

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 MAY, 2019**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) Building Regulation Applications - Pass

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

2019/0009/PO	AC	19, Clos Cromwell, Thornhill	Proposed 5.5m x 4m summerhouse (detached) built within 1m of boundary
2019/0257/BN	A	Westgate, 25, Augusta Road, Penarth	Demolition of existing two storey extension and the erection of two storey side and rear extensions, with Juliette balconies to rear. Replace bay window. New roof and loft conversion
2019/0260/BN	A	65, Colcot Road, Barry (now known as 65, Colcot Road and Dyfan House)	Creation of a pair of semi-detached homes from the existing 7 bed house. Creation of a two storey bay on the existing extension to mirror the twin bay on the original house, Single garage on the extension with off road parking and turning space
2019/0313/BN	A	3, Court Close, Aberthin, Cowbridge	Rear single storey lean-to extension
2019/0326/BR	AC	76, Port Road East, Barry	Conversion of remaining roof area to form habitable accommodation with proposed hip-to-gable extension. Single storey rear extension with associated internal structural alterations and associated external works

2019/0335/BN	A	Greystones, Factory Road, Llanblethian	Extensions and alterations. Dining room, entrance lobby and WC. Roof alterations
2019/0336/BN	A	22, Whitcliffe Drive, Penarth	Bay window extension and new balcony over garage and formation of new kitchen and dining room
2019/0339/BN	A	21, Owains Court, St. Athan	Renew kitchen, renew ceiling, partial re-wire and installation of fire door and frame to kitchen
2019/0340/BN	A	16, Avon Close, Barry	Renew wet room and ceiling. partial re-wire
2019/0341/BN	A	10, Carne Court, Llantwit Major	Renew kitchen and ceiling. Partial rewire
2019/0342/BR	AC	163, Lavernock Road, Penarth	Rear two storey extension
2019/0345/BN	A	25, Cledwen Close, Barry	1 window, 1 door at rear of property
2019/0346/BN	A	89, Greenacres, Barry	Garage conversion
2019/0347/BN	A	1, Porth y Castell, Barry	Removal of load bearing wall to open up entrance hallway with old original kitchen
2019/0348/BN	A	Blodfa, Station Road East, Wenvoe	Detached garage with workshop over
2019/0349/BN	A	9, Jenner Road, Barry	Convert bathroom into shower room
2019/0350/BR	AC	49, Southey Street, Barry	Two storey side extension and single storey rear extension
2019/0351/BN	A	Celtic House, St. Brides Road, Wick	Garage conversion to playroom, small extension and installation of bi-fold doors to garden

2019/0356/BN	A	24, Britten Road, Penarth	Change of existing front dormer flat roof to a pitch roof. Re-roofing of existing 2 side dormers and garage roof. Internal adaptations to relocate front door to front elevation and relocation/replacement of bedroom window
2019/0357/BN	A	9, Westward Rise, Barry	Change of use of garage into additional domestic living space and toilet and sink unit
2019/0359/BN	A	4, Mount Pleasant, Barry	Demolition of existing timber framed outhouse and erection of new outhouse with associated kitchen and W/C facilities. New single storey link to be formed from outhouse to existing barn conversion.
2019/0360/BN	A	46, Borough Avenue, Barry	Re-roof and insulation of steel beams
2019/0361/BN	A	15, The Wheate Close, Rhoose	Timber frame extension to side of existing garage to create a second storey
2019/0362/BN	A	62, Romilly Park Road, Barry	2 rooms into 1
2019/0363/BN	A	19, Birch Grove, Barry	Ground floor knock through
2019/0364/BN	A	13, Robinswood Crescent, Penarth	Single storey first floor extension and ground floor orangery to the rear.
2019/0365/BN	A	Springfield House, Tre'rhyngyll	Single storey extension to kitchen
2019/0366/BN	A	5, Irving Place, Barry	Supply and fit fire door and frame
2019/0367/BN	A	49, Fairoaks, Dinas Powys	Re-configure wet room
2019/0368/BN	A	34, Edward Street, Barry	Supply and fit fire door and frame

2019/0369/BN	A	28, Charlotte Street, Penarth	Remove and replace wet room ceiling (asbestos) and re-configure wet room
2019/0370/BN	A	22, Lon Lindys, Rhoose	Single storey extension
2019/0371/BN	A	124, Westbourne Road, Penarth	Structural opening, replacement of 2 French doors with sliding patio door and 1 no. window replacement on ground floor
2019/0373/BN	A	52, Trinity Street, Barry	Take down then rebuild the utility room (single storey). Knock through chimney breast (supporting wall) into utility room at back of the house
2019/0374/BN	A	46, Romilly Park Road, Barry	Opening up the living space by removing low bearing wall to enlarge kitchen/dining area Replacing bay windows with French doors to the front of house, and also creating an opening to back of property and inserting bi-fold doors
2019/0376/BN	A	14, White House, The Knap, Barry	Rear extension with first floor veranda and rear elevation alterations
2019/0377/BN	A	58, Borough Avenue, Barry	New slate roof
2019/0378/BN	A	39, Trebeferad, Boverton	Single storey rear extension to form dining room
2019/0380/BN	A	Heron House, Baker's Lane, Llantwit Major	Single storey extension to enlarge the lounge

2019/0381/BN	A	Broncoed, Wellwood Drive, Dinas Powys	Conversion of loft space into habitable bedroom and bathroom utilising existing stairs to access the loft and existing flooring subject to signoff by building inspector (both of which were built by previous owners). Addition of new Velux windows. Addition of insulation, new ceiling, stud wall partitions and plastering throughout. Addition of bathroom (toilet, shower, sink and bath), and new plumbing and electrics.
2019/0382/BN	A	33, Lavernock Road, Penarth	Loft conversion to provide bedroom
2019/0384/BN	A	55, Andover Close, Highlight Park, Barry	Installation of patio doors and RSJ to rear of property
2019/0385/BN	A	Kendal House, Penllyn	Proposed alterations and extensions to existing property
2019/0388/BN	A	The Stables, Llysworney	Double storey extension to extend hallway area and create family room
2019/0389/BN	A	Ysgol Pen Y Garth, Redlands Road, Penarth	Re roof pitched roofs. Remove existing tiles and replace with felt. Minor repairs to flat roof details
2019/0392/BN	A	16, Heol Y Felin, Llantwit Major	Single storey to enlarge back room for use as a disabled bedroom
2019/0393/BN	A	10, Adenfield Way, Rhoose	Re-roof
2019/0395/BN	A	37, Harriet Street, Cogan	Knock through two rooms into one
2019/0396/BN	A	16, Mountjoy Place, Penarth	Hip to gable loft conversion with rear dormer
2019/0398/BN	A	11, Aberystwyth Crescent, Barry	Bathroom conversion

2019/0399/BN	A	10, Stradling Close, Cowbridge	Dormer extension to front elevation only
2019/0403/BN	A	6, St. Quentins Close, Cowbridge	Garage conversion
2019/0404/BN	A	147, Plymouth Road, Penarth	First floor extension and loft conversion

(b) Building Regulation Applications - Reject

2019/0352/BN	R	25, Uplands Crescent, Llandough	Single storey extension
2019/0358/BN	R	28, Dock Street, Cogan	Change of use from commercial to residential. Internal works to include installation of bathroom facilities and kitchen, stud walls etc.
2019/0375/BN	R	13, Morningside Walk. Barry	Rear extension
2019/0379/BN	R	46, Purcell Road, Penarth	Single storey rear extension with flat roof
2019/0387/BN	R	21, Highwalls Road, Dinas Powys	2 rooms into 1
2019/0401/BN	R	75, Jenner Road, Barry	Like for like replacement of slate roof
2019/0406/BN	R	5, Lord Street, Penarth	Ground floor extension

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

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

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

2019/0050/AI	A	39, Celtic Way. Rhoose	Proposed alterations to create wider structural opening in load bearing wall (works to include material alterations to structure, controlled services, fittings and thermal elements
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2019/0051/AI	A	Bridge House, 95 Broadway, Llanblethian, Cowbridge	Proposed bedroom extension to first floor above utility room to enable room for new en-suite bathroom
2019/0052/AI	A	60, Redlands Road, Penarth	Proposed conversion of garage to create habitable area
2019/0053/AI	A	Sir Samuel Romilly, Romilly Buildings, Market Street, Barry	Internal alterations to first floor and garden upgrade
2019/0054/AI	A	4, Orchard Walk, St Athan	Proposed material alterations to structure, controlled services, fittings and thermal elements
2019/0055/AI	A	Tree Tops, St. Brides Major	Proposed dormer loft conversion to existing 1st floor level to create habitable areas and 1 No. bathroom with refurbishment to dwelling (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0056/AI	A	19, Hawthorne Road, Barry	Replacement roof to new warm roof construction (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0057/AI	A	4, Philadelphia Close, Barry	Replacement roof to new warm roof construction (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0058/AI	A	Llanmihangle Cornmill, Llanmihangle	Barn conversion into new holiday let works to include material alterations to structure, controlled services, fittings and thermal elements
2019/0059/AI	A	Briscombe Dry Cleaning Services, Land off Cardiff Road, Barry	New single storey retail unit

2019/0060/AI	A	24, Clive Road, St. Athan	Proposed single storey rear extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2019/0061/AI	A	Fronheulog, Church Road, Llanblethian, Cowbridge	Revised: Proposed internal alterations to first floor bathroom (works to include material alterations to structure, controlled services, fittings and thermal elements)

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

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

Decision Codes

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

2015/00455/2/C D	A	Coed Y Colwn Barn, Llancarfan		Discharge of conditions 7, 9, 12, 14, 15 and 16. Conversion of redundant barn to tourist accommodation
2015/01070/2/N MA	A	Land North of the railway line (Phase 1), (off Porthkerry Road), Rhoose		Amendment to approved Condition Discharge relating to Condition 19 of reference 2015/01070/RES –The development of 120 dwellings and associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works (including the demolition of 46 Porthkerry Road and its associated outbuildings

2015/01070/5/C D	A	Land North of the railway line (West), Porthkerry Road, Rhoose	Discharge of Condition 19 - Implementation of POS. Planning Permission ref. 2015/01070/RES : The development of 120 dwellings and associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works (including the demolition of 46 Porthkerry Road and its associated outbuildings)
2015/01072/1/N MA	A	Land North of the railway line (Phase 2), (off Porthkerry Road), Rhoose	Amendment to approved Condition Discharge relating to Condition 17 of reference 2015/01072/RES –The development of 227 dwellings with associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works
2015/01072/3/C D	A	Land North of the railway line (West), Rhoose (including 46 Porthkerry Road)	Discharge of Condition 17 - Public Open Space - LAP. Planning Permission ref. 2015/01072/RES : The development of 227 dwellings with associated access, roads and footpaths, drainage works, landscaping, public open space and other ancillary works at Land North of the railway line (West), Porthkerry Road, Rhoose
2016/01070/2/N MA	A	Waterfront Retail Park, Heol Ceiniog, Barry	Non-Material Amendment to Planning Permission ref. 2016/01070/FUL to include amendments to Unit 6 drive-thru configuration and layout; change to Unit 6 cladding colour palette; change to Unit 6 cladding panel height; addition of a

			roof to Unit 6 cold room; revised entrance canopy to Unit 7 to centralise the canopy over the entrance and the omission of the retaining wall included on the previous NMA
2016/01322/1/N MA	R	Jordan Civils Limited, Tumulus Way, Vale Business Park, Cowbridge	Non-Material Amendment : Sub divide the unit from 6 to 8 and put top glazing instead of roof lights. Planning Permission ref. 2016/01322/FUL : Erection of 1 no. large building containing 6 no. small industrial units
2017/00793/FUL	A	Travis Perkins, Weighbridge Yard, Cogan Station, Penarth	Retrospective full planning permission for retention of storage containers and regularisation of site layout
2018/00133/1/C D	A	UWC Atlantic College, St Donats Castle, St Donats	Discharge of Conditions 4 (Written scheme of Investigation - Archaeological works) and 5 (Construction Environmental Management Plan for Planning Permission ref. 2018/01133/FUL for the development of two new student dormitory blocks
2018/00133/1/N MA	A	UWC Atlantic College, St. Donats Castle, St. Donats	Non Material Amendment - Variation of Condition 13 (Land Contamination) of Planning Permission 2018/00133/FUL in order to amend the trigger for submission of details and Condition 20 (Use of Buildings) so to require they only be used as ancillary educational residential accommodation
2018/00135/1/N MA	A	Tegfan Lane, Peterston Super Ely	Non Material Amendment to form Revision to the

			Dormer located on the front elevation to take account of the existing roof structure Of Planning Permission 2018/00135/FUL - New rear extension with a variation in roof form to create a dormer and porch
2018/00206/FUL	A	101, Boverton Road, Boverton, Llantwit Major	Proposed conversion of existing house to form 4 bedroom house with new detached garage. Proposed new 4 bedroom detached dwelling within the curtilage of the property
2018/00398/2/C D	A	Brecon Court, Barry	Discharge of Conditions 7 - Drainage Scheme, 8 - Schedule of materials and 11 - Engineering Details. Planning Permission ref. 2018/00398/RG3: Proposed residential development comprising 28 dwellings along with associated parking, highway and ancillary works
2018/00913/1/N MA	A	Land at the corner of Merthyr Street and Belvedere Crescent	Non-Material Amendment- Vary the wording of condition 12 of Planning Ref:2018/00913/FUL. The erection of 9 flatted residential dwellings over 3 storeys and associated works
2018/01140/1/N MA	A	10, Spencer Drive, Llandough, Penarth	Non-Material Amendment - Amendment to North elevation window dimensions. Planning Permission ref. 2018/01140/FUL: Single storey sunroom extension to rear

2018/01231/3/C D	A	Cwrt Canna, Ruthin Road, Llangan	Discharge of Condition 12 - Contamination 1. Planning permission ref. 2018/01231/FUL: Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other assoc. infrastructure at Cwrt Canna, land adj to Llangan Primary School, Llangan.
2018/01280/FUL	A	Briscombe Cleaning Services, Cardiff Road, Barry	AMENDED PROPOSAL - Proposed extension and subdivision of existing single storey retail unit (A1 use) to form two retail units (A1 use) and one B1 (office use)
2018/01315/FUL	A	Penmaen Livery Yard, Treguff, St. Mary Church	Retention of existing biomass boiler which will be used in the agricultural process of mushroom farming
2018/01334/FUL	A	Cwrt-yr-Ala House, Michealston Le-Pit Road, Michaelston Le Pit	Replacement of 2no. existing wood fired boilers on land to the northeast of Cwrt-yr-Ala House (Grade II listed) with new purpose- made boiler house to accommodate 3no. new boilers & estate bin-store, plus remote installation of 2no. below ground LPG tanks (& associated below ground pipework) outside the walled garden to the north of Cwrt-yr-Ala House.
2018/01365/FUL	A	Land at Heol Y Fro, Pentre Cwrt, Llantwit Major	Proposed residential development of 4 detached dwellings with on site

			parking and access onto Heol Y Fro
2018/01381/1/N MA	A	Rock Cottage, Tair Cross, Ewenny	Non-material Amendment- Overall size smaller 4350W x 2020D. Roof design hipped not gable fronted, glass gable. Planning Ref: 2018/10381/FUL. Demolition of existing sectional garage and proposed erection of new timber frame garage. New kitchen extension to side of dwelling
2018/01396/FUL	A	21, Colcot Road, Barry	Erection of part single part double storey rear extension, two storey side extension and attic conversion over original house and proposed extension including dormer to rear
2018/01412/FUL	A	98, Pontypridd Road, Barry	Proposed side extension over existing garage. Single storey rear extension. Proposed loft conversion to include rear dormer, with swimming pool and sun room to garden and associated works
2018/01414/FUL	A	Land at Tynywaun Farm, Newton	Proposed erection of a residential garage
2019/00010/FUL	A	Glan Hafren, Sully Road, Penarth	Demolition of existing conservatory with the construction of a new veranda in place, plus a single storey rear extension (with new roof terrace) and all associated works
2019/00012/LBC	A	Mount Pleasant Farm, Llangan	Install a glass canopy over rear entrance doorway/courtyard

2019/00017/FUL	A	Curload, Factory Road, Llanblethian, Cowbridge	Proposed field store in the land to the rear of Curload House
2019/00049/FUL	A	1, Paget Road, Barry	Change of use to A1 Bakery. New aluminium shopfront, two new air conditioning condenser units and two extract grilles
2019/00056/1/N MA	A	56, Stanwell Road, Penarth	Non Material Amendment : Addition of a Velux window in roof over stairwell at highest point of house to allow 1.5m ² of smoke ventilation in case of fire. Movement of smaller existing Velux to position over stairwell/lobby of top flat to give natural lighting. rear facing windows of flat 4 and flat 5 to be left as original hence no steel work requires for protection from falling, planning permission 2016/00056/FUL - Ground floor rear extension
2019/00063/LBC	A	Ewenny Priory, Abbey Road, Ewenny	Porch roof structure improvements, widening and raising of Porch roof gutters (behind Porch parapets) and replacement of Porch roof coverings. Porch rainwater goods to be replaced & (provisionally) soil vent pipe to be partly replaced & reduced in height. Render and leadwork to Porch to be renewed and / or repaired like-for-like
2019/00066/FUL	A	4, Lord Street, Penarth	1. Remove a pitched slate roof from a single storey kitchen extension at the rear of the property and replaced with a flat roof;

			2. Removal of garage from rear garden and boundary walls rebuilt; 3. Roof and garden levelled and turfed with artificial grass
2019/00077/FUL	A	16, Norris Close, Penarth	Two storey side extension and associated alterations. Existing garage extended complete with new pitched roof. Existing pedestrian access relocated and driveway access widened
2019/00078/FUL	A	15, Victoria Road, Penarth	Reinstatement back to single dwelling after being converted to 2no units. Single storey rear extension to provide kitchen / living space. New part replacement windows to front and side elevation
2019/00081/FUL	A	Station House, Peterston Super Ely	Replacement of an existing farm style driveway gate with automated two-leaf gate
2019/00088/LAW	A	The Acorns, Maendy Road, Aberthin	Non-compliance with Agricultural Occupancy Condition of Planning Permission 75/00571
2019/00091/FUL	A	Barry Dock Conservative Club, 17, Station Street, Barry	Variation of Condition 2 of Planning Ref: 2018/00153/FUL relating to approved plans
2019/00092/FUL	A	40, Pontypridd Road, Barry	Removal of rear single storey annex and the construction of a two storey rear extension, 2 No dormers to front (loft conversion permitted development) and removal of uPVC side porch and construction of new porch structure

2019/00093/FUL	A	18, Arcot Street, Penarth	Rear single storey extension including internal and external material amendments
2019/00099/FUL	A	98, Fontygary Road, Rhoose	Change existing hipped roof of bungalow with attic conversion and dormers to a gabled roof, thus omitting dormers, internal arrangement of attic conversion to be re-configured to include new en-suite and dressing rooms
2019/00105/FUL	A	22, Victoria Square, Penarth	Renewal of front boundary wall with addition of a pedestrian access, removal of section of hedge and widening of dropped kerb
2019/00108/FUL	A	Tesco Express, Herbert Terrace, Penarth	New 2M high timber fence to be installed
2019/00116/FUL	A	Land South West of Middle Hill, Llancarfan	Erection of stables, construction of manege and access track
2019/00125/FUL	A	Romilly Buildings, Broad Street, Barry	To construct additional pergolas as part of approved beer garden scheme, and to form additional window
2019/00126/LAW	A	34, Grove Place, Penarth	Proposed loft conversion including two dormers to rear and Juliette balcony
2019/00140/FUL	A	5, Island Road, Barry	Removal of conditions 3, 4 and 5 of Planning Permission 2017/01029/FUL pertaining to limiting the change of use
2019/00142/FUL	A	33, Bedford Rise, Boverton	Single storey extension to front of house to add downstairs wc and additional space to home

2019/00145/FUL	A	1, Sant Y Nyll Cottages, Heol Sant Y Nyll, St. Brides Super Ely	Increase the height of an existing 2 brick thick garden wall to 2m and extend existing brick pillars
2019/00146/FUL	A	Pump House Road, West Aberthaw	Install a new modular building to provide office accommodation for the engineers onsite. The building will also have a meeting room, small kitchen and male and female WC
2019/00148/FUL	A	Hafan, 4, Cherwell Road, Penarth	Two new roof dormers
2019/00149/FUL	A	Hampton Poyle, 1, Caynham Avenue, Penarth	Single storey extension to side elevation
2019/00150/FUL	A	3, Lucas Close, Barry	Single storey rear ground floor extension
2019/00151/FUL	A	27, Walker Road, Barry	Proposed two storey rear extension
2019/00155/FUL	A	Yard at rear of Unit 14, Heritage Business Park, Wick Road, Llantwit Major	Crop drying floors in existing shed with fan and biomass heating system
2019/00158/FUL	A	60, Marine Drive, Barry	Remove small windows (4) at ground floor level on the front of the house, and replace with 2 x picture windows
2019/00159/FUL	A	Forge Cottage, Llansannor	First Floor rear extension (Scheme reduced in size from approved application 2018/00084/FUL)
2019/00161/FUL	A	6, Balmoral Quays, Bridgeman Road, Penarth	Installation of sliding glass door and windows to the existing balcony area to make it a habitable space
2019/00166/FUL	A	Greggs, 3, The Precinct, Boverton Road, Llantwit Major	Alterations to shopfront design

2019/00167/ADV	A	Greggs, 3, The Precinct, Boverton Road, Llantwit Major	Two fascia signs, one projecting sign, two internal posters, one internal vinyl graphics and new shopfront
2019/00168/FUL	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	Replacement of existing hardstanding with "Clearwater" recycling system and wash-pad area
2019/00169/FUL	A	5, Romilly Park Road, Barry	Single and two storey extensions to rear
2019/00172/FUL	A	Pantwilkin Stables, Aberthin	Single storey rear extension
2019/00175/FUL	A	4, Evenlode Avenue, Penarth	Demolition of existing dwelling and construction of new two storey, 5 bedroom dwelling in same location, with carport and garden terrace
2019/00184/FUL	A	20, Plas Glen Rosa, Penarth	Replacement of existing front door, brick pier and windows with new sliding door on the ground floor. Replacement of existing first floor windows and doors with new sliding doors. External alterations to garage at rear to form outbuilding.
2019/00185/FUL	A	24A, Westbury Close, Barry	Proposed rear garden room
2019/00186/FUL	A	34, Cedar Way, Penarth	Proposed 2 storey side extension and single storey flat roof rear granny annexe
2019/00187/FUL	A	8, Church View, Marcross	Renewal of Planning permission 2009/00974/FUL for alteration and extension to existing single storey outhouse to form

			kitchen/dining room and ensuite bedroom with amended layout and footprint
2019/00188/FUL	R	15, Solva Close, Barry	Demolish existing garage and build new detached dwelling on land to side of existing property
2019/00191/FUL	A	69, Cardiff Road, Dinas Powys	Construction of extension at first floor over existing roof terrace and alterations to materials
2019/00198/FUL	A	Sully Road, Penarth	Replacement of the existing 15m telecommunication mast with a 20m Lattice tower to accommodate new and upgraded telecommunications equipment within the existing 11.5x7.6m fenced compound
2019/00201/FUL	A	1, Percy Smith Road, Boverton	Single storey rear extension providing new dining area and extended lounge
2019/00204/FUL	A	Avoca, Ewenny Road, St Brides Major	Demolition of existing substandard side and rear extensions and replace with new side and rear extension (wrap)
2019/00206/FUL	A	Ton Y Pwll, Maendy	Installation of a detached timber garden room
2019/00207/FUL	A	106, Lavernock Road, Penarth	Single storey extensions to rear and side, material alterations and highway drop kerb alterations
2019/00208/FUL	A	84, Redlands Road, Penarth	Single storey rear extension

2019/00216/FUL	A	8, Augusta Road, Penarth	Two storey rear extension, single storey rear and side extension together with a replacement garage and new front porch
2019/00217/FUL	A	60, Glebeland Place, St Athan	Proposed single storey front extension and single storey/two storey rear extension and other alterations to property
2019/00218/FUL	A	26, Windsor Road, Penarth	Replacing Plant Equipment to a newer model
2019/00219/FUL	A	Cowlands, 53, Pencoedtre Road, Barry	Proposed rear balcony and alterations to rear dormer
2019/00222/FUL	A	16, Althorp Drive, Penarth	Two storey side extension plus all associated works
2019/00224/FUL	A	Waterpark House, UK Hydro Slides, Green Lane, Llantwit Major	Erection of storage building (retrospective)
2019/00225/OUT	R	Caerlan Cottage, Bridge Street, Cadoxton, Barry	Garage demolition, new house, alterations to parking and access
2019/00226/FUL	A	Vale View, Welsh St Donats	Renovation and two storey extension to existing house
2019/00230/FUL	A	212, Holton Road, Barry	Amendment to planning permission 2014/01271/FUL including revisions to the garden terrace area, creation of dormer extension on second floor to create additional bedroom and amendments to the bike storage area
2019/00231/LAW	A	3, Court Close, Aberthin	Proposed single storey rear extension

2019/00232/FUL	A	23, Wesley Avenue, Rhoose	Demolish existing conservatory and rear wall of the house. Partially remodel existing and propose new ground floor rear extension with raised terrace and associated access
2019/00233/FUL	A	9, Knowbury Avenue, Penarth	Demolish existing roof of hallway and partially remodel existing ground floor. Propose new rear extension and pitched roof on hallway at ground floor. Internal alterations at ground. Relocate boiler to ground floor WC
2019/00236/FUL	A	23, Brookside, Treoes	Garage conversion, with internal alterations and additional windows and doors. Balcony extension with stepped access. Proposed storage shed to front of property
2019/00239/FUL	A	Cartref, Gileston Road, Gileston, Barry	New detached holiday tourist accommodation (2 person) to front garden
2019/00241/FUL	A	15, Birch Grove, Barry	Demolish existing single garage, construction of 2 storey side extension with balcony to rear and other alterations to property
2019/00245/FUL	A	Ashtree Lodge, Llandow	Removal of existing porch and 1 dormer to front of house and replacement with 2 storey extension with Juliette balcony. Additional dormer to front. Removal of dilapidated conservatory and replacement with 2 storey extension to rear

2019/00246/FUL	A	4, Church Close, Penarth	Single storey side extension to facilitate a sensory space plus all associated works
2019/00248/FUL	R	9, Tarrws Close, Wenvoe	Loft conversion incorporating rear dormer with balcony and roof extension front elevation
2019/00250/FUL	A	38, Nightingale Place, Dinas Powys	Single storey rear extension
2019/00257/FUL	A	Caprera, Colhugh Street, Llantwit Major	Two storey side extension with Juliet balcony to rear
2019/00261/FUL	A	Kingdom Hall of Jehovah's Witnesses, St. Brides Way, Barry	Up-grading external finishes to existing building
2019/00263/FUL	A	23, Station Road, Penarth	Demolish existing lean to utility room/outbuildings and construct new single storey extension to accommodate sun lounge/breakfast room and toilet
2019/00266/FUL	A	14, Lakeside, Barry	Replace and enlarge rear conservatory
2019/00267/FUL	A	Meadowbank, 7, The Meadows, Penllyn	Garage conversion to existing with the addition of a single attached garage
2019/00268/HR	A	A4226 File Mile Lane, Barry	Removal of 20 ft. of hedge and install fence. Removal of 12 ft. of hedge and install access gate
2019/00271/FUL	A	22, Paget Road, Penarth	Proposed three storey extension to rear of property and conversion of existing single storey garage into accommodation

2019/00272/FUL	A	51, Pontypridd Road, Barry	Construction of granny flat accommodation in rear garden
2019/00275/FUL	A	Coetref, Church Lane, Welsh St Donats	Wooden carport, to cover existing parking area
2019/00278/FUL	R	Baobab, Highlight Lane, Barry	Vehicle access road
2019/00281/FUL	A	56, Heol Tre Forys, Penarth	Loft conversion
2019/00283/LAW	A	16, Mountjoy Avenue, Penarth	Internal modifications to an existing dwelling with alterations to ground floor level doors & windows to the rear elevations
2019/00286/FUL	A	159, Stanwell Road, Penarth	Replacement garage
2019/00287/FUL	A	Tafan Bach Farm, Trerhyngyll	Formation of a 20m x 40m all weather outdoor equestrian riding arena
2019/00288/FUL	A	37, Enfield Drive, Barry	Extension and alterations to provide larger bedrooms and better living space
2019/00291/FUL	A	86, Porthkerry Road, Barry	Subdivision to create two one-bedroom and one two-bedroom self-contained apartments
2019/00295/PNA	A	Sealands Farm, Heol Las, Wick	Extensions to 2 agricultural buildings - Straw Store and Machinery Store
2019/00303/FUL	A	35, Plymouth Road, Penarth	Change the existing windows to the front of property to white wood grain Ultimate Rose UPVC double glazed sash windows with clear glass.

