PLANNING COMMITTEE : 29 SEPTEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

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

(a) <u>Building Regulation Applications - Pass</u>

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

2021/0031/PO	AC	29, Heol Llangeinor, Bridgend CF32 8PW	Rear two storey extension
2021/0033/PO	AC	50, Everswell Road, Cardiff, CF5 3DJ	Rear/side pitched roof single storey extension
2021/0044/RG	A	20, Pembroke Close, Dinas Powys, CF64 4PA	Re roof
2021/0604/BN	A	11, Llandaff Close, Penarth, CF64 3JH	Single storey rear extension
2021/0625/BN	A	Holmhurst, Southra, Dinas Powys. CF64 4DL	Hip to gable, loft conversion with balcony area
2021/0627/BN	A	2, Brynteg Cottages, Tredodridge. CF71 7UN	Two storey extension on east elevation and single storey extension to south elevation
2021/0628/BR	AC	5, Birch Grove, Barry. CF62 6SX	Demolition of existing garage and conservatory and construction of two storey rear and side extensions
2021/0634/BR	AC	10, Dowland Road, Penarth. CF64 3QX	Proposed single and two storey extension with re- location of bathroom window to side elevation. Proposed covered shelter to side and proposed front porch structure with internal alterations and all associated external works

2021/0635/BN	A	25, Suran Y Gog, Barry. CF63 1FT	Garage conversion, relocation of toilet and knock throughs
2021/0637/BR	AC	14, Boverton Court, Llantwit Major. CF61 1UJ	Ground floor extension to rear and part 2 Storey extension and front porch
2021/0638/BN	A	3, Darren Close, Cowbridge, CF71 7DE	First floor timber frame dormer style extension to left side front bedroom
2021/0639/BN	A	8, Clevedon Avenue, Sully, CF64 5SX	Rear extension
2021/0640/BR	AC	1, Rheidol Drive, Barry, CF62 7HA	Construction of a single storey orangery/sunroom extension to rear of property
2021/0642/BR	AC	19, Powys Drive, Dinas Powys, CF64 4LN	Proposed two storey extension to side and single storey extension to rear with minor internal re- modelling
2021/0643/BN	А	2, Masefield Road, Penarth. CF64 2SD	Loft conversion with dormer
2021/0644/BR	AC		Single storey extension to rear of property to enlarge kitchen / dining
2021/0644/BR 2021/0645/BN	AC A	31, Rhoose Way, Rhoose.	Single storey extension to rear of property to enlarge
		31, Rhoose Way, Rhoose. CF62 3FB Old Rectory, Llandough,	Single storey extension to rear of property to enlarge kitchen / dining Single storey glazed extension and internal
2021/0645/BN	A	 31, Rhoose Way, Rhoose. CF62 3FB Old Rectory, Llandough, Cowbridge, CF71 7LR 34, Ceri Road, Rhoose, 	Single storey extension to rear of property to enlarge kitchen / dining Single storey glazed extension and internal alterations Replacing existing conservatory roof with a

2021/0651/BN	A	27, Canon Street, Barry, CF62 7RH	Proposed attic conversion and ground floor extension
2021/0653/BN	A	48, Craig Yr Eos Road, Ogmore By Sea. CF32 0PH	Single storey and two storey extensions with internal layout alterations
2021/0655/BN	A	37, Voss Park Drive, Llantwit Major. CF61 1YE	Change of use of garage / storage / workshop into habitable room
2021/0656/BN	A	93, Wordsworth Avenue, Penarth, CF64 2RP	Single storey extension with pitched roof extension, minor alterations to existing single storey portion of the house
2021/0657/BN	A	10, Paget Terrace, Penarth. CF64 1DR	Renewal of front and rear dormer flat roofs
2021/0658/BN	A	1, The Pastures, Barry. CF62 9ET	Single storey extension
2021/0659/BN	A	48, Port Road East, Barry. CF62 9PT	Loft conversion with dormers to front and back
2021/0660/BR	AC	41, Cornerswell Road, Penarth. CF64 2UX	Loft conversion with dormer for bedroom and ensuite
2021/0661/BN	A	39, Redlands Road, Penarth. CF64 2WD	Loft conversion with dormer
2021/0663/BN	A	Sully House, St. Mary's Well Bay Road, Swanbridge, Penarth. CF64 5UJ	Removal of internal load bearing wall and replace with steel beam
2021/0664/BN	A	Twin Pines, Welsh St. Donats. CF71 7SS	Internal alterations and porch
2021/0665/BR	AC	Ty Caredig, Old Farm Mews, Dinas Powys. CF64 4AZ	Refurbishment of garage
2021/0666/BN	A	8, Trem Y Don, Barry. CF62 6QL	Knock through
2021/0667/BN	А	88, Lavernock Road, Penarth. CF64 3QF	Single storey extension (10-40m2)
2021/0668/BN	A	18, Senni Close, Barry. CF62 7DR	Single storey extension (4.3 x 3.9m)

2021/0669/BN	A	Colomendy, Church Street, Llysworney, CF71 7NQ	Conservatory with Leka tiles roof
2021/0671/BN	A	11, Stanton Way, Penarth, CF64 5RQ	Re roof to house and garage
2021/0672/BN	A	41, Park Road, Barry. CF62 6NX	Single storey side and rear extension less then 40m2
2021/0674/BN	A	Holly Cottage, Park Road, Barry. CF62 6NU	To convert integral garage of a bungalow into a habitable room
2021/0675/BN	A	33, Maes Y Gwenyn, Rhoose. CF62 3LA	Remove internal wall between kitchen and dining room
2021/0677/BN	A	Ty Mawr, Llanbethery. CF62 3AN	Remove floor joists and replace with new steel and timber floor joists as per SE details
2021/0678/BN	A	24, Heol Eryr Mor, Barry. CF62 5AD	Single storey extension 5.1 x 3m
2021/0680/BN	A	26, Plas Taliesin, Portway Marina, Penarth. CF64 1TN	Balcony and window changes to front elevation
2021/0682/BN	A	Cross House, Sigingstone. CF71 7LP	Single storey side extension, new front porch plus internal alterations to existing house
2021/0684/BR	AC	Pen Y Bryn, Pen Y Lan Road, Aberthin. CF71 7HB	New dwelling
2021/0687/BN	A W	77, Shakespeare Avenue, Penarth. CF64 2RX	Single storey side and rear extension plus associated works
2021/0688/BN	A	11, Park Road, Barry. CF62 6NW	Re roof front, side and rear extension roof renewing two Velux windows
2021/0689/BR	AC	34, Byrd Crescent, Penarth. CF64 3QU	Single front porch to replace the existing front door and add additional internal storage
2021/0692/BR	AC	66, Colcot Road, Barry, CF62 8HP	First floor rear extension over existing single storey

(b) Building Regulation Applications - Reject

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

2021/0646/BN	R	100, Westbourne Road, Penarth, CF64 3HG	Knock through
2021/0654/BN	R	35, Clos Mancheldowne, Barry. CF62 5AB	Conversion of existing garage to a garden room
2021/0662/BN	R	11, Leigh Close, Llantwit Major. CF61 1UL	Gym rear of garden (24m2), single storey extension (10-40m2), window replacement (less then 20) and changing hip roof to gable
2021/0670/BN	R	Bryn Farm, Clawddcoch, Cowbridge. CF71 7UP	New Dwelling

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

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

2021/0149/AI	A	18, Raven Way, Penarth. CF64 5FH	Proposed single storey rear extension (works to incorporate material alteration to structure, controlled services, fittings and thermal elements)
2021/0150/AI	A	Lavernock Court Funeral Home, Lavernock Road, Penarth. CF64 5UP	Refit and rebrand of funeral premises
2021/0151/AI	A	Woodlands Cottage, Llandough. CF71 7LR	Proposed first floor extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0152/AI	A	Nash House, Nash, Cowbridge. CF71 7NS	Proposed single storey extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0153/AI	A	23, Crompton Way, Ogmore By Sea. CF32 0QF	Loft conversion with rear dormer and associated works

2021/0154/AI	A	2, Sully Terrace, Penarth. CF64 3DS	Loft conversion with rear dormer and associated works
2021/0155/AI	A	19, Countess Place, Penarth. CF64 3UJ	Loft conversion and associated works
2021/0156/FUL	A	3, Harbour View Cottages, Northcliffe Drive, Penarth. CF64 1DQ	Construction of a replacement dwelling and associated works
2021/0157/AI	A	58, Caerwent Close, Dinas Powys. CF64 4QA	Proposed structural opening to form new doorway (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0158/AI	A	14, Whitehall Close, Wenvoe. CF5 6DB	Proposed re roof, dormer extension and internal alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0159/AI	А	16, St. Davids Avenue, Dinas Powys. CF64 4JP	Proposed kitchen and dining room knock through into an existing extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0160/AI	A	72, Blackberry Drive, Barry. CF62 7JR	Proposed single storey rear extension to property with apex roof (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2021/0161/AI	A	10, Agnes Street, Cogan, Penarth, CF64 2JW	Proposed knock down of load bearing wall
2021/0162/AI	A	1, The Nurseries, Fontygary Road, Rhoose. CF62 3BW	Proposed single storey ground floor rear extension and internal alterations (works to incorporate material alterations to structure, controlled

2021/0163/AI A 21, Plassey Street, Penarth. CF64 1EJ Proposed single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

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REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. <u>PLANNING APPLICATIONS DETERMINED BY THE HEAD OF</u> <u>REGENERATION AND PLANNING UNDER DELEGATED POWERS</u>

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

Decision Codes

 F - Prior approva H - Allowed : Age Imposed : Age J - Determined & L - Approved <u>AN</u> 	g) Further required ing) Not Required al required (PN) pricultural Condition ppeals	approval of C B - No obs E Split D G - Approv "F" abs N - Non P NMA – Non N Q - Referr (HAZ) S - Specia U - Undete RE - Refuse	anding (approved subject to the cadw OR to a prior agreement servations (OBS) Decision ved the further information following ove (PN) ermittal (OBS - objections) Aaterial Amendments ed to Secretary of State for Wales al observations (OBS) ermined ed (Enforcement Unit Attention) fon of condition(s) approved
2016/00355/FUL	R Crystal Sprin Road East, B	gs, Coldbrook arry	Construction of nursing home - revised design and car parking
2016/00425/1/C D	A 12, Commerc Barry	cial Road,	Discharge of Condition 3 (Screen for external stairs) - Retrospectively installed a privacy fence affixed to the external staircase in the rear of the property
2017/01100/FUL	A Field near Ha	appy Jakes	Plant training (change of use)
2017/01197/4/C D	A Land to the e View Leisure	east of Holm Centre, Barry	Discharge of Condition 13 (Crossing point). Planning approval 2017/01197/RG3 - Proposed residential

			development comprising 11 affordable dwellings along with associated parking, highway and ancillary works, including a new vehicular access/egress for Holm View Leisure Centre
2017/01263/2/N MA	A	Land off Gileston Road, St. Athan	Non-Material Amendment of the approved plans and documents listed in Condition 2 to provide PV solar panels and air source heat pumps for the proposed dwellings. Planning Permission 2017/01263/FUL - Affordable residential development and associated works for 18 dwellings
2018/00625/2/C D	A	13, Main Avenue, Peterston Super Ely	Discharge of Condition 3 (Materials). Planning approval 2018/00625/FUL - Demolition of existing garage, construction of new dwelling and associated works
2019/00733/3/C D	A	Argoed Uchaf, Llanharry	Discharge of Condition 6 (Materials Sample Panel) and Condition 7 (Materials Details). Planning approval 2019/00733/FUL - Demolition of the existing two storey dwelling and proposed replacement dwelling
2019/00852/1/N MA	A	6, Lettons Way, Dinas Powys	Non Material Amendment - New windows layout and relocated kitchen. Planning approval 2019/00852/FUL - New rear extension with balcony and connection to existing garage with balcony. Create new first floor

			dormer to front and loft conversion including a flat roof rear dormer
2019/01177/1/C D	A	Glenburnie, Port Road, Wenvoe	Discharge of Condition 5 (Scheme for bio diversity enhancement). Planning approval 2019/01177/FUL - Development of a Care Home and associated works
2019/01177/2/C D	A	Glenburnie, Port Road, Wenvoe	Discharge of Conditions 7 (Levels) and 15 (Programme of Archaeological Work). Planning approval 2019/01177/FUL - Development of a Care Home and associated works
2019/01260/1/C D	A	Rubb Hanger, land between Aston Martin Lagonda and Taxiway Echo, Bro Tathan, St. Athan	Discharge of Condition 21 (Landscape), Condition 23 (Travel Plan), Condition 24 (Cycle Storage) and Condition 26 (External Lighting). Previous approval 2019/01260/HYB - Hybrid application comprising: full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA Rubb hanger (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence and outline planning permission (with all other matters

			reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works
2019/01260/2/C D	A	Land between Aston Martin Lagonda and Taxiway Echo, Bro Tathan, St. Athan	Discharge of Condition 29 (Long term monitoring plan) - Phase 1. Planning approval 2019/01260/HYB - Hybrid application comprising: full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA Rubb hanger (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence and outline planning permission (with all other matters reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works
2019/01260/3/C D	A	Rubb Hanger / Apron 1, Land between Aston Martin Lagonda and Taxiway	Discharge of Conditions 13 (Contaminated Land 4), 15 (Contaminated Land 6), 16

	Echo, Bro Tathan, St. Athan	(Contaminated Land 7) and 17 (Contaminated Land 8). Planning approval 2019/01260/HYB - Hybrid application comprising: full planning permission for the demolition of existing structures; the construction of a new service road, footpath, associated drainage and engineering works; erection of a 2,500 sqm GIA Rubb hanger (flexible Class B1 and/or Class B2 and/or Class B8 use) including associated slab / apron, parking and servicing area and associated drainage arrangements; erection of boundary fencing and a jet blast acoustic fence and outline planning permission (with all other matters reserved) for the erection of up to 37,500 sqm GIA air-side operational employment facilities (Class B1 and/or Class B2 and/or Class B8) including associated slab/apron and parking areas and all associated building and engineering works
2020/00234/1/C A D	38, Main Street, Barry	Discharge of Conditions 3 (Levels), 4 (Materials Details), 5 (CEMP), 8 (Ground Gasses), 9 (Contaminated Land), 16 (Ecological Design Strategy), 19 (CTMP) and 21 (Means of Enclosure). Planning approval 2020/00234/FUL - New build three storey apartment building fitted with seven one bedroom flats and associated parking and amenity space

			at Land adjacent to 38, Main Street, Barry
2020/00710/1/C D	A	Paget Rooms, Victoria Road, Penarth	Discharge of condition 3 (Materials Details). Planning approval 2020/00710/LBC - Main roof over the auditorium to be re-roofed and existing rooflights to be removed and opening boarded over at Paget Rooms, Victoria Road, Penarth
2020/00818/FUL	A	Whitton Mawr Solar Farm, Land East of Five Mile Lane, Whitton Mawr	Variation of Condition 2 (time limit) from 25 years to 40 years of planning permission 2016/00950/FUL for [Variation/removal of Conditions 8, 9, 10, 13 & 17 of Planning Permission 2016/00794/FUL. 6MW solar PV array at land east of Five Mile Lane]
2020/00918/2/C D	A	Dyfryn Tawel, Llanharry, Pontyclun	Discharge of Condition 5 (Biodiversity Enhancements) and Condition 10 (Means of Enclosure). Planning approval 2020/00918/FUL - Demolition of the existing dwelling and proposed replacement dwelling
2020/01090/FUL	R	Land off Fairford Street, Barry	Construction of 2 no. three bed houses on existing vacant site. Proposal includes provision of private gardens and amenity space and the provision of 5 no. off road parking bays
2020/01290/1/C D	A	Glasfryn,11, Lower Cwrt y Vil Road, Penarth	Discharge of Condition 3 (CEMP) and Condition 5 (Wall Method Statement). Planning approval

			2020/01290/FUL - Demolition of existing garage and construction of a single storey outbuilding to provide store, gym and home office
2020/01439/1/C D	A	35, Trem Y Don, Barry	Discharge of Condition 3 (Materials Details). Planning approval 2020/01439/FUL - Proposed two storey side extension and material alterations
2020/01522/1/N MA	A	Albert Primary School and Nursery, Albert Road, Penarth	Non Material Amendment - Apply a rendered finish to the end gables of the building. Planning Permission:- 2020/01522/RG3 - Proposed refurbishment and internal alteration of existing outbuilding to provide classroom and ancillary areas for educational and community use
2021/00164/FUL	R	28, Westgate, Cowbridge	Internal layout alterations, single storey rear extensions and dormer to 2nd floor
2021/00167/FUL	A	4, Heol Y Mynydd, Welsh St Donats	Proposed detached garage and studio
2021/00186/FUL	А	7, Matthew Road, Rhoose	Upgrade existing flat roof balcony, with glass balustrade. Relocate front door to front of property. Replace side fencing with garden wall. Increase the size of living room window.
2021/00218/FUL	A	10A, Cwrt Y Vil Road, Penarth	Replace roof, current roof is beyond repair. Replace existing landing window with 1 x Velux window.

Replace all fascia's, downpipes and guttering.

2021/00232/FUL	R	Penmark Farm House, Tredogan Road, Penmark	Extension and conversion of existing outhouse to home office
2021/00257/FUL	A	Meuhlan, Cross Common Road, Penarth	Proposed manege and regularisation of stable block
2021/00305/FUL	А	City Cottage, City	Proposed demolition of existing garage, conservatory and porch, increase in size of parking area and construction of new garage, front entrance and two storey rear extensions
2021/00413/FUL	A	2, Clos Y Fulfran, Barry	Flue installation at rear of house
2021/00453/FUL	A	25, Smeaton Close, Rhoose	Two storey rear extension and loft conversion.
2021/00526/FUL	A	The Stables, Clawdd Coch, Pendoylan	Proposed garage (amendment to garage approved 2018/00996/FUL)
2021/00544/FUL	A	Llwynon, 55, Broadway, Llanblethian, Cowbridge	Demolition of existing conservatory. Construction of new single storey and partial two storey extension to the rear. New entrance porch to front of the property
2021/00569/FUL	А	Tudor Cottage, Llanbethery	Demolition of existing garage, proposed new garage / pool house, alteration of swimming pool and external alterations to the house, including Juliet balcony and enlarged dormers
2021/00570/CAC	A	Tudor Cottage, Llanbethery	AMENDED PLANS AND SITE LOCATION:

			Demolition of existing garage, proposed new garage / pool house, alteration of swimming pool and external alterations to the house, including Juliet balcony and enlarged dormers
2021/00594/FUL	A	Beechwood House, Beechwood College, Hayes Road, Sully	Proposed erection of multi purpose hall
2021/00595/FUL	A	Beechwood House, Beechwood College, Hayes Road, Sully	Retention of temporary buildings and structures for educational and ancillary uses
2021/00601/FUL	R	Cross House, Clawddcoch, Cowbridge	Proposed side and rear extensions and alterations to existing house to increase the ridge and eaves.
2021/00613/1/N MA	A	47, Althorp Drive, Penarth	Non Material Amendment - Ground Floor Windows - Utility amended to 910x825mm and dining area amended to 1810x1125mm and cloakroom new window 460x825mm. First Floor Windows - bathroom amended to 910x825mm and bedroom area new roof window 550x780mm. Obscure glazing to new cloakroom and bathroom windows. Planning approval 2021/00613/FUL - Rear garden two storey extension; ground floor living / dining / utility; first floor double bedroom / en suite; front single storey extension; ground floor entrance door alteration and living room extension

2021/00621/FUL	A	Ty Bronudd, Llantwit Major Road, Nash	Demolition of existing garage. Construction of double storey extensions to sides and front, alteration to existing fenestration. Construction of detached double garage
2021/00649/FUL	А	62, Heol Cae Pwll, Colwinston	Integral garage will be changed into a room
2021/00664/1/N MA	A	58, Plymouth Road, Penarth	Non Material Amendment - Re-roofing of dwelling. Planning approval 2021/00664/FUL - Replace existing main roof and front single storey roof coverings with clay tiles, replace rear single storey roof with concrete tiles, replace existing Velux with new Velux, rebuild chimney stack using salvaged bricks if possible, to existing dimensions, complete with lead DPC
2021/00669/1/N MA	A	60 Plymouth Road, Penarth	Non Material Amendment - Re-roofing of dwelling. Planning approval 2021/00669/FUL - Main roof, front low level roof and rear two storey roof: remove existing clay plain tile roof coverings, including felt and battens, and renew with new Redland Rosemary clay plain tiles, Smooth Red in colour. Introduce Velux roof window within front roof elevation, located between the dormer and party wall. Two storey chimney stack: remove existing pots and cap over chimney with code 5 lead
2021/00704/FUL	A	1, Lakeside, Barry	AMENDED PLANS: Demolish existing garage.

