

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **24 MARCH, 2021**

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.

2019/00968/FUL Received on 13 September 2019

APPLICANT: Mr. S. Howes, Porthkerry House, Porthkerry, Vale of Glamorgan, CF62 3BZ

AGENT: Mrs. Arran Dallimore, C2J Architects and Town Planners, Unit 1A, Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

Porthkerry House, Porthkerry

Proposed construction of pool house and enclosed terrace

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because there is a dual recommendation for the refusal of the application and the authorisation of enforcement action.

EXECUTIVE SUMMARY

The application relates to Porthkerry House, Porthkerry, and in particular to an existing pool located to the south-west of the dwelling.

Retrospective consent is sought for the retention of a poolhouse and raised terrace. No neighbouring comments have been received. However, an objection has been received by the Woodland Trust due to the impact of the works on a tree which forms the part of an ancient woodland.

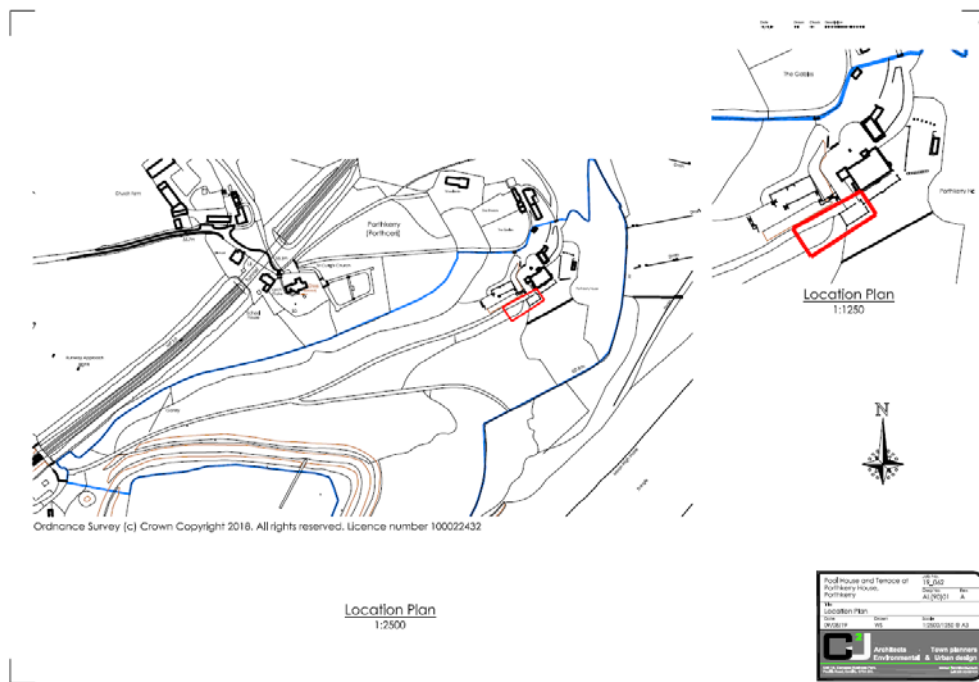
Due to the concerns for the tree, a Tree Preservation Order has been placed on the tree to ensure its protection whilst determining this application.

The recommendation is for refusal, with dual consent to also seek enforcement action, due to the harmful impact of the terrace on the tree.

SITE AND CONTEXT

The application relates to Porthkerry House, a large detached property located outside any defined settlement boundary. The house itself is of historic interest and is a registered County Treasure.

To the south-west of the property is a pool house, which forms the basis of this application. The site is located within a 'category 2 area' for safeguarding sand and gravel and also Limestone. In addition, it is located within a broadleaved woodland habitat site (broadleaved woodland is a term used within Natural Resources Wales guidance for referring to ancient woodland) and is within the Green Wedge which separates Barry and Rhoose.



The site is also located within and adjacent to an area of identified restored ancient woodland as defined by Natural Resources Wales (shown marked with trees) in the extract from their 'Lle' mapping system is shown below:



DESCRIPTION OF DEVELOPMENT

Retrospective permission is sought for the retention of a pool house and enclosed terrace.

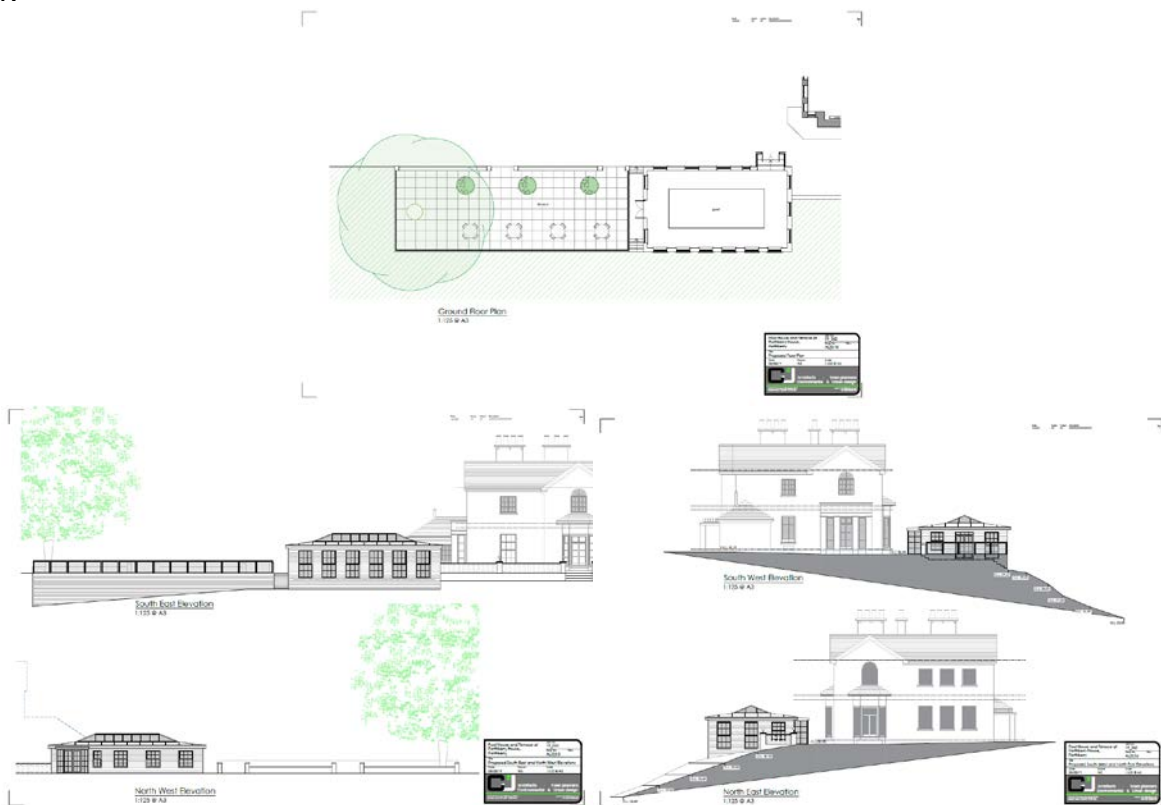
The pool house is approximately 7.6m deep (not including a modest porch) and approximately 13m wide. The height to the eaves is approximately 3.2m, whilst the height to the top of the lantern is approximately 4.8m.

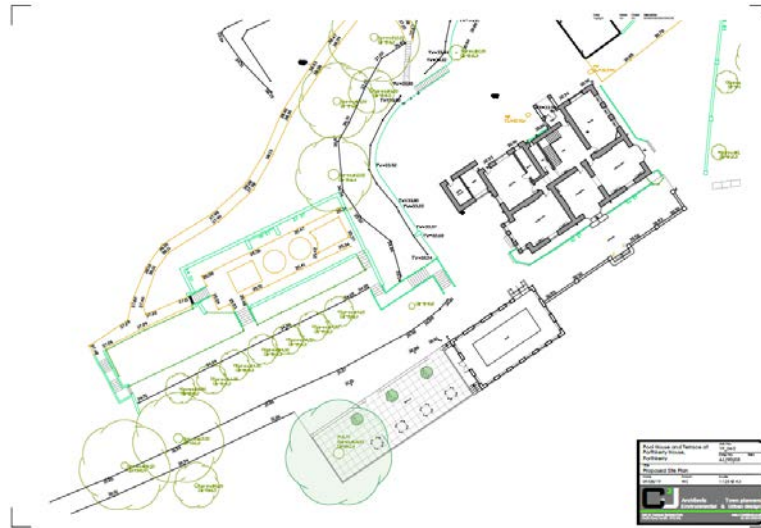
The terrace matches the depth of the pool house and is approximately 22m wide. Due to the sloped nature of the ground, at its tallest, the terrace is approximately 2.8m above ground level.

Before:



After:





The protected tree is denoted by the canopy on the plans above, located towards the western part of the terrace.

PLANNING HISTORY

There is no relevant planning history.

CONSULTATIONS

Glamorgan Gwent Archaeological Trust (GGAT) were consulted and commented to state that the works were unlikely to encounter any unexpected significant archaeological features.

The Council's Ecology Officer was consulted and to date, no comments have been received.

Rhose Ward members were consulted and to date, no comments have been received.

The Council's Shared Regulatory Services Section were consulted and requested an informative relating to unforeseen contamination.

The Woodland Trust were consulted and **objected** to the proposals on the grounds that it encroaches into designated restored ancient woodland and as such, constitutes loss of ancient woodland. They also stated:

There is concern that no tree survey is provided to enable understanding of the impacts of the proposal such as root severance from footings for the boundary wall and compaction from the surfacing. Moreover, as this tree constitutes the leading edge of the restored ancient woodland there is also an increased risk to its continued healthy existence and long-term retention from those using the new developed area.

Following receipt of a tree survey, the Woodland Trust further commented:

There is likely to be 'an unknown, but likely significant level of damage has occurred to T1 from the construction of the raised terrace area' as stated within the Arboricultural Report. The impact of the terrace would be dependent on where the roots were and their condition

prior to the works, and raising the ground level around the trunk and root severance is likely detrimental.

Our conservation advisor did not feel that the pruning of the tree (paragraph 4.1.3) was necessary, and couldn't find any detail on the southern stem to confirm if the crack referred to was significant.

In terms of mitigation, the Trust would recommend that the terracing within the root protection area of the tree is removed to hopefully counter any damage caused. However, if the tree significantly declines due to damage from the works, then a 3:1 replacement planting ratio is recommended. This is outlined in the Trust's recently published Emergency Tree Plan (pg. 15), and ideally the new trees should be native species.

REPRESENTATIONS

The neighbouring properties were consulted on 17 September 2019. A site notice was also displayed on 4 October 2019. To date, no comments have been received.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG18 – Green Wedges
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD12 - Dwellings in the Countryside

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

6.4.26 Ancient woodland and semi-natural woodlands and individual ancient, veteran and heritage trees are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory.

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.

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 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- County Treasures
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018) – in particular the following extracts:

5.8.1. Ancient woodlands in Britain are those which have been continuously wooded for a minimum of three to four hundred years, (although not necessarily with the same type of tree cover). They are frequently very diverse and will often also contain rare or unusual species. They may also have historical and archaeological significance due to the low level of physical disturbance. Ancient woodland is therefore an irreplaceable resource and is protected through Welsh Government policy. If you are proposing works to any woodland you should check whether it is categorised as ancient woodland before commencing work.

5.8.3. Mature and veteran trees are trees which are of biological, cultural or aesthetic interest by virtue of their age, size or condition. Generally a tree which is a minimum of 200 years old is considered to be a veteran or mature tree; however the precise age of a tree can be difficult to attain. Therefore, trees with a combination of the following characteristics are likely to be defined as mature or veteran trees:

- Girth large for the tree species concerned
- Major trunk cavities or progressive hollowing
- Naturally forming water pools
- Decay holes
- Physical damage to trunk
- Bark loss

- Large quantity of dead wood in the canopy
- Sap runs
- Crevices in the bark, under branches or on the root plate sheltered from direct rainfall
- Fungal fruiting bodies (e.g. from heart rotting species)
- High number of interdependent wildlife species
- Epiphytic plants
- An 'old' look
- High aesthetic interest

5.8.5. Due to the biological and historical interest mature and veteran trees have, they are considered to be irreplaceable. Therefore, they cannot be adequately mitigated or compensated in relation to development proposals, consequently, the conservation and protection of these types of trees is the only means to secure them for the future. In all cases proposed development should avoid works to veteran and mature trees to ensure they are appropriately protected. The Woodland Trust's Ancient Tree Inventory (<https://ati.woodlandtrust.org.uk/>) is a good resource to help developers identify if a tree is protected, where developers are unsure of the identification of a tree, advice should be sought from an ecologist consultant or arboriculturist consultant to certify whether the tree is considered to be a veteran or mature tree.

13.1.1. In determining planning applications, the Council will consider the likely effect of the development on existing trees and the overall landscape as a material consideration, with due regard to the policies of the LDP and this SPG. The Arboricultural Impact Assessment and other detailed information submitted in support of the application including drainage plans and details of other underground works will be an important aspect in assisting the Council to evaluate the balance between tree/landscape losses and gains thus providing a basis for determining appropriate planning conditions.

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the visual impact as well as the potential impact upon the amenity of neighbouring residential properties and the ancient woodland.

Design and Visual impact

The pool house is located to the south-west of the property and is visible from the footpath to the south, albeit this is at a distance. The pool house and adjoining terrace are not of a

modest scale, however, when viewed in relation to the wider property, it is considered that the development does not have an unacceptably pronounced visual impact within this context. As such, it is considered that the proposal, in terms of its design and visual impact, complies with policy MD2 of the Council's LDP.

In addition, the proposal (in terms of the design and character of the operational development) does not harmfully impact the character of the dwelling, or that of the countryside and, therefore, it is considered that the proposals comply with policies SP10, MD8 and MD12 of the Council's LDP.

Policy MG18 states that development within green wedges cannot prejudice the open nature of the land. In this instance and when considering the wider context, there would be no detrimental impact on the wider green wedge. The proposal therefore complies with policy MG18.

Parking

The proposal has no impact on existing parking provision and does not result in an increased demand.

Amenity space

The proposal does result in the loss of a modest amount of amenity space. However, it is considered that the remaining amenity space is sufficient to serve the needs of the occupants.

Impact on ancient woodland

Part of the site is identified as being part of a restored ancient woodland, as per NRW's inventory. The woodland as a whole is not protected by a Tree Preservation Order (TPO). Satellite imagery would suggest that some works have taken place over recent years on the trees in the area. The below images show the differences on tree coverage between 2001 and 2021:



The principal issue is the impact of the works on a Holm Oak which is identified as forming part of the wider ancient woodland. The tree has been retained and the terrace has been built around it. A photograph can be seen below:



Given that the tree is part of an ancient woodland, a tree survey/impact assessment was requested to identify the health of the tree, in addition to the impact such a development would have on it. The tree survey identified that the tree was of fair form, with multi-stems. The largest stem measures approximately 750mm in diameter at around 1m above the newly created ground levels. A second, smaller stem is noted to have a significant lean with some evidence of stem failure. Bark damage is also identified, although it is noted that this may have been caused by the works to the terrace. The ground levels around the tree appear to have been infilled with a sand / gravel mix to create a flat terrace.

The report states that an *“unknown, but likely significant level of root damage and soil disturbance”* (page 3) has occurred to the root protection area of the tree from the construction of the raised terrace. The pool house is outside the protection area and therefore, no adverse impact will likely have occurred from this work. The report later states that due to the increase in ground levels around the trunks of the tree, *“in time the trunks will decline due to unnatural anaerobic conditions and cause an adverse impact onto the future health of this tree”* (page 3).

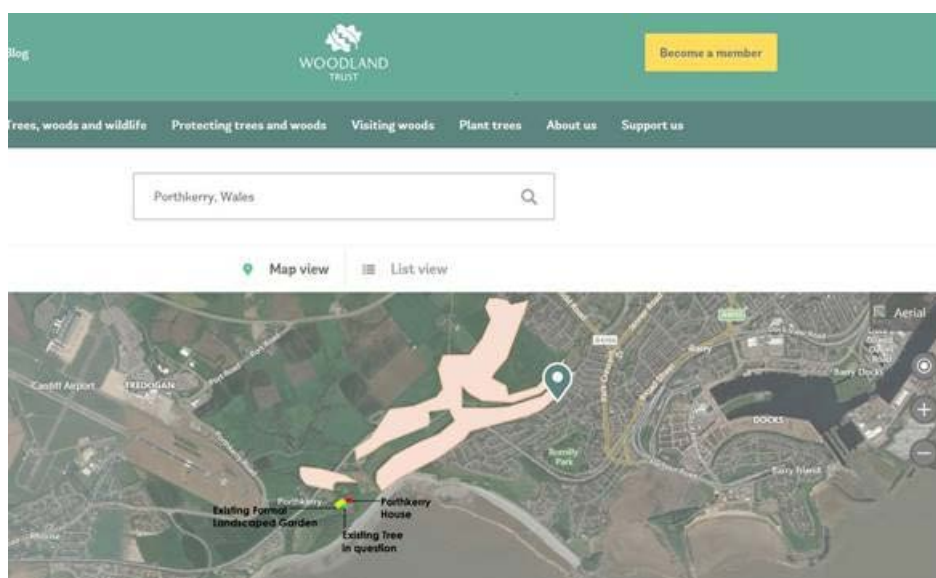
The tree survey has recommended a programme to try and minimise the impact of the works on the tree. This includes hand excavating around the trunks, wrapping the trunks with a hessian material and replacing the infill with perforated tubes and large clean angular stones. In addition, works to tree branches and tree inspections are suggested – in addition to the planting of a new Holm Oak to ensure no net loss should the tree go into decline. The report later states that the roots likely extend some way and that whilst some localised damage may have taken place, with the aforementioned methods carried out there is *“moderate”* chance the tree will tolerate the works.

The tree report was sent to the Woodland Trust for further comment, and they subsequently stated:

“In terms of mitigation, the Trust would recommend that the terracing within the root protection area of the tree is removed to hopefully counter any damage caused. However, if the tree significantly declines due to damage from the works, then a 3:1 replacement planting ratio is recommended. This is outlined in the Trust’s recently published Emergency Tree Plan (pg. 15), and ideally the new trees should be native species.”

Planning Policy Wales states that ancient woodland are irreplaceable and as such, the trees should be protected *“from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits”*. As a result of the concerns raised regarding the impacts on the tree, and the clear policy objectives to protect them, a tree protection order was placed on it in order to ensure no further detrimental works whilst the application was determined. Whilst the tree survey identifies certain works, it is considered that the stated “moderate chance” of tolerating the works is not acceptable/sufficient to demonstrate that there would not be harmful impacts on the tree. It is considered that the only acceptable course of action at this stage would be to remove the development from within the root protection area and whilst this does not guarantee to overcome the damage caused already, it is considered that it may counter any damage caused.

It should be noted that during discussions with the agent, the nature of the tree (i.e. forming part of the ancient woodland) was questioned and a map was submitted by the agent which sought to show that this tree was not ancient woodland as seen below:



However, this map is from the ‘visiting woodland’ section of the Woodland Trust website and does not show the locations of all ancient woodland. NRW holds a definitive record of ancient woodland and the tree is clearly shown to be within this area.

Notwithstanding the above, the applicant has not amended the proposal and it remains for the retention of the works as a whole. The proposed development has treated the tree in a starkly insensitive way and the construction of the terrace has had very little regard to the likely consequences for the health of the tree. It is extremely likely that if left in situ, the development would result in the tree dying. This in turn would cause demonstrable harm to the ancient woodland and would result in the loss of a substantial and historic natural feature. This would have intrinsic environmental and ecological harm, and there would also be harm visually through the loss of such a mature tree.

The development would therefore be contrary to policy MD1 of the LDP (criterion 1, due to the impact on the countryside), policy MD2 (criterion 10 due to the adverse impact on the existing landscaping features and criterion 12 due to the adverse environmental impacts of losing the tree) and Policy SP10 (due to harm to the natural environment/heritage) of the adopted LDP.

It is considered that the proposal would fail to comply with the aims of the Council's SPG and paragraph 6.4.26 of PPW.

Enforcement action

In light of the harm identified above and given that the works have been carried out, authorisation is also required to enable officers to serve an Enforcement Notice to seek the removal of the unacceptable works. This is detailed in the recommendation below.

RECOMMENDATION

1. That planning permission for the retention of the works be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of the terrace that is the subject of this planning application.
 - (ii) The re-instatement of the land within the root protection area to its former condition immediately prior to the commencement of the unauthorised works.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

REASON FOR RECOMMENDATION

1. The introduction of the terrace within the root protection area of the Holm Oak, which forms part of a wider ancient woodland, would be likely to result in the death of the tree and the loss of a substantial historic natural feature. The development would therefore be contrary to policy MD1 of the LDP (criterion 1, due to the impact on the character of this rural site), policy MD2 (criterion 10 due to the adverse impact on the existing landscaping features and criterion 12 due to the adverse environmental impacts of losing the tree) and Policy SP10 (due to harm to the natural environment/heritage) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Trees, Woodlands, Hedgerows and Development SPG and the advice within Planning Policy Wales 11.