2019/00306/FUL	A	4, Rowan Close, Penarth	Construction of single storey rear and front extensions to existing house
2019/00310/FUL	A	The Grove, Corntown	Renewal of planning permission 2014/00248/FUL [Two storey extension to side of existing house]
2019/00323/FUL	A	Morfa, Welsh St Donats	Proposed replacement dwelling and garage
2019/00340/RG3	A	St. Andrews Church In Wales Primary School, St. Andrews Road, Dinas Powys	Demolition and removal from site of dilapidated demountable classroom unit & installation of new demountable classroom, comprising of classroom, toilets, cloakroom, storage rooms and kitchenette
2019/00370/FUL	A	22, Uppercliff Close, Penarth	Reducing the level of the garden and installing a swim spa below ground in the dropped area
2019/00376/FUL	A	27, Rhodfa Sweldon, Barry	Garage conversion

THE VALE OF GLAMORGAN COUNCIL

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2018/01099/FUL
Appeal Method: Written Representations
Appeal Reference No: D/19/3223307
Appellant: Mr. D. Lewis
Location: 22, Plas Pamir, Portway Marina, Penarth
Proposal: Installation of first floor balcony
Decision: Appeal Dismissed
Date: 2 May 2019
Inspector: R. Jenkins
Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development upon the character and appearance of the area; and the living conditions of the occupiers of neighbouring residential properties

Having regard to the scale, siting, form and overall design of the balcony, the Inspector concurred with the Council's assessment, that the proposed balcony would represent a prominent and incongruous addition to the street scene.

The Inspector also shared the Council's concern that the angled design of the proposed privacy screens would fail to acceptably mitigate against likely overlooking impacts. He was of the view that the proposed screens would fail to prevent views from the balcony back into the habitable room windows of the adjoining property. Whilst he recognised that such matters could potentially be controlled through the imposition of a suitably worded planning condition, in view of his concerns regarding the visual appearance of the

development, he did not consider that such an approach would be appropriate in this case, not least because enlarging the screens would exacerbate those concerns.

Accordingly, he found that the proposed development would cause material harm to the character and appearance of the area as well as harm to the living conditions of the occupiers of the neighbouring residential property by reason of loss of privacy.

L.P.A. Reference No:	2018/01137/FUL
Appeal Method:	Written Representations
Appeal Reference No:	D/19/3222586
Appellant:	Mr. Jason & Paula Thomas
Location:	Greendown, Bonvilston
Proposal:	Construction of various extensions and remodelling of existing dwelling, including new entrance gates, driveway, swimming pool enclosure and external works
Decision:	Appeal Dismissed
Date:	24 April 2019
Inspector:	Aidan McCooey
Council Determination:	Delegated

Summary

The Main issues were considered to be the scale of the proposed extensions relative to the existing dwelling and the resultant impact on the character of the dwelling and the surrounding area.

The Inspector noted the most relevant LDP policy (MD12) which allows for extensions to dwellings in the countryside subject to certain criteria being met, including that the extension is not disproportionate in size to the original dwelling, that the extension would not unacceptably affect the character of the existing dwelling and its contribution to the rural character, and that it would have no materially greater impact on the surrounding landscape. He was of the view that the two storey extensions would not be subservient to the main building because of their scale and massing, despite some attempt having been made to break up the large mass of the front elevation. He also said that the proposed demolition of the garages and stables to the front would not reduce the mass of the overall proposal to an acceptable level. He did not consider the existing dwelling to have any particular architectural merit, but found that the scale of the extensions would result in a dwelling that would be disproportionate in size to and spoil the simple rural form of the existing dwelling.

Accordingly, the Inspector considered that the scale and design issues would have a detrimental impact on the character of the host dwelling and in views from the surrounding landscape. He said that the scale and design of the proposal would also be visually incongruous within the existing group of dwellings.

L.P.A. Reference No: 2018/01051/FUL
Appeal Method: Written Representations
Appeal Reference No: 19/3221499
Appellant: Mr. Jeff Kitch
Location: **88, Wordsworth Avenue, Penarth**
Proposal: Proposed single storey 1 bed residential unit to rear of house
Decision: Appeal Dismissed
Date: 13 May 2019
Inspector: Richard Duggan
Council Determination: Delegated

Summary

The main issues were considered by the Inspector to be the impact of the development on the character and appearance of the street scene, the living conditions of the future occupiers of the proposed dwelling, with particular regard to privacy, and whether the proposal would conflict with policy requirements relating to affordable housing provision.

Character and appearance:

The development would result in the subdivision of the plot and the construction of a new single-storey one bedroom dwelling to the rear of No 88. The Inspector found the overriding character of this part of Wordsworth Avenue together with the adjoining streets is defined by dwellings having a strong frontage and presence in the street scene. This characteristic is also strengthened by the relative spaciousness of plots generally which give an attractive and distinctive quality. He said that there was very little evidence in the immediate locality of any significant backland development having taken place.

The inspector was of the view that, by dividing the garden plot of No 88 and forming a separate dwelling unit, the appeal scheme would be significantly at odds with the characteristic form of residential development. He thought that the dwelling would be particularly visible from nearby dwellings and would be viewed as a cramped form of development within the site which would appear incongruous within an otherwise relatively spacious garden setting.

Living conditions:

The Inspector stated that *'Due to the very limited distance between the two properties there would be significant overlooking of the rear amenity space and into the bedroom window from the rear of No 88, especially from the first floor windows, with resulting loss of privacy for the future occupiers of the dwelling'*. Accordingly, he concluded that the development would have a harmful impact on the character and appearance of the street scene and on the living conditions of the future occupiers of the proposed dwelling, with particular regard to privacy.

Affordable Housing:

The Inspector noted all of the local and national Planning policy and guidance relating to affordable housing and the fact that this development would trigger a contribution of £27,770.40. The Inspector noted that, despite the Council providing evidence showing that the Appellant was made aware of this requirement at the planning application stage, a Planning Obligation under Section 106 of the Act has not been submitted as part of the appeal. As such, he

was of the view that the proposed development fails to comply with the relevant local planning policy on Affordable housing.

L.P.A. Reference No: 2017/01005/OUT
Appeal Method: Written Representations
Appeal Reference No: 19/3220947
Appellant: Mr. Martin Stokes
Location: Land at Baobab, Highlight Lane, Barry
Proposal: Erection of 6 new dwellings
Decision: Appeal Dismissed
Date: 9 May 2019
Inspector: Aidan McCooey
Council Determination: Delegated

Summary

The inspector considered the main issues to be:

- Whether the proposal represents good design leading to an acceptable form of development in terms of its proposed layout and pattern of development;
- The effect of the proposal on the living conditions of the occupiers of adjoining dwellings as a result of traffic movements, over-shadowing and loss of light; and
- The effect of the proposal on pedestrian and highway safety due to the nature of the site access on to Highlight Lane.

The Inspector was of the view that the proposed site layout relates poorly to the existing pattern of development, finding the access from Highlight Lane to be contrived. He said that the tandem form of the development would result in all the site traffic passing in close proximity to the two adjoining dwellings to the east (St Albans and Sanfrey). He was of the view that the level of noise and disturbance experienced by the occupiers of those dwellings would be detrimental to their living conditions.

With regard to the 4 houses proposed on plots 3-6, he was of the view that these would appear out of character with their immediate context and would visually dominate the existing adjoining dwellings, being incongruous in the streetscene. As for the proposed dwellings on plots 5 and 6, he noted that these would give rise to an unacceptable additional level of overshadowing of the affected side windows of Grayton Cottage, which would have a severe detrimental effect on the living conditions of the occupiers.

Turing to the issue of highway safety, the Inspector noted the Council's concerns for highway safety with regarding the limited visibility splays and that the proposal could not accommodate the movements of larger service vehicles. The Inspector also noted the difficulties for the occupiers of the site in terms of refuse collection. He agreed with all of the Council's concerns in this regard and found the development contrary to policy as a result.

(d) Enforcement Appeal Decisions

None

(e) April 2019 – March 2020 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	4	-	4	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		4 (100%)	-	4	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	1	-	1	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		1 (100%)	-	1	-
All Appeals	W	5	-	5	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		5 (100%)	-	5	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved
E Split Decision

R - Refused

2018/01188/TPO	A	East Vale Housing Estate, St Athan	Work To Trees covered by TPO Nos. 12 and 15 of 2003 and No.12 of 2001
2019/00083/TPO	A	Marks and Spencer, Culverhouse Cross, Cardiff	Work to trees covered by TPO No. 12 of 1994 - Cut back and raise all overhanging branches 5m from ground level along boundary and raise the crown height
2019/00180/TPO	A	10, Goldsland Walk, Wenvoe	Work to Oak tree covered by TPO No. 8 of 2012
2019/00300/TPO	A	3 Dros Y Mor, Penarth	Pruning of trees covered by TPO No. 1 of 1996
2019/00307/TPO	A	4, Larchwood, Wenvoe	Trim over hanging branches on 2 Oak and an Ash
2019/00309/TCA	A	Plaisted House, Llanmaes	Work to Trees : Removal of one semi-mature multi- stem willow tree (T1). Removal to parent trunk of one leg off mature ash Tree (T2)

2019/00337/TCA	A	Ashgrove Cottage, Ashgrove Lane, High Street, Llantwit Major	Ash tree, front left of cottage, re-pollard at old points
2019/00338/TCA	A	10, Windsor Terrace, Penarth	Work to Trees: Eucalyptus Tree. Fell to ground level and treat stump
2019/00375/TCA	A	Station House, Peterston Super Ely	Work to trees: Felling and removal of dead cherry tree, pruning of Laurel and removal of partially dead conifer/pine trees
2019/00395/TCA	A	Westway House, St. Nicholas	Work to Trees: Two Conifers and a Laurel, fell to ground level

THE VALE OF GLAMORGAN COUNCIL

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5. PLANNING APPLICATIONS

Background Papers

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

2014/00042/FUL Received on 13 January 2014

APPLICANT: Cardiff City Football Club, C/o Agent.

AGENT: Morgan 2 Hayman, 16, Columbus Walk,, Atlantic Wharf,, Cardiff,, CF10 4BY

Opposite Hensol Villas, CCFC Training Centre, Hensol

Construction of a two storey football centre with parking

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application relates to several field parcels to the east of Hensol Villas and to the south-west of Junction 34 of the M4, falling outside of defined settlement boundaries and within the open countryside as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The site in its entirety sits within the Ely Valley and Ridge Slopes Special Landscape Area whilst the east of the site falls within a Mineral Safeguarding Area (Sand and Gravel 2). The east of the site also falls within flood zone C2. To the west of the site, is the Grade 2 registered park and garden of Hensol Castle.

The application is for the provision of a two storey training centre building and associated parking centrally positioned within the wider site.

Representations have raised issues of ecological impacts, lack of justification, site not allocated within the Development Plan, increase in traffic, parking, pollution, noise, litter and chemicals used to treat pitches, loss of trees and hedgerow, flooding issues, cumulative impacts, impact upon nearby listed Hensol Castle and registered park and gardens, loss of agricultural land, vague information submitted, visual and landscape impact of the proposed building, impact upon special landscape area, floodlighting, lack of screening/ fencing, impact of advertising hoardings and archaeological impact.

On the basis that the use of the wider has been approved for the training pitches and the associated access, the main issues are considered to be the Principle of Development; Agricultural Land; Visual impact; Impact upon amenity of neighbouring residential properties; Highways issues; Ecological Issues; Flooding; Archaeology; Impact upon Listed Buildings and Scheduled Ancient Monument and Mineral safeguarding. It is considered that the development of the site as proposed is acceptable and the application is recommended for APPROVAL.

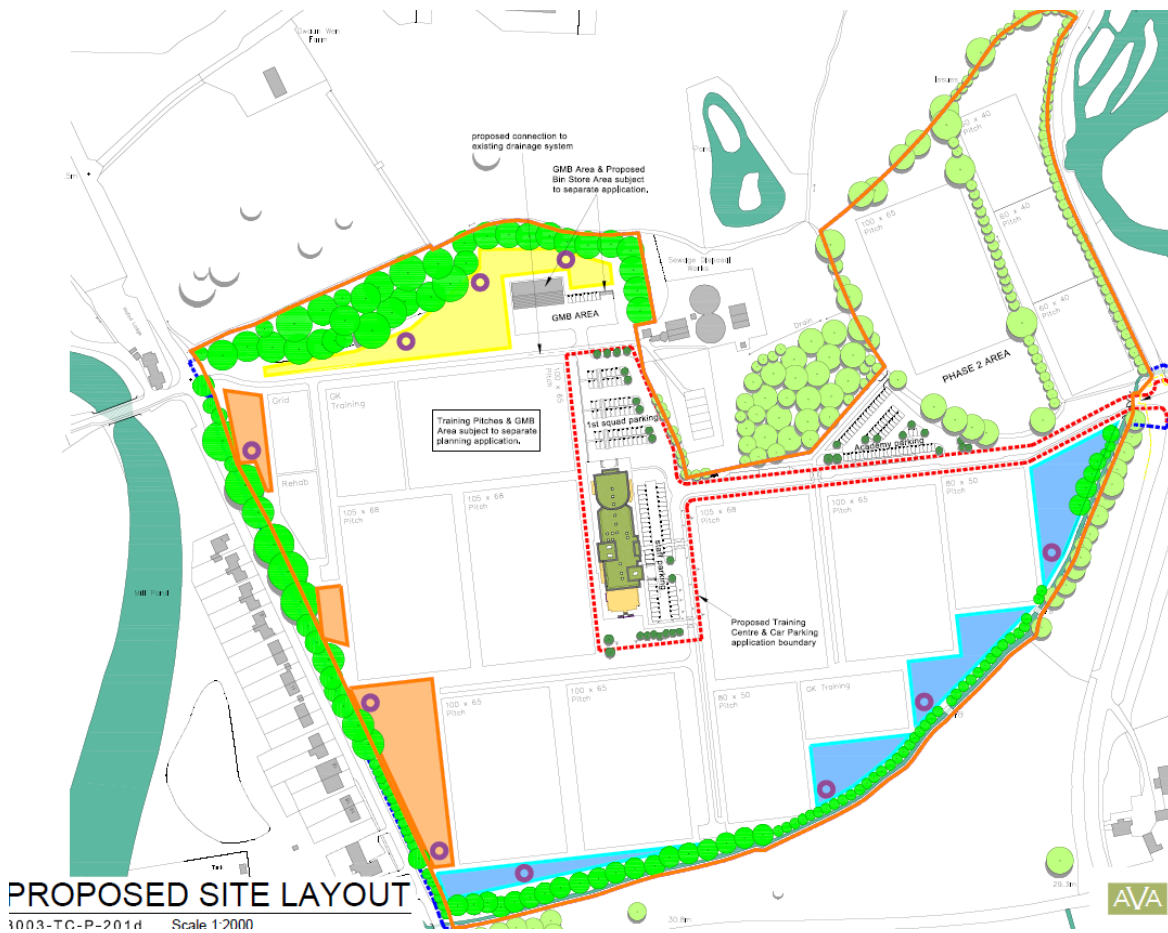
SITE AND CONTEXT

The application relates to several field parcels to the east of Hensol Villas and to the south-west of Junction 34 of the M4, falling outside of defined settlement boundaries and within the open countryside as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The site in its entirety sits within the Ely Valley and Ridge Slopes Special Landscape Area whilst the east of the site falls within a Mineral Safeguarding Area (Sand and Gravel 2). The east of the site also falls within flood zone C2. To the west of the site, is the Grade 2 registered park and garden of Hensol Castle.

DESCRIPTION OF DEVELOPMENT

The application is for the provision of a two storey training centre building and associated parking centrally positioned within the wider site. The facility is proposed in conjunction with the wider approved use of the site as a football training facility as previously approved by Planning Committee in July 2018 under planning permission 2013/00833/FUL. The position of the building in the context of the wider use of the site as shown below:



The proposed building is contemporary in terms of its character with a flat roof of varying heights although the maximum height is approximately 10.1 metres. Elevations of the proposed building are shown below:



Proposed Elevation C (Left-hand side)
Scale 1:250

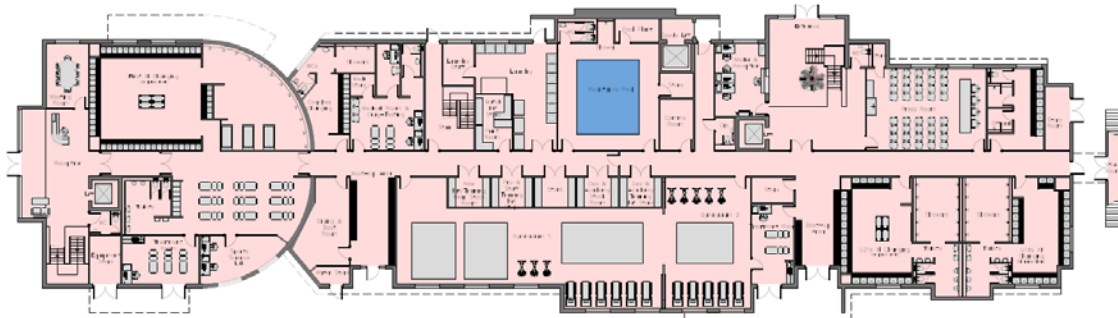


Proposed Elevation A (Rear)
Scale 1:250



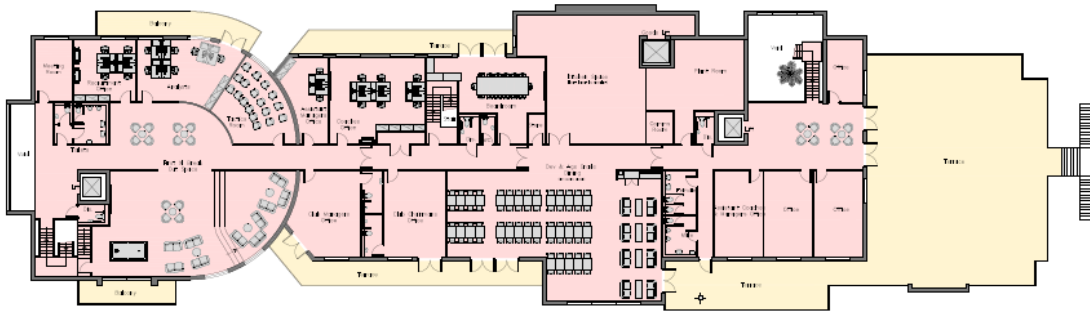
Proposed Elevation B (Front)
Scale 1:250

The proposed building will have a footprint of 85 metres by 25 metres with a maximum height of approximately 10 metres. The proposals also include car parking (95 spaces) and access from Pendoylan Road running to the east of the site.



PROPOSED GROUND FLOOR PLAN

On the ground floor the building accommodates treatment rooms, a sports science lab, changing rooms and showers, drug testing facility, laundry, gymnasium, store rooms, swimming pool, media office and press room.



PROPOSED FIRST FLOOR PLAN

At first floor it accommodates break areas, offices, the board room, dining area, kitchen space, toilets and a plant room.

PLANNING HISTORY

2013/00833/FUL – Opposite Hensol Villas, Hensol - Creation of sports training pitches, erection of maintenance facilities, associated car parking and internal roadway – Approved, subject to conditions

CONSULTATIONS

Pendoylan Community Council was consulted and state that whilst the Council ‘is not opposed to this application, there is strong opposition from some of the immediate community.’ As such they state that they are keen that the impact of this development are minimise to preserve the rural environment raising concerns with regard to the position of the proposed building within the site; increase in traffic flows to and from the site; flooding issues; security fencing and lighting and the impact of these on the environs of the site; potential noise and disturbance arising from the use of the site; ecological impacts of the development.

The Council’s Highway Development section were consulted although no comments have been received to date. However access considerations and traffic impacts were considered under planning application ref. 2013/00833/FUL which approved the wider use of the site.

Shared Regulatory Services (Pollution Control) was consulted and stated that they have ‘no adverse comments to make regarding the above application. However, we would ask to be consulted should lighting be introduced to any of the pitches or the training centre.’

Peterston-Super-Ely Ward member was consulted and no comments have been received to date.

Dwr Cymru Welsh Water provide comments with regard to the application and indicate that there is no public sewerage in the area any new development will require the provision of satisfactory alternative facilities.

The Garden History Society was consulted with regard to the application although no comments had been received at the time of writing this report.

The Council's Ecologist initially objected to the application due to insufficient information being submitted with the planning application to allow the LPA to make a decision.

Following the receipt of additional information they confirmed that they were satisfied with the submissions subject to conditions with regard mitigation and enhancement measurements as laid out in the Ecological Mitigation Strategy being secured; submission of an Ecological Management Plan; submission of an appropriate drainage strategy; details of the reptile/amphibian receptor site to be provided prior to commencement of development.

The Council's Strategic Property Estates section was consulted, although no comments had been received at the time of writing this report.

The Operational Manager for Highways and Engineering (Drainage) was consulted. They note that the application indicates that SuDS will be used to discharge surface water from the development although alternatives such as infiltration should be considered. They also indicate that the access across the existing watercourse is not acceptable in its current form. Noting this they request that a scheme of drainage for the site should be submitted showing how roof/yard water will be dealt with prior to the commencement of development and installed prior to the beneficial occupation and a scheme for formalising the crossing across the ordinary watercourse.

Cadw were consulted with regard to the application. They indicate that the proposal is located in the vicinity of scheduled ancient monuments GM370 Felin Isaf Castle Mound and GM070 Caer Gwanaf. They state that there is 'no direct impacts on the above-listed nearby SAMs'. They do however indicate that 'the construction of a two storey building is likely to have a slight negative impact on these SAMs though this will be mitigated by trees and therefore the 'impact of the proposed development on nearby SAMs is minimal and acceptable.

With regard to the Grade 2 registered historic park and garden at Hensol Castle, they indicate that given the existing pattern of development to the west of the site (Hensol Villas) and the position of the access to the east, will to some extent screen the development from the registered park and garden. They do however indicate that the proposed building would be visible from the main entrance drive to the Castle and gardens and therefore would have 'some adverse visual impact on the rural setting of the registered park and garden.'

Natural Resources Wales was consulted and initially raised an 'objection to the proposals pending the provision of addition information to demonstrate that there will no adverse impacts upon European Protected Species' (bats, dormice and otters', whilst also noting that the application as submitted was deficient in terms of its approach to minimising impacts upon habitats of biodiversity interest.

Following extensive negotiation with the applicant and NRW, NRW were able to advise (with regard to the development of the wider site under application 2013/00833/FUL) that 'should your authority be minded to grant planning permission, we advise that suitable conditions and/or obligations be attached to the permission' to ensure that the works are carried out in accordance with the recommendations of the Ecological Management Strategy; planting plan for the nature areas ensure that favourable habitats for protected species are provided; provision of a long term management plan for the habitat areas and monitoring.

Glamorgan Gwent Archaeological Trust were also consulted and initially indicated that an archaeological assessment of the site be submitted and the determination of the application be deferred until the report has been submitted to the Council.

Further to this a further archaeological assessment of the wider site was submitted. Following assessment of the findings of this report, GGAT confirmed (in response to the wider site under application 2013/00833/FUL) that the applicant should submit a detailed scheme of investigation including a watching brief during the groundworks required for the development and that this detail could be required by condition.

REPRESENTATIONS

The neighbouring properties were consulted on 20 January 2014, site notices were also displayed on 11 February 2014 and advertised in the press on 21 January 2014. At the time of writing this report 14 letters of representation had been received raising the following:

- Ecological impact of the development and designated areas including SSSIs
- Lack of justification
- Site not allocated for development within the Development Plan
- Increase in traffic
- Pollution from traffic, litter and chemicals used to treat pitches
- Noise pollution
- Loss of trees and hedgerow as a result of the works and having already taken place
- Flooding issues
- Cumulative impact of this and other major developments
- Impact upon nearby listed Hensol Castle and registered park and gardens
- Loss of agricultural land
- Vague information submitted with original planning application
- Visual and landscape impact of the proposed building
- Parking issues relating to the use of the site
- Impact upon special landscape area
- Potential floodlighting
- Lack of appropriate screening/inappropriate fencing proposed
- Impact of advertising hoardings
- Impact upon amenity enjoyed by occupiers of neighbouring residential properties
- Archaeological impact

A letter was also received from Jane Hutt, AM raising issues relating to environmental and archaeological issues.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG11 – Land to the South of Junction 34 M4 Hensol
POLICY MG17 – Special Landscape Areas
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Community Facilities
- Recreational Spaces

Chapter 5 - Productive and Enterprising Places

- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Parking Standards (2019)
- Planning Obligations (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

As stated above, planning permission under ref. 2013/00833/FUL has already been granted for the use of the site as a football training facility. In the consideration of that application an assessment was made in respect of the principle of the development and its impacts on the countryside. In relation to this application for the training centre building and associated parking, the policy assessment remains the same.

