

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 19 JULY 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

Decision Codes:

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

(a) Building Regulation Applications - Pass

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

2024/0003/PV	A	9, Pendine Close, Barry. CF62 9DD	New solid panels replacing translucent panels within existing conservatory roof
2024/0005/PO	AC	48, Fflorens Road, Treowen, Crumlin. NP11 3DW	Internal remodelling & front porch (internal porch door will be removed shown on plan so open to the house)
2024/0221/BN	A	Millwood, Pen Y Turnpike Road, Dinas Powys. CF64 4HG	Damp proofing works to annex
2024/0247/BR	AC	Sunbeams, Twncwyn, Dinas Powys. CF64 4AS	Conversion of existing property to four apartments. Proposed ground and first floor extensions with glazed balcony to the front and Juliette balcony to the rear, raise roofline incorporating front and rear gables
2024/0261/BN	A	The Briars, Broughton Road, Wick. CF71 7QH	Single storey extension to enlarge kitchen area with flat roof

2024/0264/BN	A	127, St. Davids Crescent, Penarth. CF64 3NB	Front porch extension less than 10m2
2024/0265/BN	A W	17, Dinas Road, Penarth. CF64 3PH	Single Storey Rear Extension
2024/0266/BN	A	25, Heol Tre Forys, Penarth. CF64 3RE	Knock through between hall and study for disabled access
2024/0267/BN	A	19, Ewenny Close, Barry. CF63 1QN	Domestic rear extension, lobby extension and internal alterations to layout relocating kitchen, forming utility room, study and disabled shower.
2024/0268/BN	A	13, Somerset View, Sully. CF64 5SZ	Re model including new pitched roof to garage, courtyard infill, new external render, windows, doors, alterations to existing rear elevation fenestration
2024/0269/BN	A	Agivey, Cogan Pill Road, Penarth. CF64 2NB	Removal of ground floor load bearing wall and installation of steel beam & create wider opening for bifold doors
2024/0270/BN	A	36, Porlock Drive, Sully. CF64 5QA	2 storey rear extension & internal alterations
2024/0271/BN	A	19, Millbrook Close, Dinas Powys. CF64 4DD	Single storey rear extension
2024/0272/BN	A	3, Heol St. Cattwg, Pendoylan. CF71 7UG	Two storey extension
2024/0273/BR	AC	2, Meyrick Cottage, St. Nicholas. CF5 6SQ	Two storey rear extension along with internal remodelling
2024/0274/BN	A	45, Smithies Avenue, Sully. CF64 5SS	New roof
2024/0275/BN	A	47, Redlands Road, Penarth. CF64 2WD	Work to roof structure of attached building and installation of a roof window. Installation of ceiling and wall insulation

2024/0276/BN	A W	Ty Capel, St. Donats. CF61 1ZB	Conversion of detached former car restoration workshop to annexe
2024/0277/BR	AC	85, Railway Road, Rhoose. CF62 3FE	Garage conversion to annexe for disabled person.
2024/0278/BR	AC	3, Voss Park Close, Llantwit Major. CF61 1YF	Proposed single storey extension to rear of property and proposed granny flat in rear garden
2024/0279/BR	AC	7, McQuade Place, Barry. CF62 5UR	Internal structural alterations
2024/0280/BR	AC	10, St. Andrews Road, Barry. CF62 8BR	Single storey side and rear extension
2024/0281/BN	A	Coach House, Sandy Lane, Cowbridge. CF71 7SX	Change septic tank to sewage treatment plant
2024/0282/BN	A	18, Baron Road, Penarth. CF64 3UD	Re roof
2024/0283/BN	A	10, Lower Farm Court, Rhoose. CF62 3HQ	Single storey extension
2024/0284/BR	AC	Small Mead, Church Lane, Welsh St. Donats. CF71 7SS	Single storey rear extension
2024/0285/BR	AC	19, Heol Fioled, Barry. CF63 1HB	Extension to rear of house (part single storey / part three storey). New pitched roof with raised ridge to allow additional bedrooms in& new pool loft. Alterations to conservatory
2024/0286/BN	A W	26, Crossways Street, Barry. CF63 4PQ	Single storey extension to rear, small enlargement to porch at front along with internal changes to existing dwelling

2024/0287/BR	AC	1, Hawthorn Close, Dinas Powys. CF64 4TD	6 supported self-contained living units of accommodation with ancillary office, communal areas, kitchen, store and a garage conversion
2024/0288/BN	A	37, Station Road, Penarth. CF64 3EP	3 no. upvc sliding sash windows
2024/0289/BN	A	17, Coed Y Felin, Barry. CF62 6LG	Garage conversion integral
2024/0290/BR	AC	Myrtle Close, Penarth Road, Penarth. CF64 3NQ	Extra care scheme - 70 apartments including ancillary spaces
2024/0291/BN	A	57, Laburnam Way, Penarth. CF64 3NF	Single storey extension to the rear of the property with flat roof. Extension to house a shower room and 'sensory' room for disabled adapt ion purposes. The installations are to meet requirements for use by persons with specific disabilities
2024/0292/BN	A W	Glebe Farm Barn, Glebe Farm, St. Hilary. CF71 7DP	Conversion of property to holiday accommodation. Installation of fire suppression and fire detection systems
2024/0293/BN	A	Coed Y Fflad, Pound Lane, Wenvoe. CF5 6PL	New roof
2024/0294/BR	AC	Unit 2, 12F, Atlantic Trading Estate, Barry. CF63 3RF	Construction of garage / industrial unit (8m x 12m)
2024/0295/BR	AC	78, Tennyson Road, Penarth. CF64 2SA	Conversion of a toilet outbuilding into a WC area and a seperate shower room
2024/0296/BN	A W	7, Elm Grove Place, Dinas Powys. CF64 4DJ	Single storey rear extension
2024/0297/BN	A	Ty Waun, Southerndown Road, St. Brides Major. CF32 0SD	Re roof & replacement of 4 velux windows

2024/0298/BN	A	54, Clos Yr Wylan, Barry. CF62 5DB	Renewal of thermal element only of conservatory roof
2024/0299/BN	A	44, Pontypridd Road, Barry. CF62 7LS	Proposed change of existing loft to dormer loft. Existing stair access to remain the same
2024/0300/BN	A	7, Darren Close, Cowbridge. CF71 7DE	Knock through between kitchen & dining room, raising floor, new kitchen & installation of bifold door
2024/0301/BR	AC	24, Crompton Way, Ogmore By Sea. CF32 0QE	Shower room adaption
2024/0302/BR	AC	48, Castle Drive, Dinas Powys. CF64 4NQ	Shower room adapt ion & external access works
2024/0303/BN	A	Coed Y Fflad, Pound Lane, Wenvoe. CF5 6PL	Internal refurbishment
2024/0304/BN	A	6 & 8, Warwick Way, Barry. CF62 9AB	Demolition of existing outhouse, re build including external concrete steps
2024/0305/BN	A	2, The Vines, Colwinston. CF71 7NB	Supalite warm roof
2024/0306/BN	A	Y Wern, Peterston Super Ely. CF5 6LG	Existing loft refurbishment
2024/0307/BN	A	12, Pant Y Celyn Road, Llandough. CF64 2PB	Re roof
2024/0310/BN	A	St. Aubins, Victoria Park Road, Barry. CF63 2JS	Re roof

(b) Building Regulation Applications - Reject

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

2024/0262/BN	R	REFUSED - 3, The Oaklands, Pen Y Turnpike Road, Dinas Powys. CF64 4HH	REFUSED - Knock through between kitchen and utility rooms.
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2024/0072/AI	A	10A, Pencoedtre Road, Barry. CF63 1SD	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0073/AI	A	16, Castle Avenue, Penarth. CF64 3QS	Replacement of thermal elements (roof structure and coverings and walls) and replacement of controlled fittings (windows and bifold doors) to existing conservatory (works to incorporate material alterations to structure and controlled services)
2024/0074/AI	A	Old Cogan Hall, Sully Road, Penarth. CF64 2TQ	Proposed alteration work to an existing extension to an old farmhouse
2024/0075/AI	A	9, Walston Road, Wenvoe. CF5 6AU	Single storey extension to existing bungalow with undercroft storage space below
2024/0076/AI	A	8, Mount Joy Close, Penarth. CF64 2TA	Replacement roof to an existing rear extension, including internal steels installation to open up ground floor kitchen area to house

2024/0077/AI	A	24, Picton Road, Rhoose. CF62 3HU	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0078/AI	A	17, Ffordd Y Dociau, Barry. CF62 5BN	Loft conversion with rear dormer
2024/0079/AI	A	3, Church View, Cowbridge. CF71 7JJ	Loft conversion with raised ridge and associated works
2024/0080/AI	A	25, Heol Tre Forys, Penarth. CF64 3RE	Formation of structural opening to accommodate the installation of a lift
2024/0081/AI	A	Pentyla, Eagleswell Road, Llantwit Major. CF61 1UF	Single storey front and rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0082/AI	A	Tre Saeson Bungalow, St. Mary Hill. CF35 5ED	Internal refurbishment and re-modelling of existing dwelling to include a rear extension, entrance porch and the raising of the existing eaves and gables with a new roof to accommodate a dormer loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2024/0083/AI	A	21, Wood Street, Penarth. CF64 2NH	Loft conversion to existing domestic dwelling
2024/0084/AI	A	Milverton, Peterston Super Ely. CF65 6LZ	New build dwelling
2024/0085/AI	A	Unit 33, Vale Business Park, Llandow. CF71 7PF	Conversion of industrial unit to gymnasium
2024/0086/AI	A	Allt Laes Farm, Peterston Super Ely. CF5 6NE	Construction of a first floor bathroom extension to an existing three storey house
2024/0087/AI	A	55, The Parade, Barry. CF62 6SG	Formation of structural opening to accommodate the installation of a lift
2024/0088/AI	R	REFUSED - 20, Westminster Drive, Sully. CF64 5ET	REFUSED - Proposed loft conversion
2024/0089/AI		Land off Sandy Lane, Ystradowen. CF71 7TZ	48 residential units
2024/0090/AI	A	51, Pant Y Celyn Road, Llandough. CF64 2PF	Loft conversion
2024/0091/AI	A	Lime Kiln Cottage, Llanbethery. CF62 3AN	Formation of structural opening to accommodate the installation of a lift

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **19 JULY 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

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

Decision Codes

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

2022/00294/1/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of Condition 54 (Ground levels) - Planning permission ref: 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access
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2022/00294/6/CD	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Discharge of Condition 35 (Schedule of Materials). Planning ref: 2022/00294/HYB - Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access
2022/00792/1/NMA	A	Land at Moat Farm, Llysworney	Non Material Amendment - For the rewording of condition 2 (Approved Plans) to allow substitution of a revised plan. Planning permission ref: 2022/00792/FUL - Proposed residential development of 7 dwellings and associated works
2022/00883/FUL	A	Land to the South East of Bona Road, Llandow Trading Estate, Cowbridge	Erection of six buildings to provide 44 commercial units including access, associated parking, landscaping and attenuation ponds
2022/01022/FUL	A	Lounge Bar, 96, High Street, Barry	Change of use from Shop A1 to Bar A3
2022/01286/FUL	O	Unit 15b, Atlantic Trading Estate, Barry	The erection of two separate structures and car parking provision. Use of structures to be mixed including B1 & B2.
2023/00784/FUL	A	Yr Hen Dy Ffarm, Chapel Road, Broughton	Rear dormer extension with 2x Juliet balconies

2023/00938/FUL	A	Tan Y Lan House, Pant Ruthin Fach Lane, St. Mary Hill	Double garage converted to a gym for both commercial and personal use. Currently being used for personal use and for personal training clients. Currently there is a maximum of 3 clients per class. Earliest use 7:00am. Latest use 8pm.
2023/01285/FUL	R	Sully Sports and Social Club, South Road, Sully	Install a new cycle/footpath path from South Road down to where the existing footpath meets Beach Road. The cycle/foot path will run parallel to Beach Road.
2024/00101/FUL	R	24, Wick Road, Ewenny	Single and two storey rear extension, and two storey side extension
2024/00108/FUL	A	Land to the rear of 9, Station Road, Rhoose	Application to Vary/Remove conditions 2,3,4,5,6,7,12 and 13 on 2021/01619/FUL - Demolition of existing coach house on land to the rear of 9, Station Road Rhoose and the construction of new detached two storey two bed dwelling house.
2024/00121/FUL	A	The Tower, Tower Hill, Penarth	Ground floor extensions including external material alterations

2024/00134/FUL	A	The Homebrew Centre, 2, Park Crescent, Barry	Re-integration of front room (previously used as the HomeBrewCenter) of building into the main household. This will return the entire property back to a single family dwelling. No changes to the facade although a new UPVC front door is due to be fitted due to deterioration of the wooden one.
2024/00158/FUL	A	Westward, Port Road, Wenvoe	1800mm high boundary / fence to the front of the property. It will include a sliding gate
2024/00162/FUL	A	Tresaeson Bungalow, St. Mary Hill	The complete internal refurbishment and redevelopment of Treseason Bungalow to include internal re-modelling and the construction of a new rear gabled extension, a new gabled entrance porch and the raising of the existing eaves and gables with a new roof to accommodate a dormer loft conversion
2024/00169/FUL	A	Glebe Cottage, The Common, Dinas Powys	Demolition of the existing single storey extension and the construction of a double storey extension in its place
2024/00180/LAW	A	Pughs Garden Centre, Port Road, Wenvoe	Installation of a roof mounted solar PV system to the South facing roof pitches
2024/00182/FUL	A	Castle Lodge Farm, Broad Close Lane, Llancarfan	Variation of Condition 1 (Agricultural Occupancy) of Planning Permission 1989/00805/FUL: Erection of dwelling house

2024/00200/FUL	R	Meadowcroft Dairy, Port Road, Rhoose	Conversion of former dairy house to high dependency young on set mental health rehabilitation unit with internal and external alterations and clear polycarbonate roof over part rear patio and erect three semi permanent timber huts in rear garden
2024/00209/FUL	A	Land to the rear of the Three Golden Cups, Southerndown	Variation of Condition 2 and 4 of planning consent 2017/00216/FUL - to allow the siting of up to 17 campervans within a designated area at Land to the rear of The Three Golden Cups Public House, Southerndown
2024/00221/FUL	A	98, Westward Rise, Barry	Retrospective planning consent for Sui Generis change of use to 3 bedroom HMO
2024/00234/FUL	A	The Old Rectory, Drope Road, St. Georges Super Ely	Proposed machinery store on site of redundant tennis court and additional extension to existing workshop.
2024/00243/FUL	A	3-4, Uppercliff Close, Penarth	Variation of Condition 2 of Planning Consent 2022/01382/FUL: Proposed single storey front extension with terrace above, single storey rear extension and other internal alterations to property

2024/00262/FUL	A	121, Stanwell Road, Penarth	Demolition of conservatory, single storey extension with dormer loft room, alterations and improvements, including re-roofing, to bungalow with existing loft conversion and dormer.
2024/00264/FUL	A	47, Plymouth Road, Penarth	Proposed alterations and extension to existing building, including part demolition of existing rear single storey to create new kitchen extension and demolition of existing garage; construction of new garage and associated works as well as works to trees in a conservation area.
2024/00265/FUL	A	85, Lavernock Road, Penarth	Adaptation and alteration of existing outbuilding including the changing of the ancillary condition to include the use as a granny annex
2024/00268/FUL	A	3, Voss Park Close, Llantwit Major	Proposed single storey extension to rear of property and proposed granny flat to rear garden
2024/00273/FUL	R	14, Regency Close, Llantwit Major	Proposed two storey side extension and associated works
2024/00278/LAW	A	Arosfa, Ewenny Road, Wick	Alteration of the existing attached 2 bedroomed Annex (Arosfa Annex) to form a single dwelling of Arosfa consisting of 5 bedrooms, 2 bathrooms. Removal of kitchen from Annex. All walls, fenestration and doors to remain as existing

2024/00280/FUL	A	West Ceffyl, Broughton Road, Wick	To change the use of the land for dog walking and exercising
2024/00281/FUL	A	42, Burdons Close, Wenvoe	Single storey side elevation extension
2024/00286/FUL	A	127, Westbourne Road, Penarth	Rear roof extension with balcony to create new bedroom at first floor
2024/00289/FUL	A	Ty Coeden, 10, Ardwyn Walk, Dinas Powys	Ground floor side extension with flat roof terrace and loft conversion. Installation of 4 rooflights on North West and South East roof slope each.
2024/00295/FUL	A	4, Orchard Lodge, Boverton, Llantwit Major	First storey extension above garage and conversion of a conservatory to a habitable room.
2024/00299/FUL	R	Newfields, Buttrills Road, Barry	Two storey side extension and external alterations
2024/00302/FUL	A	27, Cardigan Close, Dinas Powys	Rear ground floor kitchen extension with roof lantern & flat roof
2024/00318/FUL	A	28, Windyridge, Dinas Powys	Proposed two storey rear extension. Existing driveway widened
2024/00323/FUL	A	10 Longmeadow Drive, Dinas Powys	Single storey rear extension. Rear dormer and rooflights. Internal modifications
2024/00327/FUL	A	The Croft, Port Road, Nurston, Rhoose	Existing Garage to be converted to new utility room. Rear single storey extension to Kitchen / Dining Room area with flat roof & Orangery style room lights.

2024/00330/FUL	A	19, Chestnut Avenue, St Athan	Ground floor bathroom extension to the front of the property
2024/00333/FUL	A	26 Bullfinch Road, St Athan	Proposed single storey side extension
2024/00335/FUL	A	14, Fferm Goch, Llangan	Proposed garden store extension
2024/00336/FUL	A	Tudor Lodge, A48 Bonvilston	Two storey rear extension to enlarge kitchen at ground floor & bedroom above at first floor
2024/00339/FUL	A	Witchwood, Twyncyn, Dinas Powys	Renew two front dormers. New rear dormer roof extension integrated into bay.
2024/00353/FUL	A	Byeways, Beach Road, Marcross,	Proposed single storey to side of dwelling for Toilet, Boot Room, and Utility Room
2024/00355/FUL	R	Cafe No.1, 150A Holton Road, Barry	Converting the Current Cafe the first floor into a Two Bed Flat, and convert the Second floor into a Studio flat for Renting Purpose.
2024/00356/FUL	A	Brookville, Trerhyngyll	Removal of the single storey lean to extension on the front elevation. New front door and associated glazing and canopy. Side extension & infill extension at the first floor. Conversion of the garage to habitable rooms. New glazing to replace garage door. New glazing on the front, side and rear elevations. Single storey rear extension

2024/00357/FUL	A	Greenfield, Flemingston Road, Flemingston	Proposed attic conversion, roof lights, and solar panels
2024/00363/LAW	A	Small Mead, Church Lane, Welsh St Donats	Rear single storey extension
2024/00365/FUL	A	62, Illtyd Avenue, Llantwit Major	Erect a storm porch to the front elevation
2024/00366/LAW	A	12 Eastfield Close, Cowbridge	Constructing a new rear lean-to extension to kitchen
2024/00369/FUL	A	Ty Twyn, Mill Road, Dinas Powys	Raising single storey flat roof to front elevation by 350mm to allow for use of ceiling track hoist
2024/00370/FUL	A	63, Shakespeare Avenue, Penarth	Extension to rear of existing house
2024/00374/ADV	A	Principality Building Society, 1, The Precinct, Boverton Road, Llantwit Major	1 no. internally illuminated folded aluminium fascia sign
2024/00394/FUL	A	5, Maes Y Bryn, Colwinston	Single storey flat roof extension to rear of property to create diner/family room overlooking garden. Side double storey extension to accomodate upstairs bathroom and downstairs study. Driveway/off road parking.
2024/00413/LAW	A	12, Min Y Mor, Barry	Proposed garage conversion and internal remodelling

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **19 JULY 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

3. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/01107/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03326-V4R8J0
Appellant: Mr John Mcilhiney
Location: Shop Unit, 20, Plymouth Road, Barry
Proposal: Change of use from a hairdressers (Class E) to a dwelling house (Class C3(a) Studio Apartment). The proposal involves utilising the extra space underneath the ground floor. Creating a mezzanine bedroom and splitting the apartment into 3 levels.
Start Date: 10 June 2024

LPA Reference No: 2023/01282/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03434-S3K5Y0
Appellant: Harveys Surveyors & Building Consultants
Location: Ringwood House, 1, Ringwood Crescent, St. Athan
Proposal: Dormer to the front elevation of the property approximately 5.4m x 1.8m.
Start Date: 24 June 2024

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2023/00462/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03063-L1T9M9
Appellant: Mr Allan Parfitt
Location: Vacant agricultural land with abandoned rural buildings forming a previous

smallholding/farmstead, Bonvilston (Easting: 306447, Northing: 173918)

Proposal: Refurbishment consolidation repair conversion of derelict farmstead to new dwelling including extension of 43m²

Decision: Appeal Dismissed

Date: 4 June 2024

Inspector: Helen Smith

Council Determination: Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the Bonvilston Conservation Area (CA) and whether the proposal made adequate provision for affordable housing.

Character and appearance

The appeal site was located adjacent to the settlement boundary of Bonvilston and within the Bonvilston Conservation Area (CA). The site comprised an open field containing 3 small stone buildings in a derelict state with no roofs and varying degrees of remaining walls. Owing to the abandoned appearance of the existing buildings which had blended in with their rural surroundings, the site was considered to have a significantly greater visual correlation with the countryside than the settlement.

The Inspector noted that a previous appeal decision on the site to restore, repair and convert the 3 buildings was dismissed (CAS-01926-Z3G4T1). Given the condition of the buildings and the extent of overgrown vegetation on the site, it was clear that they had not been in use for a considerable length of time and none of the remains formed a useable building. A substantial amount of rebuilding of the remaining walls and the construction of completely new roofs would be required to enable the original buildings to be useable.

Whilst the proposed link extension would be smaller than the previous scheme, together with the substantial rebuilding works, it would create a single dwelling with a scale and mass far greater than the existing separate modest rural structures and would fundamentally change the scale and form of the buildings. The link extension would be needed to provide additional space to enable the 2 buildings to be used as a single dwelling, which suggested that the buildings were not suitable for conversion to a single dwelling without substantial extension and alterations.

The proposed curtilage would be large and randomly segregate the site from the remainder of the wider open field. The inclusion of features such as parking and turning areas and a large terrace would result in the site having a domestic appearance and exacerbate the proposal's harmful impact on the rural character of the site and its surroundings. The Inspector considered that the site, including the ruins of the buildings, contributed to the rural setting of the CA. Whilst it was acknowledged that the re-use of the buildings could preserve them and prevent their further decline, it was considered that their retention in such an unacceptable altered form would not preserve their historic character and the proposal would not preserve or enhance the

character of the CA. It was therefore concluded that the proposal would have a harmful effect on the character and appearance of the area, and would fail to preserve the CA, contrary to policies MD8 and MD11 of the LDP, the SPG and the CAAMP. It was also considered to be contrary to LDP policies, MD2 and MG17, which seek to ensure that no unacceptable harm is caused to the important landscape character of the area.

Affordable Housing

The appellant had indicated that they would be willing to provide the required commuted sum towards affordable housing provision however, there was no legal agreement accompanying the appeal and consequently, there was no mechanism that would secure a contribution to meet the identified need. The proposal would not therefore make adequate provision for affordable housing and was contrary to policies MG4, MD1 and MD4 of the LDP.

Other Matters

The Inspector considered that there was little evidence to suggest that the limited increase in traffic as a consequence of a two bedroom dwelling would increase the risk to highway safety, or lead to an unacceptable level of noise and disturbance. It was however concluded that for the reasons previously stated, the appeal should be dismissed.

LPA Reference No:	2023/01141/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03375-V9V7H5
Appellant:	Mr Stuart Pyman & Mrs Jo Pyman
Location:	Ishton Barn, Lon Cwrt Ynyston, Leckwith
Proposal:	The erection of a garden annex with a glazed connection to the existing structure
Decision:	Appeal Dismissed
Date:	13 June 2024
Inspector:	Helen Smith
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the proposed development on the character and appearance of the existing building and the locality.

The appeal related to a dwelling located in the countryside and the Cwrt-Yr-Ala Basin Special Landscape Area (SLA). The existing dwelling formed the central link of a group of 'U' shaped converted stone barns and had retained its simple traditional rural character, forming an integral part of the wider group of rural barns. The Inspector noted that the appeal proposal followed a previous refusal for planning permission for a single storey extension to the rear of the property (2023/00445/FUL).

The square element of the proposal would be set off the rear elevation at an angle to the existing dwelling and linked to it by a long narrow fully glazed extension. This would result in a complex design and appearance which would be in stark contrast to the simple linear form of the existing dwelling.

Furthermore, the height and length of the glazed link combined with the square bulk of the extension and its unusual design would result in a visually dominant development that was out of scale and character with the existing dwelling. Consequently, the proposal would be an unsympathetic and disproportionate addition which would harm the character and appearance of the appeal property.

Given that the dwelling formed an integral part of the former barn complex, the proposal would also be at odds with the simple 'U' form of the group of the traditional rural buildings. This would erode their character and diminish their modest visual impact, which presently preserved the rural character and appearance of the area. The Inspector accepted that owing to the mature hedge on the southern boundary, the proposal would not be visibly prominent from the wider landscape and considered that the harm would be localised and as such, there would be no adverse impact on the special qualities of the wider SLA. Nevertheless, the harm would still exist, and this would not therefore be a reason for allowing an unacceptable development.

It was therefore considered that the proposal would have a significant harmful effect on the character and appearance of the existing building and the locality, contrary to policies MD11, MD12 of the LDP and the SPG. It would also be contrary to policy MD2, which seeks to ensure that development proposals are of a high standard of design that positively contribute to the context and character of the surrounding natural and built environment. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2023/00816/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03189-X3N4J4
Appellant:	Dr Akram Baig
Location:	Greenacres, Morfa Lane, Wenvoe
Proposal:	Ground and first floor extensions to existing detached garage
Decision:	Appeal Dismissed
Date:	21 June 2024
Inspector:	Zoe Baxter
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the development on the rural character and appearance of the area and the impact on the countryside.

The proposed development was a sizeable extension to the existing detached garage comprising a first-floor extension and a two-storey side extension. Whilst the proposal would not result in a significant increase in the footprint of the building, the Inspector considered that the extensions in combination would significantly alter the scale, appearance and relationship of the existing ancillary garage with the host dwelling. Despite it being situated over 10m away and within the property's large curtilage, its scale would not be subservient to or complement the host dwelling.

The design, coupled with its scale would result in it appearing as a separate dwelling rather than an outbuilding to the host dwelling. As a result, the appearance of the proposed development, along with its incongruous scale and relationship with the host dwelling, would not amount to good design contrary to Technical Advice Note (TAN) 12: Design. The mixed design and appearance of neighbouring properties on Morfa Lane would not mitigate the incompatible scale and design of the proposed garage compared to the host dwelling and this would harm the rural character and appearance of the area.

Whilst the development related to an extension to an existing curtilage building, given the site's location outside of the settlement boundary, the impact of new development on the countryside, and therefore LDP Policy MD1, was a relevant consideration. Although the host dwelling and existing garage were largely screened when viewed from the surrounding countryside, the roof of the dwelling was visible from Port Road and the public footpath to the north of the site. Whilst the existing garage was screened by trees along the north-eastern corner, the proposed development would result in it being substantially higher and larger, increasing its visibility from public viewpoints. Furthermore, when the trees were not in leaf, views of the garage extension would be more readily available. The significant increase in scale, height and the prominent design would result in the garage not appearing as an ancillary building and would appear as a separate dwelling, which would be perceived as a material incursion of land within the open countryside from public vantage points.

It was therefore concluded that the proposal would be harmful to the rural character and appearance of the area and the countryside, contrary to Policies MD1, MD2 and MD12 of the LDP and TAN12 and for these reasons, the appeal was dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	5	1	6	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		5 (83%)	1	6 (17%)	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals	W	5	1	6	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		5 (83%)	1	6 (17%)	-

Background Papers

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

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **19 JULY 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(a) Delegated Powers

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

Decision Codes

A - Approved

R - Refused

E Split Decision

2024/00195/TPO	A	1, Millbrook Road, Dinas Powys	Work to Tree(s) covered by Tree Preservation Order No. 14, 1973 : T1 - Tree has long been infected with Ash die-back and is becoming a hazard to users of the highway and footpath
2024/00378/TPO	A	Rockcliffe, Colwinston	Work to tree covered by TPO No.6 of 1972: Remove Sycamore tree and plant a replacement tree within the garden
2024/00424/TPO	A	Parkmount, Bridgeman Road, Penarth	Work to Trees covered by Tree Preservation Orders: T1and T2 Pines - Remove any unstable deadwood over 25mm in diameter. T3 Pine - Fell dying tree

2024/00433/TCA	A	Avalon, 5 Cwrt-y-vil Road, Penarth	Work to trees in Penarth Conservation Area: Acacia at front of property, reduce by 10-15%. Stone Pine in rear garden, remove lower branches on garden side to rebalance crown visually.
2024/00504/TCA	A	Yew Tree Cottage, 17 Highwalls Road, Dinas Powys	Work to Tree in Conservation Area: T.2 Tree has weak fork in crown from previous topping and has outgrown its confined space near to the boundary wall. It will need to be removed before making repairs to retaining wall

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. TREES

(b) General

TO CONFIRM TREE PRESERVATION ORDER NO. 3, 2024
FOR TREE AT LONDON HOUSE, 89, EASTGATE

REASON FOR COMMITTEE DETERMINATION

This matter is reported to Planning committee under the Council's approved scheme of delegation because objections have been received, following the serving of a Tree Preservation Order (TPO).

EXECUTIVE SUMMARY

The application site relates to London House, 89, Eastgate a mid-terraced property located within the Cowbridge Conservation Area and Settlement Boundary.

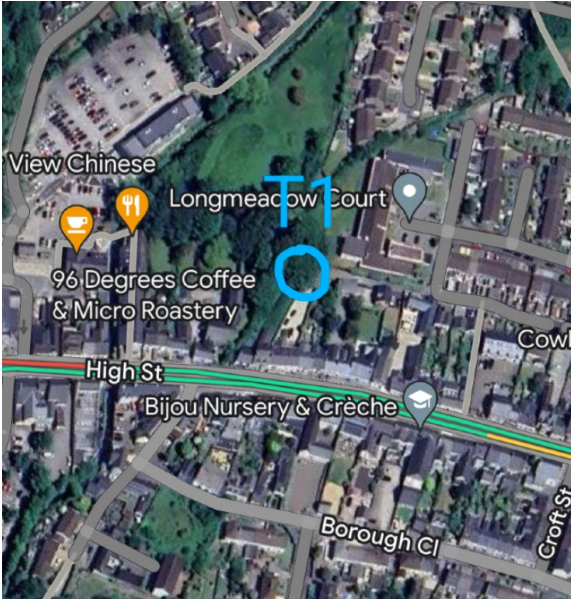
A Section 211 Notice was submitted which sought the removal of a sycamore tree located to the rear of the property, due to concerns stated that it is was likely that the union of tree will fail (under ref. 2024/00201/TCA).

Due to the notable amenity value of the group that the Sycamore tree is located within, its condition, life expectancy and the tree's visibility from Melbourne Close and the High Street and the contribution it makes to this part of the Conservation Area, a Tree Preservation Order (No. 3 of 2024) was served on the 20th March 2024.

Letters were sent to the owners and neighbours, who were given 28 days to comment on the TPO. The local planning authority has received one letter of objection, which is considered in detail below. Whilst objections have been raised to the TPO, it is considered that none of the issues raised by the objectors provide sufficient justification to override the reasons in favour of confirmation of the TPO. Therefore, it is recommended that the TPO is confirmed without modification.

SITE AND CONTEXT

The application site relates to London House, 89, Eastgate a mid-terraced property located within the Cowbridge Conservation Area and Settlement Boundary as identified within the Vale of Glamorgan Adopted Local Development plan 2011 – 2026.



DESCRIPTION OF WORKS

The application seeks consent for the removal of one sycamore tree located to the rear of the property. This is due to concerns raised that it is likely the union of tree will fail.

The following photographs of the tree are provided via a site visit:



View of the Sycamore Tree



View of the tree from Melbourne Close

PLANNING HISTORY

1989/00933/FUL, Address: London House, 89, Eastgate, Cowbridge, Proposal: Change of use of part of first and whole of second floors from residential to office accommodation, Decision: Approved, Decision Date: 05/09/1989;

1990/00973/FUL, Address: London House, 89, Eastgate, Cowbridge, Proposal: Erection of steel fire escape stair at rear of building and provide access doors to stair, Decision: Approved, Decision Date: 28/09/1990;

2016/00643/FUL, Address: London House, 89, Eastgate, Cowbridge, Proposal: Change of use of first floor office (Class B1) to a beauty salon (sui generis), Decision: Approved, Decision Date: 18/08/2016;

CONSULTATIONS

No consultations were carried out as part of the application.

REPRESENTATIONS

A Tree Preservation Order that was served on 11 April 2024 and interested parties were given 28 days to comment on the TPO.

To date, one letter of representation has been received from London House, 89 Eastgate Street (attached in full as **Appendix A**). The objection raised to confirming the TPO are made on the following grounds (as summarised)

- The Tree Report submitted within the application ref: 2024/00201/TCA

- A letter from the insurance company stating:
 - As the expert is recommending removal of the tree, in the event of the tree falling, or branches falling/breaking off the tree, this would not be seen as fortuitous as you have taken the time to have the survey.
 - Therefore, your Insurers would not provide indemnity. Damage to a building, whether it be you own, a third part or a third party person would not be covered. Your insurers will also be unable to provide any subsidence cover for your property due to the proximity of the tree to your building.
- A copy of the Tree Preservation Order that was served on 11 April 2024.

REPORT

Planning Policies and Guidance

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 SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

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

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 12, 2024) (PPW) is of relevance to the determination of this application.

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

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 24 – The Historic Environment (2017)

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:

- Trees, Woodlands, Hedgerows and Development (2018)
- Cowbridge Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The primary issues to consider are the amenity value associated of the tree within the street scene/ public viewpoints and the wider character of the conservation area, and to take into account all duly made objections and representations before deciding whether to confirm the TPO.

Assessment

The application ref: 2024/002201/TCA was supported by the following:

- Tree Report dated 01/03/2024

The Tree Report states:

Roots and Surrounding Area

No significant visible defects.

Lower Main Stem and Main Union/Scaffold Limbs:

The tree is trifurcated and has three large stems extending from a fork/union at approximately 750mm. The pictures below show weak forks on the main scaffold limbs of the Sycamore. The tight union of two large stems on the west & southern side extend to approximately 2 metres. This union has evidence of included bark and limited or poor connective tissue. There are minor cavities on the main stem from removed or dead branches



Secondary Branches:

Minor dead wood throughout mid and upper crown, none greater than 40mm or dead wood that has the potential to become a hazard.

The upper/mid crown is suppressed on northeast side by neighbouring trees. This has not had a negative physiological effect on the overall condition of the tree.

Twigs and buds:

No visible defects

The report recommends:

Given the location in a residential area we would highly recommend the removal of this tree. The weak union and lack of connective tissue on the lower main stems do cause an issue and a future hazard. Failure at the union is likely.

The Councils Arboricultural Manager has also reviewed the submitted reports and has conducted a site visit. He is of the opinion that the reasoning given is not sufficient to justify the removal of this tree, and that any such risk could be mitigated by bracing or crown reduction instead.

No further evidence has been submitted that the tree is diseased or is of declining health and there were no outwards signs of any health issues with the tree during the site visit.

The tree is visible from Melbourne Close and partially visible from the High Street. The Sycamore tree is viewed within a group of trees. This group offers a particularly high visual amenity value when viewed from the High Street through the break in properties.

This is the only group of trees that offer this level of greenery viewed from the High Street. Therefore, the tree as well as the wider group significantly contributes to the setting and character of the Conservation Area. It is considered the loss of this tree would erode the visual amenity offered from this group of trees and it is considered the Council would be minded to place Tree Preservation Orders within this group of trees, providing any tree within this group is of good health.



View of the group of trees including the Sycamore tree from the High Street

Therefore, it is considered, following a TEMPO assessment of the Sycamore tree that it warrants a Tree Protection Order. In addition to the conservation area character benefits, the tree has ecological and climate benefits, and in the absence of a compelling justification for its removal, a TPO should be applied.

Consideration of Objections

These objections are considered below:

In regards to the attached Tree Report that was submitted in the original application ref: 2024/00201/TCA, this was fully considered within the original application and its finding have been considered in the report above.

It is noted that the insurance company would not provide indemnity in the event of the tree falling or branches falling. However there has not been sufficient evidence provided that there is an imminent risk of this and the authority are happy to review any subsequent information should this be made available to support any subsequent application

Having regard to the above and having considered the submitted representations, officers recommend that the individual TPO be confirmed, without modification, to protect the character and amenity of the site and the Cowbridge Conservation Area.

REASON FOR RECOMMENDATION

The decision to recommend the confirmation of a Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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.

RECOMMENDATION

(1) THAT the Order be confirmed.

Contact Officer – Tom Norris Tel: 01446 704885

Officers consulted

Not applicable.

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

2024/00003 / TREE

APPENDIX A

Head of planning

David Allison

Dock office

London House

Subway road

89 East Gate street

Barry

Cowbridge

CF63 4RT

CF71 7AA



09/05/2024

Dear Sir/Madam

Ref: TPO order No3 of 2024 (2024/00201/TCA)

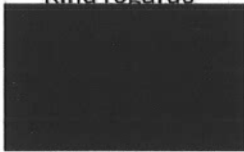
Firstly, I'd like to apologise for our late response on this matter. Unfortunately, we only received your notice letter yesterday.

