

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **25 NOVEMBER, 2020**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

**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.

**APPLICANT:** Mr. K. Ahmed SBS Salvage Limited, C/o Agent

**AGENT:** Mr. Paul Harris HD11, 16, Montgomery Road, Barry, Vale of Glamorgan. CF62 7DA

### **The Workshop, Robins Lane, Barry**

Proposed retention as built of garage/workshop/tyre sales unit and coffee shop

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

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it has been called in for determination by Cllr N Moore due to significant local opposition and failure to comply with previous proposals.

#### **EXECUTIVE SUMMARY**

The application site is located in a predominantly residential area of Barry. It is an industrial unit identified as 'The Workshop' which comprises a former coach house and attached motor garage/ tyre sales unit.

The application seeks to retain as built the garage/workshop/tyre sales unit roof alterations that have not been carried out in compliance with a previous approval (ref: 2019/01209/FUL) and change of use of the first floor to a cafe, which prior to a recent fire appears to have last been used as office/ ancillary storage to the motor garage.

Representations have been received from neighbours. The principal objections relate to the shading impact of the roof and impact on daylight within neighbouring dwellings and gardens, noise impact, loss of privacy, the visual impact, as well as parking congestion and highway safety. There were also concerns raised in relation to fire safety, sanitation and contamination. Barry Town Council stated no objection subject to the satisfaction of the Vale of Glamorgan Council planning department.

The principle of the change of use of part of the site to a café is considered acceptable and has previously been approved under application 2019/01209/FUL. The operation of the remainder of the site as a motor garage and tyre sales appears to be a lawful established use. The proposals do not significantly differ in relation to the principle of the development, noise impact as well as upon parking congestion highway safety, which are considered acceptable. The principal considerations are therefore whether the roof alteration is acceptable in terms of the neighbouring impact and the visual impact.

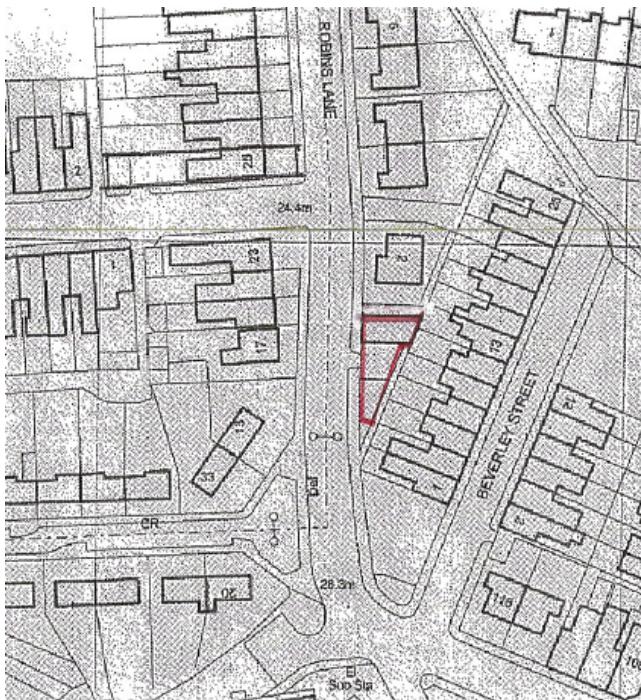
It is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to conditions as detailed within the main body of the report.

#### **SITE AND CONTEXT**

The application site is an industrial unit identified as 'The Workshop' which comprises a former coach house and attached car garage/ tyre sales unit. The change of use relates specifically to the first floor, which prior to a recent fire appears to have last been used as office/ ancillary storage to the car garage.

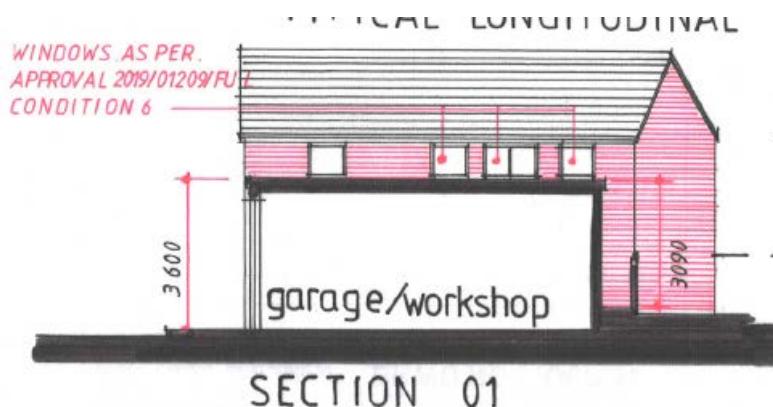
The coach house is constructed of red brick and the garage is situated in a single storey building attached to it. The surrounding area is primarily residential in character and the terrace of dwellings on Beverly Street back on to the site.

The application site area is depicted below:



## DESCRIPTION OF DEVELOPMENT

Planning permission is sought for a change of use to the first floor of the coach house to a coffee shop. This element of the proposals was approved as part of planning application 2019/01209/FUL and remains substantively unchanged. The proposed elevations illustrate an additional window in the southern elevation, as depicted below:

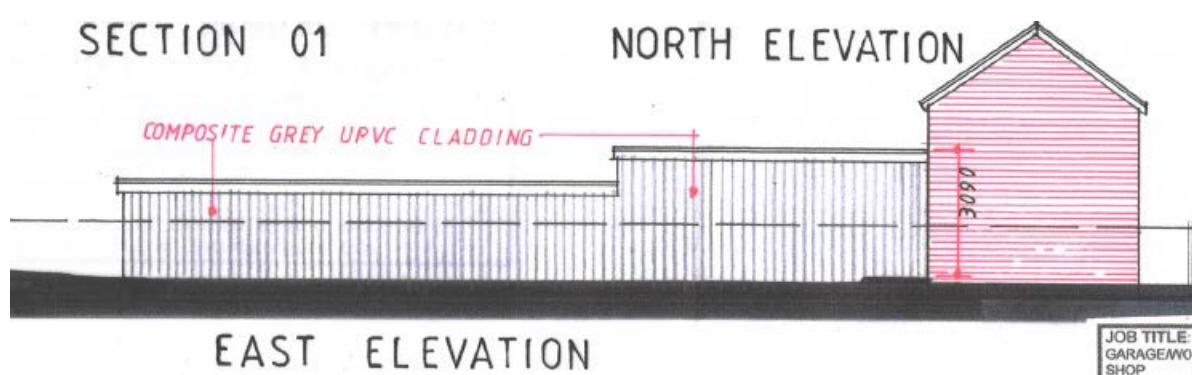
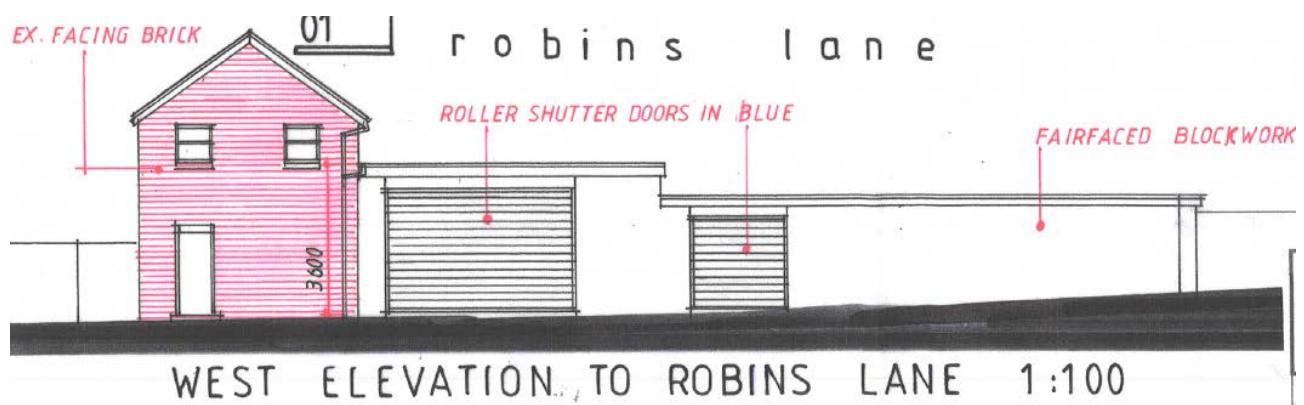


The existing windows have been made partially obscured, as depicted in the below photograph together with the roof alteration. It has also been partially clad with grey horizontal boards.



The coffee shop would have separate access, a seating and service area and would involve the creation of a new unit falling within the A3 (Food and Drink) use class.

The proposals also seek retrospective approval for alterations to the roof, which has been raised in part as depicted in the photograph above, and the arrangement of new openings on the front elevation. The elevations of the garage are depicted below:



## PLANNING HISTORY

2015/00192/FUL, Address: Kim Sharp Motors, Robins Lane, Barry, Proposal: Change of use of property from Class Use B2 (General industry) to Class Use C3 (Residential), to include the addition of a single storey extension, Decision: Approved

2019/01209/FUL, Address: (The Workshop), 6, Robins Lane, Barry, Proposal: Proposed alteration to garage/workshop/tyre sales unit and conversion of first floor storage area to coffee shop (change of use), Decision: Approved

## CONSULTATIONS

**Barry Town Council** stated no objection subject to the satisfaction of the Vale of Glamorgan Council planning department.

**Highway Development** stated no objection.

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

**Shared Regulatory Services (Pollution)** stated no further observations, noting that complaints of noise may still be investigated under the Environmental Protection Act 1990.

**Shared Regulatory Services (Environment)** stated no comment.

**Cllr N Moore** did not comment upon the application specifically, but highlighted the concerns of neighbours in respect of noise, disruption from construction activities and the unauthorised nature of the works.

No comments have been received to date from the remaining **Cadoc Ward Councillors**.