The site is located within the countryside where policies MD1 and MD2 are considered to be relevant. Policy MD1 relates to the location of new development on unallocated sites and indicates that such development should (Inter alia) have no unacceptable impact on the countryside; where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan; and have no unacceptable impact on the best and most versatile agricultural land.

The supporting text (paragraph 7.3) states that '*within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the*

importance of protecting the countryside from unacceptable and unjustified new development.'

Similarly policy MD2 is a criteria based policy relating to the design of new development. The policy seeks to ensure that new development should:

1. Be of a high standard of design that positively contributes to the context and character of surrounding natural and built environment and protects existing features of townscape or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density;
10. Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;

Policy MD14 'New Employment Proposals' relates to new employment proposals indicating that such development will be supported on existing allocated sites. It does however indicate that elsewhere proposals for new employment uses will be permitted where it is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complimentary to its location and neighbouring uses; or where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.

Firstly it is acknowledged that the particular use does not fall within B1, B2 or B8 use class to which this policy relates, although it is clear that this proposals relates to a business venture rather than a tourism or leisure proposal to which policy MD13 relates. Being mindful of this it is nevertheless considered that the sentiment of this policy is applicable to this application, which is a relatively niche form of development. The building and associated parking form the second phase of development at the site to establish a football training ground, although works have not yet commenced on the construction of the approved training grounds.

The building is considered necessary to support the range of uses required for the wider site as a training ground. As in the previous application, the use of the wider site would be complementary to those currently taking place within the neighbouring Hensol Resort, including the training facilities currently used by Cardiff City, Cardiff Blues and the Welsh Rugby Union. Furthermore, given the nature of the proposed building, to provide a high level sporting club with a private training facility, it was accepted in the previously application that the use of the site would have to be supported by a club building and associated parking.

Agricultural Land

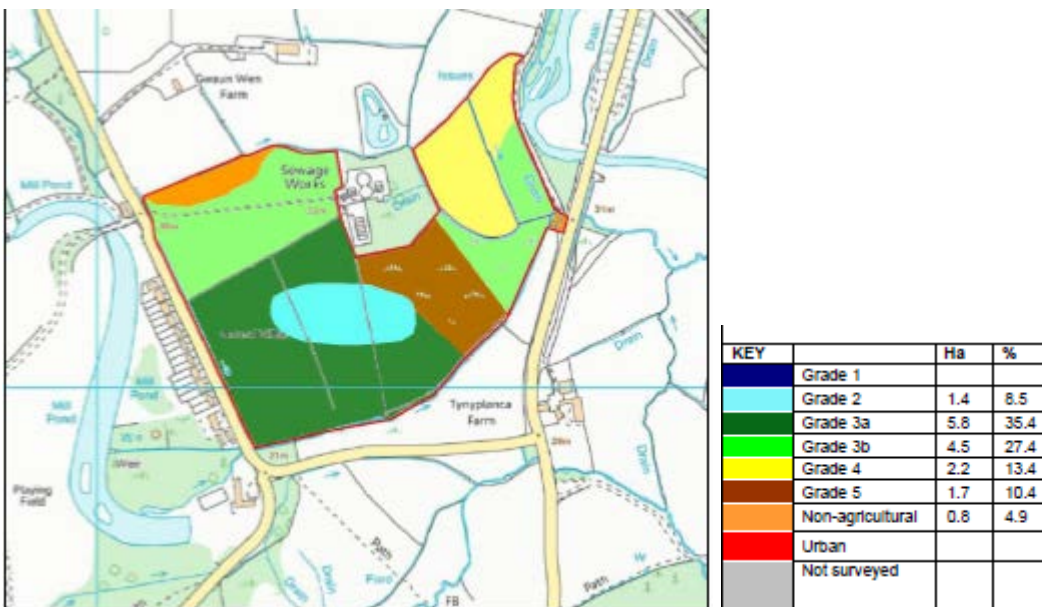
The proposed site for the development is primarily agricultural land with vegetated boundary, hedgerow field boundaries and a more marshy central area of the site. The majority of the site is currently grassed and having visited the site through the course of the application it appears that the fields are not being actively farmed.

Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output.

Para 3.55 of PPW 10 states that *“When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”*

The agricultural land classification map (MAFF 1966) classifies the site as a mix of Grade 3 and 4 agricultural land. The application is supported by an ‘Agricultural Land Considerations’ report prepared by Kernon Countryside Consultants dated May 2016. A detailed survey indicates that the site comprises a mix of quality of agricultural land. Of the wider 16.4 hectare site, the survey indicates that 1.4ha is Grade 2, 5.8ha is Grade 3a and remainder is Grades 3b, 4 and 5. The location of the proposed building is partly on the identified Grade 2 and 3a land located centrally within the site.

As noted in the determination of the application for the use of the wider site as a training complex, approximately 44% of the site represents the best and most versatile agricultural land. An extract from this appraisal is shown below:



In conclusion the report states that *‘due to the small area of BMV agricultural land, there is no need for significant weight to be afforded to agricultural land quality.’*

Criterion 9 of policy MD1 ‘Location of New Development’ of the LDP states that *‘new development on unallocated sites should... 9. Have no unacceptable impact on the best and most versatile agricultural land’*. This is reiterated within policy MD8 ‘Environmental Protection’ of the LDP requires development proposals to demonstrate that they will not result in an unacceptable impact on the built or natural environment by reason of a number of criteria including *‘7. The loss of the best and most versatile agricultural land’*.

It is noted that the land in question is not actively being farmed, whilst the supporting survey indicates that the majority of land does not comprise the best graded land. Whilst noting that this application relates to the main element of built works within the site, including the provision of the parking areas and the training centre building, itself the wider

use of the site would largely maintain the site as grassland. Whilst the current proposals may result in the loss of identified best and most versatile agricultural land, this is a relatively small parcel of land centrally positioned within a wider site that is not identified as such. On balance therefore and noting the findings of the submitted agricultural land report, and the need for the proposed development in association with the wider use of the site, it is considered that the proposals do not result in the unacceptable loss of the best and most versatile agricultural land and therefore comply with the requirements of policies MD1 and MD8 of the Development Plan and the advice contained within TAN6 and Planning Policy Wales.

Visual impact

The site is positioned within the open countryside and the designated Special Landscape Area of the 'Ely Valley and Ridge Slopes'. In such highly sensitive landscape areas the visual and landscape impact of the proposals is of significant importance.

LDP Policy MG19 – Special Landscape Areas states: *“development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.”* In addition, the supporting text states *“The designation of SLAs is not intended to prevent development but to ensure that where development is acceptable careful consideration is given to the design elements of the proposal such as the siting, orientation, layout and landscaping, to ensure that the special qualities and characteristics for which the SLAs have been designated are protected.”*

This application relates to the provision of a large training centre building that would be centrally positioned within the wider training complex (under consideration under application 2013/00833/FUL). The proposals would change the character of the existing grass land area given the design and scale of the building proposed. However, there are a number of complimentary land uses in the wider area, also part of the SLA, including the facilities contained within the Hensol Estate, whilst similar scale buildings have been approved nearby including that at Llanerch Vineyard including the guest accommodation block (2016/01501/FUL).

With regard to the impact on the wider landscape, it is noted that there are a number of public vantage points surrounding the site given the pattern of the surrounding highway network that allow views across the site. The application has been supported by a number of cross and long section drawings, which show the degree of visibility of the proposed building on the surrounding landscape. The previous unauthorised removal of trees to the periphery of the site has resulted in the limited loss of screening from the wider countryside, although the periphery of the site remains reasonably densely vegetated. As such it is considered that the site itself is currently relatively well screened from view by mature vegetated boundaries which are shown to be retained whilst the building itself would be set back a significant distance from the adjacent road network.

Nevertheless it is acknowledged that there are likely to some public views from outside of the site, although these would be relatively distant noting the central position of the building and the mature boundary screening that is afforded from the closest boundary to the west.



The proposed building itself is considered to be typical of a building for this relatively unique use and form. The elevational details submitted show a building of a high quality design, with appropriate materials (wood and stone) and has been designed with a flat roof profile that steps up with the topography of the land. Noting this and that the use of the site has already been approved under permission 2013/00833/FUL, it is considered that the introduction of this building would not represent an unacceptable or inappropriate addition in this location.

It is noted that Policy MG19 is not intended to prevent development, but ensure that *“where development is acceptable careful consideration is given to the design elements of the proposal such as the siting, orientation, layout and landscaping.”* It is considered that the development is acceptable in principle, and given the high quality design, is not considered to conflict with the policies aforementioned.

On balance, therefore it is considered that whilst the scale of the building is clearly substantial, given the acceptability of the use (as considered under the accompanying application 2013/00833/FUL) the proposed building and associated parking is acceptable in terms of its design and of a commensurate scale to the wider site so as not to cause undue detriment to the visual amenities of the wider countryside.

Impact upon amenity of neighbouring residential properties

The proposed building is a significant distance from the nearest residential properties at Hensol Villas to the west (in excess of 150 metres). Given this the proposed building would not have an unacceptable detriment by virtue of overbearing or overlooking on occupiers of neighbouring residential properties. The overall use of the site has previously been considered acceptable in this regard.

Highways issues

In respect of traffic generation and access, the previous application fully considered the highway impacts of the use of the wider site.

To summarise, the previous assessment the previous application was supported by a Transport Statement which concluded *‘that there are no off-site highway safety issues that need to be addressed as part of the application’*. The statement indicates that the peak hours of traffic serving the development would be at 9.30-10.30 in the morning and 14.00-15.00 in the afternoon. As such it was stated that *‘these hours are outside the network peak hours and hence, any traffic generated during the development peak periods on a weekday would not have any material impact on local road network.’*

The site would primarily be served from the east with a new access being created adjacent to the lane running to the north-east of the site, with players and staff accessing

the proposed training facility from this access. The access to the west of the site would be limited to use by maintenance staff only and to access the sewage disposal works. The access to the east of the site is from an unnumbered classified road that leads between Pendoylan to the south and junction 34 of the M4 to the north. Concerns have been raised by local neighbours with regard to potential increases in traffic arising from the scheme, although it is noted that the applicant already utilise a facility within the Hensol Castle estate and that these proposals will result in traffic predominantly entering the east of the site, away from Hensol Villas. However application ref 2013/00833/FUL has already approved the access into the site, based on anticipated traffic generation, internal circulation and layout.

In respect of parking, the previous application approved a main parking area of some 59 spaces for academy parking, in addition to 2 coach parking spaces and 8 parking spaces to serve the maintenance building to the north of the site.

This current application proposes a total of 103 spaces comprising of staff parking area to the front (east) of the building and a 1st Team parking area to the north of the building.

In respect of the parking requirements at the site, it is recognised that the proposed use is somewhat unique and the categories within the Parking Standards do not directly relate to a facility of this calibre and size, with the nearest categories being, Fitness Clubs, Leisure Clubs & Sports Clubs. However, given the staffing numbers and the squad numbers, it is considered that the level of parking is considered commensurate with the scale of the facility proposed.

As in the previous assessment with regard to the sustainability of the site in relation to traffic movements, although a countryside location, the site is still relatively accessible, bearing in mind the existing complementary tourism and recreational uses in the vicinity. The DAS also notes that there is a bus-stop at nearby Hensol, and it is suggested that a courtesy mini bus could shuttle visitors to and from the site.

The application has also been supported by a Travel Plan to manage journeys to and from the site with tailored measures to respond to the users of the development, the site's location and nature of the use.

Archaeology

Policy MD8 of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including the preservation or enhancement of archaeological remains and where appropriate their settings.

The application as originally submitted was supported by a desk-based assessment dated March 2014 that identified seven sites of archaeological interest within the development site. Of these it was noted that the works would have a major impact upon 3 of these sites whilst the remaining works could be mitigated by photographic survey. As a result of this an archaeological field evaluation was undertaken on the 3 sites where a major impact was expected. The report identified archaeological features within the 3 trenches dug, including an archaeological cropmark that is likely to be of prehistoric date. In summary, the report states that the site has the potential to be of national importance where there is a policy presumption in favour of preservation in-situ of all types of archaeological sites and monuments.

Following consultation with the Glamorgan Gwent Archaeological Trust they recommend

that the required details can be sought through way of condition requiring that a programme of archaeological work be submitted prior to the commencement of development and a detailed report of this work to be provided within 6 months of the completion of this work (**Condition 9**) refers.

Noting the above, it is considered that there is not an archaeological constraint restricting the grant of planning consent.

Ecological impact

The ecological impact of the wider development of the site has been subject of significant and lengthy discussions under the approved planning application ref. 2013/00833/FUL. As noted objections were initially raised to the development of the wider site by the Council's Ecologist and Natural Resources Wales, due to concern with regard to the potential impact upon dormice; reptiles and great crested newts not being adequately considered. Pursuant to this additional submissions were provided including an Ecological Masterplan; A Reptile Mitigation Strategy and a Dormouse Mitigation Strategy relating to the wider development of the site.

The submitted details indicate that the site is used by a number of species including 9 species of bats; otters; reptiles (including slow worm, grass snake and toads and great crested newts). The submitted Ecological Mitigation Strategy assesses the impact of the proposed development on the range of habitats on the wider site including the loss of 9 hectares of semi-improved neutral grassland; 3.5 hectares of swamp; 0.2 hectares of trees and loss of 0.4 hectares of scrub and tall herbs. Following extensive consultation with Natural Resources Wales and the Council's Ecologist, a Mitigation Strategy for the wider site but including details of a lighting mitigation strategy relating to the this building and associated parking and access, was agreed.

To accord with Policy MD9 'Promoting Biodiversity' of the Council's LDP, new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

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

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

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). Survey work undertaken identified the presence of protected species on the site, and therefore the need for a licence from the Welsh Assembly Government. In assessing the application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met and an assessment has been conducted with regard to the proposed use of the wider site. The application site is centrally positioned within this area and the ecological mitigation strategy prepared relates to both elements of the site and therefore the assessment of the application against the 'three tests' are consistent.

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

It is considered that the proposed development is in the public interest, due to the potential economic benefit in terms of construction and to local businesses. The proposed building is complimentary to the approved use of the wider site and neighbouring land uses and will provide training facilities for a high level local sporting club that will also be beneficial to the local economy.

Test ii) - There is no satisfactory alternative

In terms of Test 2, the application site is located adjacent to similar neighbouring land uses and in a location near to junction 34 of the M4 motorway. As noted previously, such facilities cannot readily be provided within the confines of existing settlements or areas allocated for employment and are fairly niche in their form. As such the building and parking area to the serve the wider approved use, can only be readily accommodated within a countryside location such as this, which lies in close proximity to existing infrastructure including the M4.

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

Natural Resources Wales and the Council's Ecologist have advised that subject to the measures in the mitigation statements being adhered to, there is no objection and, therefore, it is considered that the development would not be detrimental to the maintenance of the population of protected species identified. Natural Resources Wales have requested that the works shall comply with the ecological mitigation strategy; the preparation of a planting plan to ensure favourable habitats for protected species and long term management and monitoring plan to ensure the maintenance of species within the site. They are satisfied that the use of the site by protected species (particularly Great Crested Newt) can be ensured through the provision of these documents and conditions that have been attached to the application for the development of the wider site under ref. 2013/00833/FUL.

In terms of locally protected species, the Council's Ecologist notes that the report indicates the presence of a small reptile and invertebrate populations on site and indicate the preventative measures must be taken to ensure the retention of habitat and sensitive site

clearance. As such they request that planning conditions be attached to any consent ensuring that suitable habitat is maintained within the confines of the site. (**Conditions 3, 4, 5 and 6**) refer.

Overall therefore it is considered that the works would comply with the above tests and as such the proposals would not cause undue harm to protected species identified within the accompanying documentation.

Impact upon Listed Buildings and Scheduled Ancient Monuments

Policy MD8 of the LDP seeks to ensure that development proposals protect the qualities of the historic environment including listed buildings, historic parks and gardens and scheduled monuments.

The Grade 2 listed buildings of Hafod Lodge and bridge into Hensol Park are situated on the other side of the road from the application site. Given the separation of the building from these buildings; vegetative boundaries surrounding the site (to be retained) and the surrounding pattern of development, it is considered that the proposals will not unacceptably impact upon the setting of these listed buildings.

Given the size of the site, Cadw were consulted as part of the application. They indicated that there are 2 no. Scheduled Ancient Monuments within the vicinity of the application site GM070 (Caer Gwanaf) and GM370 (Felin Isaf Castle Mound) and indicate that 'there are to be no direct impacts on the above-listed nearby SAMs. There will be a slight negative impact on the setting of the above-listed SAMs but this will be mitigated by the screening effect of trees around the development. In Cadw's opinion the impact of the proposed development on the nearby SAMs is minimal and acceptable.'

Local planning authorities must consult the Welsh Government's Historic Environment Service (Cadw) on all planning applications which in their opinion are within the setting of a scheduled monument and meet certain criteria. Where the site is within a distance of 5 kilometres from the perimeter of a scheduled monument and is 100 metres or more in height, or has an area of 1 hectare or more and is likely to be visible from a scheduled monument it will be necessary to consult Cadw. The wider site has an area of approximately 16ha so clearly meets this criteria and the proposed training building is positioned centrally within this.

The following monuments have been identified within the 5km buffer zone:

- St-y-Nyll Round Barrow
- Y Gaer
- Medieval Chapel of Talygarn (RCT)
- Caer Gwanaf (RCT)
- Llantrisant Castle(RCT)
- Cae-yr-Arfau Burial Chamber (Cardiff)
- Maes-y-Hwyaid Round Barrow
- Two Round Barrows, Naboth's Vineyard (RCT)
- Two Round Barrows 300m north of Tair Onnen
- Remains of Peterston Castle
- Castell Tal-y-Fan

- Felin Isaf Castle Mound
- Two Cooking Mounds E of Ty'n-y-Pwll
- Ystradowen Castle Mound
- Miskin Roman Fort (RCT)
- Rhiw Season Caerau (RCT)

Cadw have previously considered the scheme and identified Caer Gwanaf and Felin Isaf Castle Mound as being impacted in a slight negative manner. This, they noted, is mitigated by the proposed landscaping. It is considered that the contribution this part of the setting of the scheduled monument makes to their significance is negligible.

Notwithstanding this, noting the intervening topography and trees the site is unlikely to be visible from the remaining scheduled monuments. As such, it is considered that there will be a negligible impact on the setting of the scheduled monuments.

In terms of the historic park and garden at Hensol Castle they state that:

'the DAS states that the main vehicular access into the proposed development will be to the east of the application areas and therefore the principal access route will not impact on Hensol Castle. The public highway which runs through Hensol Village, between the application site and the registered park and garden is tree and hedge lined and will go some way to act as a screen to the development. The row of houses known as Hensol Villas and the further line of trees existing along the serpentine pond known as the Mill Pond within the parkland will also limit views from the park towards the development site.' They add that 'the proposed development will however be visible from the main entrance drive to Hensol Castle and its immediate environs, and will, therefore, have some adverse visual impact on the rural setting of the registered park and garden.'

Whilst noting this, the proposals do not form part of the registered park and garden and would as aforementioned from the wider site by vegetation both surrounding the application site and forming within the park and garden. Noting this it is considered that the impact upon the park and garden is acceptable.

Mineral safeguarding

It is also noted that the east and south western corner of the site is identified as a sand and gravel (Category 2) resource in the LDP. Strategic Policy SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) seek to safeguard known mineral resources. Policy MG22 states that, in such areas with known resources, new development will only be permitted where it has first been demonstrated that:

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

In relation to criterion 2, given the location of the application site and its proximity to existing dwellings to the west at Hensol Villas and within a Special Landscape Area, it is considered that any extraction of the mineral resource would likely have an unacceptable impact on amenity of nearby occupiers and upon the visual amenities of the site respectively. It was considered that the previous approval, which only related to reprofiling and hardsurfacing of the wider site would not have result in a significant impact on the possible working of the resource. The proposed clubhouse and parking area would fall just within the western edge of this area, However for the reasons set out above, namely for environmental and amenity considerations, extraction would be likely to have an unacceptable impact, the proposal is in line with Policy MG22 in that it would satisfy criteria 2 and 3.

Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan in accordance with LDP Policy MD 4. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to any material circumstances.

The need for planning obligations based on the type of development proposed has been considered taking account of the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

In light of the particular circumstances of this development, officers have concluded there is no need for a section 106 agreement in this case as noted below.

Sustainable transport

According to the Council's Planning Obligations SPG a contribution would typically be required for commercial developments of a site area of 1 hectare or more. It is recognised that the proposal is somewhat unique, but does propose a relatively high staffing levels.

During the course of the determination of this application and as detailed within the officer's report for application 2013/00833/FUL, the Council entered into discussion with the agent.

It was agreed that the submission of a fully costed travel plan could adequate in lieu of this requirement, particularly noting the nature of the facility. A travel plan has been submitted to the Council, although further details of monitoring and review mechanisms are required prior to these details being acceptable (**Condition 12** refers).

Public Art

The Council introduced a percent for art policy in July 2003 which is supported by the Council's adopted supplementary planning guidance (SPG) on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate

sufficient measures for the appropriate future maintenance of the works. Where it is not feasible to provide public art on site, and the Council is in agreement, a financial contribution to the same value may be paid to the Council to be added to the Public Art Fund and spent on wider arts initiatives in the Vale of Glamorgan.

The applicant has confirmed that they have an ongoing agreement with a company called Pippins Art and that will 'cover percent for art'. The application relates to the provision of a largely private, football training facility. The provision of public art within the confines of this gated private site may therefore not be appropriate and given its rural location, it is recognised that there are limited appropriate opportunities within or adjoining the site to provide meaningful public art.

Therefore having regard to the tests of Circular 13/97 Planning Obligations, it is not considered that such an obligation is necessary to make the development acceptable in planning terms.

Training and Development

The development of skills and education in an economy are essential to maximise employment opportunities, in order to achieve 'A Prosperous Wales' (Planning Policy Wales, Edition 10), and to ensure that people secure decent work and enjoy a better quality of life. Part of the justification for permitting new developments such as this is the employment opportunities they present. Training local residents to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. This may be provided on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development.

In response, the applicant indicates that the club seeks to engage with the community and offer similar opportunities through the Cardiff City FC Foundation.

'This is a registered charity that works in partnership with the football club within the local community. The Foundation works with children, young people and families in South Wales to address inequalities and help them achieve their personal best. Their board includes two directors from the football club to cement the connection, so that it is part of the way the club operates rather than an additional attraction. They offer a range of community programmes designed to improve health & well-being, improve education and employment opportunities and reduce offending and re-offending. Participants range from early years to post 16, and courses can be anything from 2 weeks to 2 years. Football is used as an engagement tool, and the idea of basing this at Hensol is to take advantage of the aspirational nature of having the first team based at the same project.'

Given the relatively unique nature of the enterprise to which this application relates and the evident provision of such training and community projects through their engagement with the charitable foundation and the inherent nature of the facility proposed including the provision of youth team training facilities, it is evident that this relatively niche enterprise would afford training and development opportunities in kind. Noting this, it is considered, on balance, that a legal agreement requiring a financial contribution is not necessary in this instance.

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:

3003-TC-P-100 Site Location Plan; 3003-TC-P-200a Existing Site Layout; 3003-TC-P-201d Proposed Site Layout; 3003-TC-P-202c Proposed Site Layout; 3003-TC-P-300 Existing Site Sections; 3003-TC-P-301b Proposed Site Sections A, B, C and D; 3003-TC-P-302b Proposed Site Sections E, F and G; 3003-TC-P-400b Proposed Ground Floor Plan; 3003-TC-P-401c Proposed First Floor Plan; 3003-TC-P-402b Proposed Roof Plan; 3003-TC-P-403b Proposed Elevations A and B; 3003-TC-P-404b Proposed Elevation C; 3003-TC-P-405b Proposed Elevation D; 3003-TC-P-406a Proposed Building Sections; 3003-TC-P-500b Proposed Perspectives 1; 3003-TC-P-501b Proposed Perspectives 2; 3003-TC-P-502b Proposed Perspectives 3; 3003-TC-P-503 Proposed Perspectives 4 and 3003-TC-P-504 Proposed Perspectives 5 received 9th April 2018

Transport Statement prepared by ADL Traffic Engineering LTD received 29 November 2013

'Land at Hensol, Vale of Glamorgan. Great Crested Newt Population Monitoring Survey', Issue 1 dated 8 July 2016, by Ecosulis.; 'Land at Hensol, Vale of Glamorgan, South Wales. Ecological Mitigation Strategy', Issue 4 dated 8 July 2016, by Ecosulis.

Archaeological field evaluation prepared by Glamorgan Gwent Archaeological Trust dated August 2017 received 12 September 2017

2837 'Primary Access Visibility Splays'; Refuse Vehicle Tracking Data; 15.0m Luxury Coach Tracking Data prepared by ADL

Reason:

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

3. The scheme should be implemented in accordance with Sections 5 – 7 and appendices I-IV of the report 'Land at Hensol, Vale of Glamorgan, South Wales. Ecological Mitigation Strategy', (issue 4) dated 8 July 2016, by Ecosulis.

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.

4. Notwithstanding the submitted details, no development shall take place, including site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include:
- i) Details of sensitive site clearance with respect to reptiles, bats, amphibians, reptiles and breeding birds;
 - ii) Definition and description of habitats present and to be created;
 - iii) Aims and objectives, to include the desired condition of each of the habitats present;
 - iv) Appropriate management options to achieve and maintain these habitats and prescriptions for management including appropriate scheduling and timing of activities;
 - v) Suitable monitoring of habitats and proposals for on-going review of management and remedial action to be undertaken where problems are identified by the monitoring;
 - vi) Measures to be undertaken to enhance biodiversity on site;
 - vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
 - viii) A minimum of 100mm gap at the bottom of all fencing used on site.

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

Reason:

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

5. No development shall take place until a reptile strategy regarding site clearance and habitat retention and creation has been submitted to and approved in writing by the Local Planning Authority. The habitat protection plan shall include:
- i) A plan showing habitat protection zones;
 - ii) Details of development and construction methods within habitat protection zones and measures to be taken to minimise the impact of any works; and
 - iii) Details of phasing of completion of the protection [and enhancement] plan.