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

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.

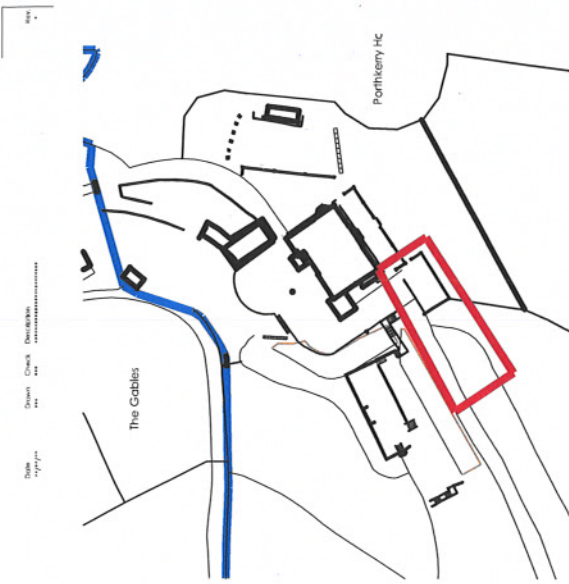
NOTE:

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.



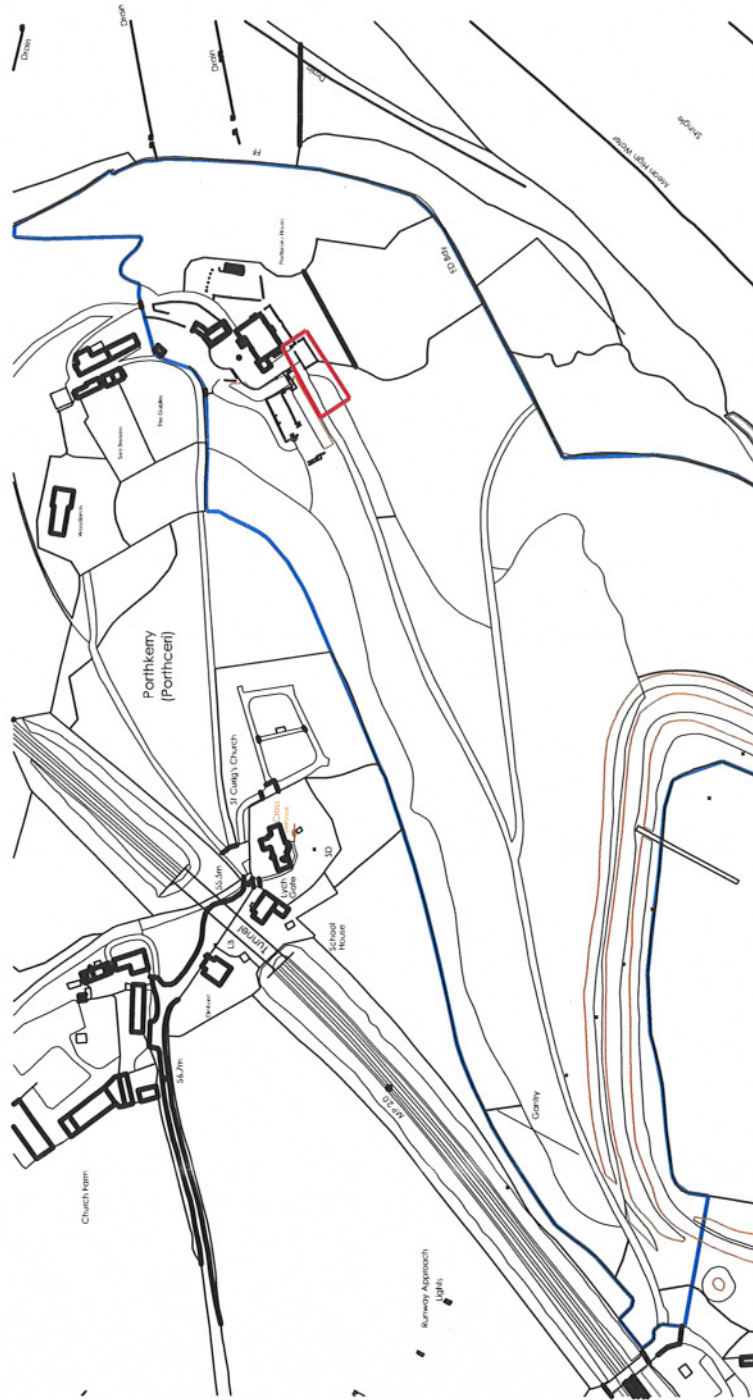
Location Plan
1:1250



Job No	19_062
Draw No	AL(90)01
Rev.	A
Title Location Plan	
Date	07/08/19
Drawn	NS
Scale	1:2500/1250 @ A3

CEJ Architects Town planners
Environmental & Urban design
Unit 16, Garsyas Business Park,
Porthkerry, Cardiff, CF8 6EQ
www.cej-architects.co.uk
01495 742000

2019/00968/FUL



Location Plan
1:2500

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2020/00351/OUT Received on 1 April 2020

APPLICANT: Welsh Ministers c/o Agent

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

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

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

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

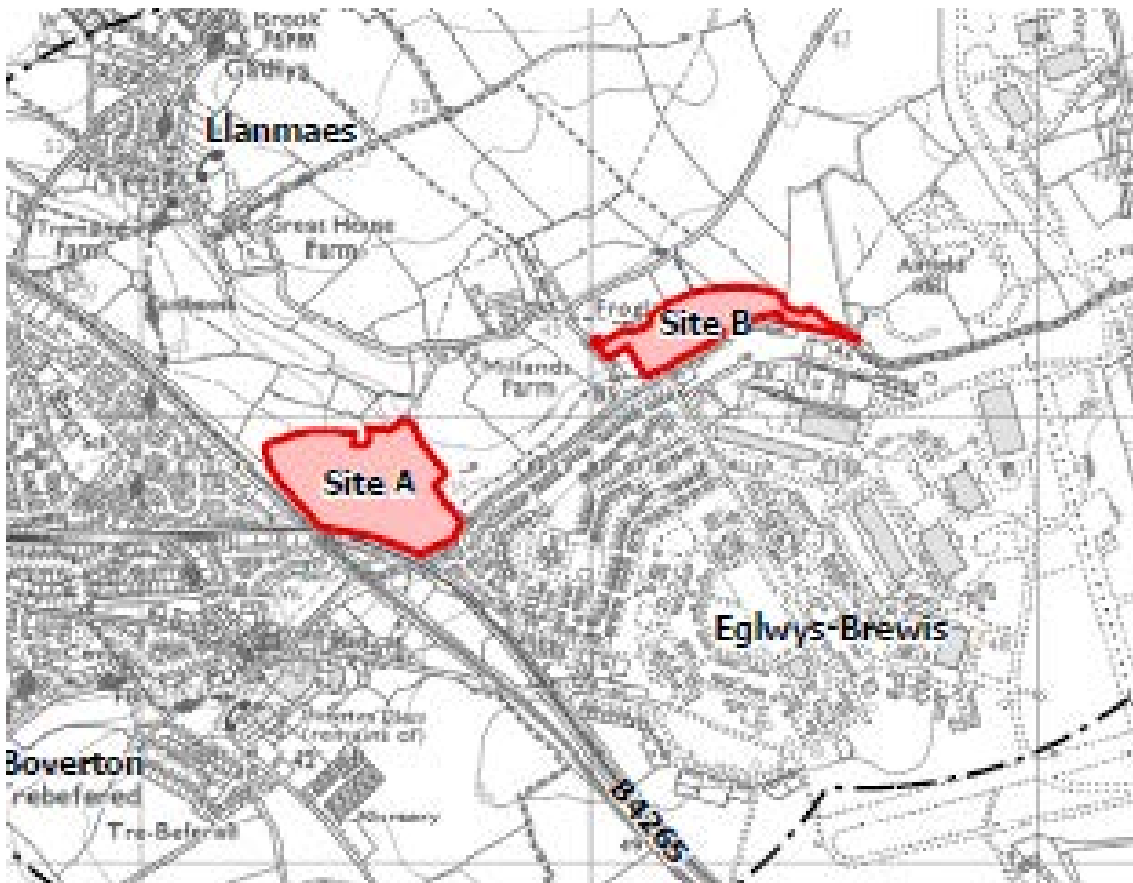
This is an outline planning application (with all matters reserved except 'access') for up to 140 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. The site lies within the settlement boundary of Llantwit Major and a Local Development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

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

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

SITE AND CONTEXT

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



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

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

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



DESCRIPTION OF DEVELOPMENT

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



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

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

CONSULTATIONS

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

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

This is attached as Appendix A

Llantwit Major Town Council object on the following grounds:

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

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

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

Civil Aviation Authority- No representations received.

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

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

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

Cardiff Airport- No objection.

Glamorgan Gwent Archaeological Trust-

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

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

Network Rail- No representations received

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

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

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

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

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

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

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

South Wales Police have provided advice regarding designing out crime.

Cardiff and Vale University Health Board- No representations received.

REPRESENTATIONS

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

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

- Cumulative impacts with other developments

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

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

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

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- The Best and Most Versatile Agricultural Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

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

Welsh National Marine Plan:

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

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

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

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

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

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

Future Wales

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

The principle of the development

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

The density of the development

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

Visual impact of the Development within the Wider Landscape

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

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

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

Impacts on the Historic Environment

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

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

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

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

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

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

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

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



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

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

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

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

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

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

Highway safety

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

Pedestrian connectivity and sustainable public transport matters

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

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

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

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

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

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

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

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

Traffic and congestion issues.

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

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

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

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

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

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

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

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

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

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

Impact on residential amenity of existing residents.

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

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

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

Amenity of the future occupiers of the site.

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

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

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

Drainage and flood risk.

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

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

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

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



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

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

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

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

Ecology

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

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

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

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

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

Test ii) There is no satisfactory alternative.

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

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

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

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

In terms of Test 3, NRW have advised that subject to the measures in the ecological documents being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

The Council's Ecologist has responded to state that the Ecological Appraisal is comprehensive and no objection is raised, subject to compliance with the measures listed in the Appraisal and the production of a Habitat Management Plan (see condition 27).

NRW similarly raise no objection in relation to ecological/species impacts, and they have requested conditions requiring compliance with the submitted ecology documents, and the approval of a lighting scheme and a Landscape and Ecological Management Plan (see conditions 26 and 27). A further condition (28) requires ecological enhancements, such as bird boxes on dwellings. Subject to all of the above, it is considered that the development would accord with Policies MD2 and MD9 of the LDP.

Agricultural land quality.

Most of the land in then site is either non-agricultural of grade 3b- i.e. not Best and Most Versatile land. There are limited areas of grade 2 and 3a, however, they are relatively small pockets and in the case of the western area of 3a, it coincides with the area that must be kept free from development due to the heritage interest. Consequently, having regard to their size, and location relative to the historic resource and surrounding roads, those areas could not realistically or practicably be farmed going forward. It is therefore considered that the development would not conflict with the aims of Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

Trees and hedgerows.

There are no protected trees within the site and, while the main developable area was historically grassed, it is not heavily vegetated with trees or hedgerows. The principle vegetated areas is the wooded corridors at the southern and eastern parts of the site, and

these would be retained outside of the area to be developed with buildings. Only 1 individual tree has been assessed of being of moderate quality, along with three groups around the site perimeter. The rest were of low quality or unsuitable for retention. The development would not be a barrier to the retention of the Category B trees, and while further trees and landscaping would be required as part of an acceptable reserved matters layout, the development as a whole is considered acceptable in respect of arboricultural impacts.

Other points of objection

A common theme within objections and representations from the Community/Town Councils and Local Members is the need to need for local infrastructure to serve the development.

While concern regarding infrastructure generally is understandable, it is likely that the development would help to sustain a number of services, such as shops and services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. Similarly it is considered that it is beyond the reasonable scope of the application to enlarge cemetery capacity. The respective consultees have not raised objections in respect of drainage infrastructure.

While representations have been received regarding the need for the houses, fundamentally the site is allocated, following housing need being assessed thoroughly at the time that the LDP was adopted.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- 35% affordable housing
- Sustainable Transport = £2,300 per unit
- Community facilities= £1260 per dwelling
- Education facilities= The formulae in the SPG would require a contribution of approximately £1,167,780 based on 140 units
- Public Open Space = 16sq.m. per dwelling (less outdoor sport provision as the ward is already sufficiently equipped).
- Public Art – 1%

Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m² of equipped play space and 12.76m² of other play space, per dwelling. This equates to 5898m² of play space, of which 812m² should be equipped. The LEAP shown on the masterplan measures approximately 400m², however, this is indicative and it is considered that there would be space within the site to provide the required 812m². It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that the equipped and other play space can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Llantwit Major:

1 Bed-132
2 Bed-114
3 Bed-42
4 Bed-14
5 Bed-1

Total 303

The applicant has agreed to the provision of 35% affordable housing, which is required by Policies MD4 and MG4. This would be at a ratio of 70:30 in favour of social rented units.

Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. LDP Policy MD4 recognises that it may not always be possible for developers to satisfy all planning obligations, due to development viability.

LDP Policy MD4, paragraphs 7.29-7.30 outline that where a developer contends that the S106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence.

A detailed Viability Appraisal has been prepared by Savills and submitted on behalf of the applicant, which has been reviewed by the Council's Property/Estates Section. This includes development costs and likely sales values. The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and the viability case is accepted as being reasonable and evidenced. That appraisal concludes

that the developer can deliver the required 35% affordable housing, and other financial contributions totalling £1,165,000. The viability is better with this site than Site B (application 2020/00352/OUT) given that there are not such abnormal costs relating to excavation and disposal of material.

Consequently, officers have considered the reduced Section 106 package, and whilst there isn't any comprehensive provision for art or sustainable transport, it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). In particular the Highways Section above deals with the absence of a Sustainable Transport contribution (save for implementing two dropped kerbs on Eglwys Brewis Road).

In such circumstances, it is necessary to consider how the £1,165,000 would be most appropriately used to support local infrastructure. Subject to the necessary provision of play space on site, it is likely that the contribution would be most appropriately directed to education and community facilities. It is considered that it would be most appropriate to retain a level of flexibility in the Section 106 Agreement regarding the future implementation of community infrastructure to support the development. Consequently it is recommended that a Section 106 Legal Agreement specifies the amount of £1,165,000 (less the cost of the two dropped kerbs referred to above) shall be paid to provide community infrastructure in the vicinity of the site, serving the development. In this case 'community infrastructure' would mean 'Facilities or services to meet the needs of the residents of the development in respect of education, community facilities and/or public open space'. This would enable the areas of most critical need to be addressed at that time, taking into account other funding streams which may become available and having regard to Local Ward Member protocols.

In accordance with Welsh Government's advice regarding development viability, officers have also considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach (in principle) was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. However, that development was for up to 253 dwellings, whereas this proposal is for up to 140 dwellings. The submitted viability appraisal states as follows:

"We have assumed that construction works will be undertaken over a period of 26 months. We have assumed marketing will commence 6 months after construction commences and have assumed a sales rate of 3.5 open market sales per calendar month. The sales period extends to 26 months. The total development period is 32 months."

Consequently it is considered that a reasonable period for the review point to be contained in the legal agreement is 32 months.

The above rationale does not infer that contributions towards these matters are not justified and the viability review would ensure that any upward improvements in viability would be paid to the Council

RECOMMENDATION

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

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

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

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

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

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

WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

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

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

Reason:

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

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

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters

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

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

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason :

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

21. Any topsoil (natural or manufactured) or subsoil, and any aggregate (other than virgin quarry stone) or recycled aggregate to be imported (and any site won material including soils, aggregates, recycled materials) shall be assessed for chemical or

other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

25. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:
- 'Site A (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
 - 'Site A (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
 - Drawing A093950-14[B]13a_rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment. 013A' by White Young Green dated March 2020.

Reason:

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

26. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used
 - Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
 - Details of lighting to be used both during construction and/or operation

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

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

Reason:

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

27. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
 - Details of the desired conditions of features (present and to be created) at the site
 - Details of scheduling and timings of activities
 - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition

- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

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

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

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

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

NOTE:

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

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

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.



Llywodraeth Cymru
Welsh Government

Llanmaes -
Site A & Site B

Site Location

LA.01

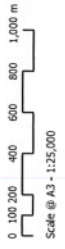
2020/00351/OUT



North

Key
Site Boundaries

Buffer at 1 km intervals from the site



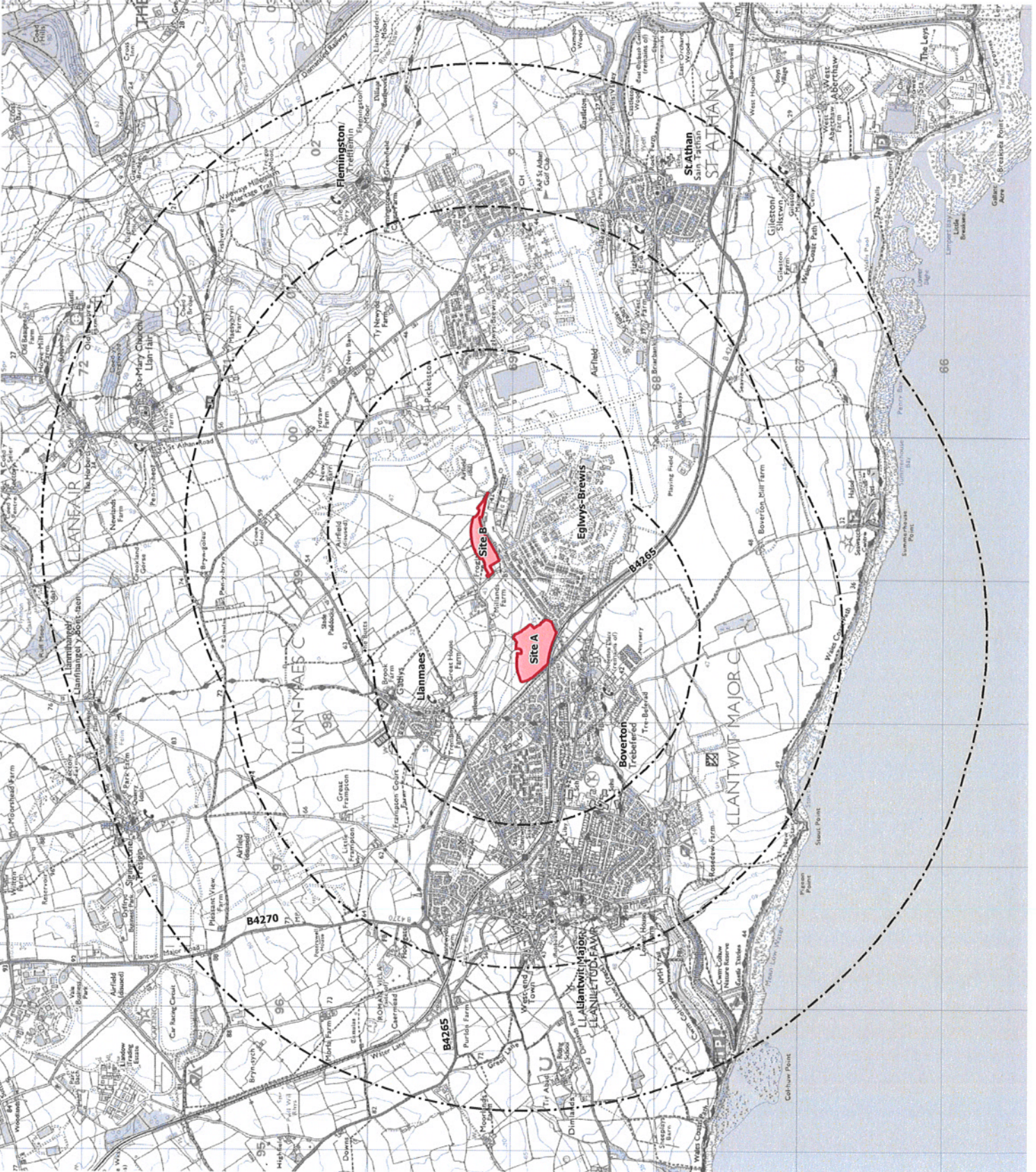
A093950-14-LA-01 Site Location.mxd

May 2019

5th Floor, Longcross Court, 47 Newport Road, Cardiff CF24 0AD

+44 (0)29 2082 9200 cardiff@wyg.com www.wyg.com

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APPENDIX A



Cyngor Cymuned Llanmaes
Llanmaes Community Council

Clerk: Apartment 2 Alexandra House,
2 Beach Road, Penarth. CF64 1FN

Ffon/Phone: [REDACTED]

E-Bost/E-Mail [REDACTED]

20 April 2020

Dear Sirs

Planning Application No. 2020/00351/OUT

Location: Land east of B4265 – Site A, Western Parcel, Llanmaes

Permission for residential development of up to 140 homes and associated development.