## REPRESENTATIONS

The neighbouring properties were consulted on 6 July 2020. A site notice was also displayed on 28<sup>th</sup> July 2020. Four representations were received to the planning application. There were objections to the development raised on the following grounds:

- Intensification of the garage use
- Noise impact from the business uses
- Loss of privacy/ windows not obscured
- Blocking of sunlight and daylight to neighbouring gardens and rooms
- Blocking of views
- Increased parking congestion
- Potentially increased fire risk
- Environmental risk from contaminants stored on site
- Lack of detail for refuse arrangements/ could attract rodents and pests
- Potential blocking of footways and damage to highway surfaces
- Detrimental impact on neighbouring property values
- Visual impact
- Entirety of rear elevation has not been clad in accordance with submitted drawings

In addition, it was stated that the building had been subject of a previous fire and it was queried whether the building has been inspected and met health and safety/ fire regulations.

## REPORT

### Planning Policies and Guidance

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

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

#### **Strategic Policies:**

POLICY SP1 – Delivering the Strategy

POLICY SP5 – Employment Requirements

POLICY SP10 – Built and Natural Environment

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

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD16 - Protection of Existing Employment Sites and Premises

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

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

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

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

#### **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 23 – Economic Development (2014)

## **Welsh National Marine Plan:**

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

## **Supplementary Planning Guidance:**

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

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

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

- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- BRE: Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice. 2<sup>nd</sup> Ed.

## **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 site has a historic use as a motor garage and it is considered that the current business operates within the scope of this lawful use. This application relates to the retention of the roof alterations which do not comply with the scheme subject of planning approval reference 2019/01209/FUL. The application also includes the change of use of the first floor of the coach house to a café that was considered acceptable and approved under the previous application.

The main issues considered in the assessment of application are therefore considered to be the impact on the amenity of neighbouring properties and the visual impact, considering that the principle of the change of use of part of the site to A3 (Food and Drink) use has also previously been approved. Nonetheless, for clarity the assessment of the change of use is reported in full.

### The loss of employment land

The change of use to a café involves the partial loss of an existing employment site, as the last known use of the premises was as ancillary storage/office space for the adjoining motor garage. Policy MD16 states that proposals for non-B class employment uses will be permitted where compliant with certain criteria.

The upper floor of the coach house appears to be largely vacant and represents only part of the existing employment floor space. It is also a part of the building which is unsuited to the main functions of a motor garage. It is therefore considered that the proposed reduction in employment floor space is acceptable in principle and is compliant with Policy MD16 – Protection of Existing Employment Sites and Premises.

### Visual Impact

The roof has been raised to the front elevation taller than the previously approved scheme and has created also two levels to the flat roof section, with the raised section and rear wall below it clad in grey horizontal boards.

These have been put in place of the salvaged corrugated sheets which were initially used as cladding material. The resulting appearance of the building is considered acceptable and does not cause any significant harm to its character or upon the wider street scene. The building does retain areas of exposed blockwork, but these areas are existing and do not clash tonally with the new grey cladding.

The additional window is also considered acceptable and the previously proposed roof lights have been omitted from the scheme.

### Impact on neighbours (change of use)

In terms of the change of use, it is noted that the operation of a café within this part of the building could result in more comings and goings given it appears to be vacant. The site is located in a residential area and is in close proximity to the rear gardens of several dwellings.

The operation of an A3 use, limited to a coffee shop or café as described, is considered acceptable in principle and would not inherently cause significant noise disruption. It is not proposed to serve or prepare hot food at the property and therefore extraction equipment would not be necessary. In addition, the preparation of hot food can be prohibited unless a suitable and acceptable methods of extraction has first been agreed (**condition 3 refers**).

There is potential for overlooking from the first floor windows to occur toward the rear private gardens of properties on Beverley Street that back on to the application site. There may also be some potential indirect views into windows in the rear elevations of these neighbouring properties. Although three of the windows are existing, the use of the property would be very different, with customers more likely to dwell on site than at present and so could have a more harmful effect on privacy than the current/ lawful use of the Coach House first floor.

There appears to have been obscured film placed on the lower pane all of three windows in the side elevation facing the gardens. This measure alone does not appear sufficient to protect privacy. However, a condition that required all parts to be obscurely glazed and

non-opening prior to first beneficial use of the café, would offer adequate protection from overlooking (**condition 6 refers**).

It should also be noted that this element of the proposals has previously been granted planning approval within the same policy context (ref: 2019/01209/FUL) and this element of the proposals is substantively unchanged.

### Impact on neighbours (roof alterations)

The purpose of the roof alterations is understood to be to facilitate additional height clearance within the garage. In turn, this allows for the fitting of a mechanical lift and therefore possibly more complex repairs to be carried out than the previous operator. The land use as a motor garage however is fundamentally unchanged and the present operator is considered to be operating within the confines of this lawful use. The roof alterations are considered acceptable in relation to any such indirect noise impacts.

In relation to height and light, the principal impact of the development would be toward the neighbouring properties on Beverly Street, which back on to the site. These properties are situated on a gradual slope from the top of the street to the end of the cul-de-sac. The report will focus mainly upon the impacts to No.9, given the extension straddles only part of the neighbouring rear boundaries of No.7 and No.11. No.7 is also positioned at a marginally higher ground level than No.9.

The neighbouring properties typically have two storey rear annexes and that do not contain windows within the rear elevation at first floor. In the case of No.9, the property has been extended to the rear with a bathroom at ground floor. There is a living room at ground floor with a window in the rear elevation of the main body of the house. Whilst it can be viewed from the property above the boundary enclosure, the garage roof, as constructed, does not significantly disrupt the skyline from this window and has a negligible impact upon the daylight received by this room.

There is a relatively small sitting out area bordered by planting located beyond the ground floor extension at No.9, which forms the principal outdoor amenity space/ garden, with the sitting area being slightly lower than the bordering land level. The garage roof extension is approx. 3.1m tall, set away from the boundary by approx. 1.2m. The garage is orientated west of the garden in the direction of the setting sun and so in summertime would cast its shadow over the garden earlier than was previously the case. Nonetheless, the shading impact is limited in intensity and duration and at a time sunlight is already fading. The garden retains a fairly open aspect south and likewise the increase in height does not render the area unusually or unacceptably gloomy. It is considered to retain an adequate level of daylight.

The roof extension is clearly visible above the rear fence line and has had an appreciable impact in this respect. It is, however, not considered to be as tall and extensive as to cause a significant and unacceptable overbearing impact, despite the close relationship and being emphasised by the relatively short depth of the garden at No.9. As context, domestic outbuildings are commonly 'permitted development' up to 2.5m in height, as are ground floor extensions up to 3m in height (for 4m length), even where directly on the boundary. In this case, there is a small gap between the garage and the neighbouring boundary.

In conclusion, it is considered that the development does not unacceptably reduce daylight to neighbouring rooms and gardens and is acceptable in relation to the overbearing and indirect noise impacts. It should also be noted that, though not carried out in accordance with the approved plans, the previous approval did include works to (ref: 2019/01209/FUL) raise to the roof to a similar height on its eastern side.

### Parking

The proposed coffee shop would not be served by off street parking provision and be reliant upon kerbside capacity. The Parking Standards SPG provides a maximum standard of three spaces for a café of equivalent size.

The site is located fairly centrally in Barry and is in a residential area. It is likely to draw some local custom on foot and/or local public transport. Likewise, the proposed use would inevitably attract some visits and/or passing trade by car. There is unrestricted parking available on both sides of Robins Lane and the use would also primarily operate during the daytime when on street parking pressures would likely be lower, the area being primarily residential.

Site observations would suggest that sufficient capacity exists within the local highway network which can safely accommodate the arising demand for the cafe, without visitors having to resort to pavement parking or obstructing the footways. The Highway Authority also stated no objection.

### Other matters

There have been matters raised in representations relating to the safe operation of the existing vehicle repair and tyre fitting uses. As noted earlier in this report, this is considered to be operating lawfully and is not within the described works for which planning permission is being sought. In relation to the fire safety of the construction materials, the works to the roof are subject to separate Building Regulations approval and compliance matters are outside the remit of the planning application.

The refuse arrangements for the proposed café is not specified, however there is considered to be ample space within the building to provide for adequate commercial bin storage.

The impact on property values and loss of views are not material planning considerations.

### RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

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:

KA/P/50 - Retention Drawing 1  
KA/P/51 - Retention Drawing 2  
KA/P/03 B - Proposed Floor Plans

Reason:

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

3. No preparation or cooking of hot food shall take place at the site other than heating by microwave oven, sandwich toaster/press or similar small-scale food preparation equipment, unless a scheme of mechanical extraction has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include specifications for the extraction equipment (inc. de-odourising filters) to be used, manufacturers' guidelines and the external point of extraction. The equipment shall be installed in accordance with the approved details prior to hot food being prepared or cooked at the site and thereafter be maintained in accordance with the approved details and manufacturers' guidelines so long as the use continues.

Reason

To ensure that the amenities of neighbours and character of the area are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 - Design of New Development and MD7 (Environmental Protection) of the Local Development Plan.

4. Customers are not permitted on the premises outside the hours of 08:00 to 18:00 Monday to Saturday.

Reason:

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

5. The first floor of the coach house shall only be used as a coffee shop or cafe and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To ensure the A3 use on the site remains ancillary to the employment use and to control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 - Environmental Protection.

6. The three easternmost first floor windows in the southern elevation of the coach house (as highlighted blue on the plan appended to this decision notice) shall be made to be non-opening and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration prior to the first beneficial use of the development and shall thereafter be so retained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

#### REASON FOR RECOMMENDATION

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

Having regard to policies SP1 – Delivering the Strategy, SP5 – Employment Requirements, SP10 – Built and Natural Environment, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 Environmental Protection, MD16 Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Local Development Plan 2011-2026, the Council's Parking Standards and Residential and Householder Development SPG's, Planning Policy Wales Ed.10, TAN11 – Noise and TAN23 – Economic Development it is concluded that the proposal is acceptable in principle and satisfactorily protecting the interests of local residential amenity, subject to condition, and highway safety.