The habitat protection plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

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 shall take place until a invertebrate strategy regarding site clearance and habitat retention and creation has been submitted to and approved in writing by the Local Planning Authority. The habitat protection plan shall include:
- i) A plan showing habitat protection zones;
 - ii) Details of development and construction methods within habitat protection zones and measures to be taken to minimise the impact of any works; and
 - iii) Details of phasing of completion of the protection [and enhancement] plan.

The habitat protection plan shall be completed in accordance with the approved phasing and shall be retained at all times in accordance with the approved details.

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.

7. 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 amenities of the countryside and Special Landscape Area 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.

8. Notwithstanding the submitted details, a schedule of materials (including samples) 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 [trigger]].

Reason:

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

9. No development (including vegetation clearance, topsoil strip or other ground works) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. The programme and scheme shall be fully completed as defined in the approved details. A detailed report on the archaeological work, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason:

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

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

Reason:

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

11. Prior to the commencement of reptile/amphibian clearance, details of the proposed receptor site shall be submitted to, and approved in writing by the LPA. The reptile clearance strategy shall be implemented as proposed and the results sent to the LPA ecologist following completion of the clearance works.

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.

12. Notwithstanding the submitted details, prior to the first beneficial use of the development hereby approved, a Travel Plan shall be submitted to and approved by the Local Planning Authority. The plan shall include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

13. No construction of the building shall commence (excluding site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping (including all hard surfaces). The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

14. 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), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

15. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees to be retained. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:

a) a plan, at 1:200 showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
- any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
- all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with [Policy / Policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

16. All means of enclosure (including all perimeter, pitch enclosures and ballstop fencing) associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved under Condition 16 of this consent.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

18. This consent does not grant approval for any flood lighting (including temporary) to be installed in connection with the pitches and associated infrastructure (including the football centre) and no lighting shall be used, constructed or installed without the formal consent of the Local Planning Authority.

Reason:

To ensure that the rural character of this countryside location is preserved and protect the amenity of neighbouring residential properties is maintained in compliance with Policies MD1 (Location of New Development); MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

19. Before commencement of any works for the new access (excluding clearance and demolition), full engineering details of all traffic arrangements (including carriageways, footways, kerb radii, means of surfacing, details of surface water management etc.), associated with the means of access to the site, shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented in full before the first beneficial use of the site hereby permitted.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, in accordance with the terms of Policies MD2-Design of New Development of the Local Development Plan.

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

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

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

Reason:

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

21. Before the commencement of development, including site clearance and land fill, full details of a scheme to address the issue of invasive plant species (including Japanese Knotweed), which shall include measures to ensure these species are not propagated or allowed to spread as a result of the development, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved scheme.

Reason:

In the interests of the environment and to address Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

22. Prior to their installation on site, and prior to the commencement of the use, full details of all external plant, machinery and extraction equipment for the unit, shall be submitted to and approved in writing by the Local Planning Authority. The information shall include elevational details at a scale no greater than 1:50. Only the external plant, machinery and extraction equipment forming part of the agreed scheme shall be installed/erected on the buildings/site and shall thereafter be maintained in accordance with the agreed details.

Reason

To ensure that the visual amenities of the proposals and amenity of neighbouring residential properties are safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

23. The highways, private drives, parking and turning areas shall be completed in accordance with the approved details prior to the occupation of any of the residential units hereby approved and shall remain available to serve the development hereby approved and maintained for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

24. The building hereby approved shall only be used as a football training facility as described within the application, and for no other purpose, within the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification) including other uses within use class D2.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1-Delivering the Strategy, MD2-Design of New

Developments, and MD5-Development Within Settlement Boundaries of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP9 – Minerals, SP10 – Built and Natural Environment, , MG17 – Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MD1 – Location of New Development, MD2 - Design of New Development, Policy MD4 – Community Infrastructure and Planning Obligations and Policy MD7 – Environmental Protection, MD8 – Historic Environment, MD9 – Promoting Biodiversity and MD14 – New Employment Proposals of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Design in the Landscape, Planning Policy Wales 10th Edition, Technical Advice Notes 5 – Nature Conservation and Planning; 6 – Planning for Sustainable Rural Communities; 12- Design; 15 – Development and Flood Risk; 16 – Sport, Recreation and Open Space; 18 – Transport; 23 – Economic Development and 24 – The Historic Environment, the development is considered acceptable in terms of its visual and landscape impact; wider landscape value of the Special Landscape Area; archaeology; the impact to neighbouring properties; highways; minerals; flood risk and the local environment and ecology.

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

NOTE:

- 1. This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
- 2. 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 Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 3. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
5. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.
6. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
7. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
8. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.

2018/00482/HYB Received on 8 May 2018

APPLICANT: Mr. Stephen Leeke Mwyndy Business Park,, Pontyclun., CF72 8PN

AGENT: Mr Andrew Bates Geraint John Planning,, Office 16 (House 1, 2nd Floor),, The Maltings ,, East Tyndall Street,, Cardiff., CF24 5EA

Hensol Castle, Hensol Castle Park, Hensol

Hybrid planning application as an 'enabling development' to facilitate the restoration of Hensol Castle, comprising of the following: Site 1: Full Application: for the erection of 10 dwellings and associated access and works on land at Gardeners Mews to the north of the Walled Garden, Hensol. Site 2: Outline Application: for the erection of 6 detached dwellings and associated access and works on land to the west of Sail Newydd, Hensol

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

The application site relates to two parcels of land associated with the Grade I Listed Hensol Castle and attached courtyard range, which has been partially been converted to a hotel use. The wider site encompasses approximately 63ha (155 acres) and includes sport pitches, hospital, apartment buildings and a golf club/hotel within the grade II registered historic park and garden at Hensol Castle, (Cadw ref: PGW (Gm) 41(GLA)).

The proposed site of the 'enabling development' relates to two parcels of land to the north of the castle, one immediately adjacent to the north of the Walled Garden that is currently occupied by a number of buildings and the other, part of a field parcel to the north of the access road to the private hospital. Both sites fall within the Ely Valley and Ridge Slopes Special Landscape Area. There are also a number of trees covered by Tree Preservation Orders adjacent to both sites and the site also falls within a Mineral Safeguarding Zone (Category 2 Sandstone) as identified by the LDP.

At the time of writing this report 3 letters of representation had been received raising concern about development on greenfield land and loss of agricultural land; ecological implications; highway implications; impact upon heritage assets; query over need for and quality of enabling development submissions.

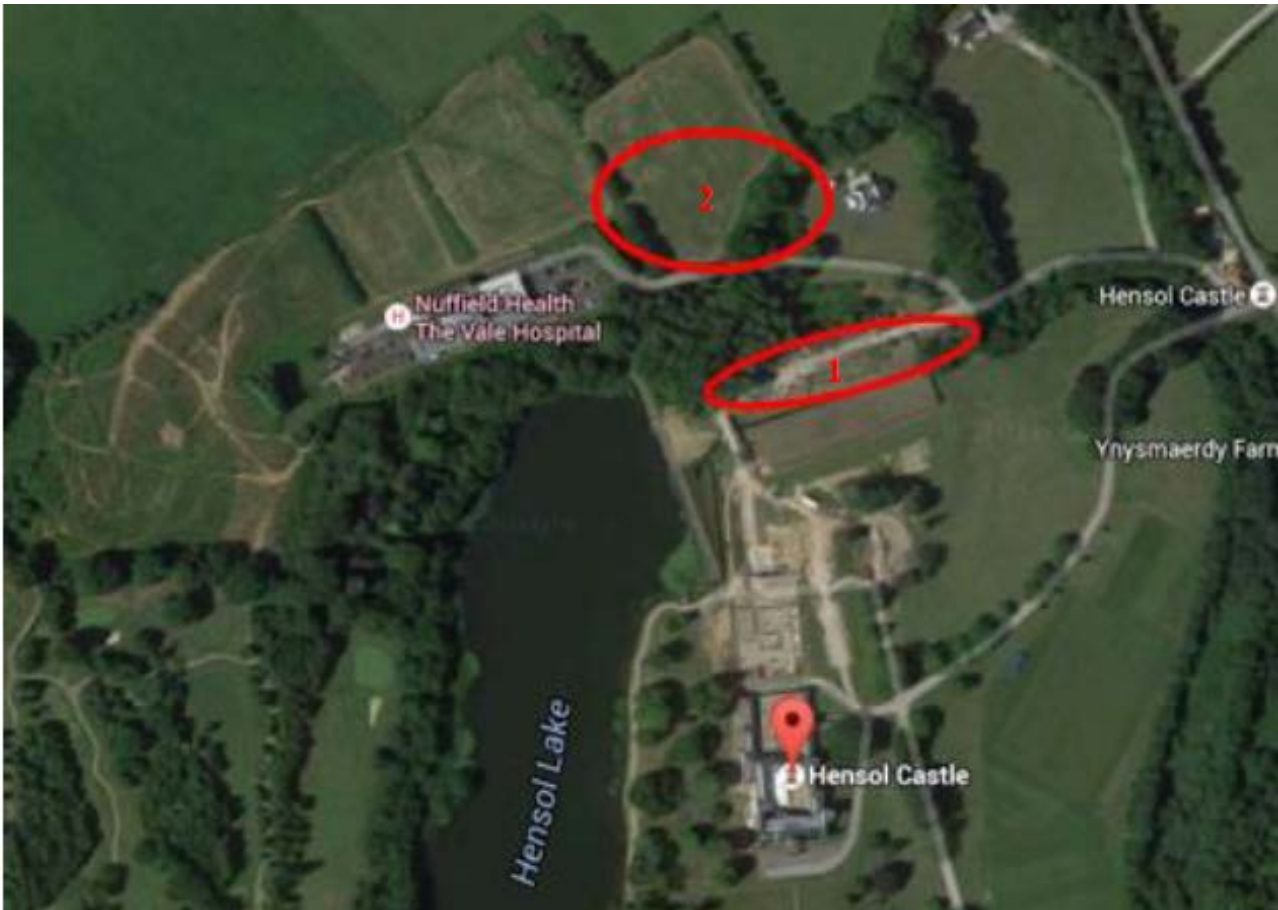
The primary issue is considered to be whether the applicant has demonstrated a justification for the enabling development and that any harm associated with the development would be outweighed by the public benefit in terms of restoration of the Grade I Listed Hensol Castle. Issues to consider also include impact upon the countryside and Special Landscape Area; impact upon amenity of neighbouring residential properties; ecological impact; drainage issues; highways; amenity and open space provision; impact upon trees and S106 issues. The application is recommended for Approval subject to a legal agreement.

SITE AND CONTEXT

The application site relates to two parcels of land associated with the Grade I Listed

Hensol Castle, which has been partially converted to a hotel use. The wider site encompasses approximately 63ha (155 acres) and includes sport pitches, a private hospital, apartment buildings and a golf club/hotel (the Vale Resort) within the grade II registered historic park and garden at Hensol Castle, (Cadw ref: PGW (Gm) 41(GLA)). The site does not lie within a settlement for the purpose of the Local Development Plan.

The proposed site of the 'enabling development' relates to two parcels of land to the north of the castle, one immediately adjacent to the north of the Walled Garden that is currently occupied by a number of buildings and the other, part of the application site is a field parcel to the north of the access road to the private hospital. An aerial photograph showing the position of the site is shown below:



The site north of the Walled Garden is identified as being protected by Tree Preservation Order (245-2003-04-W02) 'amenity woodland composed of Scots Pine, Horse Chestnut, Turkey Oak, Oak, Ash, Norway Spruce, Larch, Holm Oak, Tulip, Yew, Holly'. The land between the maintenance buildings and the estate road leading to Nuffield Hospital to the west has been cleared although a large area of TPO protected woodland remains to the west. There are also other tree preservation orders adjacent to the development sites T035-04-2003 is a sequoia (Wellingtonia) tree adjacent to the mortuary building to the south of the mews development. 2003-04-W03 is small wedge of woodland situated between the Sail Newydd and the northern element of the proposals.

The most northern site partly falls within a Mineral Safeguarding Zone (Category 2 Sandstone) as identified by the LDP. Both sites fall within the Ely Valley and Ridge Slopes Special Landscape Area as identified by the Vale of Glamorgan Local Development Plan 2011-2026 (LDP) and within the countryside.

DESCRIPTION OF DEVELOPMENT

The application is a 'Hybrid' planning application submitted for enabling development associated with the restoration of the Grade I listed Hensol Castle.

The application seeks:

1. full planning consent for the development of 10 dwellings adjacent to the existing walled garden (referred to by the applicant as 'Gardeners Mews'), and
2. outline planning consent for the erection of 6 dwellings to the north of the site (referred to by the applicant as 'Hensol Villas').

Gardeners Mews (Full)

The proposals, as amended, seek to provide 10 units, comprising of a detached dwelling to the south of the access road on approach and to the north of the access road 2 no. pairs of semi-detached dwellings and a terrace of 5 dwellings. The amended design seeks to create an informal mews layout between the properties and the walled garden to the south that would provide an incidental landscaping and parking area, with further parking and bin storage areas to the west and east. The proposed layout is shown below:



The proposed dwellings are contemporary in their form and materials and are split level to reflect the levels difference at the site. Proposed elevations of the dwellings (as amended) are shown below:



South (left) and north (right) elevations of semi-detached units (1&2) and (8&9)



Southern (front) elevation of central terrace block



North (rear) elevation of central terrace block

Hensol Villas (Outline)

The application forming Hensol Villas has been submitted in outline with access and siting submitted for consideration at this stage. The proposals include the provision of 6 no. detached two storey dwellings with the below site layout plan and indicative elevations of the proposals:



Although matters relating to landscaping, scale and appearance are reserved to be considered under future reserved matters applications, the application has been supported by indicative details of the design of the dwellings, (from which the scale parameters can be determined) as shown below:



Indicative elevations of House Types A (left) and C (right)

PLANNING HISTORY

There is extensive planning history at the site, the following are of most relevance to this application:

2005/00087/FUL, Address: Hensol Castle, Miskin, Pontyclun, Proposal: Comprehensive mixed-use redevelopment including conversion and extension of castle as hotel, conversion of ward blocks to residential use, development of holiday accommodation, new 2 storey staff accommodation and restoration of walled garden. Decision: Approved

2005/00088/LBC, Address: Hensol Castle, Miskin, Pontyclun, Proposal: The conversion of a grade I listed castle and associated service courtyards to a spa hotel and construction of additional serviced accommodation for the spa hotel by the addition of an extension to the immediate North of the castle building., Decision: Approved

2007/00869/FUL, Address: Hensol Castle Estate, Hensol, Proposal: Demolition of 2 no. former nurses 3 bedroom dwellings and erection of 1 no. 6 bedroom residential dwelling, Decision: Approved

2009/00965/FUL, Address: Hensol Castle, Miskin, Pendoylan, Proposal: Proposed amendments to comprehensive mixed use redevelopment including conversion and extension of castle as hotel, conversion of ward blocks to residential use and restoration of walled garden, Decision: Approved

2009/00966/LBC, Address: Hensol Castle, Miskin, Proposal: Proposed amendments to previously approved conversion and extension of former southern ward blocks and concert hall to create 59 apartments, Decision: Approved

2017/01333/FUL, Address: Hensol Castle, Miskin, Proposal: The provision of an amended functions area within the outer courtyard, development to the north of the castle to provide a new restaurant, bar and servicing facilities, along with hard and soft landscaping. Decision: Approved

2017/01351/LBC, Address: Hensol Castle, Miskin, Proposal: The provision of an amended functions area within the outer courtyard, development to the north of the castle to provide a new restaurant, bar and servicing facilities, along with hard and soft landscaping, Decision: Pending, with Cadw for authorisation

CONSULTATIONS

Pendoylan Community Council was consulted with regard to the proposals raising concern with regard to the proposals being excessive for the site; lack of provision for affordable housing within the scheme; increased traffic through Hensol and Pontyclun.

The Council's Highway Development section was consulted although no comments had been received at the time of writing this report.

The Council's Operational Manager for Highways and Engineering (Drainage) was consulted although no comments had been received at the time of writing this report.

Glamorgan Gwent Archaeological Trust was consulted with regard to the application and identify that the proposals have an archaeological constraint. From assessing the submitted details they identify that there is '*high potential in encountering archaeological remains during the proposed works and that the impact of the development upon the archaeological resource is considered to be significant and will require mitigation.*' As such they recommend two conditions to be attached to any consent requiring the submission of a written scheme of historic environment mitigation to be submitted and a condition requiring a scheme of historic building recording be attached to any permission given.

Dwr Cymru Welsh Water was consulted with regard to the application who noted that the submitted plans indicate that drainage proposals will discharge foul water flows into a private treatment works and surface water flows to either a soakaway system or nearby watercourse. Noting this they request that a condition be attached to any planning consent given requiring that no surface water and/or land drainage be allowed to connect directly or indirectly with the public sewerage network.

The Welsh Historic Garden Trust was consulted although no comments had been received at the time of writing this report.

The Council's Ecology Officer was consulted with regard to the application and initially raised an objection requesting further survey work with regard to potential bat roosts within trees, potential presence of dormice and/or great crested newts within the site.

Following the submission of additional reports Ecological Impact Assessment report, Hensol Castle Development; Document Ref: WWE17066.ECIA Rev G Final April 2019) The ecologist notes that NRW do not object to the application and have recommended that the applicant seek an EPS development licence. Whilst NRW have recommended a planning condition to secure the bat mitigation, the Councils Ecologist considers this unnecessary as the mitigation will be secured through the Habitats Regulations licensing process and will therefore be secured under 3rd party legislation.

Recommendations are made for planning conditions to secure other biodiversity interests, in particular the non-licensable European protected species, and the priority/protected species.

It is also stated that the Planning Officer must undertake and document the “3 tests” required by the Habitats Regulations with respect to European Protected Species.

Cadw (Historic Gardens) was consulted and note that they have ‘no concerns regarding the effect on any Scheduled monuments. They have raised concerns about the impact upon the registered historic park and garden. However they consider that if mitigating measures were undertaken, concerns about the impact would be reduced.’ In terms of mitigating measures identified by Cadw these include the restoration of the walled garden and stream walls; additional tree planting and retention and protection of existing trees including Wellingtonias.

Natural Resources Wales (NRW) initially raised an objection to the originally submitted proposals given that further information was required to demonstrate that the proposals would not be detrimental to European protected species and request that amended mitigation proposals are submitted. Initially this included further details with regard to the presence or otherwise of dormice or Great Crested Newts and bats within adjoining trees and the provision of amended bat mitigation measures as part of the works given the loss of roosts within the buildings to be demolished.

During the course of the application there has been extensive negotiation with the applicant and NRW to seek to overcome these concerns and NRW requested revised mitigation to confirm that the proposals are unlikely to result in a detrimental impact to the maintenance of the favourable conservation status of the population(s) of bat species concerned.

Further survey work has now been undertaken by the applicant and an updated Ecological Impact Assessment Report (April 2019) has been submitted. Following further review by NRW, they have confirmed that there should not be detriment to the maintenance of the favourable conservation status of the species present, providing an appropriately worded condition is attached to any permission granted requiring the implementation of the mitigation measures in the following:

- Section 5 and the appendices of the Ecological Impact Assessment Report prepared by Wildwood Ecology, dated April 2019;
- the Proposed Bat and Refuse Enclosure at Mews Development drawing, dated 11th April 2019; and,
- the Proposed Site Plan of Bat and Refuse Enclosure and Mews Development, dated 11th April 2019.

They also provide advice with regard to the connection of foul sewage to existing non-mains private treatment works and indicate that connection to a new non-mains private treatment works would likely require an environmental permit.

Shared Regulatory Services (Contaminated Land) provided comments with regard to the works. They recommend that conditions requiring a contaminated land assessment, associated remediation and verification measures are attached to any consent granted with regard to the previously developed part of the site. They also recommend that conditions relating to unforeseen contamination; imported soil and aggregates and use of site won materials be attached to any consent granted.

Peterston-Super-Ely Ward member was consulted although no comments had been received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 14 May 2018, site notices were also displayed on 23 May 2018 and the application was also advertised in the press on 24 May 2018 and 07 June 2018. At the time of writing this report, 3 letters of representation had been received raising the following concerns:

- Loss of staff accommodation previously approved
- Applicant has sufficient financial reserves without requiring enabling development
- Loss of agricultural land
- Greenfield development at odds with Local Development Plan
- Ecological implications
- Increased traffic and impact upon Hensol Road including cumulative impact with other development within the area
- Lack of adequate consultation
- Impact upon Special Landscape Area
- Impact upon Listed Bridge
- Noise and air pollution
- Enabling case submitted does not provide adequate clarity

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing
POLICY MG17 – Special Landscape Areas
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

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

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing)

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)

Of particular relevance this current application are the following extracts:

6.1.30 Enabling development is development which can deliver substantial heritage benefit but would usually be contrary to other objectives of national or local planning policy.

6.1.31 Enabling development may be appropriate if the public benefit of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests. It must always be in proportion to the public benefit it offers.

6.1.32 When considering a scheme of enabling development, planning permission should be granted only where all of the following can be applied:

- where the impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;
- where the achievement of the heritage objective is securely and enforceably linked to the enabling development;
- where the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development;
- where the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled; and
- the enabling development does not give rise to significant risks, for example residential development in the floodplain or significantly impact on air quality or soundscape.

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2017)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Historic England (formerly English Heritage) and endorsed by Cadw – ‘Enabling Development and the Conservation of Significant Places’

Well-being of Future Generations (Wales) Act 2015

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

Issues

Background

Development to facilitate works to the Grade I Listed building (Hensol Castle) have been previously permitted under application 2005/00087/FUL for comprehensive mixed use redevelopment, including the conversion and extension of the castle as a hotel, conversion of ward blocks to residential accommodation, staff accommodation and restoration of the Walled Garden. This included the provision of staff accommodation blocks immediately to the north of the Walled Garden in a commensurate position with the ‘Gardeners Mews’ element of the current proposals. Other works also approved under this consent included the provision of a 36 holiday units in the field to the north of the existing hotel complex and associated parking and demolition of a number of buildings associated with the previous healthcare use.

It was indicated by officers that the conversion of the ward blocks to private residential use (now completed) was contrary to policy and the development brief prepared for the site. The proposals were however considered to be justified within the submitted application to facilitate the conversion and extension of the Grade 1 listed Castle and the Walled Garden.

The application was reported to Planning Committee on this basis and the proposal for residential accommodation was only considered acceptable on the basis of 'constituting enabling development', to facilitate works to the Grade I Listed building.

Notwithstanding this, the legal agreement attached to this consent does not tie any works as enabling development to facilitate the redevelopment of the Castle, as a hotel or require any mechanism or timings for the works to the Castle to be undertaken.

Planning application ref. 2005/00087/FUL, has been implemented, but only part of the works have been undertaken, principally through the conversion of the ward buildings for residential accommodation and the partial conversion of the Castle to a hotel and related accommodation.

A subsequent planning application (ref. 2009/00965/FUL) was submitted and subsequently approved for amendments to the layout of the approved spa and hotel within the castle; amended design of the ward blocks; conversion of the concert hall to apartments and restoration of the walled garden. This scheme indicated that the holiday let element of the previous proposals was omitted from this scheme (given this area had been developed as sports pitches) as were elements of staff accommodation (where the hospital has been developed). An amended form of the staff accommodation proposed to the north of the walled garden was however included within this submission.

As noted from the planning history, an amended planning application (2017/01333/FUL) for works to the Grade I listed castle have recently been approved that seek to allow a viable, beneficial use of the principal building and rationalise existing works that have been undertaken to date and development to the north of the castle to provide a new restaurant, bar and servicing facilities.

Proposals

Since the original application in 2005 there has been considerable change in the economic climate and the applicant has indicated that such developments akin to the original spa hotel and associated development approved are no longer considered to be a viable business plan and as such they no longer wish to complete the development in accordance with the originally approved plans. The works undertaken to date have allowed some of the approved works to the castle to be undertaken including the refurbishment of the ground floor of the principal 'front' element of the building and removal of some unsympathetic partitioning. However, the works undertaken have not resulted in the high quality, publicly accessible heritage site envisaged by the applicant and that would allow the ongoing beneficial use of the building.

As such the current proposals seek to facilitate the works to allow the use of the castle as a 29 bedroom hotel and restaurant (including the extension) to facilitate necessary restoration and associated works to the castle, basement constructed under the previous consents and associated landscaping. The applicant has sought to identify the quantum of development necessary to address the conservation deficit (defined simply as the existing

value of the castle plus the development cost exceeding the value of the place after development). Supporting documents accompanying this application identify the conservation deficit and detail how the two residential elements of the current proposal are necessary and appropriate to address this deficit. This will be addressed in greater detail within the remainder of this report.

Principle of Development

Firstly, as the application is submitted as “Enabling development”, it is necessary to assess the proposals in line with Historic England (formerly English Heritage) and endorsed by Cadw – ‘Enabling Development and the Conservation of Significant Places’

This states that:

“Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- A it will not materially harm the heritage values of the place or its setting*
- B it avoids detrimental fragmentation of management of the place*
- C it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose*
- D it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid*
- E sufficient subsidy is not available from any other source*
- F it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests*
- G the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.”*

In assessment of the above, it is considered that:

- A It will not materially harm the heritage values of the place or its setting*

The site lies within the Grade II Historic Park of Hensol Castle, recognised due to ‘*the survival more or less intact of the main features of an important mid-eighteenth-century landscape park, including large lake and a serpentine pond, associated with a major house that is an early example of the Gothic style in Wales*’.

The application has been supported by the submission of a Heritage Impact Assessment (“the HIA”) prepared by Bronwen Thomas Landscape Architect dated December 2017. The HIA provides an assessment of the impact on the Park and Garden rather than the listed buildings within the site, however, it is considered a useful starting point for assessment.

The likely impact on the historic park is considered to be a significant element in the assessment of the proposal, with any harm carrying substantial weight in the determination of the application. In summary the submitted assessment provides commentary of the likely impact of the two elements of the proposals from a number of important features within the historic parkland setting. With regard to the 'Gardeners Mews' (existing ancillary buildings to the walled garden), the document concludes that the impact would be positive, subject to conservation of the Walled Garden wall; retention of important trees including Wellingtonias and TPO woodland edge and appropriate hard and soft landscaping works. With regard to 'Castle Villas' to the north the report concludes that the impact of this development would be neutral given its position and intervening landscape features between the site and the adjoining designated historic garden.

