 2021 that he was preparing amended plans and requested to view various comments that had been received regarding the application.
29. In response, the planning case officer confirmed on 6th August 2021 that the Council did not consider that a privacy screen would acceptably mitigate the unacceptable overlooking from the balcony.
30. On 12th August 2021, confirmation was received by the planning agent that he wished to withdraw application 2021/00822/FUL and that he was intending to submit a clearer application following consultation with his clients. The application was therefore withdrawn on 16 August 2021.
31. Following the withdrawal of the second application and given that it seemed unlikely that the position would be satisfactorily resolved through a planning application, further consideration was given to the expediency of taking enforcement action. Whilst both of the planning applications that had been submitted to regularise the development had proposed the use of the first floor of the extension as a roof terrace, the development had not been completed or

privacy screens erected and there was no evidence to suggest that the area had been used for this purpose.

32. On 21st October 2021, the owner was asked to confirm how he was proposing to resolve the position in relation to the unauthorised development undertaken and it was advised that unless the position was resolved, enforcement action would be considered. It was confirmed that an amendment to the first floor patio doors installed within the dormer in order to prevent the use of the first floor extension roof, the removal of the raised block screen wall on the south-eastern side of the extension and the installation of suitable privacy screens at both ends of the raised patio in order to prevent overlooking of neighbouring properties may overcome officers' concerns regarding the existing development. Any such amendment would however need to be sought through an application for planning permission and there was therefore no guarantee that permission would be granted.
33. The owner's planning agent responded on 27th October 2021 confirming that there had been no further development, however he was able to submit a further application when his clients agreed the content.
34. Further correspondence was sent to the owner and his planning agent on 9th November 2021 confirming that the development remained unauthorised and various elements were considered to be unacceptable. Whilst recent application submissions had explored the possibility of using the new flat roof as a roof terrace, the latest scheme was considered to facilitate a level of overlooking that would be detrimental to the occupiers of nearby properties and any reduction in the useable roof terrace area was unlikely to overcome this concern. As the existing dormer extension with French doors needed to be regularised, it was suggested that the retention of the dormer included some form of railing fixed across the doors preventing access onto the flat roof would overcome concerns regarding potential overlooking in the future. This would also need to include the removal of the raised unauthorised block screen wall that had been constructed on the south-eastern side of the extension, which was considered to be visually detrimental.
35. In respect of the new raised patio area, it was confirmed that the current arrangement facilitated a level of overlooking that was detrimental to the occupiers of nearby residential properties. In order to overcome these concerns, it was suggested that suitable privacy screens to a height of 1.8 metres would need to be installed at both ends of the raised patio in order to restrict the overlooking of neighbouring properties, albeit set off the boundary from the neighbour to prevent the screens themselves having unacceptable impacts. It was confirmed that there had been sufficient time to enable the unauthorised development to be made acceptable and regularised and officers were therefore proposing to report this matter to the Planning Committee with a recommendation for enforcement action.
36. No further correspondence or planning application has been submitted from the owner or his planning agent.

Planning History

37. The site benefits from the following planning history:

2019/00668/LAW: Single storey rear extension, rear dormer to loft conversion and three Velux windows to front – granted 24 July 2019.

2021/00428/FUL: To use the surface of the flat roof of the existing approved rear extension as a roof terrace - withdrawn 15 April 2021.

2021/00822/FUL: Alter the flat roof design to get an improved finish between the roof and the main building. French windows to the upper rear bedrooms. Flat roof as a roof terrace. Retention of a games room at the bottom of the garden – withdrawn 16 August 2021.

Planning Legislation

38. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are -
(a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
(b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require -
(a) the alteration or removal of any buildings or works;
(b) the carrying out of any building or other operations;

Policy and Guidance

39. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, 'When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.'

Local Development Plan:

40. 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

Managing Development Policies:

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

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

Future Wales: The National Plan 2040:

42. 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:

43. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the matters considered in this report.
44. 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.
45. The following chapters and sections are of particular relevance in the assessment of this planning application:
46. 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
47. Chapter 3 - Strategic and Spatial Choices
 - Good Design Making Better Places

Technical Advice Notes:

48. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 12 – Design (2016)

Supplementary Planning Guidance:

49. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG is of relevance:
 - Residential & Householder Development

8.12.1.Key principles:

- i. The development must not result in direct and close range views into the habitable rooms of adjoining properties.
- ii. The development should not result in an unacceptable degree of overlooking into the garden of a neighbouring property.

9.2.1. A sense of privacy within a house and a private garden area is fundamental to the enjoyment of a residential property (i.e. residential amenity).

9.2.2. New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given to its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.

Welsh National Marine Plan:

50. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. 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.

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex 'Enforcement Tools'

Well Being of Future Generations (Wales) Act 2015:

51. 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.

Reasons for Serving an Enforcement Notice

52. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have unacceptable effect on public amenity and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
53. The main planning issues arising from this case are the impact of the development on neighbouring properties and the amenity and character of the area. LDP Policy MD2 relating to design, requires that new development safeguards existing residential amenity, particularly with regard to privacy, overlooking, noise and disturbance. In relation to development within settlement boundaries, Policy MD5 requires development to be of a scale, form, layout and character that respects its immediate setting and wider surroundings. The Council's Residential and Householder Development SPG also contains further guidance in respect of roof terraces and raised patios and confirms that development should not result in an unacceptable degree of overlooking into the garden of a neighbouring property.
54. In this case, although the owner has undertaken development which exceeds that which was granted under the LDC (2019/00668/LAW) and planning permission is therefore required for much of the development including the rear extension, dormer roof extension and raised rear patio, any assessment of the acceptability of that development must take into account the development that could be undertaken under 'permitted development' (PD), which essentially represents the 'fall-back' position.

Rear Single-Storey Extension

55. As identified above, whilst the footprint of the development is in accordance with the dimensions of that shown in the LDC i.e. 4m in depth by 9m in width, the roof has been constructed at a height of 3.1m to the eaves, rather than the 2.7m shown in the LDC. Whilst this increase in height means that the rear extension no longer falls within PD limits and requires planning permission, the increase over the PD limit of 3m is not considered to be material and the visual difference between an extension constructed to a height of at 3m and one at 3.1m would not be significant. It is therefore considered that had a planning application been submitted to regularise the rear extension at its constructed height, it would have been considered to be acceptable in planning terms. On that basis, it has been concluded that it would not be expedient to take any further action in relation to the rear extension.
56. Whilst the roof of the extension has been altered and reinforced to accommodate a roof terrace which has resulted in the roof being higher, the only relevant consideration is the resulting visual impact on the appearance of the roof and as identified above, this is not considered to be materially different. The potential use of the roof as a roof terrace is covered later in the report.

57. It is acknowledged that during the Council's investigation, officers have been made aware of issues regarding the construction of the extension and the impact on an adjoining property, however these are private matters relating to land ownership and the method and quality of construction and are not matters in which the Council can become involved. They cannot similarly affect the Council's decision regarding the taking of enforcement action.

Block Screen Wall on side of Extension

58. The large block screen wall that has been constructed on the south-east side wall of the rear extension has been designed as a screen wall in connection with the use of the roof of the rear extension as a roof terrace. The height of this wall on top of the extension is considered to be intrusive and does not respect the scale and character of surrounding buildings which are single storey in nature and also has a detrimental impact on the amenities of the adjoining property as well as from Pontypridd Road, from where it is visible. As no planning permission has been granted for the roof terrace, it is considered that enforcement action should be taken to secure the removal of the wall down to the roof height of the ground floor extension.

Use of Flat Roof of Extension as a Roof Terrace

59. Whilst the use of the roof of the extension as a roof terrace did not form part of the LDC application it has since been designed and constructed for this purpose and this proposed use has been included in both planning applications submitted to the Council last year which were subsequently withdrawn (2021/00428/FUL and 2021/00822/FUL).
60. Having assessed this proposal as part of both applications, officers are not however satisfied that the use of this roof as a roof terrace is acceptable as it would result in direct and uninterrupted views of neighbouring properties and overlooking of their gardens which would result in an unacceptable loss of privacy and be contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG. This harm would be exacerbated by the substantial size of the terrace and the scope/intensity of activities that it could accommodate.
61. Only one of the side screen walls that were proposed in both planning applications has been constructed, however, in light of the doors in the dormer and the nature of the construction, there is evidently a clear intention to use this area as a roof terrace. While the area does not appear to have been used formally for this purpose yet, access to the roof has been witnessed and is directly facilitated by the doors.
62. In the absence of a planning permission with appropriate conditions, the ground floor extension would become lawful (i.e. immune from enforcement action) after 4 years and thereafter the Council would not be able to prevent its use as a roof terrace. Consequently, it is necessary for the enforcement action to prevent this scenario occurring.

Dormer Extension

63. The rear dormer appears to have been constructed partly in accordance with the dimensions of that shown in the LDC, however it has been extended to intersect with the roof of the extension, thereby removing the 30cm gap between the dormer and eaves of the roof which was shown in the LDC. Again, whilst this extension of the dormer means that it is no longer PD, the increase in depth of 30 cm is not considered to be material (in terms of neighbour impact) and the visual difference between the dormer set back from the eaves and that which has been constructed is not significant. It is therefore considered that had a planning application been submitted to regularise the dormer extension in its constructed location, it would have been considered acceptable in planning terms, being only 20cm further forward than a PD extension.
64. The dormer window has been constructed with two full height French doors. These doors could have been incorporated into the original LDC proposal without requiring planning permission (had the dormer been set back from the eaves). Whilst the dormer in its current location would not fall within PD, if it were to be relocated 20cm further back from the eaves height of the extension, it would fall under PD and therefore not require planning permission. The French doors allow some views towards neighbouring properties which are not materially different to the views that would be possible if the dormer was relocated 20cm further back in its PD location. It is therefore considered that it would not be expedient to take enforcement action against the location of the dormer window in order to prevent views from the French doors over neighbouring properties.
65. Nevertheless, the current location of the dormer and French doors immediately adjacent to the extension allow unrestricted access onto the roof and such a use would be unacceptable in planning terms due to the overlooking and loss of privacy that it would create, as set out above. Screening the terrace at the edges of the structure would not adequately mitigate against the invasive views. Photographs showing the potential views that would be possible over the adjoining neighbour's gardens are shown below:



View to the south



View to the north

66. As identified above, it has been suggested to the owner that some form of guard rail could be installed across both French doors in the dormer in order to prevent access onto the flat roof of the extension, however this has not been agreed through a planning application. In the absence of such an agreement, it is considered that the dormer extension is not acceptable as it currently allows access onto the ground floor extension and potential overlooking of neighbouring properties contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG.
67. It is therefore considered that it would be expedient to take enforcement action either to require the dormer to be relocated back 20cm from the eaves of the property to where it would be PD and where access onto the roof would be physically prevented, or to require a railing / Juliet balcony to be installed across both of the French doors in order to prevent direct access onto the roof.

Raised Patio

68. Whilst the raised patio is considered to be acceptable in terms of its design, the height to which it has been constructed measures 70cm above the level of the garden and enables the direct overlooking of residential properties to the north and south.
69. As identified above, it has been suggested to the owner that a 1.8m high screen could be installed either side of the raised patio in order to prevent overlooking and protect the privacy of nearby neighbours, however this has not been agreed through a planning application. In the absence of such an agreement, it is considered that the raised patio is not acceptable as its current height allows the overlooking of neighbouring properties contrary to Policy MD2 of the LDP and the Residential and Householder Development SPG.

70. It is therefore considered that it would be expedient to take enforcement action either to require the raised patio to be reduced in height to no more than 30cm above the level of the garden to where it would be PD, or to require privacy screens to be installed either side of the patio to prevent overlooking and loss of privacy, albeit set off the boundary with neighbours to ensure the screens themselves do not harm neighbouring amenity by virtue of their height comparable to neighbouring ground levels. Whereas screen would not be adequate to prevent views from the first floor terrace (given its size and the raised height), screens along the lower and smaller patio area would satisfactorily mitigate views from that area.

Garden Play Room / Home Office

71. Although the play room is unauthorised and previously formed part of the latest planning application which was withdrawn (2021/00822/FUL), it is considered that this building does not raise any planning issues and is considered to comply with Policies MD2 and MD5 of the LDP. It has therefore been concluded that it would not be expedient to take any further action in relation to the 'play room' ancillary outbuilding.

Conclusions

72. Whilst the owner has previously submitted and had approved a Lawful Development Certificate relating to the construction of a rear extension and dormer extension at the property (2019/00668/LAW), these structures have not been constructed in accordance with the submitted plans and no longer constitute permitted development. Further development including a block screen wall, raised patio area, garden play room and play house have also been constructed at the property without planning permission and are therefore unauthorised. The garden play room is however considered acceptable and the play house is potentially immune from enforcement action and no further action is therefore proposed in relation to these structures.
73. Despite correspondence with the owner of the property and the submission of two planning applications both of which have been withdrawn (2021/00428/FUL and 2021/00822/FUL), no further attempts have been made to regularise the position or remove the unauthorised development which is considered to be unacceptable. More recent suggestions have been made in relation to the installation of railings over the doors in the dormer extension to prevent access onto the flat roof of the extension and the erection of screens at either end of the raised patio area which would overcome officer's concerns in relation to overlooking and make the development acceptable, however no response has been received.
74. The dormer extension with access onto a roof terrace over the ground floor extension and raised patio area are considered to be unacceptable as they facilitate the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall is considered to be visually intrusive and the development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and

75. In view of the issues identified in the paragraphs above, it is considered expedient to pursue enforcement action to secure:
- (i) The relocation and setting back of the dormer window to a distance of at least 20cm from the original eaves height of the dwelling (where it would be PD) or the installation of permanently fixed railings / Juliet balconies over both of the existing French doors in the dormer;
 - (ii) The permanent cessation of the use of the roof of the ground floor extension as a roof terrace / amenity area;
 - (iii) the reduction in the height of the raised patio area to a height of no more than 30cm above the ground level of the garden (where it would be PD) or the erection of 1.8m high screens on either end of the raised patio;
 - (iv) the removal of the block screen wall on top of the rear single storey extension.
76. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

78. 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).
79. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

80. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The relocation and setting back of the dormer window to a distance of at least 20cm from the original eaves of the dwelling, or the installation of permanently fixed metal railings / Juliet balconies, not projecting out more than 30cm from the exterior of the building, over both of the French doors in the western elevation of the dormer window;
 - (ii) The permanent cessation of the use of the roof of the ground floor extension as a roof terrace / amenity area;
 - (iii) The reduction in the height of the raised patio area to a height not exceeding 30cm above the original ground level of the garden, or the erection and retention of 1.8m high screens on either end of the raised patio area extending across the whole depth of the patio;
 - (iv) The removal of the block screen wall on the top of the rear single storey extension.
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development - the dormer extension, raised patio area and block screen wall, has occurred within the last 4 years and the use of the roof of the ground floor extension as a roof terrace / amenity area, within the last 10 years.
- (2) The development has been undertaken to a residential property within the settlement boundary where the scale, form, layout and character of new development is required to be sympathetic to and respect its immediate setting and to be designed to safeguard existing residential amenity, particularly with regard to privacy and overlooking. The dormer extension, roof terrace, raised patio area and block screen wall are considered to be unacceptable as they facilitate the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall is considered to be visually intrusive and the development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 11 (2021) and Technical Advice Note 12: Design.
- (3) Despite correspondence with the owner of the property and his planning agent and the submission of two planning applications both of which have been withdrawn (2021/00428/FUL and 2021/00822/FUL), no further attempts have been made to regularise the position or remove the unauthorised development which is considered to be unacceptable.
- (4) 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.

Background Papers

Enforcement File Ref: ENF/2021/0019/PC

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

N/A

MARCUS GOLDSWORTHY
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. 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.

2021/00409/FUL Received on 27 April 2021

APPLICANT: T J Davies and Sons Garn Farm, Lane - Junction East Dow, St Hilary, CF71 7DP

AGENT: Mr Ieuan Williams Reading Agricultural Consultants, Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR

Garn Farm, St. Hilary

Siting of 4 no. log cabins for tourism use with associated landscaping works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been submitted by Councillor Andrew R.T. Davies.