			Proposed part single / part two storey side and rear extensions
2021/00716/FUL	A	Brynglas, St. Andrews Road, Dinas Powys	Single storey side extension. Removal of front courtyard. Single storey rear extension complete with new garden wall between house and garage
2021/00744/FUL	A	76, Broad Street, Barry	Renovation of existing outbuilding, including replacement of roof damaged in storm
2021/00754/LAW	A	The Paddocks, Colwinston	To obtain a certificate to confirm the lawful existing use of the property as a single private dwellinghouse within use Class C3
2021/00775/FUL	A	Peace Haven, 48, Craig Yr Eos Road, Ogmore By Sea	Single storey and two storey extensions with internal layout alterations
2021/00811/FUL	A	24, Mill Park, Cowbridge	Alteration of lower ground floor, extension of ground floor and creation of rooms at first floor
2021/00818/FUL	A	55, Plymouth Road, Penarth	Single storey rear extension. Change all windows including roof lights and dormer windows to be like for like in wood painted white and external alterations
2021/00821/FUL	A	27, Conybeare Road, Sully	First floor side extension over existing attached lounge
2021/00829/FUL	R	The Manse, Llancadle Road, Llancadle	Widening of driveway to provide addition parking and turning space, widening existing vehicle access, demolition of

			garage and replacement with wooden shed, and repair of existing stone wall
2021/00830/CAC	R	The Manse, Llancadle Road, Llancadle	Demolition of garage, 1.4m high stone wall running the length of the driveway and 1.5m length of stone wall adjoining the highway in order to widen the driveway to provide additional parking and turning space
2021/00844/FUL	A	46, Stanwell Road, Penarth	Demolish and rebuild unstable wall
2021/00846/FUL	A	14, Plover Way, Penarth	Enlarge dormer over existing garage conversion
2021/00870/FUL	A	Briscombe Retail Park, Cardiff Road, Barry	Increase the overall parking on site by 7 car parking spaces with the creation of 10 new overflow car parking spaces accessed via the conversion of existing carparking spaces (losing 3 existing spaces)
2021/00872/FUL	A	Hendre, 22 Maes Y Bryn, Colwinston, Cowbridge	Proposed demolition of existing annex. Two storey extension and associated internal and external alterations to property
2021/00882/FUL	A	Land at Gwaun Wen Farm, Hensol	Proposed barn extension for storage of machinery and crops
2021/00883/FUL	A	Sant Y Nyll House, Heol Sant Y Nyll, St. Brides Super Ely	The regularisation of a replacement barn building to replace a demolished stable.
2021/00890/FUL	A	12, Porlock Close, Ogmore By Sea	Proposed dormer loft conversion to rear of existing domestic dwelling

2021/00895/FUL	A	28, Sully Terrace, Penarth	Single storey rear extension and loft conversion with rear dormer
2021/00903/PND	F	Christ Church Presbyterian, Tynewydd Road, Barry	Demolition of existing church building which is derelict and not in use
2021/00907/FUL	A	6, Wordsworth Avenue, Penarth	Proposed garage extension and conversion and single storey side extension
2021/00910/FUL	A	22, Uppercliff Close, Penarth	Reconstruction of garden retaining wall, and construction of timber flat roof garden shed
2021/00912/FUL	A	28, Perclose, Dinas Powys	Single storey side and rear extension to provide living area and WC / utility room
2021/00926/FUL	A	West View, Broughton Road, Wick	Renovation to make safe an existing stone outbuilding in the garden of the property.
2021/00931/FUL	A	Ty Creigiau, 1 Cwrt Dyfed, Barry	Single storey side and first floor side extensions and replacement canopy.
2021/00933/FUL	R	Woodlands, Broad Close Lane, Moulton	Demolition of existing dwelling and erection of a replacement dwelling.
2021/00934/FUL	A	Bondehurst, Greenfield Way, Llanblethian, Cowbridge	A single storey side extension to create a kitchen/diner. Single storey rear extension to create another bedroom at a mezzanine level. Dormer off the existing roof to maximise the ceiling height to create an en suite.
2021/00943/FUL	А	20, Parklands, Corntown	First floor extension
2021/00948/FUL	A	Seabreezes, Porthkerry	Refurbishment of existing ancillary outbuilding

			comprising extension, change in roof design and height, change in fenestration design and change from storage use to form a combination of study, gym, storage and play area. To be used in an ancillary capacity to main dwelling with all associated external works
2021/00951/FUL	A	10, Summerland Crescent, Llandough, Penarth	New ground floor porch and window changed to French doors at first floor on front elevation of dwelling
2021/00953/FUL	A	114, Colcot Road, Barry	Two storey side extension, part two storey part single storey rear extension
2021/00966/FUL	A	5, The Glades, Penarth	Extension and roof cover over the existing first floor roof terrace, including material alterations
2021/00969/FUL	A	139, Redlands Road, Penarth	Single storey side/rear extension. Demolition of existing garage
2021/00970/FUL	A	11, Whittan Close, Rhoose	Ground floor alteration and first floor extension
2021/00972/FUL	A	21 Bron Awelon, Barry	Single storey rear extension
2021/00977/PNT	A	Clive Place, Penarth	The removal of existing 15m pole c/w 6 no. antennas, 2 no. equipment cabinets and other ancillary equipment. The installation and relocation of replacement 20m pole on a new root foundation c/w installation of 6 no. replacement antennas and the installation of 2 no. equipment cabinets and ancillary equipment thereto

2021/00979/FUL	A	1, Rogersmoor Close, Penarth	Construction of single storey extension to the side of existing property, with pitched roof and rooflights. New flue to the existing rear side elevation
2021/00980/FUL	A	40, Stanwell Road, Penarth	Loft conversion with installation of Velux window roof lights to the rear elevation only
2021/00981/LAW	A	Enfield Cottage, 22, Old Port Road, Wenvoe	Insertion of two new window openings at first floor level in North elevation
2021/00991/FUL	A	Oreston, 122, South Road, Sully	Two storey rear extension with single storey wrap around ground floor extension
2021/00993/FUL	A	34, Byrd Crescent, Penarth	Proposal for a new front porch to the principal elevation
2021/00995/FUL	A	15, Glastonbury Road, Sully	Demolish and replace the existing conservatory with a single storey rear extension and construct a first floor extension to the side of the property.
2021/00998/FUL	A	66, Colcot Road, Barry	Proposed first floor rear extension over existing extension. New porch to replace existing
2021/01001/FUL	A	56, Chandlers Way, Penarth	White powder coated metal balcony with associated glass and stainless steel balustrade
2021/01002/FUL	A	14, Glyndwr Road, Penarth	Removal of existing rear conservatory and single storey side structure and replace with proposed front, side and rear, wrap around single storey

			extension with alterations to fenestration and all associated external works
2021/01007/FUL	A	116, Redlands Road, Penarth	Building of timber frame summer house
2021/01008/FUL	A	9, Fonmon Park Road, Rhoose	Proposed single storey rear extension
2021/01015/FUL	A	15, Robinswood Close, Penarth	Existing roof to be removed and reconfigured, internal reconfiguration, changes to fenestration and loft conversion with Juliette balcony
2021/01016/FUL	A	26, Cwrt Syr Dafydd, Llantwit Major	Proposed single storey lean to extension to side and rear of existing house
2021/01017/LAW	A	24, Amherst Crescent, Barry	Proposed orangery
2021/01025/FUL	А	1, Somerset View, Ogmore By Sea	Garage conversion to a studio apartment. Reconfiguration of existing ground floor dwelling. New front entrance porch with decking above. New first floor door access from dining room formed within existing window opening
2021/01035/FUL	A	Tyr Coleg, College Gardens, Llantwit Major	Garage conversion into living accommodation, glazed link attachment with house and material alterations
2021/01044/FUL	A	Rainbows End, 196, Lavernock Road, Penarth	Single storey rear extension in place of conservatory. Existing external finishes updated. New hipped end to existing gabled roof
2021/01049/FUL	A	Corntown Farm, Heol Y Cawl Lane, Corntown	General stock building (portal frame)

2021/01054/FUL	A	45, Norwood Crescent, Barry	Retention of as-built outbuilding
2021/01057/FUL	A	10, Green Meadow Close, St. Athan	Proposed conversion of existing garage to granny annex and dormer loft conversion
2021/01080/FUL	A	Upper Barn, Southra, Dinas Powys	Enlarge existing patio doors
2021/01127/LAW	A	17, Gibson Way, Penarth	Garage conversion and external alterations to accommodate kitchen / diner
2021/01141/FUL	A	31, Llys Dwynwen, Llantwit Major	Single storey extension to the rear and to the existing front porch canopy as well as new and enlarged openings in the ground floor of the property.
2021/01143/FUL	A	39, Clos Maes Dyfan, Barry	Single storey extension to include living room and shower room
2021/01153/FUL	A	1, Regency Close, Llantwit Major	Proposed porch extension to include toilet
2021/01168/LAW	A	12, Mountjoy Avenue, Penarth	Removal of existing conservatory and construction of new single storey rear extension with lean-to roof containing sitting room and WC/shower room
2021/01191/LAW	A	3, Tyle House Close, Llanmaes	Demolish existing lean-to conservatory and rebuild into a permanent structure. Knock through to existing kitchen and dining room to create one room
2021/01194/LAW	A	12, Heol Sant Bridget, St Brides Major	Existing conservatory on rear elevation of property

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3. <u>APPEALS</u>

(a) <u>Planning Appeals Received</u>

LPA Reference No: Appeal Method: Appeal Reference No: Appellant: Location: Proposal: Start Date:	2021/00536/FUL Written Representations 21/3280410 Mr J McCarthy Land at Tynywaun Farm, Newton Retrospective planning permission for the erection of close board timber fence 19 August 2021
LPA Reference No: Appeal Method: Appeal Reference No: Appellant: Location: Proposal: Start Date:	2021/00279/FUL Written Representations D/21/3281153 Mr Daniel Mallett 20, Elm Grove Place, Dinas Powys First floor extension above existing extension with Juliette balcony to rear and two storey extension to front 20 August 2021
LPA Reference No: Appeal Method: Appeal Reference No: Appellant: Location: Proposal: Start Date:	2021/00156/FUL Written Representations D/21/3281903 Mr David Williams 65, Ffordd Pentre, Barry Single storey side extension with balcony above 2 September 2021

(b) Enforcement Appeals Received

ENF/2020/0252/PC
Written Representations
C/21/3280407
Mr J McCarthy
Land at Tynywaun Farm, Newton, CF71 7RZ
Without planning permission, the erection of a two metre high fence, adjacent to a highway used by vehicular traffic.

(c) Planning Appeal Decisions

L.P.A. Reference No: Appeal Method: Appeal Reference No: Appellant:	2020/00093/FUL Written Representations 21/3276345 Mr. S. H. Walters
Location:	St. Maeburne, 15, Marine Parade, Penarth
Proposal:	Proposed alteration works and roof extension to convert existing disused garage into additional unit of residential accommodation
Decision:	Appeal Dismissed
Date:	10 September 2021
Inspector:	P J Davies
Council Determination:	Delegated

Summary

The main issue was considered to be the effect of the proposed development on residents' living conditions. The proposal related to the conversion of an existing single storey flat roof triple garage situated in the grounds of St Maeburne.

The Inspector identified that the development would significantly raise the roof of the existing garage and result in a tall and wide flank gable elevation close to Flat 1B. Given the height of the proposed development, she considered that its proximity and increased massing would have a significant impact on the nearest ground floor windows of Flat 1B and the proposal would result in an oppressive and overbearing form of development that would cause material harm to the living conditions of the occupant(s) of the flat.

Furthermore, the proposed development would lie to the south/ south-west of Flat 1B and its increased height and mass, together with its proximity, would invariably have some impact on the provision and quality of natural light. Whilst the Sunlight Study provided by the appellant had concluded that the additional shadows created from the development was not unreasonable, the Inspector concluded that any increase in overshadowing would exacerbate the visual dominance of the development and the unacceptable overbearing effects previously identified.

The proposed roof lights and dormer on the east elevation would not result in a serious loss of privacy or outlook for the occupiers of 3 Portland Close due to their height and oblique angles and there would also not be any material effects on the living conditions of the occupiers of 5 Portland Close.

It was identified by the Inspector however that the use of the shared gardens at St Maeburne could not be guaranteed and whilst the occupants of the development would be able to enjoy public open spaces nearby, these would not provide for basic living functions such as clothes drying, external refuse storage and private outside space for relaxation and would therefore result in poor and unsatisfactory living conditions for the future occupants. Furthermore, there was limited information to confirm that the proposal would be serviced by suitable drainage provision and that there would not therefore be consequential environmental and amenity impacts.

Whilst the Inspector acknowledged the expired planning permission for storage space above the garages and other developments on Marine Parade, it was not considered that these justified the harm identified and she concluded that the proposal would be harmful to residents' living conditions, contrary to LDP Policies MD2, MD7 and the SPG.

Other Matters

The Unilateral Undertaking provided with the appeal had missing forms, was unsigned and was not therefore capable of execution.

Whilst the appeal proposal was within the Penarth Conservation Area and was close to a Grade II Listed Building No 14 Marine Parade, as it appeared as a subordinate building set a considerable distance back from the highway, it was not considered to have any adverse effects on the character or appearance of the Conservation Area or the setting of the Listed Building.

It was identified that the proposal was for a small dwelling in an accessible and sustainable location close to facilities and services and that the parking provision for the existing flats would not be significantly affected by the development.

The Inspector's conclusion however was that due to the earlier issues identified, the appeal should be dismissed.

(d) Enforcement Appeal Decisions

None.

		Determined Appeals			Appeals
		Dismissed	Allowed	Total	withdraw /Invalid
Planning	W	13	2	15	-
Appeals	Н	-	-	-	-
(to measure performance)	Ы	-	-	-	-
Planning Total		13 (87%)	2 (13%)	15	
Committee Determination		1	1	2	-
Other Planning appeals (inc. ap against a condit		-	1	1	-
	W		1	1	1
Enforcement	H	-	I	1	
Appeals	PI		-	-	-
Enforcement To		(0%)	1 (100%)	-	1
	167				
All Appeals	W	13	3	16	1
(excludes non	Н	-	-	-	-
validation appeals)	PI	-		-	-

Background Papers

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

3

(19%)

16

1

13

(81%)

Contact Officer:

Combined Total

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

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- 4. <u>TREES</u>
- (a) <u>Delegated Powers</u>

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

Decision Codes

А	-	Approved	R	-	Refused
Е		Split Decision			

2021/00558/TPO	Е	Pheasant House, Llantwit Major Road, Cowbridge	Work to Trees covered by TPO No. 5, 1954, Sectioning down and removal of trees along roadside (T1), Sectioning down and removal of two supressed Sycamore trees (T2) and reduction of two mature Sycamore trees (T3 and T4) by approximately 25% covered by TPO No. 11, 2007
2021/00759/TPO	R	39, Cardiff Road, Dinas Powys	Works to tree covered by TPO no.14 of 1973: Fell and replace Western Red Cedar (T1)
2021/00984/TPO	A	Wild Rose Cottage, Dyffryn Lane, St. Nicholas	Work to Trees covered by TPO No.04 of 1952: Removal of one mature Beech tree (T1); Reduction of one mature Beech tree (T2) and removal of one mature Horse Chestnut tree (T3)

2021/00992/TCA	A	Homeside House, Bradford Place, Penarth	Work to Trees in Penarth Conservation Area: T3 Elderberry - fell to ground level. T8 Sycamore - fell to ground level
2021/01019/TCA	A	Crossways, 82, Westward Rise, Barry	Work to Trees in a Conservation Area. Cut down and remove large tree in rear garden of house we are in the process of buying
2021/01036/TPO	A	Factory House, Factory Road, Llanblethian, Cowbridge	Work to Trees covered by TPO No. 07 of 1973: T1 Maple - 30% reduction to decrease canopy size; T2 Ash - removal; T3 Tulip tree - 20% reduction and rebalance; T4 Sycamore - 30% crown reduction
2021/01074/TCA	A	Lane End, Michaelston Le Pit	Work to Tree(s) in a Conservation Area: T1 - Ash – Fell; T2, T3 and T4 - Sycamore – Fell; T5 - Ash – Fell; T6 and T7 - Thuya - Fell
2021/01146/TCA	A	Lower Llancadle Farm, Llancadle	50% reduction of one mature Holly tree T1
2021/01147/TCA	A	Birchcourt, 4 The Butts, Cowbridge	Removal of three Birch trees (T1), (T2) and (T3). Removal of six Leylandii trees (T4), (T5), (T6), (T7), (T8) and (T9)
2021/01155/TPO	A	Stepping Stones, Llancarfan	Removal of 2x Ash Trees (T1 and T2) covered by Preservation Order No.24 1973. Trees located on boundary with Llancarfan Primary School
2021/01156/TCA	A	Cwrt Y Cadno, School Lane, Llancarfan	Removal of 1x Bifurcated Ash tree (T1) infected with Hymenoscyphus fraxineus (ash die back)

2021/01157/TPO	A	The Longfield, Factory Road, Llanblethian	Works to Trees under TPO - No. 07 1973-Removal of 1x Ash Tree (T1) in hedge at rear of house
2021/01163/TPO	A	The Church of Saint Mary, Church Terrace, St. Mary Church	Works to Trees under TPO No. 10 2004:-Removal of Ash Tree (T1), located in the Spinney to the North West side of the Church
2021/01203/TCA	A	The Hollies, Llancarfan	Removal of 1x Ash tree (T1) AND 1x Holly tree (T2). Both located in garden of The Hollies

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5. <u>ENFORCEMENT ACTION</u>

LAND AND BUILDINGS AT LAND AT HERITAGE BUSINESS PARK, WICK ROAD, LLANTWIT MAJOR

EXECUTIVE SUMMARY

- 1. This report seeks authorisation to issue an Enforcement Notice and a Stop Notice under Sections 172 and 183 of the Town and Country Planning Act 1990 (as amended) in respect of the use of land and buildings at Heritage Business Park for a waste wood processing operation. The principal issue considered when assessing the expediency of enforcement action in this case, is the impact that this use has on the amenity of neighbouring occupiers.
- 2. The report recommends that an Enforcement Notice is issued requiring the cessation of the waste wood processing operation and removal of all wood (both waste and processed) and associated machinery and apparatus. It also recommends that a Stop Notice is served to cease the waste wood processing operation, but this should only proceed if it is considered necessary. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice and Stop Notice are not complied with.