Planning Application No. 2020/00352/OUT

Location: Land north of West Camp – Site B, Eastern Parcel, Llanmaes

Permission for residential development of up to 100 homes and associated development.

Llanmaes Community Council submit their **OBJECTION** to the above two residential developments and request that the same arguments and comments are used when considering both planning applications.

Llanmaes Community Council submit the following reasons for their opposition to the proposals.

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology

1. Scale of the two developments and loss of open countryside

The village of Llanmaes is a small rural settlement with approximately 150 dwellings, 20 out-lying properties and 30 residential park homes at Millands. **The building of an additional 240 houses in “open countryside” will extend the boundary of the village and will have a detrimental effect on the rural aspect of Llanmaes, as well as being ‘out of proportion’ in relation to the size of the village.**

A significant part of the village is designated as a Conservation Area within the Vale of Glamorgan’s Llanmaes Conservation Area Appraisal and Management Plan (2009). Although the proposed developments are outside of the Conservation Area, they do have an impact on the short and long views into and out of the village. The Appraisal and Management Plan recommends that *“The Council will seek to ensure that all development respects the important views within, and from the Conservation Area. The Council will seek to ensure that these views remain protected from inappropriate forms of development.”* **The Community Council believe that these developments would contravene that undertaking.**

2. Sewerage and Foul Water System

The current sewerage and foul water system in the village is insufficient and causes overflow problems on an annual basis. An additional 240 houses will considerably overburden the current system.

3. Impact on the Local Infrastructure

An additional 240 houses will have a detrimental effect and overload the infrastructure of the local area. There are no planned increased amenities to cater for these extra houses with regard to schools, health facilities etc.

4. Flood Risk

Llanmaes Village and surrounding area has been subject to severe flooding for over 20 years and the village is about to have a flood alleviation scheme implemented following extensive modelling of dynamic flows through the village and its environs. The impact of the proposed developments has not been part of the assessment and modelling process and could have a detrimental impact on the proposed Llanmaes Flood Alleviation Scheme and the downstream Boverton Flood Alleviation Scheme.

Assessment of Flood Risk on the Application Form states that the proposal does not increase the flood risk elsewhere – where is the evidence to support this statement?

5. Ecology and Wildlife

The surrounding countryside is rich in wildlife and protected species, with fish and eels using the stream and a badger sett in the vicinity. Again, the application form is misleading as it states there are no designated sites or important habitats on the development sites. The Council would argue that the applicant has not submitted enough information to reassure they have carried out thorough research.

6. Archaeology

The Community Council are pleased to see the acknowledgement of the extensive archaeological findings in and around the development areas. However, there appears to be the assumption that no further discoveries are likely during the development. The Council believe there is the potential for further archaeological findings to be discovered on both sites but there seems to be no plan for on-site monitoring during the construction phase.

One final comment – the Council would ask that in considering both these applications, the Vale of Glamorgan Planning Committee take into account, the fact that the construction of the Claire Garden Village development in Cowbridge has been stopped as the houses were not selling!

Yours faithfully

Clerk
Llanmaes Community Council

APPENDIX B

From: Katia [REDACTED]
Sent: 18 April 2020 20:51
To: Planning
Subject: 2020/00351/OUT: Llanmaes sites a and b

Please see the below comments previously sent when I was advised of this development:

Hi, I live in an affected area (49 eagle road) and so can make relevant representations and I am very much opposed to the two developments for the following reasons:

1. Need

There are several new housing estates being built in the area (cowbridge, llantwit major, and at the boverton traffic lights). It is not clear how many of these have sold.

If there is a need there are many empty raf houses which should be used before building new.

If there is a need to build to new they should build on brown field site not prime agricultural sites... If we need to be more sustainable in how we grow food moving forward to avoid climate change then we need to preserve prime agricultural land to allow this to happen.

2. Services

As above there has been a massive increase in population in tjenlcoal area already in the recent years and ongoing - there will not be enough services for these proposed new houses this includes not enough schools, shops, roads, recreational areas (and jobs).

Although the road immediately outside these proposed developments is new, the roads adjoined the new road are the same existing roads as have been present for years. They already struggle with the traffic. As most people who would live in these houses would need to commute they would need to drive on these existing roads and not just the new road and hence would cause more congestion and road breakdown.

3. Environmental

The area floods and any further development would increase the flooding. An attempt to prevent flooding here will simply worsen flooding in other areas.

There are many types of wildlife in the area, I have personally seen an otter in the field of he proposed development. These would be adversely affected.

The area is already noted as having bats and other protected wildlife which would be adversely affected.

I am happy to expand on these. Please can you confirm whether these representations are being sent to the vale of Glamorgan council by yourselves or whether I should forward them?

Kind regards,
Katia summers
49 eagle road
Sent from my Huawei phone

----- Original message -----

From: Katia [REDACTED]
Date: Tue, 4 Feb 2020, 19:49
To: [REDACTED]
Cc: Dad [REDACTED] matthew popham [REDACTED]
Subject: Llanmaes sites a and b

Hi, I live in an affected area (49 eagle road) and so can make relevant representations and I am very much opposed to the two developments for the following reasons:

1. Need

There are several new housing estates being built in the area (cowbridge, llantwit major, and at the boverton traffic lights). It is not clear how many of these have sold.

If there is a need there are many empty raf houses which should be used before building new.

If there is a need to build to new they should build on brown field site not prime agricultural sites... If we need to be more sustainable in how we grow food moving forward to avoid climate change then we need to preserve prime agricultural land to allow this to happen.

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There are many types of wildlife in the area, I have personally seen an otter in the field of he proposed development. These would be adversely affected.

The area is already noted as having bats and other protected wildlife which would be adversely affected.

I am happy to expand on these. Please can you confirm whether these representations are being sent to the vale of Glamorgan council by yourselves or whether I should forward them?

Kind regards,
Katia summers
49 eagle road

Sent from my Huawei phone

2020/00352/OUT Received on 1 April 2020

APPLICANT: Welsh Ministers c/o Agent

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

Land North of West Camp - Site B - Eastern Parcel, Llanmaes

Outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 100 homes and associated development

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

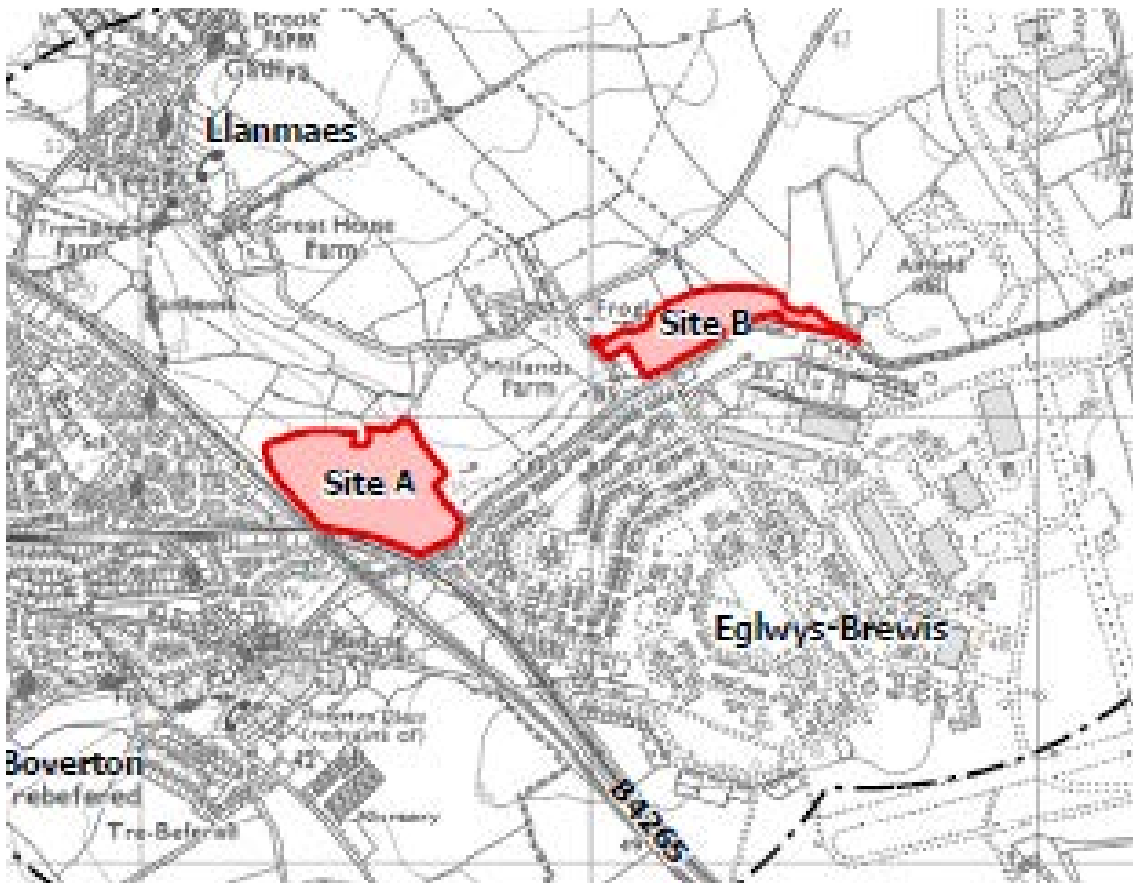
This is an outline planning application (with all matters reserved except 'access') for up to 100 dwellings on land adjacent to the Northern Access Road (Ffordd Bro Tathan), at the corner of Eglwys Brewis and Llantwit Major. Most of the site lies within the settlement boundary of Llantwit Major and a Local Development Plan housing allocation, while two parts of the site (at the western and eastern ends) lie outside the settlement and allocation. The proposal is for up to 100 dwellings, of which at least 35% would be affordable. Vehicular access would be directly from Ffordd Bro Tathan and the first part of the access into the site from the main road has already been constructed under planning permission 2017/00564/FUL (i.e. the consent for the Northern Access Road).

The main issues relate to the principle of the development (given that not all of the site lies within the settlement and allocation), design and visual impact, highway safety and traffic, impact on residential amenity, ecology, flood risk, impact on a rural business and impact on the historic environment.

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

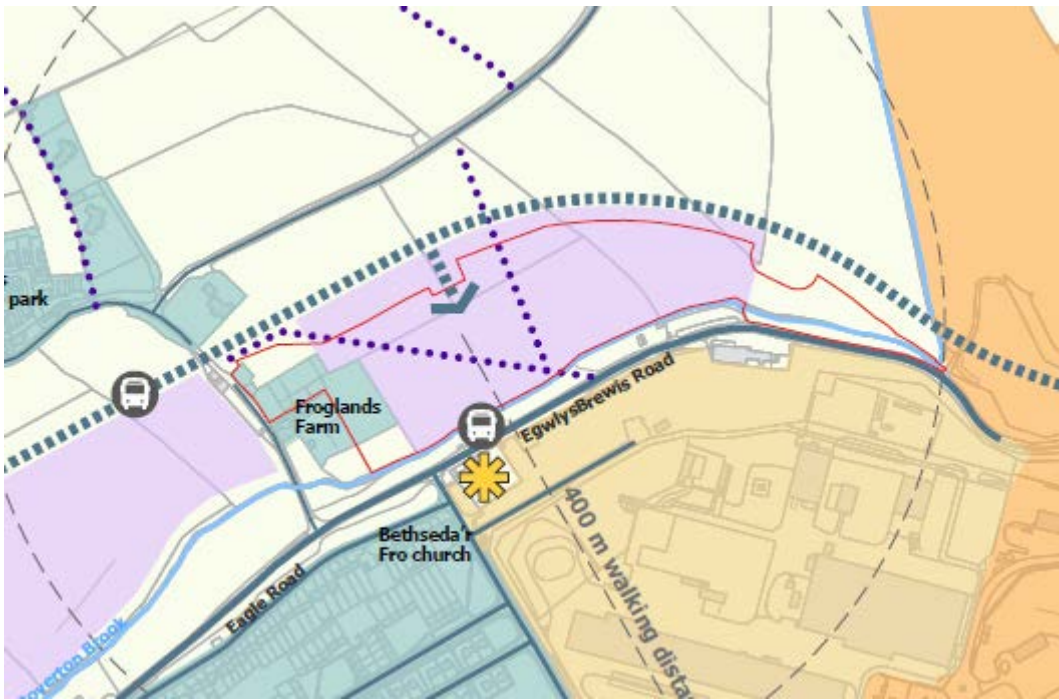
SITE AND CONTEXT

The application site is approximately 4.3 hectares of land adjacent to the Northern Access Road, Eglwys Brewis. The site is referred to in the application as Site B, whereas the site that is the subject of application 2020/00351/OUT (further along the Northern Access Road to the west) is referred to as Site A. The site's location is shown on the plan below, in addition to Site A:



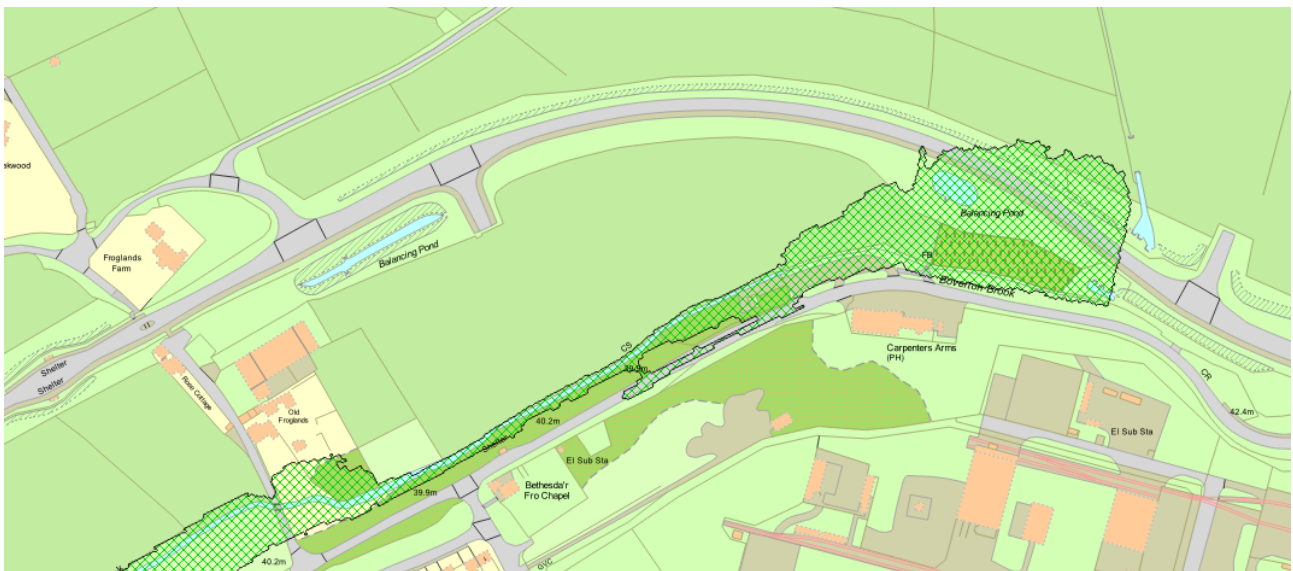
The site is adjoined by Eglwys Brewis Road to the south (with dwelling and the MOD base beyond), by the Northern Access Road to the North (with fields beyond), and by fields to the east and west.

The site, the fields to the west and Site A comprise housing allocations in the Vale of Glamorgan Adopted Local Development Plan 1996-2011 under Policy MG2. The majority of the site and the fields to the east form allocation (7), while Site B is a separate allocation (6). There is additional land within this application site which sites outside the LDP allocation and outside the settlement boundary of Llantwit Major. The part of the site within the allocation also lies within the LDP settlement boundary.



The application site on the plan above is shown by the red outline, whereas the allocation is shown in purple.

The Boverton Brook crosses the south of the site (east to west) and this part of the site (the Brook and the adjacent areas) is within a C2 flood zone, and this is shown by the cross hatched area on the image below.



DESCRIPTION OF DEVELOPMENT

This is an application for outline planning permission with all matters reserved (other than existing access from Ffordd Bro Tathan) for residential development of up to 100 homes and associated development. The application is accompanied by an indicative master plan, as shown below:



'Layout' is a reserved matter, however, the plan above indicates a way that the site could potentially be developed. A Local Equipped Area for Play is shown centrally along the southern part of the site, between drainage attenuation features. The application proposes that 35% of the dwellings will be affordable.

RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

CONSULTATIONS

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

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

This is attached as Appendix A

Llantwit Major Town Council object on the following grounds:

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

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

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

Civil Aviation Authority- No representations received.

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

Public Rights of Way Officer-

The granting of Planning Permission does not give the applicant permission to close or divert a Public Right of Way. It also does not mean that any application to alter the Public Rights of Way network will succeed.

A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

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

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

Cardiff Airport- No objection.

Glamorgan Gwent Archaeological Trust- No objection.

Cadw- “No comments to make”.

Network Rail- “No objection in principle”

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

Wales and West Utilities- No representations received.

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

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

Dwr Cymru Welsh Water have advised that there is sufficient capacity within the public system to accept foul flows.

South Wales Police have provided advice regarding designing out crime.

Cardiff and Vale University Health Board- No representations received.

REPRESENTATIONS

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

- Flood risk
- Approval of the application would be inconsistent with another decision for a single dwelling at a nearby property
- Loss of agricultural land
- Insufficient need for the houses
- Inadequate local infrastructure
- Traffic and congestion
- Adverse ecological impacts
- Air pollution
- Environmental damage
- There is no relationship now between residential occupation of the site and the MOD base.
- The land is contaminated
- Pollution from water run off
- Insufficient sewerage capacity
- Noise impacts on the development
- Adverse impact on road network
- Part of the site lies outside of the LDP allocation
- Adverse impact on an agricultural holding
- Adverse impact on residential amenity
- Impact on the character of the area

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

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

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

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 5 – The Regions

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Accessibility
- The Best and Most Versatile Agricultural Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study
- Technical Advice Note 2 – Planning and Affordable Housing
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 6- Planning for Sustainable Rural Communities
- Technical Advice Note 11 – Noise
- Technical Advice Note 12 – Design
- Technical Advice Note 15 – Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space
- Technical Advice Note 18 – Transport
- Technical Advice Note 24 – The Historic Environment

Welsh National Marine Plan:

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

WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

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

- The principle of the development.

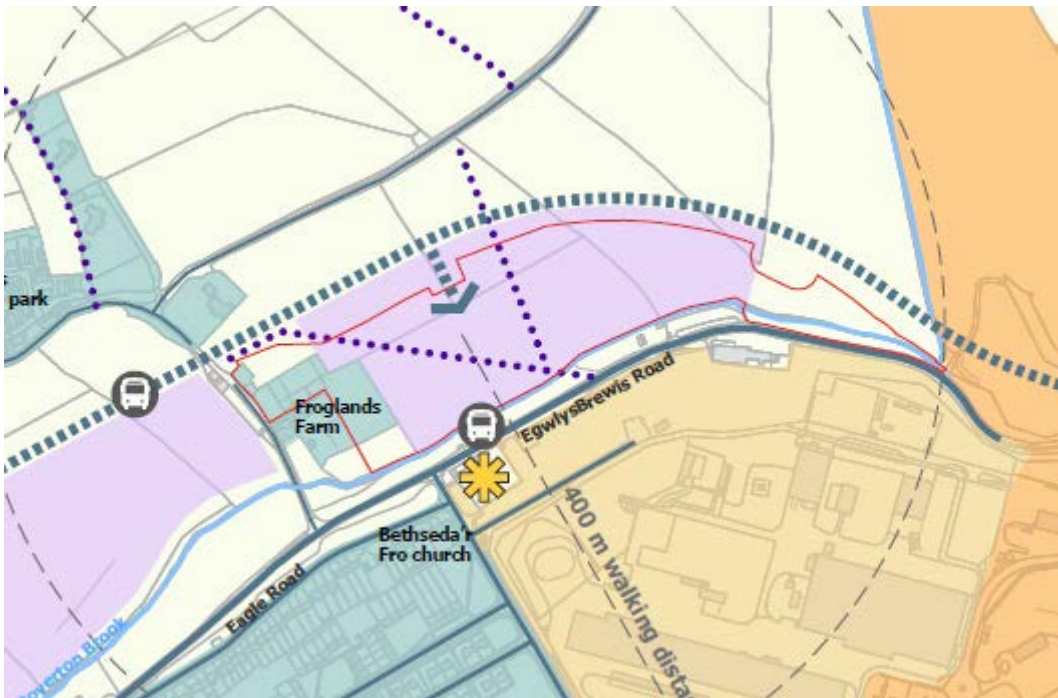
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impacts on the historic environment.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity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

Future Wales

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

The principle of the development

Most of the application site lies within the settlement boundary of Llantwit Major and the corresponding section also lies within the Local Development Plan housing allocation (see Policy MG2(6)). It is therefore considered that the development is wholly compliant with policy in respect of that section of the site. As noted above, there is also land within the site which lies outside of the settlement and housing allocation boundaries. This is shown on the plan below:



The allocation is shown in purple and the site is shown outlined in red. It should be noted that the strip of purple to the north of the site is indicative of the alignment of the Northern Access Road (NAR). The broadly triangular area to the east of the allocation is landlocked between the NAR and Egwys Brewis Road and consequently, it is not open countryside with a rural character. Similarly the land to the west of the allocation is essentially sited in between two housing allocations and is not an arbitrary incursion into more open countryside. The detailed impacts of these areas being included within the site are assessed in the respective sections below, however, in light of their location relative to the surrounding road network and the settlement/allocations, their inclusion within a residential site is considered acceptable in principle.