Cadw have provided comment with regard to the impact of the distinct elements of the application. With regard to 'Gardeners Mews' they agree with the conclusions of the Heritage Impact Assessment subject to the measures identified being controlled by way of condition including the protection of the Wellingtonias; the provision of a suitable scheme of landscaping and works to the walled garden being undertaken to conservation standards.

With regard to the Walled Garden there remains an extant consent adjacent to the Walled Garden for staff accommodation and the proposals at 'Gardeners Mews' would be built in lieu of this. The existing buildings at the site are not of particular architectural merit and the proposals as amended would introduce high quality contemporary development that would have a neutral impact upon the walled garden.

With regard to Castle Villas, Cadw state that *'if this development is granted planning permission, it is important that this screening is retained throughout the year in the long term, and consists of trees appropriate to the character of the registered park and garden... we consider that the proposed Castle Villas is likely to have an adverse impact on the setting of the registered park and garden at Hensol with large dwellings resulting in further encroachment and fragmentation of ownership and management of the site which can dilute its historic character. In conclusion however they state that 'given the existing modern development in this area of the registered park and garden, and as long as the trees, hedges and woodland continue to screen the development from the rest of the registered park and garden, the proposals at Castle Villas are unlikely to have a significant adverse impact.'*

Both elements would be significantly divorced from the Castle itself and it is not considered that either part would impact negatively upon its setting.

Noting the above, it is considered that any impact upon the registered park and gardens can be adequately mitigated through suitable conditions that would be attached to any planning consent granted.

B it avoids detrimental fragmentation of management of the place

As noted by Cadw above, although the introduction of separate dwellinghouses will result in a degree of fragmentation of ownership this is not considered to be detrimental in its degree. The land in question, subject to the outline application, is at a more peripheral part of the land holding, it is considered that there would not be a harmful fragmentation of the land which comprises the historic core of the place. The development of this parcel of land would also not adversely impact upon the management of the holding as a whole, or the management of the group of buildings and its historic setting.

C It will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose

The application, if approved, would ensure the repair of the Castle and would facilitate its long term beneficial use through its extension and refurbishment as a 5 star hotel. This would need to be subject of a robust legal agreement and suitable conditions to ensure that appropriate works to the heritage assets are carried out within appropriate timescales.

D It is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid

Advice was provided by the District Valuer and it was considered that the costs proposed for the further repair and refurbishment of the Castle (are reasonable for the desired use of the building as a 5 star hotel.

In conclusion the DVS *'are of the opinion that the figures suggested in regards to the Conservation deficit are reasonable and in fact in terms of the works to the Grade I property in relation to its ongoing use and not just initial refurbishment works may be understated. I assume that the ongoing maintenance costs will be funded by its use in beneficial commercial operation however and that the applicant will not feel the need to 'come back' for further enabling development (and I would expect the authority to seek assurances on this)'.*

The proposed enabling development is required to facilitate the repair and restoration of a Grade I listed building by facilitating its use as a high quality hotel facility. The bill of costs and refurbishment works has, as noted above, been checked by the District Valuer and are considered to be appropriate for this purpose. As such it is considered that these are inherent needs of the place and not reflective of the needs of the owner or reflective of a purchase price. This information is commercially sensitive and has not been published, however, is available to Members on request prior to the Committee meeting.

E Sufficient subsidy is not available from any other source

The applicant has indicated that they have sought to secure funding from alternative sources including from Welsh Government and the Lottery Heritage Fund although without success. They also indicate that funds from the initial facilitating works have already been utilized to facilitate the partial renovation of the castle although were insufficient. Given the level of funding required and the details provided by the applicant it is considered that sufficient subsidy would not be available from an alternative source.

F It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests

The DVS have undertaken an assessment of the submitted details. The DVS have provided an appraisal of submitted build, abnormal costs, contingencies and fees; S106 costs; sales and marketing fees; finance costs; developer profit; development programme and land value. The DVS confirm that they have tested the proposed schemes independently to assess whether either of the schemes could sufficiently address the deficit previously identified. In conclusion they state that:

For the 6 detached units alone a residual land value of [XXX] is returned which is not enough to fill the deficit. For the mews development alone a residual value of [XXX] is returned which is also not enough to fill the deficit. It would seem therefore that both site developments are required in some form, and that for a scheme of this value the differential is small enough to suggest that the quantum of development as proposed is acceptable.

Having assessed the submitted details and sought the views of the DVS, it is considered that the quantum of development would appear to be appropriate to address the conservation deficit and secure the future of the place as indicated by criterion f of the guidance.

G The public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.”

Is the development contrary to policy?

The site lies within the countryside away from any defined settlement as defined by the adopted Local Development Plan. There is a general presumption against new residential units outside defined settlement boundaries. LDP Policy MD1 – Location of New Development, reflects national planning policy for the control of development in the countryside as detailed within Planning Policy Wales. This policy requires, amongst other things, that development on unallocated sites should have no unacceptable impact on the countryside, promote tourism and leisure facilities, in the case of residential development, support the delivery of affordable housing and have access to promote the use of sustainable modes of transport. The provision of 16 additional open market houses in this location would be contrary to the provisions of this policy and the advice contained within Planning Policy Wales, although the protection of cultural and heritage assets is encouraged through both Planning Policy Wales and the Well-being of Future Generations Act (Wales) 2015

Notwithstanding this the Council also has a statutory duty in relation to the historic environment and its setting. Special regard must be paid to preserving or enhancing this, as detailed by Policies SP10 and MD8 of the LDP. Development that would usually be considered harmful in some instances, can be considered acceptable, but only where the resulting benefits to the historic environment is considered to outweigh the harm caused in wider policy terms.

Another policy of relevance would be MG17 ‘Special Landscape Areas’ given the position of the site within the Ely Valley and Ridge Slopes Special Landscape Area. Policy MG17 states that development proposals will be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area. Careful consideration must therefore be given to any impact of such development within this area.

What degree of harm is caused by the development?

The proposals would introduce additional dwellings within a countryside location and in the case of the development at Castle Villas would fundamentally alter the character of the land from a grassed field to a residential enclave. The two sites form part of the parkland setting of the Castle and the proposals would undoubtedly result in a degree of degradation of the character of the environs of the site. The impact upon the visual amenities of the wider countryside would therefore need to be carefully considered. The proposals would not support the delivery of affordable housing nor would they reinforce the role of the established settlement hierarchy.

The introduction of additional development within the countryside would have an incremental negative impact upon its undeveloped character and would in many instances be resisted in the absence of an enabling development case. Whilst there is a presumption against residential development within the open countryside, it is evident that the level of harm caused by developments in different locations would vary substantially.

Given the position of the sites within the established parkland setting it must be acknowledged that limited views would be afforded of the sites from the wider countryside, noting the existing pattern of development and strong vegetative borders to the site. While the proposals may have a harmful impact upon the immediate character of the land and historic parkland setting which in many instances would be likely to render the development unacceptable without an enabling justification, it is considered that these impacts to some degree are mitigated by the brownfield nature of the Gardeners Mews site, the relatively peripheral nature of the sites within the park and garden setting and mature woodland screening falling adjacent to both sites.

The existing Gardeners Mews site is currently occupied by a range of ancillary outbuildings and workshops associated with the historic use of the site. The existing buildings are functional in their design and form and are not considered to significantly contribute to the visual amenities of the site and there is no objection to their removal. It is also material that there is an extant consent for staff accommodation on the site.

There were significant concerns with regard to the form and layout of the proposals as originally submitted and officers have been involved in extensive negotiations with the applicant to seek a more appropriate form of development that responds to its context. The amended design seeks to create an informal mews layout between the properties and the walled garden to the south that would provide incidental landscaping and parking area, with further parking and bin storage areas to the west and east. The introduction of a mews development could appear alien to this site, although such development would not be incongruous with walled gardens to historic houses. Being mindful of the extant consent for staff accommodation as referred to previously, it is considered that the amended scheme is acceptable in terms of its form and design, noting the relatively traditional form, scale and materials and contemporary detailing. The general design approach includes a number of features and material palette that would be common with the ward block developments previously carried out on site that would ensure a continuity and high quality form of contemporary development in this location. It is considered that such an approach would allow for a high quality, distinctive development and not result in a harmful pastiche.

As detailed previously, the outline element, retain to the detached dwellings (Hensol Villas) have been submitted with access and siting submitted for consideration. The residential development of the site would as aforementioned, fundamentally alter the

character of the land from a field/paddock to an enclave of residential dwellings.

The proposals submitted are for larger market housing and would introduce a more suburban form of development into an area characterised by very large plots (Sail Newydd and Ty Hensol) although the individual houses are, perhaps, of a comparable size. The proposals would still have a low density with the introduction of 6 dwellings on a 0.63 hectare site at a density of approximately 10 dwellings per hectare. Whilst noting that this level is relatively low, the alternative, to allow the same number of houses in larger plots akin to existing development within the vicinity of the site, could potentially cause greater harm to the wider setting of the site and potential intrusion to the adjoining historic park and garden or wider countryside. Whilst indicative elevations of the proposed dwellings have been submitted and the applicant has confirmed that the dwellings would be a maximum of two storeys in height, matters of landscaping, appearance and scale have been reserved for consideration under a future reserved matters application. Nevertheless the general layout and access details shown on the submitted details are considered appropriate in terms of siting and access for which approval has been sought.

With reference to the Special Landscape Area, the established character of the wider site is one of a developed recreational and leisure facility. Despite this, the complex still retains its rural character set within a partly wooded, parkland landscape that is considered to be an important to the character of the area, not only in relation to the historic park, but also the wider Ely Valley and Ridge Slopes SLA. The SLA is designated for important features such as its strong woodland cover, and the proposals would not result in the significant loss of any such features. Furthermore given the topography of the site and intervening landscape features, it is not considered that the proposals would be overly prominent within the landscape to impact upon this setting. It is not therefore considered that the proposals would be strictly at odds with this policy.

Therefore in summary, there would be harm to the rural character of the site as a consequence of the development, however there are considered to be mitigating factors which mean that the development would not be as harmful as if it were sited elsewhere within the historic park and gardens or elsewhere within the wider countryside.

The public benefit of works to Hensol Castle

As detailed previously the works will secure the restoration and beneficial use of the Grade I listed Hensol Castle as a hotel. The Grade I listing of the building demonstrates that the building is a nationally important heritage asset and its long term preservation is considered to be a conservation priority.

The applicant has sought to demonstrate the nature of and extent of the works required to bring the building back into a beneficial use. The ongoing use and associated revenues generated by its use as a hotel will safeguard the future use of the building. It is considered that the repair and long term preservation of the castle is fundamentally in the public interest, given its Grade 1 Listed status, also noting that its use as a hotel and restaurant facility will facilitate greater use and access by the public and impact positively upon tourist and leisure facilities within the Vale of Glamorgan. The further degradation or ultimate loss of the building would detract significantly from the historic value of the place.

Weighing harm against public benefit

Planning Policy Wales advises throughout that it is for the decision maker to determine what weight to give to the respective material considerations, when balancing issues. In this case, the balance is between the public benefit of the works to the Grade I listed castle versus the harm caused by developing 16 residential units within the countryside.

While harm has been identified from the new houses (such that permission would be unlikely to be granted without an enabling justification) that harm is less significant than if the dwellings were to be located away from the informal parkland setting of the wider Hensol estate.

Balanced against this, it is considered that there would be clear and significant public benefit to the works enabled to the Grade I listed Hensol Castle. It is considered that the works would fundamentally secure the long term security of the castle which are integral to the historic value of the place as a whole, and would facilitate greater beneficial public use.

Having regard to all of the above, it is considered that the public benefit would decisively outweigh the harm, such that this criterion of the English Heritage Guidance is satisfied. In reaching this decision it should be noted that this is an exceptional case and the quality and historic importance of the place is fundamental to determining that there is sufficient public benefit. It is extremely unlikely that such a justification could be made for 'typical' listed building, where the public importance of its retention is less (and if there is no public access to it). It is therefore considered that the instances where such a public benefit would arise would be very few.

In light of the above, and given it is considered criteria a-g are satisfied, the proposals must now be considered against the definitions of enabling development as identified within Planning Policy Wales.

The principle of enabling development is established within Planning Policy Wales (10th edition) that identifies enabling development as '*development which can deliver substantial heritage benefit but would usually be contrary to other objectives of national or local planning policy*' (paragraph 6.1.30). It notes that this would be appropriate if in the public benefit '*of rescuing, enhancing, or even endowing an important historic asset decisively outweighs the harm to other material interests*' (paragraph 6.1.31). An assessment of these issues has been given above against the criteria identified within the Historic England document. Paragraph 6.1.32 then provides a number of criteria against which such proposals should be considered. These are addressed as follows:

- *where the impact of the development was precisely defined in the application at the outset, and normally through the granting of full, rather than outline, planning permission;*

The application has been submitted as a 'hybrid' part in full, part in outline. The more sensitive element of the works adjacent to the walled garden has been submitted in full although the 'Hensol Villa' element of the works has been submitted in outline.

Given the level of detail provided in support of the outline element of the works, it is considered that this been adequately defined in this instance. Furthermore this part of the works is more discrete in its relationship with identified heritage assets. It is, therefore, considered that while the detail of any reserved matters application would still be critical to ensure the development was as sympathetic as possible to the character of the surrounding area, that level of detail is not fundamentally necessary at this stage to

ensure the character and setting of heritage assets are protected. It is also considered that the amount of information submitted is sufficient to allow the Local Planning Authority to establish and quantify need.

- *where the achievement of the heritage objective is securely and enforceably linked to the enabling development;*

It is considered that the proposed development and the revenue from it can be securely tied to the heritage objective through a Section 106 Legal Agreement, which would require the funds generated from the sale of the land/houses to be used for the restoration works at the castle and could require those works to be carried out before the new dwellings were constructed. Any such agreement would also ensure that any receipt from the development would be used to implement the detailed repairs and works. Members are advised that planning permission would not be issued until an acceptable Legal Agreement has been completed which would appropriately control those issues.

- *where the place concerned is repaired to an agreed standard, or the funds to do so are made available, as early as possible in the course of the enabling development, ideally at the outset and certainly before completion or occupation of the enabling development;*

In order to give the Local Planning Authority sufficient control over this issue, it is considered that this can be adequately controlled through a legal agreement to ensure that monies generated through the enabling development are deposited into an escrow account and the money spent as specified and carried out to the agreed standard. Such measures may require the inclusion of a specialist architect and/or Cadw.

- *where the planning authority closely monitors implementation, if necessary acting promptly to ensure that obligations are fulfilled; and*

The Local Planning Authority would closely monitor the implementation of the works on site and through regular meetings, and this issue can also be controlled through a S106 agreement, requiring details to be submitted/approved to confirm progress in respect of the implementation, subsequent phases and completion of the works.

- *the enabling development does not give rise to significant risks, for example residential development in the floodplain or significantly impact on air quality or soundscape.*

An assessment of other impacts of the development is provided throughout the remainder of this report.

Impact upon trees

There are a number of Tree Preservation Orders (TPO) adjacent to the development sites.

TPO 04-2003 is an area TPO of amenity woodland of mixed species (Scots Pine, Horse Chestnut, Turkey Oak, Oak, Ash, Norway Spruce, Larch, Holm Oak, Tulip, Yew, Holly) that sits to the immediately to the north and west of the Gardeners Mews. Part of the area TPO woodland covered by the TPO has been cleared some time previous to the application nevertheless a large swathe of woodland forming part of this designation remains on-site.

T035-04-2003 is a sequoia (Wellingtonia) tree adjacent to the mortuary building to the south of the mews development.

2003-04-W03 is a small wedge of woodland situated between the Sail Newydd and the site of the proposed Castle Villas application.

The application has been supported by a Tree Survey and associated constraints plan prepared by Treescene. The submitted details the trees near to the proposals, categorising dependent on their value in accordance with British Standard BS 5837:2012 ranging from Category A trees of high quality down to Category U trees which are considered to be unsuitable for retention.

The submitted details indicate that the proposals would result in the removal of a number of trees as a result of the development. With regard to the Hensol Villas development the outline proposals (for which siting is submitted for approval) would result in the removal of 11 trees within the site which are identified as category U trees of poor quality. The submissions indicate that there may be a minor encroachment into the root area of an oak tree on the periphery of the woodland covered by the area TPO although this would be mitigated by special construction techniques in the development of plot 6.

Following revisions to the layout and form of development at the Gardeners Mews, the application has been supported by updated Arboricultural Impact Assessment. The report states that a total of 28 trees would be removed due to their poor quality. These trees are all Category U trees and recommended for their removal (for arboricultural reasons) as they are of poor quality.

A total of 13 further trees are to be removed to accommodate the development, all of which are category C trees (low quality), except for one tree which is a Category B Larch of moderate quality.

The degree of tree removal and associated wider impacts are considered to be similar to that that would have resulted from the site from the extant staff accommodation. The submitted details indicate that the Wellingtonias, identified by Cadw as being of importance would be retained as part of the development and that specialist construction methods would be utilised to prevent any unacceptable detriment to these trees during the construction of the dwelling nearest to them. Since the provision of the tree survey and associated constraints plan, the proposals have been amended somewhat and the most recent site layout indicates that less trees would be removed on the periphery of the woodland to the west of Gardeners Mews.

Nevertheless, it should be recognised that the presence of a TPO on a site does not necessarily restrict any development that may impact on such trees. A TPO is made because of the amenity value of the tree(s) in question, and it is the impact on this amenity value that must be considered when assessing the loss of the trees that are proposed to be felled. Paragraph 18 of TAN10-Tree Preservation Orders states that the effect of planning proposals on protected trees is a material consideration, and recognises that it may be appropriate to require applicants to seek full planning permission and provide details of the trees on site and the location of those to be felled.

In this respect it is noted that the application is accompanied by these details within the tree survey, tree constraints plan and associated planning statement. The tree survey, and the accompanying site layout plan indicates that a number of trees will be removed as a

result of the development, although it is evident that the majority of the trees to be removed are of C and U category, whilst the vast majority of trees covered by TPO including the Wellingtonias are indicated as being retained within the development. The loss of identified trees would have some impact upon the landscape character of the immediate site although it is considered that this could be adequately mitigated through the provision of a robust landscaping scheme that could include the provision of a number of replacement trees.

Thus it is considered that the loss of the trees is acceptable in this instance, bearing in mind the nature of the majority of the trees that will be lost; the retention of the vast majority of protected trees as part of the development; the justification of the works as enabling development subject to appropriate conditions to be attached to any consent given requiring adequate protection, suitable construction methods (**Condition 22** refers) and an appropriate landscaping plan to include replacement tree planting (**Conditions 20-23** refer).

Highways

The application has been supported by a Transport Statement prepared by Spring Design dated January 2018. The submitted statement indicates that the proposed Gardeners Mews development of 10 dwellings will result in an additional 12 daily vehicle movements in comparison to the extant consent for staff accommodation at the same site. With regard to the Castle Villas element of the works would result in approximately 27 additional vehicle movements on a daily basis.

In conclusion the statement indicates that the number of vehicle movements associated with the proposed development will not have a significant impact on the operation or safety of the local highway network.

The proposed works are significantly divorced from the public highway and would be served by existing access and internal estate roads that already serve existing facilities including the hospital to the west of the site. Given the lack of physical proximity to the public highway network, extant planning consents for staff accommodation and established use of the wider site, it is considered that the proposals will not result in a significant number of additional trips over and above those already experienced with the wider use of the site or in conjunction with unimplemented elements of extant planning consents. Such an increase in movements also need to be carefully balanced against the requirements of the place and that the proposals are safeguarding the future of the heritage asset through enabling development.

The proposed units are all indicated to be served by private parking areas with 30 spaces being shown to serve the mews development, whilst the indicative layout of the outline element of the scheme indicates that the proposals would benefit from private drives and garages which would appear to be adequate to serve the needs of future occupiers (subject to a detailed assessment at reserved matters stage). Noting this and the divorced position of the site relative to the public highway, it is considered that that parking demands arising from the development would not result in unacceptable impacts upon the wider public highway. Therefore the development is considered to be acceptable in respect of highway issues.

Agricultural land

Whilst the Gardeners Mews element of the works is proposed on already developed land, the Hensol Villas element of the works is proposed on grassland, which according to Council records is identified as Grade 3a agricultural land.

Criterion 9 of policy MD1 'Location of New Development' of the LDP states that '*new development on unallocated sites should... 9. Have no unacceptable impact on the best and most versatile agricultural land*'. This is reiterated in Policy MD7 (Environmental Protection) which also seeks, amongst other things, to protect against the loss of the best and the most versatile agricultural land.

Technical Advice Note 6 notes that agricultural land within Grades 1, 2, and 3a that are considered to be the "most flexible, productive and efficient" land in terms of output.

The land in question is accessed from within the wider historic park and gardens and was not being actively farmed at the time of visiting the site. Having assessed the proposals they have been considered as an appropriate site for enabling development that would prevent development on other sites within the historic park and gardens that may have a greater negative impact.

Paragraph 3.55 of TAN6 states that '*land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable.*' As noted above the site has been identified as suitable to allow for enabling development to facilitate the renovation of a Grade I listed building, that would also avoid unacceptable impact upon its historic parkland setting and the wider countryside. On balance therefore whilst the proposals may result in the loss of relatively small area of identified high grade agricultural land, in this instance it is considered to be justified.

Impact upon amenity of neighbouring residential properties

The proposed dwellings would be a significant distance from existing neighbouring properties within the site such as Sail Newydd. Noting the lack of proximity, intervening trees and the topography of the site it is considered that the proposals would not result in an unacceptable detriment to the amenity enjoyed by occupiers of existing neighbouring residential properties.

Having assessed the layout of the proposed units it is considered that the proposed layout, orientation and design of the units would ensure that there would be no unacceptable impact upon amenity enjoyed by future occupiers by reason of overbearing, overlooking or loss of light.

Ecological impact

The application as originally submitted was supported by an Ecological Assessment Report prepared by Wildwood Ecology dated March 2018 with survey work undertaken during the course of the development with the most recent appraisal dated November 2018. Due to requests from NRW and the Councils Ecologist a further report was submitted on April 2019 (Ecological Impact Assessment report, Hensol Castle Development; Document Ref: WWE17066.ECIA Rev G Final).

This report identifies that there may be impacts upon wildlife and habitats for bats from the loss of bat roosts and works that may affect trees as part of the development.

The survey identifies that the 'Gardeners Mews' site currently provides one definite active roost (lesser horseshoe) and one possible roost (common pipistrelle) and as such the survey made recommendations including the provision of bat boxes for common pipistrelle and a structure within the adjacent woodland to provide a replacement roost for lesser horseshoe and brown long eared bats. The proposals also indicate that the removal of trees may have some degree of impact upon bats and recommended further survey work to be undertaken and that a lighting plan be formulated to prevent light spill onto treed areas adjacent to both parts of the development.

An amended ecological appraisal of the site makes an assessment of the use of the site. This indicates that in the absence of mitigation there is likely to be a negative impact from the development upon nesting birds and otters; a low negative impact upon reptiles although there is unlikely to be major negative impact upon great crested newts, dormice, water vole, badger, hedgehog or nearby Sites of Importance for Nature Conservation (SINCs).

Following consultation with NRW, concern was initially raised with regard to the proposals indicating that further survey work was required of the trees identified as having potential for roosts in addition to further work with regard to dormice and great crested newts. Further survey work and amended mitigation measures have subsequently been identified by the applicant to seek to overcome these concerns.

A further review has been undertaken by NRW in respect of the updated Ecological Impact Assessment Report (April 2019), who have confirmed that there should not be detriment to the maintenance of the favourable conservation status of the species present, providing an appropriately worded condition is attached to any permission granted requiring the implementation of the mitigation measures in the following:

- Section 5 and the appendices of the Ecological Impact Assessment Report prepared by Wildwood Ecology, dated April 2019;
- the Proposed Bat and Refuse Enclosure at Mews Development drawing, dated 11th April 2019; and,
- the Proposed Site Plan of Bat and Refuse Enclosure and Mews Development, dated 11th April 2019.

Furthermore, following review of the updated Ecological Impact Assessment Report, the Councils Ecologist raised no objection, although considers that as the required mitigation will be secured through the Habitats Regulations licensing process, it would not be necessary to condition and will therefore be secured under 3rd party legislation. This has subsequently been confirmed by NRW by email.

The Councils ecologist has however, recommended a planning condition to secure other biodiversity interests, by way of a Biodiversity Method Statement to include measures to conserve and enhance the site, relating to, amongst other things, breeding birds, otter, dormouse, hedgehog, reptiles and pollinators (**Condition 29 refers**).

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

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

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

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

This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). Survey work undertaken identified the presence of protected species on the site, and therefore the need for a licence from the Welsh Assembly Government.

In assessing the application the Council must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met as noted below.

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

In terms of Test 1, as noted previously the proposals relate to enabling development that would facilitate works to a Grade I listed building and it is considered that significant weight must be afforded to this. The proposals would also provide bespoke bat mitigation measures that would preserve roosting opportunities and resolve any potential conflict between the intended future use and protected species that inhabit the buildings. Given the identified value of the Grade I Listed Hensol Castle in built heritage terms there is a strong presumption to ensure that such buildings are preserved through beneficial re-use. Given that the current proposals are for enabling development to allow the renewal and beneficial use of such an asset, it is considered that there is not a satisfactory alternative to ensure its long term preservation.

Test ii) - There is no satisfactory alternative

There remains an extant consent for the demolition of the existing buildings and redevelopment of the site for staff accommodation under a previous consent. Noting the enabling case put forward by the applicant and potential to assets of historic and cultural value of other more sensitive parts of the site, it is considered that the redevelopment of the existing buildings that are generally in a poor state of repair represents the most

logical site for development of this nature. Some of the existing buildings at the site are not actively used and therefore in time may fall into a further state of disrepair that in turn may result in the loss of roosting opportunities within these buildings altogether. Noting the above it is considered that there is no satisfactory alternative.

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

As noted above, the LPA has sought to secure mitigation that would comply with the legislative requirements aforementioned. NRW have confirmed that there should not be detriment to the maintenance of the favourable conservation status of the species present, subject to the documents referred to in their response being included in the list of approved documents.

With regard to other species to be effected as a result of the development, a number of mitigation measures are proposed within the amended report including the timing of demolition works outside of the bird nesting season; provision of a reptile mitigation strategy; protective newt fencing and a biodiversity method statement to monitor and manage any potential impact upon protected species. These requirements can adequately be addressed by way of condition attached to any planning consent granted.