Background

- 3. This report relates to a waste wood processing operation, at the site known as Heritage Business Park, Wick Road, Llantwit Major.
- 4. The site relates to an existing yard to the rear of Heritage Business Park. The site was historically used for agricultural storage in conjunction with the remainder of the business park, which once operated serving agricultural industry. The character of the Heritage Business Park has changed significantly over the years, with the establishment and consent for a mixture of employment and retail uses at the business park. The site and the wider Heritage Business Park are allocated as an existing employment site within the LDP. A part of the site lies within a C2 Flood Zone. Two buildings exist on the site, one having been the subject of a prior notification application reference 2012/00642/PNA and a more recent application to regularise the installation of crop drying floors and a biomass heating system with an external flu under planning application ref. 2019/00155/FUL.

Details of the Breach

- 5. The breach of planning control relates to a waste wood processing operation. It is understood that commercial wood waste (such as pallets) is being processed, using a woodchipper. The resultant chipped wood is then being dried out and stored on site in the barn that was the subject of planning permission ref. 2019/00155/FUL and a second barn at the site. Following this, the wood chip is being sold to use as biomass fuel, material for landscaping or as animal bedding. The processing of the commercial wood waste, as described above, is a use which is considered to fall within Use Class B2 General Industrial.
- 6. Various planning permissions have been approved historically for the use of the Heritage Business Park. Whilst existing within the wider employment allocation assigned to the Heritage Business Park, the use of the site historically appears to relate generally to agriculture. However, a section of the site, where the woodchipper is located, has previously been granted planning permission to be used for B8 Storage and distribution) (pp ref.2008/00812/FUL) and D2 (Assembly and leisure) (pp ref. 2012/00480/FUL) purposes. Planning permission ref. 2019/00155/FUL, regularised the use of a biomass boiler to heat crop drying floors and thus relates to processes that would be considered agricultural. The officer's report that accompanies the 2019 grant of planning permission clarifies that approval did not regularise the unauthorised use referred to within this report as follows:

It was, however, noted during a site visit that the building was been used to dry wood chip, which does not appear in itself to be an agricultural function in this case. This application, however, does not propose any change of use to the site or building, on understanding that the proposed development is understood to be required for agricultural purposes, for crop drying in season and the site itself as an agricultural complex. The change of use of the building for industrial processing would require a separate planning application, which would be considered on its own merit.

- 7. No planning permission has previously been granted for this or any other B2 (General Industrial) Use on this land. Therefore, the processing of the commercial wood waste on the site would require planning permission and as no such planning permission has been granted, the use of the buildings and land for these purposes amounts to a breach of planning control.
- 8. During the investigation of this case, the owner also claimed that the existing use was lawful, firstly as a result of previous planning permissions at the site and secondly, by virtue of the existing having existing at the site in excess of 10 years, however no application seeking a Lawful Development Certificate has been submitted. In an attempt to demonstrate that this operation is exempt from enforcement action, by proving it has been in place for over ten years, the site owner has submitted 3 signed statements and an installation certificate for a biomass boiler. Guidance on whether or not a use is lawful

suggests that any determination should be made on the "balance of probability". On this basis, the following assessment has been made.

- 9. A statement, submitted by the owner of Site Serv, Llandow, identifies that the site owner's company, DR & EG Davies Ltd has disposed of Site Serv's Grade A waste wood since 2010. It also identifies that Dennis Kitt repairs and rebuilds their pallets. This statement does not however identify that any of the works referred to take place at the site subject to this report and it is therefore considered that the weight that can be given to this statement is limited.
- 10. The second statement has been submitted by the owner of Vale Timber. This statement advises that waste timber has been supplied to the Heritage Business Park for processing since March 2010. On review, it was found that Vale Timber was not a registered company until October 2013. As a result, the company owner was contacted and advised that they had supplied waste wood to the Heritage Business Park since March 2010 when they worked as a sole trader under the company name Log Smart.
- 11. The final statement was submitted by Mr Dennis Kitt. Mr Kitt has advised that from 2010 to 2019 he worked at the site repairing, refabricating and making new pallets. The statement also advises that the woodchipper was brought onto the site in 2013, which was used to produce woodchip for the biomass boiler at Rosedew Farm.
- 12. The installation certificate relates to the biomass boiler. Whilst the existence of a biomass boiler on the site would not alone identify a wood processing operation, the installation certificate identifies the site that it was being installed at as Rosedew Farm, which is not the site relevant to this report. In addition, there were no buildings at the site which could house the biomass boiler until at least late 2012.
- 13. From the above evidence submitted in support of the lawfulness claim, the two statements identified in paragraphs 10. and 11. allege a B2 General Industrial wood processing operation has taken place from the site since 2010. Without evidence to the contrary, these statements may have justified the lawful use of this land for B2 General Industrial purposes. However, the Council is in possession of evidence, as set out below, which means it is not considered, on the balance of probability, that the site was used for these purposes before late September 2011 (ten years ago).
- 14. The site was not owned by the current site owner until January 2012 and no indication of a relationship with the previous owners, which allowed these operations to take place on their land, has been received. In support of an application for prior notification made in June 2012 (ref. 2012/00642/PNA), the current site owner stated the following:

"At long last, we as an agricultural and contracting enterprise have found and purchased a yard on the right side of Llantwit Major to conduct our farming business from on the many blocks of land around the Vale of Glamorgan." 15. This is a clear assertion by the owner that this site had only been occupied recently, in June 2012, and that it was purchased for a 'farming business'. There is no indication in this application of a waste wood processing operation. The planning officer that assessed this application also noted the following in relation to the use of the site:

The applicant claims that the barn that they wish to erect is necessary to store machinery, equipment, hay and straw, all of which are activities associated with the main agricultural enterprise. A site visit was also conducted on 13th July 2012 to assess the merits of the applicant's claims that the land was being used for agricultural purposes. It appeared that the land was being used for the external storage of covered hay bales, machinery and equipment.

16. Therefore, it would appear that at this time that a waste wood processing operation did not exist at the site. Also, it is important to note that the site owner identified the land as associated with agriculture. The site visit photos on that visit identify the storage of a number of items and materials at the site, including some wood, but there is no evidence of a wood processing operation. The site, as photographed on the 13th July 2012, is shown below, compared to the site as photographed on the 05/07/21.

13/07/12:



05/07/21:



17. Aerial photography from 2013 also identifies that no such operation was taking place at the site at that time. Below, aerial photography of the site is shown from 2013 compared to 2019. In the 2019 photography, the stored wood chip is clearly visible between the two buildings, in the bottom right of the image.

The site in 2013:



The site in 2019:



- 18. The above evidence, identified in paragraphs 14 to 17, indicates that the wood processing B2 General Industrial operation was not taking place over ten years ago. Instead, the contemporary evidence that the Council holds suggests that the site owner began occupying this site in 2012 and that it was used in association with an agricultural operation. This is corroborated by site photographs and aerial photography. Therefore, it is not considered, on the balance of probability, that the site has a lawful B2 General Industrial Use.
- 19. In any case, the only way that the lawful use of the site could be determined would be through the issuing of a Lawful Development Certificate and at this stage, no Lawful Development Certificate has been applied for. Instead, in recent correspondence between the Council and the owner's planning agent, it has been confirmed that the lawfulness claim is no longer being made and that a planning application is being prepared for the continued use of the site.

Action Pursued to Date

- 20. The site owner was advised that planning permission would be required for this use on 23/04/21. They were also advised that failure to seek planning permission would result in the Council considering enforcement action. This correspondence was followed by dialogue, where the site owner suggested an application was going to be prepared. The site was visited on 05/07/21 and it was identified that the unauthorised operation was harmful to the amenities of a nearby residential property. On site, the site owner advised that they were no longer preparing a planning application, however expressed the view that he believed the existing wood processing operation use was lawful.
- 21. Consideration has been given to the lawful use claim recently made by the site owner, however as identified above, the Council holds evidence that contradicts the view that the wood processing has been present on site for

over ten years and no B2 General Industrial use has been approved at the site. It is not therefore considered that there is any merit in the owner's claim in relation to the current wood processing being a lawful use of the site.

- 22. Given the failure of the site owner to substantiate the lawful use of the site or submit a planning application, a Temporary Stop Notice (Ref. ENF/2021/0042/CLL (A)) was served on the site on the 20/08/21. The purpose of this was to cease the harm of the operation and provide the Council with further time to prepare this report and associated enforcement action.
- 23. In correspondence from the site owner's planning agent, received in late August, it was also indicated that a planning application was being prepared to regularise the waste wood processing operation. It is understood that this is currently being prepared.

Planning History

24. The Heritage Business Park has an extensive planning history. The relevant sections of the site history are identified and annotated below.

1990/01027/FUL, Address: Ken Morgan Ltd., Wick Road, Llantwit Major, Proposal: Change of use of agricultural buildings to workshop & amp; store, Decision: Approved

- This planning permission granted permission for the use of a building immediately to the south east of the site as a workshop (B1).

1995/00079/LAW, Address: Land at Ken Morgan, Wick Road, Llantwit Major, Proposal: Dual business and retail uses, Decision: Approved

- This Lawful Development Certificate established the lawfulness of a triangle section of the Heritage Business Park, to the south east of the site, as land in B2 use. None of the land that this LDC was issued in relation to is within the site.

2004/00847/FUL, Address: Unit 14, Heritage Business Park, Wick Road, Llantwit Major, Proposal: Removal/variation of Condition No. 2 to planning permission 90/01027/FUL, Decision: Approved

- This planning permission varied planning permission ref. 1990/01027/FUL, to allow the building immediately to the south east of the site to be used for B8 purposes.

2008/00812/FUL, Address: Land to the North West of Unit 14, Heritage Business Park, W, Proposal: Change of use of land for agricultural storage and provision of hard surface, Decision: Approved - This planning permission approved the use of a section of the site (including where the woodchipper is being operated) for agricultural storage (B8).

2012/00480/FUL, Address: (Unit) 14, Heritage Business Park, Wick Road, Llantwit Major, Proposal: Change of use from B8 to D2, Decision: Approved

- This planning permission approved the use of a section of the site (including where the woodchipper is being operated), for D2 purposes.

2019/00155/FUL, Address: Yard at rear of Unit 14, Heritage Business Park, Wick Road, Llantwit Major, Proposal: Crop drying floors in existing shed with fan and biomass heating system, Decision: Approved

- This application retrospectively approved the crop drying floors within the barn that the chipped wood is being stored in. This approval was granted on the grounds that barn was being used for agricultural purposes, as purported by the application and did not authorise the change of use of the site, as identified above.

<u>Policy</u>

Local Development Plan:

25. 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 SP8 – SUSTAINABLE WASTE MANAGEMENT Managing Development Policies: POLICY MD1 - LOCATION OF NEW DEVELOPMENT POLICY MD2 - DESIGN OF NEW DEVELOPMENT POLICY MD7 - ENVIRONMENTAL PROTECTION POLICY MD15 - PROTECTION OF ALLOCATED EMPLOYMENT SITES POLICY MD16 - PROTECTION OF EXISTING EMPLOYMENT SITES AND PREMISES POLICY MD20 - ASSESSMENT OF WASTE MANAGEMENT PROPOSALS

Future Wales: The National Plan 2040:

26. 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:

- 27. National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the matters considered in this report.
- 28. 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.
- 29. The following chapters and sections are of particular relevance in the assessment of this site:

5.13.1 The planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities [emphasis added].

Technical Advice Notes:

- 30. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
 - Technical Advice Note 11 Noise (1997)
 - Technical Advice Note 12 Design (2016)
 - Technical Advice Note 21 Waste (2014)

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 Enforcing Planning Control
- Welsh Government Development Management Manual Section 14 Annex "Enforcement Tools"
- 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.

Wellbeing of Future Generations (Wales) Act 2015:

31. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its

sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Reasons for Serving an Enforcement Notice

- 32. Whilst the waste wood processing operation falls within Use Class B2, as the process is recycling wood, this relates to waste development and as such is a waste management facility. As identified in paragraph 5.13.1 of PPW11, protection of the amenity of other nearby land users is a material consideration when considering the impacts of waste management facilities. This position is reflected in local policy, through Policy SP8 Sustainable Waste Management and criterion 3 of Policy MD20 Assessment of Waste Management Proposals.
- 33. In addition, criterion 8 of Policy MD2 Design of New Development identifies that development should: Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance and criterion 4 of Policy MD7 Environmental Protection identifies that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity... from... noise, vibration, odour nuisance and light pollution [emphasis added].
- 34. During a site visit by officers on the 05/07/21, the noise from the wood processing operation was isolated by ceasing all other operations at the site. On assessment of the noise produced when the wood was being chipped, it was evident that significant audible noise was being produced. This noise was notably audible at the closest residential receptors, to the extent that it was considered to be intrusive and detrimental to the residential amenities of nearby occupiers and to the enjoyment of their dwelling.
- 35. The Council has received reports identifying that this operation regularly commences before 6am and the site owner advised Council officers on site that works regularly commences at 6:30am. The operation then runs continuously throughout the day until the evening. One report has been received identifying that the operation ceased at 9pm on one day. The site owner advised on site that operations usually cease around 5pm.
- 36. The wood processing operation is notably audible and it regularly commences early in the morning and continues to operate throughout the day. On assessment, the noise produced by the operation is considered to be harmful to the amenity of nearby occupiers and this, coupled with the frequency of the operation, results in it being considered unacceptable.
- 37. Therefore, as a waste management facility, the wood processing operation fails to protect the amenity of nearby residents, it has not been demonstrated that it can operate without resulting in an unacceptable impact on people and

residential amenity and it does not safeguard existing residential amenity. Therefore, the wood processing operation fails to comply with the identified requirements of Polices SP8 - Sustainable Waste Management, MD2 – Design of New Development, MD7 – Environmental Protection and MD20 -Assessment of Waste Management Proposals, as well as the guidance contained within TAN 21 – Waste and paragraph 5.12.1 of Planning Policy Wales Edition 11.

- 38. In view of the above, it is considered expedient to take enforcement action against this operation. In the first instance, it was considered necessary to serve a Temporary Stop Notice (TSN), as outlined in paragraph 22. in order to prepare further enforcement action and as a result of issuing the TSN, the unauthorised operations ceased. As a result, authorisation is now being sought to take serve an Enforcement Notice and a Stop Notice. Members should note however that the Stop Notice would only be served if the unauthorised operation recommences in the period before the enforcement notice is issued.
- 39. The Enforcement Notice will require the permanent cessation of the waste wood processing operation and the removal of the equipment associated with that operation from the site. If considered necessary, the Stop Notice would require the cessation of the waste wood processing operation. At the time of writing, the operations are ceased on site and if this remains the case, it is unlikely that the Stop Notice would be required necessary. Members should also note that the issuing of the Enforcement Notice would not prevent the owner from recommencing the wood processing operations if an appropriate planning application including acceptable sound insulation, is subsequently approved at the site.
- 40. 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.
- 41. Finally, under the 2015 Act, the Council not only have a duty to carry out sustainable development but must also 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 recommending the service of an Enforcement Notice and Stop Notice, 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.

Conclusions

42. The waste management facility, being the waste wood processing operation, fails to protect the amenity of nearby residents, it has not been demonstrated that it can operate without resulting in an unacceptable impact on people and residential amenity and it does not safeguard existing residential amenity. Therefore, the wood processing operation fails to comply with the identified requirements of Polices SP8 - Sustainable Waste Management, MD2 –

Design of New Development, MD7 – Environmental Protection and MD20 -Assessment of Waste Management Proposals, as well as the guidance contained with paragraph 5.12.1 of Planning Policy Wales Edition 11.

- 43. Therefore, it is considered expedient to pursue further enforcement action in the form of an Enforcement Notice and Stop Notice, if this is required.
- 44. It is considered that the decision would comply with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

Resource Implications (Financial and Employment)

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

Legal Implications (to include Human Rights Implications)

- 46. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
- 47. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

Equal Opportunities Implications (to include Welsh Language Issues)

48. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The cessation of all wood processing operations at the site and in the buildings, including:
 - (a) The delivery of waste materials / wood;
 - (b) The processing and chipping of waste wood;
 - (c) The drying of processed wood;
 - (d) The storage of waste and processed wood and
 - (e) The exportation of processed wood.
 - (ii) The removal of all waste wood, processed wood, and equipment and machinery associated with the waste wood processing operation from the site, including the wood chipper.

- (2) That the Head of Legal Services be authorised to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended), to require:
 - (i) The cessation of the processing and chipping of waste wood.
- (3) In the event of non-compliance with either the Enforcement Notice or the Stop Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting a waste wood processing operation has occurred within the last 10 years.
- (2) The waste management facility, being the waste wood processing operation, fails to protect the amenity of nearby residents, it has not been demonstrated that it can operate without resulting in an unacceptable impact on people and residential amenity and it does not safeguard existing residential amenity. Therefore, the wood processing operation fails to comply with the identified requirements of Polices SP8 Sustainable Waste Management, MD2 Design of New Development, MD7 Environmental Protection and MD20 Assessment of Waste Management Proposals, as well as the guidance contained within TAN 21 Waste and paragraph 5.12.1 of Planning Policy Wales Edition 11.
- (3) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Background Papers

Enforcement File Ref: ENF/2021/0042/CLL

Contact Officer - Mr. M. Bayona-Martinez, Tel: 01446 706142

Officers Consulted:

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

MARCUS GOLDSWORTHY HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 29 SEPTEMBER, 2021

REPORT OF THE HEAD OF REGENERATION AND PLANNING

6. PLANNING APPLICATIONS

Background Papers

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

2018/01421/OUT Received on 18 June 2021

APPLICANT: Wales & West Housing Association **AGENT:** Asbri Planning Ltd., Unit 9, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land to the North of Heol Y Pentir, Rhoose

Outline planning application for 100% affordable residential development (up to 15 units) and all associated works at land to the north of Heol Y Pentir, Rhoose (all matters reserved)- AMENDED LAYOUT

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 by Councillor Kemp.

Members will note that this application was previously approved by Planning Committee in November 2019 subject to the signing of a Section 106 Legal agreement. The application at the time was called in by Councillor Kemp. The Section 106 agreement was not completed and the applicant has now sought to amend the proposal.

The original approval sought outline planning permission for up to 17 dwellings with 35% being affordable. The current submission seeks permission for up to 15 dwellings with 100% being affordable.

EXECUTIVE SUMMARY

The application is for outline permission to develop 15 affordable homes on the site, with flexibility with regard to the mix/type of units to be built and the overall site layout. All matters are reserved for consideration at the reserved matters stage.

The site relates to a vacant parcel located on Heol y Pentir. The site is bound to the north by the Bridgend-Cardiff railway line, to the east by the Cardiff Airport Train Station Car Park and residential dwellings to the west at Lon Lindys. The application site has an area of approximately 0.35 hectares and is located within the Rhoose settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP).

8 Letters of objection have been received at the time of writing this report.

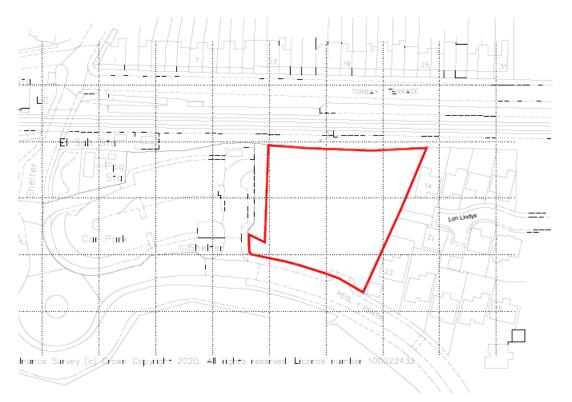
The principle of the residential development on the site is considered acceptable given that it falls within the settlement boundary. The application is outline with all matters reserved. However, the principal considerations relate to whether the development proposal is acceptable in terms of its density, neighbour impacts, amenity space, access & highway implications, drainage, ecology and contamination.