EXECUTIVE SUMMARY

This is a full application for the erection of four log cabins for tourism use. The application has been submitted as a farm diversification scheme.

The main issues involved in the assessment of the planning application are the principle of development, scale, design and visual impact of the proposal on the countryside, impact on residential amenity, highways issues (including parking), drainage, ecology matters and impacts upon the bridleway and minerals safeguarding area.

Five letters of representations have been received objecting on the grounds of the effects upon unspoilt countryside; concerns over the access; increase in traffic and noise pollution; ecological impacts to the local wildlife and the bat and owl population; the impact the footpath and bridle path; concern regarding the impacts on the Llantrithyd Conservation Area; the planning history and the refusal of a new dwelling; and that there is no public transport or community facilities within the vicinity of the site.

Whilst having considered the letters of representations received and taking the matters into consideration, the development is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site is land at Garn Farm, St Hilary which is located in the countryside approximately 0.89km from Llantrithyd to the northeast and 1.5km from St Hilary to the West. Further afield, the settlement of Cowbridge lies approximately 3.4km northwest.

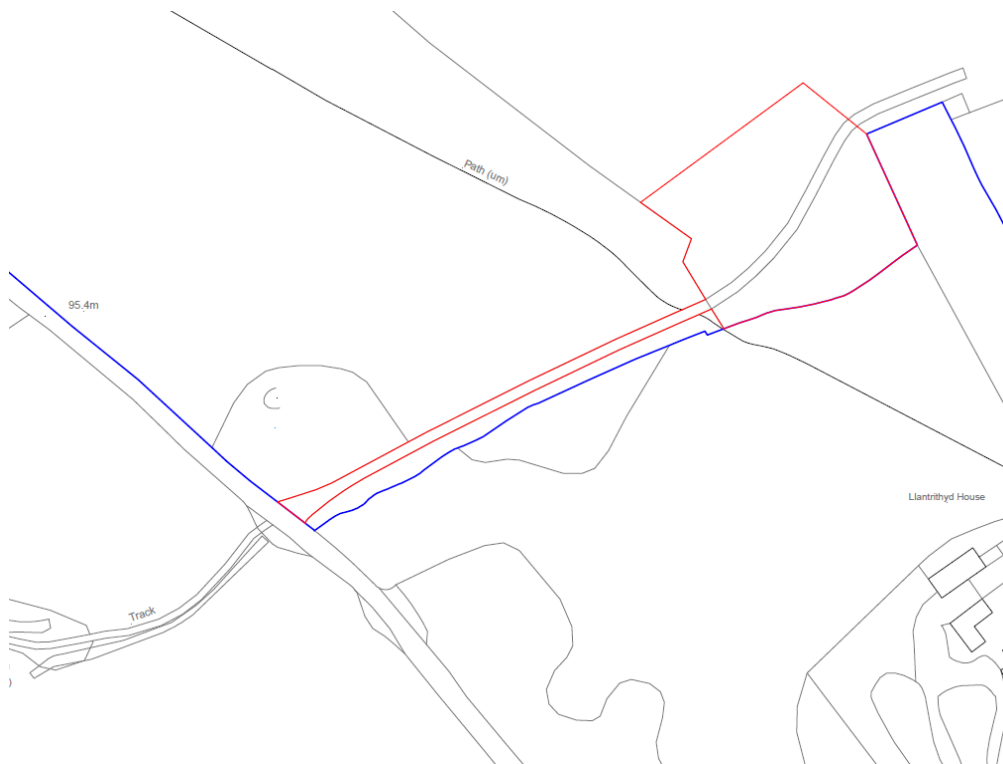
The site comprises a grassed parcel of land which is 0.5km southeast from the existing farm complex (Garn Farm). It is surrounded by pastoral and arable fields delineated by established hedgerow and mature trees. The site is located approximately 140m from an unnamed country road and is accessed via the existing single lane farm track. The site is situated at a higher level than the adjoining highway, due to the levels rising to the north east. A Bridleway (L15/1/1) runs west of the application site and further east is a Public Right of Way (L15/4/1). To the northeast of the site includes a stone barn that is currently being converted into a holiday let.

In terms of neighbouring properties, there are two dwellings approximately 90m south of the application site and a small group of dwellings north approximately 0.5km away.

The application site is located outside of any designated Settlement Boundary and is located within a Mineral Safeguarding Limestone Category 2, as defined by the adopted Vale of Glamorgan Local Development Plan 2011 – 2016.

The site also falls outside of the designated Upper and Lower Thaw Special Landscape Area, which lies approximately 150m to the west.

The site location is depicted below:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the erection of four log cabins for tourism use and associated works. These works would include the improvements and upgrade to the existing access track and parking areas, the installation of a septic tank and landscaping in the form of new hedgerows and trees.

The application documents indicate the following:

- Each cabin measures 10m in length by 5m in width with a maximum height of 2.77m to the proposed ridge and approximately 2.23m to the proposed eaves;
- Each cabin would have two bedrooms, a lounge-kitchen, a bathroom and covered veranda to the principal elevation;
- The cabins' external materials would include timber boarding, timber doors and window frames and grey roof tiles;
- The parking areas would accommodate eight vehicles;
- A package treatment plant would dispose of the site's foul water;
- Visitors would enter and leave the site via the unnamed road to the west of the site;

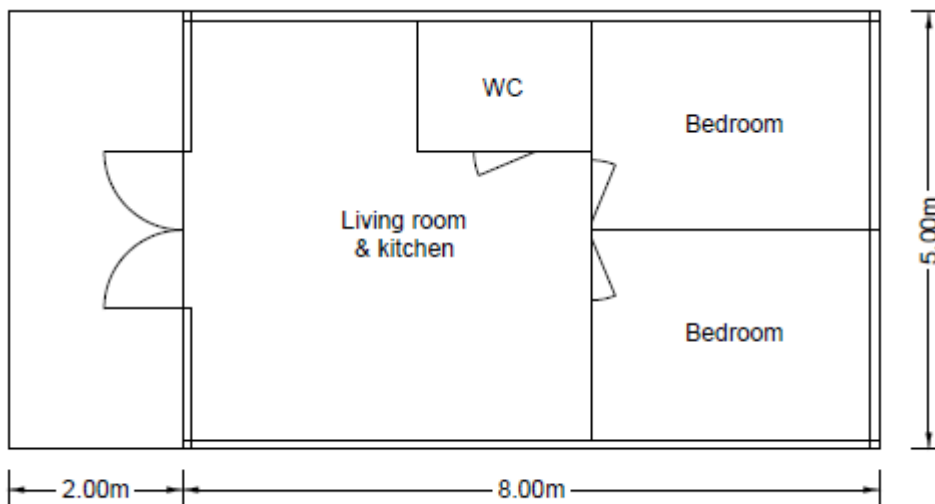
- The proposal would employ two full-time workers during peak summer occupancy and 2-3 part-time staff.

Extracts of the proposals are depicted below:

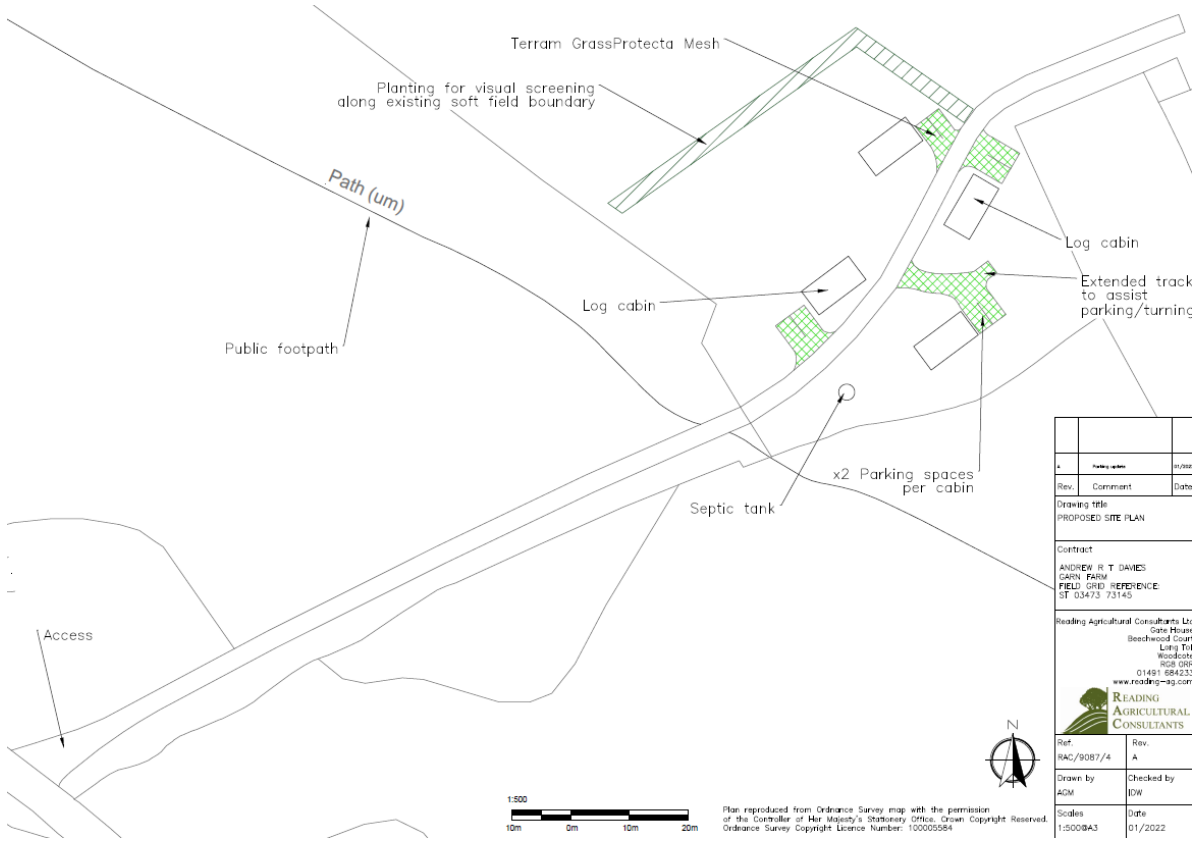
Proposed Elevations:



Proposed Floor Plan:



Proposed Site Layout:



Proposed CGI Examples:



PLANNING HISTORY

2008/01370/FUL, Address: Garn Farm, Llantrithyd, Proposal: Access track to farm buildings north of Llantrithyd House, Decision: Approved;

2011/00501/FUL, Address: Land adjacent to Llantrithyd House, Llantrithyd, Proposal: Conversion of traditional stone barn to residential use, Decision: Withdrawn;

2012/00036/FUL, Address: Garn Farm, St Hilary, Cowbridge, Proposal: Change of use of vacant barn to holiday let, bunkhouse and owners accommodation, Decision: Withdrawn;

2012/01002/FUL, Address: Garn Farm, St. Hilary, Proposal: Change of use of vacant barn to holiday let, bunkhouse and owners accommodation, Decision: Approved;

CONSULTATIONS

Llancarfan Community Council were consulted on 29 April 2021. A response was received on 11 June 2021 outlining comments regarding the intensification and scale of the development; ecological impacts; increase in noise and traffic; and concerns regarding the nearby Public Rights of Way.

Highway Development were consulted on 29 April 2021. A response was received on 21 May 2021 advising what the necessary parking standards are, suitable materials for the access, together with the appropriate visibility splays required. The Highways Engineer requested conditions that would ensure provision of these matters, however, the applicant has addressed the comments raised and relevant plans will be conditioned (Condition 2 refers).

Public Rights of Way Officer were consulted on 29 April 2021. A response was received on 4 May 2021 recommending that planning permission carry a note that the Bridleway running adjacent to the site boundary must be available for safe use by the public at all times. It was also pointed out that should the Bridleway require temporary closure to assist in facilitating works, an order should be sought under the Road Traffic Regulation Act 1984.

The Council's Tourism & Marketing officer was consulted on 29 April 2021. A response was received on 30 April 2021 and 17 January 2022 confirming no objections and that the proposals would be an asset to the Vale of Glamorgan.

The Council's Shared Regulatory Services (Pollution) were consulted on 29 April 2021. To date, no response has been received at the time of writing this report.

GGAT were consulted on 29 April 2021. A response was received stating should planning permission be granted, it should carry a condition requiring the applicant (or any subsequent developer) to submit a 'written scheme of historic environment mitigation', and a note setting out the standards that archaeological work must meet (Condition 6 refer).

Dwr Cymru / Welsh Water were consulted on 29 April 2021. A response was received on 1 May 2021 confirming there is no public sewerage system in the area and any new development will require the provision of satisfactory alternative facilities for sewage disposal.

The Council's Ecology Officer was consulted on 29 April 2021. A response was received on 4 February 2022 confirming no objection, subject to the attachment of a condition requiring details of lighting (Condition 7 refers).

The Council's Landscape Officer was consulted on 15 October 2021. A response was received on 15 October 2021 confirming the species mix is acceptable, albeit, a combination of changing the management regime and interplanting into existing hedgerows as well as localised hedgerow and tree planting will ultimately have a significant impact on the visual impact of the development on the wider landscape in 5-10 years if maintained and managed in an appropriate way. It was requested that as part of the landscape proposals the applicant include a maintenance and management plan to ensure that the landscape treatments meets the screening objectives over time. The applicant has addressed and incorporated the requirements raised. A condition is attached requesting the proposals to be carried out in accordance with the management plan (Condition 4 refers).

The Council's Shared Regulatory Services (Contaminated Land, Air & Water Quality) were consulted on 29 April 2021. A response was received on 5 May 2021 confirming no objection subject to ground gas protection and contaminated land measures and advisory notes.

Ward Members were consulted on 29 April 2021. To date, no response has been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 29 April 2021. A site notice was displayed on 18 May 2021. The application was also advertised in the press on 20 May 2021. To date, five letters of representations have been received objecting on the following grounds:

- Effects upon unspoilt countryside;
- The access runs along the neighbouring boundary;
- Increased traffic in the narrow country lanes;
- Increase in noise pollution;
- Ecological impacts to the local wildlife and bat and owl population;
- Concern the development will impact the footpath and bridle path;
- Concern regarding the impacts of Llantrithyd Conservation Area;
- Planning history and the refusal of a new dwelling; and
- No public transport or community facilities within the vicinity of the site.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The 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 SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

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 MD9 - Promoting Biodiversity

POLICY MD13 - Tourism and Leisure

POLICY MD17 – Rural Enterprise

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.

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
- Accessibility
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- 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)

Chapter 5 – Productive and Enterprising Places

- Tourism

5.5.1 Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.

5.5.2 The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.

***5.5.3 In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy.** In addition to more traditional forms of rural tourism, planning authorities should plan positively for active, green and cultural tourism where they are appropriate. Development should be sympathetic in nature and scale to the local environment.*

5.6.2 By supporting the development of a broad range of employment opportunities in rural areas planning authorities can increase economic prosperity and help address the effects of rural decline or depopulation where it occurs. Greater opportunity can support and strengthen the future well-being and sustainability of rural communities.

5.6.10 Planning authorities should adopt a positive approach to diversification projects in rural areas. Additional small business activities can often be sustainably located on farms and provide additional income streams. Diversification can strengthen the rural economy and bring additional employment and prosperity to communities.

5.6.11 Whilst every effort should be made to locate diversification proposals so they are well-served by public transport, **it is recognised that certain diversification proposals will only be accessible by car.**

5.6.13 Diversification activities come in many forms and include both agricultural and non-agricultural activities. Activities could include, for example, livestock and crop processing, non traditional livestock and crop farming, **tourism projects**, farm shops, and making and selling non agricultural products. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

Paragraph 3.1.2 discusses **diversification of the rural economy**:

Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment⁷. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment.