I object to the proposed Tree Preservation Order for a tree on my land at London House, 89 Eastgate street, Cowbridge.

I enclose an arboriculture evaluation survey carried out on the tree, raising concerns about the safety of the tree, and advised removal. We are happy to have this survey repeated if you need us to by whoever you recommend.

I also attach a letter from our insurers stating they would not provide indemnity for the tree or any damage caused by it.

Kind regards



Owner



Owner / Agent

**David Wiltshire. Tech Arbor A
Consultancy. Contracting. LOLER.**



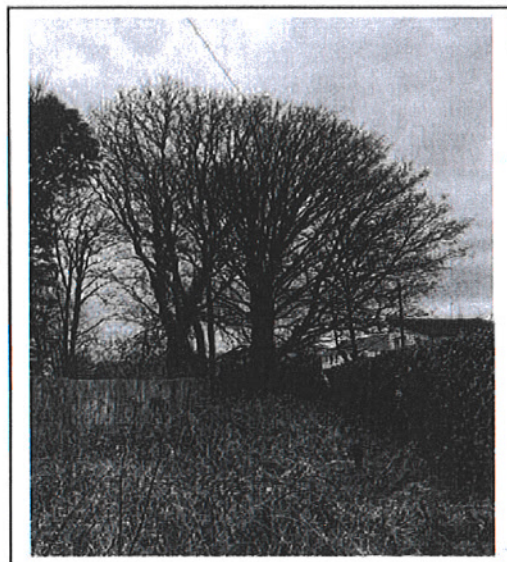
RECEIVED

10 MAY 2024

Regeneration
and Planning

Arboricultural Evaluation Survey

Sycamore. 89 Eastgate, Cowbridge, CF71 7AA





Arboricultural Evaluation Survey.

Introduction

This survey was commissioned by Mr H. Trottman of Top Cut Tree Surgery, with specific request to evaluate hazard/health and safety of the tree.

The tree surveyed is in the rear garden of the property.

Method

The Tree was visually assessed from ground level; no climbing inspection was undertaken.

A non-invasive inspection was carried out unless otherwise stated. No excavations took place during inspection.

The Weather was dry and visibility acceptable for purpose of visit. Tree was visited on the 17th February.

The tree has not been individually marked on site but is shown on a map at the end of the survey and is discussed as **T1**.

Scope & Limitations

This report has been prepared for the sole use of the client, any third-party reference to this report or relying on information herein does so entirely at his or her own risk.

Any measurements recorded are approximate.

Every effort has been made to identify defects/hazards. No guarantee can be given to 100% safety of any individual tree. Recommendations are to alleviate/reduce hazard and risk, but absolute safety is not realistic; even apparently sound trees can fail.



It should be recognised tree conditions can be subject to change; disease, decay, high winds, development/building work can all alter or affect trees health and structural integrity. Changes in land use, site conditions, severe weather conditions could be liable to void report and its content. Reassessment would be recommended.

Trees should be inspected annually, unless otherwise stated; to assess structural integrity and physiological condition.

Stems/trees covered or clad in ivy or in deep ground vegetation cannot be inspected thoroughly; it is recommended a further site visit is undertaken once these have been cleared.

Legislation

Before any recommendations are carried out it is worth noting trees can be subject to statutory control for example, Tree Preservation Order (TPO) and Conservation Area. It is worth contacting the local planning authority prior to work commencing.



Observations.

T1:

The large Sycamore is situated in the rear garden of the property.

The tree is in a residential area with a lane to the northeast side that services multiple properties.

Species: Sycamore

Age Class: Mature

Height: 22 Metres approximately.

Diameter at 1.2 metres: 1400mm

Crown spread at widest point: 20 Metres.

Roots and Surrounding Area:

No significant visible defects.

Lower Main Stem and Main Union/Scaffold Limbs:

The tree is trifurcated and has three large stems extending from a fork/union at approximately 750mm.

The pictures below show weak forks on the main scaffold limbs of the Sycamore.

The tight union of two large stems on the west & southern side extend to approximately 2 metres.

This union has evidence of included bark and limited or poor connective tissue.





Lower Main Stem and Main Union/Scaffold Limbs continued.....



This picture is taken from the northeast side and shows the other potentially weak fork.

The tree may well have been an old hedgerow tree at some point or a historic coppice.

There are minor cavities on the main stem from removed or dead branches

Secondary Branches:

Minor dead wood throughout mid and upper crown, none greater than 40mm or dead wood that has the potential to become a hazard.

The upper/mid crown is suppressed on northeast side by neighbouring trees. This has not had a negative physiological effect on the overall condition of the tree.

Twigs and buds:

No visible defects



Recommendations:

The weak union and lack of connective tissue on the lower main stems do cause an issue and a future hazard.

Failure at the union is likely.

Given the location in a residential area we would highly recommend the removal of this tree.

We would also recommend replanting at least two suitable species to mitigate the loss.

Advice on species selection and planting can be discussed further if requested.

Approximate Location Sycamore. 89 Eastgate, Cowbridge, CF71 7AA



T1 Sycamore



thomascarroll
BROKERS LTD

t 029 2088 7733
w thomascarroll.co.uk

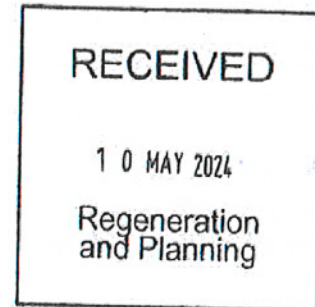
Pendragon House, Crescent Road
Caerphilly CF83 1XX

Mr David Alison
Pen Deryn
The Walk
Bonvilston
Vale of Glamorgan
CF5 6TZ

9th May 2024
Your Client Ref: 16808530

Dear Mr Alison

Policy: Property Owners -
Insurer: AXA Insurance UK Plc
Policy N°: [REDACTED]
Renewal Date: 23rd March 2025



Further to our correspondence this morning. Thank you for forwarding a copy of the arboriculture report. I have spoken to your insurers.

As the expert is recommending removal of the tree, in the event of the tree falling or branches falling/breaking off the tree, this would not be seen as fortuitous as you have taken the time to have the survey.

Therefore, your Insurers would not provide indemnity. Damage to a building, whether it be you own, a third party or a third party person would not be covered. Your Insurers will also be unable to provide any subsidence cover for your property due to the proximity of the tree to your building.

Yours sincerely



Rachel Townsend CertCII
Account Executive



Tel: 029 2085 5243



Date/Dyddiad 11th April 2024
Ask for/Golywch am James Docherty
Telephone/Rhif ffôn 01446 709781
Fax/Ffacs n/a
e-mail/e-bost jdocherty@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry CF63
4RU
Cyngor Bro Morgannwg
Swyddfeydd Dinesig, Heol Holton, Y Barri
CF63 4RU
www.valeofglamorgan.gov.uk
www.bromorgannwg.gov.uk



Your Ref/Eich Cyf

My Ref/Cyf JDO/603418

The Owner/Occupier
London House
89 Eastgate
Cowbridge
Vale of Glamorgan
CF71 7AA

By Recorded Delivery

Dear Sir/Madam

**RE: TOWN AND COUNTRY PLANNING ACT 1990
TREE PRESERVATION ORDER No 3 of 2024 (2024/00201/TCA)
LONDON HOUSE, 89 EASTGATE, COWBRIDGE, VALE OF
GLAMORGAN**

I write to serve upon you the enclosed Notice of Making of Tree Preservation Order together with a certified copy of the Order and map referred to therein.

You are advised to read the Notice carefully and in particular your attention is drawn to the notes on the Notice which explains the time-scale for making objections and representations in respect of the Order. The nature of an Order made under Section 201 of the Town and Country Planning Act 1990 (as amended and) is also explained.

For general information on Protected Trees, including the process for making a Tree Preservation Order and the implications of an Order, please refer to Welsh Government document 'Protected Trees'. This can be accessed from the link below, or by undertaking an online search for 'Welsh Government Protected Trees'. <https://gov.wales/sites/default/files/publications/2018-09/protected-trees-a-guide-to-tree-preservation-procedures.pdf>

If you would like any further information, or have any questions regarding this matter, please contact **Thomas Norris** of the Planning Department (Planning and Building Control Section) on (01446) 704885.

Yours faithfully

A handwritten signature in black ink, appearing to be 'James Docherty', written over a horizontal line.

**JAMES DOCHERTY, PRINCIPAL LAWYER for
Operational Manager Legal Services**
ENCs Notice + TPO

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES)
REGULATIONS 1999

THE VALE OF GLAMORGAN COUNCIL
TREE PRESERVATION ORDER 2024 (No 3) RELATING TO
LONDON HOUSE, 89 EASTGATE, COWBRIDGE

THIS IS A FORMAL NOTICE which is served on you because on the 11th April 2024 the Council made the above Tree Preservation Order in respect of land in which you appear to have an interest.

A copy of the Order and the map included is enclosed. In simple terms, the Order prohibits you from cutting down, topping or lopping any of the trees specified in the First Schedule and shown on the map without the prior consent of the Council having been obtained.

Some explanatory guidance on the Tree Preservation Orders is provided in the leaflet, <https://gov.wales/sites/default/files/publications/2018-09/protected-trees-a-guide-to-tree-preservation-procedures.pdf> produced by the Welsh Government.

The Council's grounds for making the Order are that this tree is of high amenity value and therefore should be protected.

The Order includes a direction applying Section 201 of the Town and Country Planning Act 1990. This means that the Order was brought into effect provisionally on 11th April 2024. The Order will continue in force for a period of up to 6 months from the date the Order was made, or until the Order is confirmed by the Council, whichever first occurs.

The Council will now consider whether the Order should be confirmed, that is to say, whether the Order should remain in or take effect.

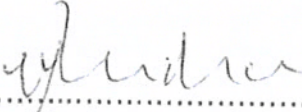
If you would like to make any objections or other comments about the Order, please do so **in writing within 28 days from the date you receive this Notice**. To be valid, your comments must comply with Regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is included at the end of this Notice. Your comment should be sent to the **Head of Planning, Dock Office, Subway Road, Barry Docks**. All valid objections or representations are carefully considered before the Council decide whether to confirm the Order.

A certified copy of the Order is available for inspection at the offices of the **Operational Manager for Planning and Building Control** (address as above) between the hours of 8:30 am and 5:00 pm Mondays to Thursdays and 8:30 am and 4:30 pm Fridays.

CP634ET

The Council will write to you again when a decision has been taken on whether to confirm the Order.

Date: 11th April 2024

Signed: 
.....
~~Monitoring Officer/Head of Legal and Democratic Services/Operational Manager of Legal Services~~
The Vale of Glamorgan Council
Civic Offices, Holton Road, Barry, CF63 4RU

NOTES:

COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999.

Objections and representatives.

4. (1) Subject to paragraph (2), objections and representations-
- (a) shall be made in writing and
 - i. be delivered to the authority not later than the date specified by them under regulation 3(2)(c);
 - ii. or sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objections.
- (2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.

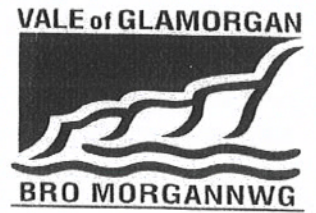
COPY OF SECTION 201 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Provisional Tree Preservation Orders.

- 201(1) *If it appears to a local planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation, they may include in the order as made by them a direction that this section shall apply to the order.*
- (2) *Notwithstanding section 99(1), an order which contains such a 25 direction -*
- (a) shall take effect provisionally on such date as may be specified in it, and*
 - (b) shall continue in force by virtue of this section until -*
 - (i) the expiration of a period of six months beginning with the date on which the order was made; or*
 - (ii) the date on which the order is confirmed, whichever first occurs.*

I hereby certify this is a true copy of Town and Country Planning Act 1990
an original document produced and
shown to me at civic offices,
Holton Road, Barry.

THE VALE OF GLAMORGAN COUNCIL
TREE PRESERVATION ORDER (No. 3) of 2024
2024/00201/TCA



London House, 89 Eastgate, Cowbridge, Vale of Glamorgan

On 11th day of April 2024

The VALE OF GLAMORGAN COUNCIL in exercise of the powers conferred on them by sections 198, 201 and 203 of the Town and Country Planning Act 1990 hereby make the following Order:

1. Citation

This Order may be cited as The Vale of Glamorgan Council – Tree Preservation Order No.3 of 2024 (2024/00201/TCA)

2. Interpretation

In this Order “the authority” means the VALE OF GLAMORGAN COUNCIL and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

3. Application of section 201

The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 11th April 2024.

4. Prohibited acts in relation to trees

Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (orders affecting land where Forestry Commissioners interested), and subject to article 5, no person shall:

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of:

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

5. Exemptions

(1) Nothing in article 4 shall prevent:

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:

(i) in the interests of the safe operation of the undertaking;

(ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertake; or

(iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995.

(aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);

(ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;

- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage" have the same meanings as in the Land Drainage Act 1991, or
 - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.
- (2) In paragraph (1), "statutory undertaker" means any of the following: a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power, a relevant airport operator (within the meaning of Part V of the Airports Act 1986), the holder of a licence under section 6 of the Electricity Act 1989, a public gas transporter, a water or sewerage undertaker, the Civil Aviation Authority or a body acting on behalf of that Authority or a person who holds a licence under Chapter I or Part I of the Transport Act 2000, a universal postal service provider in connection with the provision of a universal postal service, a person in whose case the electronic communications code is applied by a direction under section 106 of the Communications Act 2003

6. Applications of provisions of the Town and Country Planning Act 1990

The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part 1 of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

7. Directions as to replanting

- (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirements as to:
 - (a) species;
 - (b) number of trees per hectare;
 - (c) the preparation of the relevant land prior to the replanting; and
 - (d) the erection of fencing necessary for the protection of the newly planted trees.

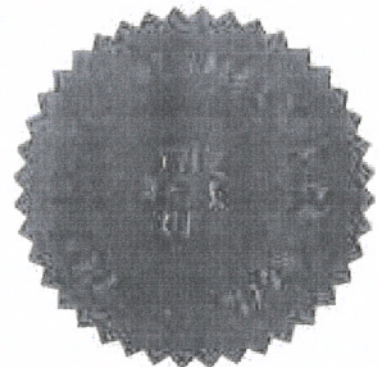
8. Compensation

- (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:

- (a) the refusal of any consent required under this Order; or
 - (b) the grant of any such consent subject to conditions.
- he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.
- (2) No claim, other than a claim made under paragraph (3), may be made under this article:
 - (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
 - (b) if the amount in respect of which the claim would otherwise have been made is less than £500.
 - (3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.
 - (4) In any other case, no compensation shall be payable to a person:
 - (a) for loss of development value or other diminution in the value of the land;
 - (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
 - (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
 - (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.
 - (5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.
 - (6) In this article:
 - "development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and
 - "owner" has the meaning given to it by section 34 of the Forestry Act 1967.

Dated this 11th day of April 2024

The Common Seal of the *Vale of Glamorgan Council*
was hereunto affixed in the presence of:



MONITORING OFFICER/HEAD OF LEGAL AND DEMOCRATIC
SERVICES/OPERATIONAL MANAGER FOR LEGAL SERVICES

[CONFIRMATION OF ORDER

[This Order was confirmed by the *Vale of Glamorgan Council*
without modification on the day of

OR

[This Order was confirmed by the *Vale of Glamorgan Council*
subject to the modifications indicated by *(state how indicated)*
on the day of

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by the *Vale of Glamorgan Council*
on the day of

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

This Order was varied by the *Vale of Glamorgan Council*
on the day of

under the reference number

[REVOCATION OF ORDER

This Order was revoked by the *Vale of Glamorgan Council*
on the day of

under the reference number

Authorised by the Council to sign in that behalf]

SCHEDULE 1
SPECIFICATION OF TREES
Trees specified individually
(encircled in red on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1	Sycamore	At the rear of London House, 89 Eastgate, Cowbridge

Trees specified individually
(encircled in blue on the map)

N/A

Trees specified by reference to an area
(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
N/A		

Groups of Trees
(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
N/A		

Woodlands
(within a continuous red line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
N/A		

**complete if necessary to specify more precisely the position of the trees.*

SCHEDULE 2

PART I

Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1):</p> <p>(i) omit:</p> <p>“in such manner as may be prescribed by a development order.”;</p> <p>“such” in the second place where it appears, and “as may be so prescribed”; and</p> <p>(ii) substitute:</p> <p>“matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2):</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute—</p> <p>“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1):</p> <p>(i) substitute—</p> <p>“Subject to subsections (1A) and (1B), where” for “Where”;</p> <p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert:</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of tree)”; and</p> <p>(iii) omit “subject to sections 91 and 92.”.</p> <p>(b) After subsection (1) insert—</p> <p>“(1A) Where an application relates to an area of woodland, the</p>

	<p>authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute –</p> <ul style="list-style-type: none"> (i) “Any” for the words from “Without” to “any”; (ii) “consent under a tree preservation order” for “planning permission to develop land”; (iii) “the consent” for “the permission”; and (iv) “the land to which the order relates” for “the land”; <p>(b) Omit subsections (2) and (3).</p>
<p>Section 78 (right to appeal against planning decisions and failure to take such decisions)</p>	<p>(a) In subsection (1) [omit paragraph (aa) and] 20 substitute</p> <ul style="list-style-type: none"> (i) “the authority” for “a local planning authority”; (ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear; (iii) “consent under such an order” for “planning permission” in the second place where those words appear; (iv) for paragraph (c) substitute – <p>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”.</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order,” substitute:</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:</p>

	<p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</p> <p>(ca) After subsection (3) insert:</p> <p>"(3A) The notice mentioned in subsection (3) must be accompanied by a full statement of case."</p>
	<p>(d) For subsection (4), substitute:</p> <p>"(4) The appellant must serve on the authority, as soon as reasonably practicable, a copy of:</p> <p>(a) the notice mentioned in subsection (3); and</p> <p>(b) the full statement of case."</p> <p>(da) Omit subsections (4A) to (4BB).</p> <p>(e) For subsection (5), substitute-</p> <p>"(5) For the purposes of the application of section 79(1) and section 319B(7), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."</p> <p>(f) After subsection (5) insert:</p> <p>"(6) In this section "full statement of case" means and is comprised of a written statement containing full particulars of the case the appellant proposes to put forward in relation to the appeal and copies of any supporting documents the appellant proposes to refer to or put in evidence."</p>
<p>Section 79 (determination of appeals)</p>	<p>(a) In subsection (1), substitute</p> <p>"the authority" for "the local planning authority".</p> <p>(b) Omit subsections (1A) to (3A).</p> <p>(c) For subsection (4), substitute—</p> <p>"(4) The provisions of section 70(1), (1A) and (1B) apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined</p>

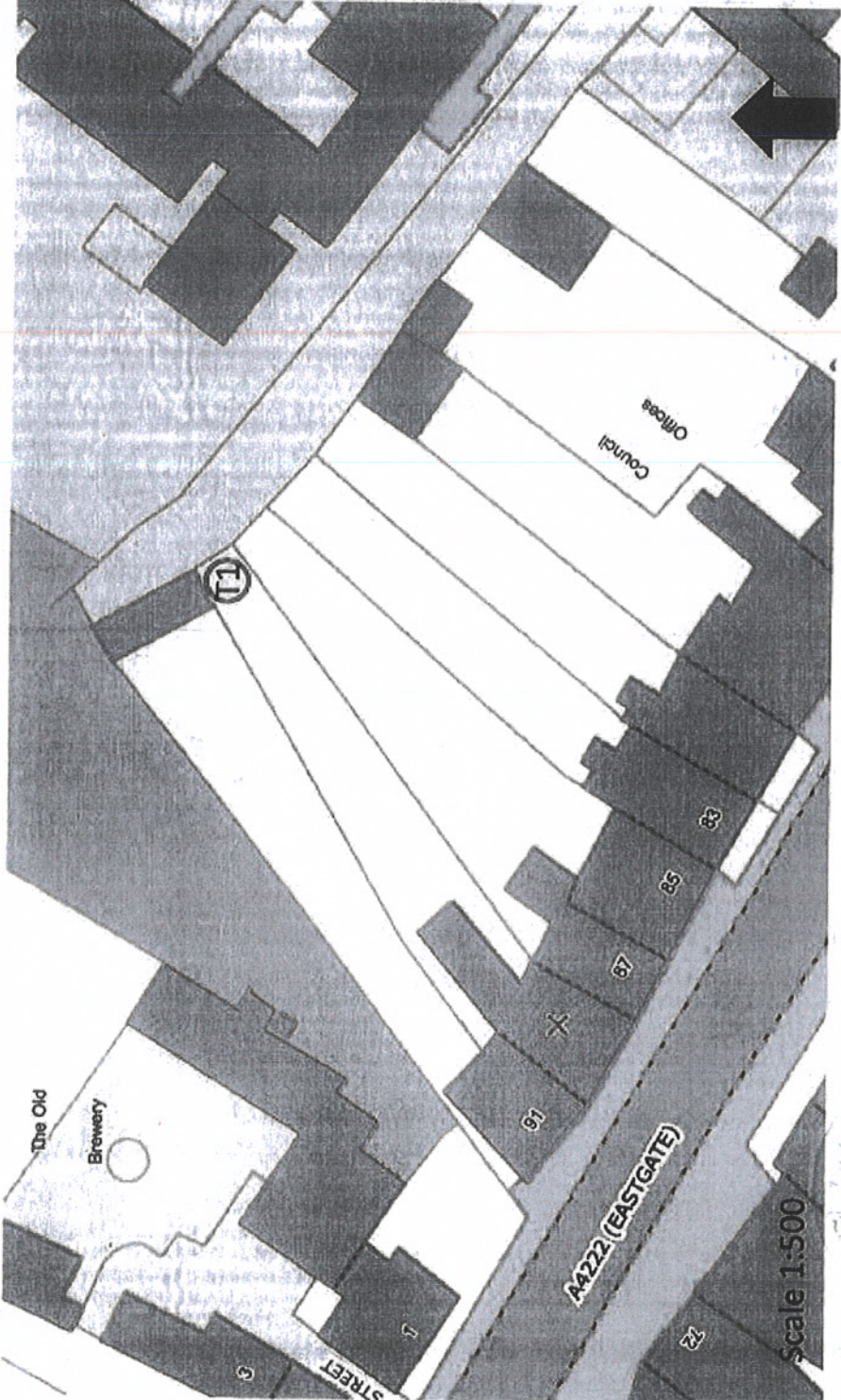
	<p>by the authority.”.</p> <p>(d) Omit subsections (6) and (6ZA)</p> <p>(e) In subsection (7), omit the words after “section 78”</p> <p>“(da) In subsection (6A), for “such an appeal” substitute “an appeal in relation to an application for consent under a tree preservation order”</p>
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I hereby certify this is a true copy of
an original document produced and
shown to me at civic offices,
Holton Road, Barry.

On 11th day of April 2024

[Redacted signature area]

Solicitor



[Redacted signature area]

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **19 JULY 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT 17, LLANDINAM ROAD, BARRY

Executive Summary

This report seeks authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of two unauthorised structures that have been erected at 17, Llandinam Road, Barry. The structures in question are erected in front of the principal elevation of the property and exceed 2.5m in height.

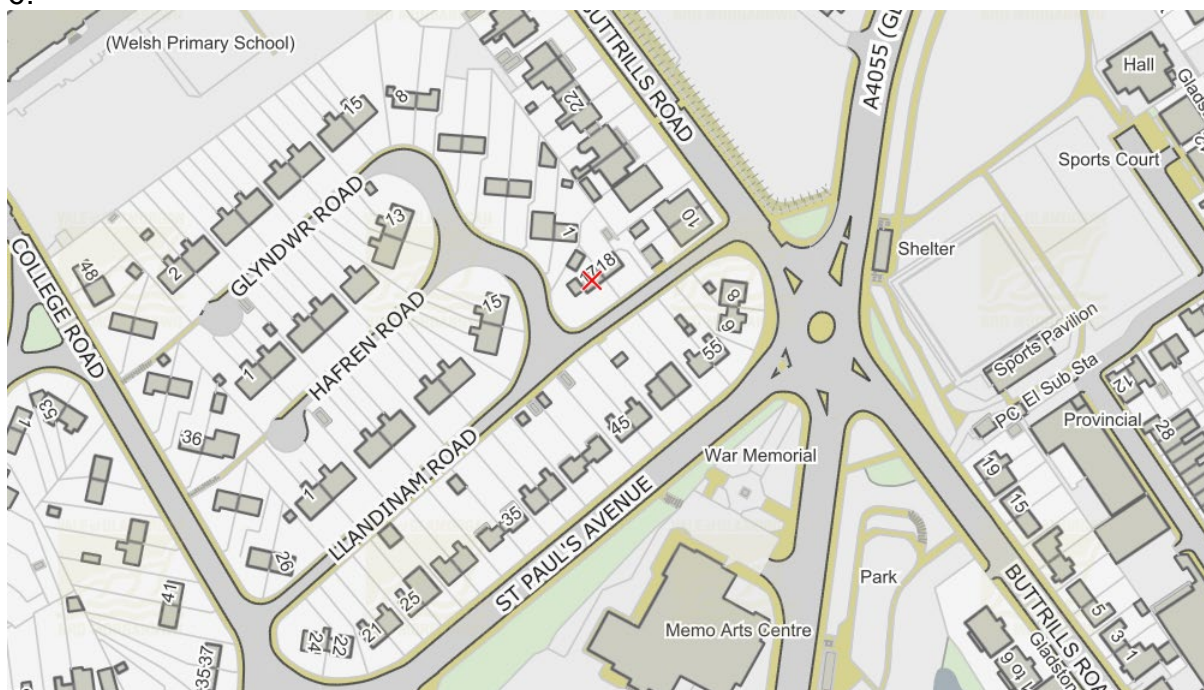
This report recommends that as the structures are considered to detract from the character of the existing property and its setting, have an adverse impact on the wider street scene and are not considered to be acceptable, an Enforcement Notice is issued requiring the demolition of the structures. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

1. A complaint was received by the Local Planning Authority on 29 April 2022, regarding the erection of a two-storey decking that had taken place at 17, Llandinam Road, Barry. Following this complaint, a further complaint was received in January 2023 regarding a further unauthorised 'bar' structure being built at the property.
2. The site is a two-storey semi-detached property, situated on a corner plot which fronts Llandinam Road. The site is located within the Barry Settlement Boundary, as identified within the Vale of Glamorgan Adopted Local Development Plan 2011-2026.
3. The structures are situated south of the property, in front of the principal elevation, and are clearly visible from the public highway. The decking is also situated on the boundary with the neighbouring property. The works undertaken are development and require planning permission.
4. Initially, the owner agreed to submit a planning application to regularise the decking, however no application has been received to date. Correspondence was undertaken with the owner on several remedial options outlining where the structures would be considered more acceptable or could be modified so as to fall within permitted development, however, no works have been undertaken to move, modify or remove either structure.

5. The structures have been confirmed to have been at the property for less than 4 years, and therefore would not be immune from enforcement action, and remain unauthorised to date.

6.



Details of the Breach

7. Following an initial site inspection, it was noted that an unauthorised structure with a raised area of decking had been erected in front of the principal elevation of the property in question. At this time, the decking had a wooden railing around the perimeter of the top level. The lower section of the structure forms a partial enclosure, with wooden panelling walls. The structure and decking is approximately 2.5m in height.

8. The top decking railing was removed in April 2023; however, no significant works have been undertaken to remove the remaining structure.

9. Following a further complaint alleging an additional structure had been erected at the property, a further site visit confirmed that a structure exceeding 2m in height, had been located in front of the principal elevation of the property, on the boundary of the property joining the public highway.

10. Both structures would not be considered to comply with the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended), as the decking structure exceeds 30cm in height and the 'bar' structure is located in front of the principal elevation of the property.

11. Images from several site visits and Google Street view are shown below.







Action Pursued to Date

12. Following the receipt of a complaint on 4th May 2022, an initial letter was sent to the property on 15th May 2022 to arrange a site inspection with the owner. Following correspondence with the owner, relevant planning application forms were sent to the property on 24th May 2022, as a retrospective planning application was agreed to be submitted.
13. On 16th June 2022, a planning application form was received for an outbuilding within the rear garden, however no plans were submitted and the application was subsequently determined as invalid and withdrawn.
14. Following this, on 22nd June 2022 a telephone message was left informing the owner that as no application had been received, the decking was required to either be removed in its entirety, or reduced to a maximum of 30cm above ground level.
15. No response was received, therefore a letter, outlining the previous telephone message, was delivered to the property during a site visit conducted on 5th July 2022. Correspondence was received from the owner following this, where several remedial options were discussed that would be in accordance with the

Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, no works have been undertaken regarding these options to date. At this time, the owners agreed to remove the decking in its entirety.

16. Several follow up emails were sent to the owner, requesting an update on the removal of the decking, however, no works were undertaken. Therefore, an email was sent to the owners on 4th November 2022, allowing 28 days for its removal.
17. On 11th January 2023, the case officer became aware of an additional unauthorised structure being erected at the property. The owners were advised to remove this structure, in addition to the removal of the decking.
18. Minor works were conducted to the decking, in which a railing was removed from the top decking in February to April 2023, however no further works have been undertaken to date. Further correspondence since this date has not resulted in any further works being carried out to remove the structures. Therefore, the unauthorised structures remain at the property, in breach of planning control.

Planning History

19. The site benefits from the following planning history:
 - 2022/00746/FUL. Location: 17, Llandinam Road, Barry. Proposal: Outbuilding within rear garden. Decision: Withdrawn.

Planning Legislation

20. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:
 - (3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.
 - (4) Those purposes are –
 - (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
 - (b) remedying any injury to amenity which has been caused by the breach.
 - (5) An enforcement notice may, for example, require –
 - (a) the alteration or removal of any buildings or works;
 - (b) the carrying out of any building or other operations;

Policy and Guidance

Local Development Plan:

21. 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 Development Policies:

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

POLICY MD7 - ENVIRONMENTAL PROTECTION

POLICY MD9 - PROMOTING BIODIVERSITY

Future Wales: The National Plan 2040:

22. 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:

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

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.

- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

23. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

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

Para 3.16

Planning authorities should through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision and justified with sufficient evidence. In the event of an appeal, in these circumstances, the Planning Inspectorate will need to examine the issues in detail and consider if the proposal meets the objectives of good design including the relationship between the site and its surroundings.

- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

24. 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)
- National planning guidance in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

- **2.6** *“Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”*
- **4.5** *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*
- **4.8** *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floor scape, architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”*
- **6.16** *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

27. 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
- Residential and Householder Development (2018)

8.1.2. *New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions, and garages / outbuildings.*

8.5.3 *The siting of a new development, extensions in particular is likely to be influenced by a number of factors, including the proposed use of the*

new development, the space available around a property, and the prominence and appearance of the new development in the street scene.

Other relevant evidence or policy guidance:

- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Equality Act 2010

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

Well Being of Future Generations (Wales) Act 2015:

29. 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

30. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on the public amenity or the existing use of the land and buildings meriting protection in the public interest and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued to simply regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
31. The principal issues to consider in this case are consideration of the works with regard to the design of the unauthorised structures, and their visual and neighbouring impacts and the impact upon biodiversity and ecology,.

Design, Visual Impact, and Neighbouring Impact

32. Policy MD2 (Design) requires development to positively contribute to the context and character of the surrounding natural and built environment and protects existing features of the townscape and respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density. With regard to the unauthorised structures, due to their form and scale that is entirely disproportionate to the local context, they are considered to have an unacceptable impact on the surrounding area and character of the street scene. In addition, this idea is reinforced within Policy MD5 (Development within Settlement Boundaries), where it is stated that all development must be of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.
33. The unauthorised structure and raised decking is not considered to comply with either policy, being incongruous and highly visible from public vantage points and is not considered to be a justified scale and form within the local area, therefore having a harmful impact on its character.
34. The introduction of this structure has had a detrimental impact on the appearance of the street scene by virtue of its siting at the front of the property providing visual clutter, amongst a relatively tidy street scene. In addition, the development is considered to have an unacceptable impact on neighbouring amenity, with severe overlooking and overbearing from the decking structure. As such the proposals is at odds with Policies MD2 and MD5 of the adopted Development Plan, the guidance within the Residential and Householder Development SPG, and Tan 12 (Design).
35. The decking and bar structure is of a style and form that one would normally expect to be in a rear private garden, rather than forward of the principal elevation however, the property does not benefit from a reasonably sized rear garden. As a result, other options for the structures to be sited were considered, and a plan of alternative options created for the landowner. However as the structures have not been altered or removed and remain in their original positioning, against the boundary of the property, they remain highly visible, and cause an unacceptable harm to the appearance of the street scene.
36. In addition to this, Policy MD2 also states development must safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Due to the height of the raised decking, it is considered overbearing and facilitates the overlooking of the neighbouring residential gardens. The inclusion of privacy screens would not overcome the concerns regarding overlooking as and screens would be considered to harm the neighbouring amenity further by virtue of their height, in comparison to the neighbouring ground level. This is supported in principle by Planning Policy Wales (12th Edition), TAN 12 (Design) and the Council's Residential and Householder Development SPG.

37. The neighbouring properties are all characterised by lower fencing/ walls to their front boundaries, with a generally more open appearance to the street, and allowing for views into the front garden of each property. Additionally, there is minimal clutter in front of the principal elevation of the neighbouring properties. The property in question has already erected a significantly higher fence, which appears to have been in place for over 4 years and has therefore become immune from enforcement action. With the additional structures that have been constructed and exceed the height of the fence, there is significant and undesirable enclosure created on the corner plot, which is out of keeping with the character of the surrounding area.
38. As can be seen in the image below which was taken around 2014, views into the front garden of the property were limited previously, due to a mature hedge being situated adjacent to the road. As well as being exempt from planning control, hedges generally form a visually softer and more attractive natural boundary with the highway and contribute positively to the local visual amenities. Whilst the replacement boundary fence appears to be immune from enforcement action, the addition of structures exceeding the fence in height and the enclosure of a previously open corner plot exacerbates the existing harm to the character of the wider street scene and is considered unacceptable.



Ecology, Biodiversity and Green Infrastructure

39. Policy MD9 of the LDP (Promoting Biodiversity) requires new development to conserve and where appropriate enhance biodiversity interests and mitigate the impacts of development. This is supported by the Council's SPG on Biodiversity and Development and PPW. It is not known whether the site has any identified biodiversity interest. Although it is not confirmed, it can be assumed that prior to the unauthorised works, there was garden lawn present at the property that has been removed/ covered. Additionally, it cannot be confirmed if any hardstanding has been laid beneath the unauthorised structures and therefore not possible to determine whether there has been any negative impact on biodiversity.

40. Notwithstanding that there is not likely to be identified direct ecological impact, the absence of an application means there has been no opportunity to consider any appropriate biodiversity enhancement measures at the site or indeed Green Infrastructure provision, which is now a requirement of Planning Policy Wales (February 2024). Planning Policy Wales sets out, at paragraph 6.2.12, the need to submit a green infrastructure statement with planning applications. Such a statement should be used to identify that development has a net benefit to biodiversity and green infrastructure in line with the Section 6 duty within the Environment (Wales) Act 2016. It is highlighted in the subtext of Policy MD9 of the LDP that: *“it is nearly always possible to provide biodiversity enhancement on development sites. Levels of enhancement should be commensurate with the level of adverse impact and the scale of development.”*
41. Ordinarily, a proposed development would be conditioned to require either mitigation or measures to improve opportunities for local wildlife, in accordance with PPW and the Environment (Wales) Act 2016. In this case, the Local Planning Authority would have sought appropriate ecological enhancement which may have included the provision of bird and bat boxes at the site as well as the expectation that the development would enhance green infrastructure on site.

Conclusions

42. By virtue of its design, scale, siting, and impact on neighbouring amenity, within the context of the street scene, the structures result in a visually harmful and incongruous form of development, causing significant harm to the character and appearance of the site and wider street scene. Therefore, the retention of the structure and raised area of decking, and bar structure is considered unacceptable and would have a detrimental harm to the surrounding area.
43. In addition, the unauthorised development is extremely overbearing and resulting in harmful levels of overlooking into neighbouring properties and is therefore wholly unacceptable and contrary to Policy MD2 which states development must safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.
44. In view of the matters discussed throughout this report, the development is considered to conflict with policies SP1 (Delivering the Strategy) SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council’s Supplementary Planning Guidance on Residential & Householder Development, PPW Edition 12 (2024) and Technical Advice Note 12 (Design).
45. In addition to the above, many alternative options have been discussed with the owner however, with no alterations being undertaken it is considered the structures remain wholly unacceptable.
46. 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)

47. 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)

48. 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).
49. 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)

50. 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) Demolish and remove the raised terrace and bar structures located in front of the principal elevation of the property.
 - (ii) Remove from the land all items and materials resulting from the undertaking step (i).
- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breach of planning control constituting operational development consisting of the construction of a raised decking structure and bar structure, has occurred within the last 4 years.
- (2) The development has been undertaken within the curtilage of a residential property within the settlement boundary where development is expected to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and wider surroundings.

The unauthorised structures are considered to be unacceptable as they detract from the character of the existing property and its setting and have an adverse impact on the wider street scene. Furthermore the raised terrace results in an adverse impact upon neighbouring amenity through harmful levels of overlooking and the perception of overlooking from those making use of the raised terrace. The development is therefore considered to conflict with policies SP1 (Delivering the Strategy) SP10 (Built and Natural Environment), MD2 (Design of New Development), and MD5 (Development within Settlement

Boundaries), of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Council's Supplementary Planning Guidance on Residential & Householder Development, PPW Edition 12 (2024) and Technical Advice Note 12 (Design).