The density of the development

While the site is approximately 4.3 hectares in total size, the net developable area is considerably less, as a consequence of flood zones and ecological constraints. Based on a net developable area of approximately 2.7 hectares, the density would be approximately 41 units per hectare. Policy MD6 of the LDP requires 30 dwellings per hectare in Primary Settlements to ensure that land in sustainable locations is developed efficiently. This proposal would satisfy the requirements of this policy. The land is allocated for 90 units, however, the 100 for which permission is sought is reflective of the fact that the site includes additional land outside of the allocation.

Visual impact of the Development within the Wider Landscape

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

The application site lies directly to the east and north of the existing settlement and would directly adjoin (but for intervening roads) the MOD base and residential areas to the south. The site would not directly adjoin housing allocation MG2(7) to the west, but it would have

a close physical relationship to it with the upper boundary of both defined by the recently constructed Northern Access Road. That road represents a logical, physical and defensible boundary to the site, such that the development would not intrude, visually into the undeveloped countryside beyond. As noted above, the unallocated wedge at the eastern end is landlocked between the NAR and Eglwys Brewis Road, and the area to the west is directly in between both allocations.

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

Impacts on the Historic Environment

The closest ancient monument to the site is approximately 1km away to the North West (the site of Bedford Castle). Given this distance, the proposed development would not adversely affect the setting of this monument. Cadw have stated that intervening topography, buildings and vegetation between the site and surrounding monuments/historic parks within 3km mean it is unlikely that the proposal will be inter-visible with them. Consequently they raise no objection.

In terms of listed buildings, Bethesda'r Fro Chapel (Grade II); and the Forecourt and Graveyard Gates, Gatepiers and Walls of Bethesda'r Fro Chapel (Grade II) are located to the south of the site, across Eglwys Brewis Road. While there would be certain viewpoints along Eglwys Brewis Road from which you may see the development and these buildings in the same 'visual envelope', the degree of spacing is sufficient enough to ensure that the setting of these buildings would not harmfully impinged upon.

The site is located approximately 800m from Boverton and Llanmaes Conservation Areas, and these distances are also sufficient to ensure no adverse impact on their settings, in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Glamorgan Gwent Archaeological Trust (GGAT) have considered the submitted desk based assessment, which outlines previous archaeological work, including the geophysical survey and subsequent field evaluation of the site. The survey noted a number of anomalies, however the evaluation trenches determined that they were modern features with a significant depth of made-ground present. Local knowledge suggested that the fill material originated from remediation works on a runway at RAF St Athan. No archaeologically significant features or structures were encountered and GGAT advise that it is unlikely that significant archaeological material will be encountered during the course of the proposed works.

As a result there is unlikely to be an archaeological restraint to this proposed development and GGAT raise no objection. In summary, it is considered that the development would comply with the aims of Policies SP10 and MD8 of the LDP.

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

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



There are differences between the two in respect of the location of a play area, however, the plans are only indicative and this is not critical to the assessment of the principle of the development. Issues relating to the quantity and location of open space are discussed in the sections below, however, it should be noted that the open space within a reserved matters layout should be sited accessibly to all and in a location that would not be prejudicial to residential amenity.

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

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

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

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

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

Highway safety

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

Pedestrian connectivity and sustainable public transport matters

The nature and full scope of pedestrian routes within the site would be determined at reserved matter stage, albeit the indicative masterplan identifies the principal routes through the site, connecting to Eglwys Brewis Road and the lane to the west. The submissions do not provide detail as to how pedestrian movements to Eglwys Brewis Road would be facilitated, however, this is not considered to be critical to the acceptability of the development. The most likely route for pedestrians (or cyclists) away from the site

would be along the NAR, however, access to Eglwys Brewis Road could be easily achieved by exiting the site on the western boundary and then turning left along the lane.

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

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

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

There are bus stops on both sides of the road just over 100m from the site, and these would (when services use the NAR) give occupiers direct and very convenient access to bus services. While routes continue to use Eglwys Brewis Road, occupiers of the development would be within a short 200m-250m walking distance from them, via the lane at the west of the site.

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

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

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

infrastructure along the NAR means that the development is nevertheless fundamentally acceptable in this regard.

Traffic and congestion issues.

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

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

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

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

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

In summary, the TA observes that this development would not result in any of the above junctions operating over capacity. It identifies that the Gileston Crossroads junction would potentially operate over capacity when all of the committed development were built, and that mitigation works may therefore be required at that junction. However, this development alone would not require those works. Furthermore, the TA and subsequent correspondence with the agent have demonstrated that the critical capacity point at the crossroads would also not be reached when all of the following are constructed: The approved employment development at 'Keithrow' (2019/01260/HYB), residential Site A (2020/00351/OUT), the approved Barratt David Wilson Homes development at Cowbridge

Road (2016/01427/OUT) and the current (u-determined) employment application at Beggars Pound (2020/00434/OUT). These are considered to be the appropriate range of developments to consider in the context of this assessment, since they either have planning permission or there are currently applications for them with the Council. i.e. this assessment considers the outcome if they were all constructed before this development at Site B (unlikely as that scenario is).

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

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

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

Impact on residential amenity of existing residents.

The application does not have a particularly close relationship to many existing residential properties, and the impacts upon most in the surrounding area would be limited to a change in the composition of longer range views. Such impacts are not considered to be prejudicial to 'living conditions' and residential amenity directly. Closer to the site, Rose Cottage and Froglands Farm would be separated from the development by Froglands Farm Lane and the NAR respectively. The distances are again considered to be sufficient to protect residential amenity.

The nearest property to the development is Old Froglands, and the application site would adjoin its boundary. The house itself is located approximately 35m from the site boundary to the east, and that is sufficient to ensure that new buildings in that part of the site would not unreasonably affect living conditions within the house. Impacts on the garden would be determined by how far away new buildings were located, however, this would be a matter for the reserved matters stage and there is no reason why an acceptable detailed layout could not be designed to take account of this relationship. Similarly, while the dwelling is closer to the site boundary to the north, the detailed layout can take account of this.

The indicative concept plan shows a play area adjacent to the boundary with Old Froglands. Should the applicant wish to promote a layout with a play area in that location, further consideration would have to be given to the likely impacts on the amenity of this

neighbour. If it were determined that this siting would be harmful to the living conditions of the occupiers, then the play area would need to be sited elsewhere within the site. However, given that 'layout' is not a matter for consideration now, this is not fundamental to the consideration of granting outline planning permission.

Having regard to the above, it is considered that the development of the site can appropriately protect the residential amenity of neighbours, in accordance with Policy MD2 of the LDP. A Construction Environmental Management Plan (CEMP) condition is recommended to ensure that construction impacts are minimised as far as possible (see Condition 12).

Amenity of the future occupiers of the site.

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

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

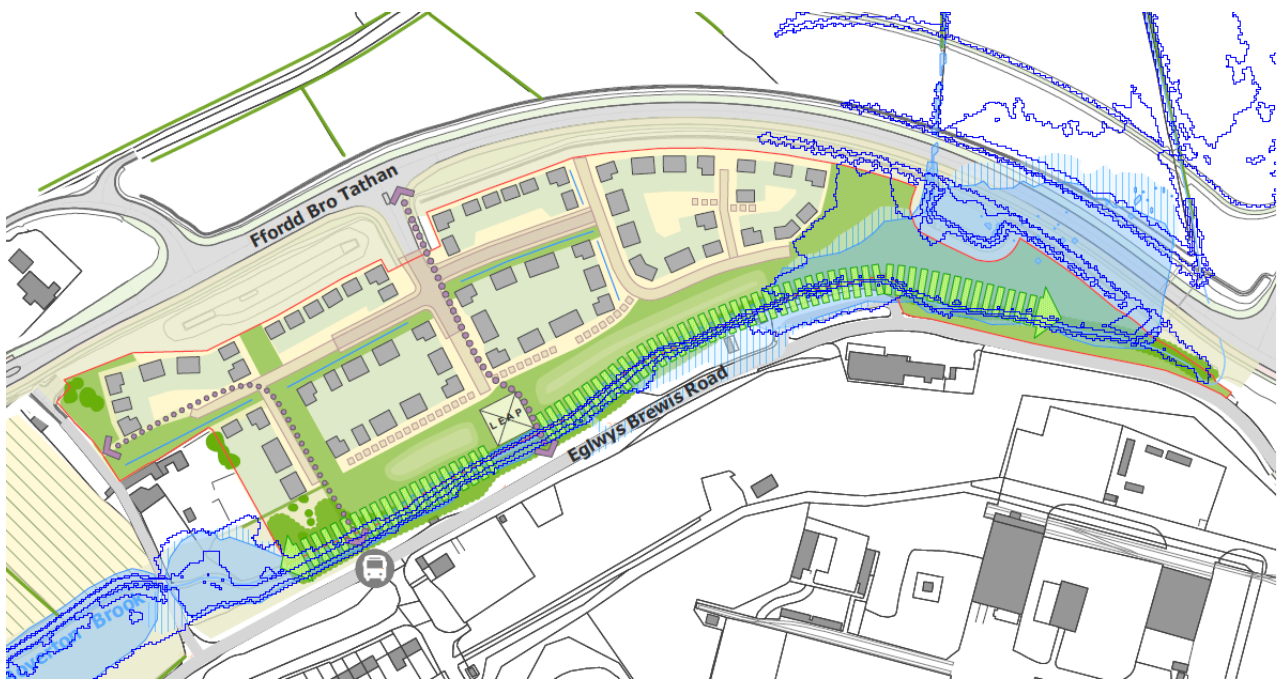
However, subject to noise mitigation where necessary (and this will likely be affected by the specifics of a detailed layout) it is considered that the site would not be subject to unacceptably harmful noise nuisance. Further conditions have been requested in respect of ground testing for contamination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

Drainage and flood risk.

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

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

Most of the application sites lies outside of the higher risk C2 flood zone, albeit part of the southern section of the site lies within it. The C2 flood zone is shown below:



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

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

Therefore, based on the above, we advise that the following condition is included to ensure the built development is not located in the flood zone as indicated on the drawing 'A093950-14(B)13b_RevC' when further details are submitted under reserved matters

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

Ecology

The application is accompanied by an ecological appraisal and bat survey. The bat survey notes that the most commonly used habitats by foraging and commuting bats were the hedgerows to the west of the site and Boverton Brook corridor, which would be retained as

part of the Framework Masterplan. The landscape strategy for the site also includes habitats which are likely to provide additional habitat of value to commuting and foraging bats, such as species-rich grassland planting within surface water attenuation and long grassland areas to enhance structure. The report goes on to recommend that the detailed design of the development, including all landscaping and design of surface water attenuation, should include ecologists input to provide biodiversity enhancements where possible. The report notes that a site specific 'Habitat Management Plan' should be produced and required by planning condition, to agree an ongoing framework to manage the retained habitats to increase their biodiversity value (see condition 26).

The site is located approximately 1.75km from the nearest Site of Interest for Nature Conservation (SINC) and over 4km from the nearest Site of Special Scientific Interest (SSSI). These distances are sufficient to ensure no adverse impacts from the development. The ecology report states that the site comprises habitats of relatively low conservation value including managed and agriculturally improved grasslands and arable land with habitats of local value, broadleaved woodland, hedgerows and running water (including Boverton Brook), located to the south of the site. However no habitats present are likely to qualify as Section 7 habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales or meet SINC selection criteria. The Council's Ecologist does not dispute this conclusion.

In terms of species, no significant impacts on reptiles are likely, given the nature of the habitat across the site and the retention of the habitat along the brook. All habitat suitable for hazel dormice would be retained as part of the development with the retention of hedgerows and broadleaved woodland included within the green corridor. Subject to implementation of habitat recommendations and lighting, significant impacts on hazel dormice are not considered likely. Further recommendations relating to habitat retention and the timing of construction works are made regarding birds and invertebrates.

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

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

Test ii) There is no satisfactory alternative.

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

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

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

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

In terms of Test 3, NRW have advised that subject to the measures in the ecological documents being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

The Council's Ecologist has responded to state that the Ecological Appraisal is comprehensive and no objection is raised, subject to compliance with the measures listed in the Appraisal and the production of a Habitat Management Plan (see condition 26).

NRW similarly raise no objection in relation to ecological/species impacts, and they have requested conditions requiring compliance with the submitted ecology documents, and the approval of a lighting scheme and a Landscape and Ecological Management Plan (see conditions 25 and 26). A further condition (27) requires ecological enhancements, such as bird boxes on dwellings. Subject to all of the above, it is considered that the development would accord with Policies MD2 and MD9 of the LDP.

Agricultural land quality.

All of the land within site has been classified as Grade 3B, following soil testing. Grade 3B land is not classed as Best and Most Versatile (that is grades 1, 2 and 3A) and consequently, the development would not conflict with Policy MD1 of the LDP, which states (at criterion 9) that developments should have no unacceptable impact on the best and most versatile agricultural land.

Impact of the development on the tenant farm.

Part of the site is occupied with agricultural activities and objections have been submitted from the property 'Old Froglands' regarding the impact on the unit if the scheme were to be approved. TAN 6 states at para 6.2.6- *Farms vary considerably in size, type of farm business and layout. The loss of part of a holding can have important implications for the remainder. The effect of severance and fragmentation upon the farm and its structure may be relevant.* It is therefore necessary to consider the impact of the development in this respect, and whether any such impacts outweigh the material considerations in favour of granting permission.

The objections state that the development would result in the loss of 4 barns and hardstanding, which cover 0.134 hectares of land. The barns are used for the storage of agricultural equipment, the housing of lambs during the winter months, lambing in the spring and regular livestock husbandry at all times of the year. The objections explain that this forms part of a 90 acre farm that is located a mile away and that they should be seen in the context of that business (when considering if it is a viable agricultural unit).

In terms of size, the area to be lost comprises less than 1% of the total holding, albeit it would appear that the buildings in question are presently the only buildings serving it. There is not likely to be an objection in principle to the siting of a building on the main part of the holding, commensurate to the agricultural need and, therefore, the loss of the existing buildings (lease issues aside) should not in principle be critical to the continued operation of agricultural activities.

The applicant requested further details of the holding from the owner of Old Froglands, including the turnover/profit, employees, etc. The owner has not considered it necessary to provide this information and while there is no obligation to do so, the absence of such information means that it is not evidenced as a viable agricultural business. While the owner has projected a profit for 5 years' time, there is no evidence as to how the business would grow to this point or what the state of the business is currently.

The land in question forms a very small part of the overall land holding and the lease for the barns initially ran out in December 2020. Therefore, while understandably disappointing to the tenant, there is no long term security to the use of the barns. While the applicant's agent has advised that this is subject to a rolling short term extension, that does not fundamentally alter the position regarding the long terms prospects of the lease remaining.

Having regard to the size of the land (as a proportion of the holding), the location of the barns relative to the main part of the holding, the relatively limited scale of agricultural activity, the facts regarding the end of the lease and the absence of information to demonstrate that this is a viable business, it is considered on balance that there would not be an unacceptable severance impact, as referred to in TAN 6.

Trees and hedgerows.

There are no protected trees within the site and the main developable area is, while grassed, not heavily vegetated with trees or hedgerows. The principle vegetated area is the wooded corridor at the southern part of the site, and this would be retained outside of the area to be developed with buildings. Only 4 trees have been assessed of being of moderate quality, and the rest were of low quality. The development would not be a barrier to the retention of the Category B, moderate quality trees. Further trees and landscaping would be required as part of an acceptable reserved matters layout, and the development as a whole is considered acceptable in respect of arboricultural impacts.

Public rights of Way (PROW)

The site is crossed by two rights of way and any subsequent development should take account of this. The PROW officer has given advice regarding the legal procedures that would be involved in stopping up or diverting the routes. A reserved matters submission can appropriately accommodate these routes within the layout, ensuring that public access is maintained.

Other points of objection

A common theme within objections and representations from the Community/Town Councils and Local Members is the need to need for local infrastructure to serve the development.

While concern regarding infrastructure generally is understandable, it is likely that the development would help to sustain a number of services, such as shops and services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. Similarly it is considered that it is beyond the reasonable scope of the application to enlarge cemetery capacity. The respective consultees have not raised objections in respect of drainage infrastructure.

While representations have been received regarding the need for the houses, fundamentally the site is allocated, following housing need being assessed thoroughly at the time that the LDP was adopted. The application is not comparable with other individual proposals for single dwellings in the countryside, albeit near to the site.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- 35% affordable housing
- Sustainable Transport = £2,300 per unit
- Community facilities= £1260 per dwelling
- Education facilities= The formulae in the SPG would require a contribution of approximately £880,000 based on 100 units, however, having regard to other contributions secured in the area, and the projected need in the relevant schools in the coming years, the Council's Education section have raised no objection to no contribution for this development.
- Public Open Space = 16sq.m. per dwelling (less outdoor sport provision as the ward is already sufficiently equipped).
- Public Art – 1%

Open space

In respect of public open space, the Llantwit Major Ward has an excess of outdoor sport space and consequently, the development need only make provision for on site play areas. The Planning Obligations SPG requires 5.8m² of equipped play space and 12.76m² of other play space, per dwelling. This equates to 1856m² of play space, of

which 580m² should be equipped. The LEAP shown on the masterplan measures approximately 400m², however, this is indicative and it is considered that there would be space within the site to provide the required 580m² (if 100 dwellings were proposed at reserved matters stage). It would nevertheless be for the applicant to demonstrate with a detailed layout at reserved matters stage that equipped and the other place pace can be accommodated (i.e. the number of dwellings would need to be commensurate to the level of open space that can be provided alongside it).

Affordable Housing

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2017 Local Housing Market Assessment (LHMA) which determined that 576 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the council's Homes4U waiting list in the area in the ward of Llantwit Major:

1 Bed-132
2 Bed-114
3 Bed-42
4 Bed-14
5 Bed-1

Total 303

The applicant has agreed to the provision of 35% affordable housing, which is required by Policies MD4 and MG4. This would be at a ratio of 70:30 in favour of social rented units.

Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. LDP Policy MD4 recognises that it may not always be possible for developers to satisfy all planning obligations, due to development viability.

LDP Policy MD4, paragraphs 7.29-7.30 outline that where a developer contends that the S106 requirements are too onerous and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and sales values and anticipated profits based on properly sourced evidence.

A detailed Viability Appraisal has been prepared by Savills and submitted on behalf of the applicant, which has been reviewed by the Council's Property/Estates Section. This includes development costs and likely sales values. The Council's Property/Estates Section has concluded that the assumptions and costs are not unreasonable, and the viability case is accepted as being reasonable and evidenced. That appraisal concludes that the developer can deliver the required 35% affordable housing, but cannot make any other financial contributions. This is principally due to significant abnormal costs relating to excavation and disposal of material that currently comprise the 'made ground' on the site.

Consequently, officers have considered the reduced Section 106 package, and whilst there isn't any provision for art, community facilities, sustainable transport and education,

it is considered on balance that the scheme is acceptable in basic terms when having regard to the weight to be placed upon the delivery of housing (and much needed affordable housing). In particular and as noted above, the Council's Education Section have not deemed a contribution fundamentally necessary from this development, and the Highways Section above deals with the absence of a Sustainable Transport contribution.

In accordance with Welsh Government's advice regarding development viability, officers have also considered viability review mechanisms and the applicant has agreed to a mechanism which requires viability to be re-appraised if substantial completion of the development has not been achieved by a certain point in time. A similar approach (in principle) was agreed within the legal agreement attached to the approved residential development nearby at Cowbridge Road. That agreement required a review if 'practical completion' of any of the dwellings had not occurred within 59 months of the commencement of development or the 'practical completion' of approximately 80% of the dwellings, whichever was later. However, that development was for up to 253 dwellings, whereas this proposal is for up to 140 dwellings. The submitted viability appraisal states as follows:

"We have assumed that construction works will be undertaken over a period of 19 months. We have assumed marketing will commence 6 months after construction commences and have assumed a sales rate of 3.5 open market sales per calendar month. The sales period extends to 19 months. The total development period is 25 months."

Consequently it is considered that a reasonable period for the review point to be contained in the legal agreement is 25 months.

RECOMMENDATION

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

- Provide and maintain in perpetuity 35% of the total number of units as affordable housing (at least 70% of which shall be social rented);

AND, in the event that the development is not completed within 25 months of commencement, the trigger of a development viability review mechanism.