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

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

#### NOTE:

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

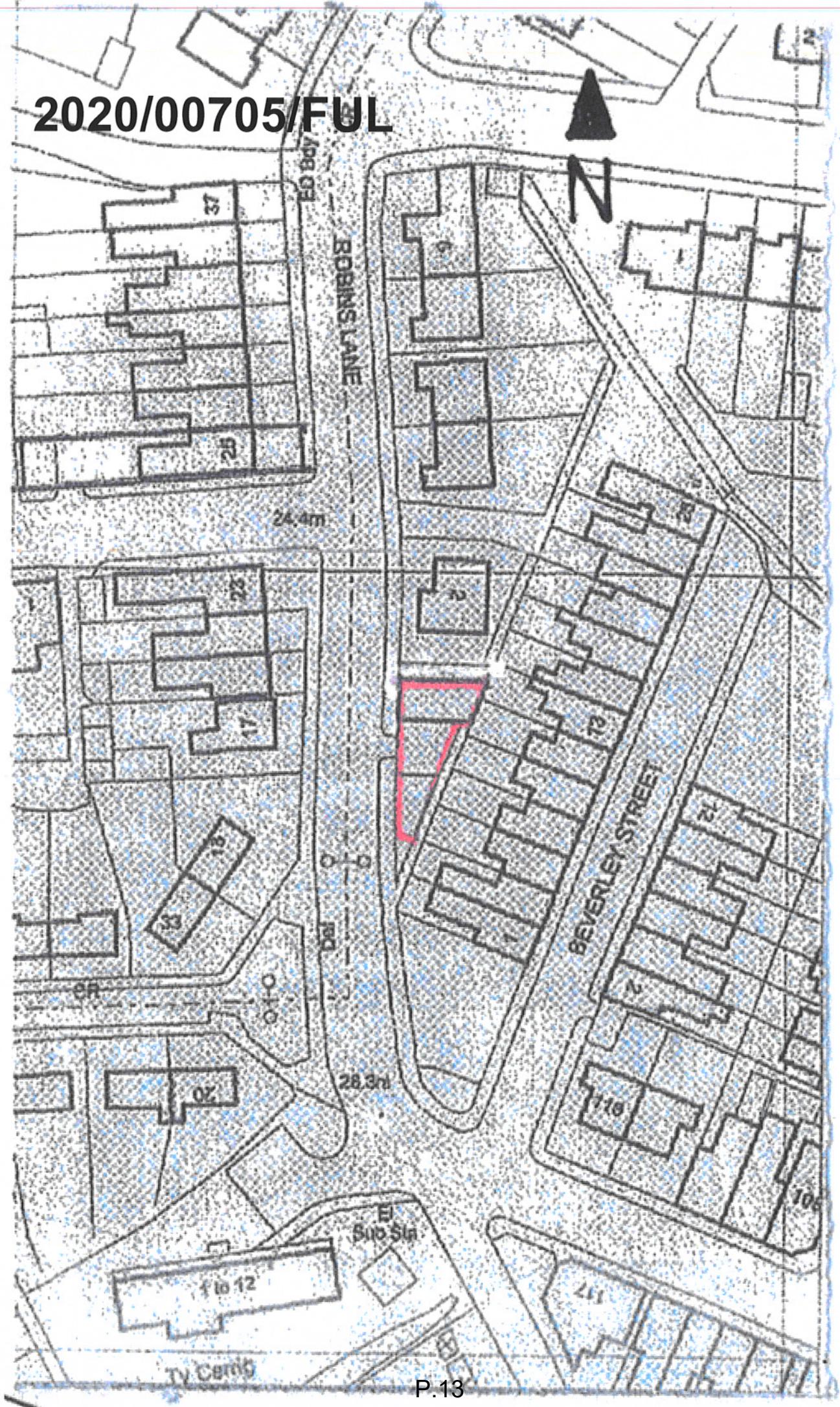
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers)**

**responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

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

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

2020/00705/FUL



**APPLICANT:** Castleoak Care Developments Ltd c/o Agent

**AGENT:** Mr. Barrie Davies Asbri Planning Ltd, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff. CF23 8RS

**Glenburnie, Port Road, Wenvoe**

Development of a Care Home and associated works

**REASON FOR COMMITTEE DETERMINATION**

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Bird given the application is not straightforward and there are a number of issues relating to the application.

**EXECUTIVE SUMMARY**

The application site lies to the east of the A4050, Port Road and south of Caerau Lane and outside of the settlement boundary of the settlement of Wenvoe. The site forms the residential curtilage associated with the detached two-storey dwelling known as Glenburnie.

The application seeks permission for a care home building mainly two and a half stories in height, comprising of 70 bedrooms and associated works. The building will have a maximum width of some 81m and a maximum depth of some 46m. Ridge and eaves heights are shown to vary, however the main two storey elements would have a typical ridge height of some 9m, with the three storey element a ridge height of 11m.

To date a total of 7 letters of representation have been received, which in the main raise concerns in respect of the scale of the development on the site within the countryside, its impacts on privacy, exacerbation of existing traffic congestion on the A4050.

It is considered that the proposed care home, in terms of its siting, design together with landscaping proposal, would not have an unacceptable effect on the countryside. The proposal is also considered acceptable in respect of the impacts on access and parking, neighbouring amenity, ecology, drainage and archaeology. The recommendation is for approval.

**SITE AND CONTEXT**

The application site lies to the east of the A4050, Port Road and south of Caerau Lane and is located to the north east of Wenvoe. To the north-west, the site adjoins a roundabout serving the northern access to Wenvoe, beyond which lies the Walston Castle Public House and Premier Inn Hotel. To the east, the site abuts a small watercourse known as Wrinstone Brook. To the north, the site abuts a field parcel, beyond which lies Caerau Lane which runs east off the aforementioned roundabout. To the south, the site abuts a residential dwelling and associated paddocks called Brookside.

The site occupies an area of 0.70ha / 1.73 acres and forms the residential curtilage associated with the detached two-storey dwelling known as Glenburnie. A single storey storage/workshop building lies to the rear of the house whilst a large stable building lies to the north. The site is a relatively flat and is enclosed by mature hedges and trees.

The site lies outside of the settlement boundary of Wenvoe and within the countryside. The site lies outside (to the south of) the North of Wenvoe Green Wedge.

There are two groups of protected trees along the northern and eastern boundaries of the site comprising of a protected group of elm, sycamore and hawthorn.

The site lies within Flood Zone A, meaning it is at little to no risk of fluvial or coastal/tidal flooding. With reference to heritage assets, the site itself does not include any listed structure and there are none in close proximity.

There is a relatively strong network of Public Rights of Way (PRoW) in proximity to the site, although there are no PRoW traversing the site itself.



## DESCRIPTION OF DEVELOPMENT

The application, as amended, seeks full planning permission for the demolition of existing dwelling and other structures on the site and the construction of a 70-bed care home development and associated works at Glenburnie, Wenvoe.

The proposals can be briefly summarised as follows:

- 70 bed care home;
- Safe Gardens;
- 32 parking spaces to the south east (including 2 no. disabled spaces);
- Access arrangements;
- Planting throughout the site to provide screening; and
- Boundary treatments.

The care home building will be two and a half stories in height, comprising of 70 bedrooms and associated works. The building will have a maximum width of some 81m and a maximum depth of some 46m. Ridge and eaves heights are shown to vary, however the main two storey elements would have a typical ridge height of some 9m, with the three storey element a ridge height of 11m.



② West Elevation



① South Elevation

An architectural elevation drawing showing a different perspective of the care home. This view appears to be from the rear or a side angle, featuring a long row of gabled sections. The building is set against a light blue sky and sits on a dark grey base line.

The materials and finishes will include buff brick and vertical tiles to form the main material used throughout the design, with specific detailed areas picked out in white render and timber effect cladding.



Access into the site will utilise the existing access, albeit modified and widened serving an internal private road with 32 car parking spaces for both staff and residents, in addition to cycle parking. A dedicated service bay is to be located within the car parking area so that the building can be adequately and safely serviced.

#### PLANNING HISTORY

1988/01053/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Proposed extension to existing bungalow, Decision: Approved.

1989/00501/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Temporary residential dwelling in existing workshop, Decision: Approved.

1990/00820/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Renewal of temporary permission, Decision: Refused.

1995/00787/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Greenhouse extension to existing workshop, Decision: Approved.

1995/00790/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Renewal of timbers and replacement of asbestos, metal and plastic sheets of roof covering with box profile metal sheeting, Decision: Approved.

2006/00946/LAW, Address: Glenburnie, Port Road, Wenvoe, Proposal: Non-compliance with the agricultural condition, Decision: Approved.

2012/00070/FUL, Address: Glenburnie, Port Road, Wenvoe, Proposal: Two storey side and single storey front extensions to main dwellinghouse. Conversion of outbuilding to granny flat with associated single storey extension and addition of canopy between proposed granny flat and main dwellinghouse, Decision: Refused.

## CONSULTATIONS

**Wenvoe Community Council** were consulted and support the principle of development subject to some concerns in respect of:

1. Access Road – suggest that the site is entered via the lane and exit onto the roundabout
2. Evaluation of possible flooding
3. Building is too far forward – not in line with present buildings
4. Trees – Landscaping screen

Following re-consultation, they have questioned whether the concerns set out above have been addressed and note that the access could not be moved to join the roundabout due to landownership issues. They note that comments from Highways say nothing about a light-controlled "Toucan" pedestrian crossing for Port Road, which has previously been promised by Highways. The existing crossing is extremely dangerous, and it is suggested that a controlled crossing be a prerequisite for this project and querying the use of staff using the T9 bus.

**Councils Highway Development Team** were consulted and following submission of additional drawings and a revised Planning Statement have, in summary, not raised any objection to the development in respect of the provision of on site parking and subject to conditions to secure the necessary full engineering details and provision of crossing points on Port Road between the bus stops located in front of the site, and linking Caerau Lane to the existing footway/cycleway facility and a CTMP.