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

Background Papers

Enforcement File Ref: ENF/2022/0139/PC

Contact Officer - Bethan Davies, Tel: 01446 7046123

Officers Consulted:

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

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE :**19 JULY, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. GENERAL PLANNING MATTERS

2023/01102/RG3 Received on 15 November 2023

APPLICANT: Vale of Glamorgan Council Civic Offices , Holton Road , Barry , CF63 4RU
AGENT: Mr Jon Hurley Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at Former Eagleswell School, Eagleswell Road, Llantwit Major

Temporary housing accommodation and associated works

REASON FOR COMMITTEE DETERMINATION

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

EXECUTIVE SUMMARY

This application seeks temporary consent for 90 prefabricated residential units and associated works for a period of five years. The units comprise a mix of single storey units around the perimeter with two storey blocks located centrally within 3 'courtyards'.

The development is proposed to address an acute need for temporary housing provision as identified within the Council's adopted Rapid Rehousing Plan, including, but not limited to, those fleeing the conflict in Ukraine. Works have commenced on site under permitted development rights permitting local authorities to undertake works in the event of an emergency for a twelve month period. This application seeks permission for the completion and retention of these works for five years (from the date of consent).

Having regard to both local and national policy and guidance, it is considered that the main issues for consideration are the need for the units, visual impacts of the proposals; impact of the proposal on visual and residential amenity, in particular, the proximity of the units in relation to neighbouring properties and associated impact on privacy. Impacts on parking provision and highway safety, ecology and green infrastructure and drainage are also of relevance and are assessed in the body of the report.

Approximately 240 comments have been received objecting to the proposal. In summary, these have principally raised concerns over the impact of the proposal on visual and residential amenity, parking provision and highway safety.

During the course of determination a Pre-Action Claim letter has been received, making the Council aware of the intention to bring a Judicial Review. The details are attached to this report and discussed further below.

The application is recommended for approval subject to conditions, including that the development be removed within a period of 5 years from the date of any consent.

SITE AND CONTEXT

The application relates to the site of the former Eagleswell School, Eagleswell Road, Llantwit Major. The site is located within the Llantwit Major settlement boundary. The site is allocated for residential development under policy MG2 (Housing Allocations) of the Local Development plan for 72 dwellings. The site has been cleared of the school buildings and associated paraphernalia and works in association with the development subject of this application are ongoing. The location of the site is shown on the plan below:

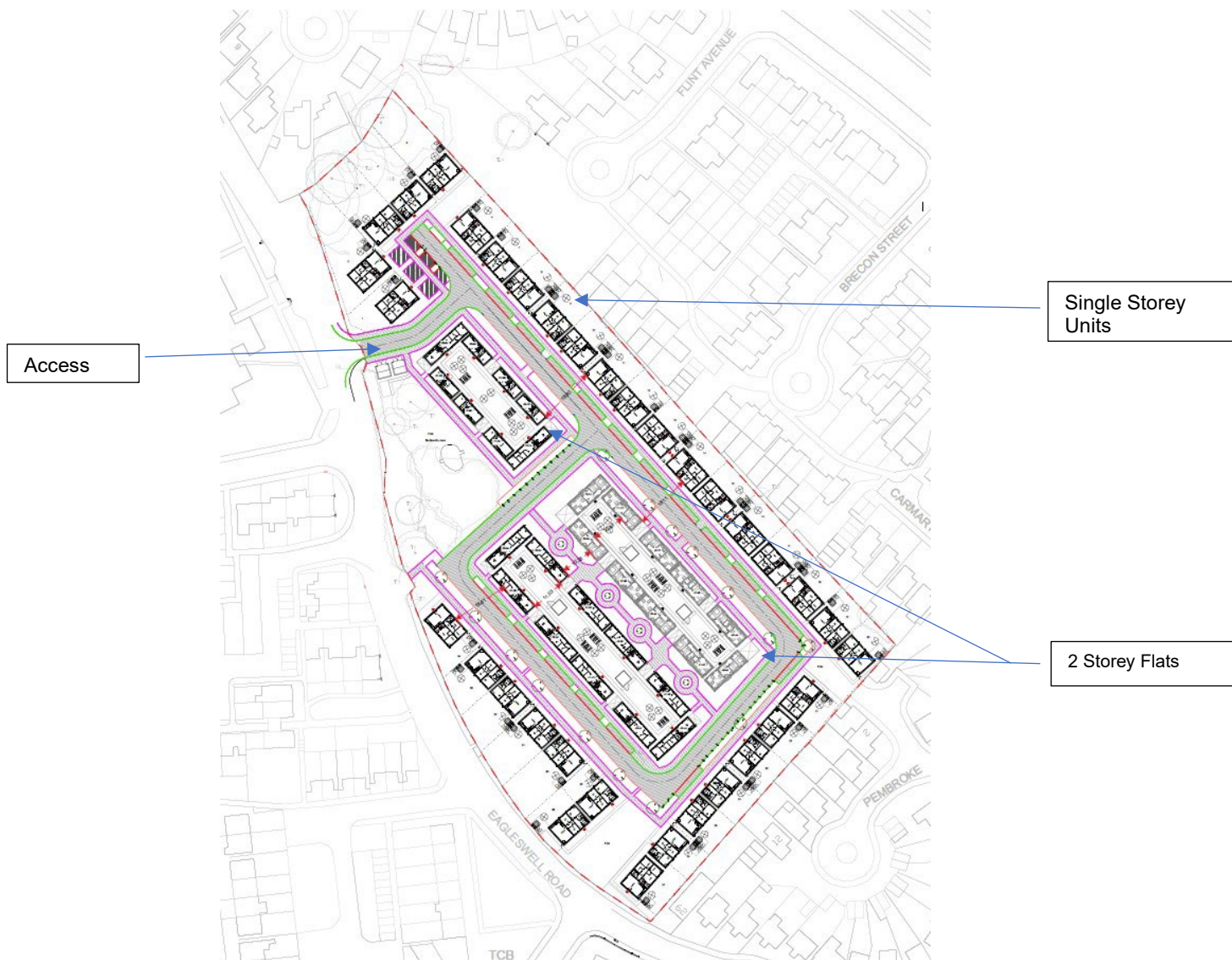


The site itself falls away slightly from north to south however there is no significant level changes. It is visible from the Eagleswell Road from where the site is accessed as well as backing on to cul-de-sacs to the north east and south east where glimpses of the site are achievable from public vantage points.

DESCRIPTION OF DEVELOPMENT

The proposals are largely retrospective in their nature, to provide temporary accommodation for a period of 5 years, comprising of a mix of demountable single and two storey units, with associated parking and amenity areas. The application proposes 90 units comprising of the following schedule of accommodation:

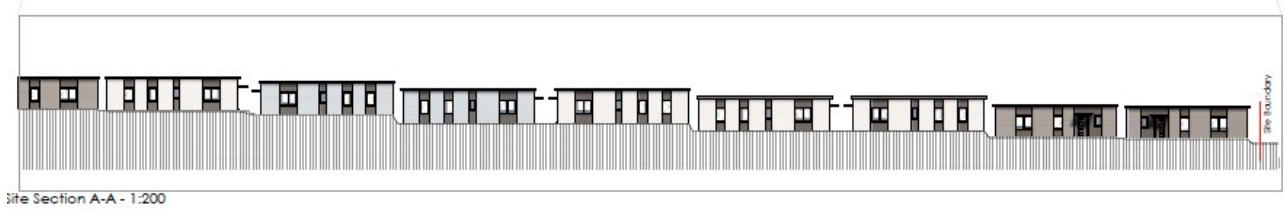
- 20no. 2 storey 2 bedroom flats.
- 24no. 2 storey 2/3 bedroom flats
- 12no. 2 storey 1 bedroom flats
- 12no. single storey 4 bedroom units
- 22no. single storey 3 bedroom units



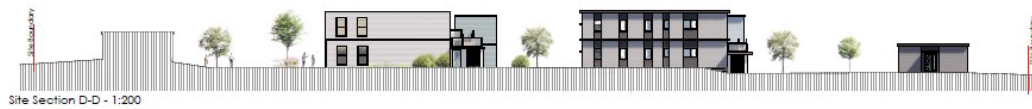
The single storey units would be located within perimeter blocks, with the two storey elements more centrally within the site. Access would be provided from Eagleswell Road utilising the existing access point. Parking would be provided on street with a total of 38 spaces set out in bays along the highway within the site.

The proposed units would be finished in a mixture of timber effect cladding to the flatted blocks in a mix of dark and light grey, off-white and cream. The same colour pallet is applied to the single storey units which have a render-effect cladding.

Typical plans and elevations and a site photograph taken from Eagleswell Road are shown below:



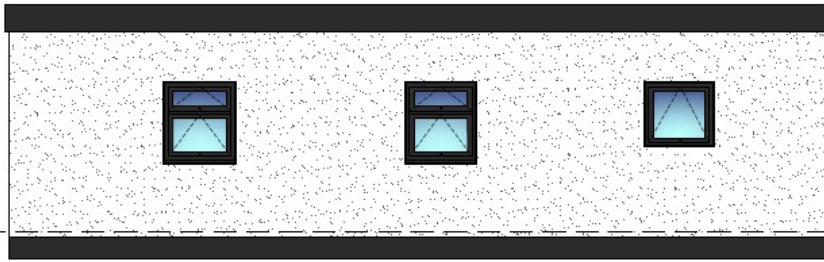
Street scene elevation of single storey units 12-20 to the northern boundary of the site



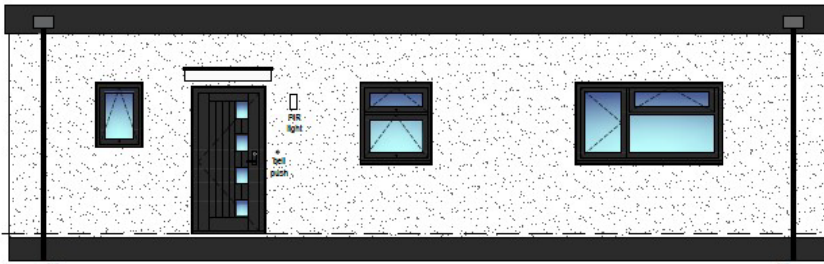
Street scene elevations of two storey flatted units when viewed from units 35 -44 (top) and the side elevations of units 73-74, 35-36 and 34 (from left to right, bottom)



Typical elevational detail of two storey flatted blocks (members are advised of some variety between unit types).



Rear Elevation



Front Elevation

Typical front and rear elevations of single storey blocks (members are advised of some variety between units)



View of the site from Bedford Rise to the south of the site

Members are advised that the proposals are largely retrospective, noting that works have commenced under powers afforded to the Council under the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2020 which amends Schedule 2 of the 1995 GPDO Part 12A (Emergency Development by Local Authorities) which permits Local Authorities to carry out certain development in an emergency in accordance with that part as detailed below:

A. Permitted development

Development by a local authority on land owned, leased, occupied or maintained by it for the purposes of—

- (a) preventing an emergency;
- (b) reducing, controlling or mitigating the effects of an emergency; or

(c) taking other action in connection with an emergency.

An emergency is defined as “an event or situation which threatens serious damage to human welfare in a place in the United Kingdom.

(2) For the purposes of paragraph (1), an event or situation threatens damage to human welfare only if it involves, causes or may cause—

(a) loss of human life;

(b) human illness or injury;

(c) homelessness;

(d) damage to property;

(e) disruption of a supply of money, food, water, energy or fuel;

(f) disruption of a system of communication;

(g) disruption of facilities for transport; or

(h) disruption of services relating to health.”

However, the rights only extend to a period of 12 month from commencement of development, resulting in the current submission to retain the development for a period of 5 years.

The Pre-Action protocol letter states that the application is incorrectly described and should be treated as an application for retrospective permission and that the LA had no right to carry out such work as permitted development. This report acknowledges that the development is largely retrospective and is to be assessed as a full application on its merits.

PLANNING HISTORY

1994/00615/OBS, Address: Eagleswell Infants School, Eagleswell Road, Llantwit Major, Proposal: Single classroom demountable unit, Decision: Permittal (OBS - no objections :request conditions)

2001/00517/FUL, Address: Eagleswell Primary School, Boverton, Llantwit Major, Proposal: Single storey canopy over play area, Decision: Approved

2002/01331/REG3, Address: Eagleswell School, Eagleswell Road, Llantwit Major, Proposal: Single storey corridor linking junior and infant school blocks, Decision: Approved

2016/01313/PND, Address: Ysgol y Ddraig, Eagleswell Road, Boverton, Proposal: Demolition of school building, associated structures and demountable building, Decision: Approved

CONSULTATIONS

Llantwit Major Town Council - Supports the development in principle however raises the following concerns in relation to impact on existing residents:

- Concerns that the emergency powers used by the Vale at the start of this site development may have been unnecessary given the eventual timescale of the build. Due and proper consideration of the proximity of some of the site development to existing housing was therefore unavailable for consultation. Specifically the siting of the housing pods backing onto Pembroke Place is causing considerable distress to the affected residents due to their proximity to the current housing, and therefore has an adverse effect on the well-being of the present occupants.
- In parts the development is less than 21 metres between habitable room windows.
- The provision of parking is said to be a maximum of 48 car parking spaces. This is significantly below the Vale's own guidance.

The Council's Highway Development section – Advised no objection subject to conditions requiring a Construction Traffic Management Plan, traffic calming details, condition surveys and design calculations. Gradients should also not exceed 5% for the first 10 metres and thereafter 8.33%. Further details have been submitted to address these issues and are considered to be acceptable.

South Wales Fire Service Chief Fire Officer – No objection. Provided guidance in relation to climate change and adequate supply and access for fire fighting purposes.

Sport Wales – No objection.

The Council's Drainage Section - The site is not considered to be at risk from flooding. A SAB application was approved on 22nd June 2023.

The Council's Shared Regulatory Services (Pollution Control) – No objection.

Llantwit Major Ward Councillors - No representations received.

Dwr Cymru Welsh Water – No objection. Confirmed capacity exists within the public sewer system to receive domestic foul only flows from the development.

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

The Council's Ecology Officer – No objection to the application on the grounds of biodiversity. A Landscape and Ecology Management Plan is recommended to be secured by condition.

Fields in Trust Cymru – No representations received.

The Council's Strategic Property Estates section – No representations received.

The Council's Transport and Road Safety section – No representations received.

Natural Resources Wales – No objection.

The Council's Shared Regulatory Services (Contaminated Land, Air & Water Quality)– No objection subject to conditions relation to remediation and verification and use of site won materials.

South Wales Police- Set out recommendations for ensuring secure by design including:

- The communal space/facilities should be designed to allow natural surveillance from nearby dwellings with safe and accessible routes for users to come and go. Boundaries between public and private space should be clearly defined and open spaces must have features which prevent unauthorised vehicular access. Communal spaces as described above should not immediately abut residential buildings.
- Any footpaths should be lit to accordance with BS 5489-1:2020.
- There appears to be areas where there is grass defining boundaries. Around the perimeter of buildings there needs to be a defined space, this is achieved by low planting, railing or fence to 1 m high.
- It is important to avoid the creation of windowless elevations and blank walls immediately adjacent to public spaces; this type of elevation, commonly at the end of a terrace, tends to attract graffiti, inappropriate loitering and potential anti-social behaviour. The provision of at least one window above ground floor level, where possible, will offer additional surveillance over the public area.
- The bin store is located at the main vehicular entrance on Eagles well Road. This should be a secure structure as accessed via a digital lock.
- Lighting is required to illuminate all elevations containing a door set, car parking and garage areas and footpaths leading to dwellings and blocks of flats. Bollard lighting is not appropriate as it does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime

Executive Director of Public Health – No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 1st December 2023 and 4th April 2024.

A site notice was also displayed on 11th December 2023.

The application was also advertised in the press on 14th December 2023.

Approximately 240 responses were received raising the following main points:

- Loss of privacy – overlooking into homes and gardens. Obscurely glazed windows still give the perception of being overlooked.
- No consideration of existing residents.
- Too close to neighbouring properties – not 21 metres between habitable windows, rear garden depth should be 10 metres, no windows overlooking gardens.
- Overbearing on neighbouring properties – too tall, elevated on blocks.
- Dwellings do not fit in with style of neighbouring properties and is unsightly.
- Institutionalised and industrial like appearance. Appearance of prison camp.
- 1.8 metre high fence is not high enough.

- 2.4 metre fence is overbearing.
- Fence gives appearance of work yard/compound/container park/prison.
- Additional trellis will not reduce impact.
- Properties on Pembroke place are approximately 1 metre lower than the site and therefore the buildings should be further from the boundary with neighbours.
- Overcrowding the area and overdevelopment of the site allocated for 70 houses.
- Permission should not be granted for the units on the south of the site.
- Development will attract anti-social behavior/security problems.
- Concerns for safety of existing residents.
- Should be somewhere else.
- Environmental issues.
- Noise and light pollution.
- Inadequate parking for the number of buildings.
- Parking displaced onto Eagleswell Road which is already congested.
- Absence of areas for children's play.
- Undermines the long term vision for community enhancement and deprives residents of much needed amenities.
- It is unfair to subject individuals in need of housing to living conditions that are demoralising and fail to meet basic standards of dignity, and have a negative effect of the local communities perception of them as a result.
- The transport assessment underestimates the anticipated vehicle trips. It is not a fair assessment to say that the school would have generated more traffic as a school is not in use full time and vehicle ownership has increased massively in recent years and especially in the years since the school closed.
- No assessment of the impact of the proposal on the community to ensure a balance that will maintain a supportive and harmonious environment for both existing residents and those seeking refuge.
- Fire risk. The density and materials are likely to be a considerable risk from bonfires and fireworks.
- Concerns on the capacity of sewerage and storm water drains.
- The high fencing and one entrance does not enable communication and integration with the surrounding community.
- Lack of services/infrastructure – school and medical care spaces.
- Development will not be temporary and part of the town for a long time.
- Temporary use may compromise delivery of promised medical centre.
- Temporary consent should be limited to two years.
- Accommodation may not be used for refugees. Accommodation is no longer required by refugees.
- Council built ghetto.
- Mud on roads and damage caused by vehicles working on the development.
- Noise and disruption from construction work.
- Parking around the entrance of the site is being used by workmen.
- Lack of consultation prior to development.
- No proper consultation with the residents of the town.
- Impact on property values – residents should be compensated.
- Disagreement with the application of emergency powers.
- Commencing work without planning permission showing a disregard of the community by the Council.
- Empty housing should be used instead.
- Should be used for ex-servicemen.

- East Camp St Athan would be a better location.
- Look permanent.
- Permanent houses could have been built.
- Lack of engagement with the local community.
- Waste of time and money.
- Doesn't resemble the initial consultation.
- Local transport links are inadequate.
- Families housed in the units will be unable to get work.
- Contravenes building regulations.
- Loss of views.
- Local residents have been misinformed.
- Causing distress to nearby residents, impact on mental health and wellbeing.

Members are advised a pre-action protocol letter relating to a judicial review has also been submitted with regard to the application. The particular matters of concern raised within this letter are:

- The density is higher than supported by policy MD6.
- Discrepancies between the application plans and what exists on site
 1. on the southern corner of the site the plans showed the units in alignment whereas on site the unit adjacent to 62 Eagleswell Road ("No.62") is offset from the other units.
 2. on the northern aspect of the site the unit adjacent to the perimeter fence has been relocated and the unit substructure set outside the site boundary.
 3. further investigation is required onsite when it comes to the location and offset distance of other units found centrally and on the perimeter of the site.
- The elevations' plans do not refer to a drawing scale or elevation orientation which is a basic requirement in the case of plans lodged for planning purposes. Further, the use of "do not scale" is also found on various elevation plans and should be rectified by the authority's design team and revised plans should be submitted.
- Substandard and severely compromised design with unacceptable issues in terms of privacy, overlooking, loss of light and overbearing impact between the units.
- The development is out of character and context with that of the surrounding area. It is of poor quality and wholly contrary to local policy MD2. The development fails to achieve anywhere near the basic design requirements of policy MD2 (sections 1-10).
- The development is also in clear conflict with policy MD5 (sections 2, 3, 4, 6 and 7).
- In terms of the wider site, the southern aspect has failed to take into account the design context and siting of neighbouring properties. The topographical plan is set within the context of the site and fails to consider the land level change between the site and adjoining properties (estimated at 450-500mm at No.62).
- The development as whole is overbearing and unsightly and results in a loss of privacy and amenity to existing residents along the southern aspect of the site. A proposal to add a 600mm high trellis fence to the circa 2m high boundary fence to remove overlooking would be unacceptable.
- As the development is quite capable of accommodating more than 400 residents, inadequate open space provision has been made, including children's equipped play space, and is contrary to policy MD3.

- In terms of policy MD4 it is open to planning authorities to seek new and improved community infrastructure, facilities, and services through the use of planning obligations. The planning application in this instance makes no such provision for this to support the development. Given the nature of the development detailed consultation and analysis should have been undertaken and presented at the planning stages.
- Trees and Ecology: the submitted Arboriculturist Report (“AR”) and constraints plan notes that certain trees should be protected from any development. As has happened, mature trees within the area of trees marked for retention (on the northern aspect of the site) have been removed and tree limbs felled.
- It must follow that the development has failed to respect any of the requirements of Policy MD9 under which new development proposals are required to conserve and, where appropriate, enhance biodiversity unless it can be demonstrated that the need for the development clearly outweighs the biodiversity value of the site and the impacts of the development can be satisfactorily mitigated and managed.
- The Travel Plan presented notes that there is an under-supply of car parking spaces by comparison with adopted highway/parking standards. No evidence has been presented to justify a reduced car parking requirement. If this was accepted then complete disregard for the policy would be seized by those advising on future applications. It would set a clear precedent for any future temporary planning use.

These matters have been considered in full within the body of the report below, and the letter is Appended to this report.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG2 – Housing Allocations
 POLICY MG4 – Affordable Housing

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Accessibility
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

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 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

The site is located within the Llantwit Major Settlement boundary. Policy MD5 (Development Within Settlement Boundaries) sets out that new development within settlement boundaries will be permitted where the proposed development:

1. Makes efficient use of land or buildings;
2. Would not prejudice the delivery of an allocated development site;
3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;
4. The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;
5. Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;
6. Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and

7. Makes appropriate provision for community infrastructure to meet the needs of future occupiers.

With regards to point 2 of Policy MD5, Policy MG2 (23) of the adopted Local Development Plan identifies the site for residential development. This policy allocated the 2.41 hectare site for 72 dwellings. At the end of the 5 year period for which planning permission is sought, it is intended that the land would then be made available in accordance with the allocation under policy MG2 of the LDP, with the allocation proposed to be rolled forward into the Replacement Local Development Plan.

The Council's adopted Rapid Rehousing Plan (RRP) demonstrates a clear need for temporary housing stock within the Vale of Glamorgan. Much of the current demand is met through the utilisation of hotels and B&Bs, which lack basic amenities such as independent cooking facilities and this not a cost effective solution, nor does it fully meet the current levels of demand. This is evidenced by details provided by the Council's Housing Strategy section that provide details of the number of households currently in such accommodation (250 households), on the waiting list with urgent need (100) and on the waiting list that have delayed need for urgent temporary accommodation (115) in the Vale of Glamorgan. Delayed urgent need comprises those homeless that may currently be housed by friends/relatives but may require temporary accommodation at short notice due to the informal nature of these arrangements. The need includes, but is not limited to, those fleeing the conflict in Ukraine. The provision of new Council owned temporary accommodation, including the 90 temporary homes being developed under the current proposals, are detailed as a key part of how the Council would meet the evidenced, acute need for temporary accommodation within the RRP.

Due to the nature of the development, comprising demountable, pre-fabricated units, the site can be vacated at the end of the temporary period and it is therefore considered that the current proposals would not conflict with policy MG2, as it would not strictly fetter any potential use of the site for permanent accommodation. The demountable units have been consciously chosen to allow the units to be removed from the site and be reused on alternative sites should the need arise. The period of 5 years is considered reasonable to allow for onward accommodation to become available and the decommissioning of the site. Restricting the use to a shorter period, to say, two years as has been suggested in representations, is not considered to effectively meet the needs of occupiers or that of the Council, including potential identification and purchase of other suitable sites for such accommodation.

As aforementioned, works at the site have commenced some time ago under powers afforded to the Council under the General Permitted Development Order, albeit these powers only extend for a period of 12 months. Whilst some representations query whether the proposals qualify under the relevant part of the GPDO, the LPA are satisfied that the works undertaken to date meet the provisions of Part 12A. However, it should be emphasised that compliance with the GPDO or otherwise is not considered to be a material consideration in determination of this application, particularly given that the 12 month period has expired in any case. The application has been submitted with a view to obtaining planning permission for the proposals in full on a temporary basis and as such are being considered on their merits as a planning application only. Those Planning merits are not dependent on whether the development was Permitted for the first 12 months.

Noting all of the above, it is considered that there is clear evidenced need for the development (both Ukrainian and non-Ukrainian need) and the principle of development is considered to be acceptable, subject to compliance with the relevant criteria within MD5

and other relevant policies (in respect of the detail of the proposal and the consequential impacts).

Density

Policy MD6 of the LDP sets out what represents an acceptable housing density, in order to ensure the efficient and best use of land. Within Llantwit Major the policy requires a minimum of 30 dwellings per hectare and based on this site area of 2.4 hectares. The provision of 90 units would represent a density of 37.5 dwellings per hectare, which complies with the policy, noting that prescribed density is a minimum. The development would represent particularly efficient use of land in a highly sustainable location and as aforementioned would meet an acute identified need. Whilst only on a temporary basis, it would make a meaningful and positive contribution towards addressing housing need in providing emergency accommodation. It is noted that concerns have been raised with regard to the proposal being regarded as an overdevelopment of the site, although noting the identified need and temporary nature of the proposals, the proposals seek to make an efficient use of the land (in that it would meet the requirements of criterion 1 of Policy MD5 in this regard) and exceed the minimum densities prescribed by Policy MD6. As such, subject to consideration of other material planning considerations it is considered that the proposed quantum of development does not in itself represent a reason to refuse planning permission in this instance.

It is therefore considered that the development is acceptable in principle in terms of density, subject to the outstanding material considerations being assessed.

Design and Visual Impact

Policy MD2 (Design of New Development) of the Local Development Plan details that proposals should be of a high standard of design that positively contributes to the context and character of the surrounding built and natural environment.

The site proposes two-storey flatted units centrally within the site with single storey units around the perimeter. Areas of public realm would be interspersed through the flatted blocks and in parcels to the north and south of the site.

It is acknowledged that the flat roofed units themselves are somewhat functional and utilitarian in their appearance, comprising of a mix of temporary demountable flat roofed structures that would not replicate the design of neighbouring units. Nevertheless, the proposals are considered to be of a general scale and proportion that would be compatible with the scale of surrounding development. Whilst a disparity with adjacent built form is acknowledged, it is noted that the buildings are proposed for a temporary period only, consist of demountable development and are proposed to meet an identified need for emergency, temporary accommodation that should weigh heavily in the planning balance. It is considered necessary that the development comprises prefabricated, demountable units to allow not only for quick and efficient installation on site, but also to allow for the units to be removed at the end of the consented period and relocated elsewhere if and as required. Given these requirements, more traditional methods of construction for such accommodation are not deemed to be appropriate, noting the identified acute need and that alternatives would take significantly longer to deliver. The palette of materials are varied, yet complimentary colour options have been utilised to avoid an austere appearance and provide visual relief across the site, whilst the fenestration detail, particularly within the two storey units, serves to provide an element of visual relief. As such, whilst noting concerns raised within representations, it is considered that the design of the buildings themselves and any perceived short term visual impact on the character of the area do not outweigh the above listed positive benefits (in terms of housing need) and do not warrant the refusal of Planning permission in this instance.

There are a mix of house types and styles along Eagleswell Road, without a particularly strong prevailing character. The single storey units are largely screened and set in from the site boundary and are therefore screened by the fencing to some degree. The two storey units are set in further, being located centrally, lessening their impact, albeit it is acknowledged that they are clearly visible in the wider street scene. In terms of wider street scene impacts, the proposals include single storey units that would back onto Eagleswell Road with a close boarded fence forming this boundary, following the line of the previous metal school railings. This would mean there is not active frontage along Eagleswell Road, something that is an important principle of permanent forms of development. For the majority of this portion of Eagleswell Road, the opposite properties do not front Eagleswell Road, with properties being perpendicular to the highway, although this would not strictly be a precedent that long term development should replicate, in the interests of placemaking and natural surveillance. Whilst it is an inward facing, noting the special circumstances for the provision of the development and temporary nature of permission sought, it is considered, on balance, that the retention of development would not result in an unacceptable, long term or irreversible impact in terms of visual amenity. Furthermore, in terms of the internal layout itself, the proposals would provide a strong degree of active frontage onto communal areas, including across areas of shared landscaped areas of public realm, to provide a suitably pleasant and safe environment for future occupiers.

Noting all of the above, it is considered that the proposed units, when viewed in an established and varied built context with a degree of variety and set away from significant views from the public domain, would not appear unduly incongruous. Although somewhat functional in their form and lacking in active frontage with the existing public domain, the design approach taken, including varied material palette, landscaping and fenestration details, mitigates these matters to a sufficient degree (in balance with other material considerations as discussed above). Overall and when considered on balance with other significant material planning considerations, it is considered that any temporary visual impact arising from the proposals would not give rise to an unacceptable degree of harm to warrant refusal of planning permission. To this end, and noting all of the above, it is considered that the proposals, on the basis of its temporary duration, are acceptable with regard to design and visual impact.

Residential Amenity

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires new development to safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The Residential and Householder Development SPG sets out guidance to ensure an acceptable level of amenity for both existing and future residents.

Due to the arrangement of dwellings on the site, with two storey units located centrally and single storey units around the perimeter, the taller units are positioned away from boundaries with existing neighbouring residential properties. Due to this and the maintenance of suitable degrees of separation from the boundaries with neighbouring residential properties, it is considered that the proposed dwellings would not have an overbearing impact on the surrounding existing residential properties, even when taking into account level changes across the site. While the perimeter units are single storey in height, the rear parts of those units are raised above the former ground level, given the sloping nature of the land. Consequently, while single storey, a greater proportion of the units are visible from neighbouring properties (and from windows and gardens above existing fence lines) than would be the case if the ground was not sloping.

It is, therefore, acknowledged that the development is visible from neighbouring properties and this has altered the outlook for the occupiers of a number of neighbouring properties given the previously open nature of this part of the former school site. However, while clearly visible, the change in levels (and distance from the units to the boundary) is such that the development does not fundamentally enclose the immediate outlook from these neighbouring gardens and windows. Consequently, this in itself is not considered to result in an overbearing impact from these properties. It is also noted that the principle of the development of the site has been established through the allocation of the site for residential development within the adopted LDP. Whilst the details of any alternative scheme are not before the Council, the principle of residential development of the site is established and any such development of the site would likely be visible and alter outlook to a certain degree, particularly if involving two-storey properties at not fundamentally differing separation distances. Nevertheless, the relationship from the development to neighbouring windows and gardens is considered fundamentally acceptable in its own right, and it is considered to be of a scale and siting that acceptably preserves residential amenity (regarding the physical impact and outlook of neighbours).

The Pre-Action Protocol Letter suggests that there are discrepancies between the application plans and what exists on site. In particular the alignment of the units adjacent to the southern boundary and the position of plot 5 relative to the perimeter fence. The veracity of plans in relation to the identified discrepancies have been checked on site and confirmed to be in accordance with the submitted plans.

The Residential and Householder SPG sets out a requirement for a minimum distance of 21 metres between facing habitable room windows. There are areas across the site where the spacing falls short of this. In the case of properties to the southern boundary, along shared boundaries with properties on Pembroke Place and 62 Eagleswell Road, separation distances between habitable room windows fall between approximately 9.7 metres in the case of 62 Eagleswell Road and approximately 15.2 metres to 18.6 metres of the 2-12 Pembroke Place. On a level site, owing to the single storey nature of the units adjacent to the site boundaries, a typical 1.8 metre boundary fence would likely provide sufficient screening from ground floor windows to prevent overlooking of properties and gardens and would be considered acceptable mitigation to allow for a reduction in distance. In this case, however, noting the levels differences between the as built units and neighbours, existing properties are at a lower level and as such views are achievable from the units as installed that could result in a loss of privacy for existing properties if not suitably mitigated.

The side elevation of no. 62 Eagleswell Road is within approximately 2.0 metres of the site boundary. In the side elevation there are windows on the ground floor serving a kitchen/dining area, sitting room and downstairs bathroom. Due to the proximity of these windows to the installed fence forming the boundary of the site, views are not generally achievable from the garden of plots 26 and 27, that neighbour this property, into the ground floor openings. Whilst the proposed units on these plots would have a higher floor level than the garden (approx. 0.95 metres), due to being set away from the boundary, it is considered that there would not be an unacceptable loss of privacy in terms of these ground floor openings.

In the first floor of No 62, side elevation windows serve two bathrooms and a bedroom. Neither of the bathroom windows are considered to be habitable and are obscure glazed. Noting that these are non-habitable rooms and obscure glazed it is considered that any intervisibility would not fall foul of the adopted guidance. However, with regard to the first floor bedroom window, the SPG recommends a distance of 21 metres between habitable room windows to preserve the amenity of both the existing property and residents of the new unit. In order to mitigate this, the windows in the rear elevation of all the new units along the southern boundary, including 26 and 27 (adjacent to No 62), would be obscurely glazed, preventing views to and from no. 62. Occupiers of No. 62 would be able to overlook the garden of plot 27 however given that there is only one first floor habitable room window facing this space, a degree of intervisibility should be expected in residential situations such as this and taking into account the temporary nature of the proposal, it is considered that this would not have an unacceptable impact to a degree that would warrant refusal of the application. There would be some views from garden spaces upwards towards this bedroom window, however, the change in levels is such that these views would not be directly into the room 'on the level' and would not be unduly invasive.



Plot 26 looking towards no, 62 Eagleswell Road



Plot 27 towards no 52 Eagleswell Road



Plot 24 towards Eagleswell Road

The rear gardens of nos. 2-12 Pembroke Place (Even numbers) border the southern edge of the development site. In this area, distances between rear elevations of the existing properties and the rear elevations of the new units range, as aforementioned, between approximately 15.2 metres to 18.6 metres. It should be noted that these are minimum distances to first floor windows as the properties on Pembroke Place have inset dormers in the rear roof slope rather than a conventional two storey flush elevation. The difference in ground levels also ranges between circa 0.7 metres and 1.35 metres below the finished floor level of the units. Similar to no. 62, due to the fenced boundary treatment, views into the rear gardens and ground floor windows are restricted although a degree of intervisibility between rear facing windows within units 21 to 24 and the upper floor windows of properties on Pembroke Place are achievable and fall short of the 21 metre separation distance. Again, windows in the new units would be obscurely glazed to ensure privacy is protected by minimising any such views.



Plot 21 towards Pembroke Place

All units along the southern boundary, benefit from rear patio areas for drying of laundry and storage. In order to ensure no loss of privacy arises from these areas, screening to the patio areas is proposed which would minimise any views from these areas. An additional 0.6 metre trellis is also proposed for plots 20 to 27 along the shared boundary with the identified properties on Pembroke Place and 62 Eagleswell Road, that would serve to reduce any perceived overlooking impacts from the site. Garden depths of the dwellings on Pembroke Place are considered to be sufficient to preserve an adequate level of privacy to the gardens of the new units. Conditions would seek to ensure that these measures are installed prior to beneficial occupation and maintained for as long as the units are in situ.

Units to the north-east of the site on Brecon Street, Flint Street, Carmarthen Close are also situated less than 21 metres from rear facing windows within the development. In this part of the site, level differences are less than those on Pembroke Place, ranging from circa 0.7 metres to circa 0.1 metres with the exception of plot 14 where the difference is approximately 1 metre and plot 19 where the site is 0.2 metres lower. Again, separation distances range between 15.3 metres and 19 metres with the properties to this boundary. Obscure glazing is also proposed in the rear elevations to preserve privacy between occupiers. Due to the fenced boundary treatment, views into the rear gardens and ground floor windows are sufficiently restricted. The enhanced boundary treatment in terms of an additional 0.6 metre trellis atop the 1.8m boundary fence on plots 9-20 would assist in limiting any perceived loss of privacy and combined with the obscure glazing proposed within the rear elevations of the units would suitably safeguard the amenity of the properties sharing the north-eastern boundary of the site.

As noted above, mitigation measures have been proposed in the form of obscure glazing to windows within the rear elevations of proposed units to reduce potential overlooking where they would directly oppose existing neighbouring properties. Such an arrangement is not considered to have an unacceptable impact on the amenity of future occupiers of the identified units (plots 9 to 27), as rooms in question either have a dual aspect or the window serves a bedroom rather than living room where residents are likely to spend a greater proportion of time. It is noted that whilst a number of openings serve bedrooms and although obscure glazing may give a degree of restricted outlook, this is considered to be balanced by the generous scale of the openings which would provide a degree of light that, on balance, is considered to have an acceptable impact on living conditions of the prospective occupiers. Furthermore noting the acute identified need for such accommodation, its temporary nature, the lack of suitable alternatives and that all properties benefit from high quality outlook from front facing openings, it is considered, on balance, that this does not represent a reason to refuse permission in this instance and the living conditions of the unit would be acceptable.