Paragraph 4.3.2 defines **rural enterprise** in the following terms:

*For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), **tourism and leisure enterprises** [emphasis added]. Development plans may include a broader definition of qualifying rural enterprises where this can be justified by specific local evidence.*

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)

Paragraph 4 discusses the role of tourism in the **Welsh economy**:

Tourism comprises a range of different, but interdependent activities and operations which overlap with sport, entertainment, the arts and other recreation and leisure activities. It makes a major contribution to the Welsh economy, provides

employment in a wide variety of occupations and can bring benefits to local economies and communities in urban and rural areas.

- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)

Paragraph 3.1.3 discusses **economic development in the countryside**:

There are two kinds of special contribution that are particularly relevant to rural development. Firstly, an economic development could make communities more sustainable, by improving the alignment of housing and jobs, encouraging people to work close to home. Secondly, the needs of established businesses or clusters may be very specific. When businesses expand or modernise, they may need to do so in situ; it may be highly inefficient or impracticable for them to relocate to a sequentially preferable site.

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)
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)

Paragraph 5.3.1 says the following about **locational sustainability**:

The Council is keen to encourage the increased use of sustainable modes of transport and to reduce the number of private vehicle journeys. Wherever possible, proposals for new tourism and leisure developments should be accessible by sustainable modes of transport including public transport, cycling and walking.

Paragraph 5.7.2 says the following about **agricultural land quality**:

It is unlikely that new low impact rural tourism and leisure proposals (e.g. camp sites) would result in the permanent sterilisation of BMV agricultural land. However, there may be instances where such proposals seek to include more permanent elements such as access roads or amenity buildings etc. Where such ancillary infrastructure is required, applicants should seek to protect the BMV agricultural

land by utilising existing or temporary buildings or providing temporary forms of access tracks.

Paragraph 7.1.1 says the following about **suitable locations**:

LDP Policy MD13 directs new tourism and leisure facilities to locations where new development can be easily integrated within existing settlements, or outside settlements where they form part of a rural enterprise or farm diversification scheme or the conversion of an existing rural building (under policy MD11). Within these locations, proposals such as bed and breakfast accommodation, the conversion of existing rural buildings to holiday accommodation, farm stay holidays or camp sites are encouraged where they are likely to have a limited visual impact on the countryside and require little in the way of ancillary infrastructure.

Paragraph 7.5.1 says the following about **residential tourism accommodation**:

Modern rural tourism and leisure activities are less seasonally restricted than in the past. Accordingly, there is a greater demand for self-catering accommodation, whether this is in new or converted rural buildings or in caravan / chalet holiday homes. The Council will use conditions to ensure that new residential tourism accommodation in the countryside is restricted so it is not used as permanent residential accommodation or as a main place of residence. In addition, the Council will also impose a condition requiring the applicant to keep an up to date visitor register at the holiday accommodation which must be available for inspection by the Council upon request.

Paragraphs 7.8.1 and 7.8.2 say the following about business cases for **new tourism/leisure proposals**:

*Applicants will be required to provide a **business or management plan** in support of proposals for an entirely new tourism / leisure facility in the countryside, in instances where the failure or cessation of the business would have an adverse impact on the local area [emphasis added]. This information will be used to assess the future sustainability / viability of the proposal, particularly where new buildings are being proposed as part of the development (paragraph 7.8.1).*

The scope of the information required by the Council will be dependent on the scale and nature of the proposal. However, the Council will require applicants to show that the business is financially sound and is expected to be economically sustainable / viable in the future (usually projections for the following 3-5 years will be required) (paragraph 7.8.2).

- Trees, Woodlands, Hedgerows and 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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider in the determination of this application relate to the principle of the development in this location, the visual impact of the proposal upon the countryside, the impact on highway safety, drainage, any impact to the residential amenities of neighbouring residents, impacts upon the bridleway and ecological matters.

Principle of Development and relevant policies

Planning Policy Wales strongly emphasises that tourism-related development in rural areas is an essential element when providing for a healthy and diverse economy and that LPAs should adopt a positive approach to diversification projects in rural areas (Paragraph 5.6.10 refers).

Policy SP1 (Delivering the Strategy) aims at 'protecting and enhancing the built, natural and coastal environment' and 'promoting opportunities for sustainable tourism and recreation', amongst other things.

Policy SP11 (Tourism and Leisure) favours proposals which promote the Vale of Glamorgan as a tourism and leisure destination. It states that 'favourable consideration' will be given to tourism and leisure proposals which:

- 1. Enhance the range and choice of the Vale of Glamorgan's tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations;*
- 2. Favour rural diversification and the local economy; and*
- 3. Protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.*

Criterion 1 and 2 are of relevance to this proposal as it seeks to enhance the range and choice of tourism and leisure opportunities and encourages a range and choice of visitor accommodation in appropriate locations and also forms part of a rural diversification scheme.

Policy MG29 (Tourism and Leisure Facilities) states that 'the provision of all year round tourism and leisure facilities will be favoured'.

Policy MD1 (Location of New Development) states that new development on unallocated sites should 'have no unacceptable impact on the countryside', 'where appropriate promote new enterprises, tourism, leisure and community facilities', 'have access to or promote the use of sustainable modes of transport', and 'have no unacceptable impact on the best and most versatile agricultural land', amongst other things.

Policy MD13 (Tourism and Leisure) states that:

Proposals for the development of new or enhanced tourism and leisure facilities will be permitted where the proposal:

- 1. Is located within the key settlement, the service centre settlements, primary settlements and minor rural settlements; or*
- 2. Forms part of a rural enterprise or farm diversification scheme; or*
- 3. Involves the conversion of an existing rural building in accordance with Policy MD11; or*
- 4. Involves sustainable low impact tourism and leisure proposals in the countryside.*

Policy MD17 (Rural Enterprise) states that:

Proposals for the development of small scale employment uses that promote rural enterprise will be permitted where the proposal:

- 1. Is located within a minor rural settlement; or*
- 2. Is part of a farm diversification scheme; or*
- 3. Involves the conversion of an existing rural building in accordance with policy MD11.*

Assessment

Diversification of an Established Rural Enterprise

In addition to being a form of rural enterprise in its own right, the holiday-cabin business would diversify the activity of an already established rural enterprise, namely an established arable and livestock operation, together with a barn conversion located to the northeast of the application site. This was approved for tourism use under permission ref: 2012/01002/FUL. The proposal therefore lends itself well in forming part of a rural diversification scheme and is therefore supported in principle by Policy MD1(3) and MD13(2) subject to the detail and interrelated policy considerations (design and visual impact, ecology, highway safety, drainage impact, minerals), and Tourism and Development SPG considerations.

Business Plan

The Tourism and Development SPG requires applicants to provide a business or management plan in support of proposals for new tourism facilities in the countryside. Applicants are expected to show that the business is financially sound and economically sustainable (usually with projections for the following 3-5 years).

The application documents have been supported by a business plan which sets out a marketing strategy, typical pricing, gross income, overall costs (including capital costs) and overall profit. The plan indicates that the business has a reasonable prospect of being profitable in its first year and remaining so in subsequent years. The proposal therefore meets the requirements of the Tourism and Development SPG in this respect (see section 7.8) and it is considered to be a soundly planned form of farm diversification.

Furthermore, the Tourism and Marketing Officer has reviewed the supporting material, raising no concerns with the modelling or projections of the business strategy. The officer has concluded that the proposals will be an asset to the Vale of Glamorgan and is wholly supportive of the application. The proposal therefore meets the SPG in this regard.

Locational Sustainability

Whilst the development is considered acceptable in principle due to the benefits a tourism related development such as this has on the rural economy, policy MD1 advises that new development should be located in areas which promote the use of sustainable modes of travel.

The site is located approximately 0.9km to Llantrithyd to the east and 1.5km to St Hilary to the west. Further afield, the settlement of Cowbridge lies approximately 3.4km northwest. Due to the location of the application site being within a rural context, it is unlikely visitors will use public transport to travel to the site. The site is not near a railway station and it is approximately 1.6km from the nearest two bus stops on the A48. Furthermore, the nature of the A48 and the length of the site's internal access road are likely to deter many people from walking or cycling to the holiday cabins. However, given the type of tourism use proposed in this location, it is considered acceptable and not uncommon to travel by means of car for such holidays. Whilst the comments received by neighbouring objectors are noted, in this case, it is considered acceptable for the aforementioned reasons. Crucially, though, policy MD13, the Tourism and Development SPG and Planning Policy Wales make it clear that tourism proposals which diversify established rural enterprises should not be held to the same standards as entirely new tourism businesses with no links to other enterprises. Furthermore, Planning Policy Wales highlights that every effort should be made to locate diversification proposals so they are well-served by public transport, although it is recognised that certain diversification proposals will only be accessible by car, which is the case here (Paragraph 5.6.11 refers). In this case, it is considered that the benefits to the rural economy and local tourism outweigh the relative lack of access to alternative travel modes.

Loss of Agricultural Land

Policy MD1 (9) sets out that new development should not have an unacceptable impact on the best and most versatile agricultural land. The application documents do not include a survey of agricultural land classification; however, the supporting Planning Statement highlights that the site proves a difficult parcel of land to cultivate, one which is not grazed by the farms livestock; 'a sloping site in an awkward field shape and parcel of land'.

The planning authority does not have its own authoritative information about the quality of agricultural land. However, its geographic information system (GIS) suggests that the site may comprise a mix of 'moderate quality' and a very small section that is 'very good quality' land. This suggests that part of the site constitutes 'best and most versatile' (BMV) agricultural land. However, in the context of the wider agricultural farm, the site area is relatively small, with an area of only 0.25ha, and its sloping nature would make it unsuitable for many types of farming (as concluded in the Planning Statement). There also already exists the access track leading to the proposed barn conversion through the middle of the application site that will be utilised for tourism purposes once the renovations and works are complete. Furthermore, given that development would consist mainly of cabins on a hard standing/base, it would not be especially difficult to restore the agricultural use of the land, if doing so should prove necessary. A condition will be

attached that should the tourism use of the site cease to operate, the land must be restored to its original condition (Condition 9 refers).

Flood Risk

According to the planning authority's GIS and Natural Resources Wales' online maps, the application site is not located within any high risk floodzone and consequently the development would comply with Policy MD7 of the LDP in this respect.

Summary and Conclusions on the matters of principle

Within the Vale, tourism is a primary sector through which the rural economy can be developed, and it is considered that proposals such as this, as a form of farm diversification, should be encouraged so as to maximise those benefits. Accordingly, it is considered that the proposed development represents the kind of development promoted by Planning Policy Wales, which would provide benefits to the rural economy and assist the aims of meeting Strategic Policy SP11 of the LDP.

Overall, as tourism related accommodation, for the reasons above, the development of four holiday let cabins would be acceptable given the support for tourism related development in national policies for farm diversification. In light of this, the proposals are considered acceptable in principle and they would meet the requirements of Policies SP1, SP11, MG29, MD1, MD13 and MD17 of the adopted LDP and requirements of the Tourism and Leisure SPG.

Design and Visual Impact

Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) set out general design-related requirements for development proposals. Given the site's rural location and setting within the countryside, the scale and design of the development must be carefully considered. Criterion (i) of Policy MD2 requires that the development should not unacceptably affect the character and appearance of the locality and positively respond to the surrounding natural and built environment, therefore protecting existing features of landscape interest. Policy MD13 refers to a development comprising 'low impact tourism', or it being a farm diversification scheme and, while it is still necessary to carefully manage the visual impact (given the rural context), the development should be considered in the context of being farm diversification. With regard to the existing character of the site, the land appears as largely undeveloped grassland, although there exists a stone barn to the east of the site. It is acknowledged that the proposals will introduce new operational development in this rural location, however, if rural economy is to be effectively supported, with the benefits genuinely experienced by rural areas, sites for such developments will often necessarily be located in a rural location such as this. Therefore, it is accepted that this will inevitably impact upon the appearance of the individual piece of land in question to a degree.

The proposed cabins are very low lying structures, with an eaves height of approximately 2.3m and a ridge height around 2.7m. The cabins would be located in close proximity to the existing barn to the north east of the application site, and they would be served by an existing track. i.e. the development would not require substantial new infrastructure to enable access to be made. The proposals would form part of a rural functioning agricultural operation and, subject to appropriate materials and finishes, the cabins are considered to be of a scale and form that are not alien to a rural context such as this.

Condition 10 requires further details of materials and colours to ensure that the visual impact is minimised. It is considered that it will be likely to need to avoid the use of striking white detailing as shown on the artist's impression above.

The use of darker colour tones and materials for the proposed cabins would mitigate against any harmful impacts and makes the proposal visually recessive and less prominent from any distant vantage points.

The scheme seeks to minimise areas of proposed hardstanding, whilst utilising the existing access track with 'grasscrete' or similar permeable materials for the parking spaces. Therefore, the development would not have an engineered character that would jar with the rural context.

Turning to matters of the wider landscape, the site would be well screened from views from immediately outside the access track to the farm and from most viewpoints along the unnamed road. The application site is also located within a field parcel that is delineated on the ground by established trees and hedgerows along the respective boundaries, which would act as a visual landscape buffer. There would be limited views from a field gate adjacent to the rural land to the west of the site, however, it is a lightly trafficked road and it is considered that the development would not appear visually intrusive from this viewpoint and others along the lane.

The adjacent Bridleway runs along a lower ground level than the application site due to the sloping nature of the land, running perpendicular to the western boundary of the application site. Given the gradient of land, the low-lying form of the proposed units and vegetation concealing the site, it is considered that the wider rural landscape would not be significantly or adversely affected from views from the adjacent Bridleway or nearby PROW.

The proposals have also been supported by a comprehensive landscape planting management plan, as a means of further visual mitigation. This includes the introduction of double staggered locally sourced native hedgerow, trees and shrubs being planted on the North Western boundary of the application site. The scheme incorporates seven plants per metre, together with additional planting on the North Eastern boundary. The proposed hedgerows will be approximately 1.5-2m in width and the regime allows for the hedgerow to grow 3m in height, together with further tree planting along this western boundary of the site. The scheme incorporates the comments received by the Council's Landscaping Officer to lessen any harmful visual impacts from western viewpoints.

The Landscaping Officer has raised no objection. A condition will be imposed to ensure the full landscaping works and the management regime is adhered to (Condition 4 refer).

An extract of the landscaping proposals in full fruition is depicted below:



Whilst the comments from neighbouring residents with regards to character of the countryside have been considered, it is considered that the proposals, supplemented by the proposed landscaping, would assimilate sufficiently into the site to ensure that there would not be harm to the surrounding countryside and wider landscape. The proposed planting scheme would break up the visual impact of the buildings in the landscape. It is accepted that the proposal will alter the undeveloped grassland to a degree until the landscaping is mature, however the use of suitable materials, colours, and landscaping will act as a means of effective mitigation to any harmful visual impacts to the site and its surroundings.

Taking all of the above into consideration, it is considered that the proposals, on balance, would not appear as out of keeping with the rural landscape and would not be demonstrably harmful to the character of the area or the countryside. It is therefore considered that the proposed development accords with Policies SP1, MD2 and MD13 of the adopted LDP.

Accessibility and Highway Safety

The development would be served by an existing field access into the site approved under permission ref: 2012/01002/FUL. The access is existing and would not be altered as part of the proposals. The application has been accompanied by an access plan, requested by the Council's Highways Officer. The plan indicates that the existing access would provide sufficient visibility in either direction. This would not result in any significant removal of vegetation or hedgerow to either side.

The proposed use would result in a moderate increase in traffic to and from the site by car but it is considered that the existing access and track would be appropriate subject to the inclusion of a passing bay and the visibility being maintained.

Each of the proposed cabins would be served by two parking spaces. This number is considered sufficient for four holiday cabins. The scheme also provides sufficient space for turning facilities within the site to ensure that vehicles do not have to reverse out onto the highway and a passing bay will be provided along the access.

While the development would increase the number of vehicles using the existing road network and the comments raised by local residents are noted, it is considered that the scale of the development is such that there would not be a significant impact upon traffic that would cause congestion or adversely impact upon highway safety. Maximum occupancy of each cabin would likely involve one or two cars.