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

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

A093950-14-LA-01

Scale parameters submitted on the 2nd April 2020.

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

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

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

Site B Framework Masterplan, drawing A093950-14[B]13b_RevC, dated March 2020

WYG Archaeological Desk-Based Assessment A093650-14

Reason:

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

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

Reason:

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

6. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and this shall

include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

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

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

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

Reason:

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

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

The report of the findings shall include:

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

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

(iii) an assessment of the potential risks to:

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

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

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

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

Reason:

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

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

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

Reason:

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

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

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

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

Reason :

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

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

approved in writing by the Local Planning Authority, prior to the first beneficial occupation of any of the dwellings approved.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policies MD2, MD5 and MD7 of the Local Development Plan.

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

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

Reason:

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

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

Reason:

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

23. The development shall be carried out in accordance with the following:
- Flood Consequences Assessment (AECOM, Residential Development at Llanmaes, Flood Consequence Assessment, dated March 2020), Project number: 60509148
 - Site A Framework Masterplan, drawing A093950-14[B]13b_RevC, dated March 2020

Reason:

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

24. The development shall be carried out in accordance with the following documents, and the recommendations/measures included in them:
- 'Site B (Land north of West Camp- Eastern Parcel). Bat Surveys' by White Young Green dated October 2019;
 - 'Site B (Land north of West Camp- Eastern Parcel). Ecological Appraisal' by White Young Green dated October 2019;
 - Drawing A093950-14[B]13b_Rev C entitled 'Land north of West Camp. Framework Masterplan. Natural Environment.

Reason:

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

25. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority, prior to the commencement of development. The Lighting Plan shall include:
- Details of the siting and type of external lighting to be used
 - Drawings setting out light spillage in key sensitive areas including in the vicinity of sensitive habitats retained or provided for nature conservation mitigation
 - Details of lighting to be used both during construction and/or operation

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

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

Reason:

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

26. No development shall commence until a Landscape Ecological and Habitat Management Plan (for the provision, management and maintenance of the landscape, habitats and ecological features at the site) has been submitted to and approved by the Local Planning Authority. The LEMP shall include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
 - Details of the desired conditions of features (present and to be created) at the site
 - Details of scheduling and timings of activities
 - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition

- Details of management and maintenance responsibilities for the ecological features, habitats and landscape
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

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

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

Reason:

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

REASON FOR RECOMMENDATION

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

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

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

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

NOTE:

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

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

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.



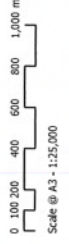
Llywodraeth Cymru
Welsh Government

Llanmaes -
Site A & Site B

Site Location

LA.01

2020/00352/OUT



Key
Site Boundaries

Buffer at 1 km intervals from the site

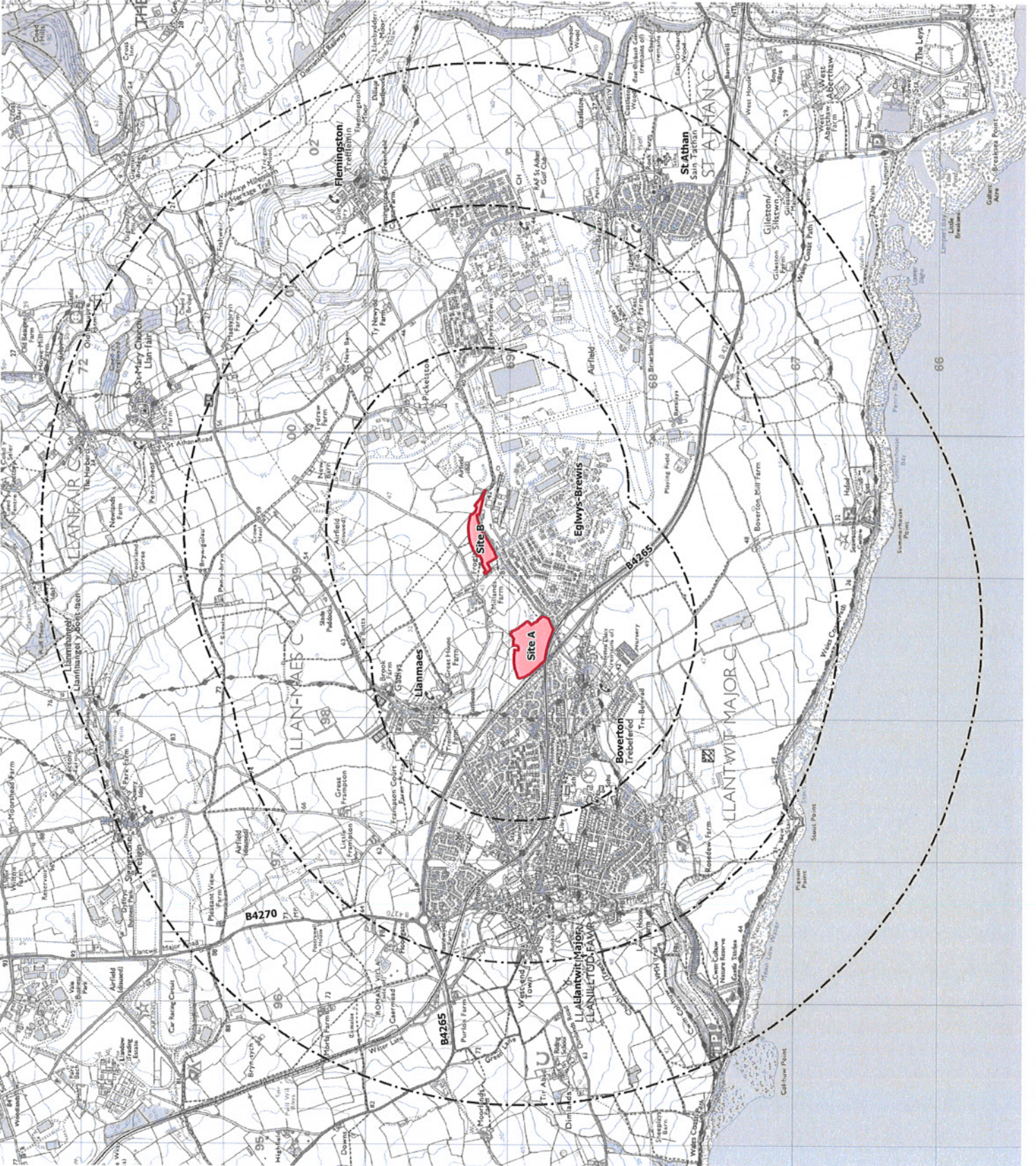
A093950-14-LA-01 Site Location.mxd

May 2019

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APPENDIX A



Cyngor Cymuned Llanfaes
Llanmaes Community Council

Clerk: Apartment 2 Alexandra House,
2 Beach Road, Penarth. CF64 1FN
Ffon/Phone: [REDACTED]

E-Bost/E-Mail: [REDACTED]

20 April 2020

Dear Sirs

Planning Application No. 2020/00351/OUT

Location: Land east of B4265 – Site A, Western Parcel, Llanmaes

Permission for residential development of up to 140 homes and associated development.

Planning Application No. 2020/00352/OUT

Location: Land north of West Camp – Site B, Eastern Parcel, Llanmaes

Permission for residential development of up to 100 homes and associated development.

Llanmaes Community Council submit their **OBJECTION** to the above two residential developments and request that the same arguments and comments are used when considering both planning applications.

Llanmaes Community Council submit the following reasons for their opposition to the proposals.

1. The scale of two residential developments and loss of open countryside
2. Sewerage and foul water system
3. Impact on the local infrastructure
4. Flood Risk
5. Ecology and Wildlife
6. Archaeology

1. Scale of the two developments and loss of open countryside

The village of Llanmaes is a small rural settlement with approximately 150 dwellings, 20 out-lying properties and 30 residential park homes at Millands. **The building of an additional 240 houses in “open countryside” will extend the boundary of the village and will have a detrimental effect on the rural aspect of Llanmaes, as well as being ‘out of proportion’ in relation to the size of the village.**

A significant part of the village is designated as a Conservation Area within the Vale of Glamorgan’s Llanmaes Conservation Area Appraisal and Management Plan (2009). Although the proposed developments are outside of the Conservation Area, they do have an impact on the short and long views into and out of the village. The Appraisal and Management Plan recommends that *“The Council will seek to ensure that all development respects the important views within, and from the Conservation Area. The Council will seek to ensure that these views remain protected from inappropriate forms of development.”* **The Community Council believe that these developments would contravene that undertaking.**

2. Sewerage and Foul Water System

The current sewerage and foul water system in the village is insufficient and causes overflow problems on an annual basis. An additional 240 houses will considerably overburden the current system.

3. Impact on the Local Infrastructure

An additional 240 houses will have a detrimental effect and overload the infrastructure of the local area. There are no planned increased amenities to cater for these extra houses with regard to schools, health facilities etc.

4. Flood Risk

Llanmaes Village and surrounding area has been subject to severe flooding for over 20 years and the village is about to have a flood alleviation scheme implemented following extensive modelling of dynamic flows through the village and its environs. The impact of the proposed developments has not been part of the assessment and modelling process and could have a detrimental impact on the proposed Llanmaes Flood Alleviation Scheme and the downstream Boverton Flood Alleviation Scheme.

Assessment of Flood Risk on the Application Form states that the proposal does not increase the flood risk elsewhere – where is the evidence to support this statement?

5. Ecology and Wildlife

The surrounding countryside is rich in wildlife and protected species, with fish and eels using the stream and a badger sett in the vicinity. Again, the application form is misleading as it states there are no designated sites or important habitats on the development sites. The Council would argue that the applicant has not submitted enough information to reassure they have carried out thorough research.

6. Archaeology

The Community Council are pleased to see the acknowledgement of the extensive archaeological findings in and around the development areas. However, there appears to be the assumption that no further discoveries are likely during the development. The Council believe there is the potential for further archaeological findings to be discovered on both sites but there seems to be no plan for on-site monitoring during the construction phase.


One final comment – the Council would ask that in considering both these applications, the Vale of Glamorgan Planning Committee take into account, the fact that the construction of the Claire Garden Village development in Cowbridge has been stopped as the houses were not selling!

Yours faithfully

Clerk
Llanmaes Community Council

APPENDIX B

Old Froglands
Llanmaes
Llantwit Major
Vale of Glamorgan CF61 2XR



Attachment to Objection

Re: Application for outline planning Permission for Land North of West Camp, Llantwit Major - Site B - Application reference 2020/00352/OUT

We wish to object to the development in whole and in particular to the extension of the development outside of the strategic housing allocation site MG2(6). I therefore set out below specific issues that support our objection which are either incorrect within the documents or have not been considered with respect to the strategic housing allocation site MG2 (6) and separately the proposed extension to MG2 (6).

1.0 Strategic Housing Allocation Site MG2 (6)

1. This site was originally proposed for housing for staff relating to the proposed Academy and therefore had a relationship to the adjoining land. There is no such relationship now and is out on a limb and not related to any settlement. This goes against Welsh Government and the Vale of Glamorgan policies.
2. The land on which the development is sited, we believe, is contaminated having been built up many years ago with material from work carried out at the St Athan Airport and contains large pieces of concrete and oil which regularly leaked into the stream. The Planning Statement draws reference to this contamination including the potential for asbestos, PAH and metals. Reference is made to the potential for shallow foundations to overcome this problem, however reference is also made to the need for relieving ponds to mitigate surface water run off close to the river which is where most of the made up ground exists. This could result in contaminates leaching into the river. This matter needs to be fully investigated to provide the full facts before any planning permission is considered.
3. The foul sewer system running along the Eglwys Brewis Road is inadequate to accommodate satisfactorily the present demand let alone another 100 dwellings. The sewer overflows on to the Eglwys Brewis road in high rainfall conditions and also overflows into the stream causing pollution which has been regularly reported to Welsh Water. I have received a letter from Welsh Water confirming that the sewerage network suffers from hydraulic overload and that was before the new development at the southern end of the Eglwys Brewis road was built. No mention of this is made in the Masterplan Report & Design and Access Statement (MRD&AS) or the Planning Statement (PS). There is no reference to a Foul Drainage Strategy Report within the documents submitted. This is a significant issue and will undermine any proposed development. Proposals for a complete

upgrade of the foul sewer system along the Eglwys Brewis road needs to be established with Welsh Water before any planning permission is considered.

4. The development will result in a considerable amount of surface water draining into the stream due to the hard surfacing. This is discussed in the documents and it has been stated that SUDs will be employed. This however does not get away from the fact that more water will be getting into the stream and increasing the likelihood of flooding. It should be noted that the area has a high concentration of springs and the water table is high. This will limit the ability to retain the run off water. This can be demonstrated by observing the relieving pond at the eastern end of the site constructed as part of the Northern Access Road road works that is continually full of water and does not soak away. Due to the road construction, the surface water that previously drained off the fields and road adjacent to the Milland's site entered the stream downstream of our property now it is drained into the stream upstream of our property. With this additional surface water draining into the stream flooding of our property will be extensive. This has already been demonstrated when we had rainfall during the recent winter period which was nowhere near a 1 in 100 year storm.
5. There is no mention of the MOD live firing range in section 232 of the MRD&AS. It is not included in Fig 17 headed 'Issues' and clearly this is a significant issue similarly it is not mentioned in 'Constraints'. The firing range is mentioned in the Planning Statement and the following statement is made 'The recommended WHO/BS8233 internal noise levels are GENERALLY met across the site during daytime and nighttime, assuming a window closed scenario'. No mention is made of the impact of the gun shot noise within open space such as the gardens and children's playing areas. A Noise Assessment Report is presented in which the noise from the firing range is addressed. I would like to emphasise the following facts that are stated:- a. It is understood there may be requirements to use the firing range during night-time hours (up to 23.30) or during any hour in the event of urgent operation requirements. This is entirely correct and has happened on a number of occasions. It is used on any day of the week including Sundays. b. Up to 2000 rounds per hour may be used. I cannot vouch for the exact number of rounds but they can be in single or multiple shots and it is not just rifles as I have heard machine guns as well. It can also go on for longer than an hour. c, I could see no mention of WHO/BS8233 in this document. It is noted that noise monitoring has taken place but the sites that have been chosen are both adjacent to the very thick hedge which covers the stream on both sides and would have significantly reduced the noise level recorded. I believe that the monitors should have been placed in the middle of the site which would have also been closer to the elevation of the firing range. The calculations presented appear to provide average noise levels over a period of one hour. This clearly would reduce the noise level from the impact at real time. In addition the impact in open space in particular gardens is not addressed satisfactorily. This noise level will undoubtedly exceed Category D where planning permission should normally be refused. The community around the site can confirm that the noise is excessive and can easily be heard as far away as the village of Llanmaes. This matter has not been sufficiently investigated at this particular site and the full facts need to be provided. I do not believe that this matter was fully considered at the public enquiry for the LDP as it is clearly totally inappropriate to build a new housing estate right opposite and within a 100 metres of a live firing range used regularly by the MOD. In the approved LDP Appendix 3 Housing Allocations there is a detailed description of the constraints to developing MG2(6) covering drainage,

flooding, ecology, water supply, archaeology and land quality. There is no mention of the proximity of the military firing range confirming that this issue was not satisfactorily considered at the LDP enquiry.

6. There is no detail relating to improvements to the Eglwys Brewis road which are required to improve the safety of residents in the area. We understand that this road will continue to be a bus route and will also be used by many residents in the area to access the shops at Boverton and Llantwit Major. There have been fatalities and a number of accidents on the road due to its poor condition and lack of footpaths.
7. There does not appear to be a Transport Assessment Report.

2.0 Element of Site B outside of LDP allocation North and East of Old Froglands.

1. The outline planning application covers not only the designated site in the LDP MG2(6) but proposes an extension. With reference to Policy MD2 it clearly states that one of the criteria to be considered identifying areas for developments **point 8 Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.** In ED7 it emphasises **that development proposals will be required to demonstrate that they will not result in unacceptable impact on people, residential amenity and property.** These are two fundamental reasons why the original boundary for development was drawn.
2. In the original outline planning application for the Defence Technical College and associated family accommodation referenced in section 2.5 Relevant Planning History it is clearly shown that the land North and West of Old Froglands was not to be developed and this formed a buffer between the proposed development and the community known as Froglands on all OS maps going back to the early 1900s. This community consists of 7 detached houses and a permanent chalet park of 29 homes. Representations were made to the planning inspector at the public enquiry for the LDP and Strategic Site MG2(6) was confirmed leaving the land North and West of Old Froglands undeveloped in accordance with the original outline planning application. There were sound environmental and development reasons for this decision.
3. The MRD&AS has a section headed 'Surrounding Context - Character'. This section refers to a number of villages and provides a map; Figure 13 showing some of the area's rural settlements. The settlement Eglwys Brewis is entirely in the wrong location and if anything should be part of the location named Bro Tathan. The settlement known as Froglands as mentioned above is not identified but it forms an important part of the parish of Llanmaes. This settlement should be identified as it is significantly impacted by this application.
4. The Planning Statement in 1.1.2 provides text from a written response by the Vale of Glamorgan where consideration is given to the area around Old Froglands being considered as infilling/rounding off, however it is caveated with the statement 'albeit the acceptability will ultimately depend on the relationship with the neighbouring property and the impact on the amenities of the occupiers.' It should be noted that the Vale of Glamorgan have recently refused application No. 2019/00598/FUL for the following reason(s) 'The proposed dwelling represents an unjustified and an unacceptable form of residential development in a rural location which, by reason of the rural

character of the site and its surroundings, would adversely affect the character and setting of the countryside. As such the proposals are considered to be contrary to policies MD1 - location of New Development and MD2 - Design of New Development of the'. In the conclusion of the Planning Statement it states that the unallocated land in the application site is now considered a windfall site but the boundary of MG2(6) was drawn for a reason and approved after LDP Examination. How can this now be considered a windfall site.

5. Item 202 of the MRD&AS states 'the site comprises around 4.3 hectares of agricultural land plus a small number of agricultural buildings associated with Froglands Farm.' These barns actually cover 0.095 hectares or 0.134 hectares including the hardstanding. This amounts to 21% of the area north and east of Old Froglands (0.64Ha). The barns are therefore a significant element of the land proposed to be used outside of the Strategic allocation site MG2(6) and cannot be considered as a 'small number of agricultural buildings. Item 5.4.4 of the MRD&AS refers to 'a barn'. This is incorrect and conflicts with the statement mentioned above. The complex is made up of 4 significant barns and hardstanding totalling 0.134 hectares. They are in excellent condition and have many years of life ahead of them. They have been rented by the undersigned for over 10 years in the full knowledge of the Welsh Government lately under a lease at a commercial rent all be it with only planning permission to be used for agricultural purposes. These barns are used for the storage of agricultural equipment, the housing of lambs during the winter months, lambing in the spring and regular livestock husbandry at all times of the year. This forms part of a 90 acre farm that is located a mile away and therefore cannot be considered on their own with respect to viability as an agricultural business. The equipment for Llanmaes village fete is also stored there to support the village community. The removal of these barns would have a major impact on the agricultural business and local community and would be removing a significantly valuable facility that is not redundant by virtue of use or lifespan. In the conclusion of the Planning Statement it states in 6.1.1 3rd bullet point **The barn in Site B is temporarily rented and is not associated with a viable agricultural unit. The loss is deemed acceptable.** This statement is incorrect as it is associated with a viable agricultural unit as mentioned above and the loss mentioned was never discussed with me.
6. Item 308 of the MRD&AS refers to Policy ED7 which emphasises that development proposals will be required to demonstrate they will not result in unacceptable impact on people, residential amenity, property and/or the natural environment. I believe the extension of the development outside of the Allocated Land impacts on all these matters.

Finally we came to our property some 31 years ago when it was adjacent to a working farm and in open countryside. We now have a new road driven through this open countryside, lit all the way along resulting in noise and light pollution. A huge wall has been built which is totally inappropriate for a rural location and now the area which was to be a buffer between ourselves and the housing estate which was confirmed in the Local Development plan is proposed to be removed. In addition the route of the Northern Access Road has resulted in the lane to Llanmaes Village being closed north of our property severing us off from the Llanmaes Community which we are very much part of. I trust you can understand our disappointment at the Welsh Government and the Vale of Glamorgan Council to even consider developing this area of land and we strongly object to such a proposal.

Yours sincerely,

David Harris

2020/01271/FUL Received on 30 October 2020

APPLICANT: Mr T McIlveen, Fontygary Holiday and Leisure Park, Rhoose, CF62 3ZT

AGENT: Miss Sophie Berry Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR

Fontygary Holiday and Leisure Park, Access to Fontygary Caravan Park, Rhoose

Construction of cycle track and carpark area

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Andrew RT Davies for the reason owing to the significance of the application, and the public interest.

EXECUTIVE SUMMARY

This is a full application for temporary use of a landscaped area as an overflow car park at Fontygary Leisure Park, and a 3m wide shared cycle and pedestrian path linking the site to Rhoose Train Station.