Therefore it is considered that an adequate level of amenity is maintained. It is considered that the mitigation proposed would also ensure that the proposals do not result in an unacceptable loss of privacy to neighbouring occupiers. Similarly whilst proposed screens within garden areas to screen views from windows and patio areas would not ordinarily be considered as an optimal long term solution to safeguard amenity of prospective and existing occupiers, noting the nature of the proposals in terms of their requirement and temporary nature, it is, on balance, considered acceptable.

It should also be noted that an increased height boundary treatment of a 1.8 metre high fence with 0.6 metre trellis is also proposed along the eastern and south eastern boundary serving plots 9-27. A mix of objections have been received both objecting to the height of the 1.8 metre fence (too low) and 2.4 metre fence (too high). It is considered that this mitigation measure allows for a boundary treatment providing adequate screening without being unacceptably overbearing on the neighbouring properties or gardens. Whilst views would not be entirely precluded by the inclusion of the trellis as it is still visually permeable to some degree, it would create an increased sense of enclosure and separation. It is also noted that a degree of intervisibility often exists on residential developments and in the case of the existing development, particularly an awareness of neighbouring outside spaces being used. This in itself is not considered to be unacceptable and it is considered that an acceptable level of privacy can be maintained.

Within the site, many of the units are fairly closely sited, including around communal courtyard garden areas that results in distances between habitable windows within the new units falling short of 21 metres. This includes those within flatted courtyards that are approximately 10 metres in width however the units in the northern and south western courtyards have facing windows that are either off-set, dual aspect or non-habitable so as to preserve the privacy of future occupiers and allow for an alternative outlook. Where habitable room windows face directly opposite each other in the south eastern courtyard, not all windows are directly overlooked which allows for a more private outlook to be achieved elsewhere within each unit. Although such a design would not typically be agreed in permanent residential developments, whilst some relationships would not strictly comply with the requirements of the SPG, it is considered that significant weight must be afforded to the acute need for the accommodation proposed and the temporary nature of any such impacts. The limitations in terms of private outlook is considered to be balanced by the generous scale of the opening and clear glazing which would provide a degree of outlook and light that, on balance, is considered to have an acceptable impact on living conditions of the prospective occupiers. All living spaces have a minimum of one clear glazed window which does not overlook any potentially sensitive areas. Furthermore, it is considered that noting the above acute identified need for this form of accommodation, it is considered, on balance, that this does not represent a reason to refuse permission in this instance.

It is considered that the proposals and proposed mitigation is considered to achieve an acceptable level of residential amenity to existing neighbouring residents and prospective occupiers during the lifetime of the development and are therefore considered to comply with the aims and objectives of the adopted policies and guidance, including Policies MD2 and MD5 of the Development Plan.

Policy MD7 (Environmental Protection) states that 'development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from' a number of criteria including '4. Noise, vibration, odour nuisance and light pollution... Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level.'

Given the nature of the site for residential purposes within an established residential area, the use is considered to be compatible with the surrounding uses and is not considered that an unacceptable level of noise or disturbance would arise.

Overall and noting all of the above, it is considered that the proposals would not give rise to unacceptable impacts upon the amenity enjoyed by occupiers of neighbouring properties and would comply with the requirements of Policies MD2, MD5 and MD7 of the Development Plan.

Amenity Space

Private areas of amenity space would be provided for each of the single storey perimeter units. The Council's approved Supplementary Planning Guidance: Residential and Householder Development (2018) indicates a need for 12.5 sqm to 20 sqm per person within flatted developments and 20sqm for houses. The SPG also requires that garden areas should be of a useable shape, form and topography.

The flatted units would have a shared courtyard for recreation along with drying space and

storage. These parcels would amount to approximately 720sqm for the south west block comprising 20 units, 540sqm for the south east block comprising 20 units and 420sqm for the northern block comprising 16 units. Each area having a demand of circa 1500, 750 and 600 sqm respectively, based upon the aforementioned requirements of the SPG.

Whilst there is a deficit of amenity space for the flatted portion of the development, the courtyards provide provision to meet at least the daily functional needs of prospective occupiers in terms of clothes drying etc, whilst the spaces are of a usable shape and topography. On balance, given the acute need for the proposal it is considered that any deficit is outweighed by the overall benefit to occupiers who would otherwise be housed in other accommodation such as hotels where they may have no access to any amenity space. Furthermore, all units have close and ready access to the POS on site within close proximity for additional recreation.

Each single dwelling would benefit from private amenity space with drying and storage facilities. The dwellings form a mix of 3 and 4 bedroom units with a maximum occupancy of 6 and 8 persons respectively amounting to a requirement of 120sqm and 160sqm. The topography of the gardens are relatively flat with some sloping areas although still considered to be usable space.

13 of the units far exceed the amenity space requirement and where there is a deficit, it is only slight (circa 25sqm based on maximum occupancy) and not considered to result in an unacceptable impact on the amenity of residents, with amenity space available to serve at least the basic and functional needs of future occupiers of the development.

It is therefore considered that an acceptable level of amenity space is provided on site to meet the needs of occupiers.

Open space provision

Public Open Space is typically expected at a rate of 55.68sqm per dwelling albeit this includes outdoor sport provision. The development of the site would therefore require a total of 5,011sqm to comply with this requirement. However, noting the identified surplus of outdoor sport provision in the ward, that such provision would limit the number of units on site and the temporary nature of the use of the site it is considered that the lack of provision of onsite outdoor sport facilities would not render the scheme unacceptable. Noting this, when considering the proposals exclusive of outdoor sport provision the proposal would result in a requirement of approximately 1,666sqm.

With regard to the proposals the site layout indicates circa 873sqm of public space is proposed to be sited between the two southern blocks. Furthermore provision of approximately 660sqm of public open space is also available on site within the 3 identified POS areas to the north-east (approx. 135sqm), south-west (approx. 398sqm) and south-east (approx. 127sqm) resulting in a total of 1533sqm. The submissions also indicate that the biodiversity area would also be public open space, although this has not been included in this calculation owing to the presence of the pond and shading by trees, albeit this area will provide a significant visual amenity benefit. The proposals would fall below the aforementioned, identified requirement. Nevertheless any shortfall would not be materially significant with all users of the site having direct, close and convenient access to open space provided within the site, and the relatively modest level of shortfall needs to be balanced against the identified acute need for housing stock of this form.

Whilst limited details of the layout, have been provided in support of the application, it is considered that further details of the public open space areas, can be secured by way of condition attached to any consent given.

When assessed against the adopted policies and guidance and considering the mitigation cited above, it is considered that the proposals would not have an unacceptable impact on the amenity of prospective residents in terms of the provision and access to suitable forms of open space.

Parking Provision and Highway Safety

Policy MD1 (Location of New Development) requires new development to have access to or promote the use of sustainable modes of transport and benefit from existing infrastructure provision. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure.

Policy MD2 (Design of New Development) builds on this to say development shall provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Furthermore, proposals must have no unacceptable impact on highways safety not cause or exacerbate existing traffic congestion to an unacceptable degree.

Policy MG2 (23) considers that applications for the site should be supported by a comprehensive and robust Transport Statement that evaluates and determines mitigation measures to alleviate any detrimental impact the development will have on the local highway network and associated road junctions.

A transport statement has been submitted which concludes that the proposed development is likely to generate up to 29 two-way vehicle movements during the AM network peak hour of 08:00-09:00 and up to 33 two-way vehicle movements during the PM network peak hour of 17:00-18:00. This equates to an additional vehicle movement approximately every 2 minutes. Over the course of the day, the development could generate up to 332 two-way vehicle movements. Noting the historic use of the site, its allocation for development and the likely low number of vehicular trips associated with the development, following consultation with The Council's Highways section they have advised no objection to the proposal in terms of its impact upon the wider highway network and citing that the new access point is acceptable. The internal access road would not be to an adoptable standard however the Council's Highways section raises no objection based on the temporary use of the site and the developer being responsible for future maintenance.

The Council's Highways section advised that gradients should also not exceed 5% for the first 10 metres and thereafter 8.33%. Further details have been submitted confirming that this would be the case.

Parking would be provided onsite in on-street parallel parking bays. The site provides parking at a rate of 0.4 spaces per unit which is acknowledged to be lower than set out by the parking standards. However, where a development comprises affordable/social housing, it is recognised that levels of car ownership are typically lower. Further to the

above it is noted that 2011 census data suggests that 54% of social rented households in the Vale of Glamorgan have no access to a car and there are typically 0.3-0.4 cars per social rented unit. Whilst the units are not typically affordable/social housing, these figures comprise the closest example to the proposed tenure and are considered to provide a reasonable comparison. Furthermore, the development is managed by the Council and as such management of the onsite parking and space allocation can be controlled by the developer.

It is also acknowledged that the site is located in close proximity to a range of public transport links including bus services and Llantwit Major Train Station. Consultation responses have suggested that public transport links are inadequate. Bus services, whilst not extensive, operate on a regular basis (at least 1 per hour in each direction) from immediately outside the site. A range of services are also located within Llantwit Major itself, reducing the reliance on private vehicles.

Noting these matters and the inherently sustainable location of the site, it is considered that the level of parking is therefore acceptable.

Overall therefore, the proposals are considered to be acceptable from a highway development perspective. Conditions were originally requested relating to a Construction Traffic Management Plan, traffic calming details, condition surveys and design calculations. The Council's Highways section is satisfied with the submitted details and as the work on site is substantially complete, it is not considered necessary to require the condition relating to a CTMP to be attached. The submitted design calculations, traffic calming details and condition survey are considered to be acceptable. A condition shall be attached requiring a second condition survey and implementation of the traffic calming measures.

Drainage

In regards to drainage, Policy MG2 (23) sets out that there are no known watercourses in the vicinity of the site. Any future developer should ensure that an assessment is carried out into the potential for disposing of surface water by means of a sustainable drainage system.

The Council's Drainage Section has advised that the site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal/tidal flooding. NRW flood maps also indicate that the site is at very low risk of surface water flooding. A SAB application has been submitted and granted approval.

Dwr Cymru Welsh Water advises that a water supply could be made available to service the site however envisaged that off-site mains works may be required. In response to the consultation on this application, DCWW has raised no objection and advised that capacity exists within the public sewerage network to receive foul flows.

Capacity is also available in the water supply system to accommodate the development.

DCWW also advised that the development may require approval of SuDs features which has been addressed in the comments from the Council's Drainage section above.

Noting the above, regarding drainage the proposals are considered to be acceptable.

Ecology and Green Infrastructure

Policy MD9 (Promoting Biodiversity) requires new development proposals to conserve and enhance biodiversity interests. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures.

A Preliminary Ecological Appraisal was conducted by Just Mammals Ltd to assess the site for its ecological value and potential presence of protected species. The survey identified the site as being suitable for nesting birds, reptiles and amphibians as well as trees having potential roost features for bats. Further survey work was undertaken to establish the presence of reptiles and to determine if any trees on site were suitable for roosting bats. Both investigations concluded that no suitable bat roost features are available and no reptiles present. Whilst the survey was undertaken outside the optimal period, this has been acknowledged in the report. Natural Resources Wales and the Council's Ecologist have raised no objection.

A Tree Survey has been undertaken noting works to be undertaken to the trees on site and protection of those trees to be retained. Some smaller trees and shrubs located centrally within the site have been removed, however mature specimens have been retained to the north of the site and to the south of the entrance. The Tree Report recommendations are considered to be acceptable. The southern ground forms part of public open space and designated biodiversity area.

Contrary to the pre-action letter received by the Council, the works have been undertaken in accordance with the approved details and are considered satisfactory. The letter also suggests that further survey work in relation to bats has not been completed however, it is noted that an appraisal of roost features has been included in the Reptile Survey and this recommendation has therefore been addressed.

The Preliminary Ecological Appraisal and Reptile Survey set out ecological enhancement measures to include the following:

- Wildflower and native shrub planting
- Bat boxes
- Bird Boxes
- Hedgehog nest boxes
- Reinstatement of defunct pond
- Log piles

The Council's Ecologist supports the enhancement set out above and raises no objections to the proposals subject to a planning condition for a Landscape and Ecology Plan (LEMP) providing additional details of the measures to be installed.

PPW 12 refers to addressing the Nature Emergency through the Planning System and encourages taking a proactive approach to Green Infrastructure. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the

benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities..

A Green Infrastructure Statement has been submitted demonstrating compliance with the step-wise approach.

Step 1: Avoid

The most biodiverse and important areas have been avoided with the two areas of trees to the north western and south western boundaries retained with development outside root protection areas.

Step 2: Minimise

The proposals minimise any impact on areas of most ecological value as outlined above, with the site layout locating development within areas of hard standing or semi-improved grassland.

Step 3: Mitigate/Restore

The proposals will result in the loss of areas of hardstanding alongside areas of poor semi-improved grassland. These areas are of low ecological value. The proposals include green infrastructure which is comprised of:

- Rear garden spaces for residents;
- Communal grass areas;
- Specimen shrubs;
- Street tree planting with diverse species that comprise colourful foliage, seasonal interest and flowering;
- Shrub planting;
- Proposed wildflower / annual grassland / species rich grass area to encourage pollinators, biodiversity and amenity within areas of open space;
- Rain gardens and bio retention areas;
- The delivery of SuDS on the site which provides a network of connected rain gardens and bio-retention areas.

The proposals will enhance the site Green Infrastructure of the site by providing a more diverse set of biodiversity features. The existing site has a low ecological value being predominantly comprised of poor semi-improved grassland.

It is considered that subject to conditions the proposals would suitably minimise, mitigate and compensate for green infrastructure and ecological interests within the site in compliance with the step-wise approach within PPW.

Contaminated Land

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environment from a number of risks including pollution of land, land contamination and hazardous substances.

Impact of potential contamination on the proposals is two-fold in that the importation of material will be required to achieve the increased land level and the creation of a safe environment for end users of the development.

The Council's SRS (Contamination) section initially advised that conditions relating to remediation and verification would be required however on submission of additional information raised no objection. Conditions relating to confirmation of remediation and verification and use of site won materials have been proposed to be attached to any consent granted.

S106 Planning Obligations

In the determination of a permanent residential development of this size, Planning Obligations would typically be sought.

LDP policies MG4 and MD4, in addition to the Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs), provide the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated.

The Planning Obligations SPG sets out that the Council considers that reduced planning obligations will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development, such as:

- The delivery of a strategically important development site in the context of the Local Development Plan.
- There are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building, contaminated land, urban renewal project etc.)
- The development itself is being used as a means of delivering / subsidising a mixed use, commercial or community project (in the public interest) which would not be deliverable without financial support

The Pre-Action letter refers to the consideration of planning obligations. In terms of the criteria above, the site would form development of a brownfield site within the settlement boundary. The development is temporary in nature, providing temporary accommodation to address an identified need and as such costs are not typical of a typical housing development. As the site is not a market-led scheme, with funding through the Council's Housing Business Plan and Welsh Government it is considered that due to the level of public funding and the use of the site providing much needed accommodation in the public interest, contributions have not been sought in this instance. Furthermore, it is not possible for the Council to enter into S.106 Agreements with itself. Any additional burden on the Council will be borne out of existing budgets.

Other Matters

A number of responses to the application consultation refer to the lack of previous consultation with the local community and discrepancies between the consulted scheme and the submitted scheme have been suggested in the pre-action letter received by the Council. In this instance, a Pre-Application Consultation exercise was undertaken by the developer prior to the submission of the application. This consultation included display of site notices, letters sent to residents, Llantwit Major Community Council, ward members and a range of consultees with documents available to view online. The full report in relation to the pre-application consultation has been submitted as part of the suite of documents for this application. As the PAC process informs the formal submission, it is not unexpected for the proposal to be amended in response to comments received at the PAC stage and as such is considered to be acceptable in meeting the legislative requirements.

Furthermore, press and site notices have been produced along with targeted neighbour consultation to allow for comments to be made on the formal planning application submission itself in accordance with statutory requirements. The response rate has been evidenced within this report. It is therefore considered that an appropriate level of consultation has been undertaken that accords with the Council's legislative requirements.

A primary concern has been the impact of the proposal on property values and compensation and loss of view. Neither loss of view or impact upon property values are a material planning consideration and as such are not considered as part of this determination.

The Pre-Action letter refers to the accuracy of the plans relating to the two-storey element of the proposal and the inclusion of a scale on the elevation drawings. These drawings have been updated to show the scale on all drawings relating to this element in addition to the dimensioned plans.

Similarly, representations have raised that the proposal appears to be permanent, or permanent dwellings could have been constructed. As it is the intention for the units to be moved elsewhere at the end of the 5 year temporary period and the site made available for its intended allocation as set out in the LDP, the construction of permanent dwellings would not have been appropriate. It has also been suggested that the period of use should be restricted to a shorter period. However, owing to the practicalities of identifying further sites and acquiring them, it would be very difficult to meaningfully occupy the units and decommission the site within a shorter time period than the 5 years sought.

Alternative sites have been suggested by local residents or the use of vacant housing stock however the Eagleswell Road site has been considered appropriate by the developer and is the scheme before the Local Planning Authority currently. The site is within the control of the Council and is in a sustainable location within the settlement boundary and the above report details the acceptability of the proposals in lieu of the appropriate policy framework and material planning considerations including the Rapid Rehousing Plan.

Queries have also been raised in relation to the occupiers of the units, whether these will be the intended refugees from Ukraine and also the suggestion that local people or ex-servicemen should be housed in the development. The submission documents indicate that the accommodation will be used to house refugees from Ukraine that are housed elsewhere in the Vale of Glamorgan, both in temporary accommodation or hotels. Notwithstanding this, the Council's adopted Rapid Rehousing Plan (RRP), demonstrates a clear need for temporary housing stock within the Vale of Glamorgan. Much of the current demand is met through the utilisation of hotels, which lack basic amenities such as cooking facilities or amenity space and is not a cost effective solution, nor does it fully meet the demand. The Council's Housing team will retain control of all the units with tenants issued with licences to ensure the units are occupied appropriately.

Concerns have also been raised in relation to demands on local services including schools and health services. In this instance, it is noted that there may be some increased demand on school places arising from the proposals however as this is a Council managed scheme, this can be controlled somewhat to avoid excess pressure on school services. Whilst there may be some increase in demand for health services, this cannot be controlled by the planning system due to the nature of the management of GP practices. It should also be reiterated that the scheme is proposed for a temporary period only. A number of representations also refer to a health centre being promised on the site. No such application has come before the LPA and as stated, nor is there a requirement for the provision of such a facility within any adopted planning policy documents. However the future master planning for the long term use of the site (after the removal of the temporary housing) will consider the need for health facilities in conjunction with the NHS. Furthermore as detailed above, the provision of the temporary accommodation would not prejudice future alternative uses on the site.

Concerns have also been raised over the suitability of the units for habitation, citing in particular fire risk and compliance with building regulations. The developer has engaged with the Council's Building Control service to ensure that the development is completed in a manner which accords with the relevant building regulations. The South Wales Fire and Rescue Service has also been consulted on the proposals and has raised no objection.

Concerns have been received in relation to construction related disruption in terms of noise and disturbance, contractor parking, mud on road and damage to property. Whilst undesirable, much cannot be avoided when construction work is ongoing and is relatively short lived. As the works are being undertaken on behalf of the Council, any complaints or concerns have been directed to the lead officer on the project to be resolved. The development has also been awarded level bronze as part of the considerate constructors scheme. The works are now substantially complete. As such it is not considered necessary to attach conditions requiring further details of a construction environment management plan or traffic management plan pursuant to this consent.

A number of objections also raised concerns over anti-social behaviour, security and safety arising from the residents of the development. The residential use of the site is in keeping with the surrounding residential area and there is nothing to suggest those families occupying the properties will be noisy or cause disturbance, with the principle of the development not resulting in a material change to the overall character of the area. South Wales Police have been consulted on the proposals and have set out recommendations and guidance for designing out crime which includes ensuring natural surveillance of Public Open Space and ensuring defensible spaces are created,

appropriate lighting and boundary treatments which have been incorporated as part of the proposals. In light of this, the proposal is considered to be acceptable.

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

1. The dwellings and any associated infrastructure associated with the residential use of the site shall be removed from the land in its entirety and the land shall be restored to its former condition on or before 5 years of the date of this consent.

Reason:

To ensure that local amenities are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Development).

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

2657 00(02)100 Location Plan
2657 00(03)300 Ancillary Details
2657 00(03)301 Bin Store Details
2657 00(03)302 Cycle Store Details
2657 00(03)400a Site Sections
2657 00(05)303 Fence Details
Eag Hom Xx Zz Dr Zz 000017 Home 2b Flat Floor Plan
Eag Hom Xx Zz Dr Zz 000018 Home Elevations Front And Top
Eag Hom Xx Zz Dr Zz 000019 Home Elevations Side And Rear
Wates Hom Xx Zz Dr Zz 000064 Home 3b Flat Floor Plan
Wates Hom Xx Zz Dr Zz 000074 Home 1b Flat Floor Plan
Beattie Passive Type 3 Bed Elevation
Beattie Passive Type D 4 Bed Floor Plan Accessible
Beattie Passive Type D 4 Bed Floor Plan
Beattie Passive Type Da 4 Bed Elevation
Beattie Passive Type Db 4 Bed Accessible Elevation
Beattie Passive Type Db 4 Bed Elevation
Beattie Passive Type Db 4 Bed Floor Plan Accessible
Beattie Passive Type Db 4 Bed Floor Plan
Beattie Passive Type Ga 3 Bed Floor Plan
Beattie Passive Type Gb 3 Bed Elevation
Beattie Passive Type Gb 3 Bed Floor Plan
Egw Civ Xx Zz Dp C 9007 P3 D4 Estate Roads Refuse Tracking
Egw Civ Xx Zz Dp C 9013 C1 D4 Highway Setting Out Sheet 1
Egw Civ Xx Zz Dp C 9015 C1 D4 Surfacing And Kerbing Layout
Egw Civ Xx Zz Dp C 9101 C1 D4 S278 General Arrangement
Egw Civ Xx Zz Dp C 9104 C1 D4 Refuse Tracking L
Topographical Survey
Underground Services Survey

Planning Statement
Preliminary Ecological Appraisal
Reptile Survey Report
Site Investigation Report
Tree Constraints Plan
Tree Survey
Transport Statement
Travel Plan
Design and Access Statement
Site Investigation Report April 2016
ESG Desk Study Report January 2016
EGW-CIV-XX-ZZ-DP-C-9001-C6-D4 - External Works Layout Sheet 1
EGW-CIV-XX-ZZ-DP-C-9002-C6-D4 - External Works Layout Sheet 2
EGW-CIV-XX-ZZ-DP-C-9003-C6-D4 - External Works Layout Sheet 3
2657-00(03)130 - Plot 23 & 12 Section
2657-00(03)111 - Plot 23 & 12 Site Plan
Construction Environmental Management Plan
EGW-CIV-XX-ZZ-DS-C-9004-P3-D4 - Long Sections Sheet 1
EGW-CIV-XX-ZZ-DS-C-9005-P3-D4 - Long Sections Sheet 2
EGW-CIV-XX-ZZ-DD-C-9006-C1-D4 - Highway Construction Details
Lighting Plan
2657 00(05)115 Boundary Treatments
EGW-LAN-XX-00-DD-L-100 Landscape Strategy 3 For Construction V19

Reason:

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

3. Prior to beneficial occupation of any respective unit, the fences, trellis and patio screens to serve that unit shall be erected in accordance with plan no. 2657 00(05)115 Boundary Treatments.

Once erected, the boundary treatments shall thereafter be retained as such for the duration of occupation of the units.

Reason:

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

4. Prior to first beneficial occupation, the parking spaces shall be laid out within the site in accordance with drawing no Egw Civ Xx Zz Dp C 9013 C1 D4 Highway Setting Out Sheet 1 and those spaces shall thereafter be kept available for the parking for as long as the development remains on site.

Reason:

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

5. Prior to the first beneficial occupation of the development hereby approved, the highway including traffic calming measures detailed on drawing EGW-CIV-XX-ZZ-DD-C-9006C1-D4 Highway Construction Details shall be completed and maintained as such for the lifetime of development.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. Within 3 months following the completion of the development, a Second Condition Survey along the route marked red on the plan (condition survey route) attached to this notice, shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall not be altered in any way.

Reason:

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

8. Any part of the rear windows in plots 9-27 that are below 1.7m in height above the level of the floor in the room that it serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

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

9. Notwithstanding the submitted details, including that set out in Preliminary Ecological Appraisal January 2023 and Species Survey Report May 2023 and the details shown on 'EGW-LAN-XX-00-DD-L-100 Landscape Strategy 3 For Construction V19', a revised Landscape and Ecology Environmental Management Plan (LEMP) shall be submitted to the local planning authority for their written approval within 1 month of the date of this consent. This shall include, but not be limited to,
- additional details with regard to hedgerow/tree management regime
 - the species and sourcing of tree and hedgerow planting (preferably of native species);
 - details of the seed mix for grassland habitat to be created and details of control of weeds including brambles.
 - a schedule of management responsibilities and activities for all landscaped areas, that takes account of good practice working periods;
 - further details of the location and number of nest boxes, bat roost boxes and hibernacula as recommended in the PEA and reptile reports;
 - Details of seed mixes for the establishment of species grassland (preferably those that support local meadow mixes and genetic diversity)

The LEMP and associated mitigation and enhancement details shall be fully implemented in accordance with the approved details and in accordance with the timescales as detailed in the approved LEMP.

Reason:

In the interests of safeguarding the ecology of the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with Policy MD2 and MD9 of the Local Development Plan.

10. Notwithstanding the submitted details, within 1 month of the date of this consent further details of the open space areas (to include details of equipment (such as benches and bins)) and details of ongoing maintenance of the open space areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the details approved within 3 months of the first beneficial occupation of the first unit and maintained in accordance with the approved details for the lifetime of the development.

Reason:

To ensure satisfactory maintenance of the landscaped and amenity areas to ensure compliance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

11. On the completion of an appropriate remediation scheme and prior to the occupation of any part of the development, 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 the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

12. Prior to the occupation of any part of the development, any imported or site won soils or aggregate shall be assessed for chemical or other potential contaminants. The assessment must be undertaken in accordance with the relevant Code of Practice and Guidance Notes and must demonstrate that the materials are suitable for use.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

13. 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 the lifetime of this temporary consent die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) 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), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MG2 (Housing Allocations), MG4 (Affordable Housing), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) it is considered that the proposal would have an acceptable impact

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

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

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

NOTE:

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.

PRE-CLAIM PROTOCOL LETTER
Land at former Eagleswell School site
Planning Reference: 2023/01102/RG3

1. As counsel, I continue to act for the Eagleswell Action Group (“EAG”)¹. It is intended that this letter should be forwarded to (i) the Chief Executive Officer of the Vale of Glamorgan Council (“the authority”) (ii) the Case officer dealing with the planning application proceeding under the above reference, and (iii) the authority’s Chief Planning Officer.
2. This document is a pre-action protocol letter before claim.
3. This document follows (i) a previous objection statement drafted by me which I sent by email to David Thomas² on 9 May 2024 who would have forwarded it to various officers and members the authority, and (ii) an objection statement, also dated 9 May 2024, provided by Wayne Reynolds BSc, MSc, MA MRTPI, a director of Atriarc Planning, who deals with multiple deficiencies affecting the development proposal (“the development”) on planning and related issues.
4. My objection statement comprised an objection in three parts, namely (i) the build-out in breach of development control (ii) the objection in principle to the proposed time-limited development which, in the circumstances, I consider to be incompatible with national guidance, and (iii) an overview of the objection on planning grounds which is addressed in more detail in the objection of Mr Reynolds.
5. I am asking David Thomas to forward the above-mentioned documents to the authority in case they are not readily accessible to officers.
6. It is the view of Mr Reynolds and myself that the planning application is plainly unsound and should be rejected by members.
7. In my view, the application is misdescribed and should in fact be treated as an application for retrospective planning permission. It follows, for the reasons given in my previous objection, that the building operations to date are unlawful and in breach of planning control. It was wrong for the authority to have continued the build-out once it had been warned by me that it had no right to carry out such work as permitted development (“PD”) under Part 12A in the form introduced by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2020/367.
8. Part 12 deals with the PD rights of local authorities. The introduction of Part 12A sprang from the COVID-19 crisis and allows an authority to carry out specified development in an emergency which is described as an event or situation which threatens serious damage to human welfare in a place in the UK. The reason initially advanced for the development involved the temporary housing of Ukrainian refugees but the development is now required to deal with homelessness within the locality for which the authority is responsible.
9. The observations of Mr Reynolds on planning issues are serious. In its current form the application is misconceived. Mr Reynolds deals with a number of matters:
 - No evidence is produced to demonstrate a need and/or business case for such development or that it could possibly justify the exercise of PD rights within Part 12A.
 - The form of the intended development is at variance with that described at the pre-application stage which indicated that it would involve single-storey units only whereas, of the ninety units proposed, more than half will be comprised within two-storey blocks.

¹ The proposed claimant.

² Whose email address is known to officers (as one of the principal movers in the EAG) and to whom all correspondence should be sent and upon whom court documents should be served until directed otherwise (as where solicitors have been instructed). The authority’s contact details for present purposes should also be made known to Mr Thomas.

- There are many failings in the scheme when it comes to site design. For instance, the density of the development is far higher than could be supported by local policy MD6. The allocation within the adopted local development plan (“LDP”) notes only 72 units on this site whereas 90 units are currently under construction. Mr Reynolds says it is clear that the site is being overdeveloped with little regard paid to the density requirements set out in the LDP.
- The plans on which pre-application consultation was based differ from the plans accompanying the application. Residents should be re-consulted on departures from the pre-application plans or in the case of revisions to the application plans.
- There are also discrepancies between the application plans and what exists on site. For instance: (i) on the southern corner of the site the plans showed the units in alignment whereas on site the unit adjacent to 62 Eagleswell Road (“No.62”) is offset from the other units; (ii) on the northern aspect of the site the unit adjacent to the perimeter fence has been relocated and the unit substructure set outside the site boundary; (iii) further investigation is required onsite when it comes to the location and offset distance of other units found centrally and on the perimeter of the site (this could not be viewed fully owing to the limited site access).
- Within the main site two two-story clusters of units are set around central courtyards. The two-story units are offset by around 9.7m and 10m (as measured off the 1:500 site plan). The elevations’ plans do not refer to a drawing scale or elevation orientation which is a basic requirement in the case of plans lodged for planning purposes. Further, the use of “do not scale” is also found on various elevation plans and should be rectified by the authority’s design team and revised plans should be submitted.
- Based on the available measurements found on the elevation plans, the estimated scale is thought to be 1:50 which sets the two-story unit heights at approximately 6m in height. The layout plans exclude the access balconies from view (estimated as having a width of 1.35m). When compared to the presented elevation plans, this further reduces the offset between the units. This leads to a substandard and severely compromised design with unacceptable issues in terms of privacy, overlooking, loss of light and overbearing impact between the units. The ground floor courtyards’ spaces further reduces any privacy for residents on the ground floor. In light of national and local design policies the design failings affecting the proposal are obvious on site. It is the view of Mr Reynolds that the proposal would “create abysmal living conditions for any future occupiers” of the units. The only access to the site is via the proposed main road entrance. The site is separated from the local community by a circa 2m high perimeter fence creating an insular environment and one which is not conducive to Placemaking and is contrary to core objectives 1, 4, 6 and 10 found in the LDP.

- The development is out of character and context with that of the surrounding area. It is of poor quality and wholly contrary to local policy MD2. The development fails to achieve anywhere near the basic design requirements of policy MD2 (sections 1-10).
- The development is also in clear conflict with policy MD5 (sections 2, 3, 4, 6 and 7). This applies to development within settlement boundaries and limitations applying to new development within these settlements. Policy MD5 2 is particularly important as the development will prejudice the delivery of an allocated site. Further, site infrastructure will involve costly removal of substructure works and infrastructure services in order to bring forward any future permanent residential development on this site. The concrete pads on which these modular units sit are also wholly inadequate as a base for permanent buildings. This is an inefficient use of resources and incompatible with medium to long term planning sustainability. If a coherent plan had been developed by the authority the site layout could have factored in a future development scenario whereby key infrastructure services could be maintained with minimal disturbance.
- In terms of the wider site, the southern aspect has failed to take into account the design context and siting of neighbouring properties. The topographical plan is set within the context of the site and fails to consider the land level change between the site and adjoining properties (estimated at 450-500mm at No.62).
- The development as whole is overbearing and unsightly and results in a loss of privacy and amenity to existing residents along the southern aspect of the site. A proposal to add a 600mm high trellis fence to the circa 2m high boundary fence to remove overlooking would be unacceptable. The units around the southern edge of the development are, for instance, located approximately 9.2m distant from the side elevation of No.62. The erection of the perimeter fence and the location of those units which have already been installed on site have already compromised light to the kitchen and living room of No.62 along with overlooking of the rear garden which runs parallel to the development site. The change of land levels between the development site and the neighbouring garden areas has also resulted in a considerable loss of amenity, not just in the case of No.62 but to all the properties at Pembroke Place. It is noted that privacy to the upper floor bedrooms of No.62 has been significantly compromised with reciprocal overlooking of the two corner units from No.62's bedroom area. A thorough inspection of the site and visits to a selection of neighbouring properties will demonstrate just how serious are the impacts arising from the development on neighbouring dwellings.
- As the development is quite capable of accommodating more than 400 residents, inadequate open space provision has been made, including children's equipped play space, and is contrary to policy MD3.

- In terms of policy MD4 it is open to planning authorities to seek new and improved community infrastructure, facilities, and services through the use of planning obligations. The planning application in this instance makes no such provision for this to support the development. Given the nature of the development detailed consultation and analysis should have been undertaken and presented at the planning stages.
- Trees and Ecology: the submitted Arboriculturist Report (“AR”) and constraints plan notes that certain trees should be protected from any development. As has happened, mature trees within the area of trees marked for retention (on the northern aspect of the site) have been removed and tree limbs felled. This is in clear breach of the recommendations contained in the AR which, incidentally, also notes that if any trees are to be removed a felling license may be required in advance of any planning permission. As the contractor has failed to comply with the requirements in the submitted reports and was no doubt working within the tree Root Protection Areas (without the requisite fencing being put in place) it brings into question the loss of Green Infrastructure on site and the probable loss of habitats.
- It should also be noted that the submitted Preliminary Ecological Appraisal (“PEA”) provides that prior to development taking place on the development site further survey work is required for reptiles. If the current proposals changed and this involved the removal of trees recognised as having potential roosting features then further survey work would need to be carried out for bats.
- It must follow that the development has failed to respect any of the requirements of Policy MD9 under which new development proposals are required to conserve and, where appropriate, enhance biodiversity unless it can be demonstrated that the need for the development clearly outweighs the biodiversity value of the site and the impacts of the development can be satisfactorily mitigated and managed. In view of what has happened, there has been a complete disregard for the contents of any of the reports. Had this been a commercial development it would have been subject to immediate enforcement action by the authority.
- The Travel Plan presented notes that there is an under-supply of car parking spaces by comparison with adopted highway/parking standards. No evidence has been presented to justify a reduced car parking requirement. If this was accepted then complete disregard for the policy would be seized by those advising on future applications. It would set a clear precedent for any future temporary planning use. Considering the context of the planning application, car parking spaces should be available to serve the development as well as any “commercial” parking required for staff supporting residents residing on site.

Proposed claim

10. If, notwithstanding the objections, the LPA grants the authority retrospective planning permission for the development then in such circumstances EAG intends to seek permission to bring a claim for judicial review (“JR”) with a view to an order quashing such permission and requiring it to be redetermined.³
11. If the authority fails or refuses to give EAG an assurance that they will take NO steps to allow occupation of any or all the completed units before the JR proceedings have been determined then EAG intends to apply for an injunction within the JR proceedings to restrain the authority from taking this step without further order of the court.
12. EAG is considering whether it might even apply for an injunction before planning permission has even been granted for the development in order to preserve the status quo until its JR application has been determined.
13. For the avoidance of doubt, EAG will be claiming that the authority acted unlawfully in carrying out works on this site without planning permission. Further, any grant of planning permission would be unlawful as it would be contrary to national and local policies and/or would be irrational and/or *Wednesbury* unreasonable for the reasons identified in this document and in the objection statements to which reference has already been made.
14. EAG will also be applying for its costs. The fact that a retrospective planning permission is being sought by the same body which is responsible for enforcing planning control in the area is a factor which is bound to be considered in any award of costs as is the authority’s erroneous reliance on its claimed PD powers to justify such development as has taken place.
15. It is doubtful whether this is an appropriate case for ADR. Thus far the authority has not chosen to engage sensibly with residents or to cease operations on site.
16. The authority is invited to reply to this letter by no later than 4pm on 19 June 2024.
17. The authority is also invited to let Mr Thomas know as soon as practicable the date on which the application for planning permission is to be determined by its LPA and what arrangements are intended to be put in place allowing objectors to address the committee.

William Webster
3 Paper Buildings
TEMPLE
London
Counsel for EAG

4 June 2024

³ A JR claim is expected to be brought within days of any grant of planning permission.

2023/00888/FUL Received on 16 April 2024

APPLICANT: Mr & Mrs Stuart & Lizzie Reid 4 Cliff Parade, Penarth, CF64 5BP

AGENT: Mr Tim Fry 88 Glebe Street, Penarth, CF64 1EF

4, Cliff Parade, Penarth

Demolition of existing house and construction of replacement dwelling

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Ernest on the grounds of the proposal being an overlarge development, intrusion upon the privacy of the neighbouring property(ies), and an inappropriate design for its location.