**Councils Drainage Section** were consulted and having reviewed the drainage strategy their only comment would be that the flood mapping used in the document has since been revised. When compared the submitted against the updated mapping, although the site does have small areas at high risk of surface water flooding, the overall picture is reduced when compared to the previous mapping. As such there are no concerns regarding flood risk to the site.

It is also advised that there are no major concerns with the proposal from a SAB perspective.

**Councils Ecology Officer** was consulted and notes that the proposed development will result in the loss of a bat roost of small numbers of Common Pipistrelle bats. NRW have been consulted and have no objection. There are other small scale biodiversity impacts that can be adequately mitigated through Working Methodologies / Landscaping and Planting schemes and habitat creation etc and recommends the inclusion of planning conditions to secure biodiversity conservation and enhancement on site. As a bat roost will be destroyed during the demolition of building B1, an EPS licence will be required. Therefore the planning officer must undertake and document the 3 tests at the planning determination stage.

**Shared Regulatory Services** were consulted and have made the following comments:

**(Pollution)** were initially consulted and have stated that the noise survey was carried out on 27th November 2017, whilst undertaken at a representative location, only considers noise from 1008 hrs until 1308 hrs on a weekday. Although the day chosen was suitable, this time range does not include road traffic noise at the worst times of the daytime ("rush" hours), which are probably between 0730 hrs and 0900 hrs, and between 1600 hrs and 1800 hrs. They have advised that it would be appropriate to carry out a further noise survey covering the times indicated above, which may or may not include the noise measurements of the 2017 survey, to enable further comment on this application.

Following re-consultation, the Pollution Team state that the application has been assessed with regard to the updated Noise Impact Assessment, the Assessment, dated 23 October 2019 and in summary states that should mitigation as detailed in the report be installed and maintained as advised there are no grounds in relation to noise on which to refuse this application.

**Contaminated Land, Air & Water Quality** have stated, following the submission of a gas survey monitoring that there are no measures required in relation to the ground gases methane and carbon dioxide. Conditions have been requested in relation of unforeseen contamination, importation of soils and aggregates and an advisory note in respect of contamination and unstable land.

**Dwr Cymru Welsh Water** were consulted and have stated that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. DCWW have also advised that the development requires approval of Sustainable Drainage Systems (SuDS) features, and it is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB),

**Wales and West Utilities** have responded to the application stating that there are pipes in the area and their apparatus may be affected and at risk during construction works. Should the planning application be approved they require the promoter of these works to contact them directly to discuss requirements in detail before any works commence on site.

**Natural Resources Wales Team** were initially consulted and raised no objection to the proposed development, subject to an informative to be added to any planning permission granted regarding the need for an EPS Licence for this development in respect of bats

Following re-consultation on the amendments to the proposals (relating to vegetation removal, construction of a cycle route and planting), they advise that dormice will need to be considered as part of the works to remove the existing roadside vegetation. They note and welcome the indication that the hedgerow will be replaced on the same line but set back from the road and advise that this is implemented. In this instance they consider that suitable provisions for dormice can be addressed via a planning condition attached to any permission you are minded to grant.

**Glamorgan Gwent Archaeological Trust** have commented on the application and In summary state that there are no known archaeological sites within the proposed development area, however, Greave Round Barrow, a Scheduled Monument (Cadw reference GM183), is located approximately 140m to the southeast.

There is some potential that archaeological remains, artefacts in particular, are present and that the foundations and services to the development are likely to impact upon the archaeological resource during the course of the proposed development. They have therefore recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted.

**Wenvoe Ward Member** was consulted and Cllr Bird has responded by requesting that the application be called into Planning Committee for determination.

## REPRESENTATIONS

The neighbouring properties were consulted on 7 November 2019 and 13 August and site notices were also posted. To date seven letters of representation have been received and the comments received are summarised below :

- Concern that proposal will exacerbate existing traffic and congestion on the A4050.
- Proposal is over development of the site occupied by one dwelling.
- Concern over safe pedestrian links to Wenvoe village.
- Intrusion into the countryside where previous proposals have not been allowed.
- Concerns in respect of overlooking and loss of privacy.
- Concerns over the scale of the building.
- The site is not brownfield site.
- Request that the developers are required to provide and maintain a high (more than the usual 6 feet) border fence/wall along the boundary of the two sites.
- Request a concession from the developers of providing a suitable drain in order that waste sewage from adjacent dwelling could be routed via their new drainages system. We would be happy to discuss further with yourselves and/or the developers.

- Request that a permanent noise barrier along the port road being constructed to reduce the addition noise from both the construction and additional road traffic, for the residents of Grange Close in Wenvoe.

## **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 Growth Policies:*

POLICY MG7 – Provision of Community Facilities

POLICY MG8 – Provision of Health Facilities

POLICY MG16 – Transport Proposals

#### *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 MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD14 - New Employment Proposals

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

#### **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
- Minerals Safeguarding (2018)

- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

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
- Development in the Countryside (including new housing)
- Supporting Infrastructure

#### Chapter 4 - Active and Social Places

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

### **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 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 18 – Transport (2007)
- Technical Advice Note 20 – Planning and the Welsh Language
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)

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

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

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

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. The Act comprises of 7 goals;

- A Prosperous Wales;
- A Resilient Wales;
- A More Equal Wales;
- A Healthier Wales;
- A Wales of Cohesive Communities;
- A Wales of Vibrant Culture & Welsh Language; and
- A Globally Responsible Wales.

Of particular relevance to this application are the goals relating to a healthier Wales and a Wales of Cohesive Communities.

### **Issues**

The main issues in assessing this application relate to the principle of development in this location and its visual impact, access and highways issues, the environmental impacts of

the proposals including ecology, trees and other matters including drainage and archaeology.

### Background

Whilst not a specific requirement within the LDP or PPW, the application has been supported by a sequential test, based on the parameters of a 70 bedroom care home, car parking (32 spaces) and private gardens within a site area of 0.7HA. To show flexibility in respect of the size of the site search, the assessment is based upon sites that fall within 75% of the scale of the application site, that is sites of 0.525 HA and above. It is stated that an extensive site search has been undertaken of sites within the settlement boundary of Wenvoe which has failed to identify any alternatives which could be considered suitable, available or viable alternatives.

The applicants (Castleoak) have undertaken an extensive search for a suitable site for a care home in the vicinity and more generally within the Vale and it is stated that a fundamental element of the search for an appropriate site has been the identification of a significant level of need for new care facilities within the area. The need has been identified via a series of sources discussed below.

Similarly, whilst not a policy requirement, in order to evidence the need for additional care homes in the vicinity of the application site, the applicants have undertaken a Care Needs Assessment Report (accompanying this application) to establish the demand for care beds in the area. Whilst this has not been formally commented on by the Council's Social Services Department, the level of estimated need set out within the supporting document does show a reasoned justification for the provision of additional, purpose-built care accommodation. A plan and table have been submitted which identifies existing care home facilities in the area. The plan shows 22 facilities within a 15 minute drive time, the overwhelming majority of which are located within Cardiff. The report states that there is a shortfall in the area surrounding the application site and indeed the Vale of Glamorgan, which provides clear evidence of the distances elderly individuals have to travel from areas such as Wenvoe in order to receive care.

Regard must also be given to the fact that to find a site of this size within a defined settlement, any operator/developer of a care home would have to compete for such a site against housing developers who, given the development value that can be accrued from new housing, particularly in such high value areas, would have to pay residential land value and would likely make any site unviable to develop as a care home.

### Principle of development

The site is located on the eastern side of Port Road, which forms the eastern boundary to the settlement of Wenvoe. The site therefore lies within the countryside, albeit comprising of brownfield land occupied by a dwelling and its associated residential curtilage.

In policy terms, the LDP lacks any specific policy regarding retirement living or specialist care home development. However, there are references within certain policies which recognise the underlying issues of an ageing population and the need to provide for a range and choice of housing.

Policy SP1 of the LDP states that the strategy:

*“...Will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. This will be achieved by” amongst other things “providing a range and choice of housing to meet the needs of all sectors of the community”.*

Policy MD14 supports B1, B2 and B8 employment on existing and allocated employment sites. It adds that elsewhere new employment uses should be located within or adjacent to an existing settlement boundary, but only where the scale and type of employment site is complimentary to its location and neighbouring uses. Criterion (iii) of this policy supports new employment uses, where it can be demonstrated that the nature of the business is one where the location away from existing settlements is necessary in order to mitigate impacts on amenity.

A care home falls into a C2 (residential institution) use and not within any of the defined employment use classes. Therefore, the application is not assessed against Policy MD14. However, as detailed below, it is acknowledged that care homes do generate quite high levels of employment.

The principal issue is therefore the acceptability of location of the proposed development and its relationship to Wenvoe, a defined Primary Settlement having regard to Policies MD1 (Location of New Development) and MD2 (Design of New Development), and MD5 (Development with Settlement Boundaries).

Whilst Policy MD5 provides criteria for developments within settlement boundary, the supporting text within Para 7.33 states:

*“....The boundaries define the settlements within which new development will be permitted encouraging the under-use of land and buildings and preventing the spread of new development in the open countryside. Accordingly to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss ..... development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in para 9.3.2 of PPW. Such development would also need to respond appropriately to the local context and accord with Policies MD1 and MD2.”*

Since adoption of the LDP, Planning Policy Wales has been updated. However, there are a number for relevant paragraphs in PPW Edition 10 which build on the same sentiment, which has weight as a material consideration in determining this planning application in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004.

Para 3.56 of PPW states:

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

*development should be of a scale and design that respects the character of the surrounding area.*

As stated above (*Para 3.56 of PPW*), one of the exceptions where development in the countryside can be favoured, (subject to other considerations) is where it will increase local economic activity. It is stated that the development of the site will result in significant economic benefits in the form of the creation of jobs. Given the requirement to staff the premises 24 hours a day and related shift patterns, it is likely that in the region of 95 full and part time staff will be created when taking into account full and part time jobs overall. Beyond this, short term jobs will be created as result of the construction phase of the project. Given the operating characteristics of care homes, it is a realistic proposition that the overwhelming majority of new staff could be locally based and will benefit from a training and employment programme. Therefore, the proposal will likely make a significant contribution towards local employment provision and due to its proximity and linkages, with reinforce to the role of the Primary Settlement of Wenvoe.