The Council's Highways Department have reviewed the supporting material and have not objected to the development, subject to a series of conditions. The submitted details have been amended to reflect these recommendations by the Highways Engineer.

Having regard to the above, it is considered that the development can be adequately served by the existing highway network and that it would not adversely impact upon the safety and free flow of traffic, in accordance with Policies MD1 and MD2 of the Adopted LDP 2011-2026

Impact on Neighbours

Other than the applicant's house (Garn Farm), the nearest dwelling, Llantrithyd House and 'The Bungalow', are roughly 90 metres south of the application site. From this distance, a permanent dwelling would not have an unacceptable effect on the neighbours' residential amenity. It is noted that some of the adjoining neighbours have raised concerns over the potential impact by way of noise and disturbance of customers accessing the site. However, whilst there may be some additional noise associated with the proposed number of holiday let cabins, the distance to these dwellings is such that it would not be likely to cause any undue noise and disturbance over and above the agricultural operations at the site.

In light of these matters, it is considered that by reason of the relatively modest number of the units proposed and the distance from neighbouring properties, there would not be an unacceptable impact on living conditions of the neighbouring properties.

Ecology

Policy MD9 of the LDP 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 application has been supported by a Preliminary Ecological Assessment (PEA). The Council's Ecologist had concerns with regard to the lack of data submitted in the original report (particularly with regard to bats), however, since then, the application has been supported by an updated PEA.

The findings of the updated report concluded that the site is of a generally low ecological value with the potential for common and widespread species only. The report highlights that the site is sufficiently distant from the nearby SINC, North of the Garn, notified for its Great-crested Newt population to not have an impact on any hibernation areas. Those habitats that are of higher ecological interest on site will not be disturbed (namely, reptiles). The survey concludes that works undertaken at the site will be carried out in accordance with method statement (appended to the report) and with appropriate ecological supervision.

The Council's Ecologist has reviewed the supporting material, is in agreement with the findings and raises no ecological objections to the outcomes of the report. However, it is requested that a condition for the submission of a lighting strategy/plan is attached, to ensure light pollution is limited for the impacts on bats and other crepuscular mammals (Condition 7 refer).

Concern has been raised by the Community Council and local residents that the supporting PEA makes no reference to nesting owls or bats, rabbits, hares, slow worms, hedgehogs, red kites and buzzards. The Council's Ecologist has reviewed the ecological material in support of the application and raises no objection to the findings. In addition, further information/data was sought from the applicant by the Council's Ecologist surrounding the pertinent issue of bats. The updated report has identified those species, as well as other habitats that may be potentially affected by the proposal. The report concludes that the site is of limited ecological value and as aforementioned, the Council's Ecologist is satisfied with the findings of the report.

Subject to compliance with the recommendations in the PEA and the provision of details as required by the pre-commencement condition above, it is considered that the development would comply with Policy MD9 and the Council's Supplementary Planning Guidance on Biodiversity and Development.

Bridleway

A Bridleway (L15/1/1) runs on the western boundary of the application site. However, it also runs across the proposed access track. Comments have been raised with regards to the proposals adversely impacting upon the Bridleway. The Public Rights of Way Officer has been consulted as part of the proposals and has raised no objection subject to permission carrying a note to inform the applicant of the obligations. This includes the applicant ensuring that any drivers to the site are made aware of the possibility of horse riders and walkers crossing the track. In addition, the bridleway must be available for safe use by the public at all times and should the bridleway require temporary closure to assist in facilitating works, the applicant would need to do this through a separate (non-planning) procedure. Furthermore, it is advised that no barriers, structures or any other obstructions placed across the legal alignment of the bridleway and damage to the surface of the bridleway as a result of the works to be made good at the applicants own expense. It should also be noted that the access track will accommodate the proposed barn conversion for tourism use, when works are complete. Therefore, the proposals will not be that dissimilar to the 2021 approval albeit with a moderate increase in passing vehicles.

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.

Dwr Cymru / Welsh Water have raised no comments to the application as there is a proposed sewerage treatment tank as a means of foul drainage, which will then be discharged to groundwater. However, it is proposed water supply will be via the mains. The applicant will need to discuss this with Welsh Water. Condition 11 requires full details of drainage to be approved.

It is stated within the supporting documentation that run-off from the roofs of the timber units will be sustainably drained through a gravel drainage strip before percolating into the surrounding land, ensuring that surface water flows are not increased. 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 size of development would likely require SAB approval for a scheme of surface water drainage, where an advisory note will be attached.

Therefore, subject to those advisory notes, and subject to the site being drained in accordance with an approved 'SAB' design, the proposed development is considered acceptable in respect of drainage, as required by policies MD2 and MD 7 of the LDP.

Minerals

The application site is in a Mineral Safeguarding Area (limestone, category one). Policy MG22 (Development in Mineral Safeguarding Areas) says:

Known mineral resources of sandstone, sand and gravel and limestone are safeguarded as shown on the proposals map. 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.*

Physical development would take place on less than half of the site, which is only 200 square metres in area. The proposal would, therefore, have 'no significant impact on the possible working of the resource'.

Other Matters

Concern has been raised with regards to the impact upon the Llantrithyd Conservation Area. However, it is important to note that the application site is not located within the designated Llantrithyd Conservation Area (it falls 0.84km away from the designation) and there would not be an adverse impact on the setting of the conservation area.

Further concern has been raised with regards to the planning history of the site and the refusal of a new dwelling in this location. Whilst each case is assessed against its own merits, the application before the authority has been submitted as a form of farm diversification and tourism related development. Therefore, the use is very different to that

of a residential dwelling house (C3) use. Given that the application has been assessed upon farm diversification and tourism, a condition will be attached to the planning permission restricting the use of the proposed holiday cabins to tourism use only (as was the case under permission ref: 2012/01002/FUL (Condition 3 refers)).

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

- Proposed Site Layout Dwg Ref: RAC9087_4 012022 Received 9/2/2022
- Access & Visibility Splay Dwg Ref: RAC9087_5 Vis_A Received 9/2/2022
- Elevations & Floorplans Dwg Ref: RAC/9087/3 Received 22/03/2021
- Planning Statement Received 22/03/2021
- Landscaping Management Plan & Scheme - REV1 Received 09/21/21
- Be Ecological Preliminary Ecology Appraisal February 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. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site which is located in the countryside and to comply with the terms of Policies MD2 (Design of New Developments) and MD13 (Tourism and Leisure) of the Local Development Plan.

4. The landscaping works shall be fully carried out in accordance with document ref:- Landscaping Management Plan & Scheme - REV1 Received 09/21/21 during the first planting season immediately following completion or occupation of the

development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

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

5. No more than four cabins, in accordance with the specifications shown on drawings Elevations & Floorplans Dwg Ref: RAC/9087/3 Received 22/03/2021 and sited in accordance with plan ref: Proposed Site Layout Dwg Ref: RAC9087_4 012022 Received 9/2/2022, shall be stationed on the site at any one time. No other holiday units, caravans (as defined by Caravan Sites and Control of Development Act 1960), containers or demountable structures shall be stationed on the site at any time.

Reason:

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

6. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully completed as defined in the approved details.

Reason:

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

7. No development shall take place, including site clearance, until a lighting strategy has been submitted to and approved in writing by the local planning authority. The lighting strategy shall include full details of the types of lighting and specification proposed and also provide measures to reduce light spillage onto foraging habitats for bats and ensure minimal light spillage onto adjoining vegetation. Only the approved lighting strategy shall be implemented.

Reason:

In the interests of ecology and to ensure compliance with In 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.

8. The development shall at all times be carried out in accordance with the recommendations contained within the Be Ecological Preliminary Ecology Appraisal February 2022.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

9. Should the approved tourism use of the site cease to operate, all structures, surfaces and associated infrastructure must to be removed from the site, and the land must be restored to its original condition (grassed), within six months of the date on which the tourism use ceased to operate.

Reason:

To protect the character and appearance of the site and its surroundings if the use of the land should cease to accord with Policy MD13 of the Local Development Plan.

10. Notwithstanding the submitted plans, a schedule of materials (and colours) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority, prior to the construction/siting of any of the lodges. 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 MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

To prevent pollution of 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.

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 SP1 (Delivering the Strategy), SP9 (Minerals), SP11 (Tourism and Leisure), MG22 (Development in Mineral Safeguarding Areas), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD9 (Promoting Biodiversity), MD13 (Tourism and Leisure), MD 17 (Rural Enterprise) Planning Policy Wales (11th Ed), Future Wales: The National Plan 2040, TAN 5, TAN6, TAN11, TAN12, TAN14, TAN15 and TAN24, as well as the Biodiversity and Development, Minerals Safeguarding, Parking Standards, Tourism and Leisure Development, Trees, Woodlands, Hedgerows and Development SPG's, the planning authority concluded that the development proposal was acceptable in principle and would have an acceptable impact on visual amenity, neighbouring amenity, highway safety, biodiversity, mineral resources, drainage and would not harm the surrounding open countryside.

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 archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or a MCIfA level accredited Member.**
2. **The bridleway must be available for safe use by the public at all times. Should the bridleway require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.**

No adverse effect should result to the bridleway, the applicant should ensure that materials are not stored on the bridleway and no barriers, structures or any other obstructions placed across the legal alignment of the bridleway. Any damage to the surface of the bridleway as a result of the works to be made good at the applicants own expense.

3. **The bridleway must be available for safe use by the public at all times. Should the bridleway require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.**

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

5. **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.

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.

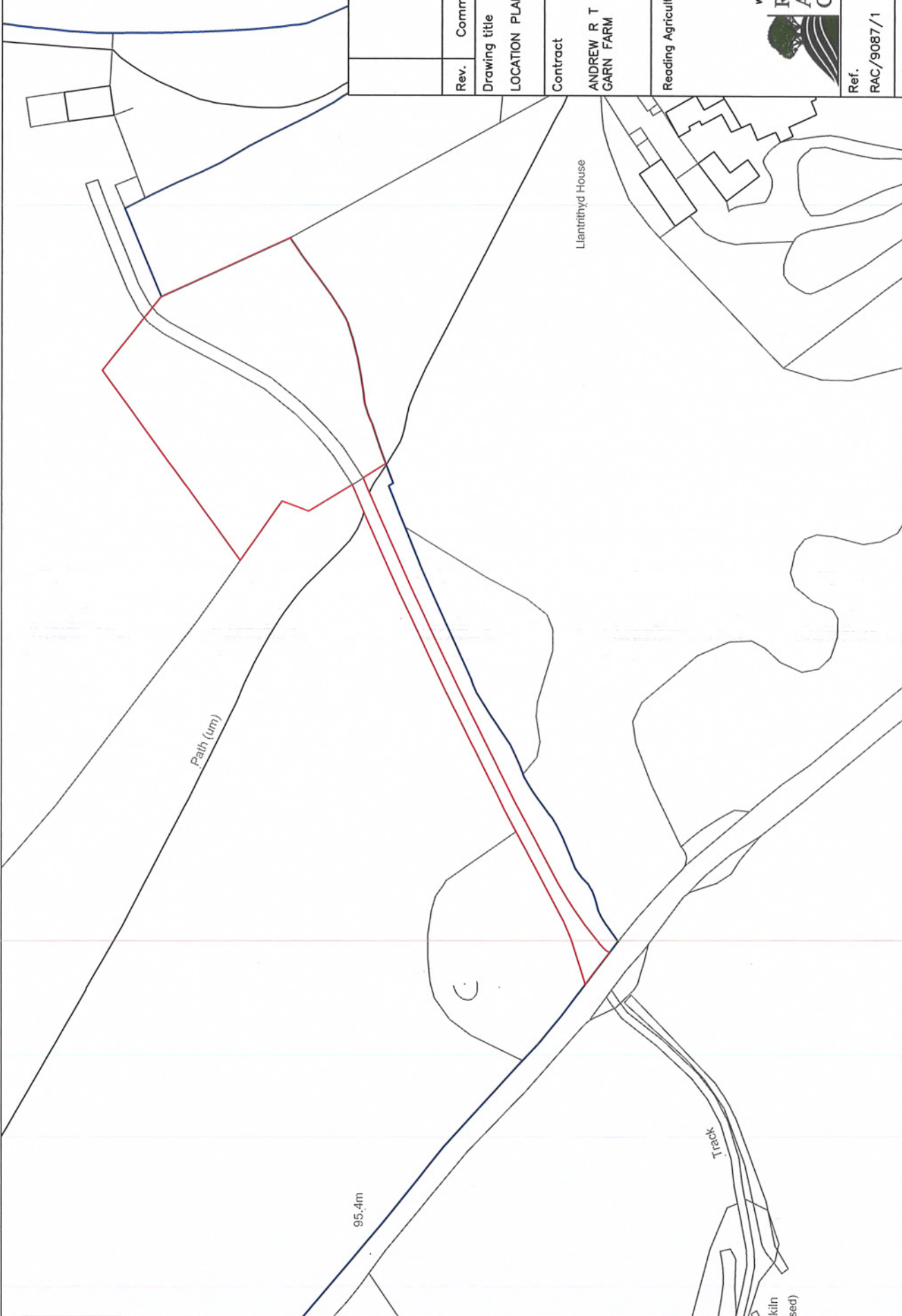
In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

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.



2021/00409/FUL



95.4m

Path (10m)

Llantrithyd House


Track

skiln
(sed)

1:1250



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Rev.	Comment	Date
Drawing title LOCATION PLAN		
Contract ANDREW R T DAVIES GARN FARM		
Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Toll Woodcote RG8 0RR 01491 684233 www.reading-ag.com		
 READING AGRICULTURAL CONSULTANTS		Rev.
Ref. RAC/9087/1	Drawn by AGM	Checked by IDW
Scalcs 1:1,250@A4	Date 03/2021	

2021/01537/RG3 Received on 25 October 2021

APPLICANT: 21st Century Schools Programme Manager Civic Offices, Holton Road, Barry, CF63 4RU

AGENT: Mr Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

Cowbridge Comprehensive School, Aberthin Road, Cowbridge

Proposed new primary school and associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application is for a one form entry primary school, with nursery, in the grounds of the existing Cowbridge Comprehensive School. The primary school is proposed to be located on an existing rugby field in the southern part of the site. Works are also proposed to create new pathways to link with the existing public rights of way network in the south, and also to reconfigure existing parking areas to provide parent and staff parking for the new primary school and provide parking for existing sixth form students on site.

Three neighbour objections have been received, with the key concerns being traffic, highways and parking matters.

The key considerations are the principle of the proposed development, the sustainability of the proposed location, impact on the countryside, visual impact, the loss of the playing field, highways, traffic and parking impacts, the potential for active travel to the site, ecology impacts and flood risk and drainage.

Although the site is outside the settlement boundary, it is accessible by active travel modes from the district centre and as it will be located on the existing secondary school site, the proposed primary school will benefit from the existing school infrastructure that is in place on the site. As such, the site is considered to be a sustainable location for the development of a primary school, in accordance with Policy MD1 (Location of New Development) of the Local Development Plan.

In the context of the scale, height and design of other buildings on the site, the proposed building is considered acceptable in terms of its visual impact on the countryside and is not considered to have a significant impact on the Special Landscape Area. The proposal is not considered to impact on the best and most versatile agricultural land. The proposal is therefore considered to comply with LDP Policy MD1 (Location of New Development) in respect of its impact on the countryside, and LDP Policies MD2 (Design of New Development) and MG17 (Special Landscape Areas) in respect of its visual impact.

In respect of the loss of the rugby field, the Council's Open Space Background Paper (September 2013) identified an over provision of 4.92ha of outdoor sport space within Cowbridge ward, using the Fields in Trust 1.6 hectare per 1000 head of population standard. Therefore, the loss of provision is considered to accord with the third of the

exceptions listed in Planning Policy Wales, namely excess of such provision in the area. The loss of the rugby field provision of sport and proposed play space within the new primary school is considered acceptable and to accord with Planning Policy Wales and Policy MD2 (Design of New Development) in this respect.