EXECUTIVE SUMMARY

The application site relates to 4, Cliff Parade, a detached two-storey 1970s dwelling located within a mixed street-scene of detached dwellings in Penarth. The property is set back from the road with off-road parking to the front and overlooks the coastal path to the rear.

This is a full application for the demolition of the existing house and construction of a replacement dwelling. The proposed dwelling is some 15.3m in width by a maximum depth of 12.5m in addition to an attached double garage to the front which measures 7m by 7.3m. The roof top pod will be some 9.6m in width by a depth of 7m. Due to the variation in levels with the site, the height of the proposed dwelling will vary, but the main two storey flat roof element will be some 5.8m - 6m high and some 8.5m high to the top of the roof top pod.

The site has been subject to relevant planning history, in respect of planning application ref. 2021/00418/FUL which was refused on 06/10/2021, for the construction of a modern replacement dwelling. The application was refused due to impact of the replacement dwelling upon the privacy and amenities of the neighbours at 2 and 6 Cliff Parade to such an extent that it would unacceptably impact upon the living conditions of the occupiers and that the proposal would have appeared as a visually incongruous and insensitively designed development, which would have an adverse impact upon the character of the wider street-scene.

Letters of representations have been received objecting to the application and the main objections are based on the proposal resulting in overdevelopment of the site; that it would dominate and overlook adjoining properties at 2 and 6 Cliff Parade and concerns over excavations for basement and pool/.

Following pre application discussions and further design revisions during the planning application, the amended scheme is on balance considered acceptable and subject to conditions, would not unacceptably impact on the amenities of the adjacent and nearby occupiers, having regard to the impacts that the existing dwelling has and the proposal would result in a form of replacement dwelling that would overcome the previous reason for

refusal and would not have an adverse impact on the of the wider street-scene and the character of the area.

SITE AND CONTEXT

The application site relates to 4, Cliff Parade, a detached two-storey dwelling located within a mixed street-scene of detached dwellings. The property is set back from the road with off-road parking to the front and overlooks the coastal path to the rear. The existing dwelling was built in the original garden of 6 Cliff Parade in the 1970's. The current house has a floor area of approximately 268 sq. m. The building is constructed with a reconstituted stone ground floor, and painted cement rendered upper section. The windows generally have a horizontal proportion. The building has a generic pitched roof form with gables to the east and west and hips to the north and south. The roof has a double roman cement tile finish with UPVC soffit and fascia.

The property is located within the Penarth settlement boundary as defined within the Local Development Plan 2011-2026.



DESCRIPTION OF DEVELOPMENT

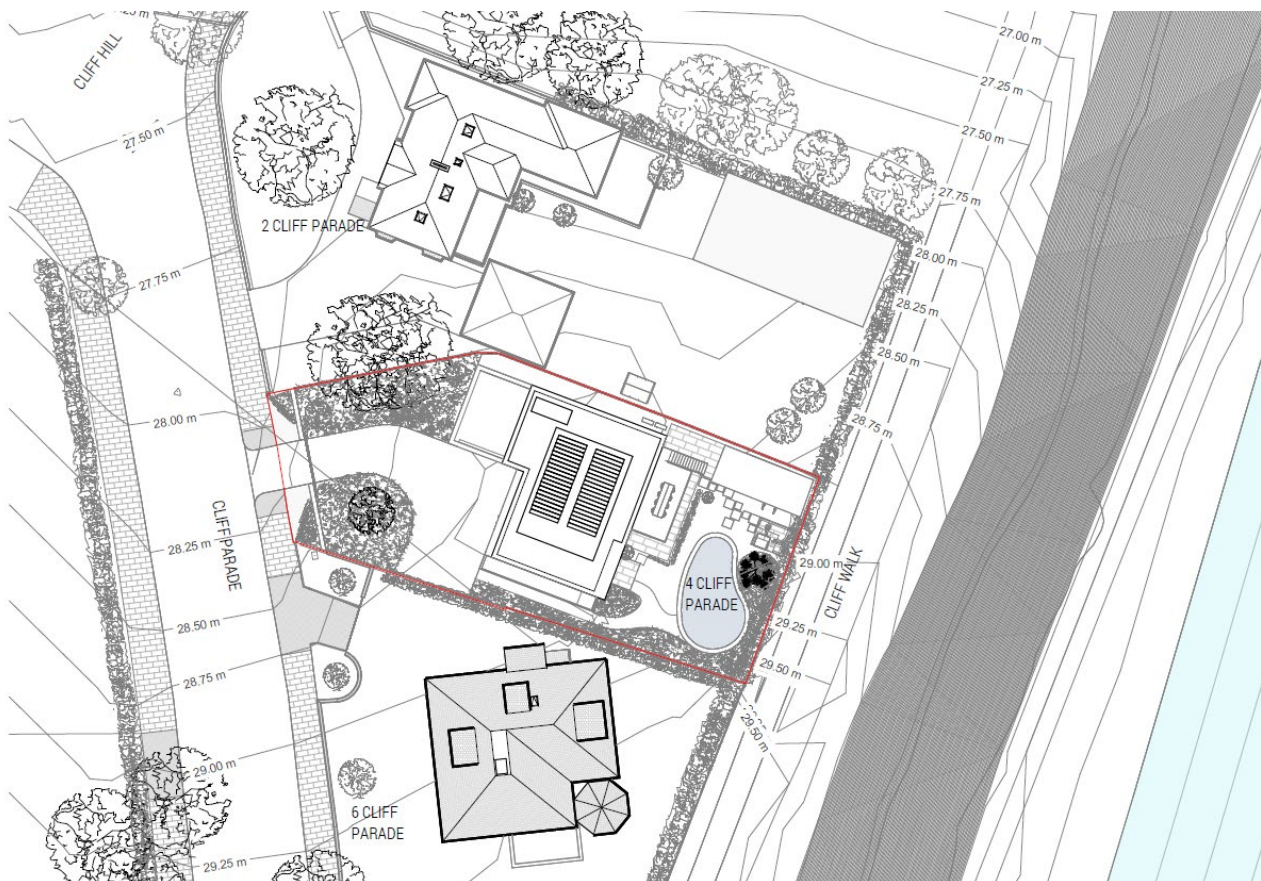
This is a full application, as amended is for the demolition of the existing house and construction of a replacement dwelling.

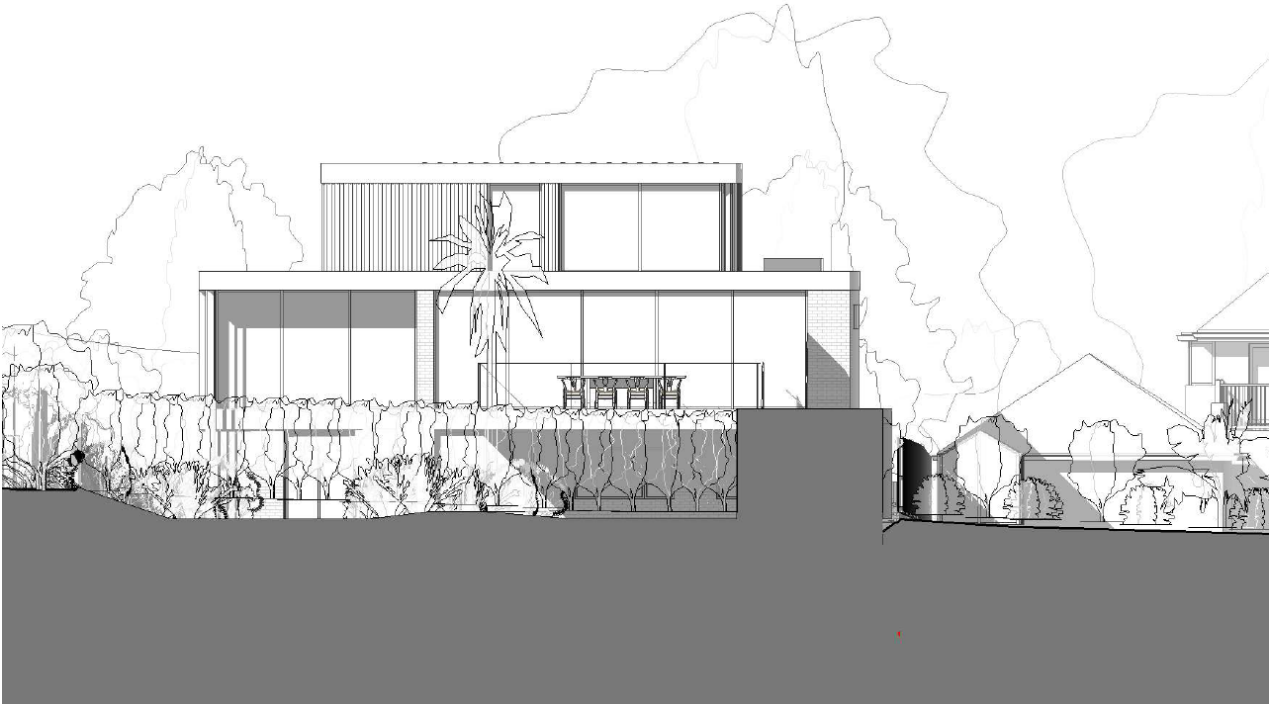
The proposed dwelling is some 15.3m in width by a maximum depth of 12.5m, in addition to an attached double garage to the front which measures 7m by 7.3m. The roof top pod will be some 9.6m in width by a depth of 7m. Due to the variation in levels with the site, the height of the proposed dwelling will vary, but the main two storey flat roof element will be some 5.8m - 6m high and some 8.5m high to the top of the roof top pod. The garage will be some 3.8m in height.

Accommodation proposed will comprise of a basement for storage, laundry and plant room, a ground floor comprising of four bedrooms with en-suites and adjoining flat roof double garage. The first floor will be used for day-time living comprising of a living area, snug and open plan kitchen and ding area with access into a terrace. The second floor roof top pod will accommodate a bedroom, dressing area, and en-suite.

In terms of materials and finishes, the scheme proposes bead blasted stainless steel for the roof pod, white / buff brick to the main elevations and Portland stone (Bowers Roach) to the garage elevations. Windows are to be a slim line system in a colourless anodised finish to match the stainless steel. A bank of PV panels are shown to be mounted on top of the flat roof pod.

The existing access from Cliff Parade will be retained leading to a reconfigured parking area with indicative perimeter landscaping, to accommodate parking for two cars in addition to two cars within the double garage. The rear garden will be landscaped with a patio area and swimming pool and a flat roof building to accommodate a pool plant and changing rooms. The building will have an oversailing roof and is some 3.4m in width, by a maximum depth of 8.2m, to a height of 2.5m

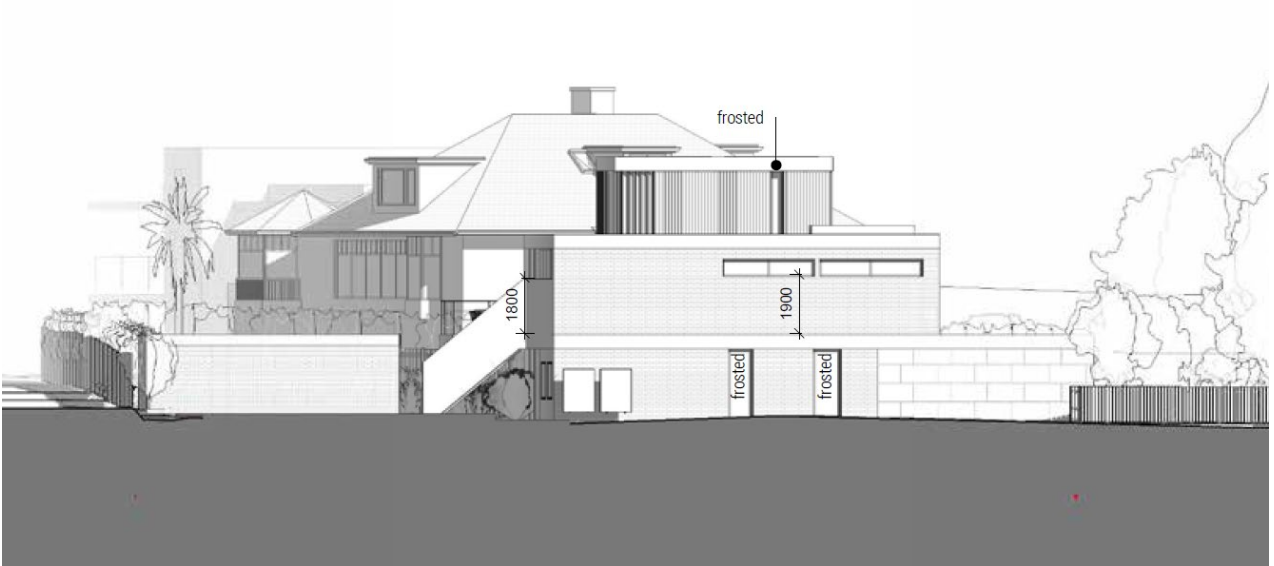




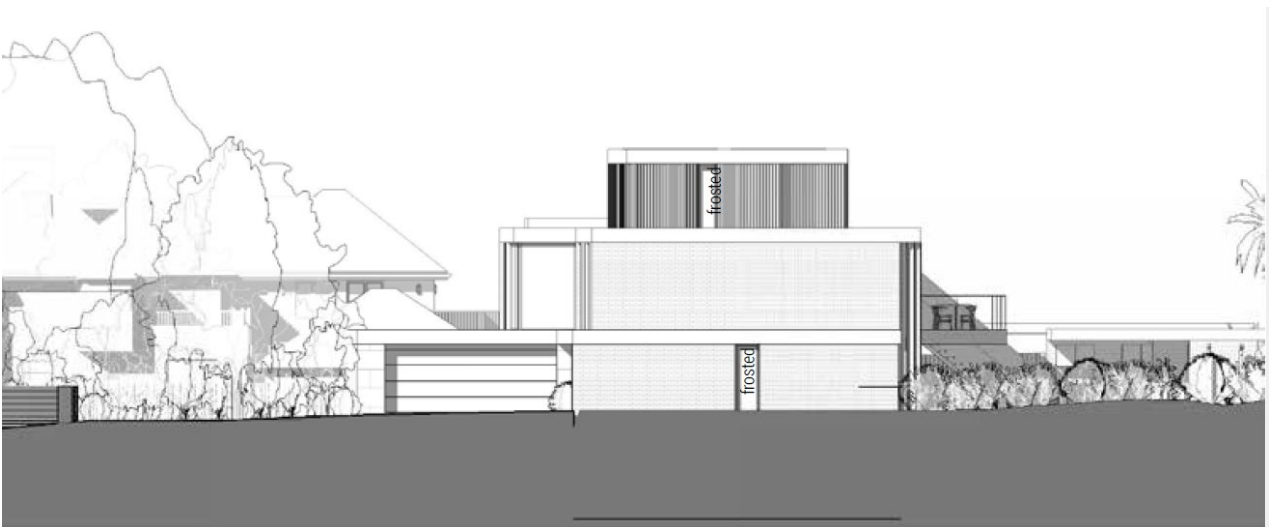
Proposed East facing rear elevation



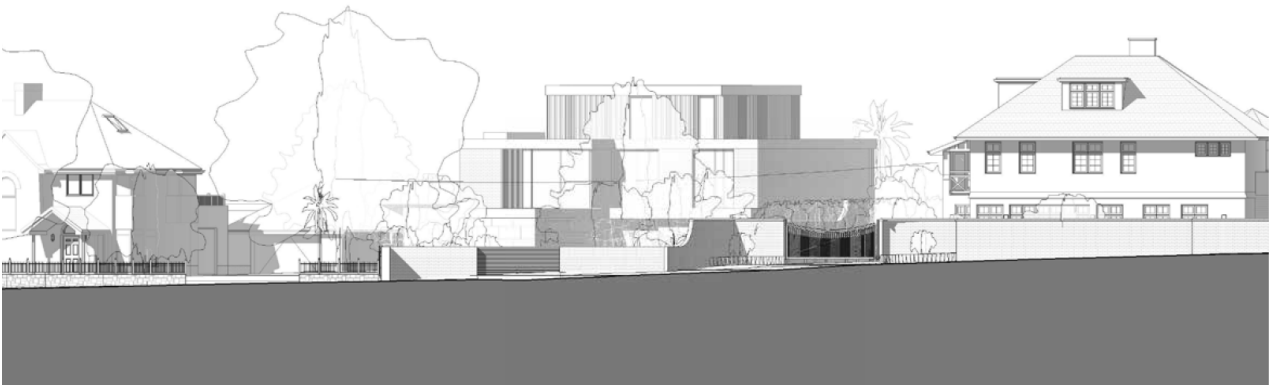
Proposed West facing front elevation



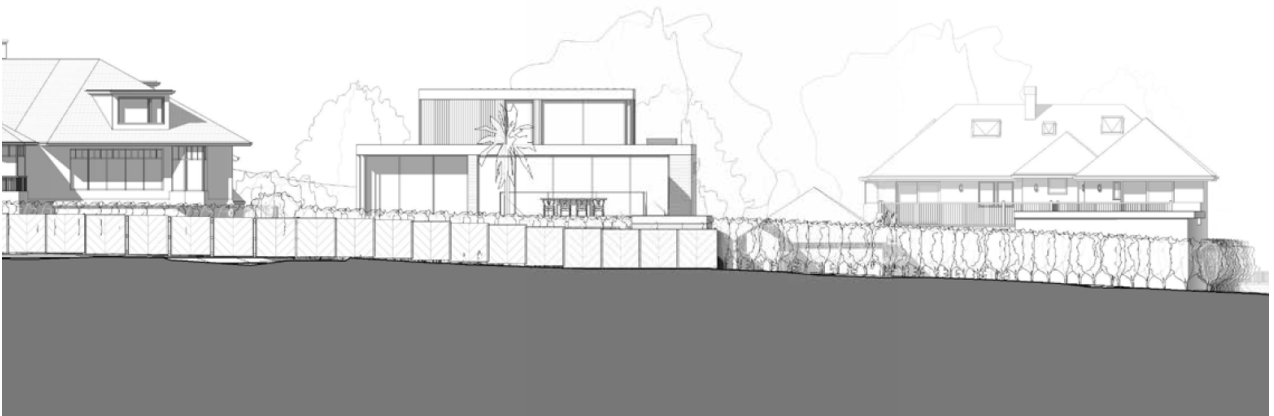
Proposed North facing side elevation



Proposed South facing side elevation



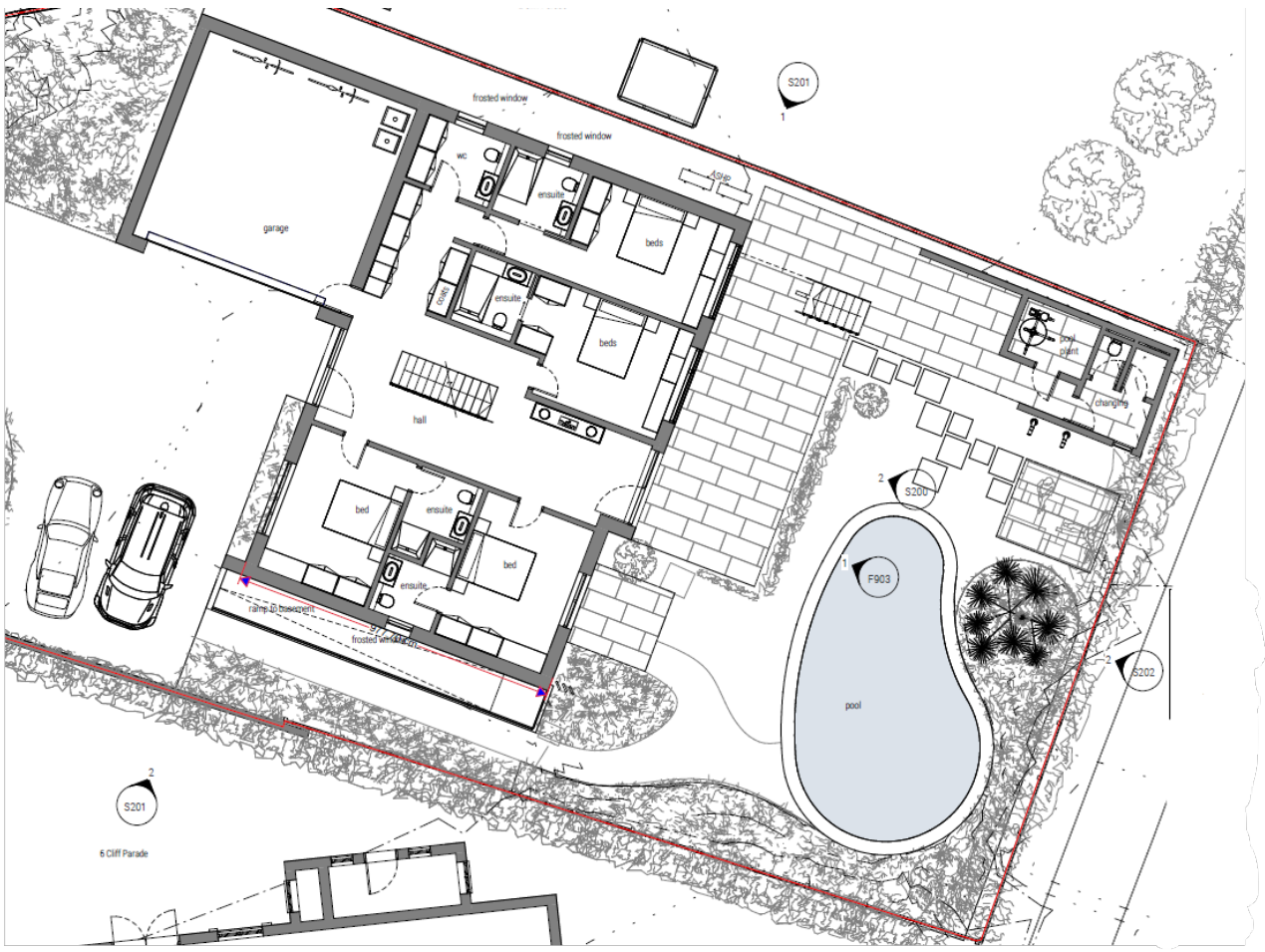
View from Cliff Parade



View from rear footpath



Proposed Site Layout



Proposed Ground Floor and Rear Garden Layout

PLANNING HISTORY

2020/01319/FUL, Address: 4, Cliff Parade, Penarth, Proposal: Construction of replacement house, Decision: Withdrawn;

2021/00418/FUL : 4, Cliff Parade, Penarth - Construction of replacement house - Refused 06/10/2021 for the following reason :

1. *By reason of its siting, scale, form and proximity to the boundary with the neighbouring properties, the proposed increase massing of the replacement dwelling, together with the introduction of the balcony would result in an loss or privacy, for the neighbours at 6 Cliff Parade with an imposing, oppressive and overbearing impact on the side elevation, rear garden and rear elevation of both 2 and 6 Cliff Parade to such an extent that it would unacceptably impact upon the living conditions of the occupiers. The proposal would, therefore be contrary to the aims of Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and would be contrary to the key principles and design standards set out within the Residential and Householder Development SPG and Technical Advice Note 12: Design (2016).*
2. *By reason of its overall design and prominence, the proposal as a whole would appear as a visually incongruous and insensitively designed development, which would have an adverse impact upon the character of the wider street-scene. The*

proposal is therefore considered to be contrary to the aims of Policies MD2 (Design of New Developments) and MD5 (Development with Settlement Boundaries) of the Local Development Plan 2011-2026 and the guidance set out within the Residential and Householder Development Supplementary Planning Guidance and national guidance contained in Planning Policy Wales Edition 11 and TAN 12 - Design.

A subsequent appeal was dismissed on 23 June 2022.

CONSULTATIONS

Penarth Town Council were originally consulted on 12 September 2023 and responded objecting to the proposals, on the basis of infringing upon the privacy of neighbouring dwellings and the design of the building not being in keeping with the streetscape.

Following re-consultation, Penarth Town Council have stated that the proposed amendments to the original submission are welcomed and will reduce the impact on the neighbouring dwellings in terms of overlooking and overbearing.

Councils Highway Development Team were consulted and have responded stating that the garage has internal dimensions which is sufficient for 2 cars to park and the site provides sufficient space for vehicles to manoeuvre inside the site and leave in forward gear and the visibility splays at the site access are being maintained. Therefore, the highway authority has no objection to the proposals.

Councils Drainage Section were consulted and have responded stating that this application is subject to SAB approval prior to any commencement of work. As such a detailed design for the surface water drainage will be required to be submitted through the SAB process as asset out in their Advisory note for applicants.

Following re-consultation, the Councils Drainage Sections have advised that their comments remain unchanged from previous consultation response.

Shared Regulatory Services (Pollution) were consulted and no comments have been received to date.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) have responded and have requested conditions in respect of unforeseen contamination, imported of aggregates and a contamination and unstable land advisory notice.

Dwr Cymru Welsh Water were consulted and responded stating that they can only comment on the acceptability of the foul water proposal at this stage and in the absence of a surface water strategy (in which an assessment is undertaken to explore the potential to dispose of surface water by sustainable means), cannot support the application in full. They have therefore advised that any planning permission should be subject to conditions to secure a scheme of drainage and an advisory note in respect of connections and that some public sewers may not be recorded on maps.

Following re-consultation, DCWW responded with the same comments as above.

Plymouth Ward Members were consulted and in respect of the re-consultation Cllr Ernest has responded stating that having carefully reconsidered this application, remains of the view that the revisions proposed are such that the development should be subject to a Site Visit by the Committee on the following grounds:

1. That the proposed development is excessive in size
2. That the development does not sit well within the surrounding context
3. That the bulk of the development will cause overlooking of neighbouring properties to the latter's detriment .

Cllr Erenest has subsequently requested that the application is called into planning committee on the grounds of overlarge development, intrusion upon the privacy of the neighbouring property(ies), and an inappropriate design for its location.

REPRESENTATIONS

The neighbouring properties were consulted on 22 September 2023 and a site notice was also displayed on 3 October 2023. In total some eight letters of representation have been received, objecting to the proposal on the following grounds (as summarised)

- Overdevelopment of the site
- Replacement dwelling would be much larger than the existing
- The design proposal features that would dominate and overlook adjoining properties
- Proposal would block light and cast shadows
- The fact that the appeal was rejected on the grounds of the scale and massing of the dwelling
- Concerns over excavations for basement and pool causing potential harm to neighbouring properties through excavation
- No geological surveys supplied to support basement
- Impact on privacy of 6 Cliff Parade
- Artist impression for the road shows trees which do not exist and is misleading
- impacts on privacy, amenity of No. 2 Cliff Parade
- negative impacts to the street scene of Cliff Parade
- Questions regarding impacts to existing mature trees remain
- Objection to location of pool plant and ASHP to northern boundary
- Lack of clarity, labelling and appropriate and accurate details of plans

Following a second and third re consultation additional objections comments have been received, which continue to raise the same concerns as set out above

- The negative impacts on privacy and amenity
- Views from Cliff Hill have not been fully addressed
- Negative impact to the street scene of Cliff Parade
- Very minor tweaks have not addressed the main issue of the mass and bulk of the buildings
- Proposed design would be an over-development of the site
- Replacement dwelling would be much larger than the existing house
- The design proposes features that would dominate and/or overlook the adjoining properties

- These plans are very similar to the plans previously submitted by another architect and do not address the objections
- Air source heat pumps (ASHP) should be installed between the north wall of the building and the close-by fence of Number 2
- If basement were to be limited the who house could be lowered
- areas marked as “non-accessible roof” are accessed by large patio / bifold doors windows which seem to be accessible and how this can be enforced
- overlooking towards the neighbouring house and garden
- The windows marked as “frosted” would be required to be ‘non-opening’
- Objection to Location of Pool plant and ASHP to northern boundary
- Concerns regarding impacts to existing mature trees and vegetation
- Continued concerns in respect of infringements of privacy, albeit with an attempt to overcome some of these with ‘screens’
- Concerns in respect of basement which may be hazardous to neighbouring properties and the consistency of their structure
- Request that a ground investigation report is submitted as part of the application

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

Managing Development Policies:

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 4 - Active and Social Places

- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)

2.6 “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

4.5 *“In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”*

6.16 *“The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted.”*

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

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

The following paragraphs are of relevance:

8.1.2. *New development should be sympathetic to the existing in terms of scale, massing, form, positioning, detailing and materials. Regard should also be had to the relationship of the development to open space, including residential garden, and established visual breaks in the street scene. These principles shall apply to new houses, extensions and garages / outbuildings.*

8.1.3. *Innovative, contemporary and modern design in new development may be appropriate where it is demonstrate that there is a sound understanding of design and the context of the development, and that the proposal has appropriately responded to the character of your property and the area. High quality materials are usually an essential element of successful contemporary design.*

Other relevant evidence or policy guidance:

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

- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

In assessing this application for the residential redevelopment of the site, consideration has to be given, amongst other things, to whether the previous reasons for refusal have been overcome, which related to visual impact and neighbouring amenity, and whether the comments made by the appointed Inspector in dismissing the appeal have been addressed within this application.



Refused Proposed Elevations – application ref. 2021/00418/FUL

Policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. *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;*
2. *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and density;*

Policy MD5 states that new development within settlements will be permitted where the proposed development:

1. *Makes efficient use of land or buildings;*
2. *Would not prejudice the delivery of an allocated development site;*
3. *Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality.*

Section 7.2 and 7.3 of the Residential and Householder SPG sets out clear guidance on the character and context of developments as well as section 8.5 to which outlines siting, scale and massing of proposals.

Visual Impact

Cliff Parade comprises of large detached dwellings of no particular style, with each home individually designed with a contemporary art deco and modernist properties as well as more traditional homes predating 1940. Notably there is a modern replacement dwelling located at the southern end of the road as shown in the photo below.



Modern replacement dwelling at 8 Cliff Parade 'Ty Newydd'

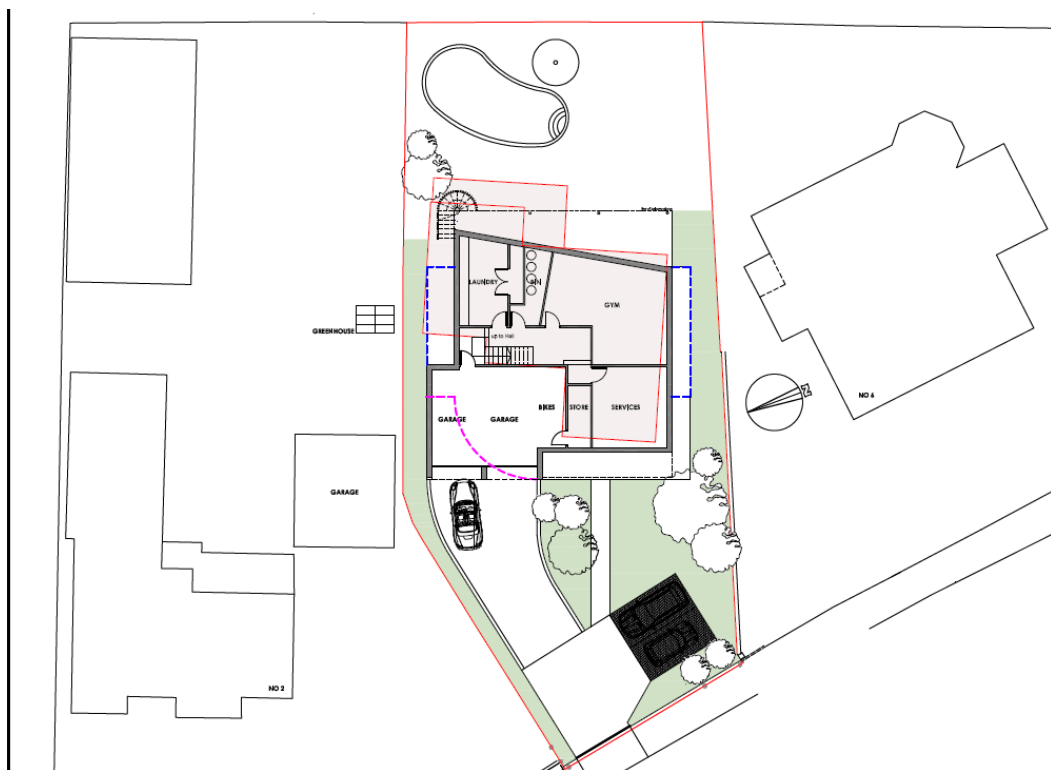
The application property is set back from the road by approximately 17m, however is visible from the road and the public coastal path to the rear. In respect of the loss of the existing dwelling, as the site falls outside of the Conservation Area and has no special protection, the demolition of this 1970's dwelling which itself was a modern infill development at the time, would not in itself cause harm to the wider street scene.

Given the varied architectural style / character in this mixed street-scene, the principle of a form of contemporary dwelling is considered acceptable and it is noted that the appointed Inspectors (as part of the former appeal decision) agreed with this view.

However as in the case of the refused application and the Inspectors report, the main issue is the appropriateness of the form (design and scale) of any contemporary dwelling, noting that it has two public aspects, being Cliff Parade to the front (to the west) and the Cliff Walk to the rear (to the east).

In assessing firstly the impact to the rear, it is noted that this is a very popular pedestrian route along the coast and part of the Wales Coastal Path. The appointed Inspector assessed the impact from Cliff Walk (to the rear) and she stated in paragraph 8 of her decision :

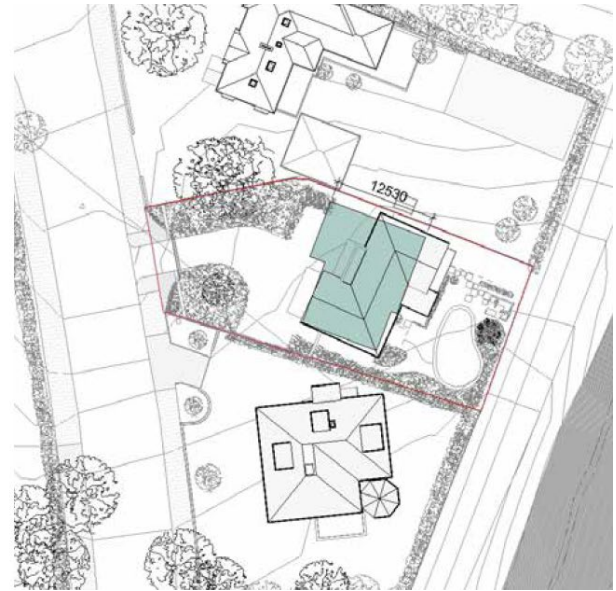
High boundaries adjoining Cliff Walk allow only views of part of the existing rear gable of No. 4 from the east. The overhanging nature of the proposed first floor would not therefore be perceptible in this view. From the footpath, and the open space to the north however, the bulk of the cubed form of the proposal would be visible across the width and depth of the plot. The stark side elevation, exacerbated by the three-storey height of the proposal and its overall horizontality, would be a substantial and prominent feature in this view.....



Refused Block Plan – application ref. 2021/00418/FUL



Block Plan originally submitted (Aug 2023)



Block Plan originally submitted (Feb 2024)

Due in part to neighbouring impacts, but also to reduce the impact when viewed from the rear / side, the footprint has been revised during the application along the northern elevation, with the length of the proposed dwelling reduced from 16.7m to some 12.5m and is 4.2m shorter than the footprint originally submitted and only slightly longer than the existing dwelling.

Moreover, the proposed house, has been further revised and is also now shown to be orientated parallel to the boundary and is set some 1.5m away from the boundary to the north. The main part of the two storey dwelling would be set back from the rear boundary by some 14m, whereas in the previously refused scheme, the dwelling was only set back some 10m from the rear boundary.



CGI View from rear garden

Whilst the proposed dwelling will still be visible from the rear and from the areas of open space to the north and south along this busy pedestrian route, the reduced depth and height of the dwelling and its revised siting together with the revisions to the general scale and form, would no longer result in a dwelling which would be so widely visible or result in a large part of the side elevation appearing as a stark unrelieved side elevation in the same way that the refused application did.

The current application includes a flat roof building to the rear of the site, to accommodate a pool plant room and changing area. This would be to a height of some 2.4m. It is noted that there are other outbuildings that are located in rear gardens and in particular a much larger flat roof outbuilding at the neighbouring dwelling of 2 Cliff Parade.

The original plans proposed to remove the existing fence and hedge to the rear replace it with a 1.8 – 2.1m high solid boundary wall. The dwellings either side of the application dwelling have a circa 2m high chevron type fence with hedge to the rear growing of the top, although it is noted that 8 Cliff Parade ‘Ty Newydd’ does have a horizontal white hit and miss timber enclosure.



Rear elevations of dwellings back onto Cliff Walk

Whilst the boundary is predominantly formed with a fence with a hedgerow to the rear, concern was raised in respect of the removal of the hedge and fence and the construction of a form of rendered / brick wall in its place which would have resulted in a harsh form of enclosure. The proposal has now been amended and seeks to retain the existing enclosure as well as further setting the pool room back further within the site so as not to conflict with the timber fence. As such any views of the ground floor, rear garden and pool room will largely be hidden by the boundary fence and planting to the rear of the property.

In respect of the impacts from Cliff Parade, since the application was submitted, the scheme has been further revised to reduce the height and length of the building, reduce

the size of roof pod and the omission of the second floor roof terrace and first floor roof terrace.

