

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16<sup>th</sup> May 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

**Decision Codes:**

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

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

2024/0161/BN	A	3, St. Augustines Place, Penarth. CF64 1BJ	Loft conversion (no dormer)
2024/0166/BN	A W	61, Plymouth Road, Penarth. CF64 3DD	Single storey extension to side
2024/0167/BN	A	4, Cae Brewis, Boverton. CF61 2AU	Single storey extension to enlarge kitchen (less than 10m <sup>2</sup> )
2024/0170/BN	A	69, Westbourne Road, Penarth. CF64 3HD	Detached Garage conversion
2024/0171/BN	A	Palmers Cottage, Barren Hill, Penmark. CF62 3BN	Construction of a two storey side extension, garage on ground floor, bedroom on first floor, and a single storey rear extension to accommodate a bathroom and bedroom
2024/0172/BN	A	18, Romilly Road, Barry. CF62 6AZ	Re roof
2024/0173/BN	A	21, Romilly Park Road, Barry. CF62 6RQ	Knock though

2024/0175/BR	AC	133, Stanwell Road, Penarth. CF64 3LL	Demolition of existing single storey utility to rear with the addition of a single storey extension and internal alterations.
2024/0176/BN	A	4, Runcorn Close, Barry. CF63 2AN	Loft conversion with rear dormer
2024/0177/BN	A	15, Llanover Street, Barry. CF63 2HD	Loft conversion with dormer
2024/0178/BN	A	22, Grove Terrace, Penarth. CF64 2NG	Single storey rear extension, internals alts and new side window in existing property
2024/0180/BN	A W	19, John Street, Penarth. CF64 1DN	First Floor Extension . New dormer roof. Relocation of main entrance from the side of the property to front
2024/0181/BN	A W	256, Barry Road, Barry. CF62 8BJ	Proposed 2 storey extension to side elevation with single storey extension to front and rear
2024/0183/BR	AC	Daisy Day Nursery, Sully Moors Road, Sully. CF64 5RP	Internal Alterations - Remove old craft rooms and replace with new stud walls and a suspended ceiling. Change the layout of the entrance area to make better use of the space.
2024/0184/BN	A	25, Gelyn Y Cler, Barry. CF63 1FN	Dormer to rear of property
2024/0185/BN	A	3, Maendy Ganol, Maendy, Cowbridge. CF71 7TH	Re roof
2024/0186/BN	A	54, Celtic Way, Rhoose. CF62 3FT	Removal of partition wall and instillation of steel in kitchen
2024/0187/BN	A W	The Barns, Cross Ways, Cowbridge. CF71 7LJ	Detached Annexe with sleeping accommodation
2024/0188/BN	A	49, Monmouth Way, Llantwit Major. CF61 2GU	knock through between dining room and kitchen

2024/0189/BR	AC	The Pines, Wick Road, Ewenny. CF35 5BL	First Floor extension to form a Two bedroom granny annex above the existing double garage with external staircase as secondary access. Replace existing window in bedroom 4 with Juliet balcony
2024/0190/BN	A	8, Cold Knap Way, Barry. CF62 6SQ	Re roof
2024/0191/BN	A	10, Powys Gardens, Dinas Powys. CF64 4LP	Re roofing the main roof and extension flat roof on our property.
2024/0193/BN	A	Ivy Dene, Pen Y Lan Road, Aberthin. CF71 7HN	Re roof
2024/0194/BN	A	Tyn Y Porth Farm, St. Brides Major. CF32 0TJ	Re roof
2024/0196/BR	AC	18, Clos Cradog, Penarth. CF64 3RJ	Single storey rear extension (net gain GIFA 20m2)
2024/0197/BN	A	The Old Vicarage, Wick Road, St. Brides Major. CF32 0SE	Internal alterations - Removal of the non-supporting later partition wall between the current utility and outbuilding, opening of a doorway between the outbuilding and the next door stables room and an opening of a doorway between the kitchen and the dining room.
2024/0200/BN	A	The Grange, Pen Y Turnpike Road, Dinas Powys. CF64 4HG	2 x single storey extension to extend kitchen and replace conservatory
2024/0202/BN	A	25, Robinswood Crescent, Penarth. CF64 3JF	Part single storey and part double storey side and rear extensions, with changes to interior layout. Two storey front extension and alterations to external materials. Alterations and additional fenestration. Raised rear terrace with associated privacy screens

2024/0203/BN	A	18, Heol Ger, Barry. CF62 6UH	knock through
2024/0204/BN	A	The Lodge, Alexandra Park, Beach Road, Penarth. CF64 1JX	Knock down of an internal wall between the kitchen and a living room and installation of one steel beam.

(b) Building Regulation Applications - Reject

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

2024/0163/BN	R	6, Station Terrace, East Aberthaw. CF62 3DH	Single storey rear extension, knock through and alterations to existing side extension ceiling
2024/0164/BN	R	75, Redlands Road, Penarth. CF64 2WE	Proposed rear doors and 1 knock through
2024/0174/BN	R	59, Windsor Road, Penarth. CF64 1JE	Knock through between kitchen and dining room
2024/0179/BN	R	13, Elm Grove Road, Dinas Powys. CF64 4AA	Re roof
2024/0182/BN	R	12, Gaskell Close, Llantwit Major. CF61 1GY	Single storey lean to bathroom to rear of property
2024/0192/BN	R	6, Maes Y Bryn, Colwinston, Cowbridge. CF71 7NP	Convert existing polycarbonate roof to flat roof deck, and alterations to existing walls.
2024/0195/BN	R	26A, Regent Street, Barry. CF62 8DT	Re build bay window to front elevation as existing and new windows and doors

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

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

2024/0046/AI	A	Touchwood, Dinas Pows. CF64 4AQ	Proposed extensions at ground and 1st floor, convert part garage / store to habitual use, internal and external alterations works to dwelling
2024/0047/AI	A	5, Maes Y Bryn, Colwinston, Cowbridge. CF71 7NP	Proposed rear single storey extension
2024/0048/AI	A	19, Plas Glen Rosa, Penarth. CF64 2ND	Enlargement of existing structural opening to the rear elevation for insertion of bi-fold doors (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0049/AI	A	Llanmihangel Cottage, Llanmihangel, Cowbridge. CF71 7LQ	Single storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0050/AI	A	13, Cwrt Y Vil Road, Penarth. CF64 3HN	Two storey rear extension & dormer loft extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2024/0051/AI	A	83-85, Main Road, Ogmore By Sea. CF32 0PW	Proposed strip out and refurbishment of two apartments at first floor level, building material upgrades, entrance extension to the rear and associated external works
2024/0052/AI	A	26, Llanmead Gardens, Rhoose. CF62 3HX	Proposed conservatory re roof with associated works
2024/0053/AI	A	16, Berkrolles Avenue, St. Athan. CF62 4PY	Proposed conservatory re roof with associated works
2024/0054/AI	A	41A, Nant Talwg Way, Barry. CF62 6LZ	Formation of structural opening to accommodate the installation of a lift
2024/0055/AI	A	82, Clive Road, Barry. CF62 5UZ	Internal structural alteration (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0056/AI	A	Lloyds Bank PLC, 1, Windsor Road, Penarth. CF64 1YR	Material alterations to retail unit and offices

2024/0057/AI

55, Glamorgan Street, Barry.  
CF62 6JP

Removal of chimney and installation of structural beams, internal alterations and reconfiguration of layout and replacement of 2 no. window and 1 no. french doors (works to incorporate material alteration to controlled services, fittings and thermal elements)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16<sup>th</sup> May 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

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

**Decision Codes**

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| 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   |

2015/01177/1/N MA	A	37, Seaview Drive, Ogmore By Sea	Non Material Amendment - 1 To the rear elevation, on the cantilevered GF extension, smaller sliding patio door with increased cladding to compensate, taller side window to match patio door in height; 2. Two side windows removed from the dormer extension, velux rooflight added: 3. Cladding added to the front and rear elevations surrounding the first floor bedroom windows, incorporating a square top to the rear window; 4. Three windows
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			have been replaced to include larger opening panes (Side Dormer and 2 front bedroom windows). 5. To the extension at the side of the house, a longer store/porch, with a flat roof and Aluminium framed glass lantern and smaller (relocated) side window. Planning permission ref: 2015/01177/FUL - Extensions and alterations
2020/00929/FUL	A	Great House Farm Barn, Tyle House Close, Llanmaes	Proposed conversion and alteration of existing barn to form holiday let
2020/00930/LBC	A	Great House Farm Barn, Tyle House Close, Llanmaes	Proposed conversion and alteration of existing barn to form holiday let
2021/01294/1/N MA	A	East Quay, Barry Waterfront, Barry	Non Material Amendment - Amendment to plans to plans list of application 2021/01294/RES. A new site layout plan is required to show a staircase added to plot 421 to assist with accessing the garden.
2022/00809/FUL	R	Sleep and Leisure, 256-258, Holton Road, Barry	Proposed part conversion of existing sales / display / storage areas to additional 4 no. 1 bedroom flats
2022/01072/1/C D	A	Street Record, Lynmouth Drive, Sully	Discharge of Condition 3 - Schedule of materials, 4 - Ground Levels, 7 - Ecological enhancement. Planning Permission Ref:2022/01072. Demolition of existing residential property and replacement with 4 bedroomed dwelling and associated car parking

2022/01240/1/N MA	A	Bryntirion, Colhugh Street, Llantwit Major	Non Material Amendment - Reduced the width of the extension by 200mm, to suit site constraints. The ridge height has increased 20mm due to discrepancies with the existing building. Planning permission ref: 2022/01240/1/NMA - Demolition of existing conservatory. - Single storey extension to accommodate new kitchen, living & dining area - New pitched roof and flat roof dormer to the rear of the property - Two additional bedroom added to the property - Width of driveway amended to accommodate additional car parking space
2022/01285/FUL	A	Barry Rugby Football Club, Merthyr Dyfan Road, Barry	Two storey and single storey extensions including material alterations to the club house. New car parking facility located to the rear of the clubhouse.
2023/00438/1/N MA	A	12, Sycamore Crescent, Barry	Non Material Amendment - Change standing seam roof to traditional tiled roof finish. Planning permission reference 2023/00438/FUL - Demolition of existing garage to create new single storey side and rear extension

2023/00572/1/C D	A	Tyn Y Cae, Pendoylan Road, Pendoylan	Discharge of Conditions 3 (resi), 4 (agri), 6 (Enclosure), 8 (Levels) and 10 (Materials details). Planning permission ref: 2023/00572/FUL - Proposed demolition of existing dwelling and stable, and construction of replacement dwelling, reinstatement of garden to agricultural land and associated works
2023/00753/FUL	A	Land at Brynwell Farm, Leckwith	Removal or Variation of Conditions 2 and 15 of Planning Approval 2021/00001/DNS: Installation of a Solar Farm comprising ground mounted solar PV panels with a net installed generating capacity (AC) of up to 25 MW, including mounting system, inverters, underground cabling, Grid connection hub and associated works with associated secondary for battery storage units
2023/00804/FUL	A	Plaisted House, Llanmaes	Proposed outbuilding to be used a gym on land adjacent to Plaisted House
2023/00972/LAW	A	David Shepherd & Co., 68, High Street, Barry	Change from the entire building being used for financial and professional services to the ground floor being financial and professional services and first floor being living accommodation. No new machinery to be installed and use to continue as an accountancy firm operating in normal office working hours

2023/01007/FUL	A	48, Windsor Road, Penarth	Demolition and replacement of external structure to rear elevation and new first floor balcony with privacy screen
2023/01032/1/N MA	A	2, Pinklands, Church Road, Llanblethian, Cowbridge	Non Material Amendment - A - Bathroom window width reduced following meeting 22.02.2024 B - External finish changed from Cedar cladding to render finish to match existing. Planning Permission ref: 2023/01032/FUL. Proposed Double Storey Rear Extension.
2023/01115/HAZ	A	Land at Bro Tathan, St. Athan, Vale of Glamorgan	Installation of Liquefied Petroleum Gas (LPG) tanks
2023/01162/FUL	A	6, Caradoc Avenue, Barry	Installation of home office and store to front of property
2023/01203/FUL	R	Turkey House, Turkey Street, Llantwit Major	Construction of one bedroom granny annexe in place of existing outbuilding.
2023/01237/FUL	R	5, Meadow View Court, Sully	Retain Metal Garden Shed in rear garden and Glass House with alterations and new clear Polycarbonate Side cladding. Renew Fence with timber fence boarding.
2023/01281/FUL	A	Segton, 66, Broadway, Llanblethian, Cowbridge	Upgrade of existing bungalow to form new first floor accomodation, rear single storey side extension and 2 storey rear extension

2023/01295/FUL	R	Heritage Coast Campsite, Monkknash	Proposed new wedding/corporate events and function room venue and use of local community meetings including upgrading of existing campsite facilities
2024/00001/FUL	A	256, Barry Road, Barry	Proposed two storey extension to side and single storey extensions to front and rear of existing domestic dwellinghouse
2024/00002/FUL	A	41, Samson Street, Llantwit Major	Replacement of existing entrance canopy to front door with new external porch. Erection of new Double Garage to the front of the property
2024/00007/FUL	R	7, Hickman Road, Penarth	Change existing clay ridge hips to lead hips
2024/00018/FUL	A	5, Bromfield Place, Penarth	Alterations and extension to existing terraced house, including ground floor rear extension, loft conversion with rear dormer extension, and changes to internal layout
2024/00025/FUL	A	Waterway Cottage, The Limes, Cowbridge	Renewal of planning approval 2019/00098/FUL with minor internal and fenestration changes. The proposal is for a two story extension
2024/00033/FUL	R	19, Craven Walk, Penarth	Demolition of existing detached dormer bungalow and garage. Erection of new 2 storey, detached replacement dwelling with integrated garage. Widening of existing access off Craven Walk

2024/00045/FUL	A	94, Plymouth Road, Penarth	Demolition of existing rear single storey utility, existing single conservatory to side elevation and construction of new single storey side extension and elevational alterations associated.
2024/00063/FUL	R	Rectory Mews, Rectory Road, Penarth	Proposed 2 bedroom Mews House on land at rectory Mews complete with parking and amenity space (revision to original application 2022/01182/FUL)
2024/00066/FUL	A	Caerleon House, 4, Rhoose Road, Rhoose	Two storey extension with balcony to rear of property to provide enlarged kitchen/living area to ground floor, with additional bedroom and ensuite at first floor. Existing conservatory/utility area to be demolished
2024/00070/FUL	A	Dow Corning Ltd, Cardiff Road, Barry	Construct an open-frame steel structure to temporarily support a replaced and replacement process vessel in the W930 area of the existing Dow Barry chemical site. The structure is expected to be in place for 18-24 months and will be removed after the construction activities are complete
2024/00072/FUL	A	5, Grove Place, Penarth	Proposed single storey rear extension, new garage structure including material alterations to rear elevation