In respect of highways, traffic and parking impacts, the proposal is accompanied by a Transport Assessment, as required by Technical Advice Note 18 (Transport). The use of the southern access will reduce the potential conflicts that could arise with primary pupils being dropped off and picked up in the same area as the secondary school pupils and the Council's Highway Development Team have advised that they consider the level of proposed parking provision on the wider school site acceptable.

The proposal will result in an increase in trip generation on the highway network at peak times for drop off and pick up of school children, but it is considered that interventions due to the proposed school travel plan and providing a route for safe active travel would reduce the additional traffic generated. Therefore, subject to the provision of suitable measures to encourage active travel, the proposal is considered acceptable in respect of parking provision and its impacts on traffic and highway safety, and in accordance with Policy MD2 (Design of New Development).

The proposed primary school and associated pathway works are adjacent to a Site of Importance for Nature Conservation (SINC). The proposal will result in removal of some vegetation adjacent to the SINC. Such work will need to avoid bird nesting season, and consideration will be required to potential for dormouse and great crested newts during construction, and a condition is recommended in this respect. However, it is not considered the works will have a significant impact on the SINC. Subject to landscaping and biodiversity enhancement measures being provided in accordance with LDP Policy MD9 (Promoting Biodiversity), the proposal is considered to be acceptable in respect of its impact on ecology.

The site is partially within a C2 Zone for Flood Risk. However, although the proposed play areas for the primary school will be in this zone, the proposed building falls entirely outside it. Natural Resources Wales have not objected. In respect of potential surface water flooding, the design includes SuDS features for surface water drainage, and a separate application will be required to the Council as Sustainable Drainage Approving Body (SAB) for these arrangements. Given the above the proposal is considered acceptable in respect of flood risk and to accord with Planning Policy MD7 (Environmental Protection) in this respect.

As such, the proposal is considered acceptable and approval is recommended.

SITE AND CONTEXT

The site comprises of the existing site of Cowbridge Comprehensive School and its associated playing fields. The site falls outside of the settlement boundary for Cowbridge, which starts a short distance away, on the other side of the A48 (Cowbridge Bypass) flyover. It is within the Upper and Lower Thaw Valley Special Landscape Area.

In respect of agricultural land classification, the site is mainly predicted to be urban land, with smaller areas of grade 2 (good quality) and grade 3b (moderate quality) agricultural land, as well as non-agricultural land on the perimeter. The site is partially within an area safeguarded for its limestone resources, and partially within an area safeguarded for its sand and gravel resources.

Part of the site is within a Site of Importance for Nature Conservation (SINC) (No 162 Land West of Cowbridge Comprehensive School), consisting of semi-natural broadleaved woodland.

Part of the site is considered at risk of surface water flooding. Parts of the site are also within Zones B and C2 for flood risk on the Development Advice Map accompanying Technical Advice Note 15 (Development and Flood Risk).

Part of the site is within Zones 2 and 3 for flood risk from surface water and watercourse flooding on the 2021 Flood Map for Planning. Part of it is also within Zones 2 and 3 for flood risk from rivers on the 2021 Flood Map for Planning, with part of this being within a defended zone.

There is a public right of way crossing the southern part of the site, which links Aberthin Road to Millfield Drive and Middlegate Court and also the public right of way that runs along the western boundary of the comprehensive school site.

Site Location Plan:



DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for a one form entry primary school, with nursery, in the grounds of the existing Cowbridge Comprehensive School. The primary school is proposed to be located on an existing rugby field serving the school, in the southern part of the site. The school is proposed to have 22 full time equivalent members of staff and 210 pupils plus a 48 pupil nursery.

The building is proposed to be two storey in height and provides approximately 1400 square metres of floor area over the two floors. The main two storey building is some 20m in width by a length of 42m (with an additional lean-to single storey element). The building will have an asymmetrical roof form with 7.1m eaves and 11.1m ridge. It will be finished in brick at ground floor level and render at first floor level, with a dark grey standing seam roof.

Hard and soft play areas and a Multi-Use Games Area (MUGA) are proposed to the rear (west) of the building and weld mesh fencing is proposed around the perimeter of the play areas, and to secure an outdoor area at the front (east) of the building. Sustainable Drainage (SuDs) features are also proposed.

The existing hardstanding area to the north of the proposed play fields is proposed to be extended and 24 parking spaces laid out for staff parking. 20 cycle spaces are proposed to the east of the site. Scooter pods for the storage of scooters are also proposed. Works are also proposed to create new pathways to link with the existing public rights of way network in the south, and also to reconfigure existing parking areas to provide parent and staff parking for the new primary school and provide parking for existing sixth form students on site.

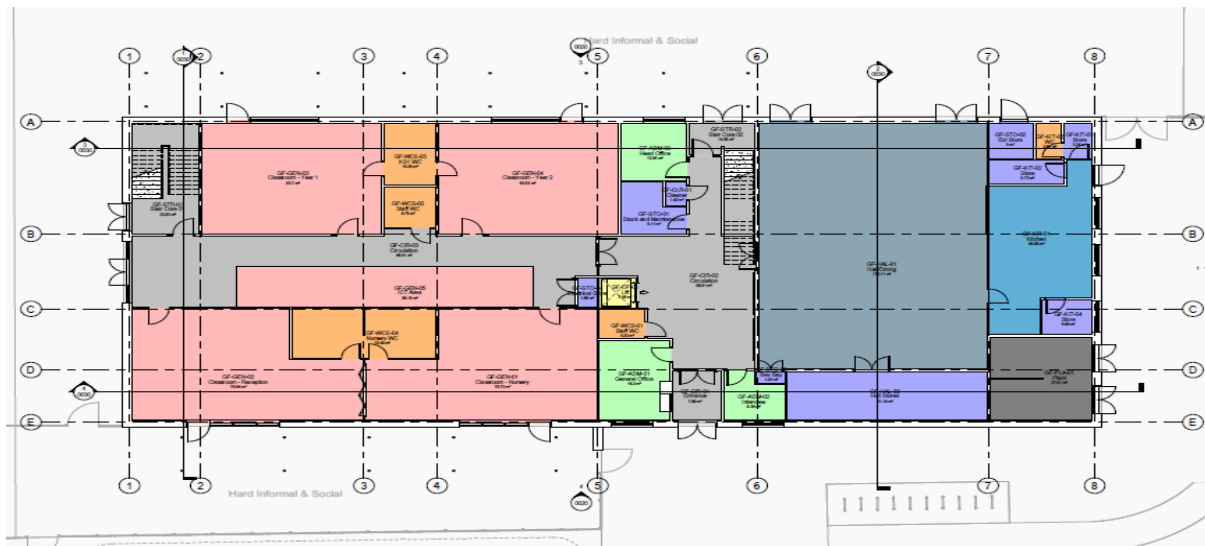
As this is a major application, a Pre-application Consultation (PAC) was carried out prior to the application being submitted and a PAC report has been submitted with the application in accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). An arboricultural report, Design and Access Statement/planning statement, desk based archaeological assessment, flood consequences assessment, ground investigation, two preliminary ecological assessment reports, transport assessment and travel plan are also provided with the application.

The 21st Century School Programme requires the project to achieve a BREEAM rating of excellent, and the proposal has been designed to achieve this, as well as a net zero carbon operational energy status. Although not shown on the plans and elevations, photovoltaic panels are proposed to help achieve these.

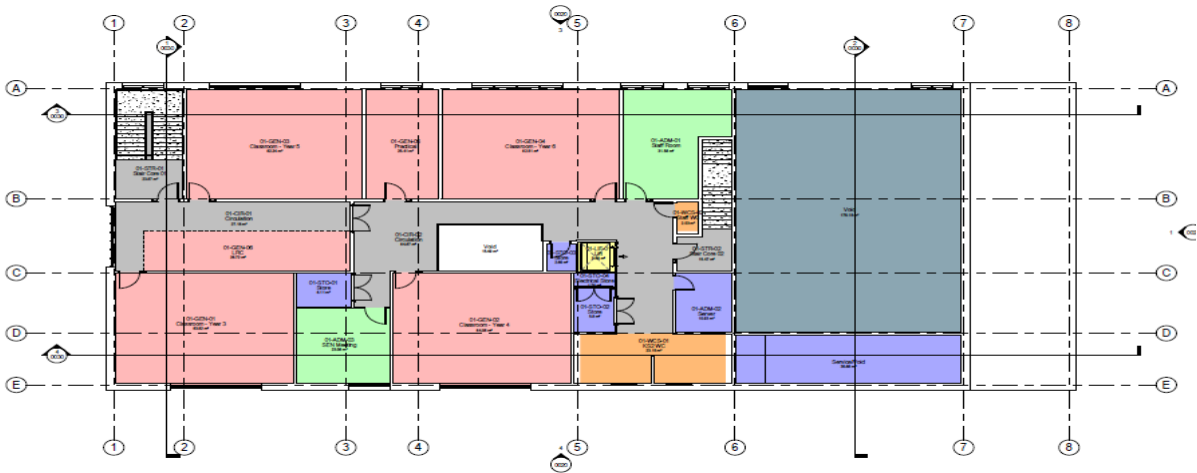
Layout Plan (N.B. the parking layout is not as proposed below):



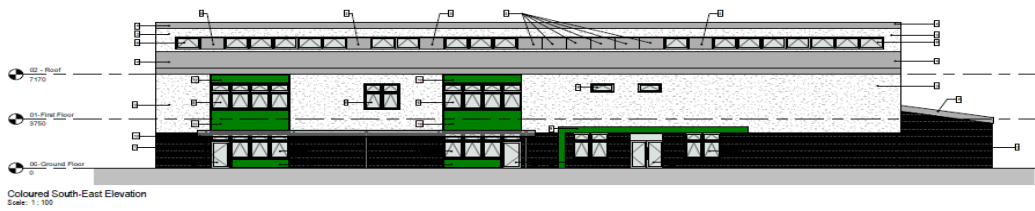
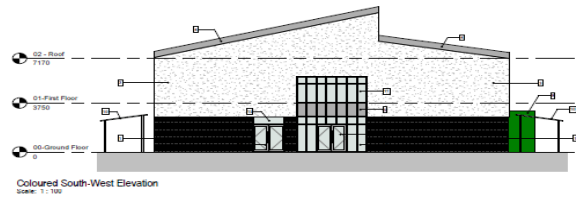
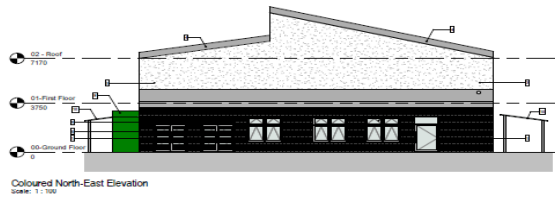
Ground Floor Plan:



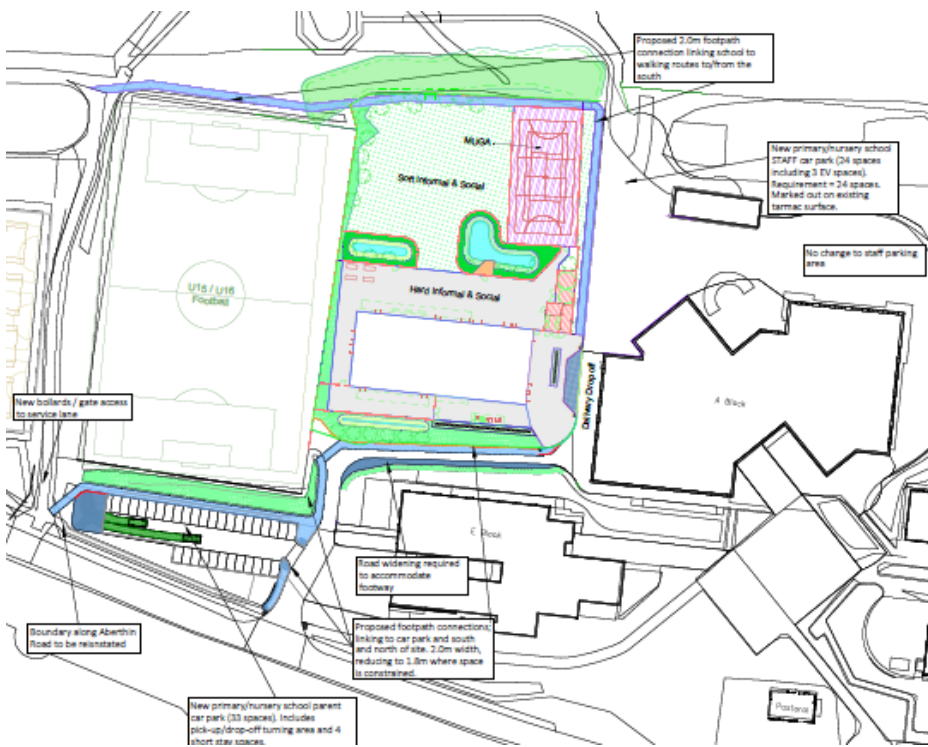
Proposed First Floor Plan:



Elevations:



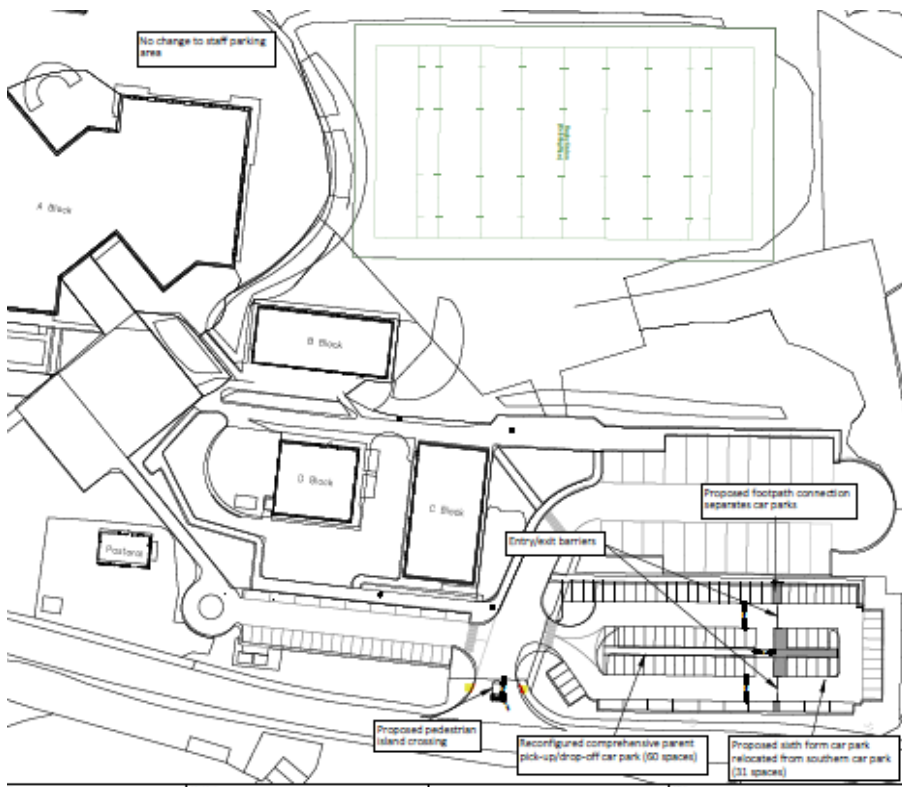
Site Layout with new pathways and parking areas for the primary school:



Layout of Staff Parking Area for Primary School:



Rearrangement of existing secondary school parking areas in the north:



Site Photos:

Proposed Primary School Site:

Site of path to east of 4G pitch

Proposed Site for Pick up/Drop Off:

Site of path to west of 4G pitch:



Existing Public Right of Way:

Primary School Site & Proposed Staff Parking



Site of path to west of school play area:

Pick up/drop off area for secondary school and proposed 6th form parking area:



PLANNING HISTORY

1993/00916/OBS, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Erect demountable classroom accommodation, Decision: Permittal (OBS - no objections/request conditions) 8th October 1993.