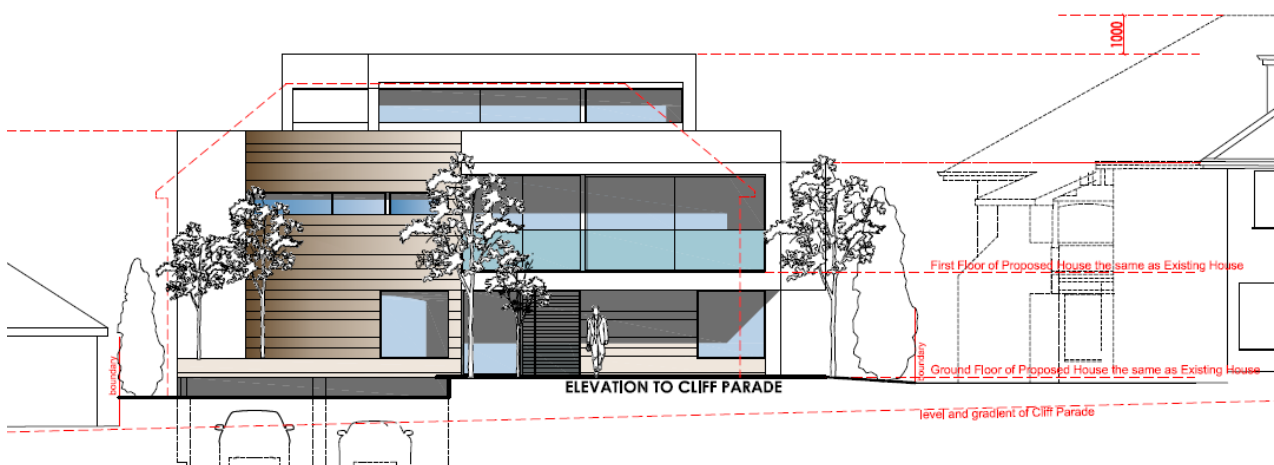


Proposed Cliff Street Parade Street Scene

The Inspector in paragraph 8 of her decision stated in respect of the front elevation that :

“...It would be similarly bulky due to its angular form in the view from Cliff Parade where the depth of the extent of the unrelieved side elevation combined with the front elevation, at its north-western corner, advancing closer towards the road than the existing dwelling, would give an overly large and incongruous appearance. Although the proposed dwelling would be lower in height than No. 6, its mass would erode and diminish the spaciousness that currently exists between dwellings.

The dwelling as amended now has a roof pod which is set 1.4m below the ridge of No.6, some 0.4m lower than the refused scheme. The flat roof of the main two storey part of the proposed dwelling is now shown to be set marginally below the eaves of No.6, but was shown to be 0.8m above in the refused scheme.



Refused Proposed Front Elevation – application ref. 2021/00418/FUL

The proposed replacement dwelling will still result in a marked change to the character of the site when viewed from Cliff Parade. The previous refused dwelling was 15m in depth and 15m in width. The main two storey element of the replacement dwelling will have a maximum depth of 12.5 m stepping down to 10m, albeit the width of the dwelling will remain as being 15m. The replacement dwelling will have a flat roof pod marginally higher than the existing ridge of the dwelling at an average height of 8.4m, which is some 0.3m

below the refused scheme. The current application also has a forward projecting flat roof single storey garage, whereas the garage of the refused scheme was shown to be below ground level, below the main footprint of the dwelling. In particular, it was considered that the below ground level of the garage in the refused scheme exacerbated the height and impact of the proposed replacement dwelling, a point which the Inspector agreed with, noting its “*overly large and incongruous appearance*”.



CGI Perspective of Proposed Front Elevation

In terms of materials and finishes, the scheme proposes bead blasted stainless steel for the roof pod, white / buff brick to the main elevations and Portland stone (Bowers Roach) to the garage elevations. Windows are to be a slim line system in a colourless anodised finish to match the stainless steel.

There is a predominance of white render to the dwellings on Cliff Parade, where the existing dwelling has render to the upper elevations and stone cladding to the ground floor. The materials and finishes proposed are considered acceptable and will in respect of buff brick and Portland Stone, reflect the materiality of the historic parts of Penarth and the mix of materials will help to break up the elevations.

The material and finishes are considered acceptable, although full details and samples will be required by way of condition (**Condition 4** refers)

Whilst a significant amount of illustrative material has been submitted to support the application, which clearly details the height of the dwelling in relation to neighbouring dwellings and from Cliff Parade to adequately assess the impact of the development, further details of the finished levels of the dwelling and the site are required which can be secured by condition (**Condition 5** refers)

In respect of the site frontage the existing dwelling is enclosed by a low level splayed rock faced block wall with planting to the rear and a timber gate. The proposal seeks to remove this and construct a new 2.2m set back wall with the areas that were originally splayed shown to be in front of the wall and planted. The new wall is shown to be some 1.5m in height lowering to 1.2m, with a 3.8m wide gated opening served by a solid sliding gate. The principle of the location and height of the new wall is considered acceptable, noting the set back and landscaping to the front, however further details of the finishes of the wall and further details of the gate are required by condition. (**Condition 3** refers)

Overall together with the scheme of planting to the front and rear which is shown on the CGI and the proposed site plans, (which shall be fully detailed and implemented by conditions (**Conditions 6 and 7** refer)), it is considered that due to the reduction in the depth and height of the dwelling and reduced bulk and massing when viewed from the rear, side and front and the dwelling, that the proposed replacement dwelling is considered to be proportionate in size to the existing plot and would not be out of keeping with the varied street scene to a point where it would overcome the previous refused scheme and comments made by the Planning Inspector in dismissing the previous application in relation to visual impact and is considered an appropriate and acceptable form of development.

Impact on Residential Amenity

The previous proposed replacement dwelling was considered, by reason of its siting, scale, form and proximity to the boundary with the neighbouring properties, to have an increased massing which together with the introduction of the balcony would have resulted in a loss of privacy, for the neighbours at 6 Cliff Parade with an imposing, oppressive and overbearing impact on the side elevation, rear garden and rear elevation of both 2 and 6 Cliff Parade to such an extent that it would unacceptably impact upon the living conditions of the occupiers.

In the case of the refused application and the Inspectors report, the appointed Inspector assessed the impact on the living conditions of neighbours and in relation to overlooking and impact on privacy, set this out under paragraph 5 of her decision :

“... A degree of overlooking exists from the rear of the existing dwelling to its neighbours at No. 2 and No. 6. Views are also available from the first-floor sunroom and balcony of No. 4 over both adjoining gardens and indirectly towards the first-floor windows of living rooms at No. 6. Nevertheless, the proposed rear balcony would be larger than the existing arrangement, and much closer to the boundary with No.6. Whilst a louvred privacy screen would limit direct views to the side, due to its length, width and position, the proposed balcony would allow greater opportunities of overlooking towards the private garden area at No. 6. The roof pod would also have windows facing out to the rear and, due to its elevation, would considerably increase the perception of overlooking for the occupiers of No.6”

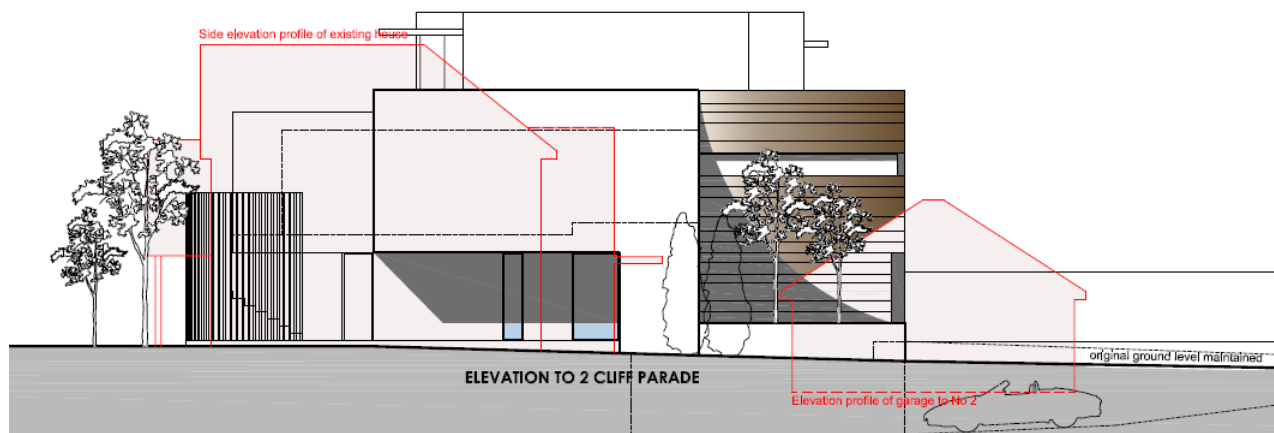
Turning to the impact on outlook from the neighbouring dwellings the Inspector discusses this in paragraph 6 of her decision :

“Although the existing dwelling is sited close to both side boundaries, the built to plot ratio is smaller than its neighbours and its roof is pitched away from both, providing visual separation to the properties. Its front elevation in particular steps away from No. 2, providing an impression of openness. The proposed side elevation, in terms of its footprint

towards the rear of the new dwelling, would be set further away from the boundary with No. 2 than the existing dwelling. However, the massing of the building would be increased substantially towards its front, where the open stepped arrangement would be filled by the square bulk of the proposal. Although occupying existing hard surfaced areas and partially screened by No. 2's garage, the height and bulk of the proposed side elevation, enclosing the open gap which currently exists, would have an unacceptably oppressive and overbearing impact on the occupiers of No. 2. Similarly, although the dwelling would only be marginally closer to No. 6 at ground level, the stark and unrelieved first-floor overhang would also protrude closer towards its main entrance and other openings. Surmounted by the flat side elevation of the roof pod, the proposal would be of considerably increased mass at close quarters, leading to an imposing effect on both neighbouring properties."

Impact on 2 Cliff Parade

This dwelling is located to the north of the application site. One of the main reasons for the refusal of the previous planning application was the increased massing of the replacement dwelling together with the flat roof design and increased wall plate which was considered to result in an overbearing impact on this neighbouring property. Due to the orientation of the proposed dwellings, the previous proposal would have resulted in a loss of light to the rear elevation and rear amenity space of 2 Cliff Parade and was considered to have an oppressive impact upon their private amenity space.



Refused Proposed Side (north) Elevation – application ref. 2021/00418/FUL

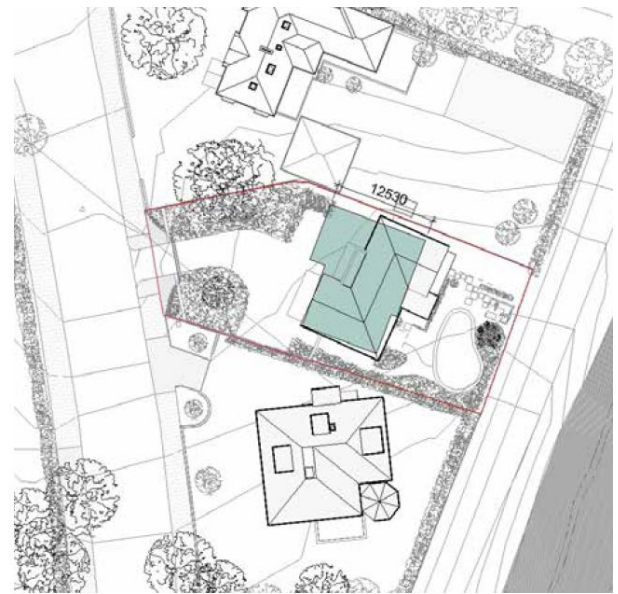
The existing relationship between the application site and 2 Cliff Parade is particularly unusual, as No. 2 is set very far forwards towards Cliff Parade and the application dwelling is back into the site from the road.



A number of changes through the pre application process and the planning application have been sought to reduce the impacts on 2 Cliff Parade.



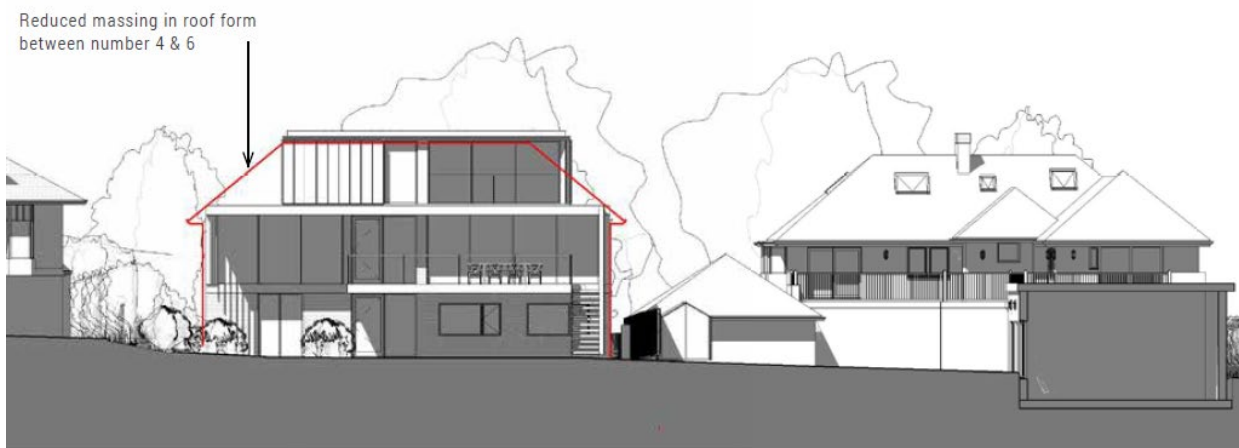
Block Plan originally submitted (Aug 2023)



Block Plan originally submitted (Feb 2024)

The footprint of the proposed dwelling has been revised along the northern elevation, with the length of the proposed dwelling reduced from 16.7m to some 12.5m and is 4.2m shorter than the footprint originally submitted and slightly longer (by 1.9m) than the existing dwelling.

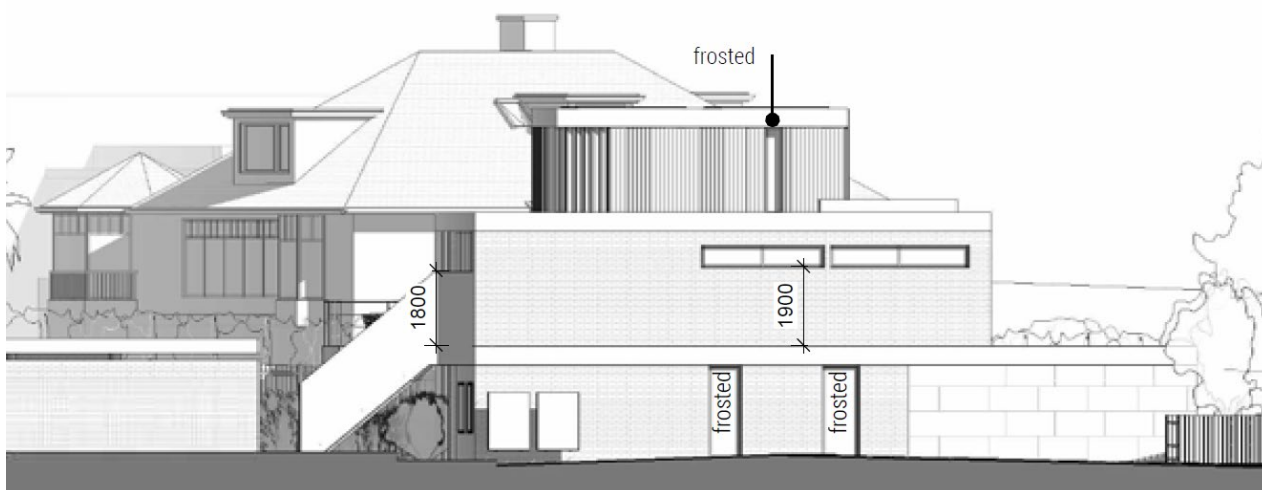
The combination of reducing the elevation length to the north, rotating the building away from the neighbour at No. 2 and moving the building further west has resulted in reduced impacts from the previous refused scheme to a point where massing of the dwelling is no longer considered to unacceptably impact on the outlook when compared to the siting and impact of the existing house.



Outline of existing dwelling in red set against Proposed Rear Elevation (note roof pod has been further reduced in width than shown)

The proposal effectively provides a second floor to a height which is equivalent to the roof void of the existing dwelling (just above the ridge of the existing house) but is now shown to be reduced in width by some 1.4m from northern boundary. Whilst there will be more massing from the wall of the roof pod, the loss of the hipped roof from the existing dwelling will offset to a degree, this change.

The agent has also made reference to the fact that additional extensions to the roof of the existing building could be built under permitted development, such as a hip to gable loft conversion adjacent to either boundary which it is stated would have a significant impact on the neighbours.



Proposed Side (north) Elevation

It is considered that the replacement dwelling due to its reduced depth from the refused scheme, siting, orientation and distance from the boundary whilst still having an impact on 2 Cliff Parade, would not have a materially greater degree of impact than the existing relationship with the existing dwelling to a point which would unacceptably impact on the outlook of this adjacent neighbours rear garden, or habitable windows serving the dwelling, noting the distance to the main part of the dwelling.

In respect of the impact on privacy, the scheme has been amended to address privacy issues. The roof pod has a frosted narrow full height window and the partial corner window

is shown to have angled louvres which limits views over the rear part of this neighbour's garden, where the degree of angled view would be no worse than the views from the existing first floor windows and balcony from the existing dwelling, or any dormer within the roof which could be constructed under permitted development. Access is not shown onto the flat roof surrounding the roof pod and any use of this area as a terrace would result in unacceptable impacts on both neighbouring properties and shall be secured by condition (**Condition 14** refers).

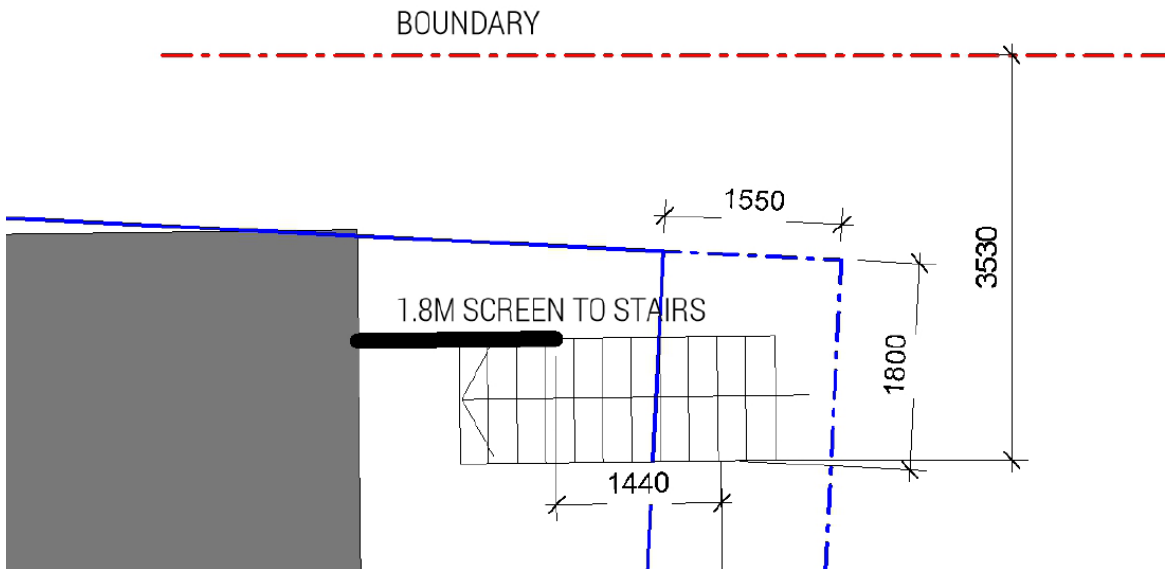
Two high level windows are shown to serve the first floor accommodation which comprises of the pantry and kitchen and dining area and are shown to be sited 1.9m above floor level, which would be of a height that would not result in any overlooking of this neighbour, subject to a condition to ensure that they are installed as high level windows (**Condition 10** refers).

To the ground floor, two full height frosted windows are shown to serve a WC and en-suite. Given that these windows may afford open views into the neighbour's garden, despite being to the ground floor they should also be obscure glazed and non opening which shall be secured by condition, to include all of the above obscure glazed windows (**Condition 12** refers).

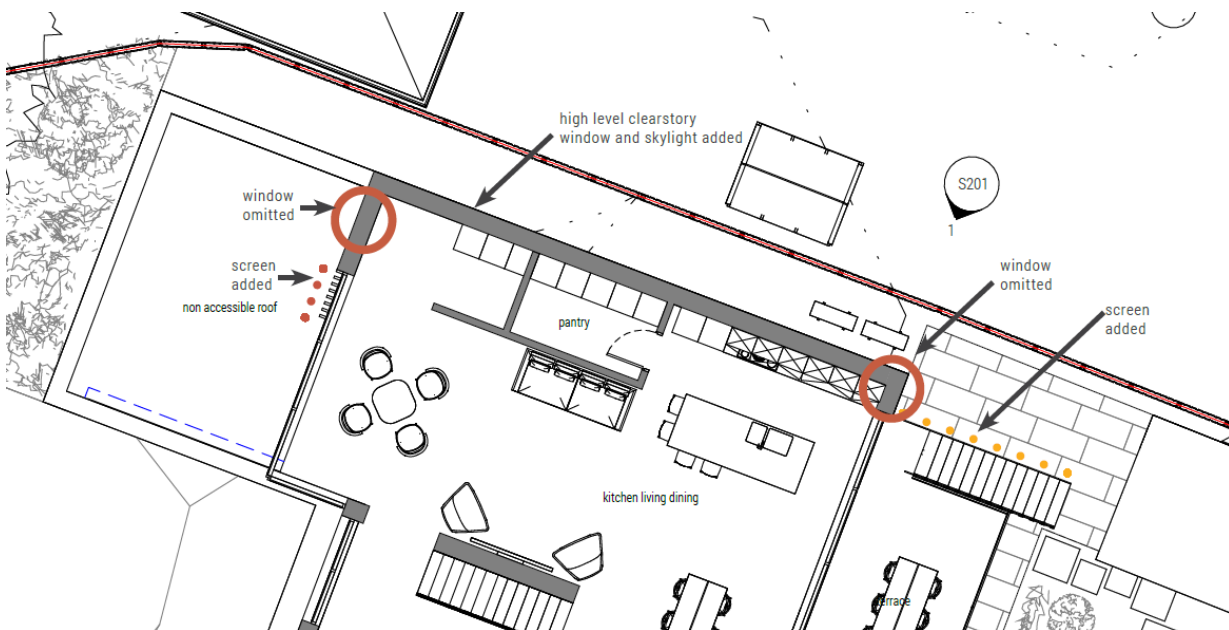
In relation to the proposed balcony and windows to the rear and those in the first floor "winter garden", as shown in the photo below, the existing dwelling results in an existing degree of overlooking of this neighbour's rear garden.



The location of the balcony and access arrangements have been revised several times during the pre and planning application stages. The current balcony runs to the edge of the dwelling and is within 1 – 1.5m of the boundary (shown in dotted blue in the plan below) and is not served by any form of privacy screen.



The balcony serving the new dwelling is sited further away from the boundary and a 1.8m tall glass privacy screen to the northern edge of the stairs and part of the balcony is proposed. Subject to this screen being erected prior to the use of the balcony, which shall be secured by condition (**Condition 11 refers**), the balcony would not cause any additional overlooking noting that the unscreened extent of balcony is less than the existing width of the balcony and it is over twice the distance away from the boundary than the existing part..



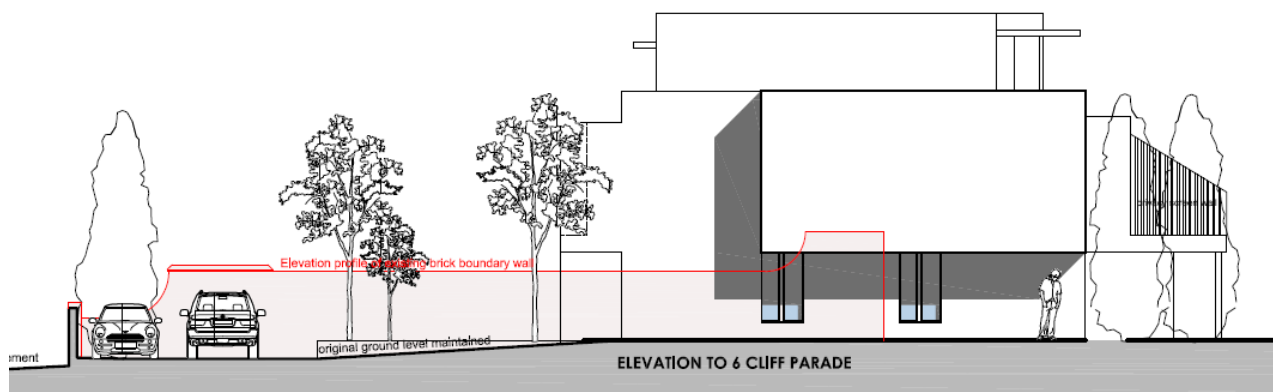
To the front of the dwelling the original scheme proposed the use of the flat roof of the garage as a terrace with set backs created with large raised planters. However the use of planters and planting could not be relied upon to provide sufficient screening or prevent full use of the terrace area, which would result in overlooking towards the neighbour of 2 Cliff Parade and as such the amended scheme has omitted the use of this flat roof area and is labelled as "non accessible roof". For the avoidance of doubt an appropriately worded planning condition should be applied to any planning permission to ensure that this flat roof area, as well as other areas, are not accessed or used as outdoor seating areas (**Condition 14**

refers). In addition, the scheme has been further revised with the omission of a window located on the corner of the dwelling and the addition of a louvred window screen, which will limit overlooking towards 2 Cliff Parade by restricting the angle of view directly views towards this dwelling. However, the design, depth and angle of the louvres would need to be full detailed (**Condition 9** refers) to ensure that where louvres are used to the first floor and second floor that they do restrict the angle of view.

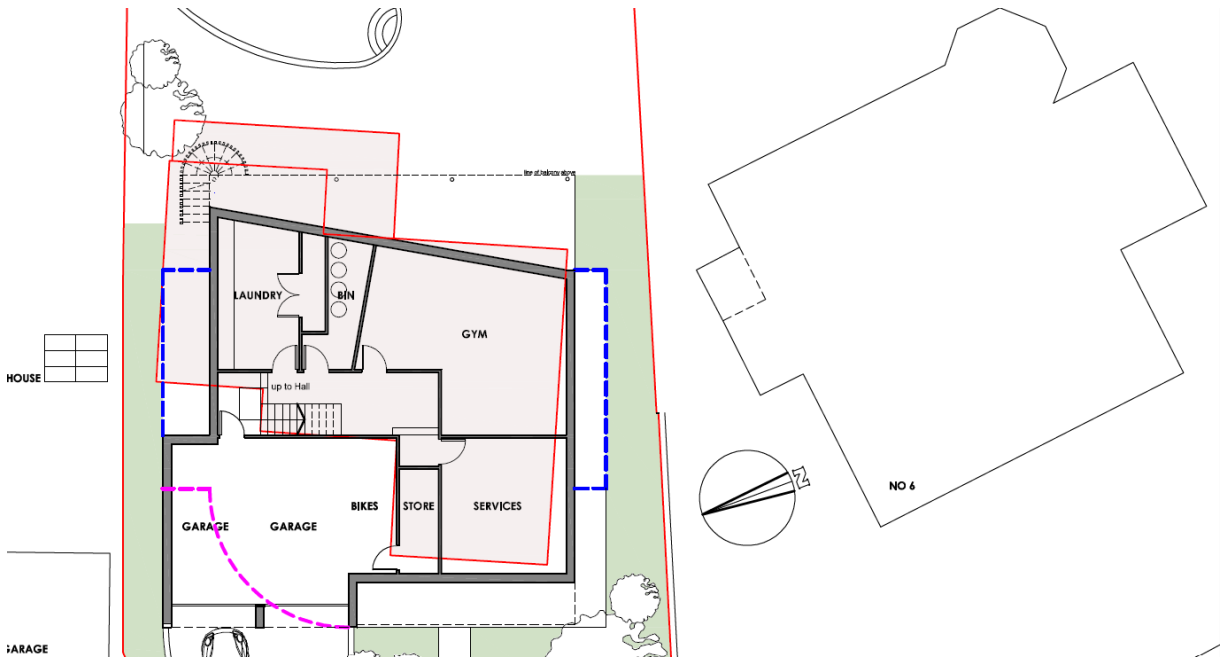
Impact on 6 Cliff Parade

As set above, the appointed Inspector assessed the impact on living conditions of No. 6 which is located to the south of the application site and noted that views of the previous application would be available from the first-floor sunroom and balcony of No. 4 over both adjoining gardens and indirectly towards the first-floor windows of living rooms at No. 6 and that the proposed rear balcony would be larger than the existing arrangement, and much closer to the boundary with No.6.

Whilst the Inspector noted that a louvred privacy screen would limit direct views to the side, due to its length, width and position, she considered that the proposed balcony would allow greater opportunities of overlooking towards the private garden area at No. 6. The Inspector also noted that the roof pod would also have windows facing out to the rear and, due to its elevation, would considerably increase the perception of overlooking for the occupiers of No.6. The Inspector also noted that although the dwelling would only be marginally closer to No. 6 at ground level, the stark and unrelieved first-floor overhang would also protrude closer towards its main entrance and other openings. Surmounted by the flat side elevation of the roof pod, the proposal was considered by the Inspector to result in a “considerably increased mass at close quarters, leading to an imposing effect on both neighbouring properties”.

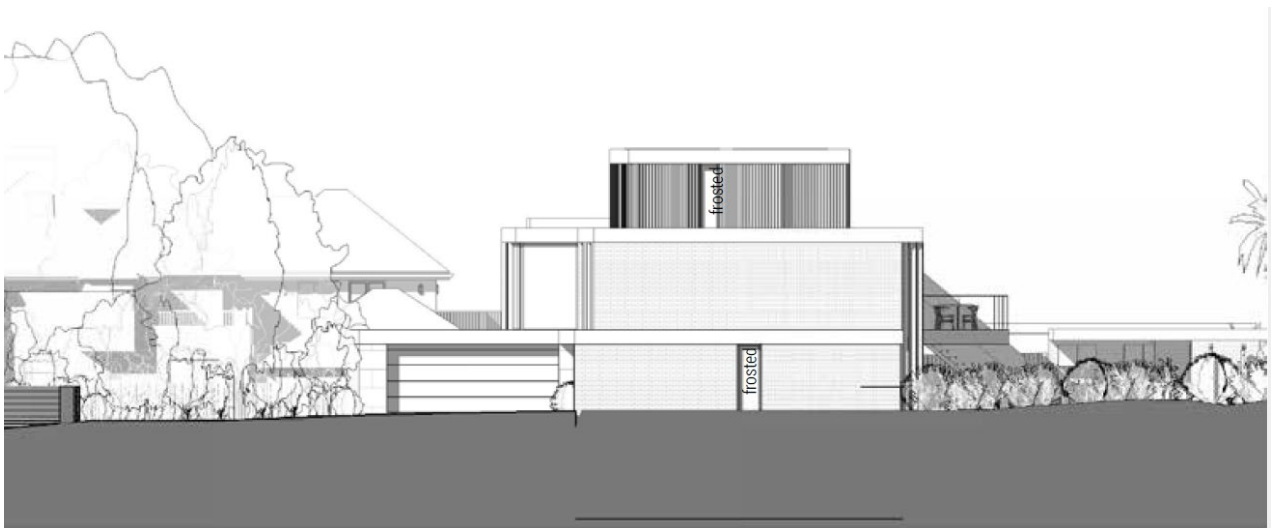


Refused Proposed Side (south) Elevation – application ref. 2021/00418/FUL



Refused Proposed Site and Basement Plan (Extract) – application ref. 2021/00418/FUL

The main part of the side elevation of the refused application facing no. 6 was some 12m in depth and 6.4m high, in addition to the first-floor overhang which would be located closer to the boundary (shown pecked in blue in plan above) that had a depth of 8.3m and would be set some 1.6m to 2.1m from the boundary.



Proposed South facing side elevation

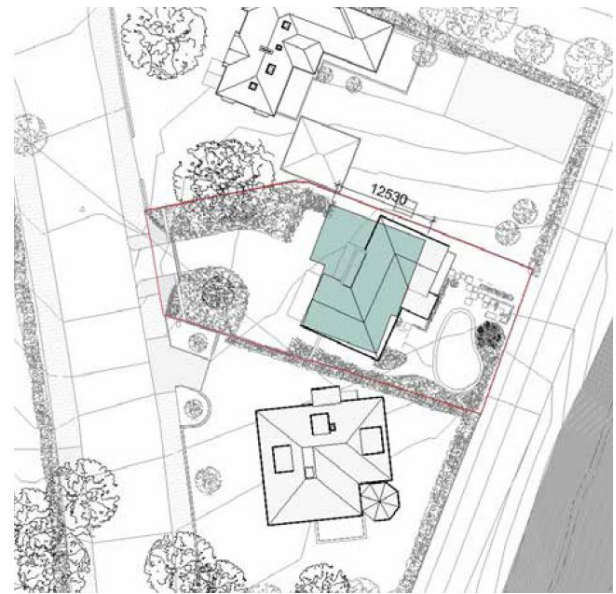
As shown below, 6 Cliff Parade is orientated at an angle within the plot, with the front elevation of the property broadly facing the side elevation of the existing dwelling on the application site and as such there is already a close relationship between the two dwellings.



photograph from the front garden of no.6, showing relationship between the two dwellings.



Block Plan originally submitted (Aug 2023)



Block Plan originally submitted (Feb 2024)

As detailed above, whilst the majority of the revisions have been to the northern boundary, the above block plans show the footprint of the proposed dwelling (shown in light blue) against the outline of the existing dwelling. This shows that the side elevation of the existing dwelling facing this dwelling is some 10.5m in depth and is set off the boundary between approx. 2.4m – 3.8m. The replacement dwelling is shown to have a depth of 10.5m along this side elevation and the dwelling would be set off the boundary by some 3.1m – 3.9m. The eaves of the existing dwelling measures some 4.9m – 5m along the side elevation with a ridge height of 8 metres, whereas the proposed replacement dwelling is shown to have a flat roof to a height of 5.8m and 8.5m high to the top of the flat roof pod. Whilst the massing of side facing wall be greater due to the circa 0.8m - 0.9m higher wall, this is to some degree mitigated by the replacement dwelling being further off set from the

boundary, particularly the south-east corner where it will be set off by a further 0.7m. Whilst the roof pod will result in additional massing, it would be inset from the edge of the proposed dwelling by some 2.9m.

The existing dwelling does have an impact on No.6 in particular on the existing outlook from the front of the dwelling, however when compared to the refused scheme the current proposal will be of a reduced depth with the main side elevation wall being some 0.6m lower and will be set further off the boundary. Whilst the replacement dwelling will still have a degree of impact (as the existing house does) it is considered that will no longer result in an imposing, oppressive and overbearing impact on the side elevation of the dwelling nor adversely impact on the outlook of the garden.

In respect of impact on privacy, the proposed dwelling is served by a first floor side facing element of the forward projection, albeit this is set back 12m from the boundary and on the northern side of the proposed dwelling. As such the distance of this window, which serves a dining area / open plan kitchen would only provide views over the boundary hedge at a higher level to the front of the dwelling and would be some 19m away and at an angle to a high level first floor window in No.6. Two other windows are proposed within the immediate facing side elevation comprising of a window serving the ground floor en-suite and a similar sized window serving the second floor (roof pod) en-suite. Whilst both windows as specified as being “frosted” if these windows were to be opened they would, particularly in respect of the second floor window, enable views to the front elevation of No.6 and provide overlooking of the garden of No.6. Therefore, it is necessary to ensure that these windows be obscure glazed and non opening which shall be secured by condition (**Condition 12** refers).



View from first floor windows looking south at 6 Cliff Parade

It should be noted that there are two existing first floor windows in the side elevation in close proximity to that provide direct views into the front elevation (see photo above) and rear garden of No.6 and overall the proposed side facing windows, subject to the

compliance with condition are not considered to cause any additional overlooking and arguably betterment than the existing situation.

Concern has also been raised by the adjacent occupiers in respect of the ability to restrict access onto the flat roof areas which would cause overlooking, if these flat roof areas were accessed and used as an elevated terraced / seating areas. Whilst the plans do show full height patio doors / folding doors that abut these flat roof areas, the agent has confirmed that access will be physically prevented by the installation of 1.1m high internal fitted glass balustrades against these openings, which can be secured by condition (**Condition 13** refers) to limit access on to the flat roof areas. In addition, it is also necessary in any case, to also condition that the flat roof areas themselves are not used as any terrace or amenity space which can also be secured by condition (**Condition 14** refers)

The proposed side elevation of the balcony will be some 9.5 from the boundary with No.6. As such whilst when in use the balcony may afford views towards No.6, it is a material consideration that this view already exists from the projecting first floor glazed habitable room (winter garden) which could provide all year round views as opposed to less frequent views during times when the balcony is in use. On this basis, as the point of view from the balcony would be the same as the existing windows which direct face No, 6 (as shown in the photo below) it is considered that the balcony would not provide any additional detriment and arguably betterment over the existing situation in respect of impact on privacy.



Existing relationship with 6 Cliff Parade – View from first floor winter garden

The general views that would be available from the rear facing windows to both the first and second floors would not result in unacceptable degree of overlooking of 6 Cliff Parade over and above the existing level of overlooking.

Impacts on other nearby properties

The dwelling and garden located next to (to the south of 6 Cliff Parade) at 8 Cliff Parade 'Ty Newydd' would be in excess of 30m away from the application site and as such the proposal would not result in any unacceptable impacts on the occupiers.