Having considered the above, it is considered that the proposed development is acceptable and the application is recommended for APPROVAL, subject to conditions.

SITE AND CONTEXT

The site is located to the north of Heol y Pentir adjacent to the Cardiff Airport Train Station Car Park, within approximately 100m of the village centre of Rhoose to the north west. The site is roughly rectangular in shape and occupies an area of 0.35 hectares. It is located to the south of the Bridgend-Cardiff railway line, and to the west of Lon Lindys. The application site is located within the Rhoose settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP).

The site is located within the area of a former cement and asbestos cement works, which was subject to reclamation during the late 1990's. The site currently comprises vacant ground. The area surrounding the site is primarily residential in character.



DESCRIPTION OF DEVELOPMENT

The application proposes outline permission to develop up to 15 homes on the site, with flexibility in regard to the mix/type of units to be built and the overall site layout. All detail matters are reserved for consideration at the reserved matters stage (at which point the site layout/access/landscaping and all scheme details would be fixed).

An Illustrative Site Layout drawing is submitted alongside the application which demonstrates how 15 units may be accommodated on the site, within a layout which incorporates vehicular and pedestrian access, parking, provision of amenity space and landscaping. This is shown below:



Indicative parameters for heights and footprints have been provided below:

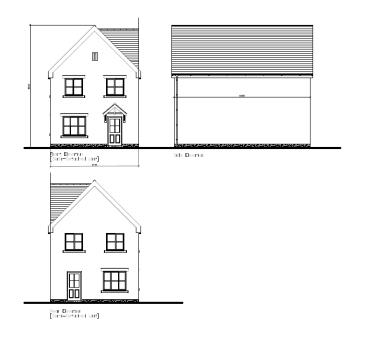
<u>Houses</u>

width : min 5m max 9m depth : min 7.5m max 10m eaves : min 4.8m max 6m ridge : min 8m max 10m

Terrace/flat

width : min 11m max 24m depth : min 7.5m max 10m eaves : min 4.8m max 6m ridge : min 8m max 10m An extract of the indicative elevations can be viewed below:







PLANNING HISTORY

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

2002/00962/OUT: 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

2004/01809/FUL: Land adjacent to proposed Rhoose Station, Rhoose, Proposal: 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor. Decision: Withdrawn

CONSULTATIONS

Highway Development were consulted on 13 January 2019. A response received on 04 February 2019 outlines requirements for parking, a new footway and refuse vehicle tracking requirements. An amended response to the current revisions received on 13 July 2021 outlines requirements relating to footways, pedestrian links, construction management plans, private drives, visitor bays, tactile paving, engineering details, gradients of access and legal agreements required.

Dwr Cymru Welsh Water were consulted on 4 January 2019. A response received on 17 January 2019 does not raise an objection but requests conditions on drainage and raises concerns regarding a rising main going through the site. An amended response to the current revisions received on 05 July 2021 confirms that the proposal includes development within a protection zone and requests the applicant contacts DCWW to discuss possible solutions.

The Council's Ecology Officer was consulted on 4 January 2019. A response received on 07 November 2019 confirms no objection to the proposal subject to planning conditions. No response was received to the current revisions at the time of writing this report.

Local ward Members were consulted on 4 January 2019. A response received from Cllr G Kemp in respect of the original plans raised concerns regarding highway safety, overdevelopment, impact on neighbouring amenity and loss of intended retail site. No response was received to the current revisions at the time of writing this report.

Network Rail were consulted on 4 January 2019. A response received on 31 January 2019 objects due to the envisaged increase in usage of the nearby level crossing. No response was received to the current revisions at the time of writing this report.

South Wales Police (Designing Out Crime Officer) was consulted on 04 January 2019. A response received on 10th January 2021 confirms no objection and provides recommendation for crime prevention. No response was received to the current revisions at the time of writing this report.

The Council's Shared Regulatory Services Team were consulted on 04 January 2019. A response received on 01 May 2019 confirms no objection but requests a condition requiring a Construction Environment Management Plan (CEMP). No response was received to the current revisions at the time of writing this report. A response received on 11 January 2019 also requests conditions relating to contamination.

REPRESENTATIONS

The neighbouring properties were re- consulted on 18 June 2021. A site notice was displayed on 22 June 2021 and the application was also advertised in the press on 02 July 2021.

To date 8 letters of objection and have been received from neighbouring properties. The concerns raised can be summarised as:-

- Loss of pedestrian link with Lon Lindys would be contrary to Planning Policy Wales and lead to increased reliance on cars.
- Query over land ownership.
- Concerns over the whole site being affordable housing, preference for a mixed tenure.
- Concerns over noise, dust and timescales of construction.
- Concerns about possible impact on house prices.
- Impact on privacy
- Loss of natural light
- Volume of build too high.
- Increased noise and disturbance from new residents.
- Increase in traffic.
- Loss of wild orchids at the site.
- Loss of natural beauty.
- Loss of greenfield site
- Increase in anti-social behaviour.

<u>REPORT</u>

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 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 MD9 Promoting Biodiversity

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

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

• Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.

• Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Policy 1 Where Wales will grow
 - Supports sustainable growth in all parts of Wales.
 - Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.
- Policy 2 Shaping Urban Growth and Regeneration Strategic Placemaking o Based on strategic placemaking principles.
- Policy 7 Delivering Affordable Homes
 - Focus on increasing the supply of affordable homes

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,

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
- Accessibility

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- 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 1 – Joint Housing Land Availability Study (2015)

- Technical Advice Note 2 Planning and Affordable Housing (2006)
- Technical Advice Note 5 Nature Conservation and Planning (2009)
- Technical Advice Note 11 Noise (1997)
- Technical Advice Note 12 Design (2016)

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 (2018)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development A Developer's Guide
- Travel Plan (2018)

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

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.

Issues

The primary issues considered with this application are as follows:

- The principle of the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Potential impact to neighbour amenities
- Amenity space provision
- Access, Parking & Highways
- Consideration of the proposed drainage strategy and the impact of flood risk
- Ecological impacts of the proposed developments
- Contamination/Noise

Principle of the development

The site falls within the settlement boundary of Rhoose, which is a 'primary settlement' identified in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant policies in the Plan.

LDP Policy MD6 (Housing Densities) indicates that residential development proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. As the application proposes 15 dwellings on site area of 0.35 (ha), the density on site would be above the 30 dwellings per hectare required within primary settlements. Accordingly, the proposal would be considered acceptable in principle in this location subject to the detail of the scheme.

As this application is in outline with all matters reserved, the detail provided only extends to access and an indicative layout and this will be considered against the relevant criteria set out in Policies MD2, MD5 and MD7 of the Adopted LDP 2011-2026.

Layout and Scale of Development

The description of development indicates a development of up to 15 dwellings on what is brownfield land. Whilst the application is in outline with all matters reserved, the accompanying Illustrative Layout provides an indication of the layout and scale of the development proposed.

The illustrative layout indicates that there will be a mix of one, two and three bedroom properties, principally houses with some flats. The current submission seeks 100% affordable, social housing tenure.

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in 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 Planning Policy Wales (Edition 11) and TAN12- Design (2016).

The current revised submission has included amended scale parameters that have been supported with illustrative indicative elevations. These plans indicate a two storey development that would be in keeping with the surrounding area. The scale parameters state a maximum ridge height of 10m albeit the supporting elevations indicate a maximum height of 8.6 metres. As noted above, the application is in outline with all matters reserved. Any proposed layout and design would be subject to the details that would be required through a Reserved Matters application where more detailed consideration would need to be given. Whilst the application is being considered with a scale parameter of 10 metres, the applicant has not demonstrated at this stage that anything greater than 8.6 metres would be acceptable. By allowing a parameter of 10 metres, any consent would allow the developer scope to try to design something that was compatible with this context. However, for the avoidance of doubt, this does not infer that a 3 storey development would be acceptable at this location or that a 10m ridge will ultimately be acceptable.

The existing site is generally level from the front boundary to the rear, which adjoins a train track. The surrounding area is generally characterised by two storey detached dwellings with off road parking and gardens. The wider area is characterised by dwellings designed with road frontages.

The indicative layout is not clear as to whether plots 1-6 would be fronting Heol Y Pentir. The wider area is characterised by dwellings fronting Heol Y Pentir and it is considered important that any development on this site responds positively to the character of the area. This matter has been discussed with the applicant during the course of the application and whilst the layout will require further consideration during any future reserved matters application, the applicant is aware that any proposed dwellings will need to have frontages facing Heol Y Pentir to ensure they respond positively to the context and surrounding pattern of development. The second row of dwellings, further back from Heol Y Pentir, would broadly form a continuation (visually) with those on Lon Lindys. Therefore, subject to the detail of the buildings and the orientation of dwellings being compatible with the surrounding built form, it is considered that the indicative layout demonstrates that this number of dwellings can be accommodated within the site.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the area, complying with the requirements of MD2 and MD5 of the Adopted LDP 2011-2026.

Impact upon neighbours

Whilst the layout is a reserved matter, the illustrative layout gives an indication of the possible development of the site and shows that the dwelling at plot 15 would be relatively close to the side boundary of No 14 Lon Lindys. Consequently, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings (this plot in particular) has regard to the criteria of Policies MD2 and MD5 of the LDP, and the Council's Supplementary Planning Guidance 'Residential and Householder Development'. It is considered at this outline stage that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

The proposed development would be a substantial distance from properties along Torbay Terrace and separated by a train line. Therefore, the proposal does not raise concern in respect of dwellings being overbearing or potential for overshadowing or loss of light.

The Council's Supplementary Planning Guidance 'Residential and Householder Development requires a separation distance of 21 metres between first floor windows. Whilst the layout provided is indicative, given that the site boundary is over 21 metres from residential properties at Torbay Terrace, the proposal is not considered to have an adverse impact on neighbouring privacy in relation to these neighbours. Any impact on the privacy of neighbours at Lon Lindys would be considered further at reserved matters stage, but the indicative layout would not be likely to have adverse privacy impacts.

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for consideration with the reserved matters. In this respect it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

Amenity Space

In terms of amenity space the Council's approved Supplementary Planning Guidance: Residential and Householder Development (2018) indicates a need for 20 sqm per person. The SPG also requires that garden areas of the dwelling should be of a useable shape, form and topography. The submitted plan, whilst indicative, demonstrates that the proposed dwellings could be designed to satisfy this requirement in compliance with the Council's SPG.

Access, Parking and Highway safety

As aforementioned, the application is outline with all matters reserved, however the indicative layout indicates the existing access and crossover from Heol Y Pentir being utilised to serve the 15 dwellings. The site is close to Rhoose Train Station and regular bus routes and consequently, the site is readily accessible by modes other than the private car.

The Council's Highway Engineer has not objected to the access, however he has provided guidance that require further consideration at reserved matters stage. However, there is evidently scope to provide a safe and appropriately designed junction into the site.

A number of objections have raised concerns relating to retaining an existing pedestrian/cycle path from Lon Lindys, requesting this is blocked up to ensure the site does not link to existing developments. A number of letters have also objected to the blocking up of this access. As context Members are advised that the Council have received a number of complaints from existing residents regarding anti social behaviour, allegedly associated with access between the application site and Lon Lindys. While pedestrian connectivity between the two sites would have been positive, the absence of this link does not render the scheme fundamentally unacceptable, given that existing and prospective residents would not have an unduly encumbered access to the train station and the wider area. It is, therefore, considered on balance that the development is acceptable in this respect. It should also be noted that the previous layout before Planning Committee also did not include a link.

The addition of 15 houses at the site is not considered to result in any significant level of traffic and the development is unlikely to materially add to congestion or in itself cause problems for the free flow of traffic locally and in the wider network. In summary, the proposed development is considered acceptable in respect of traffic, highway safety and links to a range of modes of transport.

Network Rail Issues

Network Rail had previously raised an objection to the proposal due to the envisaged increase in usage of the nearby level crossing. The proposal now seeks planning permission for 15 units (a reduction in 2 units). The level of traffic (pedestrian or vehicular) is not considered likely to significantly exacerbate the usage of the crossing. Notwithstanding this, in any event, should this crossing be closed, the site is accessible through the adopted highway which includes a pedestrian and cycle link to the village along Trem Echni. As such, it is considered unreasonable to refuse the application based on this objection.

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, citing specific requirements relating to Zone C2.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites. The redevelopment of existing permeable 'Greenfield' land to form hard (impermeable) surfaces such as highways, buildings and associated hard-standings will cause an increase in surface water runoff rates and volumes unless appropriate mitigation measures are designed.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The applicant also indicates that foul sewerage will be discharged to the mains sewer. In consultation with Dwr Cymru, they offered no objections in principle, subject to submission of a detailed drainage scheme. The comments note that there is a rising main crossing part of the site which would require a 3 metre buffer either side. Welsh Water note that this has not been shown in the current plans. Nevertheless, this is a matter which the developer will need to discuss with Welsh Water prior to submission of a reserved matters application.

The application forms state that the surface water would be disposed of via the mains sewer. The application may be subject to SuDS Approval Body (SAB) approval, although the applicant is of the understanding that the application would not require SAB approval. This is a matter for the applicant discuss the matter with the SAB approval body. Notwithstanding this, DCWW have requested a condition on further details relating to drainage and have stated that surface water should not directly or indirectly connect to the public drainage system. Therefore, it is considered necessary to condition further details of the surface water drainage plans of the site to ensure that the development is completed in an acceptable manner.

It is considered that, subject to a condition, the development of the site is acceptable and that future occupiers of the site would not be prone to unacceptable flood risk, whilst also ensuring that the proposals do not present an unacceptable flood risk off-site.

It is considered that the development complies with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk.

Ecology

Policy MD9 is most relevant in respect of ecology matters, and it requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan. The application has been supported with an Extended Phase One Survey which has considered the site for a variety of protected species and concluded that the site could be developed without harm to protected species. The report also includes suggestion on biodiversity enhancements.

The Council's Ecologist previously considered the submitted report and agreed with the findings. Whilst no response has been received in relation to the amended plans, it is considered prudent to consider the previous comments given that only the proposed layout and tenure has changed. The Council's Ecologist previously requested that any reserved matters scheme is designed in light of guidance provided within the Council's Biodiversity SPG and has requested a number of ecology related conditions be imposed should planning permission be granted.

Given this, and subject to conditions, it is considered that there are no ecological concerns with respect to the development and the proposal complies with the requirements of Policies MD1, MD2, MD7 and MD9 of the Adopted LDP 2011-2026.

Contamination/Noise

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 application site is within the area of the former cement and asbestos cement works. The reclamation of the site was carried out in the late 1990's as part of the wider site's redevelopment. The application has been supported with a site investigation report assessing contamination from historical uses. The report notes potential contamination and provides advice on redevelopment of the site.

The Council's Environmental Health Officer has previously assessed the report and recommended a number of conditions to ensure that the site's re-development is carried out in a safe manner. It is considered that such matters can be dealt with by conditions to ensure that the amenity of future occupants and local residents is protected.

The site adjoins a train line to the north which could raise noise disturbances for any future residents. The design and access statement makes reference to the adjoining site being developed for housing with a similar relationship to the application site. At this stage the proposed layout is unknown which limits the detailed assessment of the impacts. However, the Council's Pollution Control Team have previously requested a condition requiring a noise assessment to be submitted which outlines sound insulation measures to ensure the amenity of any future occupants is protected. It is considered that subject to such condition, the proposal could be acceptable.

Therefore, subject to appropriate conditions, the proposal is considered acceptable in respect of contamination and noise impacts in accordance with policy MD7 of the LDP.

Design out Crime

South Wales Police (Designing out Crime Officer) raised no objection to the proposed development as previously submitted. The officer agreed in principle that proposals will improve the area as the existing site is now redundant and derelict. The response provided helpful advice for the developer, relating to matters which would fall outside of the consideration of the planning application. However, the matters shall be brought to the attention of the applicant by way of an informative.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

- 1. Outdoor sports provision 1.6 ha per 1,000 population;
- 2. Children's equipped play space 0.25 ha per 1,000 population;
- 3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposal in its current form is outline with all matters reserved. However, the indicative layout indicates all units to benefit from private amenity areas. However, no public open space is proposed on the indicative layout.

The Open Space Background Paper prepared as part of the background evidence of the LDP identifies a shortfall in open space within the Rhoose Ward. Whilst POS may not be shown within the confines of this site on the indicative layout, any future reserved matters

application will be required to consider providing an element of this on site in accordance with the advice in policy MD3. In particular, if the buildings that accommodate units 1-6 were pivoted and the parking rationalised more closely together, there would be space for a small play area (an equipped LAP) to meet the play needs of children within the development.

Other Matters

Comments from neighbour representations have been noted. Concerns relating to impacts on privacy/impact on residential amenity, connectivity between Lon Lindys/ the existing footpath and traffic have been addressed in the body of the report. Comments relating to the density have been noted and are addressed above.

As aforementioned, the site is a brownfield site and whilst the loss of flowers would be regrettable, any future development would require biodiversity enhancement which can ensure a net benefit in respect of biodiversity.

In terms of land ownership, the current application has been submitted serving notice on adjoining land owners and it is considered that the land outlined within the site plan is deliverable by the applicant.

It is noted that the site is 100% and affordable and an objection letter suggests a better mix of tenure should be adopted. There is currently a shortage of affordable properties in the Vale of Glamorgan and there is no policy requirement requiring the site being delivered as an 100% affordable development.

In respect on anti-social behaviour, no empirical evidence has been provided to suggest the re-development of the site for housing would exacerbate matters. In fact the advice provided by South Wales Police would suggest the re-development would help reduce crime through natural surveillance. Notwithstanding this, any existing anti-social behaviour should be reported to South Wales Police.

The site would be managed by a Registered Social Landlord (RSL) and would therefore meet the tests of Welsh Government affordable housing definition. There is nothing to suggest residents of the affordable units would cause any anti-social behaviour or noise/disturbance.

A number of residents have raised objections relating to impact on property prices. Impact on property prices are not material planning considerations.

Concerns have also been raised regarding possible disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless, a construction and environment management plan can be requested by condition to ensure that any impacts as a result of the construction phase of development is minimised and appropriate conditions can be attached to any permission to ensure working hours are restricted and dust suppression mitigation is provided (Condition 12 refers).

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The development shall be carried out in accordance with the following scale parameters specified in the supporting documents submitted:

Houses

width : min 5m max 9m depth : min 7.5m max 10m eaves : min 4.8m max 6m ridge : min 8m max 10m

Terrace/flat

width : min 11m max 24m depth : min 7.5m max 10m eaves : min 4.8m max 6m ridge : min 8m max 10m

Reason:

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

5. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the local planning authority. The affordable housing shall be delivered by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council, and shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing, or any future guidance that replaces it. The scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

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

Amended Site Plan Drwg SK (01) 100 Received on 18 June 2021. Amended Site Location Plan Drwg LP-01 Received on 18 June 2021. Amended Covering letter/Scale Parameters received on 18 June 2021. Transport Statement Received on 21 December 2018. Site Investigation Report Received on 21 December 2018. Preliminary Ecological Assessment Received on 06 November 2019.

Reason:

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

7. Prior to the first beneficial occupation of any of the dwellings, a scheme for the provision and maintenance of all public open spaces (including the timing of its provision and any enclosures, and details of a play area) shall be submitted to and approved in writing by the Local Planning Authority. The public open space shall thereafter be provided and retained in accordance with the approved details.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies MD2 and MD3 of the Local Development Plan.