2024/00080/FUL	A	32, Merlin Close, Penarth	Two storey side extension, incorporating new upstairs bathroom and down stairs porch. Removal of the existing timber built porch. Adaptation of existing garden cabin to incorporate toilet and bedroom facilities
2024/00082/RG3	A	BSC2 Innovation Quarter, Hood Road, Barry	1 x Laminated Box Sign 1 x Non Laminated Fascia Sign
2024/00088/FUL	A	5, Seaview Court, Fontygary Road, Rhoose	Proposed raised flower beds, hanging bed frame and planting of Olive trees
2024/00090/FUL	A	Moat Farm, Llysworney	Proposed conversion of former cowshed to a 2 bedroom dwelling
2024/00093/FUL	A	3, Shelley Crescent, Penarth	We plan to replace our gas combination boiler with an Air Source Heat Pump
2024/00100/FUL	A	9, Heol Livesey, Barry	Retention of rear sun lounge single storey extension
2024/00114/FUL	A	17, Heol Sant Bridget, St Brides Major	Two storey side extension, pitched dormer roof additions to front elevation, flat roof extension to rear extension for bathroom and bedroom space with 2 storey rear pitched roof extension
2024/00116/FUL	A	4, Little Moors Hill, Barry	New loft conversion with rear dormer
2024/00117/CAC	A	Ty Caron, Stag Lane, Llantwit Major	It will be necessary to demolish a section of the garden wall (which is bowing)

2024/00119/FUL	A	22, Victoria Road, Penarth	Removal and replacement of the red brick wall at the rear of the listed property. Including widening of the rear gate
2024/00120/FUL	A	Paramatta House, 6, Wine Street, Llantwit Major	Alterations to property to include change of windows to aluminium framed window system powder. Replacement doors to rear elevation for aluminium & formation of new external door opening to match, both to receive new aluminium framed glazed double doors - Crittall style
2024/00126/FUL	A	Brooklands, 27, Romilly Park Road, Barry	Demolition of current dilapidated detached garage and replacement with new detached garage. Access will be as existing from Old Village Road
2024/00129/FUL	A	Arvika, 2, Mount Road, Dinas Powys	Variation of Condition 2 (Approved Drawings) of Planning permission 2021/01667/FUL: Two storey side extension and single storey front, side and rear extensions
2024/00139/FUL	A	Toad Hall, Llandow	Replace 2 existing patio doors with 2 new PVCu double doors and side panels
2024/00142/FUL	A	The Salt House, Church Street, Cowbridge	Proposed garden bioclimatic pergola gazebo san pablo (3m X 4m X 2.5m) to have powder coated block frame with aluminium movable slat roof. side and elevations facing garden to have block fabric sidewall screens



2024/00153/FUL	A	11, Cornerswell Road, Penarth	Single storey side and rear extension
2024/00154/FUL	R	Bambrah Stores, 25-27, Ivor Street, Barry	Conversion of two first floor flats to three flats
2024/00157/FUL	A	The Fox, Ewenny Road, St. Brides Major	Proposed single storey glazed extension
2024/00164/FUL	A	Palmers Cottage, Barren Hill, Penmark	Construction of a two storey side extension, garage on ground floor bedroom on first floor; and a single storey rear extension to accommodate a bedroom and a bathroom
2024/00165/FUL	A	Ashdene Manor, 10, Bridgeman Road, Penarth	Removal of Condition 6 of 2023/01137/FUL: Conversion of existing house in to 3 apartments. Extensions to property to provide a further 6 apartments
2024/00176/FUL	A	12, Greenway Close, Llandough	Single storey rear extension
2024/00204/FUL	A	19 John Street, Penarth	Single storey rear extension to rear of property at first floor level. Demolition of existing rooms and garage to rear of property. New dormer roof. Relocation of main entrance from the side of the property to front of the property to provide a level access from John Street.
2024/00205/FUL	A	3, Oak Grove, Eglwys Brewis	Front extension

2024/00213/FUL	R	12, Min Y Mor, Barry	Proposed new first floor room over existing lounge. Associated internal remodelling and exterior cladding. New flat roofs to existing dormers to match proposed works
2024/00222/FUL	A	7, Elm Grove Place, Dinas Powys	Existing conservatory removed and replaced with wrap - round single storey extension complete with associated works.
2024/00250/LAW	A	26, Marine Drive, Barry	Single storey rear extension 4m x 3.6m, 3.6m in height.
2024/00258/LAW	A	152, Railway Road, Rhoose	New outbuilding to existing domestic dwellinghouse garden
2024/00277/PNA	A	Wallas Farm, Wick Road, Ewenny	A mobile cylindrical covered storage tank for the temporary storage of liquid fertiliser products

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 16 MAY 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/01094/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03310-R6S8C6  
Appellant: Mr A Jones  
**Location: 1, Drylla, Dinas Powys**  
Proposal: Erection of vertical timber fence to boundary  
Start Date: 4 April 2024

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LPA Reference No: 2023/00682/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03280-G0N1C1  
Appellant: Tim Fowler  
**Location: Ty Felin Fawr, Llanmaes**  
Proposal: Removal of 2 dummy chimneys on house roof; this would leave 1 existing functional chimney in situ.  
Start Date: 10 April 2024

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LPA Reference No: 2023/00816/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03189-X3N4J4  
Appellant: Dr Akram Baig  
**Location: Greenacres, Morfa Lane, Wenvoe**  
Proposal: Ground and first floor extensions to existing detached garage  
Start Date: 11 April 2024

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LPA Reference No: 2023/00470/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03328-W8X4P8  
Appellant: Mr Shaun Cuddihy  
**Location: Brackdene, Burdonshill Lane, Wenvoe**  
Proposal: Proposed alterations and improvements  
Start Date: 16 April 2024

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LPA Reference No: 2023/01029/CAC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03210-R5F4Q5  
Appellant: Mr and Mrs James and Chelsea Prichard  
**Location:** **Field access to the West of Village Farm House, Colwinston**  
Proposal: Retention of the existing stone wall, reusing existing stone, and widening of field access with new gate  
Start Date: 16 April 2024

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LPA Reference No: 2023/01141/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03375-V9V7H5  
Appellant: Mr Stuart Pyman & Mrs Jo Pyman  
**Location:** **Ishton Barn, Lon Cwrt Ynyston, Leckwith**  
Proposal: The erection of a garden annex with a glazed connection to the existing structure  
Start Date: 18 April 2024

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LPA Reference No: 2024/00099/TPO  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03343-Y9M2D1  
Appellant: Mr Lloyd Allen  
**Location:** **Fairview, 6, Ringwood Crescent, St. Athan**  
Proposal: Work to Trees covered by TPO No.12 of 2005: Remove two black poplars (appeal against condition 4)  
Start Date: 18 April 2024

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LPA Reference No: 2023/00721/LAW  
Appeal Method: Public Inquiry  
Appeal Reference No: CAS-03229-S4S7D3  
Appellant: Ms Michelle Powell  
**Location:** **Former Peterston Rail Station Site, Station Terrace, Peterston Super Ely**  
Proposal: Certificate of lawfulness in respect of use as a storage yard (B8)  
Start Date: 23 April 2024

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(b) Enforcement Appeals Received

LPA Reference No: ENF/2021/00019/PC  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03237-T3X7W8  
Appellant: A J Hinds-Payne  
**Location:** **Land at 49, Pontypridd Road, Barry**

Proposal: Without planning permission, the carrying out of operational development comprising the construction of a roof terrace and raised patio area on the Land.  
Start Date: 23 April 2024

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(c) Planning Appeal Decisions

LPA Reference No: 2023/00351/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03184-K1N0Z0  
Appellant: Mr Andrew Donnelly  
**Location:** **Homri Barn, Well Lane, St. Nicholas**  
Proposal: Proposed garage and greenhouse  
Decision: Appeal Dismissed  
Date: 9 April 2024  
Inspector: Z Baxter  
Council Determination: Delegated

**Summary**

The main issue was considered to be the effect of the development on the rural character and appearance of the area. It was acknowledged that the development was substantially complete and the application was therefore retrospective.

The garage and greenhouse are situated to the west of the existing buildings within the curtilage of Homri Barn. The Inspector acknowledged that the development was a sizeable, detached garage of over 12m in depth with a greenhouse attached to the rear and was sited within the curtilage of the residential barn conversion. The ridge and eaves height of the garage were significantly higher than the adjacent single storey barn conversion and as a result, the development's scale and size was disproportionate to the host dwelling. The greenhouse was also seen as a large modern addition to the barn conversion and cumulatively, the development resulted in a domestic outbuilding of significant scale and bulk, which detracted from the positive contribution the barn conversion made to the rural character of the area.

Whilst the site was located on a private road and views from the village were minimal, a Public Right of Way (PROW) footpath S11/3/2 ran to the east and enabled public views of the development. Although the development was partially screened by the existing barn, the rear of the garage and greenhouse were evident behind the main barn and the front gable of the garage was also clearly visible from the PROW when approaching from the north.

The Inspector considered that due to its forward position and scale, it appeared as an incongruous addition to the curtilage of the site and resulted in an unsympathetic form of development visible in localised public views and caused substantial harm to the area's rural character and appearance.

The guidance within the Council's Conversion and Renovation of Rural Buildings Supplementary Planning Guidance (SPG) referred to new garages

rarely being acceptable and that garage parking should be accommodated within the rural building or other existing buildings within the curtilage. The fact that the existing garage at the site was not considered by the appellant to be fit for purpose, being too small to accommodate a modern car, was not considered to be sufficient justification to outweigh the harm identified.

Whilst the Inspector considered that there would be no material harm to the important landscape character of the wider SLA, they concluded that the development was harmful to the rural character and appearance of the area, contrary to Policies MD2, MD11 and MD12 of the LDP and the SPG and that the appeal should therefore be dismissed.

### **Comment**

As identified above, the garage and greenhouse have already been constructed at the site. As a result of the appeal decision, officers have written to the appellant to confirm that the building is unauthorised and needs to be removed from the site, however no response has been received. A report will therefore be prepared for consideration at a future meeting of this Committee, recommending that enforcement action is taken to secure the removal of the building.

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LPA Reference No:	2023/00685/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03251-Q3S6R2
Appellant:	Mr Gareth Jones
<b>Location:</b>	<b>11, Coed Mawr, Barry</b>
Proposal:	Garden summer house
Decision:	Appeal Dismissed
Date:	19 April 2024
Inspector:	H Smith
Council Determination:	Delegated

### **Summary**

The main issue was considered to be the effect of the development on the character and appearance of the area. It was acknowledged that the summer house was in situ and the application was therefore retrospective.

The appeal site was a semi-detached dwelling located within a planned housing estate, characterised by landscaped and unenclosed frontages, giving the site a pleasant open and spacious character. This garden area had an open and verdant character due to its mature landscaping and lack of boundary enclosures. The summer house had been erected in the southern corner of the front garden directly adjacent to the footway and the driveway leading to the garage to the rear.

Owing to its siting, the summer house was in a visually prominent position within the street scene. The Inspector noted that whilst such structures are common in residential areas, they are normally sited unobtrusively within enclosed rear gardens. In this case, its siting had introduced an isolated and intrusive feature visually unrelated to the layout and appearance of its prevailing open setting. Whilst there was a short section of a high boundary

fence and wall alongside the footway immediately adjacent to the appeal site, it was considered that owing to its height, bulk, scale and siting, the summer house had a more unsympathetic and obtrusive visual impact on the street scene than these boundary enclosures.

It was therefore concluded that the development had a harmful effect on the character and appearance of the area, contrary to policies MD2 and MD5 of the Vale of Glamorgan Local Development Plan and the objectives of the Council's Supplementary Planning Guidance 'Residential and Householder Development' and the appeal was therefore dismissed.

**Comment**

As identified above, the summer house has already been constructed at the site. As a result of the appeal decision, officers have written to the appellant to confirm that the building is unauthorised and that enforcement action will therefore be pursued to secure its removal and the restoration of the land to its former condition as open plan garden.

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(d) Enforcement Appeal Decisions

None.

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(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	2	-	2	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		2 (100%)	-	2 (100%)	-
<b>Committee Determination</b>		-	-	-	-
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	-	-	-
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		-	-	-	-
<b>All Appeals</b>	<b>W</b>	2	-	2	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		2 (100%)	-	2 (100%)	-

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16<sup>th</sup> May 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2023/01023/TCA	A	Malvern House, Ashgrove Lane, Llantwit Major	Work to Tree(s) in a Conservation Area: Ash trees to be removed due to Ash dieback. Cherry trees shaped and reduced by 20%. Horse Chestnut tree crown lifted and limb removed. Limb removal
2024/00104/TPO	A	3, Maillards Haven, Penarth	Work to Tree(s) covered by Tree Preservation Order 1988, No. 1 - pruning and cutting back
2024/00179/TPO	A	Greystones, Colhugh Street, Llantwit Major	Work to Tree (s) covered by Tree Preservation Order No. 3 1977 : Beech trees - Branches are causing risk to the garage. Willow - Last year had a limb failure, to prevent more failing a 30% reduction would be adequate

2024/00187/TPO	R	2, Clos Llanfair, Wenvoe	Work to Tree(s) covered by Tree Preservation Order No. 4 1973 : Crown reduction (approx.. 25%) and a light crown lift will allow new trees to develop a more balanced branch structure
2024/00191/TPO	A	21, Blodyn Y Gog, Barry	Work to Tree(s) covered by Tree Preservation Order No. 8, 2022 : T1 - Oak - Reduce crown by 20%
2024/00192/TPO	A	9, Clos Cradog, Penarth	Work to Tree(s) covered by Tree Preservation Order No. 10, 2003 : T1 and T2 - Field Maple - coppice at 1m
2024/00194/TPO	R	Cwm Pennant, Park Road, Dinas Powys	Work to Tree(s) covered by Tree Preservation Order No. 2, 1954 : T1-T6 - Ash - Fell
2024/00239/TPO	A	The Chestnuts, Heol Y Cawl, Llysworney	Work to Tree(s) covered by Tree Preservation Order 1972, No. 2 : T1- Tree of heaven- 1-2m reduction, removal of deadwood and lower limb over path T2 birch & T3 Whitebeam - trim back from garage by 1-1.5m
2024/00251/TPO	A	10, Coed Y Felin, Barry	Work to Tree(s) covered by Tree Preservation Order 1991, No.3 - One mature Oak tree situated in the Garden of 10 Coed Y Felin, Barry.
2024/00271/TCA	A	The Sages, Colwinston	Work to Tree(s) in a Conservation Area : Removal of 2 no. Ash trees, they are suffering from 30% Ash die back. Removal of 4 no. large conifers on our driveway.