The application site falls outside the Rhoose Settlement Boundary and is therefore in the countryside. The car park would serve the existing holiday park at the site and the cycle path/footpath would formalise an existing informal path the links the site to Rhoose Train Station car park.

The car park would only be used during peak season and bank holidays as an overflow car park and it would only be used once the main car park reached capacity. The car parking area would be finished with 'Grasscrete to avoid the loss of any landscaping. The application as submitted proposed a 4m wide path, however, this has since been amended to 3m.

The application has been advertised with site notices and to date 20 letters of representation have been received objecting to the proposal.

Having considered the above, the application is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

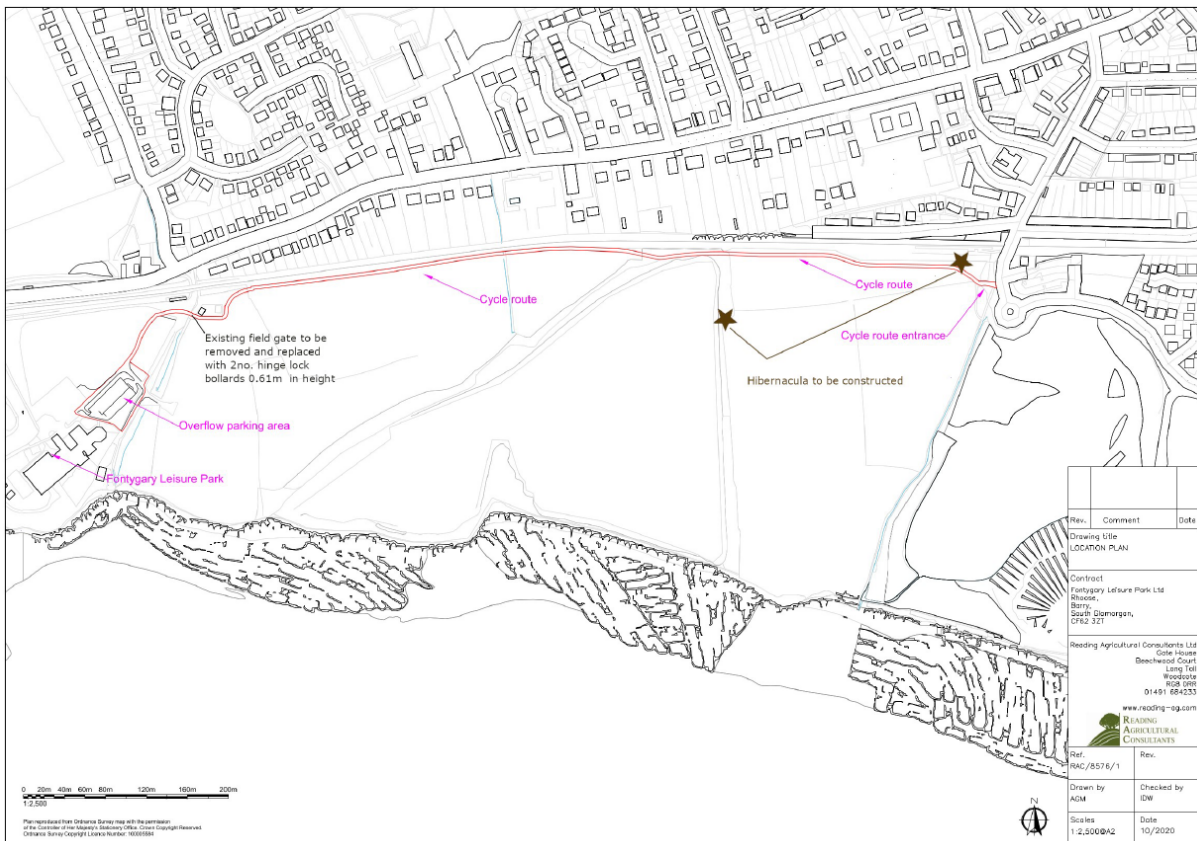
The application site relates to Fontygary Leisure Park and adjacent land, located outside but adjacent to the Rhoose Settlement Boundary. Fontygary Leisure Park is located to the west of the site and a public footpath forms the southern boundary with Fontygary Bay beyond this. A rail line forms the northern boundary of the site, and the eastern boundary is formed by hedgerow demarcating the site from the open land to east.

The leisure park is accessed from the A4226 / B4265 and Fontygary Road, between Rhoose and East Aberthaw and is served by a road junction via a railway underpass. A public footpath is routed from the underpass alongside an elongated thicket lying in a shallow gully and runs to the beach, accessed by steps adjacent to a lifeguard station. At

the junction with the steps the path meets the Coastal Path. A public right of way runs along the eastern and southern boundary, and this forms the Wales Coastal Path.

The site of the proposed path is part of a Site of Importance for Nature Conservation (SINC). Part of the site runs through a former quarry which is located to the east of the leisure park. The site is also located within a Mineral safeguarding Zone (Category 2) for Limestone extraction.

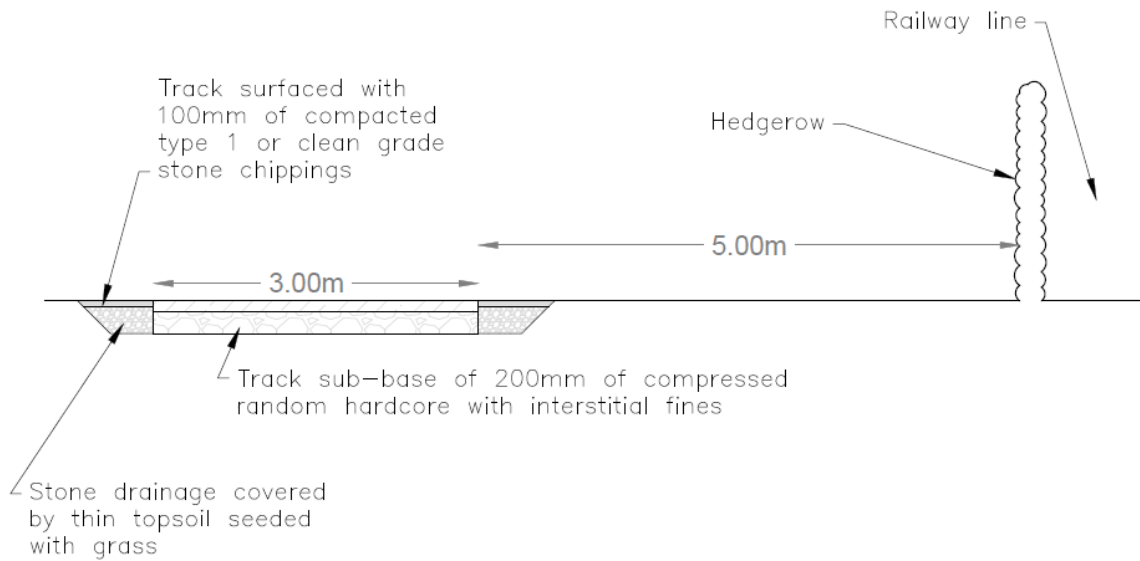
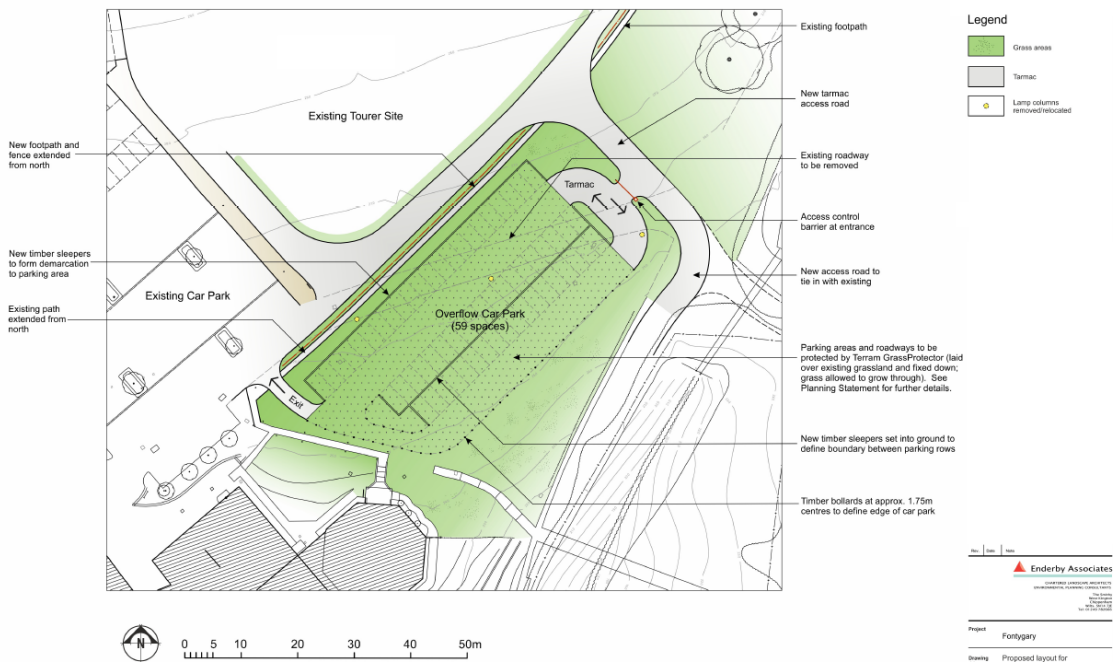
The map extract below shows the sites boundary and wider context;-



DESCRIPTION OF DEVELOPMENT

The application as submitted proposed a 4m wide shared cycle/footpath and use of the grassed area as an overflow car park area. Following negotiations, amended plans were submitted reducing the width of the footpath to 3m and restricting the use of the overflow car park to peak season and bank holidays only when the main car park reaches capacity. These amended plans form the basis of this decision.

Extracts of the proposed plans can be viewed below:



PLANNING HISTORY

1984/01075/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Proposed alterations and additions to the Georgian Club House and recreation hall, Decision: Approved

1987/01092/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: New reception area and office for existing caravan site, Decision: Approved

1989/00471/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Alterations and additions to existing facilities, Decision: Approved;

1991/01093/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Provision of new site road and diversion of existing public footpath, Decision: Approved

1993/01186/OUT, Address: Rhoose Point (including former cement works, eastern, central & western quarries, & Cardiff Airport), Proposal: 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/ restaurant, environmental centre, nine hole golf course and club house, open space, playing fields, new access road etc., Decision: Approved

1993/01207/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Slop and water supply building and foul water drains for caravan rally site, Decision: Approved

1994/00071/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Single storey extension, Decision: Approved

1994/00170/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Childrens games and play room, Decision: Approved

1995/00478/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Variation of Condition No. 1 (Application Ref. CR 7779) to allow use of site between 01 March and 7 January for ten and a quarter months of the year, Decision: Approved

1997/00819/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Change of use of existing grassed area to a 63 bay caravan park, Decision: Refused

1998/01065/FUL, Address: Aberthaw and Rhoose Quarries, Proposal: Determination of updated conditions for mineral site, Decision: Withdrawn

2002/00962/OUT, Address: Land at Rhoose Quarry (west), west of the emerging residential development at Rhoose Point, Proposal: 200 dwellings, employment, nine hole golf course and club house, open space, surgery/nursery, primary school, Decision: Withdrawn

2002/01237/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Change use of car park field from recreational/amenity land to site 52 holiday static caravans, remove twenty static holiday caravans from existing caravan park to lower density and provide significant environmental improvements by creating new landscaping/planting belts/wildlife corridors, Decision: Refused

2003/00391/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Additional fire escape from rear of cabaret lounge on first floor of Fontygary main complex in order to achieve higher capacity in venue, Decision: Approved

2005/01640/FUL, Address: Fontygary Caravan Park, Fontygary Road, Rhoose, Proposal: Proposed 40 space car park, Decision: Refused

2006/00468/REG3, Address: Land adjacent to Rhoose Transport Interchange, Rhoose Point, Proposal: Construction of new footpath, Decision: Approved

2014/01050/FUL, Address: Fontygary Holiday and Leisure Park, Rhoose, Proposal: Planning application for change of use from amenity land to the seasonal siting of touring

caravans with associated shower/toilet block and additional parking provision, Decision: Approved

2015/00486/FUL, Address: Fontygary Holiday and Leisure Park, Rhoose, Proposal: Proposed rear extension including internal and external alterations. Substantial internal refurbishment to provide enhanced spa, catering, health club and private members facilities, Decision: Approved

CONSULTATIONS

The Councils Highway Development Team were consulted on 16 November 2020. A response received on 25 January 2020 notes the route will form part of the National Cycle Network Route 88 and as such the route will need to comply with a number of standards, primarily those contained within the Active Travel Act 2013. The comments request a condition be imposed requiring engineering details. They also raise no objection to the proposed overflow car park but request conditions be imposed relating to parking spaces, proposed finishes and the need for a Construction Traffic Management Plan.

The Councils Drainage Section were consulted on 16 November 2020. A response received on 24 November 2020 confirms that the site is not located in DAM Zone at risk of tidal or fluvial flooding and NRW maps indicate that there is a very low risk of surface water flooding to the development site. The response also notes that the application is subject to SAB approval and as such the applicant is advised to submit a detailed design through the SAB process and is therefore not subject to further planning condition.

The Councils Shared Regulatory Services were consulted on 16 November 2020. No response was received at the time of writing this report.

Glamorgan Gwent Archaeology Trust were consulted on 16 November 2020. A response received on 18 January 2021 confirms that the proposal will require archaeological mitigation in the form of a Written Scheme of Investigation.

Network Rail were consulted on 16 November 2020. A response received on 08 December 2020 confirms no objection to the car park but objects to the cycle path as they consider the cycle path with increase cycle users crossing the nearby crossings, it would increase the number of unfamiliar users and they are concerned given that the level crossings are already known for railway trespass and crossing misuse. It suggests the applicant carry out an assessment of predicted estimated visitors who will use the track.

The Councils Ecology Officer was consulted on 16 November 2020. A response received on 24 November 2020 provided a holding objection requesting further information. Following the submission of additional ecology information, a response received on 08 March 2020 confirms that the initial objection has been withdrawn.

The Councils Landscape Officer was consulted on 16 November 2020. No response was received at the time of writing this report.

The Councils Transport and Road Safety Team were consulted on 16 November 2020. No response was received at the time of writing this report.

The Councils Contaminated Land, Air & Water Quality Team were consulted on 16 November 2020. A response received on 01 December 2020 requests conditions and advisory notes in respect of contamination be imposed.

Rhose Ward Members were consulted on 16 November 2020. Councillor RT Davies has requested the application be called in to Planning Committee due to the level of public interest.

Natural Resources Wales were consulted on 16 November 2020. A response received on 09 December 2020 confirms that they have no comments to this application.

Dwr Cymru Welsh Water were consulted on 16 November 2020. A response received on 15 December 2020 confirms no objection to the proposal but requests an advisory condition be attached to any consent relating to public sewers.

The Councils Public Rights of Way Team was consulted on 16 November 2020. A response received on 09 March 2021 confirms that they would be happy for the track to be dedicated as Public Right of Way under s25 of the Highways Act.

South Wales Police were consulted on 16 November 2020. No response was received at the time of writing this report.

REPRESENTATIONS

The neighbouring properties were consulted on 16 November 2020 and a site notice was also displayed on 17 November 2020. To date 20 letters of representation have been received objecting to the proposal. The objection can be summarised as:

- Cyclists already use path and therefore no formal path needed.
- Proposal would result in speeding cyclists and danger for walkers.
- Additional parking will cause congestion.
- There are enough cycle paths in Rhose.
- The proposal would lead to urbanisation of the site.
- Proposal would allow use of vehicular traffic to the path which would harm ecology.
- Noise and disruption from the path.
- Ecological impacts.
- Proposal appears to be precursor for further development.
- Potential for adders breeding locally.
- Concerns that the cycle path will become a race track for motorcyclists.
- The Council should concentrate on existing footpaths.
- There is no public demand.
- Not essential for the coast.
- Previous applications to develop the site have been rejected.
- The path would be an eyesore.
- Increased danger at level crossing.
- Conflict of interest with same officer providing pre-application advice and dealing with application.
- Application requires Network Rail input.
- 4 metre path seems excessive.
- Poor choice of material for path finish.
- Path could promote anti-social behaviour.

- Path would result in the loss of passing trade in Rhoose village.
- Concerns about inconsiderate dog walkers.
- No lighting will result in increased crime.
- The path is likely to be used for allowing access to large vehicles to access the caravan park.
- Impact on SINC.
- No waste management.
- Concerns about unauthorised tipping at the caravan park.
- Concerns about contamination.
- Developer had incorrectly completed forms.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP7– Transportation
 POLICY SP9 – Minerals
 POLICY SP10 – Built and Natural Environment
 POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG16 – Transport Proposals
 POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
 POLICY MG22 – Development in Minerals Safeguarding Areas
 POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development
 POLICY MD7 - Environmental Protection
 POLICY MD8 - Historic Environment
 POLICY MD9 - Promoting Biodiversity
 POLICY MD13 - Tourism and Leisure

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

Future Wales: The National Plan 2040:

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

Policy 1 – Where Wales will grow

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

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Placemaking in Rural Areas
- Accessibility
- Development in the Countryside (including new housing)

Chapter 4 - Active and Social Places

- Community Facilities
- Recreational Spaces

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- 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:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

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

Analysis of Proposal

The main issues to consider in the assessment of this application include:

- Principle of the development in this location;
- Design, scale and visual impact of the proposal on the wider area;
- Impact upon neighbouring properties;
- Ecology;
- Drainage and Flooding;
- Archaeology;
- Contamination;
- Parking and highway safety.

These matters will be considered in turn:-

Principle of development

The application site falls outside of the Rhoose Settlement Boundary as defined under the Vale of Glamorgan Adopted Local Development Plan 2011-2026. The site is therefore situated within the countryside.

Policy MD1 is the most relevant policy for development in the countryside, it states that new development on unallocated site should (inter alia):

1. *Have no unacceptable impact on the countryside;*
3. *Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;*
5. *Have access to or promote the use of sustainable modes of transport;*
6. *Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;*
9. *Have no unacceptable impact on the best and most versatile agricultural land.*

This is supported by Policy SP11 'Tourism and Leisure'; that states:

'Proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. Existing tourism and leisure facilities will be protected and enhanced, and favourable consideration will be given to proposals which:

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

Criterion 7 of policy MD2 'Design of New Development' relates to all new development, indicating that new development should *'where appropriate, conserve and enhance the quality of and access to, existing open spaces and community facilities.'*

In respect of the overflow car park, the site relates to an existing tourism business within the countryside. The area is currently used at peak times in an informal manner. The applicant proposes to formalise the matter so that vehicles park safely when the area is being used. The area would only be used during peak season and only once the existing car park reached capacity. In terms of its principle, it would comply with criterion 3 of policy MD1 in that it would support existing leisure and tourism facilities. The acceptability of this element of the proposal will rest upon the visual impact and other detailed matters, as considered below.

The proposed cycle/footpath would also formalise an existing informal path leading from the leisure park to Rhoose Train Station and the wider public rights of way network. Whilst this would involve the construction of a new track, it would run close to the train line forming the northern boundary and would not be a highly visible from the wider area. The amended scheme also seeks a 3m path which would reduce any impact further. The site adjoins the Rhoose Settlement Boundary and would increase connectivity between the holiday park, Rhoose Train Station and the wider countryside; encouraging sustainable modes of transport. The plans indicate bollards would be fitted to ensure motor vehicles do not use the track and this is required by condition four. It is considered that the principle of linking the leisure park to the train station is acceptable and this would improve the sustainable transport infrastructure in the area.

As aforementioned, part of the site is a former quarry and part an agricultural field. The agricultural land classification classes the land as being Grade 3b (Moderate Quality Agricultural Land). As such, the proposal would not harm the best and most versatile agricultural land and would be in compliance with the policy.

The path runs across private land but is proposed as a public cycleway and footpath. Its benefits to the wider area are material to the determination of the application. The agent has confirmed that the applicant is agreeable for the path to be recognised as Public Right of Way (PROW). The Council's Public Right of Way Officer has confirmed that the path can be secured as a PROW and would require the applicant to enter a legal agreement under the Highway Act. Therefore, a condition requiring the signing of the agreement (Condition 3) is considered necessary to ensure the path delivers a securable public benefit.

The Council seeks to facilitate appropriate tourism and encourage visitors, as per policies SP11 and MD13. In this instance the proposals are considered appropriate to facilitate and encourage tourism and as such are considered acceptable in principle. The works are considered to be compliant with Policy MD1 and the aims of national policy in respect of principle.

Visual Impact

MD2 (Design of New Development) requires proposals to:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;

With regard to visual impact, the proposed overflow car park would be finished with Grasscrete, and this would effectively assimilate into the site with very limited visual intrusion. In peak season when the car park is in use, there would be a visual impact from the stationing of vehicles in this area. However, the area is closely visually related to the existing leisure park and this use of the land would be viewed directly in the context of the existing park.