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

Reason:

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

9. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points into the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

10. 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 details shall include details of infiltration testing and the future perpetual maintenance and management of the drainage system. 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 protect the integrity, and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

11. Prior to the commencement of development, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles and timings of construction and delivery traffic to and from the site, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:

In the interest of highway / public Safety and the free flow of traffic along the adopted highway network, and to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

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

i) the parking of vehicles of site operatives and visitors;

ii) loading and unloading of plant and materials;

iii) storage of plant and materials used in constructing the development;

iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

v) wheel washing facilities;

vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;

vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

viii) hours of construction; noting there shall be no burning of waste or any other materials on site.

ix) lighting; including the use of security lighting on site outside normal construction hours

x) management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours

xi) odour management and mitigation;

xii) diesel and oil tank storage areas and bunds;

xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and

xiiii) a system for the management of complaints from local residents which will incorporate a reporting system.

Due to the potential for noise disturbance to local residents, the development phase should be subject to the following hours of operation which should be included in the CEMP, restrictions should include deliveries;

Monday – Friday8:00 until 18:00Saturday8:00 until 13:00With no Sunday or Bank Holiday working

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday 8:30 until 17:30 Saturday and Sunday Nil

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

Reason:

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

13. The development shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Assessment with respect to protected species.

Reason:

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

14. All ecological measures, in particular the site clearance strategy for reptiles and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment, Land Adjacent to Heol y Pentir, Rhoose, Vale of Glamorgan;6 November 2019 by Ecological Services Ltd; V2.0 as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

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

- 15. Prior to the commencement of development, an ecological design strategy (EDS) addressing enhancement measures (including timescales for their provision) has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) Details of bird box provision
 - b) Details of wildlife friendly drainage features.
 - c) Enclosures plans showing small animal access
 - d) Plans showing areas for wildflower planting.
 - e) Type and source of materials to be used where appropriate, eg UK sourced native species; ideally of local provenance.
 - f) Persons responsible for implementing the works.
 - g) Details of initial aftercare and long-term maintenance, if appropriate
 - h) Details for monitoring and remedial measures, if appropriate

The EDS shall then be completed in accordance with details approved by the local planning authority.

Reason:

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

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 and MD2 of the Local Development Plan.

17. 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 and MD2 of the Local Development Plan.

18. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the dwellings, full details of the lighting to be provided on the highways, footpaths and open space areas within the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

19. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and approved 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 the part of the development that they relate to 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.

20. No development should be carried out prior to the submission and approval of a Noise Assessment noting the railway track that parallel to the site. Should permission be granted all works should be then carried out in accordance any necessary proposed noise mitigation measures outlined in the approved Noise Assessment prior to the first beneficial occupation of any individual dwelling for which the mitigation measures have been identified.

With regard to the above;

Any scheme to be submitted to and approved in writing by the Local Planning Authority shall provide that all habitable rooms exposed to external road traffic noise in excess of 55dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night, with the LAmaxfast of 45dB not being exceeded.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units if necessary.

No habitable room shall be occupied until the approved sound insulation and ventilation measures, should they be required, have been installed in that room. Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour."

Reason:

In order to assess the noise impact as set out in TAN 11 to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise, in accordance with policies MD2 and MD7 of the Local Development Plan.

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

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with policies MD1 and MD2 of the Local Development Plan.

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

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

Reason:

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

23. The remediation scheme approved by condition 19 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. in accordance with Policies SP1 (Delivering the Strategy) & MD7 (Environmental Protection) of the Local Development Plan. 24. 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 in accordance with Policies SP1 (Delivering the Strategy) & MD7 (Environmental Protection) of the Local Development Plan.

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

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

Reason:

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

26. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

Reason:

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

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

Reason:

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

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, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Residential and Householder Development, Affordable Housing, Biodiversity and Development (2018) Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Sustainable Development and Travel Plan (2018) and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN11-Noise and TAN12-Design, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenity, highway and pedestrian safety, affordable housing and infrastructure. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, drainage/flood risk and noise/contamination

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

NOTE:

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

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

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

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

- 2. The applicant's attention is drawn to the comments of the South Wales Police Crime Prevention Design Advisor made on this application. For further advice on achieving Secured By Design, information can be found at www.securedbydesign.com.
- 3. The attention of the applicant is drawn to the fact that a rising main runs through the site and may be affected by the development. The applicants are advised to contact DCWW regarding easements.

- 4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
- 5. 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.

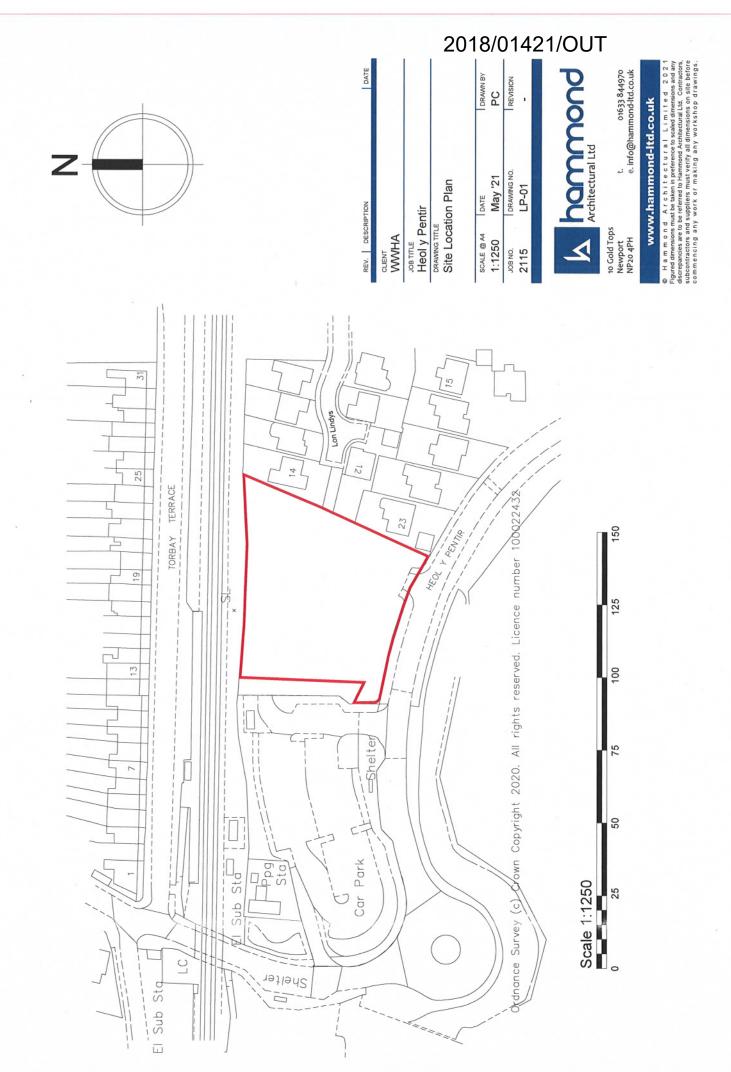
Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.



P.73

2020/01371/FUL Received on 6 November 2020

APPLICANT: Hanson UK Machen Quarry, Lower Machen, Caerphilly, CF83 8YP **AGENT:** Graham Jenkins SLR Consulting Limited, Fulmae House, Beignon Close, Ocean Way, Cardiff, Cf24 5PB

Lithalun Quarry, Ewenny

Review of Old Mining Permissions - continuation of operations and extension of time limit until end date of 30th June 2040 for the completion of quarrying operations.

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 not covered by the scheme of delegation.

EXECUTIVE SUMMARY

This is a a 'Review of Old Mining Permissions' ('ROMP') application for Lithalun Quarry. The Environment Act 1995 sets out a requirement to review, and where necessary update the planning conditions regulating operations at mineral sites at 15 year intervals. The current application is being submitted in the context of this requirement, and via the submitted updated schedule of planning conditions also proposes an extended time limit for operations at the quarry to reflect the reserves remaining to be worked and projections of anticipated future output.

The application site relates to an existing working quarry covering an area of 22.2ha, accessed off the B4265 which is located to the south of Ewenny. The existing operation is an established stone quarry. It is located outside any settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP) and is therefore in the countryside.

The application has been advertised with site notices and press adverts and to date 1 letter of representation has been received.

The site relates to an existing quarry which is noted within the LDP (Policy SP9) as being part of the LPA's land bank for mineral reserves. Therefore, the principle of this site for continued extraction is considered acceptable.

Having considered the above, and having appraised visual, ecological and highways impacts (including others) it is considered that the proposed development is acceptable, and the application is recommended for APPROVAL.

SITE AND CONTEXT

The application site relates to Lithalun Quarry an existing working quarry covering an area of 22.2ha, accessed off the B4265 which is located to the south of Ewenny. The existing operation is an established stone quarry. It is located outside any settlement boundary as identified within the adopted Vale of Glamorgan Local Development Plan (LDP) and is therefore in the countryside.

The sites lies within the Castle Upon Alun Special Landscape Area. A public Right of Way (route 22) passes along the southern and western boundary of the site.

The application site boundary covers an area of around 22.2ha which is broken down as:

: the active quarry and stocking area (13.5ha);

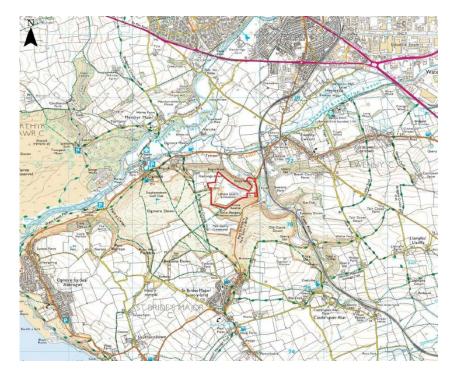
- : ready mixed concrete plant (0.8ha) (separate consent);
- : peripheral soil and overburden storage / screening bunds (4.1ha)
- : an undisturbed field parcel to the west of the workings (1ha)
- : site entrance, access roads and other margins (2.8ha).

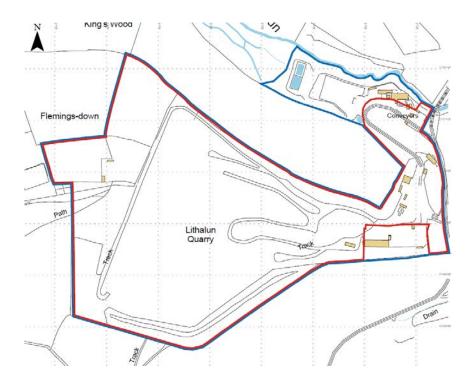
The quarry has been worked into the side of a natural hill, as a series of roughly parallel benches and faces, stepping down from 90m AOD at the highest point along the western rim down to the quarry floor, at approximately 30m AOD.

The existing operations are visually well contained by the adjoining substantial woodland block on its northern boundary (King Wood) and to the east alongside the B4265. Temporary soil and overburden storage mounds at the site have also been formed and established with grassland and some scrub vegetation on land to the west and south of the quarry, providing further visual containment of the workings.

The site is located within a Mineral Safeguarding Zone for Limestone (Category 1) and within a Quarry Buffer Zone.

An extract of the location & site plan can be viewed below. The site is outlined in red.





DESCRIPTION OF DEVELOPMENT

This is a 'Review of Old Mining Permissions' ('ROMP') application for Lithalun Quarry. The Environment Act 1995 sets out a requirement to review, and where necessary update the planning conditions regulating operations at mineral sites at 15 year intervals. The current application is being submitted in the context of this requirement, and via the submitted updated schedule of planning conditions, also proposes an extended time limit for operations at the quarry to reflect the reserves remaining to be worked and projections of anticipated future output.

As background, the quarry was granted permission in 2000 for the 'continuation of and extension to workings at Lithalun Quarry together with ancillary operations for the treatment and preparation for sale of minerals' (ref 1999/00459/FUL). The permission consolidated previous permissions granted in 1948, 1952 and 1972 into one overall permission, including a western extension to the 1972 permitted area.

It was assumed at the time that the quarry would be worked for approximately 20 years at the then average production rate of some 250,000 tonnes per annum. However, the application suggests that in practice, for a number of reasons including the economic recession from 2008 onwards, the permitted reserve has not been extracted in the originally anticipated 20 year period, and a reserve of some 3.7m tonnes remains to be worked. The current application thus seeks to ensure that this permitted reserve can be recovered via the request for an extension to the current December 2020 end date.

In summary, the ongoing development which forms the subject of the ROMP application comprises:

• The continued development of the quarry faces in a westerly direction to the defined western limits of the permitted quarry area

• The progressive restoration of the upper quarry faces and benches, with a combination of planting and natural re-colonisation;

• The removal of the southern overburden storage mound and the use of the material to create a profile for final restoration, including seeding and planting;

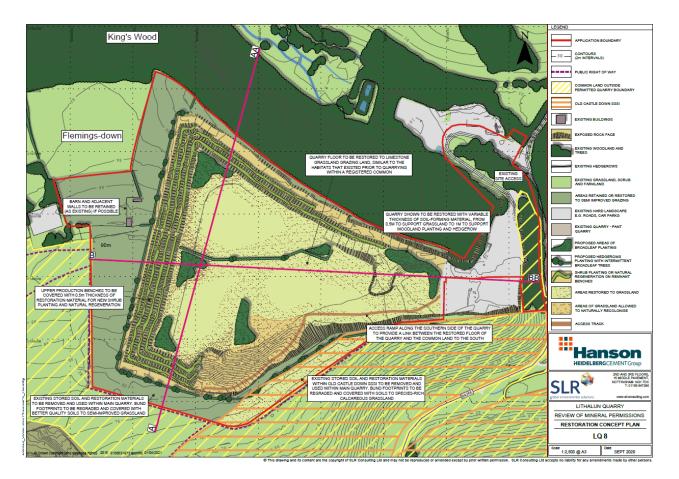
• The implementation of a final restoration strategy for the overall site Area, consistent with the currently approved restoration strategy.

The restoration strategy makes provision for the same general restoration after uses as set out on the currently approved restoration concept plan. This includes the establishment of grassland on the reprofiled base of the quarry, the introduction of a new hedgerow, the planting of new woodland blocks, the restoration of the remaining quarry benches with planting and natural re-colonisation, and the restoration of the footprint of the current southern overburden storage bund to integrate the area with the adjoining grassland to the south and west.

The purpose of the ROMP Review is to formulate a schedule of updated planning conditions which reflect modern standards and controls.

An extract of the aerial photograph of the site and proposed final development plan can be viewed below:





RELEVANT PLANNING HISTORY

1999/00459/FUL, Address: Lithalun Quarry, Ewenny, Proposal: Continuation of and extension to workings at Lithalun Quarry together with ancillary operations for the treatment and preparation for sale of minerals, Decision: Approved.

2016/00670/PNQ, Address: Lithalun Quarry, Ewenny, Proposal: Proposed Replacement Ready Mixed Concrete Plant, Decision: Approved.

CONSULTATIONS

The Council's Highway Development Section were consulted on 2 December 2020. A response received on 23 February 2021 confirms no objection subject to all the current measures being continued and no increase in tonnage being transported from the site without prior written approval from the LPA/LHA.

The Councils Public Rights of Way Team were consulted on 2 December 2020. No response was received at the time of writing this response.

The Councils Drainage Section were consulted on 2 December 2020. A response received on 13 August 2021 confirms that they are satisfied with the proposal.

The Council's Shared Regulatory Services (Pollution) Team were consulted on 2 December 2020. A response received on 07 April 2021 request conditions in respect of noise, blasting/vibration, dust and operating times. **Glamorgan Gwent Archaeological Trust** were consulted on 2 December 2020. A response recived on 08 February 2021 confirms no objection to the proposal.

St. Brides Major Community Council were consulted on 2 December 2020. No response was received at the time of writing this response.

Cadw, Ancient Monuments were consulted on 2 December 2020. A response received on 17 December 2020 confirms that the proposed works will not have any effect on the setting of any designated heritage assets.

The Council's Ecology Officer was consulted on 2 December 2020. A response received on 16 August 2020 confirms no objection but recommends using seeds that are locally sourced and of local genetics for restoration.

The Councils Landscape Section were consulted on 2 December 2020. A response received on 23 April 2021 confirms that the restoration scheme is acceptable but suggests a pond be incorporated in the plans. It also requests clarification on the use of areas shown in grey on the proposed plans.

Welsh Government were consulted on 2 December 2020. No response was received at the time of writing this response.

Cadw, Historic Gardens were consulted on 2 December 2020. No response was received at the time of writing this response.

Natural Resources Wales were consulted on 2 December 2020. A response received on 01 February 2021 confirms that they have significant concerns about the proposed development as submitted, and they recommend conditions be imposed to the updated permission to overcome those concerns.

The Council's Contaminated Land, Air & Water Quality team were consulted on 2 December 2020. A response received on 12 December 2020 confirms no comment to the application.

The Council's Minerals advisor was consulted on 2 December 2020. A response received on 18 June 2021 provides amendments to the conditions proposed.

St Brides Major Ward Members were consulted on 2 December 2020. No response was received at the time of writing this response.

REPRESENTATIONS

The neighbouring properties were consulted on 2 December 2020. A site notice was displayed on 10 December 2020 and the application was also advertised in the press on 17 December 2020. To date 1 letter of representation has been received from a local resident who objects to the application. The objection relates to noise pollution from blasting and states that the proposal would not be compliant with the LDP or government guidance.

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 SP2 – Strategic Sites POLICY SP8 – Sustainable Waste Management POLICY SP9 – Minerals POLICY SP10- Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG23 – Buffer Zones

POLICY MG25 – Mineral Working (including Oil and Gas Extraction)

POLICY MG26 – Specific Sites for Mineral Working

Managing Growth Policies:

POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important
Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas
POLICY MG23 – Buffer Zones
POLICY MG25 – Mineral Working (including Oil and Gas Extraction)
POLICY MG26 – Specific Sites for Mineral Working
POLICY MD20 - Assessment of Waste Management Proposals

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 MD16 - Protection of Existing Employment Sites and Premises

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

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 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 5 Nature Conservation and Planning (2009)
- Technical Advice Note 11 Noise (1997)
- Technical Advice Note 12 Design (2016)
- Technical Advice Note 21 Waste (2014)
- 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)
- Residential and Householder Development
- Sustainable Development A Developer's Guide
- Parking Standards

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

 Minerals Planning revised background paper (2014) (Also see LDP Hearing Session 13, Action Point 1, 3 and 4 response)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Environment (Wales) Act 2016
- Natural Resources Policy
- Mineral Technical Advice Note 1: Aggregates
- 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.
- The Regional Technical Statement for the North Wales and South Wales Regional Aggregates Working Parties – 1st Review (August 2014) – available on the SWRAWP Website.
- Clarification Letter of the Policies in Minerals Technical Advice Note 1: Aggregates (MTAN 1) CL-05-14.
- Welsh Office Circular 11/99 Environmental Impact Assessment

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or

wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

<u>Issues</u>

The main issues are considered to be:

- The principle of the proposal in this location
- Visual Impact
- Impact on residential amenity
- Highway Impact
- Agricultural Land Quality
- Ecology/Biodiversity
- Heritage Impact
- Surface Water Drainage

The application has been supported with an updated Environmental Statement.

Analysis of the Proposal

The application site is located in the countryside, therefore, Policy MD1 requires development to have no unacceptable impact on the countryside and have no unacceptable impact on the best and most versatile agricultural.

In terms of Policy MD2, this requires development proposals to (Inter alia); respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density.

Planning application 1999/00459/FUL was granted (subject to conditions) for a westward extension of Lithalun Quarry (approximately 4.3ha) which would provide a total of 5.14 million tonnes in mineral reserves equal to 20 years work at the extraction rate at the time and the proposed output into the future. A further 4.1ha was included for soil storage and landscaping works. The application consolidated all the mineral extraction planning permissions which were on the site.

The current application seeks to further extend the extraction date approved under 1999/00459/FUL date by a further 20 years and in addition, seeks to update (and suggests replacements to) a number of conditions associated with the original planning consent in order that they better reflect current Welsh Government guidance and/or update conditions previously limited by the date of the earlier consent.