The two principal issues having regard to the policy context is whether the proposed care home is sustainable and accessible in terms of its location and that any new development is not be visually intrusive or impact on the pattern and character of the area or within the countryside.

### Sustainability

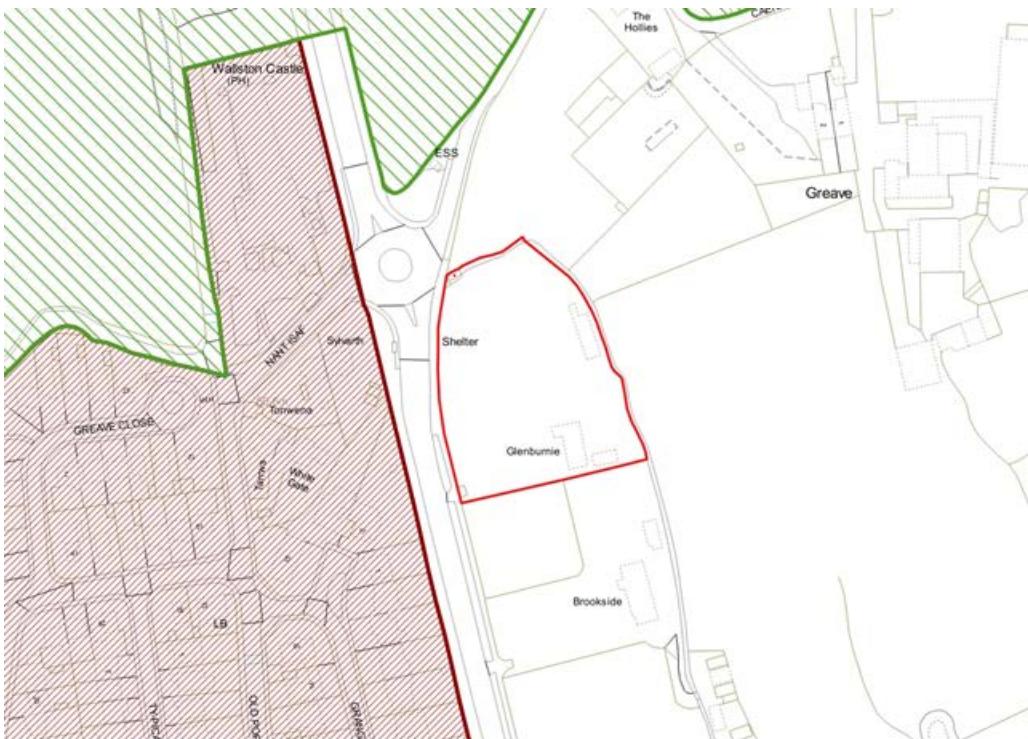
Both Policies MG7 and MG8, which whilst not strictly applicable to a care home, nevertheless seeks to ensure that proposal for new Community and Health Facilities are located in accessible locations and the thrust of the policies are considered relevant in this application.

In this instance, the application site comprises an existing dwelling and its curtilage and is located on the edge of a 'Primary Settlement'. It is bounded by existing development (dwelling to the south and Port Road to the west) and is within walking distance to the centre of Wenvoe (600m) which provides for a range of facilities. Importantly, the site is located on the A4050 and is adjacent to bus stops on either side of Port Road with services operating south to Barry (7.3km) and north to Culverhouse Cross (1.5km) and Cardiff City Centre (8.8km) beyond.

Therefore, despite being located outside the settlement boundary, in terms of sustainability and accessibility to both the settlement of Wenvoe and public transport to more distance services, the site is considered to be well located, however detailed consideration needs to be given in respect of whether appropriate measures can be secured and delivered to ensure that the development can be fully accessed through improved pedestrian linkages to Wenvoe and public transport facilities, which is considered further below.

### Visual Impact

The site is not be considered as rounding off of the settlement of Wenvoe and the character of the eastern part of Port Road is different from the western side and comprises of countryside with sporadic dwellings set within large plots.



*Plan showing extent of settlement of Wenvoe (hatched brown) and Green Wedge (hatched green)*

However, in terms of its sensitivity within the landscape, as shown in the plan above, the site falls outside of the “North of Wenvoe” Green Wedge, where such Green Wedges are designated to prevent urban coalescence, prejudice the open nature of the land or have an adverse impact upon the setting of an urban area. Furthermore, the site falls outside of any Special Landscape Area, which are designated to protect areas of the Vale of Glamorgan that are considered to be important for their geological, natural, visual, historic or cultural significance.

Notwithstanding the above and under the terms of Policy MD1, developments on unallocated sites, should amongst other things have no unacceptable impacts on the countryside.

In order to undertake a robust assessment of the impacts of the proposal on the site and the wider countryside, a Landscape and Visual Impact Appraisal has been submitted to assess the effects on the landscape character (of the site and of the host character area) and on people’s visual amenity. The methodology employed to evaluate the levels of effect has been guided by *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) 2013, which is the industry standard and considered best practice.

Due to the vegetation on the site’s boundaries and within the adjoining field parcels, combined with the lowland character within which the site is set, the existing landscape of the site is semi-enclosed, with filtered and framed views to land to the north, east and west. These views are close to mid ranging with no long distance views of the surrounding site context and there are some PRoW with potential for views from the north, north-west and east.

The site is considered in the LVIA to have medium sensitivity, with an enclosed feel with some strong landscape features on and within the site boundary. The LVIA states that the

site does not feel rural or isolated as the road network and heavy traffic use influences the perceived sensory experience when on site. The wider landscape to the north and east is rural in character with the adjacent farm buildings to the east and the rolling fields creating a sense of openness. The undulating landform and reduced populated area provides spatial separation between Wenvoe and the west of Cardiff.

The focus of the visual appraisal is therefore largely on the immediate site context with close range views within 500m investigated, which was agreed with the authority prior the application submission. Close range views are available from the existing vehicular access from Port Road from the west and from the neighbouring property to the south.

Views from PRoW are either framed, filtered or screened, and these views are almost exclusively within 150m of the site boundary to the north-west, north and east



*Plan showing location of Viewpoints assessed with LVIA and CGI images*

During the application, the applicant was requested to submit Computer Generated Images (CGI's) to supplement the LVIA and to accurately illustrate the impacts that would result in the development of the site. The CGI's are based on year 5 following completion of development and landscaping and a further request was made on the basis of year one following development (in respect of Viewpoint 4)

When viewed from the most visible part of the PROW network to east (Viewpoint 1) the development would be visible, albeit mainly the roofscape and upper parts of the building, but would nevertheless be viewed against the dwellings in Wenvoe which are currently visible from that view point. The effects are considered moderate adverse, as the roofline will create additional built form, but would not fundamentally alter the character of the view due to intermittent views of the existing built form already visible on site.



*Viewpoint 1*

However when viewed from the more distinct viewpoints to the north and south of the site from Port Road (Viewpoints 2, 3, 5, 6, 7 and 8) the development is not considered to be visible based on the CGI's submitted, other than the point at which you are adjacent to the entrance of the site (Viewpoint 4) where the development will clearly visible through the site access.

However, other than views directly in front of the access, the building would only be glimpsed through more gappy parts of the hedgerow and trees and in the main would be largely screened along the boundary with Port Road. It should be noted when the building is most visible, it would be in the context of entering and leaving the roundabout junction of this section of Port Road and the Premier Inn /Beefeater located on the other side of Port Road.



*Viewpoint 4*

A detailed scheme of landscaping has been submitted with the application. The landscaping scheme has been amended several times, in conjunction with the Councils Landscape Architect which is considered acceptable, with appropriate supplementary planting along the site frontage.



### *Detailed Scheme of Landscaping*

Further to the above it must be noted that Port Road is identified under Policy MG16 for a transport scheme for walking and cycling and there is an aspiration that this side of Port Road would have a combined 3.5m wide cycleway and footpath. The majority of the existing hedge line falls within the adopted highway. Therefore, if the cycleway and footpath is provided in the future, it would result in the removal of the majority of the existing vegetation along the site frontage with Port Road and open up views into the site. Whilst there is no scheme currently in place, consideration must be given, as a "worse case scenario" and as such the landscaping scheme has been developed assuming that at some time the future the existing hedgerow screen could be removed. As stated above, the CGI's are based on the completion of development plus 5 years, at a point where the landscaping would have matured to a reasonable level and the trees within the site would be well established.

Viewpoint 4 below (with widened cycleway/footway) shows how the development would look with the hedgerow/trees forming the natural boundary (within the adopted highway)

on Port Road removed. This CGI is based on year one of the development at a point in which the new landscaping has been implemented, but not matured together with the existing landscaping on the site. At this point the development would be much more visible, however this “worse case scenario” would only arise in the event that that widened cycleway/footway is delivered to coincide in the early years of the development, before the scheme of landscaping has fully established.



*Viewpoint 4 (Year 1) with widened cycleway/footway*

With the above scenario, the 2 metre acoustic fence would be partly visible which would enclose the frontage of the site. The fence is required to ensure adequate noise mitigation for the site. However, the fence is set behind a newly planted hedge and scheme of tree planting and the fence itself is shown in the submitted scheme of landscaping to be planted with climbing plants, the specified species of which is a vigorous large evergreen climber. On this basis even with the above scenario, which would be a temporary impact, the site would still maintain its verdant enclosure.

On the basis of the above and as set out within the LVIA, the proposals would result in a change to landscape character of the site, but this direct change would be limited to within the site itself. The effects on visual amenity are limited to close range views from the neighbouring property to the south, a framed view from Port Road from the site entrance and glimpsed or partial views from PRoW within 500m of the site boundary. The PRoW network would not be notably affected.

Beyond the extent of the site, close range views are generally glimpsed, filtered, partial or screened completely by vegetation; which is either on the site boundary or in the surrounding field boundaries in the vicinity of the site.