The detached dwelling located on the western side of Cliff Parade would also be a sufficient distance (in excess of 21 metres) from the replacement dwelling and as such the proposal would not unacceptably impact on these existing levels of privacy and amenity of these opposing occupiers.

Access and Parking

The existing point of access will be retained and the internal driveway / parking area remodelled. The replacement dwelling will comprise of five bedrooms and will be served by a double garage and parking on the driveway / parking area for two cars. This on site parking provision would therefore meet the standards set out within the Parking Standards SPG which seeks a maximum of three parking spaces to serve a house with three or more bedrooms. The highway engineer is satisfied that the garage has internal dimensions which are sufficient for 2 cars to park and that the site provides sufficient space for vehicles to manoeuvre inside the site and leave in forward gear and the visibility splays at the site access are being maintained. In light of this there is no objection to the proposals on highway safety grounds.

Amenity Space

The proposed dwelling would retain an area of rear garden which would be some 270 sq m and would generally increase the availability of private amenity space to the rear when compared to the existing provision.

Drainage

The Councils Drainage Section were consulted and have stated that the development is subject to SAB approval and a detailed design for the surface water drainage will be required to be submitted through the SAB process, which the applicant will be advised of by way of an informative.

In the absence of a surface water strategy in which an assessment is undertaken to explore the potential to dispose of surface water by sustainable means, Dwr Cymru Welsh Water have advised that they cannot support the application in full and can only comment on the acceptability of the foul water proposal at this stage. They have therefore advised that any planning permission should be subject to a condition to secure a scheme shall provide for the disposal of foul, surface and land water and include an assessment of the potential to dispose of surface and land water by sustainable means, (**Condition 15** refers) in addition to the advice notes, which the applicant will be advised of by way of an informative.

Green Infrastructure and Biodiversity

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

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

Para. 6.4.5 of Planning Policy Wales (Edition 12, 2024) states that:

“Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity..... “

The application has been supported by a Green Infrastructure Statement (GIS) and states that the existing detached house has a large tarmac front driveway, whereas the proposed development reduces the hard landscaping allocated to the driveway and provides more surface area to form the front garden planter beds. It is also stated that the existing driveway is impermeable and that the detailed design for the proposed driveway, rear garden terraces and planter beds will be undertaken alongside a civil engineer in order to incorporate sustainable urban drainage, such as exploring the possibility of 'rain garden' areas.

The front garden includes a proposed new tree, with its own defined area away from the proposed replacement dwelling, to provide a long-term suitable location for the tree to mature over time. The tree will also act like a 'street tree', visible from Cliff Parade. The existing driveway entrance includes two splayed walls and the proposed development has been designed to rebuild and reposition these walls, allowing for planting in front of the new low walls; again, enhancing the street scene with green interventions.

To accommodate the development some existing shrubs, small trees and conifers will be lost, however this domestic planting is not considered to contribute to the wider amenity of the area. Notably no buildings are shown to fall within the canopy of the mature tree which overhangs the site located in the front garden of 2 Cliff Parade.

The existing rear garden mostly comprises of grass area and whilst some of this will be lost, the proposed development seeks to create enhanced planting areas and as noted above, the rear boundary hedge is now shown as being retained. It is considered that based on the scheme of landscaping to be secured (**Condition 6** refers) that the development is acceptable in terms of its impact on green infrastructure.

In respect of biodiversity, the GIS states that the development will include the installation of a bird box to the north elevation of the main house located above 2.5 metres off the ground, where the north elevation of the main house provides a more sheltered spot away from the main garden for locating a bird box. This is considered an appropriate scheme for biodiversity enhancement and will be secured by condition (**Condition 18** refers).

Other Matters

Whilst no objection in principle has been raised to the proposal, the Council's Shared Regulatory Services (Contaminated Land, Air & Water Quality) have requested conditions in respect of unforeseen contamination, imported of aggregates and a contamination and unstable land advisory notice (**Conditions 16 and 17** refer) as well as an informative in respect of contamination and unstable land.

Whilst no comments have been received from SRS Pollution Team, given the proximity of the dwelling to neighbouring dwellings and the scale of the development, comprising of the demolition of the dwelling and construction of a new dwelling with excavated basement, it is considered necessary to secure the submission of a Construction Environment Management Plan (CEMP), which will be secured by way of condition (**Condition 8** refers) which will require amongst other things, details of parking of vehicles of site operatives and visitors, loading and unloading of plant and materials, a method statement for the demolition works and hours of construction.

A number of other matters have been raised in the letters of representation which have not been directly addressed above and are considered below.

It is noted that two ground mounted air source heat pumps (ASHP) are proposed to be sited to the side of the dwelling adjacent to (about set off the boundary by 0.75m) of the rear garden of 2 Cliff Parade. The number of heat pumps proposed and their location means that they would not fall within permitted development. However given the distance of these units to the nearest part of the main dwelling at 2 Cliff Parade is some 16m, these ASHP would not likely give rise to unacceptable noise and disturbance to these adjacent occupiers.

A further concern raised in respect of the proposed basement and associated geotechnical issues and potential harm to neighbouring properties through excavation are noted. The Party Wall Act exists to protect the concerns of neighbouring landowners and to facilitate an agreements between them with regards to construction works. It will most likely be necessary for the applicant to enter into a Party Wall Notice, as required by the Act, if a basement is being constructed that meets the criterion set out within that Act. The applicant shall be advised of this by way on an Informative.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Existing Drawings and Location Plan received 25/06/2023

Green Infrastructure Statement received 16/04/2024

2220 S202e 4 Cliff Parade Proposd Street Scene
2220 S000e 4 Cliff Parade Proposed Block Plan
2220 S001e 4 Cliff Parade Proposed Site Plan
2220 S009d 4 Cliff Parade Proposed Basement Plan
2220 S0010e 4 Cliff Parade Proposed Ground Floor Plan
2220 S0011e 4 Cliff Parade Proposed First Floor Plan
2220 S0012e 4 Cliff Parade Proposed Second Floor Plan
2220 S0013e 4 Cliff Parade Proposed Roof Plan
2220 S020e 4 Cliff Parade Proposed Garden Plan
2220 S200e 4 Cliff Parade Proposed East + West Elevations
2220 S201e 4 Cliff Parade Proposed North + South Elevations
2220 4 Cliff Parade Design And Access Statement Rev B

above received 13/06/2024

Reason:

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

3. Notwithstanding the submitted plans and prior to its construction on site, full details to a scale of 1:50 of the proposed boundary wall and gates fronting Cliff Parade, to include all details of materials/ finishes and colours shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of enclosure shall be constructed in accordance with the agreed details.

Reason:

In the interests of visual amenity of the street scene and wider area as required by Policies MD2 (Design of New Development) and SP1 (Delivering the Strategy) of the Local Development Plan.

4. Notwithstanding the submitted details, prior to their use on site, a detailed schedule of all materials to include samples of the brick, cladding, stone, louvres and window / door profiles to be used in the dwelling / front boundary wall and pool room (to include details of finishing and colours) and all hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained and maintained in the condition as they were when first installed.

Reason:

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

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

Reason:

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

6. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. 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 as well as those to be removed. The landscaping scheme shall ensure that trees are planted at a ratio of three trees to every one tree that is removed.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

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

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- wheel washing facilities;

- a method statement for the phasing and demolition of the dwelling;
- hours of construction;
- management, control and mitigation of noise and vibration;
- odour management and mitigation;
- diesel and oil tank storage areas and bunds;
- how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
- a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

9. Notwithstanding the submitted plans, full details of the design of the louvers (including details and a section to 1:20) where they are shown to serve the windows to the first floor kitchen/living/dining area and second floor bedroom, shall be submitted to and approved in writing by the Local Planning Authority. The louvers shall be installed and fully completed in accordance with the approved details prior to beneficial occupation / use of the respective rooms of the replacement dwelling that the louvers shall be retained at the approved set angle and design at all times thereafter.

Reason:

To prevent access onto flat roof areas to ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

10. The high level windows shown to the first floor side (north) facing elevation shall have a cill height that shall not be below 1.7m in height above the level of the floor in the room that it serves.

Reason:

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

11. Prior to the first beneficial use of the balcony / balcony stairs, a 1.8m high obscurely glazed privacy screen using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration shall be erected along the length of balcony and stairs as detailed on plan ref. 2220 S0011e 4 Cliff Parade Proposed First Floor Plan and 2220 S201e 4 Cliff Parade Proposed North + South Elevations.

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

Reason:

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

12. All windows that are shown as being "frosted" on the approved elevation drawings shall be obscurely glazed (at the time of manufacture of the window units) to a minimum of level 3 of the "Pilkington" scale of obscuration and shall be non opening (fixed pane) units and so retained at all times thereafter.

Reason:

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

13. Notwithstanding the submitted plans, full details of the means of the permanent installation of 1.1m high internal fitted glass balustrades (which shall be detailed along the full width of the fully glazed openings (sliding / folding doors) that abut the flat roof areas) shall be submitted to and approved in writing by the Local Planning Authority. The agreed means to restrict access onto these flat roof areas, shall be fully completed in accordance with the approved details prior to be beneficial occupation / use of the respective rooms of the replacement dwelling and shall be retained at all times thereafter.

Reason:

To prevent access onto flat roof areas to ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy MD2 (Design of New Developments) of the Local Development Plan.

14. Other than the area shown to be used as the approved balcony, no flat roof areas of any part of the dwelling shall be used as a storage area, balcony, roof garden or similar outdoor amenity area.

Reason:

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

15. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

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

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

Reason:

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

18. The biodiversity enhancement measures set out in the Green Infrastructure Statement comprising of the installation of a bird box to the north elevation of the main house located above 2.5 metres off the ground, shall be installed prior to the first beneficial occupation or the replacement dwelling and thereafter retained in accordance with the approved details whilst the development remains in existence.

Reason:

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

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 – Delivering the Strategy, Environment, MD2- (Design of New Development); MD5 (Development within Settlement Boundaries) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040, it is considered that the proposed replacement dwelling in respect of its siting, design and scale is considered an acceptable redevelopment of the plot and would not unacceptably impact on the wider character of the area and would not unacceptably impact on the amenities of neighbouring residents. The proposal is also considered acceptable in respect of amenity space, drainage, parking and will secure biodiversity enhancements.

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

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

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

NOTE:

- 1. The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval.**

2. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

The contamination assessments and the effects 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.

- 3. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.**

- 4. In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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.

2023/00948/FUL Received on 3 June 2024

APPLICANT: Marc Lewis 10 Bronheulwen, Porth, Mid Glamorgan , CF39 0BJ

AGENT: Mr Matthew Biggs Suite 212, Morgan Arcade, Cardiff, CF10 1AF

Land off Sandy Lane, Ystradowen

Full planning application for residential development together with engineering, drainage, landscaping, highways and other associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation due to the nature and scale of the planning application.

EXECUTIVE SUMMARY

The site is within the Ystradowen settlement boundary and is approximately 1.6 ha of agricultural land on the eastern edge of Ystradowen. The site forms part of a larger mixed use allocation site for 85 houses with infrastructure provision under Policy MG2(48) of the adopted Local Development Plan for the provision of 0.43 hectares of strategic open space under Policy MG28(9) of that plan.

Full planning permission, as amended, is sought for residential development together with engineering, drainage, landscaping, highways and other associated works comprising of a total no. of 46 dwellings, comprising of a mix of 27 no. market housing and 19 no. affordable units.

Neighbour comments have been received, raising concerns on grounds such as traffic, inappropriate location, overlooking and overbearing concerns etc. In addition, consultee comments have been received, many of which have requested conditions. Further detail can be found below.

Given the allocated nature of the site, the principle of the development is considered acceptable. However, the site is also allocated for public open space and as such, there is a requirement to address windfall open space for Ystradowen. There is a shortfall in on site provision, however it is considered given the site constraints, that this shortfall can be addressed by means of an off-site contribution. Subject to conditions on material details etc. the proposed scheme is considered suitable in terms of its scale and design.

An acceptable level of car and cycle parking would be provided on site. Off-site highway improvements include the widening of Sandy Lane and the addition of a pavement which are also considered acceptable.

With regard to Planning Obligations the development would trigger contributions for affordable housing, public open space, education, sustainable transport, community facilities which would result in a total contribution of £350,072 in addition to the provision of public art.

In all other considerations the proposal is considered to be acceptable and the application recommendation is for approval.

SITE AND CONTEXT

The site is approximately 1.6 ha of land on the eastern edge of Ystradowen and is currently a field which slopes downwards from south to north. The adopted highway of Sandy Lane forms the southern boundary of the site, and is a through road that leads from Ystradowen to Hensol and Welsh St Donats. The site is currently accessed via a field gate on Sandy Lane. There is a hedgerow along the boundary of the site with Sandy Lane, and hedgerow along much of the rest of the site boundary. The site abuts residential dwellings to its western and north western boundaries and undeveloped land to the north and east.

The site is within the Ystradowen settlement boundary and is part of a larger mixed use allocation site for 85 houses with infrastructure provision under Policy MG2(48) of the adopted Local Development Plan for the provision of 0.43 hectares of strategic open space under Policy MG28(9) of that plan. Part of the wider allocation to the south of Sandy Lane has already been developed for 40 dwellings and public open space. An area of undeveloped land to the north and outside of the site application is also part of the wider allocation.

The application site and surrounding area is noted of archaeological interest. The site has a predicted agricultural classification of 2 (good quality) and a partial area of 3b (moderate quality) in the north / north-east of the site.

An extract of the site location plan is included below:



DESCRIPTION OF DEVELOPMENT

Full planning permission, as amended, is sought for residential development together with engineering, drainage, landscaping, highways and other associated works.

A total no. of 46 dwellings are proposed, comprising 27 no. market housing and 19 no. affordable units. An extract of the proposed site plan is included below:



The market housing will comprise of five different house types: the Hyatt, a three bedroom house; the Burnaby, a three bedroom house; the Shelby, a four bedroom house; the Roxbury, a four bedroom house, and; the Thornbury, a four bedroom house.

The affordable housing units will consist of 14 social rented units and five Low Cost Home Ownership (LCHO) units. These comprise of 8 no. one bed flats, 9 no. two bed houses and 2 no. three bed houses.

Materials and finishes will comprise in the mains of off white render (K Rend) and Marley Modern slate grey roof tiles with some of the dwellings have frontages which are either half or fully finished in reconstituted stone (Forticrete). Windows are to be white PVCu. Proposed garages are to be fully rendered. The proposed dwellings will have PV panels which are sited generally on the south facing roof planes.



Extract of eastern half of Sandy Lane street scene

The proposal seeks the translocation of the hedgerow which fronts Sandy Lane between the area of proposed public open space (P.O.S) and the Attenuation Basin. The scheme includes the provision of a Local Area of Play (L.A.P) which will comprise of defined area of natural play equipment which will be located broadly centrally within the site with areas of wider public open space located to the northern and west at the site. An attenuation basin is located to the northern east corner of the site.

Extracts of the elevations of the market properties are as follows:

The Hyatt



The Burnaby



The Burnaby corner



The Shelby



FRONT
1:100



SIDE
1:100



REAR
1:100



SIDE
1:100

The Roxbury



FRONT
1:100



SIDE
1:100



REAR
1:100



SIDE
1:100

The Thornbury



Extracts of the elevations of the affordable units are included below:

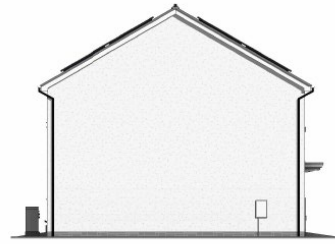
2p1b Flat



4P2B Unit



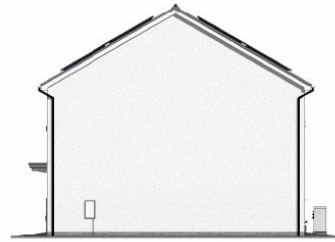
FRONT
1:100



SIDE
1:100



REAR
1:100

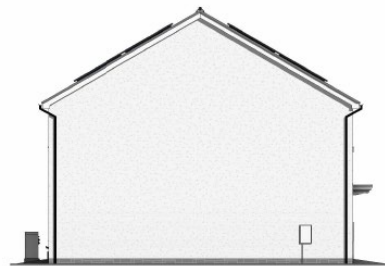


SIDE
1:100

5P3B Unit



FRONT
1:100



SIDE
1:100



REAR
1:100



SIDE
1:100



Access to the site would be located off Sandy Lane, with a row of houses proposed fronting Sandy Lane. An extract of the street scenes is included below. A-A refers to the streetscene as proposed fronting Sandy Lane and B-B refers to the streetscene within the site.



A landscaping scheme accompanies the proposal, in addition to further indications of rain gardens etc. Trees are also proposed in rear gardens and also throughout the area of open space.

PLANNING HISTORY

There is no relevant planning history for the site.

The planning history for the wider housing allocation is as follows:

1993/00145/FUL, Location: To the rear of Tudor Bungalow, Ystradowen, Proposal: To erect a bungalow and 2 no. garages, Decision: Refused 22nd June 1993.

1997/00849/OUT, Location: Land adjoining Wernfawr Bungalow, St. Owain's Crescent, Ystradowen, Proposal: Residential development, Decision: Refused 13th November 1997.

2012/01329/SC1, Location: Land off Badgers Brook Rise, Ystradowen, Proposal: Residential development, Decision: Environmental Impact Assessment not required 3rd January 2013

2013/00856/OUT, Location: Land off Badgers Brook Rise, Ystradowen, Cowbridge, Proposal: Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations, Decision: Approved 31st March 2014.

2015/00197/FUL, Location: Removal of Conditions 14/15 and 16 all in connection with Code for Sustainable Homes, Welsh 2014 Part L Building Regulations to apply instead, Decision: Withdrawn 27th April 2015.

2013/00856/1/NMA, Location: Land off Badgers Brook Rise, Ystradowen, Cowbridge, Proposal: Non Material Amendment - Removal of Conditions 14, 15 and 16 reference Code for Substantial Homes - Welsh 2014 Part L to apply instead. Planning permission ref.: 2013/00856/OUT: Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations, Decision: Approved 28th April 2015.

2013/00856/OUT: Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations, Decision: Approved 11th April 2018.

2013/00856/1/CD, Location: Land off Badgers Brook Rise, Ystradowen, Cowbridge, Proposal: Discharge of Conditions 6 - Traffic Calming and 18- Chemical Analysis of Imported Materials. Planning Permission ref. 2013/00856/OUT: Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations, Decision: Approved 11th April 2018.

2014/01483/RES, Location: Badgers Brook Rise, Ystradowen, Proposal: Residential development, comprising the erection of 40 dwellings and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping, pumping station and all associated building and engineering operations at Land off Badgers Brook Rise, Ystradowen, Cowbridge, Decision: Approved 13th May 2015.

2014/01483/1/NMA, Location: Badgers Brook Rise, Ystradowen, Proposal: Amend the colour of the reconstituted stone to be used for the cills and lintels of all the approved house types, as being buff grey, Decision: No decision.

2014/01483/1/CD, Location: Land off Badgers Brook Rise, Ystradowen, Cowbridge, Proposal: Discharge of Condition 3-Render Sample, Residential development, comprising the erection of 40 dwellings and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping, pumping station and all associated building and engineering operations, Decision: Approved 18th April 2016. 2014/01483/3/NMA, Location: Badgers Brook Rise, Ystradowen, Proposal: Revision to landscaping scheme and revision to the location of the garage on plot 39, Decision: Approved.

2014/01483/4/NMA, Location: Badgers Brook Rise, Ystradowen, Proposal: Amendments to the attenuation pond designs and inclusion of toddler proof fencing and access gates to the perimeter of these ponds, Decision: Approved 14th March 2018.

CONSULTATIONS

Penllyn Community Council were consulted and commented on 6 October 2023 to request that the views of neighbours are taken into account and any concerns on highway access.

Further comments of objection were received on the amended scheme on 6 May 2024 and in summary, they raised disappointment in the lack of consideration to previous comments regarding the access as it is considered unsuitable; concerns regarding number of cars accessing the road as a result of new dwellings; and approval should include substantial S106 contributions for highways traffic calming and community facilities in the village.

The Council's **Highway Development** department have been consulted and commented on 8 November 2023 to state that a frontage along Sandy Lane provides a strong street scene and should aid in reducing vehicle speeds. A new footway along the site frontage will connect to the existing infrastructure to the west and the site in principle in terms of trip generation and impact on the surrounding highway network is not a concern from the highway authority and generally the site is supported. However, they stated that during pre-application and PAC submissions, comments had been made which had not been addressed and are still relevant and as such, the site layout should be revised in an effort to minimise the concerns from a highway perspective.

Following the submission of an amended scheme, the Highways Authority commented on 24 June 2024 to state the following:

The development proposes the construction of a new residential development of 46 units on land generally to the North of Sandy Lane in Ystradowen. A new access is being created off Sandy Lane and the visibility splays have been checked and are satisfactory for the observed speeds.

The highway authority has requested the widening of Sandy Lane to 5.5m and a new 2m footway along the side frontage has also been provided. The transportation implications of the proposals have been checked and they should not have a detrimental impact on the adjacent highway network.

Swept paths have been conducted for the internal estate roads and we can confirm that the site should be suitable to cater for larger delivery and refuse vehicles. As part of the engineering details condition a scheme will need to be provided for the protection of the SUDs features to prevent parking on the features and affecting their operation. This will also need to be agreed with the Council's SAB.

Therefore, the highway authority has no objection to the proposals subject to the following:-

- 1. Notwithstanding the submitted Plans, no works whatsoever shall commence on the development until Full Engineering details have been submitted and approved by the Local Planning / Highway Authority. The details shall incorporate road geometry, vision splays, Street lighting, road signs, materials, surface water drainage strategy, active travel improvements, resurfacing of Sandy Lane and any retaining structures.*

Reason :-To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety.

- 2. No Development shall commence until there has been submitted to, approved in writing by the local planning authority a Construction Traffic Management Plan (CTMP). The CTMP shall include details of the site operating times, haulage routes for site traffic, parking of site vehicles on site, measures to control mud and debris from entering the highway, the storage of materials and the loading and unloading of plant.*

Reason :- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.

- 3. No development shall commence until a scheme for a traffic regulation order (TRO) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of no waiting at any time restrictions along the frontage of the site and into the development access to protect vision splays and ensure suitable operation of the junction for vehicles entering and leaving the site. All cost associated with the TRO shall be payable by the developer.*

Reason: in the interests of highway safety.

- 4. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, street lighting, water culverts etc. abutting or within close proximity to the existing / proposed highway have been submitted to and approved by the Local Planning Authority.*

Reason: - To ensure the minimum Design and Construction Standards are achieved

- 5. Prior to the commencement of development the Highway Authority will require at the developers expense to carry out a Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager which shall undertaken by a suitably qualified and experienced an independent Highway Maintenance Consultant to be approved by the Local Highway / Planning Authority.*

6. *The Highway Authority will require at the developers expense a Second Condition Survey along agreed haulage route the extent to be agreed with The Councils Highway Network Manager to be undertaken by the approved independent Highway Maintenance Consultant on completion of the development or such time that the Highway Authority instruct. Any remedial works required as a result of extra-ordinary traffic due to the development should be carried out at the developers expense.*

Notes

1. *The developer will be required to enter into a Section 38/278 Agreement with the Highway Authority before undertaking works along the adjacent highway.*
2. *The Highway Authority will require the developer to enter into a legally binding agreement to secure the proper implementation of the Highway Improvement Works and proposed highway works servicing developments greater than 5 dwellings which shall incorporate the appropriate bond.*
3. *There shall be no obstructions inclusive planting whatsoever within the areas required for vision splays. All proposed boundary walls, hedgerows or planting shall be located to the rear of the required vision splays in the interest of highway / public safety.*
4. *No surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway. Applicant to make provisions to deal with the above within the confines of the site in the interest of highway safety and environmental management.*

The **Chief Fire Officer** has been consulted and commented on 11 October 2023 and 19 April 2024. The Fire Authority raised no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation. They also stated that the developer should consider the provision of adequate water supplies for firefighting and access for emergency firefighting appliances.

The **Councils Drainage Section** commented on 8 November 2023 and 8 May 2024, to state that the site is considered to be at low or no risk of fluvial or coastal and tidal flooding and that NRW flood maps indicate the site is at a very low risk of surface water flooding. A separate SAB application is required prior to the commencement of any work. They note that a drainage strategy has been supplied and that a SAB pre-application had previously been submitted. However, a full application had not yet been submitted. An advisory on SAB is recommended.

The **Council's Shared Regulatory Services (Pollution)** have commented to raise no objections but have requested a CEMP to minimise disturbance to residents.

Heneb, The Trust for Welsh Archaeology (formerly GGAT) were consulted and have commented to state that the proposal requires archaeological mitigation. The application area is located in an area of archaeological potential and the desk based assessment indicates there was low potential for encountering remains prior to the medieval period, and a medium potential for encountering remains from the medieval, post-medieval and modern periods.

Heneb commented on 21 June 2024 to state that whilst they note the amendments, it remains the case that Heneb recommend a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. A condition has been recommended by Heneb.

Dwr Cymru / Welsh Water commented on the initial scheme on 17 October 2023 to state that they note the intention is to drain foul to the foul sewer and surface water into the separate water sewer for which they can only comment on the acceptability of the foul water. They state that SAB consent is required and that DCWW are statutory consultees for that consent and as such, will provide any comments to SuDS proposals as part of that process.

Turning to potable water, they state that there is capacity in the water supply system to accommodate the development however, they state that they have the right to reassess their position as part of the formal application for the provision of new water mains. If the Authority are minded to grant the application, DCWW have requested a set of advisory notes to be included with any consent.

Dwr Cymru / Welsh Water commented on the revised scheme on 7 May 2024 to state that the developer had indicated that foul flows are to be disposed of via the public sewerage system and they offer no objection in principle to the foul flows discharging to the public sewer. They state that surface water is to be drained to nearby watercourse. They have requested some conditions and informatives to be added to any consent.

Natural Resources Wales were consulted and have commented on 1 November 2023, 25 April 2024 and 20 June 2024. They have raised concern, however, they were satisfied that their concerns could be overcome by attaching conditions relating to land contamination, European Protected Species and also a Construction Environmental Management Plan. Without the inclusion of these conditions, NRW would object to the scheme.

The **Council's Ecology Officer** commented on 3 June 2024 to state the following:

It is disappointing that the hedgerow that runs along Sandy Lane and is shown on the 1868 map could not have been retained in its entirety. Hedgerow translocation has variable outcomes depending on methodology and weather. It is useful therefore that the hedge line will be strengthened with additional planting.

In the soft landscaping proposals (Drawing 1179.01 Rev B) I would suggest that Salix caprea is replaced with Euonymus europaeus which has far more interest for both biodiversity and local amenity than goat willow.

The PEA identifies the site as being used by bats for commuting and feeding and several trees are noted for containing potential roost features (PRF's). In light of this it would be advisable to designate dark corridors on the northern and eastern boundaries which will be beneficial to bats but also other crepuscular mammals such as hedgehogs.

A lighting plan is requested as a planning condition to ensure that dark corridors are respected and light pollution is minimised.

Fences

The PEA makes note of the need to create gaps in the bases of close boarded fence lines to allow hedgehogs and other small mammals free passage. This is currently not shown on Drawing 1800 Close Board Fence (ED-02) and this needs to be amended along with a specification for the frequency of such gaps.

The precautions in respect of protected species and work on site outlined in the PEA need to be reflected in a CEMP.

Biodiversity Benefits

Although the PEA outlines biodiversity benefits in paragraph 5.15 these are nowhere translated into plans or numbers which is an omission. The SPG for Biodiversity and Development in the Vale of Glamorgan suggests (page 65) that a medium development of this size should have 33% of properties with a bird box and for some on the margins of the site (22, 23, 24 and 15 to 21) an external or integrated bat roost box could supplant a bird nest box.

Of the proposed enhancements I would make the following comments.

- 1. Strengthening the eastern boundary would be the top priority and ensuring that it is properly managed.*
- 2. Despite searching I could not locate the seed mix to be used on the SUDS channel on the Germinal website. Could either a link or a seed mix description be provided so that I can assess its relevance in a Glamorgan context?*
- 3. At least one substantial hibernaculum needs to be created in the north of the site.*
- 4. A planning condition for a LEMP would cover future management and should be a condition of planning.*

Conclusion

Planning conditions are required for the following:

- 1. A Lighting Plan indicating dark corridors and the impact of any proposed lighting on them. This should include details and specifications for any light units being proposed and how they are to be managed – PIR/timers.*
- 2. A CEMP to ensure the integration of the recommendations of the PEA into construction practice.*
- 3. A LEMP to cover future maintenance of tree, shrub and plant plantings, boundaries and SUDS features.*

*Further detail is required on biodiversity enhancement features along with their numbers and locations and also changes to the close boarded fencing plans. A request is made to replace *Salix caprea* with *Euonymus europeaus* in the hedge mix.*

The Council's **Housing Strategy (Affordable Housing)** department have been consulted and commented 30 October 2023 to outline a need for affordable housing units. *In line with the SPG, a contribution of 40% is required, to be provided by 19 units on site (rounded up from 18.4). The 19 should be 70%, 14 for social rent and 5 for assisted home ownership.*

The 14 units for social rent to be provided as follows:

- 57% 8no. 1 bed*
- 27% 4no. 2 bed*
- 15% 2no. 3 bed*

The 5 for assisted home ownership will be 2 bed houses.

The affordable units will need to meet WDQR 21 standard and a Housing Association will need to manage them.

Following the submission of amended plans, the Housing Strategy department commented on 17 May 2024 to state that the amended scheme satisfies the identified need. Therefore, they have no further comments to make.

The **Council's Contaminated Land, Air & Water Quality** department have been consulted and have commented to request standard conditions and informatives in respect of contamination and importation etc.

South Wales Police commented on 11 October 2023 and 2 May 2024. South Wales Police have commented on the initial scheme and revised scheme. The comments received on the revised scheme are summarised as follows:

- Properties adjacent to play area should have defensible space (i.e. a 1m high fence) and should have a window on the side gable for natural surveillance.
- Planting should not impede upon natural surveillance
- Paths between units 10-21, 18-19, 9-10 and 15 should be gated to prevent unlawful access
- Thought should be given to the design of the play park as poor design results in antisocial behaviour
- Bin storage should have a digital lock
- Ground floor and accessible windows should meet PAS 24:2022
- Fire doors should be triple tested for fire, smoke and security
- Communal doors should be LPS 1175 (SR2) with a compatible access control system UL 293
- A management plan is needed to ensure there is a system in place should the fob or similar get lost

The **Executive Director of Public Health** has been consulted and to date, no comments have been received.

Cowbridge Ward Members have been consulted and to date, no comments have been received.

Cadw, Ancient Monuments and **Cadw, Historic Gardens** have been consulted and to date, no comments have been received.

REPRESENTATIONS

The neighbouring properties were consulted on 27 September 2023, 18 April and 5 June 2024 and a site notice was also displayed on 28 September 2023, 18 April and 5 June 2024. The application was also advertised in the press on 5 October 2023.

Given that there have been revisions to the scheme, three separate consultations have been carried out. For clarity, each of the comments received for each separate consultation are set out below.

Original scheme

On the initial scheme, a total of ten neighbour objections were received. A summary of the comments received are as follows:

- Concerns regarding the safety of the junction between Sandy Lane and St Owain's Crescent
- TRO should be extended to include the junctions between Sandy Lane and St Owain's Crescent
- Concerns regarding accuracy of Traffic report – carried out during holidays, lack of consideration of pedestrians etc. who use Sandy Lane
- Inappropriate tandem parking allocation which will encourage parking in front of properties
- Concerns regarding suitability of bus service as public transport option
- Concerns regarding red brick finish on houses
- Comments regarding overall design layout - cramped and un-imaginative etc.
- Queries regarding housing density
- Requests for pedestrian and cycle access to be provided through Badgers Brook Close and links should be improved along A4222 to encourage use
- Street lighting should be designed to minimise pollution
- Concerns regarding loss of established hedgerow
- Proposed access point is inappropriate – narrow, single track country lane and inappropriate for lorries etc.
- Concerns regarding noise and light pollution
- Loss of privacy from vehicles accessing / exiting estate
- Safety and damage concerns due to location of entrance and possibility of people not stopping at the junction
- Highways safety concerns regarding neighbouring properties having to reverse into oncoming traffic from the estate
- Access should be elsewhere, such as from Badgers Brook Close or A4222
- Properties fronting Sandy Lane are closer than those located opposite and are intrusive / result in loss of privacy
- Rear gardens should front Sandy Lane
- Concerns regarding flooding
- No provision for visitor parking
- Boundary for neighbouring property is inaccurate
- Houses are not uniform and in line
- Overlooking concerns / loss of privacy
- Input into consultations largely ignored

One comment was received, a summary of the comments are as follows:

- Roads are not suitable for additional traffic
- Concerns regarding highway safety

During the consultation phase, some comments were inaccurately received identified as being from 'Penllyn Community Council' that were in reality from members of the public. Seven were received in total and these are logged as anonymous but nonetheless should still be logged. These have been summarised as follows:

- Concerns regarding noise
- Air pollution

- Disruption
- Detrimental impact on health and wellbeing
- Trees should be protected
- Concerns regarding proximity of dwellings / parking etc. to neighbours
- Traffic impact on an already busy road
- Concerns regarding traffic impacting school children being on time
- Safety concerns regarding heavy good vehicles
- Access off main road is preferable and safer
- Transport Statement lacks depth of research
- Transport Statement does not review proximity of the playground
- Concerns regarding pedestrian safety
- Access via Saint Owains Crescent is of concern as vehicles park along one side – the increased use of this road is of concern
- Concern regarding safety of children using local park
- Lack of evidence on sustainable transport, use of cycling etc.
- Projections for transport do not reflect current situation - main road is not suitable for cycling, public transport is sporadic, residents rely on cars etc.
- Insufficient consideration on alternative access routes
- Lack of solar panels, heat pumps
- Concerns regarding habitat destruction
- Concerns regarding water logging as mentioned in surveys and no mitigation
- Building materials not in keeping with existing built development
- Concerns regarding overlooking to existing properties
- Estate entrance poorly planned
- Sandy Lane should be widened from Ystradowen to Talyfan Farm

Following the submission of amended plans on 3 April 2024, a re-consultation exercise was carried out and a total of 18 objections were received. Many of the issues raised have been referenced above and as such, will not be repeated. However, a summary of additional comments are as follows:

- TRO (double yellow lines) outside existing properties would be unfair
- Concern regarding potential for vehicles to overhang driveways
- Concerns regarding access to existing residential properties
- Traffic calming measures required so residents can access facilities
- Queries regarding whether houses are needed
- Concerns regarding impact on bats
- Sandy Lane should be widened / improved
- Decrease in parking spaces is a concern
- Disappointed to see the park removed / play equipment reduced
- Concern regarding parking during construction
- Concerns regarding no documents on limestone and dolomite as this contains asbestos
- Concerns regarding loss of substation and impact on EMF of existing properties
- Concerns regarding loss of pumping station and impact on flooding
- Road safety concerns due to poor visibility on junction to Sandy Lane
- Site boundary is inaccurate
- Concerns regarding increased drainage

Following the submission of amended plans on 3 June 2024, a re-consultation exercise was carried out and a total of 8 objections were received. Many of the issues raised have been referenced above and as such, will not be repeated. However, a summary of additional comments are as follows:

- Concerns regarding construction vehicle access
- Concerns regarding closure of Sandy Lane for construction
- Queries regarding management of construction
- Site boundary inaccurate
- Increase traffic
- Regularly have power cuts and 46 additional homes on the struggling supply will be detrimental to current and new residents
- Ystradowen is inappropriately located for pedestrian, cyclist and public transport users
- Lack of access to services via sustainable transport / only 4 buses a day etc.
- Heavy reliance on the car
- Not in keeping with rest of village
- Impact on open space
- Impact on scenery
- Impact on environment
- Same respect is not afforded to the Welsh Language as environmental impacts
- Housing estates obtaining permission on the basis of weak Welsh Language impact assessments
- Solar panels should face away from existing residents

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
POLICY MG6 – Provision of Educational Facilities
POLICY MG7 – Provision of Community Facilities

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 MG28 – Public Open Space Allocations

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 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.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales’ regional policies have been taken into account.

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Accessibility
- The Best and Most Versatile Agricultural Land

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Model Design Guide for Wales
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)
- Renewable Energy (2019)

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

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response)
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2017
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)

- Population and Housing Projections Background Paper (2013)
- Local Development Plan Highway Impact Assessment (2013)
- Infrastructure and Site Deliverability Statement (2015)
- Open Space Background Paper (2013)
- Sustainable Settlements Appraisal Review (2016)
- Planning and Working Together: The VoG Community Strategy 2011-2021
- Vale of Glamorgan Council Local Development Plan Delivery Agreement - Including CIS (2014)

Other relevant evidence or policy guidance:

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

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider in the determination of this application relate to the principle of development on this allocated site, the provision of public open space, the impact of the proposals on the wider allocation, impact upon the wider visual amenities, impact upon agricultural land, access and parking, impact upon existing residential properties and the amenities of future occupiers, drainage and flooding, archaeological constraints, impact upon green infrastructure, ecology, the provision of biodiversity enhancements and any requirements for planning obligations.