2024/00282/TCA	A	The Old Parsonage, Llancarfan	Work to Tree(s) in the Conservation Area: Remove 2 X Ash Trees due to Ash dieback (Ash 1 and Ash 2) Remove overhanging branches from garage from another Ash (Ash 3)
2024/00317/TCA	A	Factory House, Factory Road, Llanblethian, Cowbridge	Work to Tree(s) in a Conservation Area : T1 - Removal of dead willow. T2 - Tulip tree 20% crown reduction and re-balance

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **16<sup>th</sup> May 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 6, MONTGOMERY ROAD, BARRY, CF62 7DA

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 a boundary wall which has been altered to increase its height.

The report recommends that an Enforcement Notice is issued requiring the wall to be lowered to be in accordance with works which could have been undertaken under 'permitted development' rights. 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 by the Local Planning Authority on 12<sup>th</sup> December 2022, regarding the unauthorised construction of a boundary wall to the front of the property at 6, Montgomery Road, Barry, CF62 7DA.
2. The site in question accommodates a large semi-detached dwelling located within a wholly residential street-scene. The property is situated within the Barry settlement boundary as identified by the Vale of Glamorgan Local Development Plan 2011-2026. A photograph of the site is included below.
3. The wall in question is located directly adjacent to the adopted highway of Montgomery Road, Barry.

Details of the Breach

4. Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) states that the erection, construction, maintenance, improvement or alteration to a means of enclosure would require planning permission if:  
  
*'the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed one metre above ground level'*
5. Breeze blocks have been installed on top of the original boundary wall to increase its height. As the wall is located on a sloped road, the height of the wall varies from 0.8m at its lowest height to 2.1m at its highest. The works

undertaken to the wall which exceed one metre above ground level would therefore constitute development which requires the benefit of planning permission.

6. Photographs of the wall both prior to the commencement of the works and after the works were completed are included below.

*Photograph from Google Maps 2014 of the wall prior to the works being conducted:*



*Photographs on the 19<sup>th</sup> of January 2023 following the installation of the breeze blocks:*





### Action Pursued to Date

7. Following a site meeting with the owner on 19<sup>th</sup> January 2023 to discuss the alleged breach of planning control, it was confirmed that works had been undertaken to the wall to increase its height which would require consent from the Local Planning Authority. Whilst on site, the owner confirmed it was their intention to render the entirety of the wall in grey render. The owner was notified during this visit that planning permission would be required for the works undertaken. The owner was notified on 23<sup>rd</sup> January 2023 to either reduce the height of the wall to be in accordance with permitted development rights or to submit an application in an attempt to regularise the wall. The owner was made aware during this correspondence that an application may not be successful.
8. No response was received confirming the owner's intentions going forward despite a request for an update on 16<sup>th</sup> February 2023, nor an application submitted. Therefore, on 9<sup>th</sup> March 2023, a letter was sent to the property giving the owner 28 days to respond confirming whether remedial works would be undertaken to the wall or if an application was forthcoming before officers were to assess the expediency of taking enforcement action. On 4<sup>th</sup> April 2023, the owner of the site confirmed that it was their intention to submit an application in an attempt to regularise the wall and was subsequently made aware that planning permission was not guaranteed. As no application was submitted within 4 weeks, the owner was contacted on 3<sup>rd</sup> May 2023 to request an update on the process of submitting an application and subsequently confirmed on 17<sup>th</sup> May 2023, that an application would be submitted shortly.
9. No further correspondence was received and no application was submitted, therefore a final site visit was undertaken on 31<sup>st</sup> July 2023 where it was confirmed that no remedial works had been undertaken. Photographs from this site visit are included below.



10. The owner was advised on 4<sup>th</sup> August 2023 that as no action had been taken to remedy the breach, the Council would proceed with formal enforcement action. The owner was given a period of 10 days to confirm that the wall would be lowered in height within a timely manner to avoid the need for such action.
11. The owner confirmed that they would continue to submit an application, however it was confirmed that the Council would proceed with formal enforcement action in the meantime. No application had been received at the time of writing this report.

Planning History

12. The site benefits from the following planning history: 2001/00915/FUL, Proposal: Rear extension and alterations, Decision: Approved.

Planning Legislation

13. 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

14. 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:**

15. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICY SP1 – DELIVERING THE STRATEGY

#### *Managing Development Policies:*

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

POLICY MD9 - PROMOTING BIODIVERSITY

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

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

### **Planning Policy Wales:**

17. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.
18. 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.
19. The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Para 3.9 P.6



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

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

20. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
- Technical Advice Note 12 – Design (2016)
    - “2.6 Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*
    - “4.5 In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character.”*
    - “6.16 The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

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

21. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
- Residential & Householder Development
    - 8.1.2. New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions, and garages / outbuildings.*
    - 8.5.3 The siting of a new development, extensions in particular is likely to be influenced by a number of factors, including the proposed use of the new development, the space available around a property, and the prominence and appearance of the new development in the street scene.*

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

22. 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:**

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- 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:**

23. 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

24. 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 an unacceptable effect on public amenity or the existing use of land and buildings meriting protection in the public interest 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.
25. The principal issues to consider in this case are the design and visual impact of the development, and its impact on the character of the area and street scene.

#### Design and Visual Impact

26. LDP policy MD2 - Design of New Development and MD5 – Development within Settlement Boundaries state as follows:

##### *MD2: Design of New Development.*

*“[Proposals should] Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscapes of interest.”*

##### *MD5 – Development within Settlement Boundaries*

*New development..... will be permitted where the proposed development:*

*“Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably*

*impact upon the character and appearance of the locality”.*

27. Furthermore, the Residential and Householder SPG provides advice in section 8 on the choice of materials to be used in new development. It states:

8.3.2 *“Where alternative materials and finishes are proposed, they should complement the colours, tones and textures of the original property and buildings in the surrounding area.”*

28. The above policy and guidance is supported by the principles of good design set out in PPW and TAN12.

29. It is noted that the street scene is characterised by low level boundary walls (circa 1 metre and below) comprised of mainly red brick. Where enclosures are above 1 metre in height, these generally are comprised of hedge planting. Photographs showing the street scene of Montgomery Road, Barry in 2022 from Google Maps are included below.



*Photograph from site visit in July 2023*



30. As demonstrated in the photographs above, it is clear that the increase of height to approximately 2.1 metres is in stark contrast to the neighbouring properties, with the boundary wall of 4, Montgomery Road located beside the wall in question, measuring well below 1 metre in height. It is therefore considered that the significant increase in height is overbearing and at odds with the street scene.
31. As the development is currently built, the use of grey breeze blocks placed on top of the original red brick wall constitutes an unsympathetic contrast in materials which diminishes the existing features of the site, creating a stark and unsightly structure in the street scene.
32. It is noted that the owner has confirmed that the proposed finish of the wall is to be grey render. Although there are a few examples of rendered boundary walls in the street, it is considered that the character of the street scene is defined by red brick walls. It is also noted that the examples of rendered walls are white and are lower in height, therefore they do not result in an unacceptable visual impact as the materials match that of the main dwelling. It therefore considered that the use of grey render would be visually incongruous in this context and have an adverse visual impact on the character of the property as well as being a detrimental feature to the street scene.
33. In light of the above, the height and materials of the existing wall clearly fail to respond to its context and character of the existing low level enclosures along this part of the street scene. Consequently, due to the impact of the existing street scene, the wall fails to comply with policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026.

## Biodiversity and Green Infrastructure

34. Policy MD9 of the LDP (Promoting Biodiversity) requires new development to conserve and where appropriate enhance biodiversity interests and mitigate the impacts of development. This is supported by the Council's SPG on Biodiversity and Development and PPW. It is not known whether the site has any identified biodiversity interest, however the development is located on previously developed land and as such, it is unlikely that there would have been any adverse impact on biodiversity.
35. Notwithstanding that there is no likely identified direct biodiversity impact, the undertaking of unauthorised development and absence of a planning application means that there has been no opportunity to consider any appropriate biodiversity enhancement measures at the site or indeed Green Infrastructure provision, which is now a requirement of Planning Policy Wales (February 2024). Planning Policy Wales sets out, at paragraph 6.2.12, the need to submit a green infrastructure statement with planning applications. Such a statement should be used to identify that development has a net benefit to biodiversity and green infrastructure in line with the Section 6 duty within the Environment (Wales) Act 2016. It is highlighted in the subtext of Policy MD9 of the LDP that: *"it is nearly always possible to provide biodiversity enhancement on development sites. Levels of enhancement should be commensurate with the level of adverse impact and the scale of development."*
36. Ordinarily, a proposed development would be conditioned to require either mitigation or measures to improve opportunities for local wildlife, in accordance with PPW and the Environment (Wales) Act 2016. In this case, the Local Planning Authority would have sought appropriate ecological enhancement which may have included the provision of bird/ bat boxes at the site as well as the expectation that the development would enhance green infrastructure on site. However, as the nature of the development is such that an application for planning permission has not been approved, it has been concluded that there is unlikely to be any potential for biodiversity enhancement in this case.

## Conclusions

37. The boundary wall would require the benefit of planning permission by virtue of its height as identified by Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 1995 (as amended). Despite a site meeting and further correspondence with the owner, no further attempts have been made to regularise the position or to remove the unauthorised development which is considered unacceptable.

38. The development is considered to have an adverse impact on the character of the property as well as the wider street scene. The significant increase in height of the low boundary wall, alongside the use of materials are considered to be unduly harmful. The development is therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD5 (Development Within Settlement Boundaries), of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Supplementary Planning Guidance on Residential & Householder Development, PPW Edition 12 (2024) and Technical Advice Note 12: Design.
39. Authorisation is therefore sought to issue an Enforcement Notice to require the wall to be reduced in height and to be re-instated to its original condition prior to the commencement of the works.
40. 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)

41. 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)

42. 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).
43. 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)

44. 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) Remove all grey breeze blocks placed on top of the original red brick wall, where the wall exceeds a height of 1 metre above the adjoining ground level.

- (ii) Re-instate the boundary wall to its original form and condition prior to the commencement of works.
- (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 alterations to the boundary wall at 6, Montgomery Road, Barry have occurred within the last 4 years.
- (2) The development has been undertaken to a residential property within the settlement boundary where development is expected to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and wider surroundings. The boundary wall is considered to be unacceptable as by virtue of its height and materials used, it detracts from the character of the existing property and its setting and has an adverse impact on the wider street scene. The development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 12 (2024) and Technical Advice Note 12: Design.
- (3) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

#### Background Papers

Enforcement File Ref: ENF/2022/0391/PC

Contact Officer - Madlen Evans, Tel: 01446 704886

#### Officers Consulted:

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

IAN ROBINSON  
HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL  
PLANNING COMMITTEE 15 MAY, 2024  
REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

PLANNING APPLICATION

Background Papers

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



**2022/00266/FUL** Received on 12 April 2024

**APPLICANT:** Newydd Housing Association, 5 Village Way, c/o agent, CF15 7NE

**AGENT:** Mr Jon Hurley, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

### **Llantwit Road, Higher End, St. Athan**

Full planning application for residential development, access, drainage arrangements and other 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 that is not covered by the scheme of delegation.

### **EXECUTIVE SUMMARY**

The application site comprises fields to the north of existing dwellings on Llantwit Road and part of the garden of a dwelling known as Fair oak. It is within the settlement boundary of St. Athan, as defined by the adopted Local Development Plan (LDP). There is a pedestrian access to the land to the side of the existing dwelling at Fair oak, between the dwelling and a stone outbuilding positioned at 90 degrees to the road.

The application seeks full planning permission for 25 affordable housing units on the site comprising of several houses, flats (within separate blocks), and a bungalow, all served by an estate road with a new vehicular access created off Llantwit Road. The new vehicular access would be to the side of Fair oak where it is proposed to demolish the stone outbuilding to create space for it.

Rt Hon Alun Cairns MP wrote to express concerns of residents about ecology, build specifications and pedestrian infrastructure, traffic, highway safety, and water supply issues. St Athan Community Council strongly objected in principle and due to concerns with traffic, highway safety, infrastructure, and water supply, amongst others. Cllr S Haines commented that a more up to date traffic survey would be useful and stated that he did not believe the concerns of residents had been addressed, particularly in relation to traffic and highway safety.

There were 43 representations received to the initial consultation, and c.55 further representations received during two subsequent consultations following plan changes. These all objected or raised concerns and these prevalent reasons were concerns over traffic and parking congestion, highway and pedestrian safety, impact on local heritage, wildlife habitat and ecology, water pressure and drainage, visual impact, and impact on local services and infrastructure, as well as objections in principle relating to loss of greenfield/ agricultural land and lack of need for housing and/or better alternative sites being available.

Having regard to both local and national policy and guidance, it is considered that the main issues in the assessment of the application include, the principle of the development for affordable housing; scale, design, and visual impact; as well as impacts on heritage assets

and archaeology; site access; highway and pedestrian safety; residential amenity and open space; ecology and green infrastructure; and water supply and drainage.