The findings of the visual appraisal demonstrate that effects are moderate adverse at worst as the extent of the predicted visual effects is largely limited by vegetation on the site boundary and in the surrounding site context. The detailed landscaping scheme would offset the proposed loss of vegetation on site and the strengthening of the site boundaries would ensure the vitality of the existing landscape features which enclose the site, as well as retaining and enhancing the existing landscape fabric with native planting of local importance.

The introduction of the proposed care home, given its very localised viewpoints would not be perceived as a fundamental change to the landscape. The existing built form on site has created a baseline character which has a settled feel.

### Scale and Design

The application has been supported by a Design and Access Statement (DAS). In respect of the general building form, the building is of a significant size, some 81 metres in length by a maximum width of some 46m. However, this overall form is broken up by the use of linked blocks. It is stated in the DAS that the care home has been designed to reflect the surrounding domestic scale. As the care home is, by nature, significantly larger than residential properties, careful thought has been given to reduce the visual scale and mass and to respond positively to the existing context.

The footprint of the building is such that each block assists in breaking up the overall massing of the building, which together with forward and rear projecting elements, breaks up what would otherwise be a facade of considerable width. The front (west) elevation would be largely screened, nevertheless the use of gabled elements, and separate roof forms, and a variation in materials and finishes and footprint assists in breaking up the massing of the buildings, to a more domestic scale. The proposed building is a maximum of 3 storeys high, although this only relates to one small part of the building to the rear (to accommodate services and lift). Furthermore, the height of the building has been reduced during the application.



*View of rear of care home*

In respect of materials and finishes, it stated that the chosen material palette has been selected based on materials already in use within the existing area; being buff brick and vertical tiles form the main material used throughout the design and detailed areas picked out in white render and timber effect cladding. Whilst the general approach to the materials and finishes is considered acceptable and would assist in breaking up the massing, it is considered necessary to approve samples of materials prior to their use by way of condition (**Condition 3** refers).

### Impact on Trees

The application has been supported by an Arboricultural Survey and Planning Integration Report. In summary, of the 25 subject trees on the site that have been surveyed (including 4 groups) a total of 10 trees are to be removed, together with the single U grade tree which should be removed irrespective of the proposal.

The primary intention is to retain the peripheral screening so that the arboreal appearance of the site's character of the site is conserved. Those trees to be removed are of limited prominence from views without the site, and although two of the B grade trees are to be removed, BS5837 grading relates to the quality of the trees within the site and does not necessarily rely upon visibility from public view points. Furthermore these Grade B trees to be removed are a Norway Maple and Blue Spruce which are with the garden area of the existing dwelling and are not part of the TPO group which covers the northern and eastern boundaries of the site.

The Arboricultural Survey includes full details of a scheme for the protection of trees and hedgerows during construction, which is considered acceptable and shall be secured by condition (**Condition 4** refers).

### Ecology

The application has been supported by an Ecological Appraisal (October 2019). The Council's Ecology Officer notes that the proposed development will result in the loss of a bat roost of small numbers of Common Pipistrelle bats. As a bat roost will be destroyed during the demolition of building B1 (the dwelling), an EPS licence will be required. Therefore the local planning authority must undertake and document the 3 tests at the planning determination stage.

NRW have been consulted and on the basis of the report submitted, do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range and do not object to the proposal but request an informative in relation to European Protected Species is attached to any planning permission granted.

Following re-consultation on the amendments to the proposals (relating to vegetation removal, construction of a cycle route and planting), NRW advise that dormice will need to be considered as part of the works to remove the existing roadside vegetation. They note and welcome the indication that the hedgerow will be replaced on the same line but set back from the road and advise that this is implemented. In this instance, if the roadside hedgerow is to be removed, they consider that suitable provisions for dormice can be addressed via a planning condition for the submission and approval of a Dormouse

Conservation Plan/Method Statement, which shall be secured by condition (**Condition 6**) refers).

In light of the above requirements, the three tests that need to be applied to this planning application are:

1. it 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.
2. that there is no satisfactory alternative,
3. it will not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range

In respect of test no 1, the proposal would have an overriding benefits in terms of providing elderly care for an ageing population in the wider public interest within the Vale of Glamorgan.

In order to satisfy test no 2, any redevelopment of the site would have to require the demolition the dwelling as it would be located adjacent to the main access into the site and given the scale of the proposal and the required parking area the retention of the dwelling would not be feasible.

With regard to test no 3, and the comments from NRW and the Councils Ecologist, it is considered, subject to the mitigation being provided to NRW at licensing stage, that the proposal would not be detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range.

In respect of biodiversity enhancement the Ecologist has requested a Biodiversity Strategy is submitted to ensure that biodiversity is maintained and enhanced and that no offences are caused during either the construction or operational phases, which shall be secured by condition (**Condition 5** refers).

#### Noise

In line with Policy MD7 (Environmental Protection), development proposals are required to demonstrate that they will not result in unacceptable impacts, on people, residential amenity, property in respect of, amongst other things, land contamination, noise and vibration and flood risk.

Noise surveys have been completed to measure the impact of road traffic from the A4050 Port Rd upon the proposed residential development and to quantify existing background and ambient noise levels. The Noise Impact Assessment has been completed with due regard to the requirements of Vale of Glamorgan Council's Environmental Health Department, including assessments under TAN 11.

Appropriate consideration has been given towards the mitigation measures required to ensure a commensurate level of protection against noise for future residents.

It is assumed that the open areas within the site will be used as shared external amenity with mitigation, noise levels within this area ranging between below 40dBA and up to 56dBA closest to the A4050. The report states that these levels are considered acceptable given the locality of the site. Furthermore, the vast majority of the external amenity space

achieves the 55dBA criterion with much of it below 50 dBA. Measured background sound levels have been used to specify plant noise emission limits for any fixed plant included in the development.

The Noise Impact Assessment concludes that marginally higher specification glazing is required on a small part of the development; fencing at 2m height along sensitive boundaries and 1.8m elsewhere, is found to satisfy the external amenity criterion at most locations, and is considered to provide the best practicable levels and; alternative ventilation for some habitable rooms as an alternative to opening windows, for both daytime and night-time use. The assessment also establishes plant noise limits for any fixed plant at the development, in terms of their sound rating levels at the nearest residential receptors, in line with BS4142:2014 methodology. Subject to the incorporation of the identified mitigation measures, the report considers that in principle, the site is suitable for the promotion of residential development.

Shared Regulatory Services (Pollution) have confirmed that should mitigation as detailed in the report be installed and maintained, there are no grounds in relation to noise on which to refuse this application, which shall be required by condition (**Condition 8** refers).

### Impacts on Residential Amenity

Whilst the application site is located adjacent to a dwelling to the south (Brookside), it is noted that the neighbouring dwelling sits within a very large curtilage and the neighbouring dwelling is sited towards the southern side of the plot, and there is a distance of some 40 plus metres between the neighbouring dwelling and the boundary between the two properties. The redevelopment of the application site would bring the new care home, at its closest 11m from the boundary, which would be some 50m to the main dwelling. Whilst the care home would be significantly greater in massing and scale than the existing two storey dwelling, it would not have any overbearing impacts on the adjacent occupiers. Furthermore, given the distance to the boundary and the dwelling the care home would not result in a loss of privacy to the adjoining occupiers.

In addition, the landscaping scheme shows the 2m acoustic fence along this boundary with climbing plants and a scheme of tree planting along the boundary which will further soften and screen the impacts of the development from the neighbour and limit noise breakout. Noting the comments received from Brookside and the requirement for a higher fence, it is considered that a 2.5m high acoustic fence would provide improved noise attenuation from the care home and visual screening. Whilst there will be a marked change in the character of the site with its use as a care home, given that the 2.5m high acoustic fence and existing background noise levels associated with road noise along Port Road, it is not considered that the noise generated within the site will impact on the amenities of the Brookside. Moreover, no concern has been raised in respect of this matter from the Council's Pollution Team. However, it is considered that this boundary between the application site and Brookside should be erected prior to the commencement of development at the site in order to limit any impacts during construction, as secured by **Condition 9**.

The dwellings to the east will be in excess of 100m from the boundaries of the site and as such whilst the care home will likely be visible (in part) from these properties, it would not have any overbearing impacts or result in a loss of privacy.

## Highways

The scheme proposes 32 parking spaces of which 2 are disabled spaces, in addition to cycle and buggy parking.

The Planning Statement has indicated that there is likely to be 95 full and part time staff employed in total, and this could equivalent to 69 full time staff. In accordance with the Councils Parking SPG, 23 spaces would therefore be required for staff (1 space per 3 non-residential staff ( $69 / 3 = 23$ )) and 18 visitor spaces would be required (1 visitor space per 4 beds ( $70 / 4 = 17.5$ )). This would add up to a maximum of 41 car parking spaces required. The proposal is for 32 spaces which would be 9 car parking spaces short of the maximum requirement. The Parking Standards SPG, identifies opportunities for a reduction in parking provision where the site is in a sustainable and accessible location. On the basis that the developer has agreed to provide crossing points between the bus stops located in front of the site and linking Caerau Lane to the existing footway/cycleway facility (as considered below), the Highway Authority accept the justification for the reduction in parking spaces, which shall be secured by condition (**Condition 10** refers).