Archaeology

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

The application has been supported by an Archaeological Desk Based Assessment prepared by Archaeology Wales dated June 2017. This assessment identifies four new sites located within the development area including two post-medieval structures, a row of buildings associated with Hensol Hospital and a post medieval field boundary. The report concludes that the proposals will have a low impact upon designated assets and low to moderate impact upon non-designated assets and recommend mitigation. Following consultation with the Council's archaeological advisors Glamorgan Gwent Archaeological Trust they recommend further mitigation be undertaken given that there is a high potential in encountering archaeological remains during the works and therefore the impact upon the archaeological resource could be significant. Whilst noting this they are satisfied that any such impact can be adequately mitigated by attaching conditions requiring a scheme of building recording and a scheme of investigation to be submitted (**Conditions 7 and 14** refer).

In light of the above it is considered that subject to conditions that there is not an archaeological constraint restricting the grant of planning permission.

Mineral safeguarding

The northern part of the site, for the proposed development of 6 dwellings, partly falls within a Mineral Safeguarding Zone (Category 2 Sandstone). Policy MG22 'Development in Mineral Safeguarding Areas' states that new development in these areas will only be permitted in an area of known mineral resource where it has first been demonstrated that:

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

Noting the position of the site within a historic parkland setting near to existing residential properties and given the scale of development, it is considered that criteria 2 and 3 are applicable to the current proposals. Therefore as extraction would likely have an unacceptable impact on amenity, the proposal is in line with Policy MG22 in that it would satisfy criterion 2.

Contaminated Land

Whilst having no objection in principle, given the historic use of the site, the Council's Shared Regulatory Services section have requested further information be provided including a contaminated land assessment, remediation works required, and controls over the importation of aggregates and soils and use of site won materials. They indicate however that these details can be secured by way of condition attached to any planning permission granted and appropriate conditions are proposed (**Conditions 8, 9, 10, 16, 17, 18 and 19** refer).

Planning Obligations

The Council's Supplementary Planning Guidance on Planning Obligations states that developments of this size would usually require contributions as follows:

40% affordable housing provision – **7 units** in this case

Sustainable Transport - £2300 per dwelling = **£36,800**

Education Contribution - £13,811 per dwelling = **£220,976**

Public Open Space - £2,668 per dwelling = **£42,688**

Public Art – **1% of build costs**

Given that the application is required to demonstrate that the minimum necessary amount of enabling development is being sought, it is considered that in this context it would be contrary to the general policy framework used to consider this application.

The provision of affordable housing within the scheme and the other financial contributions would increase the amount of enabling development required to address the conservation deficit. Any increase in the quantum of development, over that which is considered appropriate as "enabling development", would by virtue of the above tests and assessment be contrary to policy.

It is also evident from the submitted costs/valuation schedule that such a contribution could threaten the viability of the development. Given the position of the proposals within an established parkland setting it is considered in any event that a contribution towards public open space would be unnecessary in this instance.

Consequently, on balance it is considered that a financial contribution is not required in this case to render the development acceptable.

S106 Legal Agreement

A legal agreement will need to be completed to ensure that money generated from this enabling works be spent appropriately to renew the heritage asset as detailed within the submitted details.

It is also considered necessary to restrict development allowed under previous extant consents including the holiday chalet complex approved under permission 2005/00087/FUL.

RECOMMENDATION

Subject to the applicant first entering a S106 legal agreement :

- 1) To ensure that the money received from the sale of the land / dwellings is only used to safeguard the long term beneficial use of the Grade I listed Hensol Castle.
- 2) To ensure any surplus money from the sale (over and above the valuation contained in the application documents) is legally restricted such that it can only be used as an ongoing maintenance fund for the Grade I listed Hensol Castle or other heritage asset as agreed by the LPA.
- 3) Not to further implement planning permission ref. 2005/00087/FUL, including the holiday chalet complex

APPROVE subject to the following condition(s):

Outline application only

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The development shall be carried out in accordance with site layout plan 2189-101A and the following maximum scale parameters:
 - Ridge height up to 10 metres
 - Eaves height up to 6 metres

Reason:

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

Full application only

5. 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.

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

Transport Statement prepared by Spring Design dated January 2018; Archaeological Desk Based Assessment prepared by Archaeology Wales dated June 2017; Tree Survey prepared by Treescene dated 20th July 2017; Tree Constraints Plan prepared by Treescene; 2240; Planning Statement prepared by Geraint John Planning dated April 2018; Heritage Impact Assessment dated December 2017 prepared by Bronwen Thomas Landscape Architect; Design and Access Statement dated April 2018 prepared by Geraint John Planning; 2240-112-GA East/West Facing Elevation; 2240-113 – 'House Type 'C' elevations'; 2240-101/A 'Existing Site Plan'; 2240-100/A 'Site Location Plan' received 25 April 2018.

Ecological Impact Assessment Rev G April 2019 prepared by Wildwood Ecology, received 30 April 2019; Proposed Bat and Refuse Enclosure at Mews Development drawing, received 12th April 2019; and,

Proposed Site Plan of Bat and Refuse Enclosure and Mews Development, received 12th April 2019.

Arboricultural Impact Assessment Gardners Mews, Arboricultural Impact Assessment Plan A3 Gardners Mews and Tree Protection Plan A3 Gardeners Mews, received on 14 May 2019.

2240-FS-110 Rev A 'Side Elevations Coloured'; 2240-FS-201 'Proposed Ground & First Floor Plan'; 2240-FS-202 'Proposed Ground & First Floor Plan Plot 1, 2, 8 & 9'; 2240-FS-203 Rev A 'Proposed Roof Plan'; 2240-FS-204 Rev A 'Proposed Floor Plan & Roof Plan, House Type C'; 2240-FS-320 Rev A 'Proposed Front & Rear Elevations Coloured'; 2240-FS-321 Rev A 'Proposed Side Elevations Coloured'; 2240-FS-322 Rev A 'Proposed Front & Rear Three Bed Unit Elevations Coloured'; 2240-FS-323 Rev A 'Proposed Main Entrance Gate'; 2240-FS-330 Rev A 'Proposed Sections'; received 3 December 2018

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.

7. No development approved by this permission shall commence until an appropriate programme of historic building recording and analysis has been secured and completed in accordance with a written scheme of investigation which shall first have been submitted to and approved in writing by the Local Planning Authority. The final report on such recording shall be deposited with the Local Planning Authority prior to first beneficial use of the development hereby approved, in order that it may be forwarded to the Historic Environment Record, operated by the Glamorgan Gwent Archaeological Trust (Heathfield House, Heathfield, Swansea SA1 6EL Tel: 01792 655208).

Reason:

As the building is of significance the specified records are necessary in order that records are kept of any features of archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

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

The report of the findings shall include:

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason :

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

11. Notwithstanding the submitted details, a schedule of materials (including samples) 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 beneficial occupation of development hereby approved.

Reason:

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

12. 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 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.

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

Reason:

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

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

Reason:

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

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

Reason:

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

16. 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) and MD1 (Location of New Development) of the Local Development Plan.

17. 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.

18. 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.

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

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

Reason:

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

21. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on the approved drawings, the submitted tree survey, tree constraints plan and planning statement. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development and shall include:

a) a plan, at a scale of 1:200 showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;

b) and in relation to every tree identified a schedule listing:

- information as specified in paragraph 4.4.2.5 of British Standard BS5837:2012 - Trees in Relation to Design, Demolition and Construction - Recommendations;
- any proposed pruning, felling or other work;

c) and in relation to every existing tree identified to be retained on the plan referred to in (a) above, details of:

- any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;

- all appropriate tree protection measures required before and during the course of development (in accordance with BS5837:2012).

d) areas of existing landscaping to be protected from construction operations and the method of protection.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

22. Details of foundation design to take account of existing trees shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development or any site clearance. Development shall thereafter take place in accord with the approved details.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

23. No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

Soft landscape works shall include planting plans; details of replacement trees; schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant) and details of future management and maintenance.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan,

24. The landscaping works shall be carried out in accordance with the approved details during the first planting season in accordance with the agreed implementation program. The completed scheme shall be managed and maintained in accordance with the approved scheme of management and maintenance.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

25. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls (other than those approved under the terms Conditions of this planning permission) shall be erected within the curtilage of any dwelling house hereby approved.

Reason:

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

27. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the dwellings hereby approved shall not be altered in any way and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) , MD2 (Design of New Developments) and MD8 (The Historic Environment) of the Local Development Plan.

28. The highways, private drives and turning areas shall be completed in accordance with the approved details prior to the occupation of any of the residential units hereby approved and shall remain available to serve the dwellings for their designated use in perpetuity.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

29. Prior to the commencement of development, a Biodiversity Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to conserve and enhance the site, to include but not exclusively limited to: breeding birds, otter, dormouse, hedgehog, reptiles, pollinators. The scheme shall be implemented and agreed and retained in accordance with the details set out in the method statement.

Reason:

In the interests of ecology at the site and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 – Delivering the Strategy; SP9 – Minerals; SP10 – Built and Natural Environment; MG1 – Housing Supply in the Vale of Glamorgan; MG4 – Affordable Housing; MG17 – Special Landscape Areas; MG19 – Sites and Species of European Importance; MG20 – Nationally Protected Sites and Species; MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species; MG22 – Development in Minerals Safeguarding Areas; MG29 – Tourism and Leisure Facilities; MD1 - Location of New Development; MD2 - Design of New Development; MD4 - Community Infrastructure and Planning Obligations; MD5 - Development within Settlement Boundaries; MD6 - Housing Densities; MD7 - Environmental Protection; MD8 - Historic Environment and MD9 - Promoting Biodiversity of the Local Development Plan 2012-2026; adopted Supplementary Planning Guidance documents Biodiversity and Development (2018); Minerals Safeguarding (2018); Parking

Standards (Interactive Parking Standards Zones Map); Planning Obligations (2017); Public Art in New Development (2018); Residential and Householder Development (2018); Sustainable Development - A Developer's Guide; Trees, Woodlands, hedgerows and Development (2018); Technical Advice Note 5 – Nature Conservation and Planning (2009); Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010) ; Technical Advice Note 10 – Tree Preservation Orders (1997); Technical Advice Note 12 – Design (2016); Technical Advice Note 24 – The Historic Environment (2017); guidance contained within Planning Policy Wales (10th edition, 2018) and Historic England (formerly English Heritage) and endorsed by Cadw – ‘Enabling Development and the Conservation of Significant Places’ it is considered that the applicant has demonstrated a justification for the form of enabling development and that any harm associated with the development would be outweighed by the public benefit. The proposal is considered acceptable in relation to its impacts on the Grade II registered historic park and garden, Grade 1 Hensol Castle, ecology, trees, neighbouring amenity, parking and highway safety, minerals safeguarding and contaminated land.

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

NOTE:

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

(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.

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

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

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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

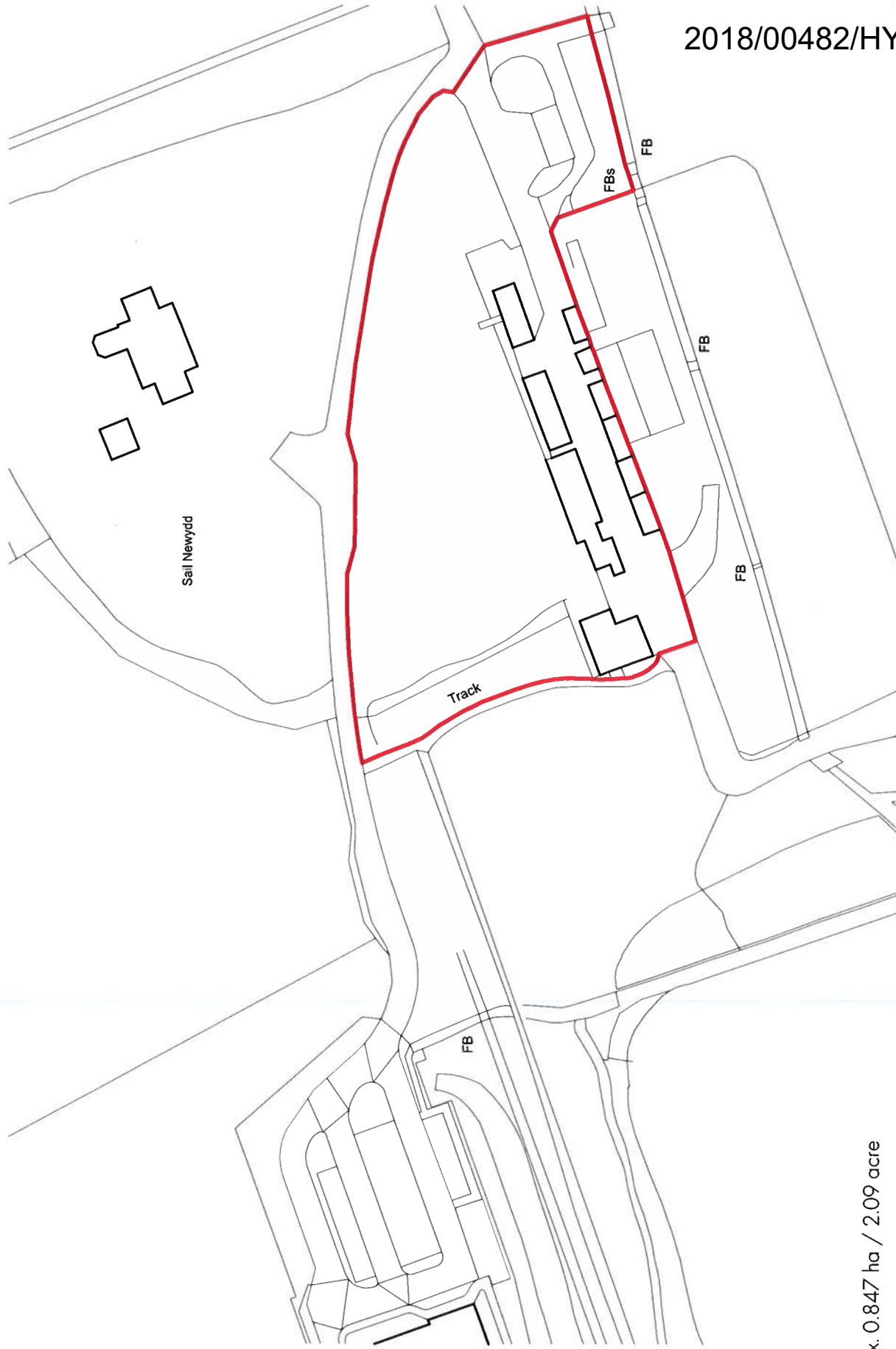
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

PLANNING



2018/00482/HYB

Site Area - Approx. 0.847 ha / 2.09 acre

Hensol Gardens Mews, Vale Resort, Hensol for Hensol Castle Developments Limited
 SCHEME DESIGN: Site Location Plan



Hensol Gardens Mews, Vale Resort, Hensol for Hensol Castle Developments Limited
 2240-100/A: Site Location Plan
 1:1250 at A4 . Aug '17 . AH
 T 01656 656267
 E mail@spring-consultancy.co.uk
 W spring-consultancy.co.uk

2018/01155/FUL Received on 17 October 2018

APPLICANT: Mr. J. McQuade Oakleigh House Developments Ltd, c/o Agent
AGENT: Mr. Lloyd Jones LRJ Planning Ltd, Pen-y-Rhiw, Redbrook Road, Newport, NP20 5AB

Tregolan House, Bradford Place, Penarth

Refurbishment of existing building containing 4 No. flats to form additional 2 No. self contained flats, associated side and rear extensions, vehicular access and external works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- the application has been called in for determination by Committee by Councillor Neil Thomas due to concerns with regard to the nature and scale of development

EXECUTIVE SUMMARY

The application relates to Tregolan House, a large semi-detached property located within the Penarth Conservation Area.

This is a full application to extend the existing building, to increase the number of flats on site from 4 to 6.

To the side of the property a three storey flat roofed extension approximately 8 metres deep and 4 metres wide with a flat roof height of approximately 9 metres in height is proposed to provide a stair well. To the rear of the property a part single, two and three storey extension is proposed

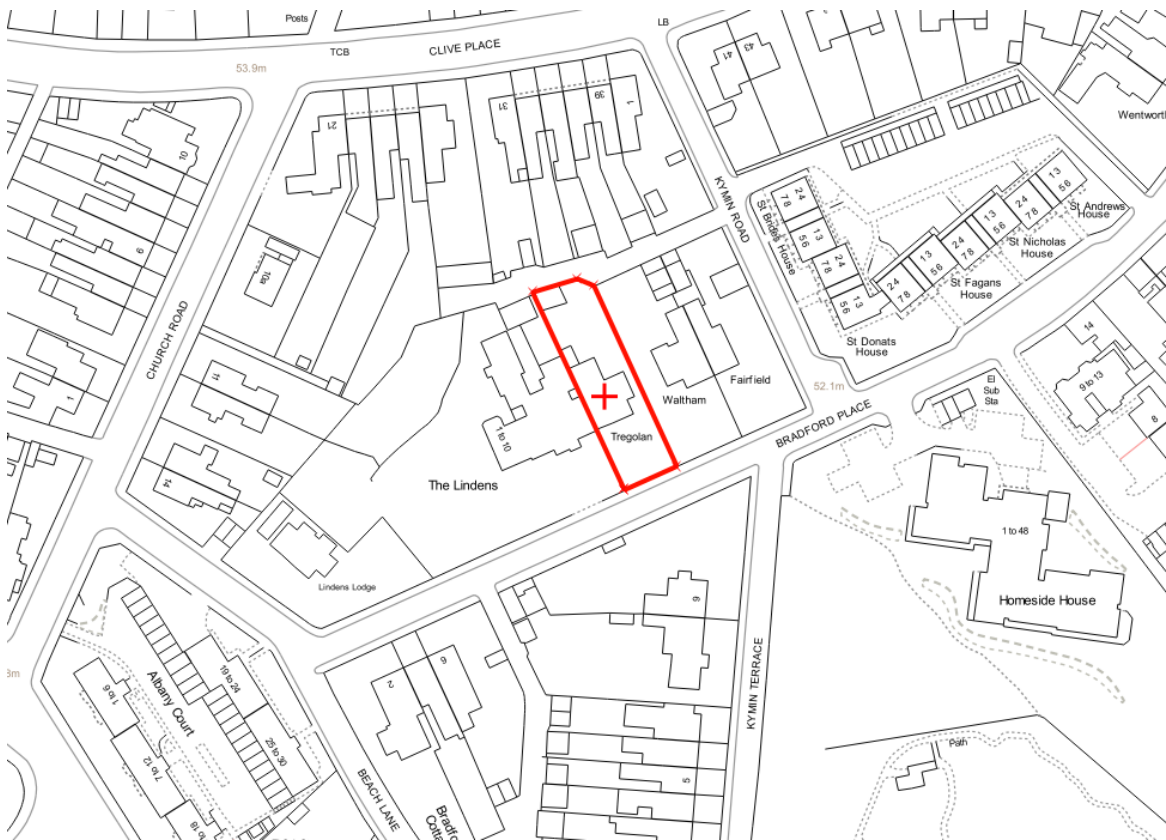
A total of 20 letters of representation have been received, with the main issues relating to overdevelopment of the site, the loss of the front boundary wall, and overbearing and overshadowing impacts on the adjacent properties.

The application is recommended for approval, subject to conditions, and on the basis that the proposal for a parking area to the front of the property and a new vehicular access onto the site are not included due to the detrimental impact such a development would have on the character of the Penarth Conservation Area.

SITE AND CONTEXT

The property is a two and half storey semi-detached property, situated in Bradford Place, currently occupied as four flats.

The property is located in an established residential setting within the settlement of Penarth as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The site falls within the Penarth Conservation Area and is identified as a Positive Building within the Penarth CAAMP.



DESCRIPTION OF DEVELOPMENT

The application, as amended relates to the extension of the existing building increasing the number of flats from 4 to 6. To facilitate this, the proposals would involve the demolition of existing projections to the side and rear of the property.

The proposals seeks to reconfigure the existing internal layout of the four flats which together with the extensions, will provide 5 no. 2 bedroom units and 1 no. 3 bedroom unit.

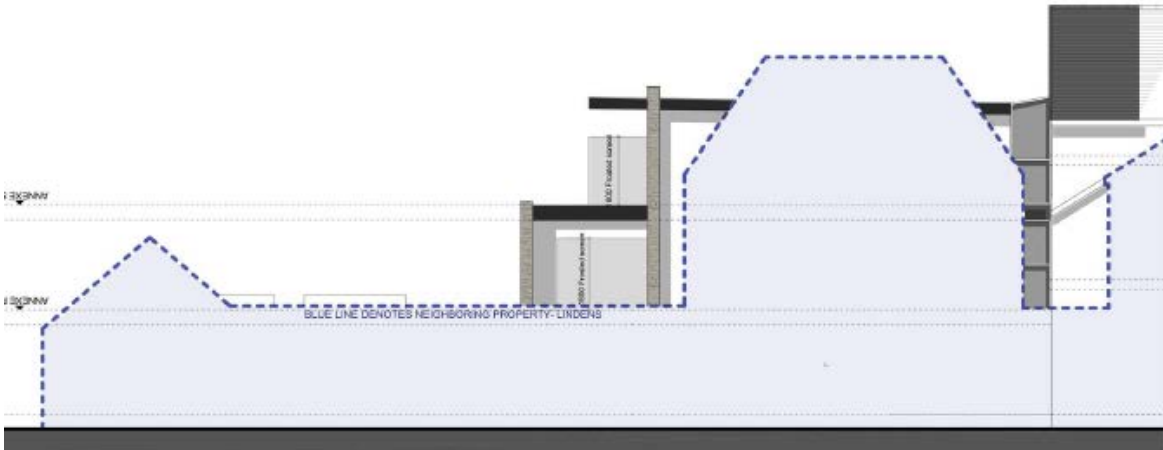
To the side of the property a three storey flat roofed extension approximately 8 metres deep and 4 metres wide with a flat roof height of approximately 9 metres in height is proposed to provide a stair well.

To the rear of the property a part single, two and three storey extension is proposed. The three storey extension is approximately 10.8 metres in depth, 8.8 meters in height and approximately 8.7 metres in width. The two storey extension is approximately 3.4 metres deep with a width of 4.3 metres and the single storey element extends to the northern boundary of the plot with a maximum height of approximately 3.6 metres.

The proposals also include the provision of a parking area to the front of the property that would be facilitated by partial demolition of the front wall. Plans and elevations of the proposals are shown below:



Proposed elevations as viewed from Waltham House



Proposed sectional elevation of proposals from the Lindens to the west



Proposed ground, first and second floor plan

PLANNING HISTORY

2010/00856/TCA, Address: Tregolan, Bradford Place, Penarth, Proposal: Fell three Sycamore trees in front garden, Decision: Approved

CONSULTATIONS

Penarth Town Council was consulted and note that whilst they understand the principle of development on this site is acceptable, considers that 'the proposal has not been sensitively designed. The side elevation creates a large mass with lots of glazing which will appear unneighbourly and lead to a loss of privacy and overlooking, which was identified in Vale of Glamorgan pre-app advice. It would also fail to preserve or enhance the character and appearance of the Conservation Area.'

Dwr Cymru Welsh Water was consulted and request that no surface water should drain into the existing sewerage system.

St Augustines Ward members were also consulted and comments were received from Councillor Neil Thomas raising concern with regard to the scale and overbearing of the proposals; parking implications and possible overlooking from the development; lack of adequate amenity space; lack of ecological survey; incongruous design and overdevelopment of the site; social housing should be integrated within the development. Given the breadth of their concern Cllr Thomas requested that delegated powers be withdrawn and the application be reported to the planning committee if officers are minded to recommend approval.

Council's Shared Regulatory Services were also consulted and have requested an informative be attached to any planning permission with regard to contamination and unstable land.

REPRESENTATIONS

The neighbouring properties were consulted on 23 October 2018 and 18 January 2019 and a site notice was also displayed on 29 October 2018. At the time of writing this report 20 letters of representation had been received at the time of writing this report:

- Impact on light well adjacent to boundary in terms of overbearing impact, loss of light and air circulation
- Impact upon gardens of neighbouring properties by virtue of overlooking and overbearing
- Overlooking of neighbouring windows
- Inadequacy of glazed balcony screens
- External appearance of proposals (including materials) at odds with street scene and conservation area
- Overdevelopment of the site
- Inadequate parking provision and resulting highway safety implications
- Lack of amenity space to serve future occupiers of the development
- Loss of trees
- Loss of front boundary wall to provide parking area
- Inaccuracy/misleading plans with regard to neighbouring properties

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development
POLICY MD4 – Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

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

- Affordable Housing (2018)
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Penarth Conservation Area
- Planning Obligations (2017)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Penarth Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the principle of development; visual impact including impact upon Penarth Conservation Area; impact upon amenity of neighbouring residential properties; impact upon trees; parking and planning obligations.

Principle of development

In policy terms the site lies within the settlement boundary for Penarth, as defined in the LDP. Policy MD5 relates to Development within Settlement Boundaries and permits development subject to certain criteria, including, criterion 3 – is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.

Policy MD2 which relates to the Design of New Development also has a criteria relating to context, and criterion 1 which requires new development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest.

In light of the above policy, the provision of two additional units of residential accommodation within the existing flatted property, is considered acceptable and would not be out of keeping with the area which is primarily residential where a number of other properties are also in multi occupation.

Visual impact including impact upon the Penarth Conservation Area

Extensions

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

Relevant policies of the LDP include SP10-Built and Natural Environment and MD8-Historic Environment which seek to protect the built and historic environment and ensure that development preserves or enhances the character of conservation areas. This is supported by national guidance including PPW, with the following of particular relevance:-

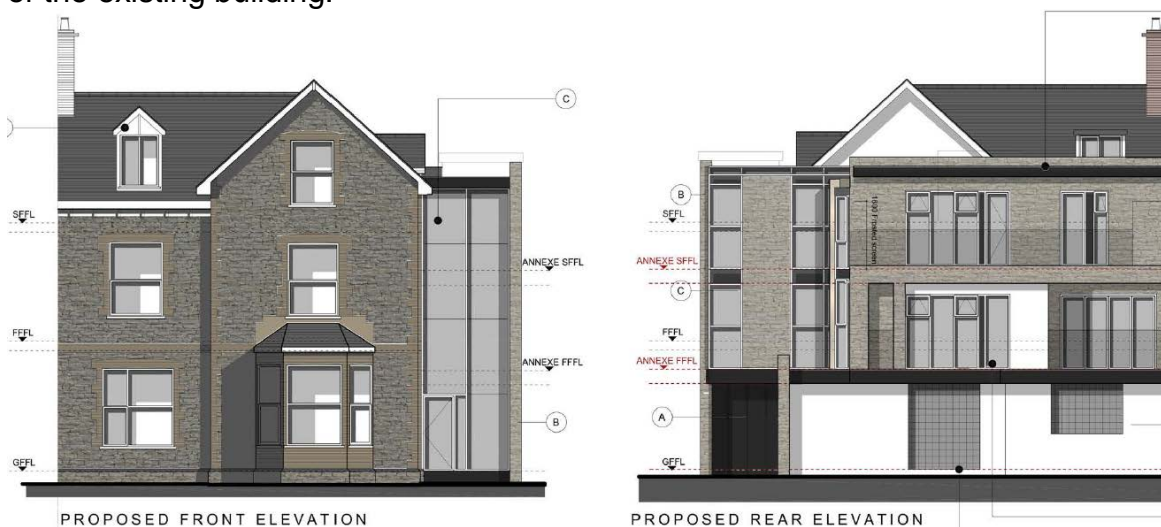
“6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised...”