The proposed cycle/footpath would result in a change in surfacing. However, due to the existing path's informal use, any existing grass has become worn, demarcating the route. Whilst formalising the route would result in a more formalised and engineered appearance to the route, it would be finished in a manner that is appropriate for its use and the location is close to the railway line and hedgerow to the north. i.e. it would not be an arbitrary incursion into the more open section of the field.

In summary, it is considered that the scale and siting of the works are such that there would not be a demonstrably harmful impact on the character of the countryside, and any adverse impact would be outweighed by the benefits referred to above in the 'principle of development' section.

Residential Amenity

Criterion 8 of Policy MD2 requires that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Amenity Standards.

It is clear from public representations that there are concerns over the new path formalising an existing informal route across the site. The path would be located over 15 metres from the nearest boundaries of residential properties located along Fontygary Road and separated by a railway. Condition 4 would secure measures to prevent vehicles using the path and as such, given the nature of the scheme and its location, the proposal is not considered to result in any harm to residential amenity.

The overflow car park would be located over 100 metres from the nearest neighbouring property and would be screened by a pumping station. The proposal does not seek to any additional uses that would in themselves increase vehicular traffic to the site and it would only formalise overflow parking at peak season. As such this aspect of the proposal is also considered acceptable in respect of residential and public amenity.

Ecological Impacts

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

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

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

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

This is supported by the Council's SPG on Biodiversity and Development and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

The application has been supported with an ecological survey. This confirms that the site is part of a designated SINC, given the range of habitats including species rich calcareous grassland, neutral grassland, rock exposures, bare ground, maritime cliffs, shallow pools, open mosaic on previously developed land, reedbeds and scrub.

The proposed overflow car park would involve the area being fitted with Grasscrete matting and create a new entrance and exit path from the area. These works are not considered to result in any ecological harm and the Council's Ecologist has raised no concerns here.

The proposed path cycle/footpath would be set off the boundary with the train line by 5 metres and would therefore allow a buffer for any species using this area. The supporting ecological survey concludes that the habitat within the area proposed for the formalisation of the cycle route does not conform to any habitat categories that the SINC has been designated for. It concludes that with mitigation the proposal would have a neutral impact on the ecological value of the site.

The existing grassland has been eroded by the informal footpath use and all vegetation removal would be supervised by a suitably qualified ecologist. This would be secured by way of condition (Condition 7). In addition, the proposal seeks a number of ecological enhancements relating to birds, bats, reptiles and invertebrates. Subject to conditions (Conditions 8 & 9) ensuring that works are carried out in accordance with the mitigation outlined and the submission of an ecological enhancement scheme, the proposal is considered acceptable in respect of ecological impacts.

The Council's Ecologist has reviewed the submission and does not raise any objections to the proposal. As such, subject to those conditions, the proposal is considered acceptable in respect of ecology matters, and would be in accordance with policies MG21, MD9 and the advice within the Biodiversity and Development SPG.

Drainage and Flooding

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences.

The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.

This site is not located in DAM zones at risk of tidal or fluvial flooding. However, any new developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to the SAB process in terms of surface water

Dwr Cymru Welsh Water have requested advisory conditions be imposed but do not have any objections to the proposal.

Archaeology/Historic Environment

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

Glamorgan Gwent Archaeological Trust (GGAT) as the Council's advisors have requested a condition requiring further works in the form of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resources of the site. As such, Condition 10 recommends requiring such details.

Parking/Transport

Criterion 6 of policy MD2 of the LDP requires new development to have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree. In addition, Criterion 9 requires the provision of car parking in accordance with the Council's Parking Standards SPG.

Policies SP1 & MD2, favour proposals which are located to minimise the need to travel, (especially by car) and which help to reduce vehicle movements or encourage cycling, walking and the use of public transport. LDP Policy MD2 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.

It is noted that the proposal would formalise a grassed area currently used informally as overflow parking during peak season. The supporting documents suggest that the applicant seeks to improve site access and safety. The proposal does not seek any additional development at the site that may increase visitor numbers and the proposal is considered acceptable in respect of parking (i.e. it is simply an improvement upon the existing situation). No alterations are proposed to the main site access and it is considered that there would not be a material increase in vehicular traffic.

The proposed cycle way would help improve access to the site and help connectivity to the wider Vale of Glamorgan. It is noted that there are other public footpaths nearby and some representations have cited the perceived lack of need for more. However, the proposal would be compliant with the aims of local and national policy which seeks to reduce car usage and improve sustainable travel links.

The Council's Highways Officer has not objected to the proposal and Condition 6 would ensure that wider highway impacts are minimised through the use of agreed routes and timings.

Network Rail Issues

Network Rail has raised an objection to the proposal due to the envisaged increase in usage of the nearby level crossing. The proposal seeks to formalise an existing path and would not result in any vehicular traffic. The level of pedestrian traffic is not considered likely to exacerbate the usage of the crossing given that the site is currently being used as a footpath.

Land Contamination

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances
- : Noise, vibration, odour nuisance and light pollution;

The land to the south of the cycle/footway is formed by a disused quarry. The works would not encroach into this land. However, the Councils Contaminated Land, Air & Water Quality Team have requested a condition be imposed in relation to contamination.

As such, subject to the requested condition, (Condition 11) the proposal is considered acceptable in respect of land contamination.

Minerals

The application site is located within a Mineral safeguarding Zone (Category 2) for Limestone extraction in the LDP.

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

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

As aforementioned, the site adjoins a former quarry that ceased operations decades ago. In this case, having regard to criterion 2, given the location of the application site and its

proximity to residential dwellings, it is considered that any extraction of the mineral resource would likely have an unacceptable impact on amenity of nearby occupiers. Therefore, as extraction would likely have an unacceptable impact on amenity, the proposal is in line with Policy MG22 in that it would satisfy criterion 2.

Other Matters

Comments from neighbours have been noted. There is no evidence to suggest that the proposal would result in safety issues for pedestrians. It is common for paths to be shared by pedestrians and cyclist throughout the country. There is also no evidence to suggest that the proposal would result in increased crime, anti-social behaviour, be used by inconsiderate dog walkers, increase danger at level crossings, cause congestion or become a racetrack for motorbikes.

The proposal has been amended to a 3 metre wide path and does not seek access by vehicular traffic. A condition is recommended restricting its use. Network Rail have been consulted on the proposal.

Comments relating to noise and disruption, ecological impacts, path finishes, impact on SINC designation, the existing use by cyclists, visual impact, lack of need and contamination have been discussed in the body of the report.

It is also noted that many representations relate to concern that the proposal appears to be precursor for further development. The Council are obliged to assess the application based on the proposal as submitted. Should further applications at the site be submitted, members of public will have the opportunity to comment and the Local Planning Authority will assess any application on its own merit. It is noted that previous applications at the site have been refused. However each application is judged on its own merit.

The application has been submitted by a private land owner and not the Council. The Councils Public Rights of Way Team deal with existing footpaths.

In terms of there being a conflict of interest, the Council as a local authority are within their remit to provide pre application advice and determine the application.

Concerns about unauthorised tipping at the caravan park has been noted. This is being investigated by the Councils Enforcement Team. Comments relating to the forms being completed incorrectly are noted. However, the submitted forms, together with supporting documents and site visits are considered sufficient to make an accurate assessment.

The proposal does not include any external lighting or waste management plans. This is considered acceptable. The supporting ecological assessment has not recorded any adder on this site.

Overall, the proposal is considered acceptable subject to conditions.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Drawing No: 427/05 Proposed Layout for Overflow Car Park Received on 23 October 2020.

Drawing No: RAC/8576/1 Amended Location Plan Received on 03 December 2020.

BeEcological Ltd Ecological Appraisal Received on 30 October 2020.

Drawing No: RAC/8576/2 Amended Track Design Received on 22 December 2020.

Example of Bollard Details Received on 03 December 2020.

Drawing No: RAC/8576/4 Existing Car Park Received on 01 December 2020.

Amended Planning Statement & Appraisal Received on 03 December 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. No works shall commence on the cycle/footway until the applicant or developer has entered an agreement under the s25 of the Highway Act for the development hereby approved to become a Public Right of Way. The path shall remain open to the public in perpetuity.

Reason:

To ensure satisfactory development of the site and to ensure the route remains available for use by members of the public and to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

4. The overflow car park hereby approved shall only be used on Bank Holidays and otherwise between 01 May and 01 October. The overflow car park shall only be used as an overflow car park once the main car park as shown on Drawing No: RAC/8576/4 is full. The overflow car park shall remain closed at all other times.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use of this site which is located in the countryside and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. Prior to the footway/cycleway being opened for public use and notwithstanding the submitted plans, further details of 'bollards' to prevent use of the track by motor vehicles shall be submitted to and approved in writing by the Local Planning Authority. Those bollards shall be implemented/constructed prior to the opening of the development for public use and shall be so retained at all times thereafter.

Reason:

To safeguard residential amenity and highway/pedestrian safety and to enable the Local Planning Authority to maintain control over the nature of the use of the path, and to comply with the terms of Policies SP1 (Delivering the Strategy) & MD2 (Design of New Developments) of the Local Development Plan.

6. Prior to the commencement of any works on the cycleway or car park a Construction Management Plan incorporating construction and delivery times and access routes shall be submitted to and approved in writing with the Local Planning Authority. The plan shall also include details of measures to control and manage construction traffic using the 'Construction Traffic Access Route' and to ensure no other local roads are used by construction traffic.

Reason:

In the interests of maintaining highway efficiency and safety and to meet the requirements of policies SP1 and MD2 of the Local Development Plan.

7. All vegetation removal shall be supervised by a suitably qualified ecologist, details of who shall be provided to the Local Planning Authority at least 4 weeks before works commencing on site.

Reason:

To safeguard protected species, in accordance with Policies MD2 and MD9 of the Local Development Plan.

8. The development shall be carried out in accordance with the recommendations of the submitted Ecological Appraisal Received on 30 October 2020 with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policies MD2 and MD9 of the Local Development Plan.

9. Prior to the beneficial use of the overflow car park or the cycle/footpath, an ecological enhancement strategy (EES) addressing enhancement measures shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved strategy prior to the use of the outbuildings. The EES shall include the following:

- a) Details of any bird box provision
- b) Details of any landscaping features
- c) Details of the Hibernacula
- d) Details of bat box provision

Reason:

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

10. 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 shall 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.

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

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, SP7 – Transportation, SP9- Minerals, SP10 – Built and Natural Environment, SP11 – Tourism and Leisure MG16 – Transport Proposals, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, MG22 – Development in Minerals Safeguarding Areas, MG29 – Tourism and Leisure Facilities, MD1 – Location of New Development, MD2 - Design of New

Development, MD7 - Environmental Protection, MD8 - Historic Environment, MD9 – Promoting Biodiversity & MD13 - Tourism and Leisure of the Vale of Glamorgan Local Development Plan 2011 – 2026, the national policies and guidance within Planning Policy Wales Ed.11, Future Wales; The National Plan 2040, Welsh National Marine Plan, Well-being of Future Generations (Wales) Act 2015, TAN 5 – Nature Conservation, TAN6 – Planning for Sustainable Rural Communities (2010) TAN11 - Noise, TAN12 – Design, TAN13- Tourism, TAN15-Development and Flood Risk (2004), TAN18-Transport, TAN23 – Economic Development, as well as Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Mineral Safeguarding, Parking Standards, Residential and Householder Development, Sustainable Development- A developers Guide, Tourism and Leisure Development (2019) Travel Plan and Trees, Woodlands, Hedgerow and Development it is considered that the proposals represent an acceptable form of development, the benefits of which outweigh any visual impact the proposal will have on the character and appearance of the wider area, while also having no unacceptable impacts on highway safety, biodiversity, archaeology, drainage and flooding, contamination, impact on neighbouring properties and parking and highway safety.

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

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

NOTE:

1. **The 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 developer has 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 licence. 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**

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. The applicant is advised to contact Mr Gwyn Teague (Public Rights Of Way Officer) at the Vale Of Glamorgan Council on 01446 704810 to discuss the dedication agreement of the cycle/footpath.**
- 3. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

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

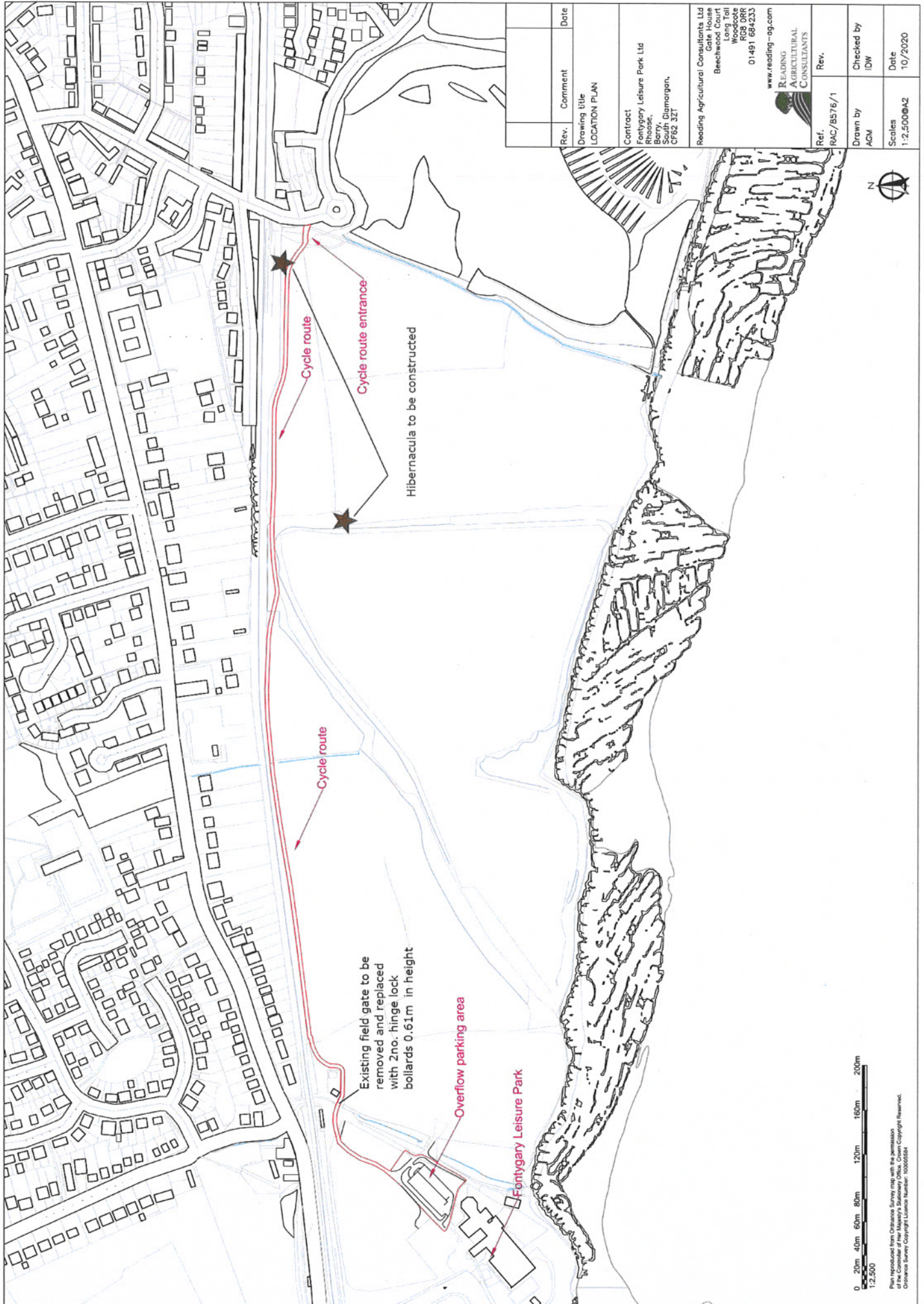
- 4. The applicant is also to be made aware that there are records from 2020 for adders in the hedgerow between the cycle route and the railway line.**
- 5. The applicant is advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 917 2652 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.**
- 6. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or a MCIfA level accredited Member.**

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.



Rev.	Comment	Date
Drawing title LOCATION PLAN		
Contract Fontygary Leisure Park Ltd Rhoose, South Glamorgan, CF62 3ZT		
Reading Agricultural Consultants Ltd Gate House Beechwood Court Long Tail Rhoose CF62 3RE 01491 684233 www.reading-ag.com		
Ref.	Rev.	Checked by
RAC/8576/1		IDW
Drawn by	Checked by	Date
AGM		10/2020
Scale	Scale	
1:2,500	1:2,500	



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2020/01516/FUL Received on 7 January 2021

APPLICANT: Mr. Andrew and Mrs Nina Parker Tenewith, Green Valley Farm, Trerhyngyll, Vale of Glamorgan, CF71 7TN

AGENT: Mr. Andrew Parker Andrew Parker Associates, The Old Farm House, Trerhyngyll, Cowbridge, CF71 7TN

Farm Building Adjacent Green Valley Farm, Trerhyngyll, Cowbridge

Demolition and removal of redundant farm building and construction of new three bedroom dwelling

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been submitted by a current Member of the Council.

EXECUTIVE SUMMARY

The application site relates to land at the centre of Trehyngyll. The application seeks planning permission for the demolition of an existing barn, and its replacement with a three-bed detached dwelling.

There is an extant planning permission for the construction of a 3 bedroom detached dwelling on the site.

To date two letters of representation have been received which generally support the application.

The dwelling would measure a maximum of 11.9m deep and 13.6m wide with a maximum height of 7.7m. The ground floor would consist of a kitchen/dining/family room, utility/shower room and an integral garage. Three bedrooms with en-suites would be provided at first floor. The proposed dwelling has a contemporary form using a mix of traditional and contemporary materials.

Subject to conditions, the proposal is considered to have an acceptable impact in terms of its scale and design, impact on neighbours and future occupiers, and on highway safety. The application is recommended for APPROVAL subject to a section 106 agreement to make provision for affordable housing. The period to implement the planning permission would be the same time frame as is left to implement the extant planning permission (until 5 of December 2022).

SITE AND CONTEXT

The application site is in the centre of Trerhyngyll, which does not have a settlement boundary identified in the Local Development Plan and is therefore classed as countryside for planning policy purposes.

The application site comprises an open fronted existing metal and concrete block agricultural outbuildings and part of the associated farmyard. The site includes a modern metal clad open fronted barn opposite the existing farmhouse. The barn is used to store general machinery with a car and other household items evident. It appears to be in a poor condition. There is also a dilapidated stone shed and barns adjacent to this building.

The site is at the centre of the village surrounded by neighbouring residential dwellings.



DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for the demolition of the existing barn and the erection of a detached dwelling with an integrated garage.

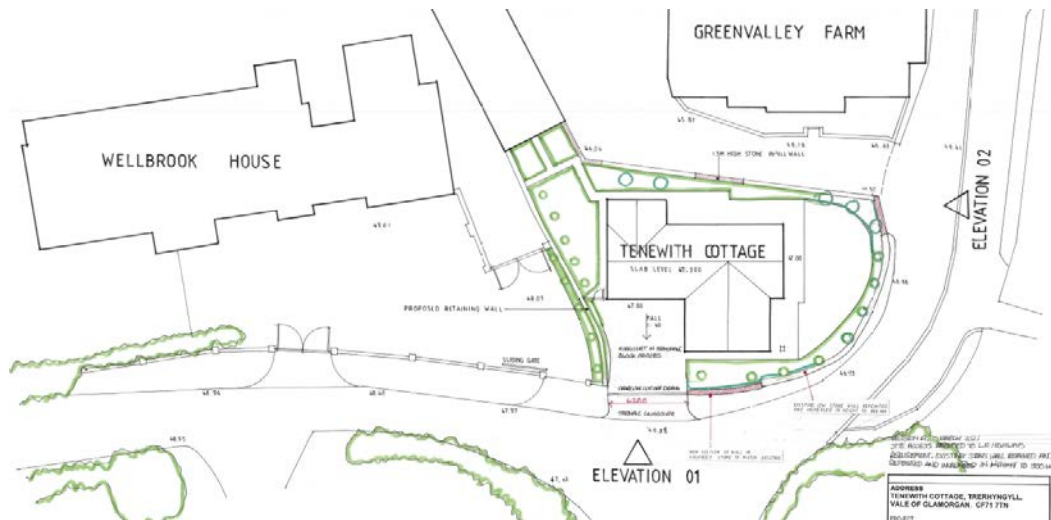
The dwelling would measure a maximum of 11.9m deep and 13.6m wide with a maximum height of 7.7m. The ground floor would consist of a kitchen/dining/family room, utility/shower room and an integral garage. Three bedrooms with en-suites would be provided at first floor.

The external walls of the dwelling will be constructed from mix of render and natural stone and the roof will be covered with natural slate. The dwelling would be served by garden areas to the side of the dwelling and a small area to the rear. The front (north elevation) and west of the property will be secured by a 0.9m high stone wall, and to the south and east the wall would be increase to a height of 1.5m. Inside of the wall it is proposed to plant a number of trees. A forecourt is provided to the front of the dwelling which will be completed in permeable pavements. A Tarmac Crossover has been proposed between the forecourt and public highway.