1995/00902/OBS, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Two storey teaching block, Decision: Permittal (OBS - no objections/request conditions) 20th October 1995.

1999/00360/REG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: New classroom block to replace existing demountable units, Decision: Approved 28th May 1999.

2000/01191/REG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Demolition of demountables and construct new single storey art block, Decision: Approved 23rd November 2000.

2005/00196/REG3, Address: Cowbridge Comprehensive School, (Land adjacent) Aberthin Road, Cowbridge, Proposal: Development of agricultural land for recreational school playing fields, Decision 13th May 2005.

2005/00930/FUL, Address: The flood plain of the River Thaw, upstream of Cowbridge, and adjacent to Mount Pleasant Farm, Cowbridge, Proposal: Flood Alleviation Scheme, Decision: Approved 29th September 2005.

2008/00903/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Minute No. 1979 (2002). New school building and associated playing fields including details of refurbishment of 4 no. buildings and demolition of 5 no. buildings, Decision: Approved 14th November 2008.

2008/01223/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Temporary sports facilities and changing rooms for a period of 5-years maximum, replacing existing gymnasium and changing room during construction period for the new school, Decision: Approved 14th November 2008.

2008/01602/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Temporary sports facilities and changing rooms for a period of 5-years maximum, replacing existing gymnasium and changing room during construction period for the new school, Decision: Approved 13th February 2009.

2013/00503/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: proposed single storey dining hall extension and 2 storey 6th Form area extension to B Block, Decision: Approved 18th July 2013.

2014/00536/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: Temporary sports facilities and changing rooms for a period of 5-years maximum, replacing existing gymnasium and changing room during construction period for the new school, Decision: Approved 4th July 2014.

2015/00070/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: The construction of a single extension to the existing Art Block, a

single storey extension to the existing Dining Hall/Kitchen and a proposed new two storey Reception Building within the grounds of Cowbridge Comprehensive School, Decision: Approved 18th March 2013.

2019/00553/RG3, Address: Caretakers House, Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: The change of use of the existing caretakers house from residential to use for Educational purposes under Use Class D1, Decision: Approved 24th July 2019.

2022/00034/RG3, Address: Cowbridge Comprehensive School, Aberthin Road, Cowbridge, Proposal: The construction of new first floor offices behind the existing Reception building. Decision: Pending

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 12th November 2021. They responded on 13th December 2021 advising that Members noted the alterations made regarding the traffic and parking issues raised in the Pre Application Consultation. However, the Committee reiterates its objection to this application and acknowledges members of the community who objected to the proposal by a majority vote in a recent consultation undertaken by 21st Century Schools. The Committee noted the site as overdeveloped with the proximity of the secondary school. Due to the current traffic issues at the proposed site the committee noted that increasing the site with a further 200 plus pupils will cause increased traffic issues. The emergency services also raised concerns about congestion and possible delays in response times during peak hours. With close proximity to the A48 the committee is concerned of the impact increased noise and pollution will have on students commuting and whilst in school. Part of the new school site has been identified as at risk of flooding as per the modelling in the application. Welsh Water have previously stated that the water network within the area is already at capacity and with further development would strain the stretched network within Cowbridge. The committee also has major concerns regarding a new proposed access onto the highway (Aberthin Road).

Cowbridge with Llanblethian Town Council were reconsulted on 20th January 2022 following the submission of a revised location plan. They have responded on 10th February 2022 advising that the Town Council do not have resources to examine the details of an application like this, particularly the technical updates. They reiterate their objections previously stated, and their concern that the local authority is ignoring the expressed views of the majority of the community. There is insufficient space for a primary facility encompassing the significant outdoor space required by the latest curriculum and that is before consideration of the very considerable traffic and associated issues that will undoubtedly ensue alongside the child protection.

Shared Regulatory Services (Environment Team) were consulted on 12th November 2021. They responded on 15th November 2021 advising that although no geoenvironmental issues were identified in the ground investigation report, available records indicate that the development formed part of the construction site compound during the Cowbridge School development circa 2008/9. The potential for contamination cannot be ruled out and SRS request the inclusion of the 'unforeseen contamination' condition as part of the consent (**Condition 18 refers**).

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Shared Regulatory Services request the inclusion of conditions and an informative statement to address these issues (**Conditions 18-21 refer**).

Shared Regulatory Services (Neighbourhood Services) were consulted on 12th November 2021. They responded on 18th January 2021 advising that they have no observations on the application, but would recommend a Construction Environmental Management Plan to control the construction phase of the site (**Condition 4 refers**). They were reconsulted on 20th January 2022 due to the submission of a revised location plan, but no further comments have been received at the time of writing this report.

South Wales Police commented on 24th November 2021, making observation with a view to the Secured by Design (SBD) Gold Award being made for the new school development.

Natural Resources Wales were consulted on 12th November 2021 and 20th January 2022. They responded advising they have no objection to the development as submitted, and their advice within their response to the statutory pre-application consultation is still relevant. NRW's PAC response is as follows:

Based on the information provided, they would have no objection to the proposed development.

The planning application proposes highly vulnerable development, a school. The Flood Risk Map confirms the application site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15. Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, affirm that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). However, they recognise the highly vulnerable use already exists and the proposal seeks an additional educational facility on site.

Based on this, they have reviewed the Flood Consequences Assessment to provide technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of Technical Advice Note 15. In this instance, they are satisfied that the risks and consequences of flooding are manageable to an acceptable level. Therefore, they would have no objection to the application as submitted.

They would advise the Local Planning Authority that no information has been provided on flood depths, velocities, rate of rise or speed of inundation as per A1.15 of TAN15 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014.

The application site is within 450m of Cors Aberthin Site of Special Scientific Interest (SSSI). Based on the information submitted, they would consider that the proposed development is not likely to damage the features for which Cors Aberthin SSSI is of special interest.

The Preliminary Ecological Appraisal has identified that European Protected Species were not using the application site. They would therefore have no adverse comments to make on the application as submitted in respect of this issue.

The **Council's Highways Development Team** were consulted on 12th November 2021. They responded on 26th November 2021 with a number of queries and observations regarding the layout of parking areas, start and finish times, the extent of the catchment area, access arrangements for the area under the bypass and the proposed pedestrian refuge island at the northern car park access, the calculation of modal split in the Transport Assessment and the provision of electric charging points.

The **Council's Highways Development Team** were reconsulted on 20th January 2022 due to a revised location plan and were subsequently asked for further comments due to a revised Transport Assessment. They responded on 16th February 2022 advising that there is no objection to the proposals subject to conditions in respect of improvements to the existing car and bus park access and junction, active travel improvements, a revised travel plan, details of the proposed pick up and drop off area for the new primary school.

Active travel links to the site are required to aid in more students travelling to school via more sustainable active travel modes of transport. The routes need to be safe and attractive, the key route is the one under the A48 Cowbridge Bypass. This is required to be improved by provision of lighting and access control for vehicles being installed.

The level of parking across the site is deemed acceptable but the highway authority would like to ensure that all the drawings associated with the application are mutually compatible in layout of the parking areas and active travel links.

Safety concerns have been highlighted in the comprehensive school car park area and improvements are required as part of this development and to allow for better crossing facilities for children travelling from Aberthin.

It would also be beneficial to ensure that each of the schools opening and closing times are staggered to reduce the impact of traffic on the surrounding area. This coupled with improved active travel links and a robust travel plan could potentially reduce the impact of traffic in the surrounding area.

Issues have been highlighted with regard to the shutting of the existing car park and buses parking along Aberthin Road waiting for school gates to open. Engagement between the school, bus contractors and the council's highways and transport sections should be sought to enable improvement of this situation.

Dwr Cymru Welsh Water were consulted on 12th November 2021. They responded on 3rd December 2021 advising that the development is in an area where there are severe capacity issues on the network. In order to establish what would be required to serve the site with an adequate water supply, it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network.

The proposed development site is crossed by a public sewer. Having regard to the proposed site layout, it appears the proposed development would be situated within the protection zone of the public sewer measured 3 metres either side of the centreline.

The foul flows only from the proposed development can be accommodated within the public sewerage system. They will seek to control points of communication via appropriate planning conditions and therefore recommend that any drainage layout or strategy submitted as part of the application takes this into account.

Advise that approval of Sustainable Drainage Systems features are required by the SuDS Approving Body (SAB) for surface water drainage.

Have requested advisory notes in respect of connections to a public sewer and their assets.

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Dwr Cymru Welsh Water were reconsulted on 20th January 2022 due to a revised location plan. They responded on 9th February 2022 again advising that the proposed development site is crossed by a public sewer, and that approval of Sustainable Drainage Systems features are required by the SuDS Approving Body (SAB) for surface water drainage. They request a condition for surface and foul water drainage, and again advisory notes in respect of connections to a public sewer and their assets.

The **Council's Ecologist** was consulted on 12th November 2021 and was reconsulted on 20th January 2022 due to a revised location plan. They responded on 9th February 2022 advising a holding objection on the application for the following reasons:

- i. That the provision of a hibernaculum and grass snake mounds are added to the enhancements in 6.3
- ii. That local seed is used for any species rich grassland creation
- iii. That the total of the enhancements in 6.3 are identified on the plans together with designs, specifications or guidance where appropriate
- iv. That the access routes are plotted in such a way that an assessment can be made of their impact on landform and vegetation
- v. That confirmation is given that connectivity in the landscape through trees, hedgerows and vegetation is not adversely affected by the provision of the new routes.

They advise there is a significant bat roost to the south at the former Cowbridge Comprehensive School. The Preliminary Ecological Assessment Report (PEAR) is correct in assuming that this area will have significant importance for commuting and feeding for bats. Bearing in mind the need for more sustainable modes of travel to school a set of paths is proposed (Hydrock drawing number - 17637-HYD-XX-XX-DR-TP-0602). This leads to a possible area of concern.

As the PEAR notes there is no lighting strategy and the addition of pedestrian/cycle routes on the plan above could lead to a need for these routes to be lit. Therefore, a planning condition is requested that a Lighting Strategy is produced that shows all the lighting proposed including access routes and notes the contents of paragraph 6.2.3 in the PEAR. The Strategy will need to be approved before work commences (**condition 22 refers**).

Following the submission of further information, The **Council's Ecologist** provided further comments on 18th February 2022. These advise that the holding objection is withdrawn providing that the Lighting Strategy and Soft Landscaping Plans are conditioned and subject to approval before work commences on site (**conditions 9, 10 & 22 refer**). The comments regarding lighting remain as above.

Further details have been provided of plant species to be used some of which do not qualify as native even though they have been identified for native planting areas, and other changes are suggested to the planting schedule. A planning condition is requested in terms of the landscaping plans in order to satisfy the parameters set out by the PEAR, to reflect local species in the Vale and to add to the educational opportunities that the planting could provide. As noted previously the list of enhancements detailed in 6.3 are excellent but they need to be translated onto the working drawings to show their location in order for them to be implemented. This could be covered within the soft landscaping plan condition (**conditions 9 & 10 refer**).

Sport Wales and Fields in Trust were consulted on 12th November 2021 and were reconsulted on 20th January 2022 due to a revised location plan. Field in Trust responded on behalf of Sport Wales on 11th February 2022 advising that they could not find any information on whether there is community use of the secondary school's facilities currently and also any plans to share the facilities with the wider community as part of the proposal. They would urge that this issue is considered if it hasn't been already. They note that the proposal includes a reduction of just under 10,000 square metres of secondary grass pitches (which are to be shared with the new primary school). This is from a total of 41,058 square metres, which is acknowledged as being lower than recommended. They note that there will be more MUGA space in the new development but do not believe that this outweighs the loss of almost 25% of the grass pitch space, therefore Sport Wales objects to the application.

Glamorgan Gwent Archaeological Trust commented on 16th February 2022 advising that both the submitted desk-based assessment and modern aerial photography indicate recent large-scale ground intrusion works in the proposed development area. It is likely that such previous construction activities have had an adverse effect on any potential remains that may be present. Therefore it is unlikely that significant archaeological remains will be encountered during the course of the application. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, they have no objections to the positive determination of this application.

The Members for Cowbridge Ward, the Council's Public Rights of Way Officer, the Council's Drainage Section, the Council's Landscape Section, The Council's Estates Team and the Open Spaces Society were consulted on 12th November 2021 and on 20th January 2022 due to the receipt of a revised location plan, but no comments have been received at the time of writing this report. The Council's Transport and Road Safety Team have not commented, but they have had the opportunity to provide the Highways Development Team with their views for inclusion in the Highways Development Team's comments.

REPRESENTATIONS

The neighbouring properties were consulted on 12th November 2021, 16th December 2021 and 21st December 2021, and on 20th January 2022. Site notices were displayed on 2nd

December 2021 and 27th January 2022. The application was also advertised in the press on 18th November 2021 and 27th January 2022.

Representations have been received from 3 neighbouring properties (32 Middlegate Court; Ivydene, Penylan Road; and an unknown address) objecting to the development. These are summarised as follows:

- Concerns regarding the quality of the transport assessment;
- The school is too far for children to walk;
- Queries regarding whether there is a right of way crossing the site;
- The proposal will exacerbate existing traffic problems in the area;
- The proposal will exacerbate problems with dangerous parking at drop off/pick times;
- The Council has not considered all the options for a new school;
- Querying the demand for primary school places and the need for the school;
- The proposal would adversely impact future development on the secondary school;
- Discrepancies between the plans;
- There have been a lot of local objections to the proposal.

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 MG6 – Provision of Educational Facilities

POLICY MG17 – Special Landscape Areas

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

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD3 - Provision for Open Space

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 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

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.

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.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

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
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

Chapter 4 - Active and Social Places

- Transport
- Recreational Spaces

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy is in the form of the Welsh National Marine Plan (2019) (WNMP). 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. WNMP is of limited relevance in the assessment of this planning application.

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)
- Design in the Landscape (2006)
- Minerals Safeguarding (2018)

- Parking Standards (2019)
- Sustainable Development - A Developer's Guide (2006)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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

- Open Space Background Paper (2013)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 11/99 – Environmental Impact Assessment

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 key considerations are the principle of the proposed development, the sustainability of the proposed location, impact on the countryside, visual impact, the loss of the playing field, highways, traffic and parking impacts, the potential for active travel to the site, ecology impacts and flood risk and drainage.

Principle and Sustainability of Location

Policy 6 of Future Wales directs significant new education facilities into town and city centres and requires a sequential approach to their siting. Paragraph 4.3.21 of Planning Policy Wales also suggests that a sequential approach should be taken to the location of educational establishments, with their location in retail and commercial centres being considered first, and then edge of centre sites before out of centre sites are considered. However, a need for flexibility is also acknowledged.

In this case, there would be no suitable sites available within the district centre of Cowbridge due to the size of site that would be required. The option of expanding the existing Y Bont Faen Primary School Site has been considered, which would be closer to the district centre and in the settlement boundary. However, this has been dismissed due to site constraints meaning it would not be possible to retain current provision on the site while construction work was taking place.

One key reason for the above approach is to promote such development in locations where it is accessible by modes of transport other than a private car.

The existing public right of way network provides a walking route from the existing secondary school site into the district centre. If the proposed new pathway is provided to the west of the existing 4G pitch in the south of the site, the route between the edge of the district centre and the new primary school site is approximately 610 metres. Using Aberthin Road, which has a footway and is lit, the distance to the edge of the district centre is approximately 500 metres.

Therefore, the site is considered accessible from the centre by active travel modes. This also gives the opportunity for walking from residential areas via the centre, and from residential areas between the centre and the school.