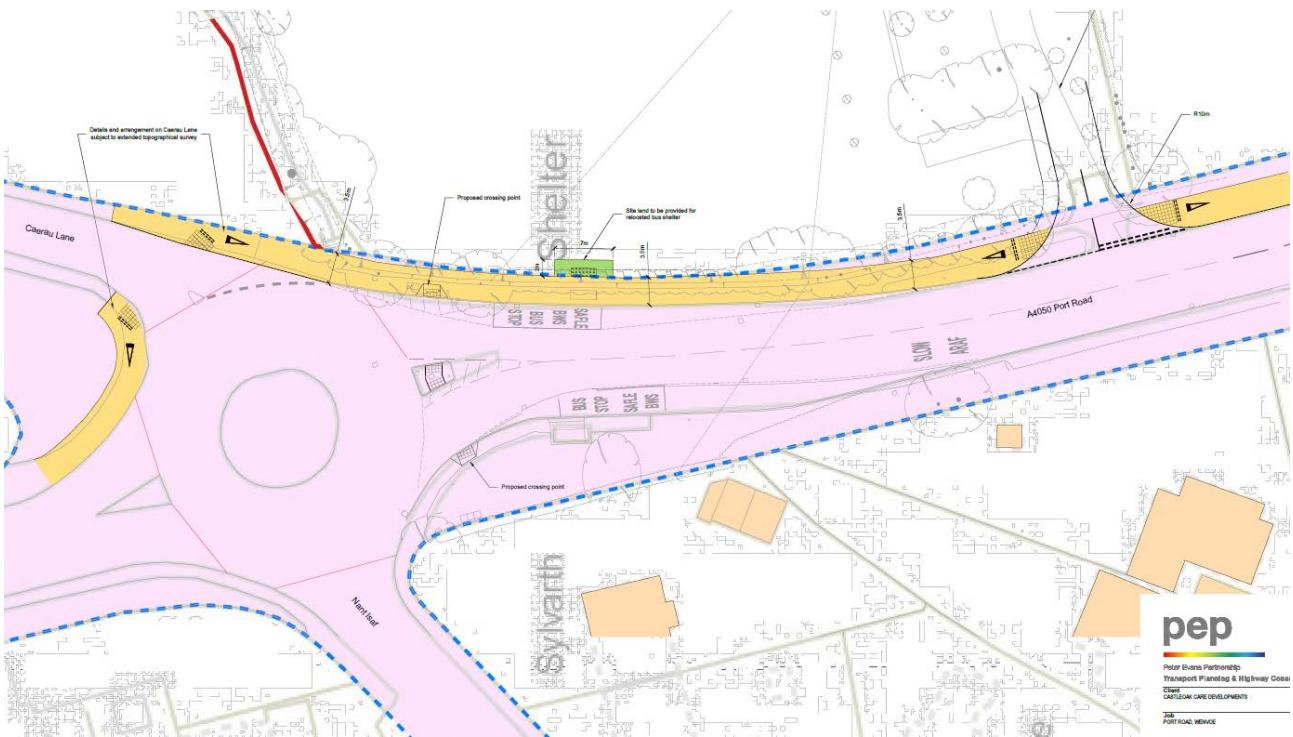
Given the development and staffing numbers, there is a requirement for the submission of a detailed Travel Plan to secure a package of practical measures to encourage and enable staff and all users, the ability to choose alternatives to single-occupancy car-use. Whilst a Travel Plan has been submitted, it needs to be developed further and build upon and the off site footpath improvements set out below, which shall be secured by condition (**Condition 11** refers).

## Off Site

As stated above, Port Road is identified under Policy MG16 for a transport scheme for walking and cycling and there is an aspiration that this side of Port Road would have a combined 3.5m wide cycleway and footpath. The majority of the existing hedge line falls within the adopted highway, although some small sections fall within the application site. Furthermore, the area shown to provide space for a new shelter to the rear of any new cycleway and footpath, would be wholly within the application site.

During the application process significant discussions took place in respect of the scope of the off site works. In respect of the cycleway and footpath, it is agreed that the development would safeguard the route, albeit the majority of which is adopted highway. The amended plans show the land to be safeguarded within the site for a bus shelter and the scheme of landscaping has been designed to reflect this. The applicant has agreed that the additional land required for the bus shelter can be dedicated to the highway authority, the mechanism for this would be by legal agreement as discussed in detail below.

In respect of other works, there is already an existing crossing point from the east side to the west side of Port Road, (to the north of the roundabout) that can be used to get access to/from Wenvoe and bus stops. Whilst the crossing point would facilitate safe access to the other side of Port Road, it has been agreed that a new, more direct crossing point be proposed to the south of the roundabout, fronting the site. This would provide a more direct crossing point to link to Wenvoe and bus stop on the west side of Port Road, as shown indicatively below:



In addition to the above, the highway authority have requested dropped curb crossing point across Caerau Lane, to facilitate access for all users which will link the site via the existing crossing to the hotel and public house/restaurant. The agent has agreed to the provision of these works which are set and below and required under the S106 agreement.

More generally no highway objections have been raised by the Highway Engineer, subject to conditions to ensure that the above works are carried out, although these off site works would be by way of a separate Section 278 Agreement with the Highway Authority as secured by a S106 agreement and the works shall be completed before the care home operates.

In addition it is requested that a Construction Management / haulage route plan is submitted which should form part of the wider CEMP as requested below.

### Environmental Impacts

With regard to demolition of the existing dwelling and outbuildings and construction of the care home, whilst the Environmental Health Officer has not requested a Demolition, Construction and Environmental Management Plan (CEMP) given the scale of the development proposed and the proximity of the site to dwellings and the potential impacts on the A4050 (Port Road) a CEMP is necessary (to include construction traffic) and shall be secured by condition, to be submitted prior to the commencement of any works on site (including demolition) (**Condition 12** refers).

The comments made by the Specialist Services Officer are noted and following the submission of a gas survey monitoring, there are no measures needed in relation to the ground gases methane and carbon dioxide. Conditions have been requested in relation of unforeseen contamination, importation of soils and aggregates and an advisory note in respect of contamination and unstable land, which shall be secured by condition (**Conditions 13 and 14** refer).

## Drainage, Flood Risk and utilities

Welsh Water (DCWW) were consulted and have stated that capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site.

DCWW have also advised that the development requires approval of Sustainable Drainage Systems (SuDS) features, and it is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB). They have also requested Advisory Notes be included to advise the applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer.

The Council's Drainage Team in their role as the SuDS Approval Body (SAB) have stated that having reviewed the drainage strategy their only comment would be that the flood mapping used in the document has since been revised and whilst the site does have small areas at high risk of surface water flooding, the overall picture is reduced when compared to the previous mapping. As such there are no concerns regarding flood risk to the site.

It is also advised that there are no major concerns with the proposal from a SAB perspective. However the applicant shall be advised by way of an informative of the need to submit an application for separate approval to the Sustainable Drainage Approving Body (SAB) that must demonstrate compliance with the statutory standards.

The comments made by Wales & West Utilities are noted in that there are pipes in the area and their apparatus may be affected and at risk during construction works. In line with their comments, an informative shall be added stating that the need to contact them directly to discuss requirements in detail before any works commence on site.

## Archaeology

The comments made by Glamorgan Gwent Archaeological Trust state that there are no known archaeological sites within the proposed development area, however, Greave Round Barrow, a Scheduled Monument (Cadw reference GM183), is located approximately 140m to the southeast. They advise that there is some potential that archaeological remains, artefacts in particular, are present and that the foundations and services to the development are likely to impact upon the archaeological resource during the course of the proposed development. They have therefore recommended that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted (**Condition 15** refers).

## Planning Obligations

Development Plan Policies and Supplementary Planning Guidance (SPG) on Planning Obligations provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan.

The proposed care home would be considered under the thresholds set out for commercial development and officers have considered the need for planning obligations based on the policy framework; the type of development proposed; 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.

These are summarised here:

- Sustainable transport - **£87,400** (less costs of off-site highway works)
- Public open space – **Full provision delivered on site**
- Public Art – **1% build costs**
- Training and Development - **7 trainees or £8,785.**

### **Sustainable Transport**

Local and national planning policies emphasise the need for development proposals to be accessible by types of transport other than the private car. Technical Advice Note (TAN) 18 'Transport' (March 2007) allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport (see paragraph 9.20). Chapter 4 of Planning Policy Wales (Ed 10) places a significant emphasis on the need to ensure that development proposals:

- are in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling (see paragraph 4.1.9).

Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport effects through the provision of off-site measures.

LDP Policies SP1, MD2, MD5 favours proposals which minimise the need to travel, especially by car, and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. LDP Policy MD2 and MD5 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.

The Council's adopted Planning Obligations SPG sets out a requirement of £2,300 for every 100 square metres (sqm) floor space and therefore a floorspace of 3881.3 sq. m. would require a contribution of **£87,400.**

The applicant in discussions with the Highways Consultant and Highways Officers has agreed that the sustainable transport contribution could be made towards the future extension of the cycleway along Port Road as and when this will be implemented.

As stated above, plans have been prepared which clearly demonstrate that the care home can be constructed whilst safeguarding land for the provision of a 3.5m wide cycleway along the site frontage, and that this cycleway can be accommodated wholly within existing Highways Authority land and that only a small additional area of land under Castleoak's control is needed in order to accommodate the relocation of bus shelter to the

back edge of the new cycleway. The additional land required for the bus shelter can be dedicated to the Highways Authority if and when required and secured by agreement.

The applicant is agreeable to this mechanism for the future delivery of the cycleway and is therefore able to confirm that the request for £87,400 is acceptable.

In discussion with the Highways Authority, it has also been agreed that the crossing improvements over the A4050 for residents of Wenvoe who will wish to access to the newly located south-bound bus stop, in addition to the crossing point over Caerau Lane, will be delivered. The identified crossing points are necessary to make the development acceptable and would need to be in place prior to the first beneficial use of the building. Therefore the contributions required would equate to £87,400 less the cost of the off site highway works which has been agreed by the applicant.

## **Public Open Space**

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management". Developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of users/employees. Open space offers opportunities for sport and recreation and also helps to improve visual amenity. The developments would usually be expected to provide provision on site, based upon 16 sqm per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area.

Public Open Space - Open space, including open space of public value, can act as a visual amenity, and may have conservation and biodiversity importance. Provision of public open space is important for people's health and wellbeing. The provision on site would be expected to provide 16sq.m. per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area. Off-site payments will be calculated on the basis of £1,100 per person of those not catered for through on-site provision.