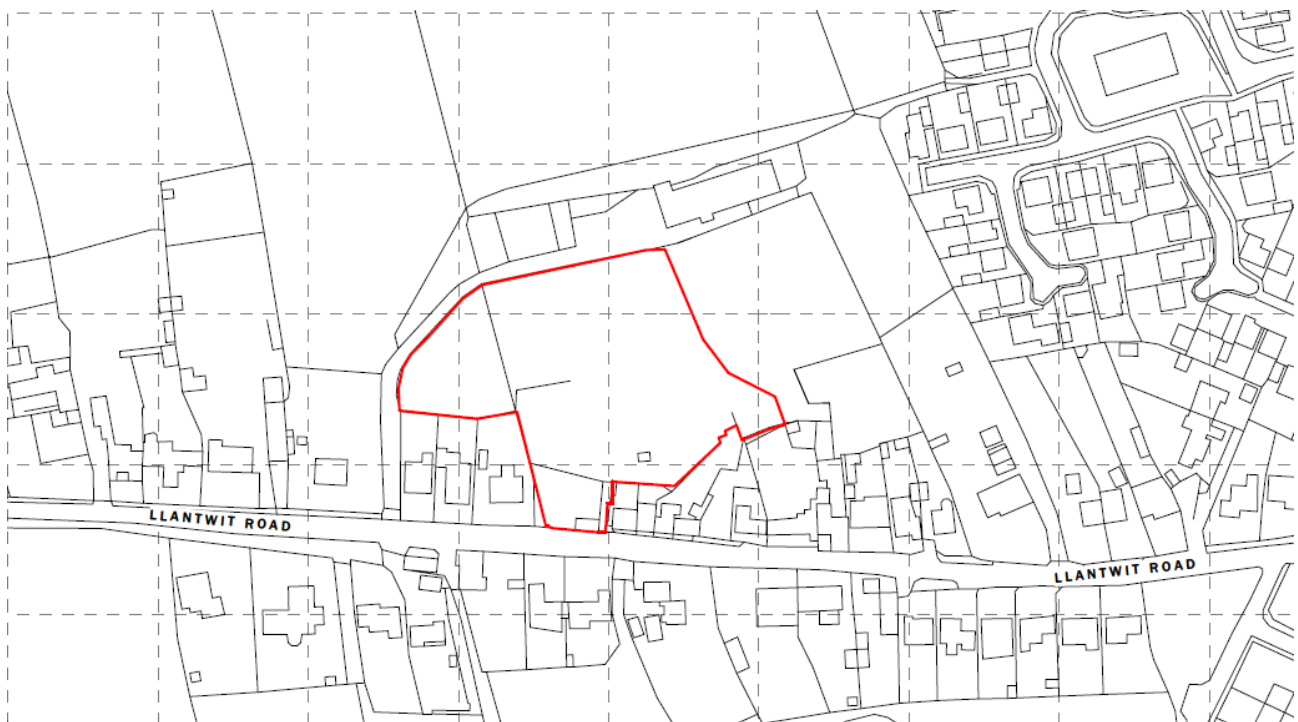
The report recommends the application be APPROVED subject to conditions ensuring the delivery of the scheme as affordable housing and, relating to archaeological mitigation; highway improvements and engineering; construction management; public open space; materials details; levels; means of enclosure; land contamination; drainage; ecology; and landscaping.

## SITE AND CONTEXT

The site comprises a field to the north of existing dwellings on Llantwit Road and the side garden of a dwelling known as Fair oak. The site is located within the settlement boundary of St. Athan, as defined by the adopted Local Development Plan (LDP). There is a pedestrian access to the land to the side of the existing dwelling at Fair oak, while the remaining space is filled by an existing outbuilding positioned at 90 degrees to the road.

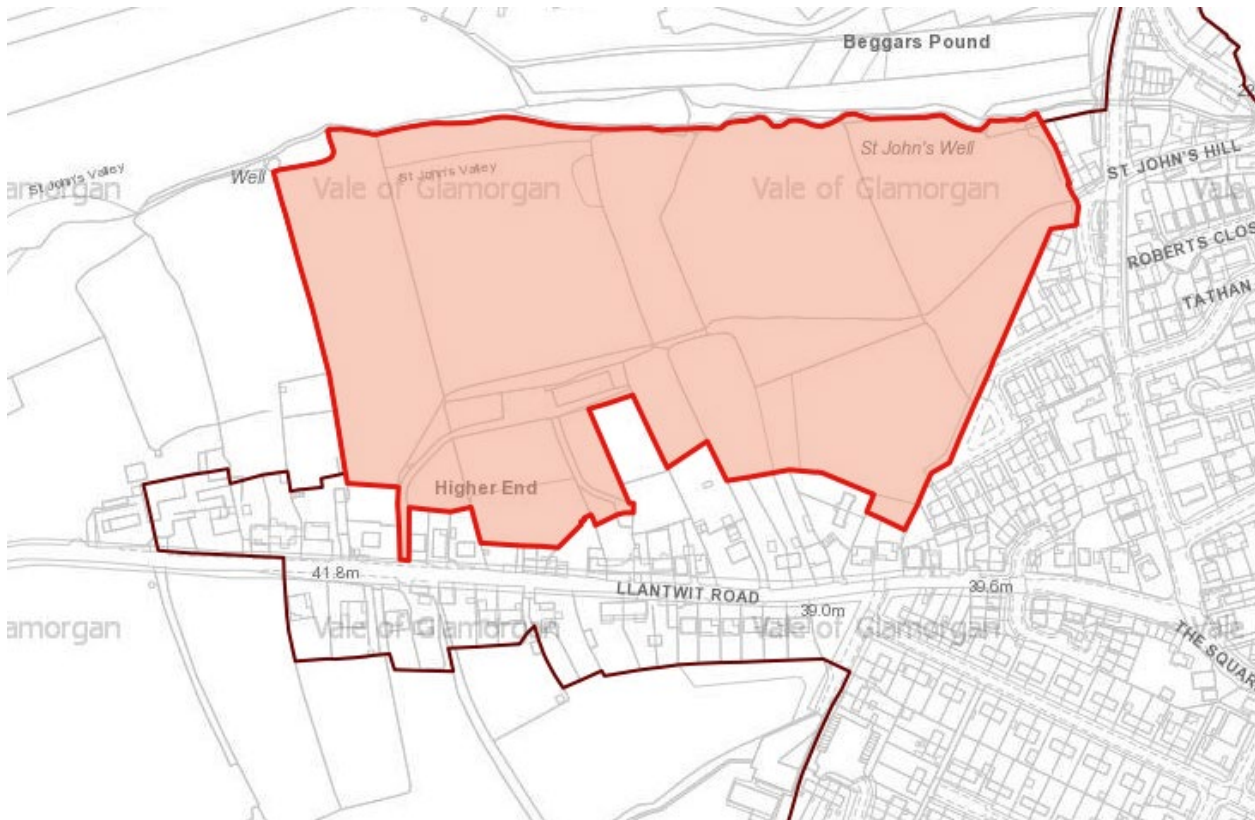
Llantwit Road has dwellings on either side in a linear pattern adjacent to the site frontage. This section of the road has no adopted footways which gives the street scene a semi-rural character and built development becomes less dense at the fringes of the settlement.

The site location is shown edged red below:



The site is included as part of the 'Land at Higher End' housing allocation, Policy MG2 (2) – Housing Allocations of the LDP refers. The housing allocation at Higher End comprises of approx. 9.78ha land that lies between the MoD St Athan site and Llantwit Road. This site forms 0.65ha of the overall 9.78ha site (the eastern part of which has already been developed).

The LDP allocation area is shown shaded red below:



The site is approx. 400m east of a Scheduled Monument known as 'West Orchard Manor House' and 700m west from another known as 'Deserted Medieval Village North East of Rock Farm'. 'East Orchard Manor House' and 'East Orchard Wood Pillbox' are also within 2km of the site. It is also near to three Grade II listed buildings off Llantwit Road, namely West Orchard Farmhouse, Aderyn Cottage, and Myrtle Cottage.

### DESCRIPTION OF DEVELOPMENT

The application is for residential development comprising of 25 affordable housing units with a new vehicular access from Llantwit Road. The proposed schedule of accommodation is shown below:

2B 4P	2 Bed House	83m <sup>3</sup>	893sq ft	4
3B 5P	3 Bed House	94m <sup>3</sup>	1011sq ft	6
4B 6P	4 Bed House	110m <sup>3</sup>	1184sq ft	2
1B 2P	1 Bed Flat	51m <sup>3</sup>	548sq ft	12
2B 3P (B)	2 Bed Bungalow	80m <sup>3</sup>	624sq ft	1

The dwellings would be accessed via a single 5.5m wide spine road constructed to an adoptable standard with 2m footways on both sides. The dwellings fronting the spine road would be accessed directly from it, whilst others would be constructed around two short cul-de-sacs. There is an area of open space proposed near the centre of the site. The proposed layout is shown below:-



The demolition of an outbuilding within the garden area of Fair oak would be required to facilitate site access at the proposed location. The proposed site access is shown in greater detail below:-



The proposed development is of two-storey scale apart from a single bungalow proposed on the eastern part of the site. The proposed buildings take a traditional form and would be finished with a mixture of light-coloured render and stone to the elevations. The design approach is depicted in the model images below:





## PLANNING HISTORY

1999/01356/OUT, Address: Ty Gwyn, Higher End, St. Athan - Land at, Proposal: Building plot for 1 dwelling, Decision: Refused.

2002/00043/OUT, Address: Fair Oak, Higher End, St. Athan, Proposal: Detached bungalow and garage, Decision: Refused

2002/01538/OUT, Address: Fair oak, Higher End, St. Athan, Proposal: Detached dwelling in garden, Decision: Approved

2004/00857/FUL, Address: Higher End, Llantwit Road, St. Athan - Land at, Proposal: Residential development comprising five detached dwellinghouses with associated garaging, Decision: Refused

2005/01143/OUT, Address: Higher End, St. Athan - Land at, Proposal: Residential development, Decision: Refused

2015/01152/OUT, Address: Land at Higher End, Llantwit Road, St. Athan, Proposal: Erection of eight detached dwellings, new access and associated works (including demolition of existing garage), Decision: Approved.

## CONSULTATIONS

**Rt Hon Alun Cairns MP** wrote to express concerns of residents, specifically:

- *“Several species and habitats would be affected by the proposed development. The ecological survey identified the Great-crested Newt, Common and Soprano Pipistrelle Bats, Slow Worms, Hazel Dormouse, and Wild Flower Meadows.*
- *The additional properties will impact house-building specifications and standards. Currently, most vehicles park on very narrow pavements, making it difficult for*

*pedestrians to get by. There is a lack of dedicated footway, which will need to be increased in length and width to facilitate residents' safe use.*

- *There will be a substantial increase in traffic to and from newly opened businesses, and the speed at which vehicles travel along Llantwit Road is already of great concern to residents' safety.*
- *The proposed development is in an area where there are water supply problems. Currently, low water pressure means residents cannot have both wash facilities and other appliances concurrently. Additional housing will only further exacerbate the issue.”*

**St. Athan Community Council** stated that they strongly objected. The reasons are summarised as follows: -

- Use of greenfield land.
- No natural road access.
- Over development.
- Lack of existing / proposed infrastructure.
- Lack of pedestrian access to local facilities (no connecting footway on Llantwit Road).
- Previous applications were turned down with access being a significant factor.
- The traffic figures should be revisited because they would be increased compared to previous approval, which was for only eight dwellings.
- Future traffic statistics should be based on the number of potential residents not dwellings.
- The traffic survey predated recent changes to Civil Aviation Authority rules in respect of St Athan airfield, resulting in increase of HGVs travelling along Higher End Road.
- Increased traffic from newly opened businesses.
- Vehicle speeding on Llantwit Road.
- The access is poor and potentially dangerous.
- Parking congestion.
- Exacerbation of existing low water pressure issues.
- Increased density may impact on building standards.

**Cllr S Haines** requested the application be considered by Planning Committee on account of the considerable public interest, and that a site visit was carried out. He stated that there was continuing concern from residents about additional traffic on an already busy and narrow road, including vans and HGV's, and that the site entrance does not have good visibility. In addition, suggested it would be worth carrying out a traffic survey because of the opening up of an additional entrance to Bro Tathan and the road being used by a fair amount of workers and commercial traffic.

A further email reiterated the request for a Committee site visit and that traffic had increased recently (since the ATC survey in 2021) because a major employer on the Bro Tathan site had flourished. He added that the 20mph law is being reversed and it could easily become 30mph again, and he understood future impacts have to be considered under the five ways of working.

**Former Cllr J Thomas** stated that the residents are very worried about the traffic situation

and having a bigger development (than previously approved) can only make things worse. In addition, the road through Higher End was far less busy at the time because, since then, the operation of the airfield has changed with vehicles not being able to cross the runway. This means that the only access to the areas south of the runway for cars and HGV's is via Higher End. Former Cllr Thomas also requested that delegation be lifted, and Planning Committee Members visit the site to see the problems for themselves.

**Ministry of Defence (safeguarding)** stated they had no safeguarding objections.

**VoGC Ecologist** did not object but stated it would be beneficial to see more detailed planting schedules to ensure they supported local wildlife, including dormouse. A lighting plan was requested by planning condition. It was stated that a hibernaculum should be added for biodiversity benefit, more bird boxes were required (33% of dwellings) to meet the Biodiversity and Development SPG, and the correct management of meadows acknowledged, and local seed used.

**Natural Resources Wales** did not object and stated that their concerns could be overcome through the inclusion of a planning condition requiring further approval of a Great Crested Newt Conservation Plan.

Great Crested Newt: NRW noted that the site contained some suitable terrestrial habitat for newts and that a population has been recorded approx. 250m from the site. Given the presence of GCN in the area and the potential for the development to impact on areas of terrestrial habitat, a conservation plan was recommended to be secured by planning condition. The plan must detail, among other things, the results of precautionary DNA testing on another pond (possibly unfavourable) nearby, measures for compensation/ mitigation for lost habitat and protection measures to be carried out during construction.

Bats: NRW initially requested further information, but their latest response stated no adverse comments after it had been established the structures on site had negligible potential to support bats.

Dormouse: NRW stated that notwithstanding their presence on site not being established during site surveys, they have been recorded within 250m of the site. They added that the recommendations of the Ecological Impact Assessment (EclA) regarding retaining and translocating habitat were sound, but that these were not reflected in the landscape strategy. They advised that the recommendations of the EclA were followed, and the detail agreed with the Council's Ecologist.

**VoGC Drainage** stated no objection, noting that the site was not located in DAM flood zones and NRW maps indicated the site was at very low risk of surface water flooding. They had requested further details to demonstrate the suitability of the rain garden as a multifunctional play area but confirmed, following submission of a revised scheme, that the proposed approach/ use was acceptable in principle, subject to detailed assessment as part of a SAB application.