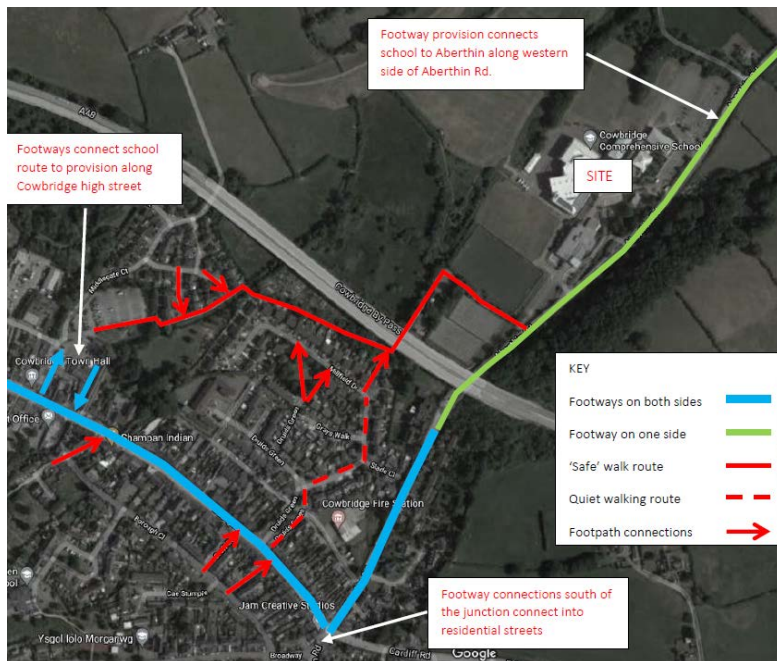
There is also the opportunity to access the site via public service buses from the district centre and on Aberthin Road, but times of arrival of the services in the morning are likely to limit such use.

The site is outside the settlement boundary for Cowbridge and therefore it should be considered whether the site is within a sustainable location, and its impact on the countryside should also be considered, in accordance with Policy MD1 (Location of New Development) of the Local Development Plan.

The wider school site is approximately 22 metres from the edge of the settlement boundary and its accessibility by active travel modes from the district centre is discussed above. As it will be located on the existing secondary school site, the proposed primary school will benefit from the existing school infrastructure and facilities that are in place on the site. As such, the site is considered to be a sustainable location for the development of a primary school.

Furthermore, the established use of the wider site is already for educational purposes (rather than agricultural land outside the settlement boundary). The proposal is therefore considered to comply with LDP Policy MD1 (Location of New Development) in respect of being in a sustainable location for the development and would not undermine the role and function of Cowbridge as a Service Centre Settlement.

Local Walking Routes (Extract from Travel Plan):



Impact on the Countryside and Visual Impact

In respect of the impact on the countryside and visual impact. The building will be located on a site adjacent to an existing two storey and three storey building. The proposed design of the building is contemporary, particularly with the use of the asymmetrical roof forms. The design and form of the proposed school would be reflective of the contemporary buildings that form part of the existing school and the use of brick at ground floor level and render at first floor level, with a dark grey standing seam roof as considered acceptable in principle, subject to full details being submitted by condition (**Condition 11** refers). In particular the siting proposed would assist in reducing its impact on the countryside and when viewed holistically as part of the wider school site is not considered to have a significant impact on the Special Landscape Area.

Photovoltaic panels are also proposed for the roof of the building, although these are not shown on the elevation drawings. However, photovoltaic panels would not, in principle, be considered to have an adverse impact on the countryside and a condition is recommended for these (**condition 15** refers).

No works are taking place within the area predicted as Grade 2 agricultural land. As such the proposal is not considered to impact on the best and most versatile agricultural land.

The proposal is therefore considered to comply with Policy MD1 (Location of New Development) of the Local Development Plan in respect of its impact on the countryside. The proposal is also considered to comply with Policy MD2 (Design of New Development) and Policy MG17 (Special Landscape Areas) of the Local Development Plan in respect of its visual impact.

Loss of the Playing Field

In respect of the loss of the rugby field which is used by Cowbridge Comprehensive School, paragraph 4.5.4 of Planning Policy Wales requires all playing fields to be protected

from development, but lists exceptions to this: where facilities can best be retained and enhanced through the redevelopment of a small part of the site; alternative provision of equivalent community benefit is made available locally, avoiding any temporary loss of provision; or there is an excess of such provision in the area.

It is noted that the size of the site where the playing field is to be lost is approximately 0.65 hectares in size.

Paragraph 4.5.5 of Planning Policy Wales advises that planning authorities should protect playing fields and open spaces which have significant amenity or recreational value to local communities from development. It is understood that while arrangements could be made for the community use of the existing rugby field if required, this only occurred on an ad-hoc basis and there is no regular use of the field by a club nor by local communities that would be displaced due to its loss.

In terms of the potential for the wider use of the existing playing field, the Council's Open Space Background Paper (September 2013) identified an over provision of 4.92ha of outdoor sport space within Cowbridge ward, using the Fields in Trust 1.6 hectare per 1000 head of population standard. Therefore, the loss of provision is considered to accord with the third of the exceptions listed in Planning Policy Wales, namely excess of such provision in the area.

Given the above, the loss of the rugby field and of open space more generally to construct the primary school, this is not considered to have a significant impact on the wider community.

The new facilities within the primary school will be available for community use. New schools built by the Council are promoted as having community facilities available for use, however, it will be for the school management to decide how their use is promoted.

A MUGA of approximately 700 square metres in size is to be provided as part of the new primary school, as is approximately 1600 square metres of soft informal play space and approximately 1100 square metres of hard informal space. As such the open space within the wider school site is reduced by approximately 0.31 hectares. The new spaces would provide space for multiple sports, games and other outdoor activities. Paragraph 4.5.6 of Planning Policy Wales encourages multiple use of open spaces and facilities to increase their effective use, and the facilities provided allow for that flexibility of use.

The primary school pupils would also have access to the remaining secondary school playing fields.

The applicant considers that the remaining provision of playing fields and the new outdoor provision to be made would satisfy the needs of both the proposed primary school and that of the existing Cowbridge Comprehensive School.

As such, the loss of the rugby field provision of sport and play space within the new primary school is considered acceptable and to accord with Planning Policy Wales and Policy MD2 (Design of New Development) in this respect, and that there is a potential opportunity for greater use of the new facilities by the local community

In addition, while not part of this application (or any separate current planning application) the authority have been advised that it is the intention to progress a MUGA of 5,598 sq m to replace existing grass pitches on the site. This would provide an all-weather surface for multiple sports and games. A planning application is expected for this shortly and without prejudice to the determination of that application, if approved would provide improved sports and games facilities for use by both the primary and secondary school.

Highways, Traffic and Parking Impacts

The proposal is accompanied by a Transport Assessment, as required by Technical Advice Note 18 (Transport).

There are two vehicular accesses into the existing school site from Aberthin Road. The northern access is controlled by signals during peak drop off/pick up times only and is used for staff parking, coach drop off and pick up and for drop off/pick up of pupils in private cars. The southern access is used for staff parking, minibus parking, visitors and pupils with accessibility needs.

The proposal is for the primary school to use the southern access, with primary school staff parking provided on the existing mini bus parking area (the mini buses will be moved to the coach parking area). The existing staff parking area to the south of the access will be reconfigured to provide a drop off/pick up area for primary school pupils. The use of the southern access will reduce the potential conflicts that could arise with primary pupils being dropped off and picked up in the same area as the secondary school pupils.

Secondary school staff parking takes place at the rear of the school and will continue to be accessed from this junction, as will visitor parking for the secondary school and parking for secondary school pupils with accessibility needs. However, apart from pupils with accessibility needs, these users are far less likely to access and leave the site at the same time as pupils are being dropped off/picked up.

As part of the proposal, the northern end of the car park currently used for secondary school drop off/pick up will be reserved for sixth form parking. This will then remove the need for the current parking for sixth form students under the A48 flyover, which is accessed via the lane south of the school site. This will therefore provide an opportunity to use this lane for safer active travel access (see below).

In terms of parking provision for the primary school, with nursery, the Council's Parking Standards Supplementary Planning Guidance requires a maximum of 1 space per each member of teaching staff, 1 space per two ancillary staff, 3 visitor spaces and 1 commercial space. It also advises that an area should be provided for picking up and setting down of school children.

The new school is proposed to have 18 full time equivalent teaching staff and 4 full time equivalent ancillary staff. This generates an overall maximum requirement of 20 parking spaces. With the provision of 3 visitor spaces and 1 commercial space, this results in a maximum requirement of 24 spaces, which is provided in the proposed car park. Three spaces are proposed to be provided with electric charging point, which accords with the 10% of spaces that require electric charging points, as required by Policy 12 of Future Wales.

In respect of drop off and pick up of primary school pupils, using TRICS software it has been predicted that in a worst case scenario, 30 spaces will be needed for this at any one time (13 vehicles dwelling on site while taking children to/fetching them from the school building and 17 more arriving). 33 spaces are actually proposed for this purpose.

The proposal will result in the loss of 31 parking spaces for secondary school staff. The secondary school employs 71 full time equivalent teaching staff and 33 full time equivalent ancillary staff. The maximum parking requirement in the Parking Standards SPG for secondary school staff is 1 space per each member of teaching staff and 1 space per 2 ancillary staff, which would generate a requirement for a maximum of 88 spaces in this case. Given that 100 spaces are still proposed to be provided for secondary school staff parking, this is considered this is a satisfactory level of parking for this number of staff.

In respect of sixth form parking, a maximum of 1 space is required per students age 17 or over. There are currently 255 sixth form pupils over 17 on role, which would require a maximum provision under the Parking Standards of 26 spaces. 31 spaces are provided for sixth form parking which is considered satisfactory.

The proposals will also result in the loss of 30 parking spaces for drop off/pick up of secondary school pupils. However, it is considered that due to the older age of the children, most vehicles are unlikely to need to park and can circulate around the car park to drop off/pick up.

The Council's Highways Development Team have advised that they consider the level of proposed parking provision on the wider school site acceptable.

In respect of traffic impact, the proposal will result in an increase in trip generation on the highway network at peak times for drop off and pick up of school children, including additional traffic arriving at the junction of Aberthin Road/Cardiff Road/St Athan Road/Eastgate. This has the potential to increase traffic congestion at these times of day. However, varying start times, the provision of a breakfast club and after school clubs as set out in the travel plan (see below for further details of the travel plan) will help to prevent all vehicles arriving/leaving the site at one time.

School Start/Finish Times (extract from Travel Plan):

4.2 School Operation - Staggered Timetables

4.2.1 The school will operate with a staggered timetable to better manage the parent drop off/pick up times. The following time are proposed:

- Lower School (Nursery to Year 4) 07:45 - 18:00
 - » 07:45 - 08:45 Breakfast Club
 - » 08:45 - 15:30 Statutory Education

- » 15:30 - 18:00 After School Provision
- Middle School (Years 5 to 8) 08:00 - 18:00
 - » 08:00 - 08:45 Breakfast Club
 - » 08:45 - 09:10 Assembly / Registration
 - » 09:10 - 15:00 Statutory Education
 - » 15:00 - 18:00 After School Provision (Years 5 and 6 only - after school clubs would operate for older pupils as option)
- Senior School (Years 9 to 11) 08:00 - 15:00
 - » 08:00 - 09:00 Breakfast and Options Wellbeing/Tutor Time
 - » 09:00 - 09:10 Assembly / Registration
 - » 09:10 - 15:00 Statutory Education
 - » 15:00 onwards - after school clubs would operate as option
- Sixth Form (Years 12 and 13)
 - » This timetable will be the same as the Senior School but with more flexibility as the current timetable already facilitates. Formal lesson time begins at 09:10 with optional pastoral care and optional care and support.

It is also considered that interventions due to the proposed school travel plan and providing a route for safe active travel would reduce the additional traffic generated.

Therefore, subject to the provision of suitable measures to encourage active travel, the proposal is considered acceptable in respect of parking provision and its impacts on traffic and highway safety, and in accordance with Policy MD2 (Design of New Development) in this respect.

In respect of concerns raised regarding existing drop offs at the secondary school occurring after the gates close at 8:15 resulting in dropping off on Aberthin Road and unsafe turning movements, it is proposed that the school gates will remain open for dropping off until 8:30, as set out in the Transport Assessment. In respect of concerns regarding coaches queuing on Aberthin Road before the gates to the coach parking area open at 14:15, it is considered a matter for the school to liaise with the coach companies about their scheduling. It is not considered possible to open the gates earlier in the afternoon due to use of the parking areas by secondary school pupils for play and for fire assembly. These matters relate to the existing situation at the site and are considered to be matters for the school management to address, rather than for control by planning conditions.

Active Travel and Travel Plan

The site is considered to be in a sustainable location as described above and therefore there is potential to encourage modal shift among staff and students of both the existing secondary school and the proposed primary school, and therefore reduce the demand for travel to the site by car.

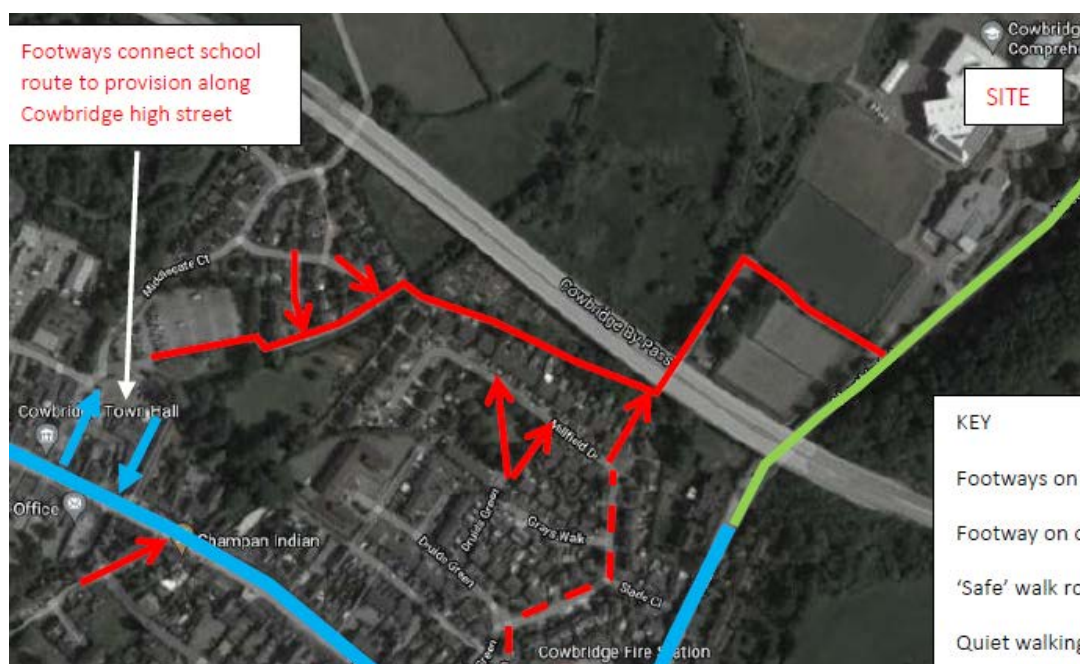
The submitted Travel Plan is a Framework Travel Plan. The Travel Plan is intended to be for adoption by the whole school site, i.e. both the primary school and the secondary school. This aims to increase the awareness of travel by methods other than the private car, and to reduce the need to travel by private car, to achieve a continued reduction in car

based trips. It contains measures such as the provision of cycle and scooter parking, providing travel information, promoting and participating in events to encourage walking and cycling, organising walking buses, provision of a cycle to work scheme, cycle maintenance and accessories at a low cost, road safety initiatives and encouraging car sharing. Annual travel surveys are proposed to monitor progress and an annual monitoring report produced. The travel surveys will be used to update the travel plan which shall be secured by condition (**Condition 14** refers)

However, the Travel Plan is primarily targeting modal shift in staff and sixth form students, with a target to reduce single occupancy vehicle trips for staff by 10% of the overall modal share within a three year period. While it is acknowledged that it is more difficult due to less control over travel behaviour, it is also considered that targets should be set for pupils (as well as sixth form pupils) to encourage active travel to school. Measures for encouraging modal shift for pupils and parents are part of a condition requested by the Council's Highway Development Team (**Condition 14** refers).