Planning Policy Wales states that the key role of the planning authority in relation to minerals extraction is to balance the fundamental requirement to ensure the adequate supply of minerals with the protection of amenity and the environment. The key principles are to:

• Provide positively for the safeguarding and working of mineral resources to meet society's needs now and in the future, encouraging the efficient and appropriate use of high-quality materials;

- protect environmental and cultural characteristic of places, including those highly cherished for their intrinsic qualities, such as wildlife, landscapes, ancient woodlands and historic features, and to protect human health and safety and general well-being;
- reduce the impact of mineral extraction and related operations during the period of working by ensuring that impacts on relevant environmental qualities caused by mineral extraction and transportation, for example air quality and soundscape, are within acceptable limits; and
- achieving, without compromise, a high standard of restoration and aftercare so as to avoid dereliction and to bring discernible benefits to communities, heritage and/or wildlife, including beneficial after uses or opportunities for enhancement of biodiversity and the historic environment.

Policy SP9 of the LDP states:

"The local and regional need for the provision of a continuous supply of minerals will be achieved through:

1. Maintaining a minimum of 10 years land bank of hard rock throughout the plan period; including extended time periods to complete permitted extraction at existing sites;

2. Favouring proposals which promote the sustainable use of minerals and encourage the use of secondary and alternative resources;

 The safeguarding of known resources of sandstone, limestone, sand and gravel (where these occur outside settlements), from permanent development that would unnecessarily sterilise them or hinder their future extraction; and
 Safeguarding wharf facilities for the landing of marine dredged sand & gravel".

The policy requirement for a minimum of 10 years land bank of hard rock throughout the plan period stems from the Regional Technical Statement (RTS), a requirement of Minerals Technical Advice Note 1: Aggregates (MTAN12). This statement recommends that the future quantities of aggregate which need to be provided for, from each Local Planning Authority, is calculated over 25 years for crushed rock (LDP period plus 10 years).

The LDP explains that based on the Council's landbank reserve figure at July 2016 (31,962,000 tonnes) and the 10 year average production figure, the Vale of Glamorgan landbank for hard rock aggregate would be 30.7 years available at 2026. Reserves of hard rock for non-aggregate production (i.e. cement production) are sufficient for 19.8 years supply. The Vale of Glamorgan therefore has sufficient reserves to satisfy the requirements of the Regional Technical Statement.

PPW recognises that although there are large resources of useful minerals in Wales, and it is important to ensure that they are not wasted and that they are used efficiently and for the purpose(s) specified in the planning permission, although flexibility may be necessary in some circumstances.

The LDP identifies the following active mineral working sites in the Vale of

Glamorgan (or inactive sites where future working is considered likely to occur):

- 1. Aberthaw Liassic
- 2. Ewenny Carboniferous
- 3. Forest Wood Carboniferous (Shared with Rhondda Cynon Taf)
- 4. Pant Carboniferous
- 5. Pantyffynnon Carboniferous
- 6. Longlands Carboniferous
- 7. Lithalun Carboniferous
- 8. Wenvoe Carboniferous
- 9. Garwa Farm * Carboniferous
- 10. Ruthin *- Carboniferous
- * Currently inactive but held in reserve

With a number of the sites not operational, in order to ensure the steady and adequate supply of minerals it is considered beneficial to have a supply from a range of operators-including the small and medium sized operators.

As aforementioned, the Vale of Glamorgan Council currently have over the minimum 25 years supply required. This would have included the reserves at Lithalun Quarry which is recognised as an active quarry in the LDP. The continued use of the site would ensure the Vale of Glamorgan meets the Regional Technical Statement. Given this, it is considered that the proposed development would support the aims of Policy SP9 of the LDP to ensure that the necessary reserves are maintained going forward and the continued use would ensure the most sustainable way of extraction in line with the advice in PPW.

Strategic Policy MG22 (Development in Minerals Safeguarding Areas) seeks 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

The aim of the policy is to avoid sterilisation of mineral reserves. The proposed development seeks permission to extract the mineral and therefore, the development would not conflict with the aims of this policy.

Policy MG23 states:

"Buffer zones have been identified around mineral working sites. Within buffer zones proposals for new development will only be permitted where it is demonstrated that:

1. The proposal would not constrain the operations of the mineral site; or

2. The proposal is located within an existing built up area which already encroaches into the buffer zone".

The policy relates to other land uses which may conflict with minerals workings or which may constrain the ability of the mineral to be worked. The extent of the buffer zone is based on standard national guidance contained in MTAN1 which is 200 m for hard rock quarries. There would be no sensitive receptors or other conflicting land uses within the buffer zone resulting from the proposed development. As a result, the proposed development is considered to accord with Policy MG23.

Policy MG25 is criteria based policy and it sets out that the following issues would be the most relevant: -

1. Any adverse impacts on the natural environment are avoided or mitigated to an acceptable level, and proposals include, where appropriate, measures to enhance the natural environment;

2. Impacts on built and cultural heritage are mitigated to an acceptable level and enhanced wherever possible;

3. Impacts on the amenity of local residents and local communities are not unacceptable, in particular with regard to noise, health, air quality, vibration, visual impact, access provision and traffic generation;

4. Impacts on geology, hydrology and hydrogeology, including land stability and water supplies, are acceptable;

5. There is clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2, and 3a;

6. Minerals are transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed;

7. There is provision for the land to be progressively and finally restored to a high standard and to a beneficial and sustainable after-use including long term post-closure management; and

8. Where opportunities for the re-use and recycling of mineral waste have been considered and where there are no practicable substitute materials that can be provided at less environmental costs."

These matters will be considered below, however, the principle of extraction is considered acceptable, in the interests of maintaining a secure landbank of mineral reserves. However, in accordance with MG25, each of the matters will be considered in light of the updated information submitted in support of this application.

Visual impact

Policy 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;
- Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;

Policy MD1 (Development on unallocated sites) states that new development should have no unacceptable impacts on the countryside.

The sites lies within the Castle Upon Alun Special Landscape Area. Policy MG17 of the LDP permits development in an SLA where it can be demonstrated that it would not adversely affect the landscape character of the SLA.

The proposal has also been supported with a Landscape and Visual Impact Assessment (LVIA) which concludes that the development would not pose an unacceptable visual impact upon sensitive receptors or viewpoints in the surrounding area. It states that the site is well screened by the site's topography and existing bund screening that serve to mitigate any visual harm. There would be a low degree of change during the next 20 years of operations and therefore views would not change from current viewpoints.

The existing quarry operations are very well screened from the adjacent road (the B4265) and the B4524 to the north by the land form. There would be at most glimpsed views of the upper faces of the quarry from the north but the continued working of the quarry would not change this. There would be little change to the visual impact from the south and west given that the quarry is within a steep valley.

The LVIA recognises that there are a number a public right of ways along the boundary of the site and recreational walkers may use the common land to the west. However, there would be limited views from these walking areas and any views would be limited to the upper faces of the quarry.

The LVIA notes that the extension of time would delay restoration of the site, notwithstanding this, the proposal would not alter the existing and effective mitigation measures at the site that were considered acceptable in 2000.

In terms of the impact on the SLA, as aforementioned, the site is generally screened by landform and relates to an existing quarry. Given that the proposal relates to an existing quarry and would be restored once quarrying ends, the long-term impact on the SLA would be acceptable. Notwithstanding that, the visual impact would not be materially different to that associated with the previously consented proposals (I.e. it is only the life of the consent that is fundamentally being changed- as opposed to the scope of visual impacts).

The Council's Landscape Officer has assessed the LVIA and considers its assessment robust. The Landscape officer has requested further details of the landscaping/restoration plans to be secured by way of condition to ensure that the impact remains limited following completion of quarrying operations.

Overall, the proposal is considered acceptable in respect of visual impact and impact on the SLA.

Built and Cultural Heritage

The application has been supported with a Cultural Heritage Assessment which considers the effects upon cultural heritage. It concludes that the proposal would have no significant residual effects upon known cultural heritage assets.

The application site has a number of Scheduled Ancient Monuments and Registered Parks and Gardens within 3km. CADW have assessed the application and have raised no objection to the impact of the proposed development on the scheduled monuments or registered parks and garden. There are no listed buildings or conservation areas in close proximity whose settings would be adversely affected by the proposal. Given the above, the proposal is considered acceptable in respect of built and cultural heritage, in accordance with Policies SP10 and MD8 of the LDP.

Noise and Impacts upon 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.

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 quarrying activities will not come any closer to nearest residential properties that are located some distance away (approximately 600 and 1000 metres away). The applicant proposes to retain the existing conditions associated with the current consent, although they propose to reduce operating hours in the morning so that the consent starts from 7am instead of the approved 6am start time. Therefore, the proposal should not result in any greater impacts. Quarrying operations taking place would not be any more intensive on a day to day basis than as existing and it is noted that part of the site likely to be quarried would be towards the western part of the site away from the nearest cluster of residential properties.

The application is accompanied by a noise impact assessment. This has considered the predicted noise associated with the quarrying against the noise standards outlined in Minerals Technical Advice Note (Wales) 1: Aggregates and assessed these in relation to the closest neighbours to the site.

The report concludes that in all cases, noise levels do not exceed the 55 dB LAeq,1h criterion, considered, when necessary, as an upper limit. In addition, the calculated noise levels would not exceed those conditioned in the 2000 consent.

The report is also supported with a Noise Management Plan which provides recommendations in respect of the day to day workings at the site and provides limits and procedures for any noise nuisance. This has been assessed by the Council's Environmental Health Officer (EHO) who agrees with reports conclusion and confirms that the site has not been subject to noise complaints.

The supporting ES also considers blasting and vibrations and suggests that the impacts can be mitigated by way of a condition. It concludes that the quarry operates within the prescribed limits of the existing consent and will continue with the same scheme. This has been considered by the Council's EHO and agreed to be acceptable.

The existing operations at the site are controlled by conditions that seek to preserve the amenities of neighbouring properties and these would be maintained. It is considered that subject to these conditions being revised and re-imposed, the continued operations at the site can be undertaken without adversely impacting residential amenity. While it is acknowledged that quarrying of the site would be prolonged beyond the previously anticipated end date, it is considered that the timings proposed are fundamentally

compatible with residential amenity and consequently the extension of the working life would not be demonstrably harmful in this respect.

It is noted that a letter of representation has been received from a local resident objecting to the proposal on grounds of noise impact. However, the application site relates to an existing quarry and currently operates within the limits of MTAN1. Whilst this resident may suffer from noise issues, it is noted that there are 3 working quarries in this area and the Councils Regulatory Services team have not investigated any noise complaints in respect of Lithalun Quarry. Notwithstanding this, a balance needs to be struck between extracting minerals and safeguarding residential amenity and in this case, the LPA are satisfied that the proposal would not prejudice neighbouring amenity to a degree that warrants refusal.

Dust and air quality, and Contamination

The application is supported with an Air Quality Assessment (AQA) that outlines dust control measures at the site. The assessment continues that these measures would remain on site and the assessment concludes that the effect on amenity, human receptors and ecological receptors are 'not significant'. The Council's Shared Regulatory Services team have assessed the AQA and agree with conclusions of the report. They consider the proposal acceptable subject to conditions proposed, which are considered appropriate and proportionate The overall effect on air quality from the development is therefore not considered to be significant.

The Council's Contaminated Land Officer has assessed the application and has not objected to the proposal.

Overall, the proposal is considered acceptable in respect of dust, air quality and contamination.

Highways issues and Traffic Generation

Criterion 3 of Policy MD2 requires proposed development to have no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

In terms of highways impacts, the proposed site would operate in the same manner to how it has operated since the granting of the last permission. The supporting ES has assessed the highway impacts and concludes the proposed development would not have adverse impacts on traffic or congestion in the wider highway network.

The site is currently accessed from the B4265 St. Brides Road. The proposal does not seek to alter access or parking arrangements and the development would be subject to conditions imposed on the site currently. The Council's Highway Engineer has considered the application and raises no objection subject to the original conditions being re-imposed.

Impacts on geology, hydrology and hydrogeology

The application has been supported with a Hydrology & Hydrogeology Impact Assessment with the ES which details the impact of the proposal on the sites hydrology and hydrogeology. The assessment concludes that there would be no need for de-watering at the site and subject to conditions and continuing monitoring, the impact upon water quality is not expected to be significant. The Hydrological & Hydrogeological Impact Assessment provides measures for the protection of the water environment and, subject to conditions, concludes that there are no over-riding hydrogeological or hydrologically based reasons to refuse the application.

Natural Resources Wales have reviewed the submission and note that the site lies within a designated Source Protection Zone (SPZ) for the Schwyll Spring. They state that Source Protection Zones are designated by Natural Resources Wales to identify catchment areas of public drinking water sources, where risk associated with contamination is greatest. In addition, Dwr Cymru / Welsh Water has indicated that the spring, whilst not currently in use, is an important drought and emergency water supply source.

NRW have advised that given the presence of the SPZ, the Schwyll Spring and that there are rapid groundwater level changes at the site within the limestone that is highly receptive to recharge yet monitoring is performed only on a monthly basis it would be prudent for groundwater monitoring wells to be installed with dataloggers that can measure groundwater levels in real time.

On this basis, the proposal could be acceptable in respect of hydrology and hydrogeology subject to conditions.

Loss of Agricultural land

Criterion 9 of Policy MD1 and criterion 5 of Policy MG25 requires there to be clear evidence that there will be no unacceptable loss of agricultural land of ALC grade 1, 2 and 3a. The land is classified as 3a (Good to Moderate Agricultural Land) on the ALC Predictive Map.

Paragraph 3.55 of PPW states:

"When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade".

The proposal relates to an existing working quarry and does not seek any further lateral extensions. Therefore, the works would not affect any agricultural land. As such, the proposal is considered acceptable and in accordance with Policy MG25.

Sustainability

Criterion 6 of Policy MG25 requires minerals to be transported by the most sustainable means and the potential for minerals to be transported by means other than by road has been adequately assessed. The sites location and existing operations lends itself to HGV. Unfortunately, it is considered that the most sustainable method in this instance would be HGV lorries. The proposal however does not seek any intensification of the use over and above what has been previously granted. On this basis the proposal is considered acceptable in respect of sustainability.

Land Restoration

The application is supported with a restoration strategy that relies on a mixture of natural regeneration, broadleaves woodland, grassland, hedgerows and semi-improved grassland that would allow for the restoration of the site. This would be secured by way of condition. This has been considered by the Council's minerals officer and landscape officer who consider this acceptable, subject to conditions.

<complex-block><complex-block>

An extract of the concept restoration plan can be viewed below:

NRW have reviewed the proposal and have requested a condition to ensure native seeds are used. This sentiment has been echoed by the Councils Ecologist who also requests that only soil from the site is used in restoration. The restoration of the site would be controlled by conditions which would include the above, at this stage, the concept plan is considered acceptable.

Archaeology

The Environmental Statement (ES) submitted with the application considers the archaeological impact of the proposal. The ES concludes there no potential for encountering unknown archaeological deposits during the development work given that the ongoing development would be confined to within the footprint of the existing quarry limits.

Glamorgan Gwent Archaeological Trust, the Council's archaeological advisors, have assessed the proposal and advise that archaeological briefs were undertaken in 2002 and 2017 that found little features of archaeological interest. They have not raised an objection to the proposal.

Therefore, the proposal is considered acceptable in respect of archaeological impacts.

Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to 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.

The ES states that surface water runoff at the majority of the site infiltrates into the bedrock. During heavy rain, ponding occurs in lower lying parts of the quarry and on tracks and hardstanding areas. This water infiltrates into the ground (either within the void or through the soakaways) or evaporates with time and is not removed by pumping. Rain falling on some areas on the eastern side of the Site flows as surface runoff and drain towards the Afon Alun.

The site does not abstract its own water for use. Mains water is used for all purposes including mineral processing, dust suppression and wheel washing. A gutter conveys wastewater from these processes and conveys used water to a soakaway close to the site entrance, for settlement and infiltration to the ground. Once full, an underground overflow pipe carries water to two further soakaways to the north-west (outside of the ROMP area). There is an overflow pipe from these soakaways that conveys any overtopping water to the Afon Alun 25 m to the north. This is a consented discharge with permit reference BP0255101. It is understood that water has not discharged from this point for at least the last nine years

This site is not located in Development Advice Map (DAM) zones at risk of tidal or fluvial flooding. The Council's Drainage Engineer has considered the drainage submission and considers the proposal acceptable.

On this basis, the proposal is considered acceptable in respect of drainage.

Ecology

Policy MD9 of the LDP is most relevant to biodiversity, and it requires new development proposal to conserve and where appropriate enhance biodiversity interests.

Policy MG21 of the LDP includes reference to protected species and states that development that is likely to have an adverse impact on protected 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 and geological features can be avoided;

3. Appropriate and proportionate mitigation and compensation measures can be provided; and

4. The development conserves and where possible enhances biodiversity interests.

This is supported by the Council's SPG on Biodiversity and Development which requires new development to provide ecological enhancements to promote biodiversity and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations').

As aforementioned, the application site consists of an existing working quarry. The application site is adjacent to the Old Castle Down SSSI. The SSSI supports a range of grassland and dry heath vegetation types. Of particular interest are limestone grassland and limestone heath, which are particularly species-rich, supporting a number of nationally and regionally important scarce plant species such as soft-leaved sedge. The site also supports part of the only Welsh population of High Brown Fritillary butterflies.

The application has been supported by an Ecological Impact Assessment (EcIA) providing a baseline in respect of the sites ecological value natural environment. These matters have been assessed thoroughly by the LPA and Natural Resources Wales who have confirmed (subject to conditions) that the proposed development would not result in an adverse impact upon the natural environment.

The EcIA notes the presence or potential for presence of protected species has been identified. Adder and peregrine have been confirmed on the site during the habitat survey, and suitable habitat for other common reptile species, hazel dormouse, breeding birds, bats and badger has been identified around the peripheries of the site. NRW have requested a condition requiring further bat surveys prior to any woodland management or works to trees at the site. In addition, the works would also be subject to an EPS licence would be required.

The assessment also notes the presence of Himalayan Balsam (a non-native invasive species, which is included within Schedule 9 of the Wildlife and Countryside Act, 1981 [as amended]) which would need to be removed and would require a licence from NRW. The EcIA proposes a management plan to remove this over the coming years.

The report concludes that given that the suitable habitat for these species would not be impacted for many years (i.e. until restoration works commence), relevant protected species surveys would be undertaken in the relevant season prior to impact, and suitable mitigation is proposed, which would be refined upon the completion of the surveys. NRW have recommends these surveys are undertaken every 5 years and have requested a condition requiring an amended EMP.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority (LPA) 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, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

No protected species have been discovered, however there is a possibility that they may be discovered during further survey works required by way of condition. Therefore, it is considered prudent to carry out the three tests.

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.

The continuation of the site for mineral extraction would bring benefit to the economy through the extraction process and allow the LPA to maintain its mineral reserves. It is therefore considered that this test is met.

Test ii) - There is no satisfactory alternative

The site relates to an existing site and does not propose any extension. Any approval would only allow further time to extract minerals granted consent previously and it is also noted that the site is an allocated mineral reserve site within the LDP and is key to the meeting the areas growth plans.

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

NRW have requested a condition requiring a Conservation Plan prior to works commencing on the restoration which would ensure measures are in place to ensure the works are not detrimental to the maintenance of the species population. In addition, should protected species be discovered, the works would be subject to an EPS licence which is a separate legislative process that will require the developer to undertake measures to ensure the works have no detrimental impact upon the favourable conservation status of the species. The licence would provide adequate ecological protection in respect.