**VoGC Highway Authority** initially requested further information in relation to the site access and raised concerns relation to the design of the internal layout and turning facilities. Their latest response following review of the updated plans and Transport Technical Note stated they had no objection, subject to conditions relating to full highway engineering details, a Construction Traffic Management Plan, off-site highway improvements, and highway condition surveys.

In summary, they stated that the latest access arrangement and vision splays were acceptable based on the nature and speed limit of Llantwit Road, but a TRO may be necessary to protect vision splays. They also stated that the lack of pedestrian footways on Llantwit Road was not ideal but (the road) should be subject to relatively low traffic and that requiring highway improvements of the developer in the form of signage, road markings and street lighting (to highlight the shared use) would alleviate concerns.

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

**Shared Regulatory Services (Environment)** stated in review of the submitted Ground Investigation Report that no soils exceeded acceptable contaminant levels, however some parts of the site were inaccessible during the time of the survey work. They stated that additional investigation would be required in these areas once accessible. In relation to ground gas, it was noted that no significant gas emissions were recorded and radon protection measures would be a requirement of Building Regulations.

Planning conditions were recommended to ensure further assessment of the inaccessible areas, including the securing of remediation and verification if contamination was found or unforeseen contamination encountered during works. Additional conditions were recommended in relation to importation of soils and aggregate, as well as the use of site won materials. Advisory notes were also provided in relation to contamination and unstable land.

**Cardiff Airport (Safeguarding)** – no response received to date.

**Heneb (formerly Glamorgan Gwent Archaeological Trust)** initially stated that the proposal has an archaeological restraint, adding that highly significant archaeological remains have been excavated a short distance to the east and northeast. These dated to the late Mesolithic and late Bronze Ages, as well as containing post-medieval features. It was recommended that determination of the application was deferred until a field evaluation had taken place.

A geological survey was subsequently carried out and a further response noted that the results identified that significant remains are unlikely to extend into the site. The possibility could not be entirely ruled out and, therefore, they recommended a planning condition to secure agreement of a programme of archaeological work. This was envisaged to be an archaeological watching brief during ground works.

**Dwr Cymru/ Welsh Water** stated that capacity existed to accommodate foul only flows from the development to the public sewer, adding that the sewer was a foul-only sewer and that surface water disposal to it would not be accepted. A planning condition prohibiting discharge of surface water to the public sewerage network was recommended. They also provided advisory notes relating to new connections, asset protection and the Water Industry Act.

In relation to water supply, they stated that capacity was currently available in the system to accommodate the development. They added that this would be subject of re-assessment at the time a formal application to connect for a new water connection to the site was made.

**VoGC Landscape Section** – no response received to date.

**VoGC Housing Strategy** stated that there is an evidenced need for affordable housing in the Vale of Glamorgan equating to 1205 units per annum, based on the 2021 Local Housing Market Assessment. This was further evidenced by the waiting list for the local ward area:-

<b>St Athan</b>	
1 BED	98
2 BED	45
3 BED	24
4 BED	10
6 BED	1
TOTAL	178

They also stated their full support for this proposal to develop affordable housing given the current housing crisis.

**VoCG Neighbourhood and Transport Services** – no response received to date.

**South Wales Police** provided design comments in relation to security, summarised as follows:-

- Spaces should be well defined by boundaries, lockable gates placed as close as possible to the forward elevation, the play area enclosed with a barrier and designed to discourage antisocial behaviour.
- Parking spaces should be inside curtilages, legible, well-luminated, and benefit from natural surveillance.
- Public areas should be open, well-lit, overlooked, and well-used.
- Landscaping should maintain visual openness and be maintained.
- Areas of public realm should be distinguishable from private areas (surface colouration, boundary markers etc.).
- A rumble strip should be installed at the site access.
- The area adjacent to Plot 1 should be given to it, else public access discouraged.
- Rear garden enclosures should be 1.8m high, or 2m where adjacent to public open space.

- Advice provided in relation to detailed fittings, locks, windows etc. as well as domestic lighting, bin and cycle storage areas.

**Cardiff and University Health Board** did not object but commented in relation to matters relating to public health and local infrastructure, local health service provision and service pressures. They added that this site was part of their previous service capacity analysis undertaken during preparation of the adopted Local Development Plan.

In their latest response and relation to design, they welcomed the inclusion of a children's play area. They also recommended cycle storage facilities be provided, traffic management measures be considered, and recommended buildings were designed to be resilient to climate change (heat events).

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

**Civil Aviation Authority** – no response received to date.

## REPRESENTATIONS

The neighbouring properties have been consulted on three occasions, initially in March 2022 and most recently on 12<sup>th</sup> March 2024. Site notices have also displayed (3<sup>rd</sup> May 2022) and the application has been advertised in the press (24<sup>th</sup> March 2022).

There were 43 representations received to the initial consultation, and c.55 further representations received during the two subsequent consultations following plan changes. Most of the latter were repeat or further representations from the initial respondents.

The representations received all objected or raised concerns about the proposals and the most prevalent reasons are summarised below: -

### Principle/ housing need

- Lack of housing need.
- The rLDP projects c.2000 new homes in St Athan inc. affordable housing, demonstrating this site is not required.
- No need for affordable housing in St Athan (figure quoted is for Llantwit Major Ward).
- Concerns about the nature/ behaviour of potential occupiers.

### Location

- Location unsustainable and/or inaccessible - would promote car use.
- The site is divorced from the settlement/ local services.
- Objections in principle to 'greenfield' development.
- Over-concentration of affordable housing in one location.

### Infrastructure

- No local facilities to serve site occupiers.

- A new school is required / no school places.
- Inadequate local health service provision (no doctor surgery).
- Sustainable transport infrastructure improvements are required (paving, lighting, and bus stops).
- Above improvements essential for occupiers of adaptive housing.
- The previous application was subject to s106 agreement.
- Lack of public transport facilities nearby.

### Design and Character

- Vehicular access at odds with semi-rural character (as specified in previous decision report).
- It is out of character with the hamlet/ rural nature of Higher End.
- It is out of keeping with character of local area/ pattern of built development.
- Losses in hedgerows damaging to local character.
- The unit mix is out of keeping with the area.
- Inappropriate location for play area (adjacent to access road).

### Drainage

- Foul drainage infrastructure may be inadequate. Planning applications have previously been refused on this basis.
- No storm drain infrastructure on the road.
- Concerns over the number of drainage tests carried out on the land and surface water drainage provisions.

### Land constraints

- Loss of good agricultural land and its impact on food supply and security.
- Contamination – no gas monitoring programme/ report.
- Lack of archaeological reports.

### Ecology and Biodiversity loss

- Would cause environmental destruction.
- Detriment to ecology and biodiversity.
- Harm to local wildlife.
- Habitat loss – inc. bats, hedgehog, dormouse, reptiles, amphibians (inc. Great Crested Newt), bird nesting sites.
- Loss of trees and hedgerows (priority habitat listed in Section 7 of the Environment Act (Wales) 2016).
- No account of local species - Bullfinch, Redwing, Fieldfare, Mistle Thrush, Song Thrush, Starling.
- No account of habitat value of local gardens (inc. wildlife ponds, palmate newt).
- Increased light pollution.
- The proposed translocation site (immediately east of the application site) has been subject to enforcement action regarding waste dumping and burning, and a Lawful Development Certificate for a builder's yard on it refused.
- Tree and vegetation clearance undertaken without planning permission in place.

## Highway safety

- Traffic calming measures required.
- Speeding vehicles on Llantwit Road.
- Detriment to highway safety from increased traffic.
- Poor visibility at site access (parked cars, narrow lane, large vehicles using road).
- Increased parking congestion on Llantwit Road.
- Inadequate manoeuvrability (track runs show overrun clipping a stone wall).
- Difficulties experienced by emergency vehicles in accessing Llantwit Road.
- Detriment to pedestrian safety, more pedestrians using road without footways, adequate street lighting. This would not be remedied by signs, road markings, and street lighting.
- Highway in poor condition, maintenance issues (increased cost of rectification).
- Lack of highway survey data, previous (2016) assessment outdated.
- Recent increases in traffic, to avoid roadworks and using the new MoD southern gate and expanse of businesses here.
- Llantwit Road is used heavily by large vehicles (vans, buses, HGV's, agricultural/ equine vehicles).
- An accident occurred on Llantwit Road with a vehicle causing damage to a wall.
- Potential issues with construction traffic and contractor parking.

## Amenity / nuisances

- Dog problems.
- Harm to residential amenity from noise, nuisance/ disturbance.
- Construction phase nuisances.
- Loss of privacy / overlooking.
- Impact on safety and security.
- Light pollution (from new junction/ street lighting).
- Overshadowing and loss of daylight to neighbouring properties.
- The proposed buildings would be overbearing and oppressive.
- Detrimental impact on mental health and wellbeing.
- Lack of or limited amenity spaces for occupiers of the development.
- Impacts from chicken farm adjacent to site (vermin, odour).
- Area has elderly demographic.

## Heritage

- Loss of heritage (demolition of garage) which was old smithy/ forge.
- Detrimental impact on other local heritage assets (inc. settings of nearby listed buildings on Llantwit Road).

## Air safety

- Possible airport safeguarding issues.

## Procedural matters

- Pre-application consultation not completed (erroneous future date of Nov '22 stated in PAC report as expiry date).
- Ecology report erroneously states the development is for 20 houses.
- Transport Note erroneously quotes the existing footway width to the east at 1m.
- The calculations for proposed development traffic are based on more urban areas which are not representative of the application site.
- The Design and Access Statement fails to reference several listed and other prominent local buildings in its assessment of the local context.

There were also concerns raised in relation to personal matters and private and/or political influence in the planning process was also alluded to.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

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

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

POLICY MG1 – Housing Supply in the Vale of Glamorgan  
 POLICY MG2 – Housing Allocations  
 POLICY MG4 – Affordable Housing  
 POLICY MG19 – Sites and Species of European Importance  
 POLICY MG20 – Nationally Protected Sites and Species  
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

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

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

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

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

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

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

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

#### Chapter 5 – The Regions

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

#### 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

#### 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.

### **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (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
- Development in the Countryside (including new housing)
- Supporting Infrastructure

#### Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing)
- Community Facilities
- 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 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 in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

### **Supplementary Planning Guidance:**

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- 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
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

### **Equality Act 2010**

The Equality Act 2010 identifies several 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

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

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

## Issues

The main issues are considered to be the principle of the development for affordable housing; scale, design and visual impact; open space provision; as well as impacts on heritage assets and archaeology; site access; highway and pedestrian safety; residential amenity; ecology and green infrastructure; water supply; and drainage.

## Principle of the Development

Policy MG1 (Housing Supply) of the Local Development Plan (LDP), set outs that to meet the housing land requirement of 9,460 new dwellings, provision will be made for the development of up to 10,408 new dwellings during the plan period and this will be met, amongst other means, through direct housing allocations within the Plan. The site forms part of the "Land at Higher End" housing allocation as identified by Policy MG2 (2) (Housing Allocations).

The entire Higher End allocation equates to a total of 9.78ha greenfield site that lies to the south of MoD St Athan and north of Llantwit Road, allocated for a total of 220 dwellings. The eastern part of the site (approx. 4.5ha) was given planning permission for 100 dwellings and has been developed (2009/01368/OUT, 2012/00066/RES, 2013/01148/FUL and 2015/00335/RES refer). These are accessed from St John's View. The development of the remaining part of the site (approx. 5.3 hectares) would therefore be expected to deliver a total of 120 dwellings.

This application site (edged red) includes part of the above land (equating to approx. 0.65h.a. of the allocation) and is proposed to be accessed from Llantwit Major Road. It is therefore shown to be inside of the St Athan settlement boundary within the LDP.

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise. This comprises the Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026. The plan review process has begun, but the above LDP remains the extant Plan. The Replacement Local Development Plan 2021-2036 Preferred Strategy indicates the application site land is still required to meet housing need, and as such, the present intention to retain the site allocation in the replacement Plan. This will be subject to future review, however the available evidence since the adoption of the LDP reinforces the rationale behind the housing need and the site being allocated for new housing.

In relation to its location, the site is within a reasonable walking distance of the centre of St Athan, where some local services exist, and public transport can be accessed. The location, as was originally considered under the LDP adoption process, is therefore considered acceptable in terms of its position and distance to services, whilst noting matters relating to pedestrian infrastructure and accessibility of the site are discussed in further detail elsewhere in this report.

It is also noted that the site has been brought forward separately from the wider residential allocation (land to the north and east). The approach is 'piecemeal', however, there is an existing right of access around the entire periphery of the site (an informal track), for which there is no ostensible resolution to providing vehicular access through the application site area to the land beyond. The land to the north is also understood to be in separate ownership to the application site. Having regard to these circumstances, it is considered appropriate to consider this part of the site in isolation. It is also considered that the proposed layout and access road as currently proposed would not fetter future development of the housing allocation should access become available, noting that any such future proposals would be subject to further assessment as part of any planning permission, in terms of the suitability of both the means of access and its scale/ layout etc.

This is therefore a location where new residential development is considered acceptable in principle, subject to compliance with the other applicable LDP policies and assessment of its environmental impacts.

### Affordable Housing

Policy MG4 (Affordable Housing) indicates that any development resulting in a net gain of 5 dwellings or more in St. Athan should deliver at least 35% affordable housing. Given that a residential development is acceptable in principle, as set out above, the development need not be justified with reference to the local affordable housing need. However, for context and given its relevance, it is relevant to note the affordable housing need.

Local need for affordable housing within the Vale is evidenced by the Council's Local Housing Market Assessment (2021) which determined that 1205 additional affordable housing units were required each year to meet housing need in the Vale of Glamorgan. There is a target for 3,252 affordable residential units to be provided over the Plan period as identified by policy SP4 (Affordable Housing) of the Local Development Plan. Further evidence is provided by the Council's Homes4U waiting list in the St Athan ward:

<b>St Athan</b>	
1 BED	98
2 BED	45
3 BED	24
4 BED	10
6 BED	1
TOTAL	178

The proposal would provide additional affordable housing and given the evidenced need for such housing locally, and in the Vale of Glamorgan, this is welcomed. The provision of 25 units would assist, but there is abundant evidence that demand does, and would still, far outstrip supply. Consequently, there is an identified need for these units, which would assist the Council in meeting affordable housing demand.