The proposed care home includes the delivery of extensive landscaped gardens that are designed for use by the future residents and staff alike. Owing to their age, frailty and cognitive impairments such as dementia, the residents of the care home are not physically able to engage in any off-site sport or recreational activities such as bowling or tennis and of those that are able to venture outside, their level of activity is generally limited to supervised walks, wheelchair visits to the garden or simple supervised gardening tasks. It is recognised that the open space demands of the residents would be less than the general population.

In terms of the staff, the maximum number of staff on-site at any one time is expected to be around 30. With the home operating 24 hours a day, the average number of staff per shift is around a third of this, albeit staff numbers during the day are higher. Based upon a maximum of 30 staff on-site at any one time, this would equate to 480 sq m of open space. Even if 70 residents are added at an additional 16 sq m per person, this would equates to a total of 1,600 sq m of open space. Taking out any areas of incidental open space, and footways adjacent to the access, etc. the proposed care home has 2,950 sq m of public open space which is accessible to staff and residents. On this basis the provision

can be met on site and no additional on-site open space is required or any financial contribution.

## Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance of public art in creating and enhancing "individuality and distinctiveness" on development sites and in villages, towns and cities. Simply put, public art is an important part of achieving design quality. In July 2003, the Council introduced a 'percent for art' policy which is supported by the Council's adopted Public Art SPG. It states that, on major developments, developers should set aside a minimum of **1% of their project budget** specifically for the commissioning of art. As a rule, public art should be provided on site so that it is integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

The agent has confirmed that the applicant is open to incorporating public art into the development based on the percentage value above and would welcome a discussion as to how this may be provided and where and would be happy to accept a planning condition (as suggested in the SPG) requiring that a scheme of public art will be commissioned and approved in writing and then installed.

## Training and Development

The development of skills and education in an economy are essential to maximising employment opportunities, achieving 'A Prosperous Wales' (Planning Policy Wales) and ensuring that people secure decent work and enjoy a better quality of life. Training local residents to be able to apply for some of the new job opportunities helps to create sustainable communities. On major developments, the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. A developer may provide this training on an application site. Alternatively, to boost local economic development through training, a development may make a contribution to the Council. The Council would require one trainee (or off-site contribution of £1,255) per 500 sq m of new floor space. In this case, based on a floor area of 3881.3 sq m would yield a contribution of **7 trainees or £8,785.**

The applicant has confirmed that Castleoak are committed to skills development within its team, supply chain, the specialist care and extra care housing sector, and the wider communities where it works. Castleoak supports initiatives that offer quality apprenticeships and sponsor students on structured industry training programmes, both academic through Universities and vocational through NVQs.

Whilst it is noted that the applicant has initiatives to support training and apprenticeships and sponsorship, this can be considered if appropriately evidenced against the contribution sought and shall be secured by agreement.

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.

## RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of eighty seven thousand four hundred pounds (£87,400) to contribute towards the provision of sustainable transport facilities in the vicinity of the site, which will in part be used to provide pedestrian crossing points over the A4050 (Port Road) and Caerau Lane.
- To safeguard and dedicate additional land required for the bus shelter, cycleway footway to the Highway Authority.
- The developer shall commission public art of the value of 1% of the project budget.
- The developer shall pay the sum a contribution of £8,785 or provide costed evidence of training for 7 trainees

## 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:

Transport Statement - October, 2019

Travel Plan - October 2019

186/3579/1 - Topographical Survey

Arboricultural Survey And Planning Integration Report - 21 October, 2019

Archaeological and Heritage Assessment - September, 2019

Design and Access Statement - October, 2019

Drainage Strategy and Flood Risk - July, 2019

Preliminary Geoenvironmental and Geotechnical Assessment - November, 2017

Ecological Appraisal - October, 2019

Landscape and Visual Appraisal

Proposed Site Layout: Dwg. No. 01001 Rev P10 received 25/02/2020

Proposed Ground Floor Plan: Dwg. No. 02001 Rev P9 received 25/02/2020

Proposed First Floor Plan: Dwg. No. 02002 Rev P9 received 25/02/2020

Proposed Second Floor Plan: Dwg. No. 02003 Rev P8 received 25/02/2020

Proposed Elevations (Sheet 1 of 2): Dwg. No. 01002 Rev P7 received 25/02/2020

Proposed Elevations (Sheet 2 of 2): Dwg. No. 01002a Rev P7 received 25/02/2020

2306-HIA-ZZ-XX-DR-A-01004-Location Plan-S3-P2 received 11/09/2020

2306-HIA-ZZ-XX-DR-A-01001-Proposed Site Layout-D0-P11 received 11/09/2020

Updated Landscape & Boundary Plan - Glenburnie, Wenvoe - Detailed Soft Landscape Proposals With Proposed Cycleway (Rev B) received 11/11/2020  
Noise Impact Assessment - AC104494-1r3 received 12/11/2020  
Highways Improvements Plan - 2995.07 received 13/11/2020

Amended Planning Statement  
Existing & Proposed Visualisations (High Res)  
Amended Needs Assessment Report Final  
Care Needs Assessment Addendum - July 2020

Reason:

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

3. Notwithstanding the submitted details, and prior to their use on site samples of all materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial use.

Reason:

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

4. All the trees and hedges shown on the landscaping plan and Arboricultural Survey shall be protected by strong fencing in accordance with the details set out within the Arboricultural Survey and the protective fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development (including any demolition or site clearance), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

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

5. Prior to the commencement of development, a Biodiversity Strategy must be submitted to, and approved in writing by the LPA. The Biodiversity Strategy shall ensure that biodiversity is maintained and enhanced and that no offences are caused during either the construction or operational phases. The Biodiversity Strategy should include, but not be specifically limited to:-

- Detailed site clearance methodology, including protection measures for reptiles and hedgehog.
- Timing of the works.
- Outline details of replacement bat roost
- Enhancement measures for biodiversity
- Methodology for dealing with invasive plant species
- Pollution prevention measures to protect the watercourse during the construction works
- Provision of bird boxes as part of the enhancement (minimum 23)
- Native tree and shrub planting to replace lost habitat. Trees to be replaced at 2:1

Reason:

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

6. No removal or clearance of any of the existing roadside vegetation shall be commenced until a Dormouse Conservation Plan/Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan/Method Statement should include:

- A plan showing habitat to be lost/habitat to be created/areas to be retained which should identify the extent (including width of replacement planting corridors) and location on appropriate scale
- Details of protective measures to be taken to minimise the impacts on dormice during vegetation clearance, including actions to be taken in event dormice and/or their nests are found
- Details of timing, phasing and duration of construction activities and conservation measures
- Details of the planting for the replacement habitat to include translocation of existing hedgerow vegetation to be removed and use of native species of local provenance for any new planting
- Timetable for implementation
- Details of initial aftercare and long-term maintenance and management

The Dormouse Conservation Plan/Method Statement shall be carried out in accordance with the approved details.

To ensure that an approved Dormouse Conservation Plan/Method Statement is implemented, which protects dormice that may be affected by the development.

Reason:

To ensure that an approved Dormouse Conservation Plan/Method Statement is implemented, which protects dormice that may be affected by the development and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

7. No development (or any site clearance / demolition) 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 the amenities of the 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. Except for the southern boundary of the site, the building and site must be developed in line with the detailed mitigation measures as set out on the Noise Impact Assessment dated 12th November 2020 and as shown on the Detailed Landscape & Boundary Proposals With Proposed Cycleway. All mitigation measures shall be completed before the use of the building begins and thereafter retained in perpetuity.

Reason:

To safeguard the amenities of the residents and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

9. Notwithstanding the submitted plans, prior to construction (including any demolition or site clearance) a 2.5m high acoustic fence shall be installed along the southern boundary of the site, along the line shown in the Detailed Landscape & Boundary Proposals With Proposed Cycleway, which shall thereafter retained in perpetuity.

Reason:

To safeguard the amenities of the adjacent residents during construction and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. The building shall not be occupied until the parking, cycle parking and associated access and turning areas have been laid out on site in accordance with the approved plans and the approved layout shall thereafter be kept available for the parking of vehicles / cycle parking in perpetuity.

Reason:

To ensure that satisfactory vehicle and cycle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the submitted Travel Plan, prior to the commencement of the development hereby approved, a detailed Travel Plan shall be prepared to 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 completed 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.

12. 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 and haulage routes;
- 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;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

13. Any aggregate (other than virgin quarry stone) or recycled aggregate or 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.

14. 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.

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

Reason:

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

16. The development shall not be brought into use until such time as the off site highway works relating to pedestrian crossing points over the A4050 (Port Road) and Caerau Lane have been fully completed.

Reason:

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

17. The development shall be used as a care home and for no other purpose (including any other purpose in Class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) 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, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD7 - Environmental Protection MD8 -Historic Environment and, MD14 - New Employment Proposals, it is considered that the material considerations and more up to date guidance as set out in Planning Policy Wales Edition 10, would in this instance, based on the application and the supporting documents, override the fact that the proposed development would not be wholly in accordance with the policies contained within the Development Plan. On this basis the proposed care home, in terms of its siting, design together with landscaping proposal, would not have an unacceptable effect on the countryside. The proposal is also considered acceptable in respect of the impacts on access and parking, neighbouring amenity, ecology, drainage and archaeology.

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.

**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. Wales and West Utilities has pipes in the area. Their apparatus may be affected and at risk during construction works. The promoter of these works to contact them directly to discuss their requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
5. 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.
6. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

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

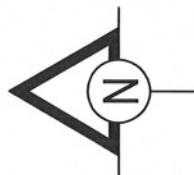
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual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

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

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

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

**NOTES**  
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2019/01177/FUL



P2	1/00/20	Red line extended to include site access	FSW	RSW
P1	02/01/19	Preliminary Issue	FSW	RSW

Rev Date Description Drawn Checked By By

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Project:  
Proposed Care Home  
Sanderstead Port Road  
Worthing  
BN15 9AB  
Client:

Drawing Title:  
Location Plan

**For Review and Comment**

Ref Project Number	1:1250	Scale @ A3	S3
Project	Originator	Values	Type

2306 - HA - ZZ - XX - DR - A - 01004

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VISUAL SCALE 1:1250 @ A3