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."

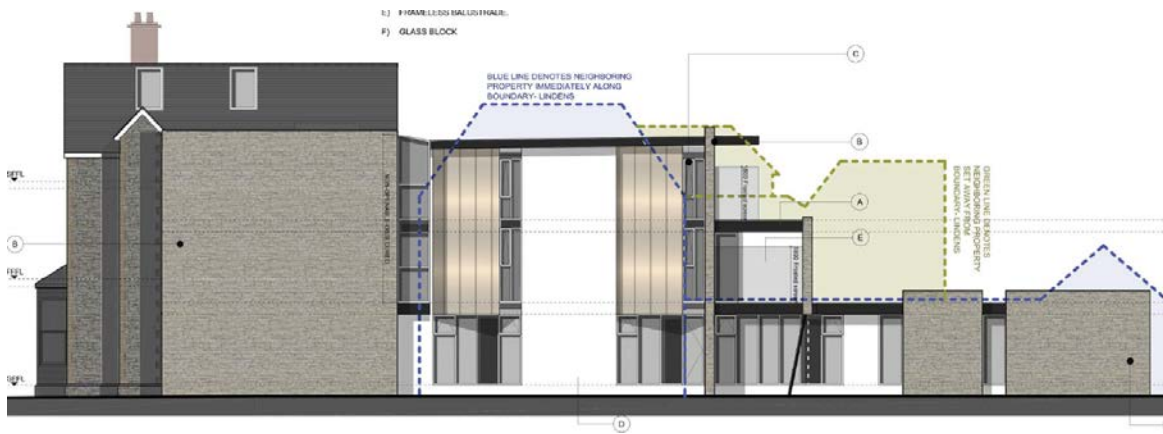
In assessing the proposal against the above, it is noted that the proposal relates to an intensification of the residential use of the building, including a substantial extension. It is acknowledged that there is extensive planning history relating to neighbouring buildings including the other property within the host pair, the Lindens which has been extended substantially.

The application proposes a significant three storey side extension to the building that would be largely glazed to the front and finished in stone to the side elevation. Currently there is a subservient side wing to the side of the property that is recessed behind the principal elevation and an external stair case. These elements are not considered to be of particular architectural importance to the general character of the property. The proposed side extension will house a stairwell, set back from the frontage of the principal elevation of the existing building.



Noting this and the high levels of glazing from the front elevation, it is considered that the proposed extension to the side will have a relatively lightweight and contemporary design when viewed from the front, that would complement and appear subservient to the host building. The maintenance of a set-off from the boundary of the property coupled with the design of the building would prevent the proposals appearing as overly cramped within the plot.

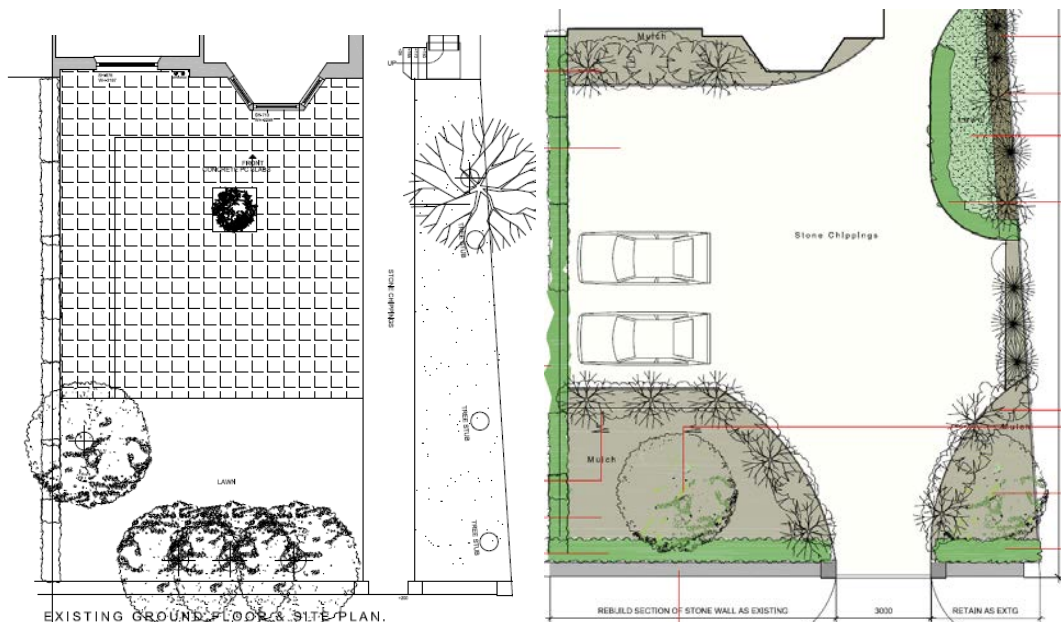
With regard to the proposed rear extensions, it is noted that these are substantial in terms of their scale, although would largely be screened from view from Bradford Place by the existing building and surrounding pattern of development and would not be overly visible from this aspect.



Views would be possible of the rear extensions when viewed from the lane to the rear, although would be viewed in the context of neighbouring properties that have been extended in a similar fashion. The proposals are of an overtly contemporary design that would be of a scale commensurate with neighbouring development. It is considered, in this context, that the proposals would not be unacceptably detract from the qualities of the conservation and therefore would preserve the character of the conservation area.

Removal of wall

The proposals also indicate that the area to the front of the property will be used for parking to serve the flats. To provide access to this parking area the opening within the front wall would be widened from 1.3 metres to 3 metres to provide vehicular access into the site with the splayed curb extending to approximately 9m. It would also necessitate the relocation of a lighting column to the front. Existing and proposed site layout plans are shown below for information:



Existing layout plan of front of property (left) and proposed site layout plan (right)

This would result in the loss of some of the front boundary wall, which is identified as an issue within the Penarth CAAMP which recommends that:

'In development proposals the Council will seek to resist proposals to remove or significantly alter traditional boundary walls, railings and hedging, or for new boundary

treatments which fail to respect the form and materials of traditional boundary treatments in the area. The Council will seek to encourage the maintenance and repair of traditional boundary walls.'

The application has been supported by a justification statement prepared by the agent indicating that the wall is in a poor condition due to the impact of the trees adjacent to this wall. As such they propose to demolish the wall and rebuild using the same stone, with a revised scheme of landscaping. In summary they conclude that *'the removal of a small section of wall will have a neutral effect on the character of the Conservation Area and with the sensitive scheme of landscaping, the proposal will enhance the character of the Conservation Area.'*

Whilst the condition of the wall is noted and its repair welcomed, this must be balanced against the harm, if any, that the alterations will cause to the character or appearance of the conservation area. As noted above, the Penarth CAAMP identifies the important contribution of historic boundary walls to the significance of the conservation area.

Within the street scene there have been some alterations to boundary walls, notably to the Lindens, however, these limited examples highlight the harm such alterations cause to the significance of the conservation area as highlighted in the CAAMP. Overall, the contribution made by boundary walls to the street scene broadly reflects their original form and are considered to make a positive contribution to the character and appearance of the conservation area. It is considered that the proposed alteration of the wall will result in a harmful effect on the character and appearance of the conservation area contrary to Policies SP10 and MD8.

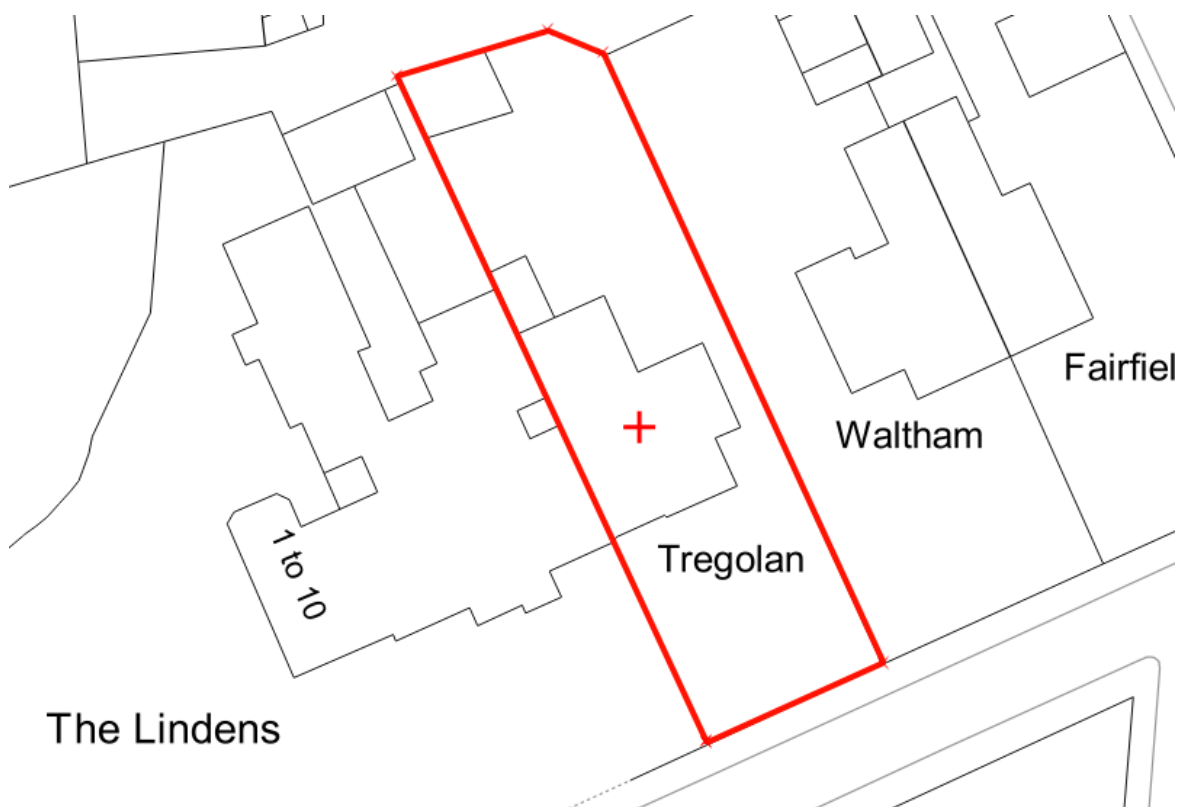
Notwithstanding its condition, the removal of the wall is primarily intended to provide a vehicular access to the site from Bradford Place in order to provide four off-street parking spaces to serve the development. The proposed layout would result in the effective loss of two parking spaces on-street meaning a net-gain of two parking spaces. It is further noted that the development is located in a highly sustainable location and there is on-street parking available to serve the site.

There is a need, therefore, to balance the net gain of two parking spaces against the loss of the boundary wall. In this instance it is considered that the proposed loss of the wall is not outweighed by any public benefit and the proposal does not, therefore, comply with policies SP10 and MD8.

A condition (**Condition 3**) excluding the provision of parking on the site is therefore proposed and **Condition 4** securing a revised scheme of landscaping.

Impact upon amenity of neighbouring residential properties

The proposals will introduce significant additional bulk adjacent to the boundaries with both the Lindens and Waltham House and as such, it is important to carefully consider the potential impact upon the amenity enjoyed by occupiers of these neighbouring properties.



The Lindens

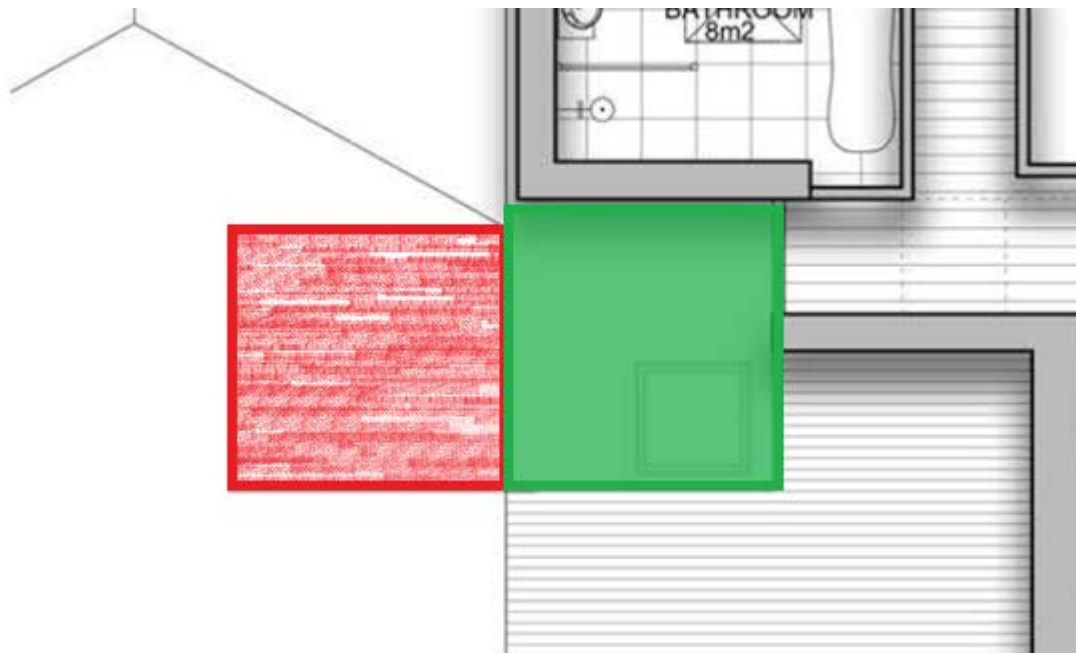
The main three storey element, as amended of the proposals would not project overly beyond the rear of the existing built form at the Lindens, with a projection of approximately 1 metre beyond the rear elevation of the Lindens. The roof canopy would project beyond this for a total projection of 2.5 metres. Whilst this element of the works would certainly be visible from the neighbouring property given its position and height, it is considered given this relatively minor level of projection, that this would not appear unduly overbearing and would not result in an unacceptable loss of light to neighbouring properties.

Notwithstanding this, the proposals also include first and second floor balconies and a two storey element that project beyond this rear elevation. The first floor 1.8 metre balcony screen would be situated on the boundary with the Lindens to a depth of approximately 2.4 metres and the extension would be approximately 3.4 metres depth with a total height of approximately 5 metres adjacent to the boundary. It must however be acknowledged that the massing at first floor level is proposed to include a 1.8 metre high frosted glass screen, that subject to detailing (controlled by **Condition 5**), would be relatively lightweight in its design and would not appear as unduly overbearing.

The two storey element of the extension would be set approximately 3.5 metres from the shared boundary with the Lindens, with a projection of approximately 3.3 metres. Noting the set off from the boundary, flat roof design (with a total height of approximately 6 metres, it is considered that this element would not appear unduly overbearing or result in an unacceptable loss of light.

The second floor balcony and 1.8 metre high screen would be set approximately 1.10 metres from the boundary with a depth of approximately 1.4 metres. Noting the set off, the level of projection and lightweight nature of the works it is not considered that this element would be unduly overbearing when viewed from the neighbouring property.

There is courtyard immediately adjacent to the boundary within the Lindens that serves as a lightwell to a number of windows including dining room and kitchen windows at ground floor level; bathroom, kitchen and a high level bedroom window at first floor level. Currently the single storey rear projection of the application site forms the boundary with this lightwell. The proposals as originally submitted indicated that first and second floor of the three storey rear extension would introduce a three storey projection onto this courtyard. The applicant was advised to consider this element of the works due to the impacts upon the lightwell and the windows it serves. As such amended plans were submitted indicating the southern elevation of the three storey mass being re-sited northwards, removing the flank wall adjacent to the lightwell and providing a commensurate area to the lightwell serving the Lindens (approximately 2.3 metres by 2.4 metres) within the application site. An extract of the 2nd floor plan indicating the proposed arrangement is shown below:



Lightwell serving the Lindens (left/red) and the proposed area within application site to be free of first and second floor development (right/green)

Given the removal of additional two and three storey bulk immediately on the boundary, the relative aspect of the main bulk of the proposals and retention of a lightwell within the application site, it is considered that the proposals would not appear unduly overbearing or result in an unacceptable loss of light to the openings or courtyard area to a degree that would warrant refusal of planning permission.

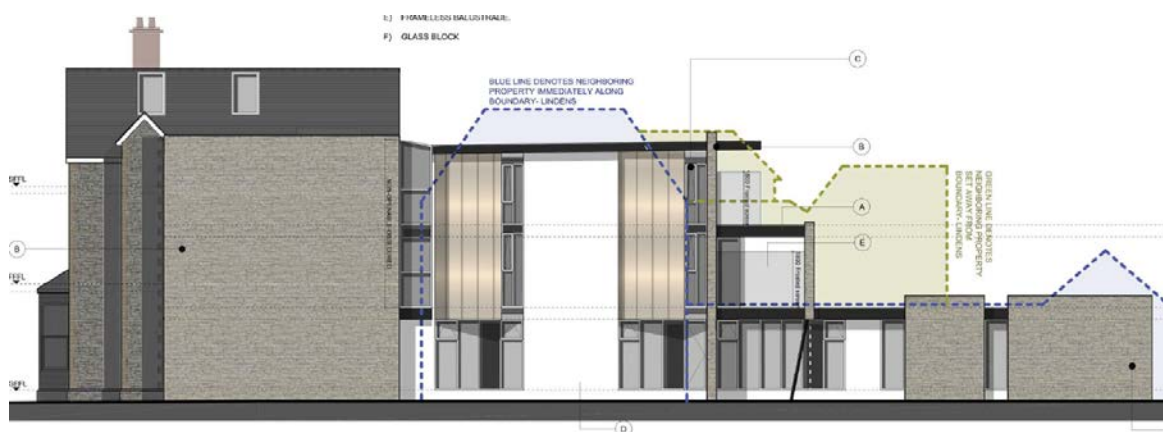
The single storey element of the works would project beyond the rear and along the entirety of the boundary with the Lindens. There is an established boundary wall between the application site and the Lindens that is approximately 3 metres in height, the submissions indicate that the proposed extension would be of a commensurate height to this wall and would as such be largely obscured from view from within the garden area and ground floor opening within the rear elevation. In light of this it is considered that this element of the works would not result in undue detriment to the amenity enjoyed by occupiers of neighbouring residential properties.

Waltham House

Concern was raised with regard to the original submissions as to the likely impact of the initial submissions on the amenity enjoyed by occupiers of the neighbouring property of Waltham House. As such the application was amended to seek to address these concerns.

The proposed three storey side extension would introduce mass within approximately 1 metre of the boundary of Waltham House. There is a single storey annex within approximately 6 metres of the boundary between the properties, with landscaped gardens between the boundary and the annex, although this is not utilised as the main area of amenity space serving the neighbouring property. The proposed side extension will be viewed against the backdrop of the existing two and half storey dwelling and would replace existing projections towards this boundary. Noting the above, it is considered that whilst this element of the works would certainly be visible from the neighbouring dwelling, it would not be unduly overbearing or result in an unacceptable loss of light. The revised details indicate that east facing windows serving the circulation space would be obscure glazed and this would be secured through **Condition 5**.

The rear extension will result in the introduction of three storey mass within approximately 5 metres of the boundary with Waltham House to the east. The application as amended has removed a number of windows within this elevation due to concerns raised by the Local Planning Authority.



However there remain openings within the eastern elevation of the proposals at first and second floor level, serving circulation space, living rooms and bedrooms. Of the 5 openings within the side elevation fronting onto the neighbouring property, 4 are proposed to be 'Oriel' windows at an angle of 45 degrees to provide a natural north-easterly aspect towards the foot of the garden of Waltham House. Given the aspect of these openings, it is considered that this would prevent unacceptable direct overlooking of the most intimate areas of amenity space serving Waltham House. Furthermore given the angle and separation with windows within the western elevation of the neighbouring dwelling, it is considered that the proposals would not result in unacceptable overlooking of the neighbouring dwelling. A further east facing bedroom window is proposed towards the northern end of the extension at first floor level although this would be obscured by a 1.8 metre balcony screen shown on the proposed plans and therefore it is not considered necessary to require this opening to be obscure glazed.

Rear facing hallway windows are also proposed within the rear elevation of the side extension. The natural aspect of these openings would be away from the neighbouring dwelling and would not result in an unacceptable overlooking impact.

Overall for the reasons given above it is considered that the proposals would not result in an unacceptable impact upon the amenity enjoyed by occupiers of the neighbouring residential property of Waltham House.

Other properties

Given the significant separation from neighbouring residential properties to the north and south it is considered that the proposals will not result in an unacceptable impact upon amenity enjoyed by occupiers of these neighbouring properties.

Amenity provision

The proposals seeks to reconfigure the existing internal layout of the four flats which together with the extensions, will provide 5 no. 2 bedroom units and 1 no. 3 bedroom unit.

The Council's Residential & Householder Development SPG suggests that 20 square metres of amenity space should be provided per occupier of such developments with 2 bedroom flats typically being occupied by 3 people and 3 bedroom flats typically being occupied by 4 people. On this basis, the proposals would require provision of an area of amenity space of 380 square metres. The SPG indicates that amenity space associated with residential properties includes front gardens and private rear gardens, but excludes footpaths, driveways and parking areas.

Approximately 170 square metres of amenity space is provided within the communal area to the rear with a further 22 square metres being provided on private balconies serving the first and second floor flats.

Whilst areas of landscaping are indicated to the front these are considered to be incidental and due to their proximity to the parking area and as such are considered to qualify as useable amenity space. Whilst noting that the proposals would represent a shortfall in terms of the required standards, the submitted landscape scheme nevertheless proposes the provision of a well landscaped and useable area of amenity space that would provide a pleasant environment for future occupiers and would at least serve their basis requirements. Noting this it is considered that such a shortfall in amenity space, does not in this instance represent a reason to refuse planning permission in this instance.

Highways

The proposals would result in the intensification of residential use at the property with a net increase of two residential units, with six units in total. The proposals do not currently benefit from any on-site frontage parking although there is vehicular access available from the rear lane.

The application proposes the provision of a parking area accessed from Bradford Place to the south, that would provide parking for at least four cars that would be accessed by the widened opening in the front wall.

The application site falls within a sustainable location near to Penarth Town Centre, with local shops and services available within easy walking distance, as well as good public transport options via a regular bus route and the Penarth Docks train station, which connect to national services. Noting this, and the availability of on-street parking to serve the site, it is considered that the provision of dedicated, on-site parking is not strictly necessary.

The Council's Parking Standards SPG also refers to guidance within Planning Policy Wales, which states that car parking provision is a major influence on transport choice and minimum parking standards are no longer appropriate.

As noted above, the loss of the boundary wall to create an enlarged opening is not considered appropriate with a condition (**Condition 3**) explicitly excluding the proposed parking area. Notwithstanding this given the sustainable location and existing on-street parking availability the development without off-street parking is considered to be acceptable in terms of parking provision and highway safety.

Impact upon trees

The application is supported by a 'Tree Survey, Implications Assessment and Protection Method Statement' dated September 2018 prepared by Tree Maintenance Limited.

The survey identifies a number of trees within and adjacent to the site and classifies the trees depending on their health and status, with category A (high quality), category B (moderate quality) and category U (cannot be realistically be retained). This includes groups of Leyland Cypress (category C) and Sycamore (category U) to the front of the site and a group of apple/pear trees to the rear (category C) in addition to individual common holly (category C) and Myrobalam Plum (category U) to the front of the site and a Bramley apple (category C) to the rear. Additionally category B trees were identified near to the boundary in each of the neighbouring properties.

It is noted that none of the trees on the application are noted as being of being of any particular quality and the submitted assessment indicates that the all of the identified trees within the application site will be lost as part of the works. The group of cypress tree to the front of the site do contribute to some degree to the conservation area, although for the reasons noted within the submitted report are compromised and are resulting in damage to the front boundary wall, whilst the LPA agree with the findings of the submitted assessment with regard to the other trees identified within the site.

The trees within the neighbouring properties are noted as category B and the extensions to the property are situated outside of the root protection areas of these trees, although the proposed parking areas would be within the root protection areas of these trees. The submitted assessment indicates that the parking area would be designed to minimise excavation and provide a porous surface. The proposals indicate that tree 843 (within Waltham House) would require some remedial works to the overhanging crown to ensure 2 metre clearance of the building line and roof. There is no objection in principle to these works although further details of tree protection and associated works would be required by **Condition 8**, attached to any permission given.

The application as amended is supported by a landscaping scheme that indicates the provision of replacement planting including the provision of 2 no. heavy standard Rowan trees and English Holly hedging to the front. Such a scheme of landscaping is considered

to be appropriate, however, noting the issues relating to the boundary wall and the parking provision above there will be a need to condition an amended scheme of landscaping (**Condition 6**).

Planning Obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. In this case policy MG4-Affordable Housing is relevant to the proposal. This requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing.

The SPG requires that the site should deliver 40% affordable housing. The site falls within the Penarth housing market area, and in this case an off-site affordable housing contribution would be required based upon the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

A net gain of 2 dwellings would require the provision of a financial contribution that would be calculated based on a social housing grant of 58% and 0.8 affordable housing units as indicated within the SPG. The Acceptable Cost Guidance band in this case is based upon band 5. The Council's Housing Strategy team has been consulted on the application and confirms that in Penarth the highest need is for one bedroom accommodation. Based on the table at Figure 1 paragraph 5.3.2 of the SPG the ACG is £119,700. As such an affordable housing contribution is required as follows:

$$0.58 \times 0.8 \times £119,700 = £55,540.80$$

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement and would be £1,110.82 in this instance.

The adopted Affordable Housing SPG states under para 7.1.2:

7.1.2. In line with the above advice, the Council will normally expect developments to deliver affordable housing on development sites, usually in the form of units built for and transferred to the Council or a Registered Social Landlord. LDP Policy MG4 specifies this to be required unless exceptional circumstances are demonstrated as to why this cannot be achieved, such as:

- *Insurmountable development viability issues caused or exacerbated by the affordable housing requirements;*

Chapter 8 of the Affordable Housing SPG provides further guidance with regard to the assessment of development viability appraisals. The Council accepts that there may be

sites within sub market housing areas, which may not be viable, due to site specific constraints, high abnormal build costs, and lower gross development values.