The size, location, and need for affordable housing have been questioned in representations. Firstly, and as noted above, there is significant demand for affordable accommodation locally and in the Vale of Glamorgan that is not being met by the existing stock. This development is for a modestly scaled scheme in comparison to the size of the settlement and would not inherently (i.e., by design) create an isolated community or pocket of development. There is no inherent reason that the occupiers could not form part of a cohesive community, and the proposal provides for a mixture of unit types across the site and contains no large-scale flatted blocks.

There have been concerns raised about nuisances from the prospective occupiers (dog ownership, for example) however, while it is not possible to account for the behaviours of individuals in the planning process, a residential land use in or adjacent to an existing residential area is considered acceptable in principle.

Lastly, and perhaps most importantly, providing good quality affordable homes is a critical part of addressing societal inequalities and improving quality of life, wellbeing and, ultimately, social outcomes associated with inadequate and/or poor quality housing, as well as homelessness. The development has a clear public benefit in this regard, the principle of the development is favoured in policy, and the provision of 100% affordable housing (i.e., excess of the minimum 35% policy requirement) weighs in its favour.

### Density

Policy MD6 (Housing Density) of the LDP also sets out acceptable housing densities, to ensure the land on development sites is efficiently used. These are minimum requirements (unless a lower density is justified by site constraints) and are intended to ensure that development pressure on other sites is not increased by low-density development. The policy requires a minimum of 30 dwellings per hectare on this site, which equates to c.20 units based on this site area. The development, providing 25 dwellings, is therefore compliant with this policy.

### Agricultural land

Policy MD1 – Location of New Development of the LDP states development should “*have no unacceptable impact on the best and most versatile agricultural land*”. Best and most versatile (BMV) agricultural land is defined in PPW as “*land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile*”. Welsh Government has undertaken a broad level study of Wales and created the Predicative ALC map and, using this tool, the application site is classed as no higher than grade 3b (moderate). This is below the BMV threshold and therefore the land is not protected in policy on account of its predicted moderate quality.

The site appears to be used for low-density/ occasional grazing and the loss of this relatively small parcel of land is unlikely to cause, nor would result in any known impacts, on existing agricultural businesses/ holdings. It would also have a negligible impact on strategic food security / national production capacity. There are also no functional agricultural buildings on the land that would be lost to development.

### Heritage and Archaeology

#### *Built heritage:*

Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of *preserving the listed building, its setting or any features of special architectural or historic interest* is given and this is reflected in Planning Policy Wales (PPW) and Policy MD8 (Historic Environment) of the LDP.

There are several listed buildings in the vicinity of the site located off Llantwit Major Road. The site also appears to share a common boundary with the Grade II listed West Orchard Farm, the adjacent Aderyn Cottage is also Grade II listed, as is Myrtle Cottage on the opposite side of Llantwit Road. The land is allocated for housing and the principle of residential development is established in the LDP. There would be no direct impact on any heritage asset, and the principal consideration is whether the scale and design of the proposal, including the creation of a new vehicular access, would cause harm to the setting of the nearby listed buildings.

The proposal would bring built development within approx. 40m of the closest of these listed buildings, which is West Orchard Farmhouse. The separation between the nearest proposed building and the curtilage of West Orchard Farmhouse would be approx. 12m. The proposal would inevitably involve some site clearance, however, the landscaping strategy indicates viable trees on the application site near the boundary would be retained, as well as a native hedgerow to the common boundary. This would ensure some softening and screening but two storey development on the application site would still be visible from the curtilages of the listed buildings.

West Orchard Farmhouse is listed for its special interest as a possibly late C16 house which retains significant historic features and planning detail. The development of the application site, which likely once formed part of the farmstead and is nonetheless part of the wider agrarian landscape, would be an appreciable change. The farmhouse, however, appears to have long been severed from any wider land holding and, with the proposal being for modest two-story development with a traditional built form, it is considered that it would not cause harm to the setting of West Orchard Farmhouse. It is therefore considered that the settings of West Orchard House, and Aderyn Cottage alongside it, would be preserved.

Representations have been raised regarding the historical significance of the outbuilding proposed to be demolished at Fair oak, as a 19<sup>th</sup> Century smithy/ forge. The building is outside of any conservation area and has not been listed, either locally or designated nationally, for its importance. The principle of a vehicular access (in terms of visual impact and character) was considered acceptable in assessment of a previous application (2015/01152/OUT). This permission has lapsed but there is no material change in terms of the status or significance of the building proposed to be demolished. It has some value to the aesthetic of the street scene as a stone building of likely 19<sup>th</sup> Century origin, but it benefits from no statutory protection, and neither would its degree of significance as a historic building warrant such protection.

The access proposed in the previous application comprised of a shared surface arrangement whilst the current application instead proposes a 5.5m carriageway with engineered footways. The previous incarnation had a less formal appearance; however, the degree of change is not so highly significant as to have a wholly different impact to the setting of Myrtle Cottage. It is considered that the setting of this listed building would be preserved, noting the distance and the relatively limited inter-relationship between them.

### *Scheduled monuments:*

The West Orchard Manor House Scheduled Monument (GM083) is located c. 400m to the west of the site, however the existing built development and vegetation in between these two sites mean intervisibility between them is highly unlikely. There are also no other designated historic assets in the wider area whose settings are likely to be impacted by this development.

### *Archaeology:*

In response to consultation Heneb (formerly Gwent Glamorgan Archaeological Trust) stated that highly significant archaeological remains have been excavated a short distance to the east and northeast. Those dated to the late Mesolithic and late Bronze Ages, as well as containing post-medieval features. They initially recommended that determination of the application was deferred until a field evaluation had taken place.

The applicant later submitted a geological survey and Heneb subsequently noted that the results identified that significant remains are unlikely to extend into the site. They nonetheless concluded the possibility of resource being found could not be entirely ruled out and recommended a planning condition to secure agreement of a programme of archaeological work. They envisaged this would be an archaeological watching brief during ground works. It is considered that the risk to archaeological resource on the site is adequately mitigated subject to this condition (**see Condition 3**)

### *Conclusion:*

In conclusion on heritage related matters and having regard to the above and the requirements of S.66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed development would preserve the settings of the nearby listed and locally listed buildings, and subject to condition, potential archaeological resource on the site is adequately safeguarded. The proposals are therefore considered compliant with Policy MD8 of the LDP.

### Visual and Landscape Impact

The site is part of a housing allocation within the LDP, as has been set out above, and therefore there can be a reasonable expectation that the site would be developed for housing, and so a fundamental impact to character of the land (i.e., from its 'greenfield' condition) would occur. This does not necessarily render the development acceptable, noting an assessment of the scale of development, layout, and design, is required in the context of the surrounding landscape to assess how the development relates to its surroundings. There are no landscape designations on the application site, or nearby, but the character of the land is nonetheless rural, at present, despite it being adjacent to existing residential development. The site is flanked by a public footpath near the north-western boundary, and the new vehicular access would be directly on to Llantwit Road.

One of the principal considerations relates to the site access, noting that the old smithy/forge is not statutorily protected, as set out previously. The principle of the demolition of the old smithy/forge is considered acceptable in relation to its contribution to the street scene, and in a similar vein to the previous planning permission (2015/01152/OUT), a new vehicular access here is considered acceptable, in principle. The site nonetheless sits at a point where the character of the settlement becomes more rural, with built development becoming more sporadic to the west. This was touched upon in the report for that previous application, where it was noted that a shared surface access was deemed the appropriate design for this location, on account that Llantwit Road is less formally engineered and the semi-rural appearance of the street scene. The proposed access in this application is for a 5.5m carriageway with 2m footpaths on either side. This would give it a more formally engineered appearance than the previous incarnation, however, a shared surface access, by design, makes the access less suitable if ever it were to serve more dwellings (noting the issues discussed previously with regard to the wider allocation). The provision of full width footways ensures that the road would be better suited to meeting the needs of future development of land to the east, subject to resolution of practical matters (such as ownership/ access rights) and planning permission (subject to assessment). Alternatively, access might be secured from the east to develop the remainder of the housing allocation, or it may not be developed at all. However, it is considered that, on balance, there is a public benefit in ensuring the road layout factors in the potential need for future growth, especially so given the adjoining land in question is allocated in the adopted LDP for this purpose.

The other principal public viewpoints are from the public footpath to the west and north of the site. As noted, the site is allocated for housing and, while there would be a significant change of character at the application site, the development would generally be viewed within the context of the built development of the existing settlement in the backdrop and appear as a logical extension to the settlement.

The proposed layout has dwellings logically fronting the access road and is considered acceptable in relation to the street environment proposed within the development site. The built development otherwise has backs of properties facing the fields (and residential allocation) beyond. The layout of any future development, as well as the maintenance or diversion of the footpath would be subject of design consideration if the land was brought forward for development. In isolation, the proposed layout would have native hedgerows planted to the rear boundaries that is considered an appropriate solution that would soften the visual appearance of the development and create new connective habitat. If the adjoining land in the allocation was to be developed in the future, it is likely that an acceptable layout could be accommodated for which considered the orientation of properties on this site to ensure suitable visual relationships.

The proposal does not replicate the generally low-density pattern of the existing settlement at Higher End; however, the layout affords for consistent gaps between the buildings around the site perimeter, especially from viewpoints on the public footpath. The scale of the development is a maximum of two-storeys, and on balance and noting its allocation for housing, it is considered acceptable. It would not significantly harm the character of the site frontage on Llantwit Road, or the countryside beyond, whilst making efficient use of land. The change in character would also be much less apparent if the remainder of the housing allocation was brought forward for development.

In relation to the design of the dwellings, they take a traditional form but utilise a more modern palette of materials consisting of a mixture of facing stonework, render, and cladding. The blend of materials would provide visual interest to the proposed buildings and is considered suitable for the site context on the edge of the settlement. The precise details of materials inc. solar panelling is recommended to be secured under proposed **Condition 15**.

It is considered that the proposal accords with Policies MD1 (Location of New Development), MD2 (Design of New Development) regarding the visual and landscape impacts, as well as in relation to the rural and landscape character of the area.

#### Access, Parking and Highway Safety

The proposed vehicular access to the site would be via a new access created to Llantwit Road. In relation to the wider highway network, the provision of 25 additional units is unlikely to have more than a negligible impact to road junctions beyond Llantwit Road. The proximity of the site to local services, facilities, and public transport is also considered acceptable. The principal consideration is the adequacy of the highway network on Llantwit Road, noting that the road lacks connected footways, and those on foot would need to walk c.180m before reaching footways with an unbroken connection to the centre of St Athan.

In terms of context, Llantwit Road can accommodate two banks of traffic along most of its length, albeit the road narrows on approach to the site from St Athan. On street parking is also common on Llantwit Road and some existing properties lack dedicated off-street parking. Vehicles using the highway therefore need to negotiate parked cars on occasion and wait if vehicles are approaching in the opposite direction.

#### *Traffic:*

The existing traffic volumes have increased since outline planning consent was granted (ref. 2015/01152/OUT) in 2018, when movements were reported to be c.200 per day in total, based on a 2016 survey. A further ATC survey undertaken in 2021 shows that this had increased to c.750 per day. These results add weight to the anecdotal evidence in representations that traffic volumes have increased, ostensibly due to changes in access arrangements at the MoD site. Although traffic volumes have increased the vast majority recorded were light vehicles and almost all of them were non-articulated vehicles. In relation to speeds, the 85<sup>th</sup> percentile speed of 32mph recorded in 2021 was an increase from 30mph in 2016. However, notably, the speed limit is now set at 20mph rather than 30mph.



The increase in traffic volume is significant compared to the 2016 results but it is also important to note that this is in the context of a very low baseline. The 2021 results, despite the recorded increase, equates to c. 1.5 vehicle movements per minute across the peak hour. This demonstrates that gaps are likely between movements, even at peak hours, and significant traffic congestion is very unlikely to occur here despite the carriageway width and presence of parked cars. The proposed development has been modelled using TRICS data and is estimated to result in an additional 10 trips across the peak hours, equating to a total 1.66 vehicle movements per minute across the peak hour when adding the two (projected and existing trips) together. The proposed development is therefore not anticipated to cause a significant change in traffic volumes or cause unacceptable levels of congestion. The methodology and data have also been reviewed by the Council's Highways Engineer, who did not object in this regard.

*The proposed junction/ visibility:*

The alignment of the proposed access has been adjusted since the scheme was initially submitted in 2022 as the common boundary with Greentop was not accurately shown. The visibility splay plans accompanying the Transport Technical Note (Feb 2023) have also been updated, accordingly.

Guidance within TAN18 and Manual for Streets both state that, for a 85<sup>th</sup> percentile speed of 30mph, the access should provide adequate visibility splays over a stopping distance of 43m, in each direction, measured from 2.4m back from where the junction meets the carriageway. Whilst the observed speed in the 2021 surveys was 32mph, the speed limit is now reduced to 20mph and, accordingly, a lower stopping distance is considered appropriate. The 25m distance illustrated on plan 0861-001-L (Proposed Access Plan) equates to the equivalent standard for observed speeds of 20mph. This provides for adequate visibility for pedestrians and cyclists, and although actual vehicle speeds may remain higher than the new limit, these vehicles are also unlikely to be travelling at the tight inside edge of the carriageway (to where the splay is drawn). The visibility to the centre of the highway would be far greater and the overall arrangement is considered acceptable in terms of the safety and function of the proposed junction.

It is noted that part of the visibility splay to the west of the site crosses land over which ownership and adopted status have previously been uncertain (forward of Greentops). However, a further analysis of the situation undertaken by Officers, together with the Council's legal department and the Highway Authority has concluded that, as a minimum, the extent of the visibility splay shown on the access plan is all within the adopted extent of the highway. It is also noted that the area in question has been paved by a third party, sometime preceding this application. However, these works are not part of the proposed application and appear to have taken place at least partly within the adopted highway. Nevertheless, the Highway Authority have raised no concerns in relation to the works in their response and they do not hinder visibility. They would also be able to secure that the visibility splay is maintained over the splay area drawn.

A swept path analysis has also been submitted analysing the ability of a refuse vehicle to navigate the access and turn within the site. It is noted that an overrun is shown on the inward turn (westbound), however, it is very marginal and the plans show there is enough leeway to undertake this manoeuvre safely and without coming into contact with the stone wall opposite the junction.

The proposed access arrangement has been reviewed by the Council's Highway Engineer and is considered acceptable, subject to proposed conditions, noting that a Traffic Regulation Order may be required to secure that vehicles do not park within the extent of the visibility splay for the new junction (**see Condition 9**).