Overall, subject to conditions, the proposal is considered acceptable in respect of the sites ecological value and enhancements.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Environmental Statement Volume 1 Received on 06 November 2020. Environmental Statement Non Technical Volume 3 Received on 06 November 2020. Site Location Plan LQ1 Received on 06 November 2020. Application site plan LQ2 Received on 06 November 2020. Aerial Photograph Plan LQ3 Received on 06 November 2020. Land Use Context Plan LQ4 Received on 06 November 2020. Existing Topography Plan LQ5 Received on 06 November 2020. Final Quarry Development Plan LQ6 Received on 06 November 2020. Final Quarry Cross Section Plan LQ7 Received on 06 November 2020. Restoration Concept Plan LQ8 Received on 06 November 2020. Quarry Bench Cross Section Plan LQ9 Received on 06 November 2020. Ecological Statutory Sites Plan 7.1 Received on 06 November 2020. Habitat Plan 7.2 Received on 06 November 2020.

Bat Survey Plan 7.3 Received on 06 November 2020.

Hazel Dormouse Survey Plan 7.4 Received on 06 November 2020.

Habitat Management Actions 7.5 Received on 06 November 2020.

Species Actions Plan 7.6 Received on 06 November 2020.

Appendix 7.1 Data Sources Received on 06 November 2020.

Appendix 7.2 to EcIA Target Notes Received on 06 November 2020.

Appendix 7.3 to EcIA Bat Roost Survey Received on 06 November 2020.

Appendix 7.4 to EcIA Hazel Dormouse Survey Received on 06 November 2020.

Appendix 7.5 to EcIA Ecological Management Plan Received on 06 November 2020.

Appendix 8.1 Figures 8.1 - 8.13 Received on 06 November 2020.

Code of Practice for the Control of Surface Water Drainage Received on 06 November 2020.

Flood Consequence Assessment and Drainage Strategy Redacted Received on 06 November 2020.

Appendix 9.1 - 9.5 Noise Received on 06 November 2020.

Appendix 10.1 Blast Vibration Received on 06 November 2020.

Appendix 11.1 Dust Management Plan Received on 06 November 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.

2. The extraction and processing of minerals from the site shall cease by 30th June 2040 and unless otherwise agreed in writing by the local planning authority restoration of the site shall be completed by 30th June 2042. All fixed plant and buildings to which this permission relates shall be removed by 30th June 2042.

Reason:

To define the extent of this permission and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

3. The sale and transportation of residual stocks from the site shall cease not later than 30th June 2041.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

4. For a period of 5 years from the date of completion of restoration, the site shall be managed in accordance with the approved aftercare scheme approved in accordance with Condition 35-37 below.

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

5. The planning permission for the site shall expire following the completion of the restoration and aftercare of the site in accordance with the restoration and aftercare schemes approved under the provisions of Conditions 27 28 and 35 - 37 below.

Reason:

To define the extent of this permission and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 6. A scheme for groundwater monitoring wells with live dataloggers that can measure groundwater levels in real time shall be submitted to the Local Planning Authority within 6 months of the date of this permission. The submitted scheme shall include:
 - -details of the locations
 - specification of the dataloggers
 - outline the system of logging and schedule of implementation.

The approved scheme shall be installed and made operational on site within 12 months of the date of approval.

Reason:

In order to determine how reactive the limestone is to rainfall, to protect ground water resources and to comply with the terms of Policies SP1 (Delivering the Strategy) & MD7 (Environmental Protection) of the Local Development Plan.

 Except as required otherwise by the conditions below or as may be agreed in writing by the Local Planning Authority, the development shall be carried out strictly in accordance with the description of the development contained in the Environmental Statement dated October 2020, and accompanying plans with Ref. numbers LQ5 – LQ9.

Reason:

For avoidance of doubt as to the extent of permission and to comply with the terms of Policies SP1 (Delivering the Strategy) & SP9 (Minerals) of the Local Development Plan.

8. No excavation shall take place below a level of 27 metres above Ordnance Datum, and a plan showing details of the quarry floor level shall be submitted to the Local Planning Authority at intervals not exceeding 12 months throughout the duration of mineral extraction at the site.

For avoidance of doubt as to the extent of permission and to comply with the terms of Policies SP1 (Delivering the Strategy) & SP9 (Minerals) of the Local Development Plan.

9. Any waste material arising from mineral extraction (which for the avoidance of doubt shall exclude overburden stripped and stored for use in the restoration of the site) shall be deposited within the excavated area of the quarry and not within any unexcavated areas.

Reason:

To assist in the ultimate restoration of the site and to comply with Policies MD1 & MD7 of the Local Development Plan.

10. All vehicles entering and leaving the site shall use the existing access shown on plan ref LQ4 received on 06 November 2020.

Reason:

In the interests of highway safety and to comply with the terms of Policies MD1 & MD2 of the Local Development Plan.

11. All loaded lorries (with the exception of those carrying stone of 100mm dimension or greater) shall be sheeted before leaving the quarry.

Reason:

In the interests of highway safety and to comply with the terms of Policies SP1 (Delivering the Strategy) & MD2 (Design of New Development) of the Local Development Plan.

12. All HGV vehicles leaving the site shall first pass through the wheel wash shown on plan ref LQ4. The existing wheel wash, or any replacement shall be retained in use throughout all periods of mineral extraction at the site.

Reason:

In the interests of highway safety and to comply with the terms of Policy MD2 (Design of New Development) of the Local Development Plan.

13. The length of internal haul road from the wheel cleaning facilities to the public highway shall be maintained in tarmac or a similar bound material throughout the duration of mineral extraction at the site.

Reason:

In the interests of highway safety and local amenity and to comply with the terms of Policies SP1 (Delivering the Strategy) & MD2 (Design of New Development) of the Local Development Plan.

14. Except in emergencies (defined as occasions when operations are necessary either to maintain safe quarry working or to prevent injury or damage to persons or property), of which written notification shall be supplied to the Local Planning Authority within two working days, or unless the Local Planning Authority has first agreed otherwise in writing:

a. No operations other than the operation of the ready mixed concrete plant, water pumping, servicing, environmental monitoring, maintenance and testing of plant shall take place except between 07.00 hours and 19.00 hours Mondays to Fridays or 07.00 hours and 12.00 noon on Saturdays.

b. No servicing, maintenance or testing of plant shall take place between 22.00 hours and 07.00 hours Mondays to Saturdays or before 09.00 or after 16.00 on Sundays or Public Holidays.

c. The ready mixed concrete plant shall not be operated outside the hours of 06.00 and 19.00 Mondays to Fridays or 06.00 and 16.00 on Saturdays.

d. Blasting shall be carried out only at the times set out in condition 21e) below.

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

15. Except for temporary operations specified in condition 17 below, the free field Equivalent Continuous Noise Level (LAeq, Ih) resulting from operations at the site between 07.00 hours and 19.00 hours shall not exceed the decibel limits specified at the noise sensitive locations listed below:

Kings Wood Close, Ewenny - 55 dBLAeq, lh Tymaen, Ogmore - 53 dBLAeq, lh Twyn Glas, St. Brides Major - 48 dBLAeq, lh

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

16. The free field Equivalent Continuous Noise Level (LAeq, Ih) resulting from operations at the site between 19.00 hours and 07.00 hours shall not exceed 42 dBLAeq, Ih. at any of the properties listed in condition 15 above.

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

17. The free field Equivalent Continuous Noise Levels from temporary operations defined as soil or overburden stripping and the formation or removal from of bunds shall not exceed 67 dBLAeq, lh at any of the properties listed in condition 15 above. This noise level shall only apply for a maximum of 8 weeks in any calendar year.

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

18. Within 6 months of the determination of the application, a noise monitoring survey shall be undertaken when the quarry is operational at the locations set out in condition 15 above. The results of the monitoring shall be submitted to the Local Planning Authority within 1 month of the monitoring survey and shall confirm any action which is to be taken to remedy any noise levels resulting from the operations at the quarry exceeding the limits set out in conditions 15 and 16. A round of noise compliance monitoring shall be undertaken in the event that the Local Planning Authority notifies the operator that it has reasonable cause to believe that the noise limits specified in Conditions 15, 16 or 17 above are being exceeded.

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

19. All reversing sirens on mobile plant, machinery or vehicles (other than HGVs) shall be of the 'white noise' type and shall be properly maintained at all times.

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

20. In addition to the specific requirements of conditions 15-19 above, the development shall proceed in accordance with the Noise Management Plan produced as Appendix 9.5 to the Environmental Statement (November 2020).

Reason:

To ensure the amenity of the area and local residents are safeguarded and to comply with policies MD2 & MD7 of the Local Development Plan.

- 21. Blasting shall be carried out as follows:
 - a. All blasting operations shall be designed to ensure that ground vibration from blasting does not exceed:
 - The residential property cosmetic damage criteria of British Standard 7385: 1993 "Evaluation and measurement for vibration in buildings: Part 2: Guide to damage levels from groundborne vibration" at Flemingsdown reservoir; and
 - ii. A peak particle velocity of 6mm per second at any residential property in 95% of all blasts over any period of six months, with no blast to exceed a level of 10mm per second, the measurement in both cases to be the maximum of three mutually perpendicular directions taken at the ground surface.

- b. The peak particle velocity of vibration from all blasting operations shall be monitored at or adjoining the Flemingsdown reservoir.
- c. The peak particle velocity of vibration and the air overpressure of all blasting operations within 400 metres of "Tymaen", Ogmore shall be monitored at or as close as is practicable to that property.
- d. At all times, blasting shall be designed so that materials are not projected beyond the boundary of the site.
- e. The times at which blasting may take place shall be confined to 10.00 –16.00 Mondays to Fridays.
- f. A warning siren shall be sounded immediately prior to any blasting operation taking place, and again after blasting has been completed.
- g. The Local Planning Authority shall be given access to blasting records on request and shall be given 24 hours' notice of blasting operations on request.
- h. A copy of the above requirements shall be deposited with the quarry manager for inspection by any person requiring access to such information in the course of their duties at the quarry and shall be brought to the attention of every shotfirer who from time to time may undertake blasting operations at the quarry.

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

22. In addition to the specific blast monitoring requirements set out in condition 21 above, the development shall proceed in accordance with the Blast Vibration Management and Monitoring Plan produced as Appendix 10.1 to the Environmental Statement (November 2020).

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

23. All individual blasts shall be designed, managed and implemented to minimise the extent of air overpressure resulting from blasts. If air overpressure exceeds 120dB at any nearby residential property the Local Planning Authority shall be informed within 7 days and the design, management and implementation of the blasts must be reviewed and revised in accordance with the findings of such review prior to any further blasting being undertaken at the site.

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

24. Except in emergencies (as defined in condition 14 above) secondary breaking shall be by mechanical means only.

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive noise, air blast, vibration, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

25. The development shall proceed in accordance with the Dust Management Plan produced as Appendix 11.1 to the Environmental Statement (November 2020).

Reason:

To protect the amenities of local residents and users of nearby land or premises from the impact of excessive, dust and airborne debris and to comply with the terms of Policies MD2 (Design of New Development) and MD7 (Environment Protection) of the Local Development Plan.

26. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%.

Reason:

To protect against the pollution of watercourses and supplies in the interests of the amenity of the surrounding area and in the interests of agriculture and to ensure compliance with Policies MD2 and MD7 of the LDP.

27. The measures contained within the Code of Practice for the Control of Surface Water Drainage submitted on 23rd August 1999 in association with planning application Ref. 99/00459/FUL shall be maintained throughout all periods of mineral extraction at the site.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

28. All topsoil and subsoil shall be retained for the eventual restoration of the site and shall not be sold or removed from the site.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

29. Prior to the commencement of works associated with the removal of top soil and sub soil from the existing soil storage bunds shown on plan ref LQ4 received on 06 November 2020, a soil handling scheme shall be submitted for the approval of the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

30. The development shall proceed in accordance with the Ecological Management Plan (EMP) produced as Appendix 7.5 to the Environmental Statement (November 2020). The EMP shall be implemented in full to achieve the ecological management and mitigation objectives contained within the EMP.

Reason:

In order to protect the ecological interest of the area and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

31. Notwithstanding the submitted details, a scheme for the installation of dormouse boxes in suitable habitat together with timescales of implementation shall be submitted to the Local Planning Authority within 6 months of the date of this permission. The approved scheme shall be installed on site prior to 2035.

Reason:

In order to protect the ecological interest of the area and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

32. Notwithstanding the submitted EMP, no restoration of the site shall commence until an Updated Ecological Management Plan (UEMP) for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority. The EMP should 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 environmental and ecological features at the site to deliver and maintain the desired condition

• Details of monitoring of landscape and ecological features

• Details of management and maintenance responsibilities. Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed

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

Reason:

To ensure the sites landscape and environmental features are adequately managed and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

33. Prior to any woodland management or works to trees at the site, a bat survey shall be carried out. If the survey confirms the presence of bats, the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local Planning Authority. The measures shall be carried out in accordance with the approved details.

Reason:

In order to protect the ecological interest of the area and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

34. The applicant shall provide copies of the updated ecological surveys outlined within the submitted EMP to the Councils Ecologist as soon as practical following the surveys.

Reason:

To ensure the sites landscape and environmental features are adequately managed long term and to ensure compliance with Policies MD2 (Design of New Development) and MD9 (Promoting Biodiversity) MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

35. Within 12 months of the permanent cessation of mineral extraction, or within 12 months following any period of 24 consecutive months when quarrying has not taken place to any substantial extent, but in any event not later than 30th June 2039, a detailed scheme of restoration shall be submitted in writing for the approval

of the Local Planning Authority; this Detailed Restoration Scheme shall embody the general principles of the Restoration Concept described in Chapter 4.0 of the Environmental Statement (November 2020) submitted in support of the application, and shall have specific regard to the contours and landform existing at the time, the drainage of the site, final ground levels and landscaping of the restored site, and the removal of all redundant plant and buildings. The restoration scheme shall ensure the use of seed of local provenance and natural regeneration methods as part of the restoration scheme.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

36. The Detailed Restoration Scheme approved under condition 35 above, with the exception of any continuing aftercare requirements, shall be implemented and completed within two years of its approval and in any event not later than 30th June 2042 unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location of New Developments) of the Local Development Plan.

- 37. An aftercare scheme, covering a period of 5 years, specifying such steps as may be necessary to bring the quarry to a condition fit for the proposed nature conservation after use shall be submitted for the written approval of the Local Planning Authority not later than 6 months prior to the date when the restoration of the site is timetabled for completion. The scheme shall include details of :
 - a) Tree planting and landscaping works.
 - b) Cultivation, under drainage, seeding and management of the restored land.
 - c) Fertilizer and lime applications based on soil analysis
 - d) Land management techniques
 - e) The creation, management and maintenance of any paths, tracks or roads.

f) Arrangements whereby at least once a year the site operator will facilitate a formal review

with the Local Planning Authority to consider the aftercare operations that have taken place on the land during the previous year and the programme of management for the following year, Aftercare of the site shall be carried out in accordance with the aftercare scheme, as approved.

Reason:

To ensure the eventual restoration of the site in the interests of local amenity and to ensure satisfactory maintenance of the landscaped area to ensure compliance with Policy MD1 (Location 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), SP2 (Strategic Sites), SP8 (Sustainable Waste Management), SP9 (Minerals), MG17 – Special Landscape Areas, MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG22 (Development In Minerals Safeguarding Areas) MG23 (Buffer Zones), MG25 (Mineral Working (including Oil and Gas Extraction), MG26 (Specific Sites for Mineral Working), MD1 (Location of New Development), MD2 (Design of New Development) MD7 (Environmental Protection), MD9 (- Promoting Biodiversity) & MD16 (Protection of Existing Employment Sites and Premises); national guidance contained within Planning Policy Wales (Edition 11) and Technical Advice Notes 5: Nature Conservation and Planning, TAN11: Noise, TAN12- Design, TAN21 – Waste and TAN23 – Economic Development well as Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Mineral Safeguarding, Residential and Householder Development, Parking Standards and Sustainable Development it is considered that the proposal represents 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 rural landscape area, while also having no unacceptable impacts on highway safety, residential amenity, ecology, air quality and impact on agricultural land quality.

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. 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/conservationbiodiversity-andwildlife/european-protected-species/?lang+en Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. 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/conservationbiodiversity- andwildlife/european-protected-species/?lang+en.

2. Further Advice to Applicant

• Most of the void has already been worked and the future expansion will be another 12% (1.8 ha) of the current void area. Assuming that the limestone to be worked is of similar character, which is considered likely, the risk of encountering new fractures is low. Nevertheless, a risk remains and therefore the Code of Practice for the Control of Surface Water Drainage should be implemented for the remaining operational life span of the Site to protect the spring. This Code of Practice has been reviewed and is considered fit for purpose.

• The Code of Practice for the Control of Surface Water Drainage that is employed at the Site is designed to ensure that any potentially increased risk to the limestone aquifer is identified at an early stage.

• NRW does not monitor groundwater levels in the Carboniferous Limestone in the vicinity of the Site. Groundwater levels are monitored monthly at three locations around the perimeter of the Site by BCL Ltd on behalf of the Applicant. Borehole construction details for these monitoring locations are unavailable. Data are available from 1992 - 1993 for the BH-series boreholes and an almost continuous monthly monitoring record since 2008 at the OBseries boreholes.

• Impacts on water quality from mineral extraction: Infiltration to the limestone of water with unacceptably high suspended solids concentrations (caused by quarrying practices such as crushing) could feasibly occur at the Site. This could cause water quality at the Schwyll Spring to be affected if the release occurred when groundwater flow is westwards (in spring and summer). However, given the large catchment to the spring defined as the SPZ, concentrations of suspended solids (and any other pollutants) would be highly diluted. Release of such waters onto solid rock is considered to be negligible risk because filtration by the rock mass would remove suspended solids rapidly (likely before infiltrating water reaches the water table). However, if open fissures or fractures are present between the spring and the Site, this significantly raises the risk to the Schwyll Spring.

• Impacts on water quality from plant operation: Infiltration to the limestone of water with unacceptably high suspended solids concentrations (caused by quarrying practices such as crushing) could feasibly occur at the Site.

• The hydraulic gradient at the Site indicates a westward flow, towards the spring, during the spring and summer months. However, this simple approach to groundwater flow direction should be treated with caution, as flow direction is dependent on flow routes in fractures and karstic features. Given the high flows from the spring it is possible that the Site is part of the catchment to the spring on a seasonal basis. During winter, the gradient at the Site is directed eastwards away from the spring. However, it is possible that the discharge of groundwater as baseflow to the Afon Alun ultimately discharges at the Schwyll Spring if the baseflows are subsequently lost back to the limestone aquifer.