In order to provide a safe walking route for active travel, it is proposed that the lane adjoining Aberthin Road in the south of the site (that forms the entrance to the public right of way network into the district centre and to Millfield Drive) should be closed to all traffic, unless access is required. This will be done through the provision of access bollards or a locked gate, with keys provided to users, which at present include those using the cadet hall, utilities compound and allotments. The lane will no longer be accessed for sixth form parking, as that is proposed to be moved within the school site as described above. Therefore, while this will not be completely traffic free, the use of the route by vehicular traffic will be controlled and infrequent. It is also proposed that this route shall be lit to improve its usability during the winter. This will benefit both the primary school and secondary school pupils as a route to get to and from school by means of active travel (**Condition 12** refers).

Route for Active Travel (Solid Red Line):



Pathway connections are proposed within the school site to this route. However, no details are provided of ground works, including works to the adjacent banks to create these new

pathway connections. While such works are not considered likely to have any adverse impacts, a condition is recommended to provide these details, to ensure clarity in respect of the works required and that the pathway connection on the school site are provided to a suitable standard to encourage active travel (**Condition 24** refers).

In addition, improvements to the junction forming the northern access to the site are proposed, including a pedestrian refuge island which will allow better crossing facilities for children walking to school from Aberthin and encourage active travel from the north (**Condition 7** refers).

In terms of cycle and scooter parking, the proposed bicycle shelter is considered to provide an acceptable level of cycle parking for pupils and staff of the new primary school to accord with the Council's Parking Standards Supplementary Planning Guidance. It is considered that separate additional visitor cycle parking should be provided (this could be in the form of Sheffield type stands) to provide sufficient levels of visitor cycle parking in accordance with the SPG (three visitor cycle parking spaces are required), ensure that visitor cycle parking is available for visitors and to make it clear where visitors can park their bicycles. This can be secure by condition (**Condition 13** refers). No standards are set out for scooter parking in the SPG, however parking for 24 scooters is proposed and this is considered acceptable to encourage another mode of active travel that may be more attractive to younger children and their parents.

The conditions requested as referenced above by the Council's Highway Development Team have been recommended, albeit with amended wording. This includes limiting the surveys and reports that have to be submitted to the Local Planning Authority in respect of the Travel Plan to a period of ten years. This is considered sufficient time to allow the proposed school to reach full capacity (7 years) and monitor the travel behaviour across the whole site (**Conditions 7, 8, 12 and 14** refer) .

Subject to conditions, the proposal is considered to satisfactorily promote active travel and to accord with Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan in that respect.

Ecology

The proposed primary school and associated pathway works are adjacent to a SINC, consisting of semi-natural broadleaved woodland, which is partially within the wider school site, forming an ecology area for the school which is accessed via timber boardwalks. There is also a pond within this area.

The proposal will result in removal of smaller trees adjacent to the SINC and clearance of a small amount of scrub to allow the proposed new pathway to the west of the existing 4G pitch to be constructed and to connect with the existing public right of way network. The creation of paths will also result in hedgerow on the boundary of the SINC having to be cut back.

Such work will need to avoid bird nesting season, and consideration will be required to potential for dormouse and great crested newts during construction, and a condition is recommended in this respect. However, it is not considered the works will have a significant impact on the SINC.

Lighting will be required for the site, and to improve the existing right of way network. This has the potential to disturb commuting corridors for bats, badgers and hedgehogs, and also newly created habitat features on the site provided as biodiversity enhancements. A condition (**Condition 22** refers) has been recommended for the provision of lighting on the site, including lighting on the proposed new pathways to prevent adverse impacts on wildlife. **Condition 12** requires lighting to improve the public right of way network.

A landscaping plan has been provided, and a condition is recommended for the provision of a detailed landscaping scheme within the primary school site (**Condition 9** refers). The Council's Ecologist has advised that, in accordance with the Preliminary Ecological Assessment Report for the primary school site, native species should be provided in the scheme which reflect local species in the Vale of Glamorgan and this requirement has been included as part of the recommended condition.

The Preliminary Ecological Assessment Report (PEAR) for the primary school site recommends a number of other enhancements for biodiversity within the primary school site. The soft landscaping strategy plan shows proposals for a hibernaculum, bat boxes, bird boxes, bee boxes/banks, a snake mound and log piles. The Council's Ecologist has advised that the enhancements recommended in the above PEAR need to be translated onto working drawings to show their location in order for them to be implemented. A condition is therefore recommended to provide further details of enhancements (**Condition 17** refers).

In addition, prior to the installation of fencing on the site, it is considered that details of fencing that is hedgehog friendly, i.e. provides gaps for hedgehogs and other small mammals to pass through, should be provided (**Condition 23** refers).

Subject to the above conditions, the proposal is considered to be acceptable in respect of its impact on ecology and the provision of biodiversity enhancements, in accordance with Policies MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 (Promoting Biodiversity) of the Local Development Plan.

Flood Risk and Drainage

In respect of flood risk, the site is partially within a C2 Zone for Flood Risk. However, although the proposed play areas for the primary school will be in this zone, the proposed building falls entirely outside it. In respect of potential surface water flooding, the design includes SuDS features for surface water drainage, and a separate application will be required to the Council as Sustainable Drainage Approving Body (SAB) for these arrangements. An informative note is recommended advising of this.

Turning to Dwr Cymru Welsh Water's comments, the matters regarding water supply are considered matters for the applicant and Dwr Cymru Welsh Water to resolve separately to the planning application. A condition has been recommended (**Condition 6** refers) to agree foul water drainage and the informative notes requested by Dwr Cymru Welsh Water have also been recommended. As an application to the SAB is required for surface water drainage, it is not considered a condition is required for this.

Given the above and that Natural Resources Wales have not objected, the proposal is considered acceptable in respect of flood risk and to accord with Planning Policy MD7 (Environmental Protection) in this respect.

Other Issues

The proposed development would slightly encroach on the areas safeguarded for their mineral resources, but this is not considered to have a significant impact on the availability of mineral resources.

The conditions and note requested by Shared Regulatory Services in respect of contaminated land have been recommended. The conditions (**Conditions 18 – 21** refer) and they have requested a construction environmental management plan, which is also recommended (**Condition 4** refers). The observations made by South Wales Police (by the Designing Out Crime Officer) are matters for the applicant to consider in the design, operation and management of the building, and have been forwarded to the applicant's agent. They are not considered matters for the Local Planning Authority to control and therefore no conditions have been recommended in response to these comments.

In respect of the concerns raised regarding the impact of external noise and pollution (particularly from the A48) on primary school pupils, the proposed building will be constructed using materials which allow it to meet the necessary standards for noise levels that are low enough to minimise disturbance for pupils. The standards required are set out in Section 1 of Building Bulletin 93: Acoustic design of schools: performance standards, February 2015 (BB93). The Design and Access Statement confirms this can be achieved and a note on additional site noise measures has also been provided advising on noise levels and ventilation requirements due to this. Shared Regulatory Services have recommended conditions regarding contaminated land, to prevent impacts due to the potential for this, but no concerns have been raised by Shared Regulatory Services regarding the susceptibility of children to the impacts of air pollution and noise, and these matters are not considered to require any further consideration in this planning application.

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:

26Z003-HLM-00-00-DR-A-000 Rev P06 Proposed Site Location Plan (received 19th January 2022)

26Z003-HLM-00-00-DR-A-0003 Rev P05 Proposed Site Layout Plan (received 22nd October 2021)

26Z003-HLM-01-00-DR-A-0010 Rev P04 Proposed Ground Floor Department Plan (received 22nd October 2021)
26Z003-HLM-01-01-DR-A-0011 Rev P03 Proposed First Floor Department Plan (received 22nd October 2021)
26Z003-HLM-01-ZZ-DR-A-0020 Rev P04 Proposed Coloured Elevations (received 22nd October 2021)
26Z003-HLM-01-ZZ-DR-A-0030 Rev P04 Proposed Coloured Sections (received 22nd October 2021)
26Z003-HYD-XX-XX-DR-C-0500 Rev P02 Proposed Levels (Engineering Layout) (received 22nd October 2021)
26Z003-HYD-XX-XX-DR-C-0600 Rev P02 Proposed Drainage Layout (received 22nd October 2021)
26Z003-HYD-XX-XX-DR-C-0700 Rev P03 Proposed Surfacing and Kerbing Layout (received 22nd October 2021)
26Z003-HYD-XX-XX-DR-C-0701 Rev P01 Car Park and Footpath Route General Arrangement (received 9th February 2022)
26Z003-HYD-XX-XX-DR-TP-0602 Rev P06 Proposed Indicative Parking and Pedestrian Connections (received 14th February 2022)
26Z003-HLM-XX-ZZ-DR-L-0001 Rev P13 Landscape GA Plan (received 9th February 2022)
26Z003-HLM-XX-ZZ-DR-L-0003 Rev P5 Site Sections (received 9th February 2022)
26Z003-HLM-XX-ZZ-DR-L-0005 Rev P5 Landscape Masterplan (received 9th February 2022)
26Z003-HLM-XX-ZZ-DR-L-2501 Rev P7 Fencing and Gates (received 9th February 2022)
26Z003-HLM-XX-ZZ-DR-L-3001 Rev P7 Hard Landscape Strategy (received 9th February 2022)
26Z003-HLM-XX-ZZ-DR-L-3012 Rev P01 Site Furniture Details (received 21st December 2021)
26Z003-HLM-XX-ZZ-DR-L-4501 Rev P9 Soft Landscape Strategy (received 17th February 2022)
26Z003-HLM-XX-ZZ-DR-L-4503 Rev P03 Planting Schedule (received 17th February 2022)
Proposed Additional Access Restrictions Layout (received 9th February 2022)
Scooter Pod Details (received 21st December 2021)

Reason:

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

3. No development shall take place, nor any demolition works or site clearance, 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 26Z003-HLM-00-00-DR-A-00003 P05 (Proposed Site Layout Plan). The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development.

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 MD2 (Design of New Developments) of the Local Development Plan.

4. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

5. No development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include details of sensitive site clearance with respect to dormouse, great crested newts and breeding birds.

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

Reason:

In the interests of ecology and to ensure compliance with Policies 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.

6. No development shall commence until details of a scheme of foul water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the points of connection to the public sewerage network and shall be completed in accordance with the approved details prior to the use of the development and retained in perpetuity.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect health and safety and ensure no detriment to the environment and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

7. Prior to commencement of development, details of the proposed improvements to the existing northern car and coach park access/junction area shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of a new pedestrian crossing refuge island, installation of guard railing and the addition of footpaths. The approved details shall be implemented prior to beneficial occupation of the primary school hereby approved.

Reason:

In the interests of highway/pedestrian safety, in accordance with Policy MD2 (Design of New Development).

8. Prior to commencement of development, a full layout and details of the proposed pick up and drop off car parking area for the new primary school hereby approved shall be submitted to and approved in writing by the Local Planning Authority. A drawing at a scale of 1:250 shall be provided of the parking area, footways and access from Aberthin Road. The development shall be carried out in accordance with the approved details.

Reason:

In the interests of highway safety, to enable sufficient and suitable provision and layout to reduce potential for vehicular and pedestrian conflict, in accordance with Policy MD2 (Design of New Development).

9. Notwithstanding the submitted details, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout

the course of development, and shall provide native species and locally available seed mixes to benefit wildlife.

Reason:

To safeguard local visual amenities, enhance biodiversity and to ensure compliance with the terms of Policies MG17 (Special Landscape Areas), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) 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 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies MG17 (Special Landscape Areas), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. Prior to the construction of the building hereby permitted, details of materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

12. Prior to the beneficial occupation of the primary school, active travel improvements to enable a safe and attractive walking route between the district centre and the proposed site shall be provided in accordance with details to be first submitted to and approved in writing by the local planning authority. These shall include the installation of lighting along the route and the location and details of a lockable gate or bollards to be installed to prevent unauthorised vehicles accessing the lane. The lighting shall be designed to minimise impacts on wildlife.

Reason:

In the interests of highway/ pedestrian safety and to encourage the use of more sustainable modes of transport in accordance with Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

13. The development shall not be occupied until additional visitor cycle parking has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. These facilities shall be retained in perpetuity.

Reason:

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

14. Prior to the beneficial occupation of the primary school, a revised travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include but not be limited to:
- Measures to encourage and educate a modal shift away from the private car to travel to and from school for staff, sixth form students, pupils and parents of the both the comprehensive and proposed primary schools;
 - That a travel survey shall be undertaken within not more than six months after the opening of the new primary school and the results provided to the Local Planning Authority. This shall then be carried out on an annual basis for a further period of 10 years;
 - That additional measures shall be proposed and implemented should targets for modal splits/shifts not be met;
 - That a report shall be provided to the Local Planning Authority for the period of 10 years reviewing the effectiveness of the travel plan and including any necessary amendments to the travel plan or additional measures proposed to be implemented;
 - That the final report to be submitted shall include measures for the ongoing implementation and review of the Travel Plan.

Reason:

To encourage the use of more sustainable modes of transport and assist in the delivery of sustainable transport objectives, in accordance with Policies MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

15. Prior to their installation, details of the photovoltaic panels proposed shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

16. Prior to the beneficial occupation of the primary school hereby approved:
- Staff parking shall be provided for the new primary school and laid out in accordance with drawing no. 17637-HYD-XX-XX-DR-TP-0101 Rev P03 in the Transport Assessment and electric vehicle charge points provided in accordance with that plan;
 - The sixth form parking and reconfigured drop off/pick up area for secondary pupils shall be provided in accordance with drawing no. 26Z003-HYD-XX-XX-DR-TP-0602 Rev P06.

Reason:

To ensure appropriate parking provision is made across the site, in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

17. Prior to the commencement of development, a detailed scheme including working drawings, for the biodiversity enhancement measures identified within the submitted Preliminary Ecological Assessment Report for the primary school site, shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement scheme shall be carried out in full prior to the occupation of the primary school site.

Reason:

To ensure appropriate biodiversity enhancement is provided, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

18. 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 Local Planning Authority 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

20. 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 Local Planning Authority.

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced, in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

22. Prior to the commencement of development, a lighting strategy for the development, including the site of the new primary school and pathways to be created within the wider school site, shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be designed to minimise impacts on wildlife and shall take account of the submitted Preliminary Ecological Appraisal Reports. The lighting shall be implemented in accordance with the approved strategy.

Reason:

To ensure lighting does not adversely impact on wildlife, in accordance with Policies 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.

23. The fencing on the western edge of the site shall be provided as hedgehog friendly fencing, providing gaps to allow hedgehogs to pass through, in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to installation.

Reason:

To ensure passage for small mammals is provided, in accordance with Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

24. Prior to the commencement of works to create the new pathway links within the site shown on drawing no. 26Z003-HYD-XX-XX-DR-TP-0602 Rev P06, details of works required to create the pathways, including works to adjacent banks and sections of the proposed pathways, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the beneficial occupation of the primary school hereby approved.

Reason:

To clarify the works required and ensure suitable paths are provided to encourage active travel, in accordance 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), SP9 (Minerals), SP10 (Built and Natural Environment), MG6 (Provision of Educational Facilities), MG17 (Special Landscape Area), 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), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision of Open Space), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) of the Local Development Plan, Future Wales – the National Plan 2040, Planning Policy Wales and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposal is considered acceptable in terms of being in a sustainable location, its impact on the countryside, visual impact, impact on highways parking and traffic, encouraging active travel, ecology, flood risk and drainage and in other respects.

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

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

NOTE:

- 1. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction. Further information of the SAB process can be found on the Council's website or by contacting the SAB team: sab@valeofglamorgan.gov.uk**

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

(i) determining the extent and effects of such constraints;

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

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

(iii) the safe development and secure occupancy of the site

rests with the developer.

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

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

3. **The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**
4. **The applicant is also advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's 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 Dwr Cymru Welsh Water in dealing with the proposal the applicant may contact them on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
5. **In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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.



2021/01537/RG3