*Pedestrian access:*

It is proposed to construct the internal access road to an adoptable standard that includes two-metre-wide footways. This has been reviewed by the Council's Highways Engineer and is considered acceptable (subject to **Condition 9**). The principal consideration in relation to pedestrian safety and accessibility relate to the conditions on Llantwit Road, where there are no dedicated footways that would link the site to the settlement core.

The observed traffic volumes, as well as the anticipated traffic volumes and speeds, are low on Llantwit Road for the reasons set out above. The character of the street is residential, it is lit intermittently, and onward visibility is generally good. The lack of pedestrian footways is not an ideal situation, but neither is it considered to be to be inherently dangerous environment for pedestrians, or act as a significant deterrent to occupiers of the site from making journeys on foot or by cycle. The Council's Highways Engineer did not object in this regard but recommended that highway improvements be provided in the form of additional signage, road marking, and street lighting (see **Condition 12**).

*Conclusion:*

In conclusion on the above transportation related matters, it is considered that the proposed development would not significantly increase traffic volumes and provides for an acceptable means of access to the site. The Highway Engineer also recommended conditions to ensure impacts were mitigated so far as possible during the construction phase by agreement of a management plan (**Condition 10**) as well as provision of road condition surveys (**Condition 11**).

Ecology

The application has been supported by an Ecological Assessment undertaken by Wildwood Ecology Ltd. This has included a preliminary appraisal which summarised the results of a data search, identified on-site habitat, and in turn formed the methodology and scope for subsequent field surveys. The site habitat was identified as principally poor, semi-improved grassland, with intact and species-rich native hedgerows, and areas of scrub and rubble.

The assessment and survey methodology has been reviewed by the Council's Ecologist and is considered acceptable. Natural Resources Wales (NRW) also made no adverse comments in this regard.

The most prevalent impacts of the proposals are discussed in greater detail below: -

*Great-Crested Newt:*

Great Crested Newt (GCN) are fully protected under the Conservation of Habitats and Species Regulation (2017) as European Protected Species.

There are established populations of GCN in St Athan, as have been noted within the assessment and consultation responses from Natural Resources Wales and the Council's Ecologist. There are no ponds on the application site, but NRW advised that GCN have been recorded within 250m of the site, and a pond exists close to the northern site boundary. Palmate newt were also found on the application site during field surveys. No GCN were found using the site but the mixture of grass and scrubland it contains was considered suitable as wider terrestrial habitat for GCN.

NRW do not object to the proposals but requested a planning condition that required further approval of a Conservation Plan for GCN. The Plan would include details of a DNA survey on the adjacent pond (outside of the application site), details of habitat to be retained / created, and the mitigation measures to be undertaken during construction (see proposed **Condition 4**).

It is also considered important that, along with suitable enhancement measures, the site drainage features (including the road drainage) are designed to be newt friendly. This is also secured by proposed **Condition 5**.

#### *Bats:*

The site has been assessed for its likelihood of containing bat roosting features. The on-site buildings were found to have negligible potential to support bats, apart from the stone barn at the site access which was considered to have low potential. There were subsequent flight surveys carried out which identified no roosts within the latter although bats were observed flying overhead.

The Council's Ecologist requested a condition requiring further approval of a lighting strategy (see **Condition 5**) and welcomed the provision of bat boxes as means of enhancement.

The impacts of the development on green infrastructure, including the site hedgerows and proposed landscaping, are discussed in more detail in the Green Infrastructure section of this report.

#### *Reptiles and amphibians:*

The ecology assessment also recorded the presence of a small population of slow worms on the site and noted the site provided suitable habitat, including rubble that offered shelter. The assessment recommends that mitigation measures are put in place during construction and that any reptiles found on the site are re-located to an agreed receptor site. The Council's Ecologist did not object in this regard but recommended a hibernaculum was added to the scheme as an enhancement measure (see **Condition 5**). The land to the east is not necessarily unsuitable on account of waste and rubble because it can provide shelter for them. The site would nonetheless require agreement under the terms of the proposed condition, as would a method statement applicable to site clearance.

#### *Hazel Dormouse:*

There are records of dormouse in the local area, as identified within the ecological assessment and the consultee responses, and these are also a European Protected Species. The site contains suitable habitat for dormouse (native, species rich hedgerow), however, a nest tube survey that was carried out in the correct season did not record any dormouse present on site.

The principal considerations in relation to dormouse therefore relate to the loss of suitable habitat, considering they have been recorded in the locality. On this matter, NRW advised that the ecology assessment by Wildwood made sound recommendations regarding the positive management of green infrastructure, including for retaining and translocating habitat, but these should be reflected in the landscaping proposals and a long-term habitat management plan secured.

The considerations relating to green infrastructure are assessed in further detail within the Green Infrastructure section of this report, below, and long-term habitat management measures are subject to proposed (see **Condition 5**).

#### *Other species:*

In accordance with the requirements of the Biodiversity and Development SPG a development of this size should provide nest boxes on 33% of the buildings. This can be secured by condition, together with the Council's Ecologist's recommendation to use local seed mix to create wildflower meadows on suitable parts of the site. **Condition 5** is proposed to secure these details, together with further details of mitigation and avoidance measures to be undertaken during the construction phase.

#### Green Infrastructure/ Habitat

The application site contains hedgerows described as intact and species-rich in the ecological assessment by Wildwood Ecology. The report recommends that hedgerows are retained where possible, or otherwise translocated, to avoid net losses of hedgerow. These sentiments were supported by NRW in their response, on account of them being suitable dormouse habitat. As noted in the Green Infrastructure Statement (GIS), the proposed development would involve the loss of c.100m of hedgerow.

Planning Policy Wales (Ed.12, 2024) states that permanent removal of trees and hedgerows will only be permitted where it would achieve clearly defined public benefits, and trees are replaced at a ratio of 3:1. The potential to retain a greater extent of the existing hedgerow has been considered, however, it would ultimately not be possible to develop the site at the proposed density unless the hedgerows are removed or translocated.

The GIS states that the hedgerows cannot be translocated on account of their quality, however, there is no evidence provided (from their ecologist and/ or arborist) to demonstrate that this is not possible. Instead, the submitted proposals are to plant more than 300m of new native hedgerow, principally located around the peripheries of the site. The proposed extent of new hedgerow meets the replacement ratio specified in PPW and is more than the ratios required within the Council's Biodiversity and Trees, Woodlands, Hedgerows and Development SPGs.

The proposed arrangement is considered acceptable in principle as it would provide an extensive area of new habitat with potentially better (albeit not direct) connectivity to the surrounding network of hedgerows in the fields to the north and to the west. On balance, it is considered that the proposed layout is acceptable and allows for the more efficient use of the land/ site to provide much-needed affordable housing. As noted, the potential to translocate existing hedgerow should be explored or evidenced, being preferable to wholly new areas of planting which will take time to establish. This is proposed to be secured by **Condition 5 and 6**. If translocation is demonstrably impossible, or fails, the extent of proposed replacement planting is considered an acceptable fall-back, subject to agreement of further details including planting schedules, timings, and details of future management.

There are also trees that would be lost to the development at the vehicular access and around the site peripheries. There are also trees located within the hedgerows or on the peripheries of the site, but these are not of a size or condition that would warrant preservation through service of a protection order. The larger of these are also Ash trees suffering from dieback, and others recorded had already died at the time of survey. In addition to those accounted for in the hedgerows, approx. 7 additional individual trees would require removal, as well as a small group of spruce trees. These require removal because of their health or to facilitate the development because of their position. The proposed landscaping plans indicate that 19.no new trees would be planted, and although this is slightly short of the 3:1 ratio specified in PPW, a revised landscaping plan accommodating additional tree planting can be secured by condition, as well as details of protection measures to be deployed during construction (**see Condition 6**).

Having regard to the above, the step-wise approach advocated by PPW has been followed and the removal of the trees and hedgerows identified is considered acceptable, subject to an enhanced scheme of replacement planting as mitigation. The proposals are considered compliant with Policies SP10 Built and Natural Environment, MD2 Design of New Development, and MD9 Promoting Biodiversity, as well as Planning Policy Wales (Ed.12) and TAN5.

### Amenity of Occupiers

#### *Amenity Spaces:*

The Residential and Householder Development SPG states that proposed dwellings should be served by an adequate area of private useable amenity space, equating to at least 20sq.m per person. This would typically equate to 60sq.m for two to three-bedroom dwellings. Shared amenity spaces are acceptable for flats based on the number of occupiers at a similar ratio. The proposed amenity space provision varies between 40sq.m to 100sq.m for the proposed houses and, whilst there is a small shortfall for some, all are laid out in a logical and functional manner and would meet the essential outdoor amenity requirements of the occupiers. Most of the flats are provided with private amenity spaces at least 20sq.m in size, except for units 22 and 24 which would have access to a good-sized communal amenity space instead that exceeds the minimum size stipulated in the SPG.

There are some shortfalls in the SPG size requirements, as noted, but these are limited, and others exceed the minimum standard. In addition, all the spaces are laid out in a functional manner and would meet the essential outdoor amenity requirements of the occupiers. It is also reasonable to expect a degree of variance to occur across a residential development such as this due to site and layout constraints. The proposed arrangement is considered acceptable on this basis.

#### *Privacy/ Daylighting:*

The relationship of the proposed buildings is such that they would provide adequate daylight to interior rooms and not appear as overbearing or unneighbourly to each other. The dwellings also accord with the privacy standards of the SPG in relation to distances between windows serving habitable rooms, except where some windows oppose each other over areas of public realm. The latter is a common occurrence in many urban environments and considered acceptable in this instance.

#### *Noise:*

The planning history shows that previous planning applications for residential development at this site have been refused at this location in 2002, 2004 and 2005. One of the reasons for refusal, amongst others, was the potential impact of noise from the nearby MoD base on the future occupiers of the residential properties. The application site is located approximately 300m from the nearest buildings within the military base and approximately 400m from the main runway.

It is, however, relevant to note that applications have since been approved at St. John's Well (ref. 2009/01368/OUT) for 100 dwellings, which was approved in 2011. Residential development has also previously been approved (now lapsed) on part of this application site. In comparison, the St John's Well site was only 150m from the nearest building on that MoD site and 250m from the main runway, and so considerably closer. A noise survey was submitted as part of the St. Johns Well application and it referred to noise modelling submitted in support of the Defence Technical College and Aerospace Business Park in 2009.

This application has not been supported by any updated noise modelling. However, considering the additional distance it is considered highly unlikely that future occupiers of this site would be unacceptably affected by noise and, consequently, that activities within the base are not likely to be fettered by complaints from occupiers of this site. Shared Regulatory Services were also consulted and did not object to the proposals on these grounds.

#### *Other nuisances:*

It is noted that an agricultural building is located close to the north-eastern corner of the application site. It does not appear to be intensively used or used for housing livestock. The adjoining land appeared to be used for low intensity grazing for sheep and ponies. The building and agricultural concern are of a scale that are very likely to result in unacceptable sanitary and living conditions and/or complaints from the occupiers of the proposed development.

#### Neighbouring Amenity

The proposed layout illustrates that some of the proposed buildings would be near to the common boundaries with existing neighbours on Llantwit Road, with distances from the closest ranging from c.2m - 6m.

The potential impacts are discussed in more detail below: -

#### *Privacy:*

The Residential and Householder SPG guidance stipulates that directly opposing windows should have a separation distance of 21m, with lesser distances permissible where views are not direct, depending on the relationship between the sites. It also states that close overlooking of neighbouring private amenity spaces should be avoided, without stipulating a minimum distance for the latter.

The proposed two-storey units within closest proximity to existing neighbouring properties have their side elevations facing those neighbours, and these do not contain windows at first floor level. The proposed units 8/9 are, however, not orientated fully 90 degrees with the boundary to Ty Gwyn and this results in some views being possible toward the neighbouring property. However, the viewing angle is very oblique toward the neighbouring dwelling and most of its garden, and so the relationship is considered acceptable.

Unit 25 is a bungalow with rear facing windows orientated toward neighbouring properties off Llantwit Road, however these windows are all at ground floor level. Some of the existing boundary enclosures between the application site and these properties are low enclosures, resulting in some potential inter-visibility. However, the arrangement is considered acceptable noting that the applicant is proposing to plant new hedgerows on the site boundaries (detail proposed to be secured by **Condition 6**), a condition is proposed requiring further details of enclosures (**Condition 16 refers**), and enclosures of existing properties can be erected or raised up to 2m under permitted development rights to mitigate any related impacts, if so desired.

There were concerns raised about potential overlooking toward West Orchard Farmhouse, but the proposed buildings are now orientated so that no direct views toward this property are possible (the side elevation of Unit 23/24 does not contain windows). Overall, the proposed arrangement complies with the Residential and Householder Development SPG in respect of privacy to existing neighbours and is considered acceptable.

#### *Light, Shading and Overbearing impacts:*

The site is orientated north of existing neighbours and therefore no significant shading impact would occur to existing neighbouring properties. The orientation and separation distances are also considered acceptable and would not result in a significant impact on daylight received to neighbouring houses and their garden areas.

The proposed development would be clearly visible from neighbouring properties, and in some instances, two storey properties are near the common boundaries. This would result in an appreciable change in outlook from the neighbouring properties concerned. The neighbours affected most in this regard are Ty Gwyn and Llwyn Onn in respect of Units 8/9, Fair oak in respect of Units 1/2, and Buckland Cottage in respect of Units 23/24. The impact on private views is not a material consideration and so the principal assessment is the degree to which the proposed buildings may be overbearing.

There would be an appreciable visual change, as noted, but the distances from neighbouring dwellings (c.13m minimum) ensures that the proposed buildings would not be overbearing viewed from their interiors. The proposed buildings would be more obvious when viewed from adjoining neighbouring gardens, but all of them are physically separated from the boundaries (if only modestly) and neither would the proposed built development significantly enclose them. It is considered that the proposed development would not unacceptably reduce the openness of outlook from neighbouring gardens and would not be overbearing.

#### *Noise, air, and light pollution:*

There have been concerns about noise raised from the communal garden areas. However, the proposed residential use is not inherently noisy and is considered acceptable in relation to it being adjacent to existing residential areas.

The proposed access would result in vehicle movements occurring more closely to existing rear gardens off Llantwit Road than is presently the case. However, the degree of separation is considered acceptable, noting the proposed access road and parking spaces would be at least 5m distance from existing neighbouring gardens and circa 10m distance from neighbouring dwellings.