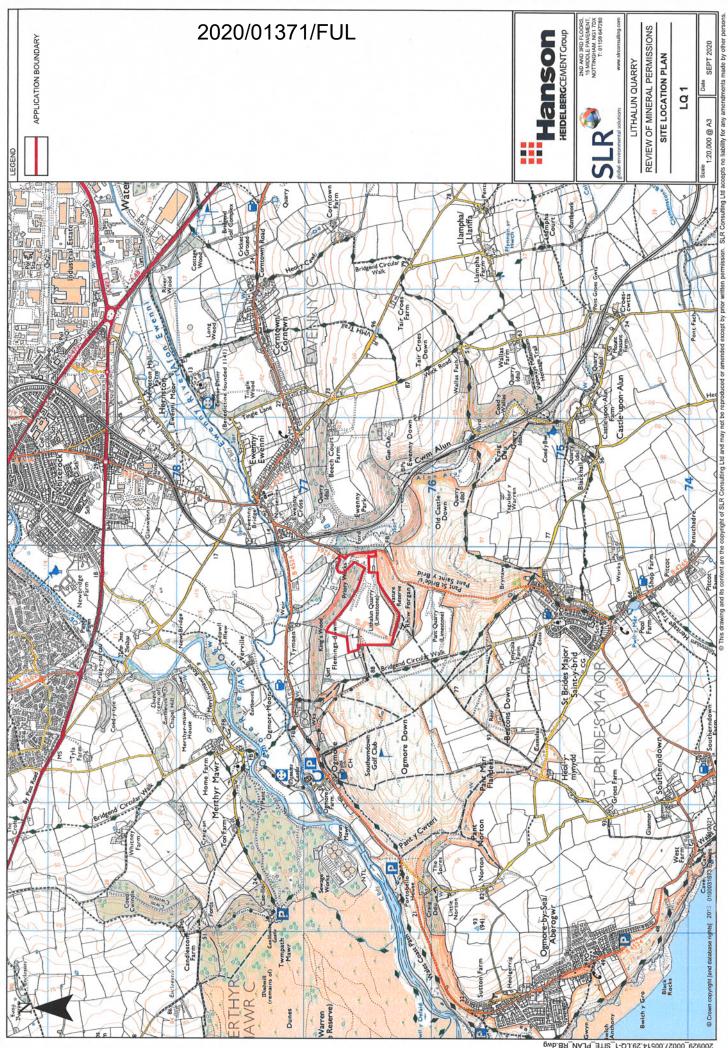
• The quarry floor is currently at approximately 27 m AOD, with one area at around 23 m AOD. Limestone in this area was previously extracted to 19 m AOD but the resultant void has since been partially backfilled. Groundwater levels have not exceeded 18.2 m AOD and the quarry void has not therefore intercepted the groundwater table. This was corroborated by testimony from on-site staff during the Site visit. Recharge to the limestone aquifer will occur via direct rainfall and through river losses through solutional features as local rivers cross the Carboniferous Limestone outcrop (such as the Afon Alun and Ogmore River). LiDAR topography data suggests that there are some sinkholes in the study area, although no karstic features have been recorded at the Site. The relatively low density of surface water features over the limestone outcrop and behaviour of the Afon Alun suggests that the limestone aquifer is highly receptive to recharge and there is little runoff. This will lead to the rapid changes in groundwater level observed at the Site.

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.



P.108

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2020/01504/FUL Received on 26 February 2021

APPLICANT: Mr & Mrs Lloyd C/o Agent

AGENT: Mr Luke Grattarola Geraint John Planning Ltd, Geraint John Planning, The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Hensol Cottage, Welsh St Donats

Retrospective application to regularise the "as built" development relative to planning permission ref 2019/00696/FUL for a proposed stable block / agricultural machinery store, and associated proposed additional changes, including changes to fenestration and internal changes

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because: the Head of Regeneration and Planning has deemed it necessary because authorisation was previously granted by Planning Committee on 26 May 2021 to serve an enforcement notice on the building subject to this application. In addition, Cllr Michael Morgan has called the application based on the concerns raised by Welsh St. Donats Community Council.

Executive Summary

This application is retrospective and relates to the retention of a building as a stable block and agriculture store. Planning permission was previously granted on this site for a stables and agricultural store. Following a planning enforcement investigation, it was identified that the development on site did not comply with the previous grant of planning permission.

The Council had significant concerns with the development that had taken place on site, as it was overtly residential in character and was considered out of keeping with its countryside setting. On these grounds, authorisation was received from Planning Committee to serve an enforcement notice against the building. Alongside the enforcement investigation, this application was submitted to regularise the development at the site and complete it with a number of significant alterations to the appearance of the building to ensure that form and design of the building is appropriate for its rural location for its proposed use.

Thus, the principal issues considered in the report are the impact of the development, with the proposed alterations on the character of the open countryside. In summary, the report concludes that the development is acceptable with the revisions made to the building by removing the domesticated features, in particular with changes to the walls and roof, resulting in a building which would appear as an appropriately designed and scaled stable block / agricultural building, addressing one of main reasons to take enforcement action.

Subject to the use of building being controlled by condition and the completion of the works within a reasonable time frame, the development is considered acceptable in terms of its impact on visual amenity and the character of the countryside and the recommendation is made to APPROVE the application.

SITE AND CONTEXT

The application site relates to a field parcel to the west of Hensol Cottage, which is located in the open countryside as identified in the Local Development Plan. Two unclassified roads abut the field to the south and east. The site is located within the Ely Valley and Ridge Slopes Special Landscape Area (SLA), and a Mineral Safeguarding Area for limestone (category 2). The site consists of good to moderate quality' agricultural land.

The site can be viewed below:



DESCRIPTION OF DEVELOPMENT

This is a full, retrospective, planning application to retain the stables and store building on site and complete it with a number of further alterations to its current design.

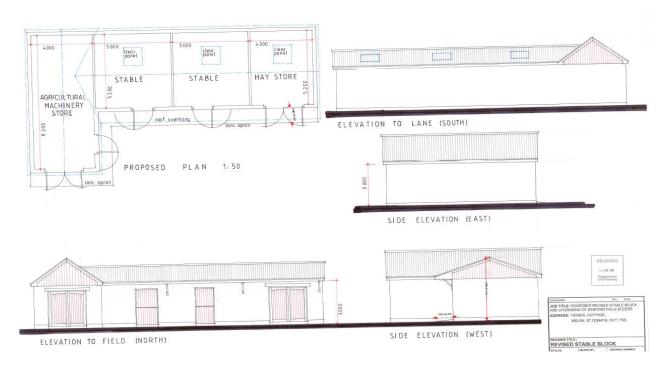
The building to be retained has a maximum depth of 10.2 metres and a maximum width of 18.6 metres. At its greatest height, it will be 5.1 metres. The schedule below sets out the further alterations proposed to the building as it exists at present :

- The removal of 2 internal floor pipes and 6 internal electrical sockets;
- The removal of wood burning stove and associated flue;
- The removal of all Velux rooflights and replacement with glazed panels to match agreed roof materials;
- The blocking up of a window in the north facing elevation;
- The addition of timber to the south east and west elevations;
- The addition of 2 stable doors, serving the stables, 1 double door serving the tack room and 1 double door serving the machinery store;

- The installation of internal partitioning walls to segregate the individual sections of the building; and
- The replacement of the slate roof with a black corrugated sheet.

The development approved by planning permission ref. 2019/00696/FUL, the development that has taken place on site, and the development proposed by this planning application are identified in turn below.

Development approved by planning permission ref. 2019/00696/FUL:



Development on site:

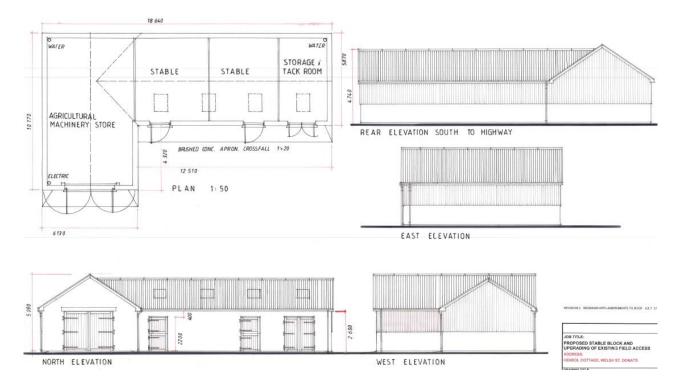








Proposed Development:



The site layout is also shown below:

proposed stable block

PLANNING HISTORY

2019/00696/FUL, Address: Hensol Cottage, Welsh St Donats, Proposal: Proposed stable block, Decision: Approved

CONSULTATIONS

Welsh St. Donats Community Council were originally consulted on the 02/03/21 and responded with an objection, stating the following (as summarised):

- Not building what planning permission has been granted for and then applying for what has been built should not be encouraged;
- The Council had concerns when the original application was submitted. These related to the developments scale, visual impacts and justification, given that there are no horses on site and the owners have not indicated that they want to own horses;
- We are pleased to note that the proposals include the removal of the wood burning stove and flue, Velux windows, roller shutter door and internal details;
- Fitting traditional stable doors and timber cladding on the gable ends will improve the appearance of the building, but will not address its scale. It will remain substantially greater than what was originally envisaged and thus have a greater impact on local landscape, impacting particularly on Twin Pines and Robin Hill.
- Whilst enforcement action to remove the building may not be proportionate, the development that has taken place may be indicative of an intention to convert the building to a residential use. This would be strongly opposed and would be contrary to the Vale of Glamorgan's position of strongly objecting to dwellings in the countryside.

Following the submission of amended plans, **Welsh St. Donats Community Council** were re-consulted on the 17/08/21 and to date no comments have been received.

The **Peterston-Super-Ely Ward Member** was originally consulted on the 02/03/21 and called the application in to Planning Committee, citing the concerns raised by Welsh St. Donats Community Council.

Following the submission of amended plans, **Peterston-Super-Ely Ward Member** was reconsulted on the 17/08/21 and to date no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 02/03/21 and a site notice was also displayed on 12/03/21. No representations have been received from neighbouring properties at the time of writing.

<u>REPORT</u>

Planning Policies and Guidance

Local Development Plan:

The Development Plan for the area comprises the Vale of Glamorgan Adopted Local

Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – DELIVERING THE STRATEGY POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

Managing Growth Policies:

POLICY MG17 – SPECIAL LANDSCAPE AREAS POLICY MG22 – DEVELOPMENT IN MINERALS SAFEGUARDING AREAS

Managing Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT POLICY MD2 - DESIGN OF NEW DEVELOPMENT POLICY MD7 - ENVIRONMENTAL PROTECTION POLICY MD9 - PROMOTING BIODIVERSITY

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 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Placemaking in Rural Areas

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places
- Recognising the Environmental Qualities of Places

Technical Advice Notes:

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

• Technical Advice Note 12 – Design (2016)

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). 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 is of relevance:

• Design in the Landscape

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

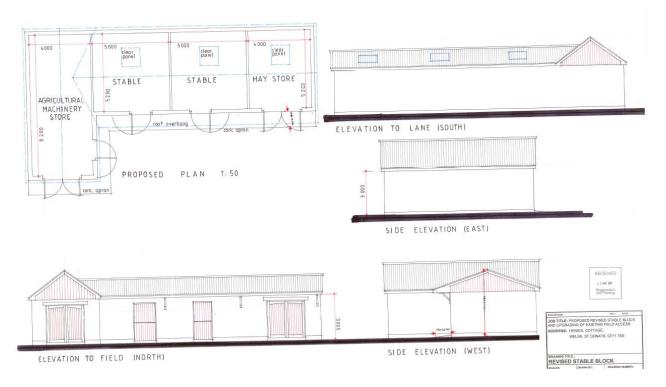
The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development 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.

<u>Issues</u>

Background

Planning permission ref. 2019/00696/FUL was granted in September 2019 for a stables and store on this site. Following a planning enforcement investigation, commenced in November 2020, it was identified that the development on site did not comply with planning permission ref. 2019/00696/FUL.

Development approved by planning permission ref. 2019/00696/FUL:



Development as built on site:









As a result, authorisation was previously granted at Planning Committee on 26 May 2021 to serve an enforcement notice against the development.

Authorisation was granted to :

i) Demolish the building and break up any footings, hardstanding and services that have been installed in connection with the construction of the building;

(ii) Permanently remove from the land all of the materials that result from the taking of step (i); and

iii) Return the site to its condition prior to the construction of the building, by levelling the site to match that of the adjoining land, laying topsoil and sowing grass seed

and in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required. That notice was set to be served pending the outcome of this application.

<u>Assessment</u>

The principal issues to consider when assessing this current application against the above policy and guidance include the impact of the development on visual amenity and the character of the open countryside and whether the building as constructed subject to the changes prosed within this application would be acceptable in this countryside location.

Principle of Development

The principle of development proposed by this application, being a stables/ agricultural store and access on previously undeveloped agricultural land, has been approved by virtue planning permission ref. 2019/00696/FUL. That application identified that the proposed development would not have an unacceptable impact on the availability of the best and most versatile agricultural land. Therefore, it would be unreasonable to object to the principle of this development on the basis of a stables/ agricultural store

Visual Impact

Criterion 1 and 2 of Policy MD2 (Design of New Development) require: that all development proposals to positively contribute to the context and character of the

surrounding natural and built environment; and respond appropriately to the local context and character in terms of use and form, respectively. Criterion 1 of Policy MD1 (Location of New Development) states new development should amongst other criteria have no unacceptable impact on the countryside.

Due to its location adjacent to the public highway, the site is highly visible and also sits prominently near to a road junction. The site is also very prominent and terminates a vista when travelling North West along a public footpath to the south east of the site.

As built, the building fails to positively contribute to the context and character of the surrounding natural environment and respond appropriately to the local context and character. It has been considered to have an unacceptable impact on the countryside and given its domestic appearance, contributes to the erosion of locally distinct rural character. As a result, and as identified above, authorisation was previously sought to serve an enforcement notice to remove the building. The proposals subject to this application seek to overcome these identified issues.

The current application proposes significant changes to the external appearance of the building. The Council originally had concern in relation to the domestic appearance of the building and the implications that this had for the potential future use of the site.

In the first instance, externally, this application proposed:

- removal of the flue,
- replacement of the rooflights with glazing panels,
- removal of a window,
- installation of wooden doors and
- the addition of wooden cladding to the gable ends of the building.

These works were considered to go some way to reducing the harm and domestic appearance of the building. However, the Council remained concerned in relation to the use of slate on the roof and the extent of the building that would remain rendered, as these were not considered to be characteristic of the countryside setting or reflect the original grant of planning permission as a stable block/agricultural store.

As a result, amended plans were received that have the roof materials to corrugated metal and identified that the three external facing walls would be clad with vertical wooden slats above a height of circa 1.2m. Subject to these materials and finishes being implemented, the change of the roof and wall to materials as proposed would be more characteristic of the appearance of a modern timber stable block / agricultural building. Therefore, the concerns that the Council originally held in respect of detailing and finishes are overcome by these amended proposals. A photo of the timber to be used on the building has been submitted and is considered acceptable, without the need for any further details to be submitted, subject to a condition (**Condition 4** refers) to ensure that the timber as shown is the one that is implemented.

The development to be retained is of greater scale than approved by planning permission ref. 2019/00696/FUL. However, as a whole, when compared to the previous grant of planning permission, these variances are limited in scale. The building is 0.4 metres greater in depth at its greatest, 0.3 metres higher at its greatest (on the basis that the levels are finished as per the submitted levels plan) and it is 0.2 metres narrower overall. The agricultural store section of the building is 1.6 metres wider than the previous approval

and as a result, the stables section is 1.8 metres narrower. This results in an overall greater floor space of 19 square metres in the agricultural store and the majority (12sqm) is floor space that would have previously been in the stables area.

The protruding wider section of the agricultural store which faces into the field is not considered harmful, given that this elevation would not be prominent from public view points. The remainder of the variances in scale are not considered to be harmful and when considered with the other changes proposed within this application, in particular the changes to the walls and roof, the resulting building would then appear as an appropriately designed and scaled stable block / agricultural building, addressing one of main reasons to take enforcement action.

The proposed internal alterations would limit the likelihood of the building being used for residential purposes in the future. It would remain that the building has been constructed with cavity walls and a vaulted ceiling, which are not considered characteristic of a stable block / agricultural building and more indicative of a domestic use. However, these current proposals result in a development that is significantly less residential in character and appearance than the building as it exists on site. In any case, fundamentally, the only way to ensure that the application site is not occupied as an independent dwelling house in the future would be to ensure that it is monitored regularly. This is not an uncommon situation and it would be unreasonable to refuse this planning application on this basis alone, given the submitted alterations. The permanent use of the building as a stable and agricultural store can also be controlled by planning condition (**Condition 3** refers)

The alterations to the building as built, proposed by this application, result in a scheme that is rural in appearance, appropriately scaled, and fitting of a countryside setting, in its own right. In addition, it mostly reflects the development approved by planning permission ref. 2019/00696/FUL. Therefore, the development is considered acceptable in terms of its impact on visual amenity and the character of the countryside.

The Council would require that all of these alterations are made within a reasonable time period (being within 6 months), by way of planning condition (**Condition 2** refers). This would allow for enforcement action to be taken against a breach of condition, if all of the proposed alterations are not completed or are only partly implemented, in the specified timeframe. This would mean that the authorisation for enforcement action against the building as it exists at present, which was previously granted by Planning Committee, would likely not be utilised. However, as set out above, the authority would retain the ability to take enforcement action if the need arises.

The access and gravel area surrounding the site remain unchanged from the previous grant of planning permission. This layout was considered acceptable by that application.

Impact on neighbours

The proposed stable block would be roughly 50 metres from the nearest house (Robin Hill). From this distance, it would not have a noticeable effect on the neighbours' light, outlook, privacy, or sense of peace and quiet.

<u>Highways</u>

This development would have no greater impact, in highways terms, than the development approved by planning permission ref. 2019/00696/FUL. The officer's report supporting that application identifies that visibility from the access is satisfactory and that as a result, no objection is made in this regard. It would, therefore, be unreasonable to object to these proposals on these grounds.

Mineral Safeguarding

This development would have no greater impact, in mineral safeguarding terms, than the development approved_by planning permission ref. 2019/00696/FUL. No concerns were raised in that regard in the determination of the previous application.

Other Matters

Welsh St. Donats Community Council's concerns have largely been addressed in the paragraphs above. The Vale of Glamorgan Council would concur that failing to implement planning permissions correctly and then retrospectively applying for them should not be encouraged. However, this is an option that developers do have, which is facilitated by virtue of S.73a of the Town and Country Planning Act 1990. In addition, the negotiation toward an acceptable scheme was endorsed by Planning Committee at the time authorisation was granted for the enforcement notice.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

- Plan ref. 759/P/10, Revised Site Layout and Upgraded Field Access, Received: 08/12/21

- Plan ref. 759/P/81, Site Sections Indicating Finished Levels, Received: 19/02/21

- Plan ref. 759/P/80, Part Site Plan Indicating Finished Levels, Received: 19/02/21

- Plan ref. 759/P/31 C - Proposed Revisions to Complete Stable Block, Received: 04/08/21

Schedule of Works (modifications to the 'as built' building), Received 01/09/21
 Image of wood cladding sample received by email from Geraint John: Received 01/09/21

Reason:

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

2. The alterations to the development as it exists on site, identified on plan. ref. Plan ref. 759/P/31 C, Titled Proposed Revisions to Complete Stable Block and in document ref. Schedule of Works (modifications to the 'as built' building), shall be completed in full on site within six months of the date of approval.

Reason:

To protect visual amenity, the character of the open countryside and to satisfy the requirements of SP1 Delivering the Strategy, MD1 Location of New Development and MD2 Design of New Development of the adopted Local Development Plan, The Design in the Landscape SPG and TAN 12 Design.

3. The building hereby approved shall be used only as a stables and agricultural store, as laid out on Plan ref. 759/P/31 C and titled Proposed Revisions to Complete Stable Block.

Reason:

To ensure that the building is used in accordance with its planning permission, to protect against inappropriate uses in a rural location and to comply with the requirements of Policies SP1 Delivering the Strategy, MD1 Location of New Development and MD2 Design of New Development of the adopted Local Development Plan,

4. Where vertical timber boarding is shown on plan ref. 759/P/31 C - Proposed Revisions to Complete Stable Block, received 04/08/21, shall be of the same type and finish as the wood sample "photo of timber cladding" shown in the image submitted by Geraint John, by email on the 03/09/21.

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, MG17 Special Landscaping Areas, MG22 Development in Mineral Safeguarding Areas, MD1 Location of New Development and MD2 Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040; the Design in the Landscape SPG, TAN 12 Design and guidance contained within PPW Edition 11, the proposal, subject to compliance with conditions would result in a form of development which would be considered acceptable in terms of its impact on visual amenity and the character of the open countryside, neighbouring amenity, highway safety and mineral safeguarding.

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.