Therefore in accordance with the above guidance set out within the SPGs, the applicant has submitted information in relation to the build costs and the likely value of the property once completed which shows that the payment of the Affordable Housing contribution would leave a minus sum and no profit at all.

The submitted figures are considered to reflect current market conditions that have been checked against the latest BCIS (Building Cost Information Service) of the Royal Institution of Chartered Surveyors (RICS), which sets out nationally accepted figures for the cost of building houses and flats. The results of this calculation show that, when the build costs are considered, it is unlikely that there would be sufficient viability in the project to allow for the payment of the affordable housing contribution.

Thus, it is noted that the total development costs demonstrate that the proposals would deliver a level of profit below what is usually expected for a development of this form (conversion and extension) and concludes that 'this is a very marginal scheme and any other abnormal costs would make this scheme unviable'. Therefore it is considered that the required payment of a S106 contribution for affordable housing would render the scheme unviable.

In accordance with the above SPGs, it is accepted that the developer has demonstrated, in this instance, and based on the particulars of the development costs and comparable up to date sales values, that an Affordable Housing Contribution would render the development unviable. As such, the requirement to provide the Affordable Housing Contribution, or even any reduced level of such contribution, would be unreasonable in this case.

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 hereby approved shall only relate to the following approved plans and documents (with the exception of the parking area/ landscaped area shown on plan ref. A101D) :

Tree Survey (Received on: 16.10.18)

Site Location Plan (Received on: 16.10.18)

A100 – Existing Floor Plans & Elevations (Received on: 18.01.19)

A102A – Proposed Roof/Site Plan & Sections (Received on: 18.01.19)

A102 – Proposed Glazed Link & Oriel Window Details (Received on: 18.01.19)

A101D – Proposed Floor Plans & Elevations (Received on: 26.02.19)

Reason:

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

3. Notwithstanding the submitted plans, this approval does not extend to the alteration of the boundary wall fronting Bradford Place; the widening of the existing access; and the provision of car a parking area within the site.

Reason:

To safeguard visual amenity and to preserve the character and appearance of the Penarth Conservation Area, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. Notwithstanding the submitted details and prior to their use on site, samples of materials 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 of the additional residential units.

Reason:

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

5. The balconies hereby approved shall not be brought into beneficial use until the privacy screens as detailed on the approved plans have been erected on site, which shall be obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration.

Once erected, the privacy screens shall thereafter be retained in perpetuity.

Reason:

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

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

Reason:

To safeguard local visual amenities of the conservation area, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

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 ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan

8. No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the Local Planning Authority a detailed of a scheme for the protection of trees and any associated remedial works to trees shown to be retained within and adjoining the site. The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan.

9. 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) and MD1 (Location of New Development) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering The Strategy, SP10 - Built and Natural Environment; MG1 – Housing Supply in the Vale of Glamorgan; MD1 – Location of New Development; MD2- Design of New Development, MD5 - Development Within Settlement Boundaries; MD7 – Environmental Protection; MD8 - Historic Environment; of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the Councils Supplementary Planning Guidance on Residential and Householder Development (2018); Penarth Conservation Area Appraisal and Management Plan and the advice within Planning Policy Wales (Edition 10), Technical Advice Note 5 (Nature Conservation and Planning); Technical Advice Note 12 (Design) and Technical Advice Note 24 (The Historic Environment) it is considered that the proposed development is considered acceptable in terms of its impact on host dwelling, street scene and wider conservation area; highways and will not unacceptably detract from the amenity enjoyed by neighbouring properties.

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

NOTE:

1. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

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

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

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

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

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

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

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



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The Vale of Glamorgan Council



Scale	1:1250
Time	10:43:55 AM
Date	16 Aug 2010

2019/00368/FUL Received on 28 March 2019

APPLICANT: The Governors Stanwell School, Archer Road, Penarth, Vale of Glamorgan, CF64 2XL

AGENT: Mr Damian Barry Stanwell School, Archer Road, Penarth, Vale of Glamorgan, CF64 2XL

Stanwell School, Archer Road, Penarth

Variation to Condition 6 of Planning Permission Ref. 2014/00427/FUL to extend the use of the pitch between 7.30 am to 21:00 Monday to Fridays (during the months March to October) and 8.30 am to 17.30 Saturdays & Sundays (all year round to include the use of floodlighting)

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr M Wilson due to concerns raised by residents who consider the variation of the time as a nuisance.

EXECUTIVE SUMMARY

The application site relates to the recently constructed all- weather pitch located in the school grounds of Stanwell Comprehensive School, Penarth.

This is a Section 73 application to vary the wording of Condition 6 of planning permission ref 2014/00427/FUL. The proposal is to extend the use of the pitch between 7.30 am to 21:00 Monday to Fridays (during the months March to October) and 8.30 am to 17.30 Saturdays & Sundays (all year round to include the use of floodlighting). The existing condition limits the hours as follows: *The pitch shall not be used nor shall the floodlighting be operational outside the following hours: 08.00 to 20.30 hours: Mondays to Fridays and 09:00 to 17:00 hours Saturdays and Sundays.*

A total of 14 letters of objection have been received which principally raise concerns in respect to additional noise, light pollution, traffic generation and exacerbation of existing parking problems, in respect of the extended hours of use.

It is the view of the Environmental Health Officer, that the proposal to extend the current hours of use would still "be at an acceptable level at the nearest noise sensitive properties", based on the noise calculations within the Noise Report and has not raised any objection in respect of light impacts.

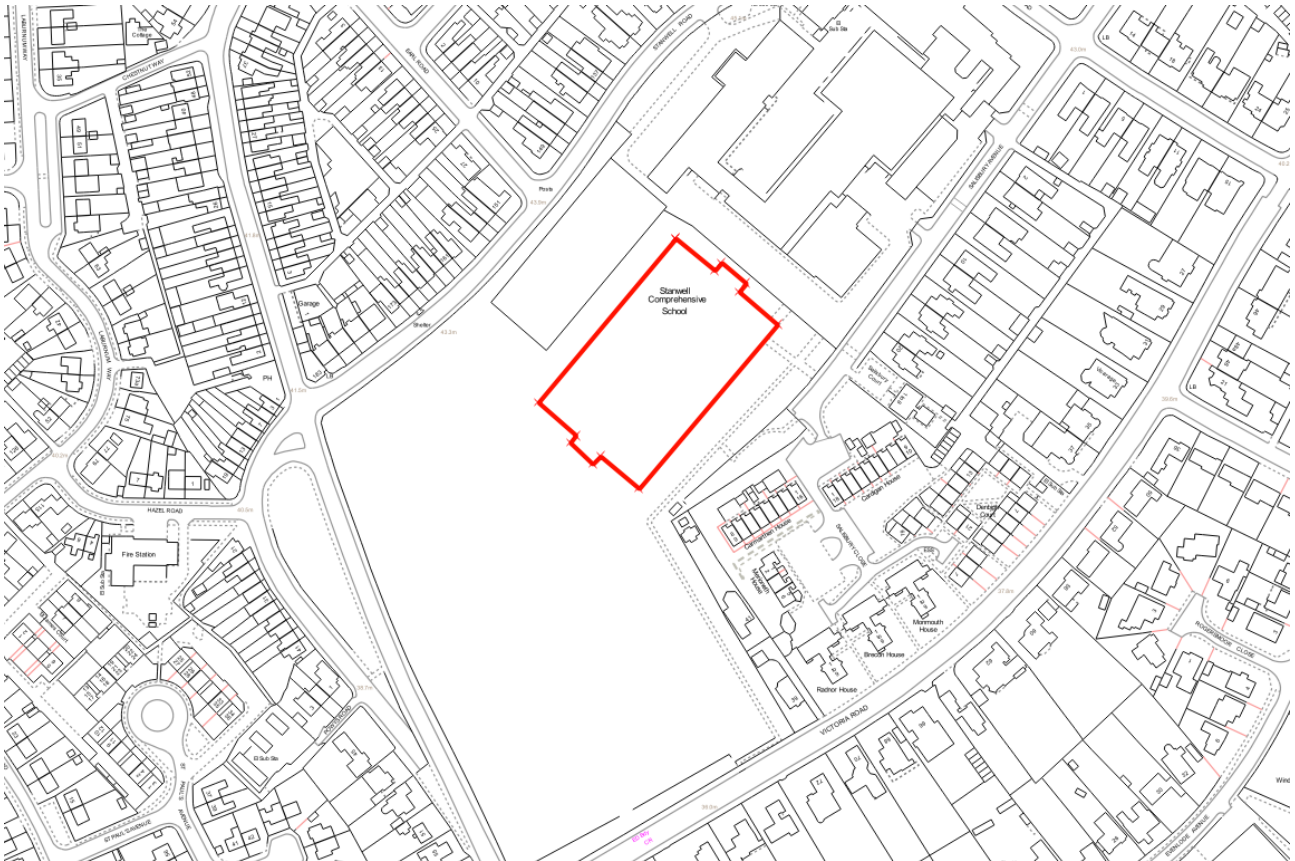
The application is recommended for approval subject to conditions.

SITE AND CONTEXT

The application site relates to the recently constructed all- weather pitch located in the school grounds of Stanwell Comprehensive School, Penarth

The grounds are boarded to the north by Stanwell Road, to the west by Lavernock Road, the south by Victoria Road and east by Salisbury Road.

The school is located within the settlement boundary of Penarth.



DESCRIPTION OF DEVELOPMENT

This is an application made under section 73 of the Town and Country Planning Act 1990 to vary the wording of Condition 6 of planning permission ref 2014/00427/FUL, for the construction of a new synthetic turf pitch (STP) with associated features including lighting, fencing and new internal pedestrian access path arrangements.

As approved, Condition 6 states :

The pitch shall not be used nor shall the floodlighting be operational outside the following hours: 08.00 to 20.30 hours: Mondays to Fridays and 09:00 to 17:00 hours Saturdays and Sundays.

Reason:

To enable the Local Planning Authority to maintain control the hours of the use in the interests of residential amenity and to ensure compliance with the terms of Policies ENV29 and ENV27 of the Unitary Development Plan.

The proposal is to extend the use of the pitch between 7.30 am to 21:00 Monday to Fridays (during the months March to October) and 8.30 am to 17.30 Saturdays & Sundays (all year round to include the use of floodlighting).

The agent has confirmed that March to October, will be 1st March to 1st October.



Aerial Photo of pitch as built

PLANNING HISTORY

The site has been the subject of numerous applications for school related development in including major rebuild and lesser scale developments. The most relevant applications in this instance are considered to be:

1995/00174/FUL : Provision of a floodlit artificial grass playing surface and associated car parking approved subject to conditions including:

The floodlighting of the pitch and running track hereby approved shall not operate between 7.00 p.m. and 9.00 a.m. on Mondays to Saturdays; between 7.00pm Saturdays and 10.00 a.m. on Sundays; and between 2.00 p.m. Sundays and 9.00 a.m. Mondays.

The artificial grass playing surface hereby approved shall only be used between the hours of 9.00 a.m. and 7.00 pm Mondays to Saturdays, and between 10.00 a.m. to 2.00 p.m. on Sunday.

1997/00288/FUL : Construct artificial pitch including floodlighting near Victoria Road. Refused 22 May 1997 for the reasons that:

“The proposal due to its location in close proximity to residential properties, including accommodation for the elderly, and as a result of the intensification of the use of an educational establishment for a use falling within Class D2 of the Town and Country Planning (Use Classes) Order 1988 as amended, would result in an unneighbourly form of development which would detract from the residential amenities reasonably to be expected in such a residential area by virtue of noise, general disturbance and light pollution.

The junction arrangements as shown in the submitted plans are substandard because of the lack of suitable radii, the lack of required visibility splay of 4.5m x 60m and also because of interference with existing mature highway trees. Furthermore, the internal road layout is deficient in turning manoeuvres and pedestrian facilities, and the car parking layout is considered to be inadequate. Accordingly, the proposed new access to Victoria Road is unacceptable on the grounds of highway safety and likely interference with the free flow of traffic.”

1997/00821/FUL: The provision of parking facilities on site to provide staff and visitor parking in Phase 1 and parking for an artificial pitch in Phase 2 and amendment to position of artificial pitch approved 95/00174/FUL was approved subject to conditions including that:

“The floodlighting of the pitch and running track hereby approved shall not operate between 7.00 p.m. and 9.00 a.m. on Mondays to Saturdays; between 7.00 p.m. Saturdays and 10.00 a.m. on Sundays; and between 2.00 p.m. Sundays and 9.00 a.m. Mondays.

The artificial grass playing surface hereby approved shall only be used between the hours of 9.00 a.m. and 7.00 p.m. Mondays to Saturdays and between 10.00 a.m. to 2.00 p.m. on Sundays.”

2014/00427/FUL, Address: Stanwell School, Archer Road, Penarth, Proposal: Construction of a new synthetic turf pitch (STP) with associated features including lighting, fencing and new internal pedestrian access path arrangements, Decision: Approved, subject to conditions. In particular :

Condition 6 states :

The pitch shall not be used nor shall the floodlighting be operational outside the following hours: 08.00 to 21.30 hours Mondays to Fridays and 09:00 to 17:00 hours Saturdays and Sundays.

Reason:

To enable the Local Planning Authority to maintain control the hours of the use in the interests of residential amenity and to ensure compliance with the terms of Policies ENV29 and ENV27 of the Unitary Development Plan.

CONSULTATIONS

Penarth Town Council were consulted and their comment states “objection” without further reasons given.

Shared Regulatory Services (Pollution) were consulted and have raised no objection to the application. This comment is based on :

- Number of complaints received by the Council regarding noise and light disturbance from this facility. Having searched the Council’s software system, to my knowledge no formal complaints (of noise or light disturbance) about this facility have been received to date.

- Whether the proposal would conflict with the findings contained within the Noise Report submitted with Planning Application 2014/00427, which found that “Having reviewed the attached Noise Assessment, Environmental Health concur with the author’s conclusion that the calculated noise levels will not pose a detriment to residential amenity, as predicted noise levels, due to the pitch, would be at an acceptable level at the nearest noise sensitive properties”. The proposal to extend the current hours of use of the proposal would still “be at an acceptable level at the nearest noise sensitive properties”, based on the noise calculations within the above Noise Report.

Stanwell Ward Members were consulted and **Cllr M Wilson** has responded and has objected to the application on the grounds that residents consider the variation of the time as a nuisance a request was also made the application be called into Planning Committee for determination.

REPRESENTATIONS

The neighbouring properties were consulted on 8 April 2019 and several site notices were posted on 11 April 2019.

To date a total of 14 letters of representation have been received which raise an objection to the application on the following grounds (as summarised) :

- Noise - noise from activities on these facilities can be very loud particularly in the summer months when windows are open.
- Additional traffic generated by school related vehicles.
- Exacerbate existing parking problems
- Increasing rise in air pollution
- The pitch is already in use for longer than the agreed times, as users seem to be able to stay on the pitch for longer than the allocated times
- The pitch is rarely used and there is no justification for the extended times
- impact on road safety, access, loading and turning for residents
- Increase in disturbance and litter
- Increase in light pollution from the floodlights
- Negative impact on the two days of the week where residents can reasonably expect to be unaffected by the school
- The school has shown no positive action in controlling parking and access by school users

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

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

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

3.2 The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor

activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical

- 3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable.

Chapter 4 - Active and Social Places

- 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)

6.71 Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

6.8.1 There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution.

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Extracts of TAN 16 are reproduced below:

“1.9 Young people’s recreational needs are a priority, improving levels of physical activity and access to facilities in and outside schools. The Assembly Government recognises the critical importance of play for the development of children’s physical, social, mental, emotional and creative skills. Its ‘Play Policy’ (October 2002) together with the ‘Play Policy Implementation Plan’ (February 2006), aims to help create an environment which fosters children’s play and underpins a national strategy to provide for their play needs. The Assembly Government is committed to ensuring that all children have access to rich, stimulating environments in which to play freely. It recognises that play is integral to the health and well-being of children and young people, founded on the United Nations Convention on the Rights of the Child. It also recognises that providing opportunities for physical activity can help address wider health and well-being issues, particularly obesity, and that the closer a play area is to home, the more likely it is to be used by children Supplementary Planning Guidance.”

“3.6 The use of open spaces and facilities may be affected by factors such as landform and landscape features, their relationship to adjoining land uses, means of access such as footpaths, cycle paths and roads, the mix of users, levels of security, vandalism, unsupervised dogs, maintenance standards, the provision of warden or ranger services, and proximity to home, particularly for younger children. The poor condition of recreational facilities, playing fields and open spaces may be a constraint on their use , particularly in relation to the quality of facilities, surfaces and drainage. In such circumstances it may be more appropriate to prioritise improvements rather than to seek additional provision.

3.11 Redevelopment may include alternative forms of provision, such as all-weather pitches or other recreation-linked uses such as natural wildlife areas or community woodland schemes. Whilst resulting in fewer grass pitches, all-weather pitches are able to provide a substantive improvement in terms of playable hours and usability as part of a co-ordinated playing field strategy. This will, however, need to be balanced against the need to retain an adequate supply of natural turf pitches for team sports, the amenity importance of particular playing fields, and their importance as places where children can play and which can be used for informal recreation by the community.”

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

This application seeks a Section 73 (s73) permission for a minor material amendment to planning permission ref 2014/00427/FUL for a variation to the wording of Condition 6.

The proposal seeks to allow the use of the pitch :

- 1) Monday to Fridays (between 1st March and 1st October) with no use of floodlighting.
 - half an hour earlier in the morning (07:30) from the approved 08:00 time
 - half an hour later in the evening (21:00) from the approved 20:30 time
- 2) Saturdays & Sundays (all year round) - to include the use of floodlighting
 - half an hour earlier in the morning (08:30) from the approved 09:00 time
 - half an hour later in the evening (17:30) from the approved 17:00 time

The application has been submitted by supporting statements which state that the school would like to gain access to the pitch (Mondays to Friday) from 7:30 for extracurricular activities in line with Welsh Governments initiative aimed at getting young people fit for life during March-October, to take advantage of the early daylight hours, without the use of floodlights.

In respect of weekend use, further clarification has been submitted and it is stated that the school will not hire the pitch outside of the agreed original planning agreement, and acknowledges that on several occasions matches have had to finish early due to conditions beyond its control and the extra time would only be used as an over-run buffer. The 8.30 am start is to allow access to the pitch for teams to set up prior to matches school or club, rather than congregate in the car park waiting around for the pitch to be opened.

The comments made by the agent are noted, however in assessing this application, it is must be assumed that the pitch will be in full use during these extended hours as the amended condition would allow this.

Given that the application has been made under S73, the authority is only considering the acceptability, or otherwise, of the requested variation to the wording of Condition 6.

On the basis of the above, and having regard to the assessment made under planning permission ref 2014/00427/FUL, as the pitch has now been constructed and lighting erected and conditions discharged, the main issues for consideration in this S73 application for the extended hours of use of the pitch and associated lighting would be the impact of the development on the amenity of nearby occupiers and whether the extended hours of use would impact on highway safety.

Impacts on Neighbours

Hours of Use:

As this is a S73 application, the supporting information and subsequent details submitted in discharge of application ref. 2014/00427/FUL form part of the consideration and assessment of this application.

As in the approved application, the Environmental Health Officer has assessed the application and considered whether the proposal would conflict with the findings contained within the Noise Report submitted with Planning Application 2014/00427, which found that: *“Having reviewed the attached Noise Assessment, Environmental Health concur with the author’s conclusion that the calculated noise levels will not pose a detriment to residential amenity, as predicted noise levels, due to the pitch, would be at an acceptable level at the nearest noise sensitive properties”*.

It should be noted that the previously submitted Noise Impact Assessment prepared by Acoustics & Noise Limited considered the use of the pitch until 21:30 hrs and used the more sensitive ‘night time hours’ as the level against which to assess the scheme. The report stated that the calculated noise levels at the nearest noise sensitive properties at Carmarthen House are comfortably below the guideline values recommended by the World Health Organisation to minimise the critical health effect of sleep disturbance during the night time and that noise levels at the nearest noise sensitive properties would be at an acceptable level.

It is the view of the EHO, that the proposal to extend the current hours of use would still “be at an acceptable level at the nearest noise sensitive properties”, based on the noise calculations within the above Noise Report. Furthermore, a review has been made by the EHO of the any complaints received by the Council regarding noise disturbance from this facility and has confirmed that no formal noise complaints have been received to date.

Whilst the comments made in representations are noted, the Council’s technical experts on noise are satisfied that the extended use of the pitch as proposed during weekday and weekends would not cause unreasonable harm to amenity by virtue of noise.

Whilst other concerns have been raised, in respect of noise from traffic and assembly in the wider school grounds, etc. These are matters which would fall outside of the scope of this planning application and outside of the application site and would take place within the existing school grounds or on the public highway. However the assessment in terms of highway impacts is considered below.

Light impact:

In terms of impacts on residential amenity, this was considered under the previous planning application that application was supported by a light assessment and a light spill

plan. As in the previous application, whilst it was accepted that the lighting will undoubtedly be seen from the adjoining roads and properties, light spill would generally be contained well within the school boundaries. At the extremity of the lighting, a small area would spill into the tree / garden area on the boundary of the Carmarthen House development, which was accepted in the approved scheme.

The proposal only seeks to extend the period of floodlight use on Saturdays and Sundays (half an hour earlier in the morning (08:30) from the approved 09:00 time and half an hour later in the evening (17:30) from the approved 17:00 time). No objection has been raised from the Environmental Health Officer in respect of the extended morning and evening floodlighting use on the weekends.

In light of the above, it is considered that the extended hours of floodlighting on the weekend would not impact on the amenities of the adjoining and nearby occupiers, on the basis of the previously submitted light spill assessments and the comments by the Environmental Health Officer.

Highway Safety and Parking:

As assessed in the approved application, the pitch would be used by both school and other sports groups outside school hours. It was considered that there would be adequate on-site parking for after school use to ensure there will be no significant detrimental impact to the surrounding highway network and as such there were no highway objections to the proposal, subject to conditions in respect of construction management.

Whilst a number of the objectors raise concern in respect of additional traffic generated by school related vehicles and exacerbation of existing parking problems, the proposal will not result in an intensity of the use at the site, rather an extended use of the existing pitch. On this basis, whilst traffic may be arriving and departing from the site at extended times, this would not in itself result in an additional level of traffic generation. Moreover the Environmental Health Officer has not raised any concern in respect of the impacts of earlier and later vehicle movements on the amenity of occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Site Plan

Supporting Information

15 metre raising and lowering mast

Proposed Floodlighting and lightspill

Floodlighting details

Noise Impact Assessment

Pitch Layout, Cross Section, Fencing Elevation, Drainage System

NSSS004 Fencing and Floodlighting Elevations

NSSS005 Line Marking Plan

Phillips Optivision Brochure

Proposed Pitch Floodlighting Light Impact Study

A report considering the design of alternative capacity for a restricted outfall for the proposed new all weather pitch at Penarth

Reason:

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

2. The pitch shall not be used outside of the following times:

07:30 to 21:00 hours - Mondays to Fridays (between 1st March and 1st October) and shall not be floodlit; and

08:30 to 17:30 hours - Saturdays and Sundays (all year round) and only floodlight during these specified weekend hours.

Reason:

To enable the Local Planning Authority to control the hours of use in the interests of the amenities of nearby residents and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 - Environmental Protection and MD9 - Promoting Biodiversity, the proposed extended hours of use of the pitch are considered acceptable in respect to its impacts on the amenity of adjoining and nearby residential occupiers and highway safety.

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

NOTE:

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

subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

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

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

NOTES:

notts sport
Synthetic Surfacing

Division of Services
Infrastructure
Landscaping
Landscape
Landscape
Landscape
Landscape

Starwell School

Synthetic Turf Pitch

Location Plan

Date: 09/04/14

Drawn by: JP

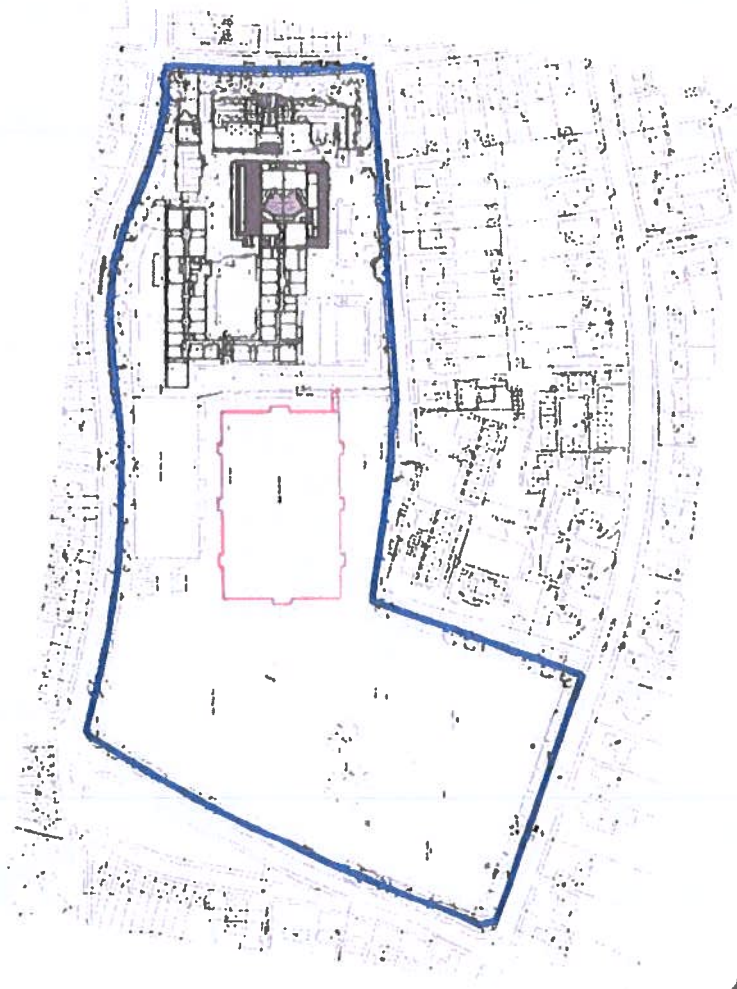
Checked by: JP

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Scale: 1:1250 @ A1

Client Signature

Date Signed



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7 0 MAY 2018

Regeneration
and Planning

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