There are potential light sources from the application site, vehicle headlights from users of the proposed junction, and potential additional street lighting. The presence of street lighting in a residential environment is considered acceptable from an amenity perspective as is domestic scale lighting from the new units concerned. The movements of vehicles would have a potential impact at night, but one that would be largely mitigated by distance, existing enclosures, and vegetation.

In relation to the construction phase, there are several potential sources of nuisance such as noise, dust, and construction traffic. The impact from new construction work is inevitable and is not considered a sufficient reason to warrant refusal of the planning application. It is nonetheless recommended by Shared Regulatory Services that a Construction and Environmental Management Plan (CEMP) be agreed by condition (see **Condition 10**), in order that these are mitigated so far as possible.

#### Public Open Space

Policy MD3 'Provision of Open Space' of the Local Development Plan requires that new residential development for 5 or more dwellings should, where required, make provision in areas of need for open space equating to *1.6ha of outdoor sports provision per 1,000 population; children's equipped play space at 0.25 hectares per 1,000 population and informal play space at 0.55 hectares per 1,000 population*. The LDP Open Space Background Paper (2013) identified that, within the St Athan Ward there is an under provision of children's play space. The requirement for this development equates to 464sq.m of children's play space, 145sq.m of which should be equipped.

The submitted plans illustrate that an equipped play area will be provided on the site that would be at least 145sq.m in size, within a larger landscaped area of circa 540 square metres. The area is located relatively centrally within the site and is accessible to all occupiers of the development, it is also functional in its shape and positioning. It is not unusual to have access roads passing or adjacent to areas of public open space, and the



play area could be segregated by railings. The size and layout are considered acceptable, and it is proposed to secure further details of the equipment, surfacing, enclosures, and future maintenance are to be agreed via appropriate planning conditions (see **Conditions 13 and 14**).

It is noted that the POS area is shown to contain SuDS features, including raingardens. These would be dry features but nonetheless were initially shown to receive rainwater and provide a water treatment function. The Council's Drainage Engineer had some concern that the open space use might pose a maintenance issue, as bioretention (typically sandy) soils are shown in this area. However, on submission of revised details, the engineer is satisfied that an appropriate SuDS scheme is possible and can work in tandem with the play area function (if necessary, with alternative soils and surfacing). The play area is secured for delivery via the above condition and the SuDS scheme would require separate regulatory approval via the SAB process.

The proposed development would therefore comply with the total amount of open space provision and a LAP can be provided in a coherent, accessible, and central location within the site that is also subject to natural surveillance from the opposing dwelling houses. It is considered that the proposed arrangement is acceptable in principle, subject to condition (see **Condition 13**) to secure the precise layout and detail of the POS area, as well as its timely delivery.

#### Flood Risk and Drainage

The site is not within an area at risk of tidal/ fluvial flooding according to the NRW DAM Zone maps. The proposed residential use is therefore considered acceptable in relation to flood risk.

The application is supported by drainage plans which indicated that surface water would be dealt with by means of infiltration, before being directed to a soakaway located beneath the area of public open space. The details have been reviewed by the Council's Drainage Engineer, who stated the proposal was acceptable in principle, subject to detailed assessment of its performance via the SAB application process. The detailed scheme would be subject to separate regulatory approval, however, the submitted information demonstrates drainage solution can be achieved within the confines of the submitted layout, including the proposed play area without compromising its function. The details also demonstrate that the disposal of surface water would not be to the foul sewer, in accordance with the requirements of Welsh Water (see also **Condition 24**).

The submitted drainage plans indicate a new foul drainage connection would be made to the main sewer on Llantwit Road. Welsh Water have stated in response to consultation that adequate capacity exists to accommodate the development.

#### Water Supply

It is noted that concerns have been raised by residents about the potential impact of the development on local water pressure, citing they are already adversely affected by low pressure and that problems occur when running multiple appliances concurrently.

Welsh Water must provide adequate domestic water supply to customers, to a minimum pressure, and this is a regulatory requirement. Their consent would also be required to make a new mains connection to the development site. In this regard, Welsh Water have stated that there is capacity currently available in the water supply system to accommodate the development, albeit they noted this may be re-assessed when an application is made to them for a new connection.

It is considered that the above regulatory functions would acceptably safeguard local water supply in relation to the new demand from this development.

### Aviation Safeguarding

The operator of the closest aerodrome on the MoD site confirmed they had no safeguarding objections and no safeguarding objections have been received from any other statutory consultees relating to air safety.

### Land Contamination

The application is supported by a Ground Investigation Report which identified that no soils exceeded acceptable contaminant levels and no significant gas emissions were recorded, however, some parts of the site were inaccessible during the survey work. The report has been reviewed by Shared Regulatory Services who recommended planning conditions relating to a further assessment (of inaccessible areas), as well as the securing of remediation and verification if contamination (inc. unforeseen contamination) was found. Additional conditions were recommended in relation to importation of soils and aggregate, as well as the use of site won materials (see **Conditions 16 – 22**).

### Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities, and services using planning obligations. The Planning Obligations and Affordable Housing SPG (most recently adopted version, February 2018) provides more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits.

On 5th September 2016, Cabinet (Minute C3271) agreed that schemes for 100% affordable housing developments of twenty-five units or less delivered either by the Council or its four Housing Association Partners (Hafod Housing, Newydd Housing, United Welsh Housing and Wales & West Housing) will be exempt from paying financial planning obligations. This reflects a policy decision to prioritise the delivery of affordable housing due to an identified critical need in the Vale of Glamorgan for affordable housing and previous research has shown that if a person does not live in a stable and good quality home, it can have a detrimental impact on both their health and educational attainment. This also means that the applicant is not required to demonstrate the viability position in respect of those contributions.

The applicant is Newydd Housing Association in this instance and therefore a financial contribution lieu of the below have not been sought. For this reason, also, the delivery of the affordable units by the Council (or another of the partnered RSL's) should be secured

by condition (see **Condition 23**) – despite the site allocation for market housing.

The Council's Supplementary Planning Guidance on Planning Obligations states that developments of this size (on the basis of 25 units) would usually require contributions as follows:

- Sustainable Transport (£57,500)
- Public Open Space (£22,231 – outdoor sports)
- Education (up to £179,543, subject of capacity analysis)
- Public Art (1% of build cost)

However, although the above would be waived under the exemption for reasons outlined above, it should be noted that the applicant has agreed to provide the off-site highway improvements specified in proposed **Condition 12** and has provided public open space on site.

### Other matters

The errors in some of the applicants' documents raised in representations have been noted and have been taken into consideration by Officers when examining the planning documents and are not considered to unacceptably impact upon Officers ability to make the recommendation to members.

## 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:

N187-A110 - SITE LOCATION PLAN - (G)  
N187-A112 - PROPOSED SITE LAYOUT - (N)  
N187-A113 - EXTERNAL FINISHES LAYOUT - (Z)  
N187-A114 - STREET ELEVATIONS SHEET 1 - (E)  
N187-A115 - STREET ELEVATIONS SHEET 2 - (E)  
N187-A117 - 4 BED 6 PERSON TYPE A - (E)  
N187-A118 - 4 BED 6 PERSON TYPE B - (E)

N187-A119 - 3 BED 5 PERSON TYPE A (CLADDING) - (F)  
N187-A120 - 3 BED 5 PERSON TYPE A (RENDER) - (F)  
N187-A121 - 3 BED 5 PERSON TYPE A (STONE) - (F)  
N187-A122 - 2 BED 4 PERSON (RENDER) - (F)  
N187-A123 - 2 BED 3 PERSON ADAPTED BUNGALOW - (E)  
N187-A124 - 1 BED WALK UP FLATS - TYPE A - (E)  
N187-A125 - 1 BED WALK UP FLATS - TYPE B - (E)  
N187-A132 - 2 BED 4 PERSON (CLADDING) - (A)  
N187-A133 - 2 BED 4 PERSON (RENDER) - (A)  
N187-A135 - 1 BED WALK UP FLATS - TYPE C  
0861-001-L - Proposed Access Plan

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 until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), and MD8 (Historic Environment) of the Local Development Plan.

4. No development or phase of development, including site clearance, shall commence until a Great Crested Newt Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Results of an eDNA survey of the pond present <10m north of the site boundary. Whilst we note that this pond is possibly unfavourable to GCN they do use ponds that lack vegetation, and whilst the Conservation Plan is advised anyway, if GCN are present this may influence the requirements of the plan.
- A plan showing habitat suitable for GCN to be lost / compensation habitat to be created / areas to be retained, which should identify the extent and location on appropriate scale in the event that GCN are confirmed on site.
- Details of protective measures to be taken to minimise the impacts.
- Details of measures to prevent or reduce incidental capture or killing.
- Details of timing, phasing and duration of construction activities and conservation measures.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development.
- Details of initial aftercare and long-term maintenance.
- Actions to be taken in event previously unidentified features are found.

- Persons responsible for implementing the works.
- Long-term site security and who will be responsible for management and maintenance.
- Biosecurity.

The GCN Conservation Plan shall be carried out in accordance with the approved details and timings set out therein.

Reason:

To ensure that an approved GCN Conservation Plan is implemented, which protects GCN affected by the development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

5. Notwithstanding the submitted details, no development or site clearance shall take place until a revised Biodiversity Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include:

- A method statement for sensitive site clearance with respect to reptiles, dormouse, and breeding birds;
- Details of bat boxes and at least 9 bird boxes, including their location and timing of installation;
- Details of proposed hedgerow translocation and/ or planting and improvement, including a method statement, timings, and a full schedule of native planting suitable for dormouse;
- A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation;
- details of wildflower meadow creation (inc. seed mix);
- Details of the future management and maintenance of ecology features to maximise biodiversity; and
- Other measures to be undertaken to enhance biodiversity on site, including a hibernaculum and newt friendly drainage.

The Biodiversity Strategy shall then be implemented, maintained and managed in accordance with the timings specified within.

Reason:

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.

6. 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, including for at least 21 new trees and native hedgerows. The scheme shall include indications of all existing trees and hedgerows (including spread and species) on the land, identify those to be retained, the extent of hedgerow which can be translocated, and set out a methodology for translocation (where applicable) and measures for the protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), and MD2 (Design of New Developments) of the Local Development Plan.

7. 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 safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), and MD2 (Design of New Developments) of the Local Development Plan.

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

Reason:

To ensure that visual and residential amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

9. Notwithstanding the submitted plans, no works shall take place until full engineering details of the site access and proposed internal roads (inclusive of turning facilities), footways, vision splays, street lighting, road markings, signage, highway drainage, onsite parking and any associated highway retaining structures etc. within the vicinity of the site required by the Local Highway / Planning Authority have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details in accordance with the agreed timescale.

Reason:

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

10. 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) site compound/ 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) measures to control mud and debris entering the highway, inc. road sweeping;
  - 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) measures for ensuring pedestrian/cyclist safety along the proposed new access or construction access; and
  - xiii) haulage routes for construction traffic;
  - xix) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development (inc. reporting of complaints).

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

Reason:

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

11. No development shall take place until a condition survey of the local highway network (the extent of which is also to be agreed), carried out by an independent highway maintenance consultant, has been submitted to and approved by the Local Planning Authority. The survey detail shall contain steps and timings for further surveys post completion of the construction works, to identify any difference in the condition of the highway since the first survey and report any remedial works that may be required, as well as the undertaking of any remedial works required to the highway. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescale.

Reason:

To ensure that highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

12. Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority for improvements to Llantwit Road 'off-site works' in the form of road markings, signage, lighting and any associated traffic regulation orders. The scheme shall provide warnings to drivers of pedestrians in the road, alert drivers of the speed limit (roundels in high friction surfacing) and provide additional lighting along the section of Llantwit Road with provisions and extents to be agreed. Thereafter, the off-site works shall be implemented on site prior to beneficial occupation of the first dwelling.

Reason

To provide the site with satisfactory means of access in the interest of highway safety and of sustainable transport provision and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments), and MD10 (Affordable Housing Settlements Outside of Settlement Boundaries) of the Local Development Plan.

13. No development shall take place until a scheme for the provision (including details of the Local Area of Play and the timing of provision) and maintenance of the Public Open Space has been submitted to and approved in writing by the Local Planning Authority. The Public Open Space shall be provided and maintained in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space in the interest of the amenity and wellbeing of the occupiers of the development and to ensure compliance with Policies MD2 (Design of New Development) and MD3 (Provision of Open Space) of the Local Development Plan.

14. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and include hedgehog friendly (130 mm square) gaps. The scheme shall include elevation details for the proposed stone walls, means of enclosure for the play area, communal amenity spaces. The means of enclosure shall thereafter be completed in accordance with the approved details prior to the beneficial occupation of the first dwelling.

Reason:

To safeguard local visual amenities and secure biodiversity enhancement, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.



15. Notwithstanding the submitted details, and prior to their use in the development hereby approved, a schedule of materials (including samples of cladding, stonework, and roof coverings) and details of solar panelling to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of any respective residential unit.

Reason:

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

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

The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;
- (ii) an assessment of the potential risks to:
  - human health,
  - groundwater and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

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

Reason:

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

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

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

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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

22. 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 LPA shall be reused.

Reason:

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

23. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annexe B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing and planning obligations, to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provision), MG4 (Affordable Housing), MD4 (Community Infrastructure and Planning Obligations), and of the Local Development Plan, as well as the Affordable Housing SPG.

24. The drainage scheme for the site shall ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) 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, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP7- Transportation, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 - Promoting Biodiversity, TAN 2 Affordable Housing of the Local Development Plan, the Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development and Trees, Woodlands, Hedgerows and Development SPGs, Future Wales, Planning Policy Wales (2024), TAN 5 – Nature Conservation and Planning, TAN11 - Noise, TAN12 - Design, TAN16 - Sport, Recreation and Open Space, TAN 18 – Transport, TAN 24 – The Historic Environment, the principle of the development for affordable housing is considered acceptable, as are the proposed means of access; scale, design, and visual impact; impacts on heritage assets and archaeology; highway and pedestrian safety; residential amenity and open space; ecology and green infrastructure; contamination; agricultural land supply; water supply and drainage.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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

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

**NOTE:**

- 1. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Heneb, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) for further information about compliance with the above condition.**
- 2. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 3. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

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

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

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

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

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

**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.**