The proposals are illustrated in the following plan extracts:



Proposed Elevations



Proposed Site Plan (Marking elevation 01 and elevation 02 as shown below)



DESIGN: A. HIRSH 2021
 ALL ACCESS REQUIREMENTS TO THE BUILDINGS
 REMAIN. EXISTING SIDE BOUNDARY WALL
 REMAINS AND TO BE REPAIRED AND RAISED TO
 HEIGHT TO 200 mm

ADDRESS
 TENEWITH COTTAGE, TRERHYNGYLL,
 VALE OF GLAMORGAN, CF11 7TN
 PROJECT

Proposed Street Frontage Elevations

PLANNING HISTORY

1996/00682/FUL, Address: Green Valley Farm, Trerhyngyll, Proposal: Conversion of Barns into 2 dwellings, Decision: Refused

1996/00683/OUT, Address: Green Valley Farm, Trerhyngyll, Proposal: 1 Dwelling - Plot, Decision: Refused

1997/00133/FUL, Address: Green Valley Farm, Trerhyngyll, Proposal: Conversion of barns into dwelling, Decision: Refused

2003/01661/FUL, Address: Green Valley Farm, Trerhyngyll, Proposal: Proposed conversion of existing barn into residential dwelling, demolition of existing barn and transfer of farming activities to another part of the farm, Decision: Approved

2011/00734/FUL, Address: Farm Building at Green Valley Farm, Trerhyngyll, Proposal: Renewal of planning application 2003/01661/FUL - Proposed conversion of existing barn into residential dwelling, demolition of existing barn and transfer of farming activities to another part of the farm, Decision: Approved

2012/01118/FUL, Address: Green Valley Farmhouse, Trerhyngyll, Proposal: Change of use of agricultural storage shed, attached to side of farmhouse, to annex accommodation, with associated works, Decision: Approved

2016/00027/FUL, Address: Green Valley Farm, Trerhyngyll, Proposal: Demolition of agricultural shed. Proposed 3 bedroom detached dwelling, Decision: Approved

CONSULTATIONS

Cowbridge with Llanblethian Town Council - No comments have been received to date.

Penllyn Community Council - No comments have been received to date.

Cowbridge Ward members - No comments have been received to date.

Highway Development – No objection - responded with updated comments on 19 February 2021 and stated the following –

The previous planning application 2016/00027/FUL which shows a vehicle access off the main road further south around the bend in the carriageway. The new proposed vehicle access location shown in this application is considered to be comparable in terms of visibility and accessibility and as such acceptable.

The following comments were also made -

- 1. It is accepted that due to the low traffic movements and low speeds along the main road that vehicles will reverse out of the access. However due to the parking requirements, to help facilitate the vehicle movement out the access; the access gate to be full width of the driveway and any pedestrian access to be integrated into the sliding gate.*
- 2. Notwithstanding the existing adopted highway verge limits the applicant to provide minimum 2m wide grass verge fronting the full extent of the proposed property between the boundary wall and the existing main road carriageway edge. Extents of existing adopted highway greater than 2m wide to remain.*
- 3. No part of the proposed development to extend into the existing extents of the adopted highway. If it is proposed to extend the development into the extents of the existing adopted highway (any land in ownership of the applicant) then the applicant will need to contact the VoGCC highways department and apply for highway extinguishment*
- 4. The proposed means of access from the adopted highway shall be constructed from a bound material for the first 6.0m into the site from the adjacent highway and no private surface water runoff to flow onto the adopted highway.*

Further correspondence was received by the Highway Department on the 22 February 2021 which stated:

I have been advised that as the 2m verge strip requested is not a highway safety issue but a betterment then this can be removed as an observation request. The existing grass verge to remain.

Shared Regulatory Services (Pollution) - No Objection - advised that contamination is not known at this site, however the potential for this cannot be ruled out. Advise that should there be any importation of soils to develop the garden/landscaped areas of the development, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. Request conditions and informative notes to address these issues.

Shared Regulatory Services (Noise) – No objection - commented with regard to construction noise being restricted between 8:00-18:00 Monday-Friday, 8:00- 13:00 Saturday and no work on Sunday.

Housing Strategy – No objection - advised there is an evidenced need for additional affordable housing. The application states a net gain of 1 unit. Under the SPG we require an off-site contribution of AHC x 0.4 of a one bed unit in zone 5 (£119,700) which equates to £27,770.

Ecology Officer – No objection – commented as follows.

'Metal framed and clad open barns such as this are not ideal for bat roosting as the substrate is difficult to attach to, there will be wide fluctuations in temperature and humidity which bats are not keen on and potentially better sites for roosts nearby'.

A bat survey is therefore not required but, in order to avoid complications over nesting birds, the barn should be demolished outside of the bird nesting season which is generally regarded as between April and September.

Natural Resources Wales (NRW) – No objection - noted that no species surveys have been submitted as part of the application, and as the works proposed include demolition of an existing farm building, advised that the in-house ecologist should be consulted to determine if there is a reasonable likelihood of bats.

Dwr Cymru Welsh Water – No objection - advised that capacity exists in the public sewerage network in order to receive the domestic foul only flows from the proposed development site. Should it be determined that SAB consent is not required, have requested conditions and Advisory Notes in respect of surface water and/or land drainage not entering the public sewerage system. With regard to surface water they indicate that the development may require approval from SuDS Approval Body (SAB).

Western Power Distribution - No comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 7 January 2021. A site notice was also displayed on 22 January 2021. Two letters of support have been received, and one letter while supporting the proposal in principle raises concern about the height of the chimney.

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 SP3 – Residential Requirement

POLICY SP4 – Affordable Housing Provision

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan

POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 – Community Infrastructure and Planning Obligations

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)

Supplementary Planning Guidance:

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

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

The site falls outside of a residential settlement boundary as defined in the Adopted Local Development Plan and as such is considered as countryside. Outside settlement

boundaries new developments are strictly controlled in the interests of sustainable development. National policy guidance contained within Planning Policy Wales (PPW) restricts new building outside settlement limits unless it is justified as an exception to the policy of restraint.

However, of significant material weight in respect of the consideration of this application, in line with Section 38 of The Planning and Compulsory Purchase Act 2004, is that there is currently an extant planning permission on the site for the erection of a detached dwelling, which was granted on 5th of December 2017 (ref 2016/00027/FUL) subject to a s106 agreement, for which the planning permission will expire on 5th of December 2022, if not implemented within that time.

This permission was granted before the current LDP was adopted and was considered under the former Vale of Glamorgan Unitary Development Plan. Notably, under the former UDP Trerhyngyll was identified as a settlement that could accommodate infill development and the site was located within the settlement boundary of Trerhyngyll. Therefore, at the time of the determination of the previous application, the principle of a new dwelling in this location was acceptable. Whilst Trerhyngyll is no longer a defined settlement within the LDP, the fact that there is any extant planning permission is a material consideration which would override the policy presumption against new residential development within Trerhyngyll.

On the basis that planning permission ref 2016/00027/FUL remains in place until its expiry on 5th of December 2022, should the application be approved having regard to the consideration of the other matters set out below, any new permission granted would be given for the same time frame as is left to implement the above-mentioned approval (i.e. until the 5th of December 2022).

Design, scale and visual impact

Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form, and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by PPW and TAN12.

The street scene in Trerhyngyll consists of detached dwellings of varying designs and finishes. The proposed 3-bedroom dwelling would be of an appropriate size for the plot, with sufficient space remaining for parking and amenity space. The dwelling is of a comparable size and height to the nearby modern dwellings to the opposite side of the highway. The dwelling proposed would be sufficiently spaced from the farmhouse and barns and would appear visually separate from these older stone farm buildings.

The finish of the proposed dwelling, which is a mix of render and natural stone with a natural slate tiled roof, is considered acceptable and would not harm the character or amenity of the wider area. However, samples of materials and finishes shall be submitted by way of condition (**Condition 7** refers)

The proposed dwelling will replace an existing barn which is in a very poor state of repair and appears to be used to store some agricultural items (general machinery) though with non-agricultural items also, such as a car and other household goods such as furniture. The proposed dwelling will therefore enhance the appearance of the area.

Finally, the proposed stone wall boundary treatments and landscaping within the site, which includes the planting several trees around the inside perimeter of the site, are also considered acceptable.

Given the extensive use of stone in the house and the boundary wall, it is also considered necessary to request the approval of a sample panel of stonework which shall be secured by way of a condition (**Condition 8** refers)

The application has also been submitted with a detailed scheme of landscaping which is considered acceptable and its implementation will be required by condition (**Condition 9** refers)

In view of above, it is considered that the design is acceptable and would comply with the design criteria of Policies MD2 of the LDP, along with national policies and guidance.

Neighbour Amenity Impact

There is a sufficient degree of separation between the proposed dwelling and the neighbouring dwellings as to not result in a significant overbearing impact or loss of light.

In terms of privacy, there is one first floor window on the east elevation which faces the front garden of 'Wellbrook House' (to the east). This window serves the en-suite bathroom of Bedroom 2 and whilst likely to be obscure glazed it is considered necessary to ensure that it is obscure glazed and non opening below a height of 1.7m above floor level, given its proximity to the front garden (**Condition 9** refers).

The main glazed elevation of the property will be located on the west elevation. This elevation will include two patio doors at ground floor level, and at first floor level a window and balcony are proposed. The west elevation of the property will face the highway and the opposite properties 'Whispering Winds' and 'Holly Grove'. The balcony will only impact on the front of neighbours' properties, which are already publicly visible and located some 15-17m to nearest parts of the front gardens of these dwellings and some 21m to these dwellings themselves. Therefore the proposed dwelling would not result in any unacceptable impacts on privacy to these occupiers.

To the rear of the proposed dwelling (south elevation), three windows are proposed at first floor level, which overlooks Green Valley Farmhouse and the barn conversion. However, immediately adjoining the site is the shared access to the dwelling barn conversion. One of the first floor windows serves a landing which is not considered as habitable. The en-suite window is habitable and whilst this would likely be obscure glazed, in the absence of this, it could cause overlooking of the opposing windows in Green Valley Farmhouse, which are some 10m away. On this basis, it is considered necessary to ensure that it is obscure glazed and non opening below a height of 1.7m above floor level, (**Condition 9** refers)

The window in the rear projecting gable, would largely overlook the access serving the driveway and would be off set from Green Valley Farmhouse. This end section of the neighbouring dwelling does not contain any habitable windows. Whilst one small window is located in the side of the catslide section of the main dwelling, this would be at 90 degrees to the proposed bedroom window and at a distance that would not cause any loss of privacy.

Moreover the external amenity space for Green Valley Farmhouse dwelling is located to the front of the property, with only a small walkway located to the rear. The proposal will therefore not impact on the privacy of the external amenity areas of the occupiers of the farmhouse.

Highways Implications

The dwelling will be accessed via a new access which will be located to the north of the site. The access will be adjacent to the access of the neighbouring property of 'Wellbrook House'.

Noting the comments made by the highway engineer, amended plans have been submitted, and the sliding access gates originally proposed have been omitted and a 6.2m wide access now serves the proposal. A cut off drain has been proposed in order to ensure that there is no private surface water runoff onto the adopted highway. As previously stated, it is proposed that a tarmac crossover will be provided between the highway and the forecourt of the property that will be finished in permeable pavements.

The proposal would provide two parking spaces on the forecourt and one parking space within the integral garage.

The access as proposed is considered suitable in line with the highway engineer's comments and the parking provision sufficient to serve the house.

Amenity Space

The Residential and Householder Development SPG states that amenity space is essential and provides a number of important functions that contribute towards a resident's enjoyment of a property. Those essential functions include space for relaxation, entertainment, and play; gardening and cultivation; clothes washing and drying; DIY; and waste, cycle and other domestic storage.

Design Standards 4 relates to amenity space provision for dwellings and states that:

"For houses, a minimum of 20 sq.m amenity space per person* should be provided, and the majority should be private garden space."

*typically a 2 bed house would have 3 persons, 3+ bedrooms would typically have 4 persons,

The guidance states that proposals for new houses must ensure that an adequate provision of amenity space is provided and maintained. In particular private (usually rear) gardens should be of a useable shape, form and topography. Although the dwelling does take up a significant amount of area in its site, approximately 80 square metres of garden space is provided which meets the standards required by the Residential and Householder SPG.

Ecology

It is considered that the barn in its current state is not likely to accommodate bats, and therefore the Council's Ecologist has advised that a bat survey is not required. However, in order to avoid complications over nesting birds, it is advised that the barn needs to be

demolished outside of the bird nesting season which is generally regarded as between April and September, which will be secured by condition (**Condition 6** refers)

Affordable Housing

The delivery of affordable housing is a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan's housing market over the last 10 years having resulted in many local people experiencing difficulties purchasing suitable housing on the open market. The Council's 2019 Local Housing Market Assessment (LHMA) determined that 890 additional affordable housing units were required each year to meet housing need in the area.

The Affordable Housing SPG identifies that development in the rural areas and minor settlements of the Vale of Glamorgan are required to deliver 40% affordable housing, where there is a net gain of 1 dwelling or more. In these circumstances, the Council would seek a financial contribution. The contribution is calculated by the formula below: - Accepted Housing Cost x 0.4 of a one bed unit in zone 5 (£119,700) which equates to £27,770.

The applicant has stated that this is a self-build project and may so be eligible for exemption as outlined within the SPG. The applicant has also agreed, in principle, to enter into an s106 agreement which would secure the payment of the financial contribution in the event the exemption was not claimed or able to be verified.

Conflict with approved application 2011/00734/FUL

Application 2011/00734/FUL approved the change of use of the stone barns to the east of the farmhouse to a dwelling. The parking provision would have been where the metal clad barn currently stands, which is the site of the proposed house with this new application. If the house was implemented then the parking provision for the approved barns could not be achieved. However, as on the previous application for a dwelling here in 2016 the Agent has stated the applicant has no intention of converting the stone barns.

Furthermore, the application to convert the stone barns expired 19 October 2016, with this development approved in 2011 not implemented. As such, there is no conflict between approving the proposed house with this application and the previously approved barn conversion, as this permission has now expired.

If the owner of the adjacent site wishes to convert the stone barn to a dwelling then a new planning application would have to be submitted, with an alternative parking arrangement to be considered if this application is approved and implemented.

Other Matters

As part of the neighbour consultations exercise a letter was received expressing concerns about the height of the chimney and potential impacts of emissions. The Environmental Health department have been consulted and have not objected to the proposal. Whilst the height of the chimney is not a material planning consideration, the applicant has been informed of the concerns raised in the letter.

The comments raised by Shared Regulatory Services (Pollution) are noted in respect of contamination, importation of soils and materials and shall be secured by condition (**Conditions 3,4, and 5** refer)

Dwr Cymru Welsh Water have raised no objection and capacity exists in the public sewerage network for foul water drainage. As the size of the development would require SAB approval, the suggested conditions are not necessary and the applicant shall be advised of the need for approval from SuDS Approval Body (SAB) by way of an informative

RECOMMENDATION

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

- An off-site contribution of £27,770 towards affordable housing subject to the guidelines for Self Build Exemption.

APPROVE subject to the following condition(s):

1. The development shall begin no later than 5th December 2022.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 and Policy MD1 (Location of New Development) of the Local Development Plan.

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

Site Location Plan (no reference)

800/P/05A – Proposed Site Layout Plan

800/P/06A – Proposed Road Frontage Elevations

800/P/07A – Proposed Dwelling Ground Floor Plan

800/P/08 – Proposed Dwelling First Floor Plan and Sections

800/P/09 – Proposed Dwelling Elevations

800/P/10A – Landscape Layout

Reason:

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

3. 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.

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

Reason:

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

5. 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.

6. Any vegetation clearance or demolition must be undertaken outside the nesting season, which is generally recognised to be from April to September inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with In the interests of ecology and to ensure compliance with MD9 (Promoting Biodiversity) of the Local Development Plan.

7. Notwithstanding the submitted details, a schedule of materials and samples to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial occupation.

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.

8. Prior to work commencing on the external facing of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed stonework and detail of the mortar type and pointing, shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

Reason:

To enable the quality of the stonework, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

9. Any part of en-suite windows serving bedroom 2 and the principal bedroom that are below 1.7m in height above the level of the finished floor in the room that they serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

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.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) 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 and Future Wales: The National Plan 2040.

Having regard to Policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD9 - Promoting Biodiversity and MD12 – Dwellings in the Countryside of the Local Development Plan, Future Wales: The National Plan 2040, Planning Policy Wales Edition 11 and the relevant Technical Advice Notes and Supplementary Planning Guidance, the proposed development is considered acceptable, particularly in terms of its impact on visual and neighbour amenity and highway safety.

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

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

NOTE:

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

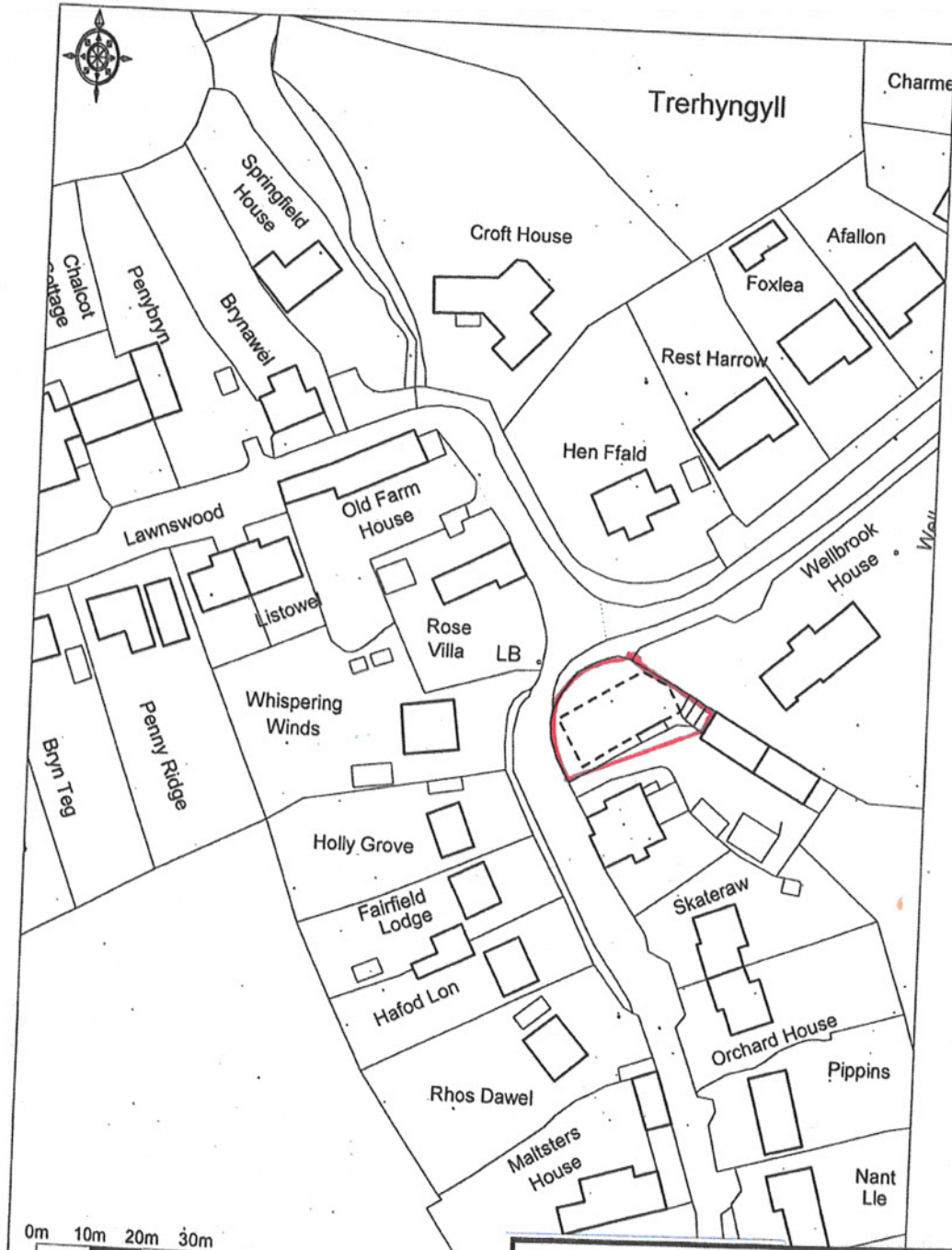
Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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

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

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

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



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ADDRESS
TENEWITH COTTAGE, TRERHYNGYLL,
VALE OF GLAMORGAN, CF71 7TN

PROJECT ;
DEMOLITION AND REMOVAL OF REDUNDANT
FARM BUILDINGS AND CONSTRUCTION OF NEW 3
BEDROOM DWELLING
FOR MRS NINA AND MR. ANDREW PARKER