Principle of development

The application site forms part of a wider dual allocation for housing and open space under policies MG2 (Housing Allocations) and MG28 (Public Open Space Allocations) of the adopted Local Development Plan. Therefore, the whole allocation is expected to deliver both the allocated number of dwellings (85) and the allocated area of open space (0.43 ha). As such, whether the principle of the development is acceptable or not depends on whether this site will deliver an appropriate share of both the dwellings and the open space, noting that this is only part of the wider allocation. Further details of this are set out below.

Many neighbour objections have stated that the site is unsustainable and as such, there would be a reliance upon the car by future occupiers. Whilst the access and other traffic issues will be discussed further below, the topic of sustainability is considered of relevance when assessing the principle of development. Whilst neighbour comments have been considered, the application site is nonetheless an allocated site and is located within a settlement boundary, whereby issues such as sustainability were taken into consideration when drawing up such boundaries and the acceptability of the site being allocated for housing would have been fully considered by the appointed Planning Inspector as part of the adopted of the Local Development Plan and the LDP examination. On this basis, the proposed residential element and open space is considered acceptable in this regard to comply with the uses identified in this mixed use allocation. Notwithstanding this, the site is located in close proximity to local services and there is a bus stop located nearby. Whilst the comments relating to the reliance and frequency of the bus services have been considered, there still remains a bus service in the area.

Comprehensive Development

The site to the north of the application site also forms part of the same allocated site under Policies MG2 (Housing Allocations (48)) and MG28 (Public Open Space Allocations (9)) of the LDP as shown in below in green, however, the most northern part of the allocation falls outside of the current planning application. The application site as edged in red in the plan below, in addition to the area to the north, form the northern part of the remainder of the allocation in the Local Development Plan. Both sites therefore have a close relationship and share a substantial boundary. It should also be noted that the northern part of the allocation would have to be accessed from Sandy Lane, via this proposed development.



Allocated site MG2 (Housing Allocations (48)) and MG28 (Public Open Space Allocations) in green, with application site in red.

During pre-application discussions on the application site officers have stated that the proposal should cover the remainder of the undeveloped allocated site, in order to ensure that the whole allocation for both housing and open space is realised in a comprehensive way to ensure the delivery of high quality, well-planned development and open space across the remainder of the northern part of the allocation. However, the application as submitted only relates to a section of this northern allocation and given that the remainder of the allocation is land that is not within the control of the applicant or being brought forward by the landowner, the application needs to be considered on its own merits.

Criterion 2 of policy MD5 (Development Within Settlement Boundaries) states that development within settlements will be permitted where the proposed development would not prejudice the delivery of an allocated development site. The proposal as noted above does not include the entirety of the remainder of the allocation to the north. The proposal as submitted would not include any direct link to the northern site and officers have queried whether there is scope to include a strip along the northern boundary of the application site for adoption by the Local Authority – in order to potentially facilitate any future proposal. The agent has confirmed that the land owner is retaining an area of this land and as such, it is not within the applicant's power to gift this area of land and it is outside of the application site. Whilst the adoption of a small section would be preferable, the ownership of land by a third party and not the developer would provide opportunity for such discussions between a potential developer and the land owner in future.

Housing allocation

As aforementioned, the application site forms part of a wider dual allocation for housing and open space under policies MG2 (Housing Allocations) and MG28 (Public Open Space Allocations) of the adopted Local Development Plan. With regards to the requirement for housing, the whole allocation is expected to deliver the allocated number of dwellings (85) on a 4.2ha site.

The growth strategy aims to concentrate the majority of growth in the key, service centre and primary settlements in order to maximise the opportunities for sustainable regeneration to favour new local service provision and to encourage the use of sustainable travel modes. The various minor rural settlements identified in the LDP, including Ystradowen, contribute towards the special character of the rural Vale and also play an important role in underpinning sustainable communities. These settlements tend to either be located alongside the strategic highway network or relatively close to the larger towns and villages identified within the settlement hierarchy including Cowbridge which is a Service Centre Settlement.

The site to the south of Sandy Lane has already been developed and consisted of 40 dwellings, leaving a shortfall of 45 dwellings still required in order to comply with the policy requirements of the wider allocation. The application in this instance proposes 46 dwellings and as such, it complies with the requirements of policy MG2 (Housing Allocations) in terms of its provision for housing.

Public Open Space

Criterion 9 of policy MD2 (Design of New Development) states that development proposals should provide public open space in accordance with the Council's standards.

As aforementioned, the application site forms part of a wider dual allocation for housing and open space under policies MG2 (Housing Allocations) and MG28 (Public Open Space Allocations) of the adopted Local Development Plan.

In terms of Public Open Space, the site is allocated for the provision of 0.43 hectares of public open space by Policy MG28(9).

This includes the provision of:

- Sport provision for the allocated site;
- Provision of open space for the equivalent of 26 windfall dwellings in the local area, expected over the Local Development Plan period.

It is expected that the remainder of the allocation should deliver its proportionate public open space requirement contemporaneously with the housing in order to secure its delivery.

In this instance, the northern element of the wider allocation should be delivering the remaining balance of public open space, which is approximately 0.2279ha (i.e. 85 dwellings – 40 delivered = 45 = 53% of total allocation = 0.43ha x 53%). This application relates to approximately 70% of the site area in the northern parcel and as such, results in a requirement of approximately 0.16ha.

In addition to the above, the development should provide equipped children's play facilities and other children's play space for the number of dwellings to be constructed, in accordance with Policy MD3 and the Planning Obligations SPG. This play space is not included within the strategic public open space allocation set out in Policy MG28.

In line with the above referenced policies, the Open Space requirements for the scheme are as follows:

Type of open space	Site requirements	Strategic	Total
Equipped children's play space	266.8sq.m	56sq.m	322.8sq.m
Other children's play space	586.96sq.m	-	586.96sq.m
Outdoor sports space	-	1,527.28sq.m	1,527.28sq.m
		Total	2,437.04

Please note, the total figure of 1,527.28sq.m for outdoor sports space includes 1,169.28sq.m (the proportionate requirement of the allocation) + 358sq.m (the proportionate windfall).

During previous pre-application discussions with the agent, it was concluded that in terms of what should be provided, as a minimum, the strategic requirement for open space to accord with Policy MG28 should be provided on site, given that the site has been allocated for this purpose. In addition, a Local Area of Play (LAP) should be provided on site, which would need to provide at least 100 sq.m of equipped play space and as such, additional play space above the 56sq.m of equipped play space to meet the strategic requirement would also need to be provided on site.

It was agreed that if required and justified, consideration could be given to providing an off-site contribution for the remainder of the children's play space. This is discussed further in the report.

The accompanying Planning Statement states that the proposed scheme would provide approximately 1,734sq.m of useable open space on a site of approximately 1.58ha – equating to almost 11% of the development being set-aside for open space provision. Included within this is a formal, equipped Local Area of Play (LAP) approximately 138sq.m in scale. An extract of the accompanying POS plan is included below for ease of reference, along with red line outlines indicating the sections as measured by the officer:



It is noted that the areas for SUDS features have been included within the proposed provision, however, in reality, the use of these areas is likely to be limited, due to the fact that these are designed as above ground drainage features. Similarly, the area to the rear of the attenuation pond has also been included, however, given the tree coverage in this area and its limited depth again, in reality the use of this area to the boundary as usable open space is likely to be very limited. As such, these have not been included within officer calculations.

The POS adjacent to the plot numbers 14 and 15 would amount to approximately 280 sq.m., the section to the rear of the site and continuing along a section of the attenuation pond amounts to approximately 560sq.m., whilst the central section, including LAP amounts to approximately 770 sq.m. In total, this amounts to an overall POS provision of approximately 1,610 sq.m.

As aforementioned, there are two requirements on site, the provision to accord with policy MG28 (given the nature of the site and its allocation for windfall provision) and to meet the needs of the existing population as strategic open space and also the provision to accord with policy MD3 (which is the requirement for all housing schemes) to serve the residents of the development.

Firstly, the LAP is approximately 138sq.m which includes the 56 sq.m for the windfall requirement (to comply with the strategic requirement), whilst the remaining 82 sq.m. would contribute towards the wider site requirement as per policy MD3. This leaves a deficit of approximately 184 sq.m of equipped children's play space.

Moving to the remainder of the provision, when removing the LAP, the remaining amenity space amounts to approximately 1,426 sq.m of POS, falling short of the figure stated in the accompanying documents (which quoted approximately 1,734 sq.m). Policy MG28 requires a provision for outdoor sports space of approximately 1,527.28 sq.m space – which covers the proportionate provision required as part of the wider allocation, in addition the proportionate windfall. The POS provided would fall short of the strategic requirement by approximately 101 sq.m.

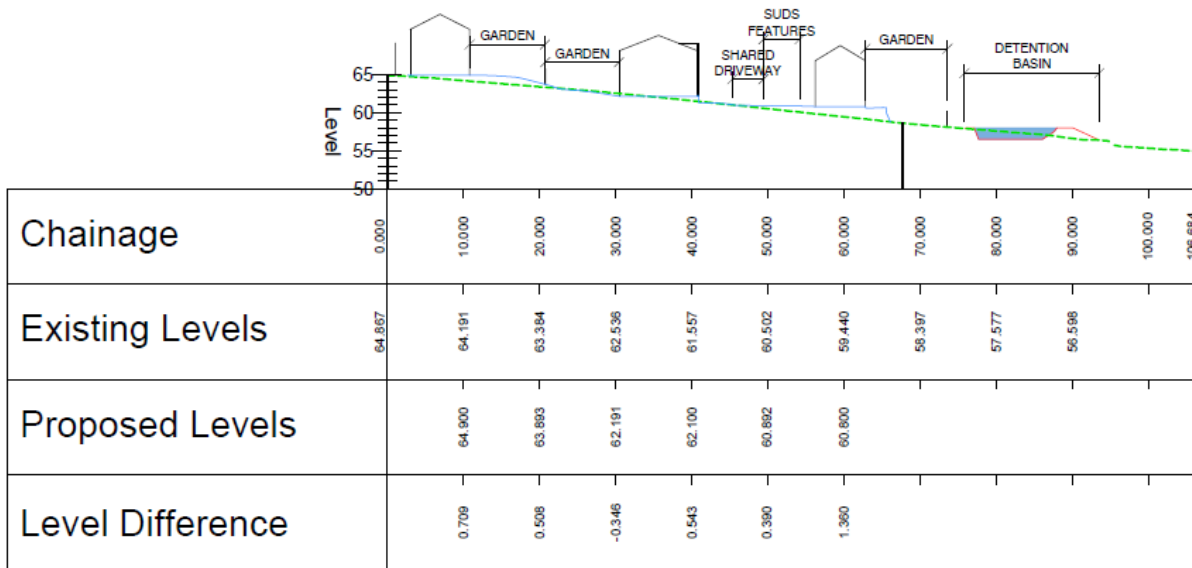
The overall requirement for POS is approximately 2,437.04 sq.m. The total provided as part of the proposals amount to approximately 1,610 sq.m. leaving a deficit of approximately 827 sq.m.

Whilst it is noted that the overall provision for open space falls short of the strategic requirement, on balance, given the constraints of the site, the need to comply with both the housing and open space allocations, in addition to other requirements such as sustainable drainage (SAB requirements) which have emerged since the site was allocated, it is considered in this instance that the shortfall on site is acceptable noting the proportion that can be provided on site and that the shortfall can be addressed by way of an off-site contribution (as considered in greater detail in the Planning Obligations section of this report).

Notwithstanding this, there are other areas more incidental around the site that would contribute to the appearance of open space and still provide a green open setting, albeit not included within the overall figures as outlined above.

In respect of the sites topography. the levels vary across the site and during pre-application discussions, concerns were raised with regards to the overall suitability of the public open

space due to gradients. The following extract indicates the existing and proposed levels throughout a section of the site, from the housing proposed along Sandy Lane itself, through to the attenuation basin in the north:



SECTION B-B - LONGSECTION
SCALE: H 1:500, V 1:500. DATUM: 55.000

The green line denotes the existing levels, whilst the blue line denotes the proposed levels. As indicated on the above section drawing, the ground levels throughout the LAP and main area of open space will be levelled to create an area of usable open space that is considered acceptable in terms of its overall usability.

In addition, given the position of the open space centrally within the site, it is noted that it is afforded a generous level of natural surveillance from properties which look towards these areas, which also assists with the usability of these spaces and assists with deterring anti-social behaviour in line with the wider objectives of Secured by Design.

Concerns were also raised at pre-application stage with regards to the splitting of the open space and the impact this would have upon its use. However, the supporting Planning Statement states that the relocation of the highway in order to avoid dissecting the POS is not practically achievable due to the site levels and highway gradient requirements (p.15). Taking this into consideration, whilst the preference would be for one larger area of POS, given the justification for its splitting the space, on balance, it is considered that the split nature of the POS is acceptable and both principle area would still be of a size and layout that would be usable in the way that they would benefit local residents.

The amended site layout plan received March / April 2024 amended the layout of the LAP and removed some equipment. Many neighbouring comments have raised objections to this proposal. Given the strategic requirements, discussions were held with the agent and further items of equipment were requested. The amended plans received in June 2024 include additional items and have enlarged the area, the details of which would need to be conditioned. Subject to the provision of such a condition for the submission of full details (**Condition 27** refers) of play equipment and surfacing of the area, the location and linear layout of the LAP is considered acceptable

The submitted adoption plan states that the areas of POS will be transferred to a management company for maintenance. As such, further details of maintenance will be secured by means of condition (**Condition 18** refers).

Agricultural land

The application site consists of mainly grade 2 (good quality) agricultural land, with a small pocket of grade 3b (poor quality) agricultural land in the south-east corner and the northern perimeter of the site. Planning Policy Wales (Edition 12, 2024) states that:

When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. 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 (paragraph 3.59).

Taking the above into consideration, it is recognised that high quality agricultural land should be protected. However, in this instance, the site forms part of an allocated site and is also located within a settlement boundary and development beyond the settlement boundary / allocated site for residential development of this nature is unlikely to be supported by the Authority due to its countryside location. The nature of the site as an allocated site is evidence that there is considered to be an overriding need for both open space and housing and given the presence of no suitable lower graded land, the proposal is considered acceptable in terms of its loss of agricultural land and complies with PPW.

Density

Policy MD6 (Housing Densities) of the Local Development Plan states that residential development proposals within minor rural settlements will be permitted where the net residential density is 25 dwellings per hectare. In this instance, 46 dwellings are proposed on an area of approximately 1.6ha, which equates to approximately 28 dwellings per hectare.

In this respect, the proposed development which together with the developed part of the allocated site to the south meets the overall number of dwellings allocated within the wider allocation and would comply with the aims of national guidance to ensure efficient use of land, and policy MD6 of the LDP.

Design, Layout and Visual impact

Policies MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Local Development Plan set out criteria for the design and layout of developments. Further guidance is also set out within Manual for Streets and the latest edition of Planning Policy Wales which places great emphasis on place making.

Policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places, development proposals should (inter alia):

1. *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;*
2. *Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;*
4. *Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;*
10. *Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;*
11. *Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and*
12. *Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.*

Policy MD5 states that new development within settlement boundaries will be permitted where the proposed development (inter alia):

2. *Would not prejudice the delivery of an allocated development site;*
3. *Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;*

It is accepted that the development will fundamentally affect the character and appearance of the land, however it is considered that this does not necessarily render the development unacceptable since this is an allocated site. The proposed site would appear as a logical extension of the existing built environment of Ystradowen, particularly with the southern part of the allocation already built out. The site itself is rural in character, the wider context on the edge of the existing settlement is considered to be semi-rural and the site does not form part of a Special Landscape Area or any other statutory landscape designation. Therefore, whilst the character of the land would fundamentally change, it is considered that the residential development would not unacceptably impact on the wider rural landscape. The site represents an acceptable location for additional development, in terms of the impact on the wider landscape and in terms of its physical relationship to the existing settlement.

The application site consists of an agricultural field, with a field gate access in the south – west corner of the site, fronting Sandy Lane and in close proximity to the residential property No. 5, Sandy Lane. The area of Sandy Lane located in proximity to the application site is bounded to the south by residential dwellings and areas of vegetation, whilst the northern boundary is bounded by some residential properties but is primarily bounded by mature hedgerow and agricultural fields. . Prior to the submission of the application consideration was given as to how the dwellings constructed along Sandy Lane should address the road. It was considered that the dwellings should front onto Sandy Lane in line with the principles of good Placemaking and consideration given as to how these dwellings should be accessed, noting the strong hedge line along the road frontage. On balance it was felt that the dwellings should also be accessed via Sandy Lane. This would result in the removal of sections of hedgerow to provide vehicular access and appropriate visibility and it would

become fragmented, in addition to the fact that Sandy Lane would also have to be widened. In light of this it was felt that it would be more appropriate to secure its translocation elsewhere within the application site.

As a result, the proposal would be highly visible from Sandy Lane and other residential streets. In addition, it should be noted that given the levels variation throughout the site, it would also be visible from other distant views, such as from the A4222.

The proposed site layout indicates a widening of Sandy Lane, with a street frontage along Sandy Lane itself, soft landscaping and a pavement on the highway edge. Two corner dwellings are proposed along the site's access in the south-west corner of the site, creating a dual aspect along this junction. The proposed dwellings fronting Sandy Lane would be set-back from the highway's edge, albeit not to the same degree as those located to the south of Sandy Lane. This modest set back from the highway has formed part of the neighbour objections. However, the existing character and pattern of development along Sandy Lane is mixed in nature. There are small cluster of dwellings to the south of the site that front this road, with a generous set-back and large front driveway / garden and there are also some that have a side elevation facing this road, with areas of vegetation etc. No's 3 and 5 Sandy Lane, which directly abuts the south-western elevation also have a generous set-back, however, number 1 Sandy Lane and The Sycamores, St Owain's Crescent do not. Given the variation of building lines along the row, it is considered that the pattern of development in this instance is considered acceptable and would not detrimentally impact upon the appearance of this street.

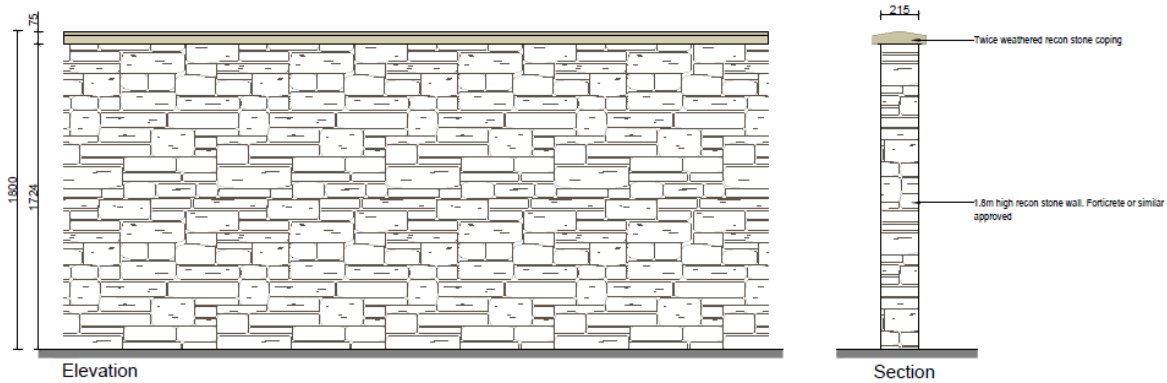


The above streetscene images indicate the streetscene fronting Sandy Lane (A-A) and also the streetscene to the rear of this and within the site (B-B).

Throughout the site, the dwellings would have areas of soft landscaping to the front, with double driveways to the side – some of which would have a garage and rear gardens. The exception to this are some of the affordable units, where driveways in some instances are located to the front / rear. A plan has been submitted indicating boundary treatments, which shows an open plan frontage along Sandy Lane (with the exception of landscaping) and 1.8m high walls to the sides of plot 1 and 37 – i.e. the properties on the access junction to define the access into the development. The walls are shown in a solid brown line below in the external works layout:



The following plan shows the appearance of the wall and the proposed materials:



1.8m RECON STONE SCREEN WALL

REV	DESCRIPTION
CLIENT	

Whilst such boundary treatments are not present within the immediate streetscene, there is tall, featherboard fencing to the rear of 'The Sycamores' which borders Sandy Lane and as such, the addition would not be out of context. Notwithstanding this, the modest sections proposed in this instance would not result in incongruous additions to the street. Subject to details of the material being sought and agreed by means of condition (see below) the proposed boundary walls are considered acceptable. Whilst details of boundary treatments have been received, the Council's Ecologist has requested gaps and as such, a condition is required for further details of enclosures and as such, this will be assessed in further detail via a condition discharge application (**Condition 5 refers**).

It should also be noted that the Authority in this instance would seek to retain control over the erection of further boundary treatments positioned between the properties and the highway, in the interest of the visual amenities of the area. The proposed streetscene along Sandy Lane and within the site is open plan in nature which will contribute to the overall appearance and character of the site. In order to maintain control and ensure no unacceptable boundary treatments, a condition is recommended which would remove permitted development rights for boundary treatments between the dwellings and the highway (**Condition 28 refers**).

The proposal initially proposed dwellings finished in a mix of render and red brick. However, Ystradowen is characteristic in terms of its use of materials, with a clear dominance of light render, stone and slate / grey clay tiles. Following discussions with the agent, the scheme was amended to remove the materials palette and replace it with render, reconstituted stone and slate grey Marley roof tiles. The overall palette of materials is considered acceptable in principle and would assist with ensuring that the proposal ties in with the neighbouring properties and the wider area. Subject to a condition seeking further details of materials (to include samples), the proposed materials are considered acceptable (**Condition 4 refers**).

A main access road would traverse through the site and the plans indicate a change in materials and traffic calming measures at various points to denote a change from primary to secondary route and it is considered that this accords with the aims of Manual for Streets to create a hierarchy of routes through the site. In addition, the scheme provides both formal and informal footpaths throughout the site, which, in addition to the provision of open space (discussed further above) assists with promoting the creation of healthy and active environments, as per criterion 4 of policy MD2.



Extract of External Work Layout Plan

As aforementioned, the proposal would include the translocation of an existing mature hedgerow along Sandy Lane to other areas of the application site. The acceptability of this from an ecology / green infrastructure perspective will be discussed further below. However, it forms part of a wider landscaping scheme, which includes areas of soft landscaping and tree planting etc. Queries were raised with the agent as to whether there was scope to provide additional tree planting throughout the site, however, given the possibility of these impacting upon SAB requirements, these have not been provided within the current landscaping scheme. However, the agent has agreed to explore such additional provisions as part of a landscaping scheme, which shall be conditioned **(Condition 16 refers)**. Notwithstanding this, it is considered that the landscaping scheme as submitted is acceptable in principle, albeit the opportunity to maximise on green infrastructure provision will be sought by means of a conditions discharge application.

The proposal is therefore considered acceptable in terms of its design and layout and would not detrimentally impact upon the character of the area. The proposal, subject to the aforementioned conditions, is considered acceptable and would comply with policies MD2 and MD5 of the Council's LDP.

Layout of affordable units

The Council's SPG on Affordable Housing states that these units should be dispersed throughout the site and should not be grouped in more than 10 units in any group. Concerns were raised with the agent following the submission of the initial scheme as the affordable units appear to have been clustered on the western boundary of the site. Following the resubmission of a revised scheme in April 2024, the clustering of affordable units remained and a letter from Hafod housing stated that this was their preference for the following reasons:

- *The concentration of units together allows Hafod to have control over adjoining properties and helps in the resolution of any disputes or disturbances.*
- *Ensures the WDQR space standards are provided with an efficient land use and build programme.*
- *Likewise, the layout allows for all our properties to be built to meet an EPC A standard and not require the use of fossil fuels. Our units would need a sufficient electricity supply into the site and renewable energy solutions need to be provided together. This will assist in the most efficient energy output and help lower contract holders bills)*
- *The units located in one area also means that any external communal areas and amenity space can be managed and maintained by our internal maintenance teams, this minimises estate service charges. Hafod will dictate services charges rather than having an external management agent. Again, this means our properties are more affordable to our contract holders.*
- *The re-siting of a small number of affordable units so that they are isolated from the remainder of the affordable units, which is understood to be the LPA's aspiration, would present build, maintenance, and management challenges in conflict with the above cited aims.*

The supporting letter from Amity planning also suggests that the pepper-potting of units is unnecessary in this instance, on the basis that the units are a mix of social rented and LCHO assisted home ownership. In addition, it states that whilst the units are physically in close proximity, the layout is such that the affordable units would not be experienced as one within the development.

Taking the above into consideration, as per the SPG, the Authority's preference is for affordable units to be 'pepper-potted' throughout the site. However, it is recognised that there is a split in this instance between social rented and assisted home ownership and as such, on balance, the positioning of affordable units is considered acceptable. In addition, the overall appearance of these dwellings matches those positioned elsewhere along the site and as such, they will not appear any different to other dwellings within the site. It is therefore considered that the affordable housing would integrate successfully into the development and would satisfy the aims of the Council's SPG.

Access, Highway Safety and Parking

Criterion 6 of policy MD5 (Development within Settlement Boundaries) states that development within settlements will be permitted where the proposed development has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking.

Policy MD2 (Design of New Development) states that development proposals should (inter alia):

- 5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;*
- 6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;*
- 9. Provide public open space, private amenity space and car parking in accordance with the council's standards;*

Firstly, as aforementioned, many neighbouring comments refer to the site as unsustainable and have commented on the suitability of public transport and cycle routes etc. This has been addressed above.

The proposed site would be accessed via a new vehicular access from Sandy Lane and as part of the proposals, Sandy Lane will be widened to 5.5m and a new 2m footway along the site frontage is also proposed. The Highway Authority have confirmed that the visibility splays along the new entrance are satisfactory for the observed speeds along this road. In addition, the transportation implications of the proposals should not have a detrimental impact on the adjacent highway network.

Following discussions with the Highways Authority, some changes were made to the internal layout of the roads and pavements so as to ensure safety to those using the network. The Highway Authority have reviewed the current proposals and have stated that they are considered suitable to cater for larger delivery and refuse vehicles.

The Parking Standards SPG sets a maximum requirement for parking and for residential this relates to one parking space per bedroom, with a maximum of three parking spaces per dwelling. The initial proposals proposed tandem driveway parking for three vehicles throughout the site, however, the current proposals have reduced this to two vehicles, which has also increased the size of the back gardens. In addition, 7 visitor parking spaces are proposed, as shown in the following extract:



In their initial comments, the Highway Authority raised concerns with regards to the lack of visitor parking and stated that one space per 5 dwellings would be required, which would be 9 in this instance. The above parking strategy has been submitted and the Highway Authority have, following further consideration, raised no objection to the 7 spaces. Notwithstanding this, it should be noted that the Parking SPG sets a maximum requirement and not a minimum parking requirement and in this instance, the overall parking provision on site is considered acceptable.

The site includes provision of sustainable drainage features which comprise of areas of rain gardens to be located between the vehicular carriageway and the footpath and as such it is important that these areas are not used for parking. As such, the Highways Authority have requested an engineering condition which, along with other details, will provide information on the protection of these SUDs features to prevent parking (**Condition 10 refers**). In addition, full engineering detail are required prior to the commencement of development, which would include details of road geometry, vision splays, street lighting, road signs, materials, surface water drainage strategy, active travel improvements along and resurfacing of Sandy Lane (**Condition 9 refers**).

The Highways Authority have also requested a condition seeking details of a Traffic Regulation Order (TRO) to include the provision of no waiting at any time restrictions along the frontage of the site and into the development access to protect vision splays and ensure suitable operation of the junction.

Neighbour comments refer to the TRO with some requesting a TRO and others objecting to the provision of one as they consider this to be unfair to existing residents who currently have limited restrictions in this regard. Whilst these comments have been considered, Sandy Lane is an adopted highway and whilst such an Order would be as a direct result of the proposed development, the adopted nature of the road means that the Authority could progress any Order outside of this application. As such, it would be unreasonable to refuse the application on these grounds and noting that the site is allocated for housing.

It should be noted that the Highway Authority have requested that the details of a TRO are submitted and are approved prior to commencement of development. However, this is considered unreasonable and is not in line with other recent decisions and the tests for planning conditions. The condition shall therefore seek to ensure that an approved TRO scheme is in place prior to the first beneficial occupation of dwellings on site (**Condition 11 refers**)

Neighbour comments refer to safety concerns due to larger vehicles accessing the site and the network of narrow lanes in close proximity to the site. The Highway Authority have requested a condition for a Construction Traffic Management Plan (CTMP) (**Condition 8 refers**) which will allow the Authority to review and approve any details for construction traffic routes etc.

A condition survey of an agreed section of the adopted highway is also required, details of which will need to be discharged by means of condition prior to the commencement of development (**Condition 13 refers**). Following the approval of these details, a second condition survey will be required following the completion of development (or such time that the Highway Authority instruct) (**Condition 14 refers**) so that any damage to the adopted highway can be remedied at the developer's expense.

Neighbour comments have referred to the narrowness of Sandy Lane and in some instances have requested widening of a larger route. In terms of safety, as aforementioned, the Highway Authority have raised no objection to the widening of the road and the access layout etc. With regards to the widening of a further section of Sandy Lane, this would be an unreasonable request as it extends far beyond the site boundary and would not be necessary to make the development acceptable in this instance and would in any case be outside of the gift of the applicant on land outside of their control.

Taking the above into consideration, the proposals are considered acceptable in terms of the parking provision and impact upon highway safety. As such, the proposals would comply with policy MD2 (criterion 5, 6 and 9) and policy MD5 (criterion 6), in addition to the aims of the Council's adopted Parking SPG.

Impact on the amenities of existing properties

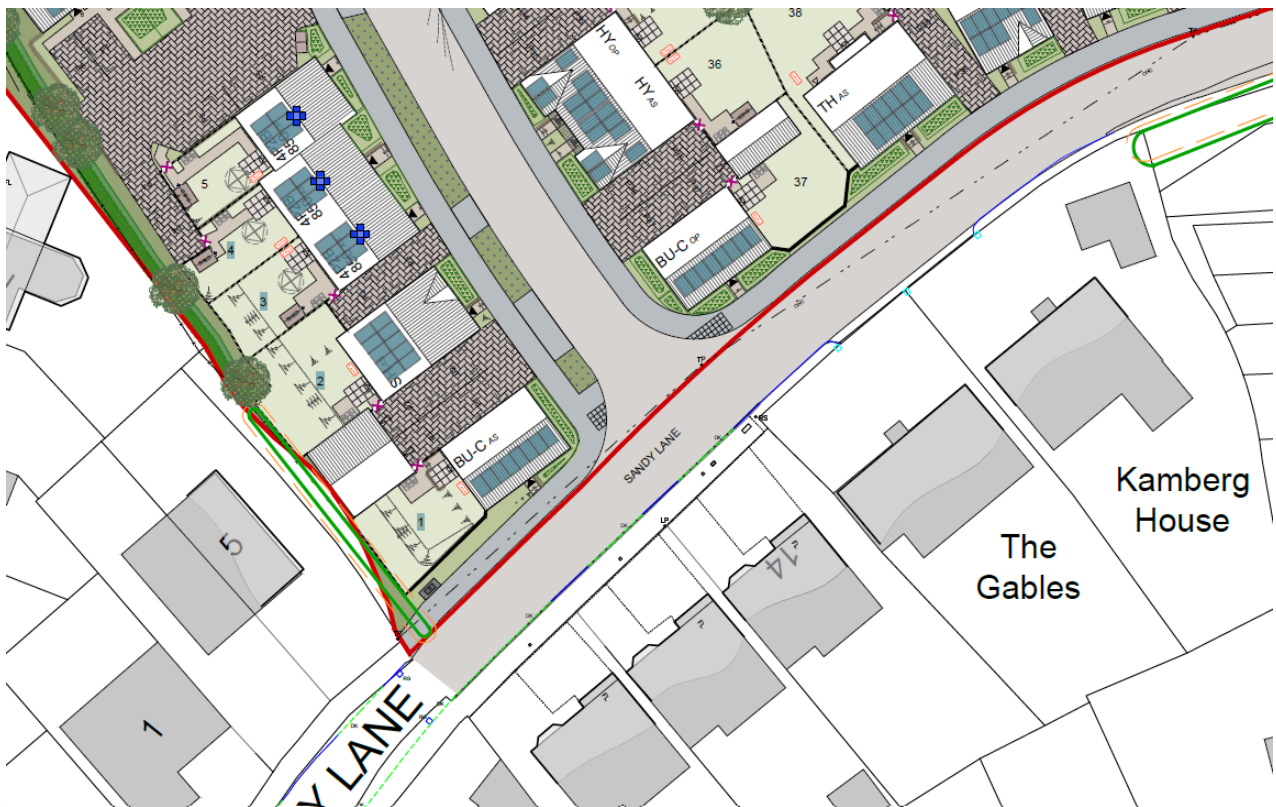
Criterion 8 of policy MD2 (Design of New Development) states that development proposals should "*safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance*".

The application site shares its boundaries with agricultural fields to the north and east and residential properties along Sandy Lane to the south / south-west, Badgers Brook Rise to the south / south-east and Badgers Brook Close to the south-west / north-west.

The residential properties situated along the A4222, such as Tudor Lodge and The Willows etc. would be able to view the application site, however, it is considered that there is sufficient separation distance between the application site and these residential properties to ensure no harmful impact.

The properties along Badgers Brook Rise have a side elevation fronting Sandy Lane. The proposed dwellings would be located approximately 9m away from the adopted highway adjacent to these neighbours, with their gardens and properties located beyond that. Given the separation distance and the orientation of these neighbouring dwellings, the proposals would not result in any detrimental overbearing or loss of privacy to these neighbours.

On the Southern side of Sandy Lane, to the south of the application site are numbers 10, 12, 14 and also The Gables and Kamberg House front Sandy Lane. With regards to numbers 2, 4, 6 and 8 located further to the west, the closest element of the site is the boundary wall for plot number 1, which is located approximately 10.7m away from the boundary for number 8, Sandy Lane. The proposed site is therefore located a sufficient distance from No's 2, 4, 6 and 8 to ensure no overbearing impacts.

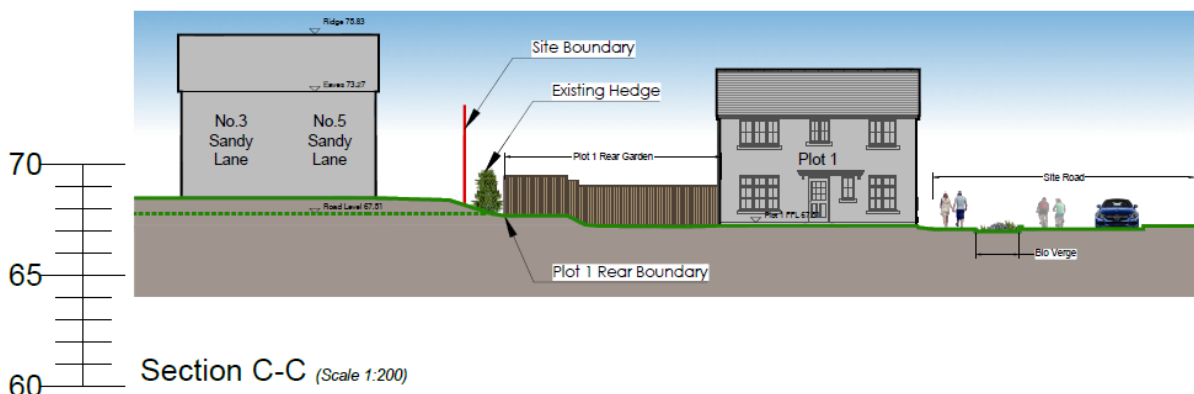


Extract of Proposed site Layout Plan

The remainder of this row is positioned opposite the site entrance and proposed dwellings. The proposed dwellings within the site (along Sandy Lane) would front towards these properties. With regards to The Gables and Kamberg House, distances of approximately 19m would be provided between the front elevation of the proposed dwellings and the front elevation of these neighbouring properties. The shortest distances would be between plot number 1 and number 12, Sandy Lane, where there would be approximately 16.5-16.7m between front elevations. Firstly, these distances are considered sufficient to ensure no overbearing impacts. However, in terms of overlooking, neighbours have raised concerns. Whilst these distances fall short of the standards set out within the Residential and Householder Development SPG, in instances such as this, where the nature of the views

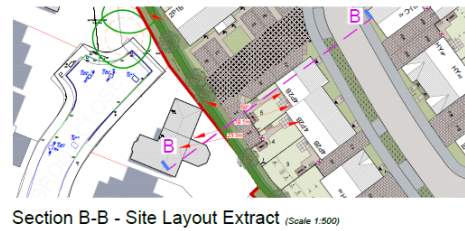
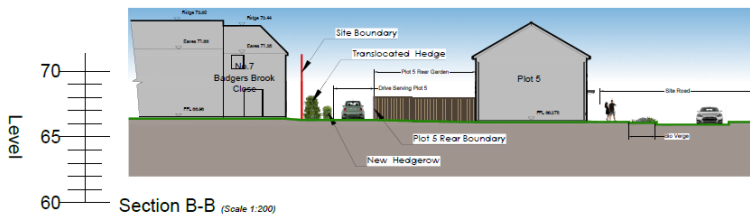
are over an adopted highway and towards the front of dwellings, there are instances where the Authority has previously accepted that where these frontages and windows are already overlooked by the public from roads and footways that they are less private in nature than the rear of the properties. Taking this into consideration, on balance, and given the distances that would still exist between these frontages the development would not result in an unacceptable loss of privacy to these opposing dwellings.

No. 5, Sandy Lane is positioned adjacent to the south-western corner of the site and at present, benefits from an open aspect to the side. The proposed dwellings at their closest would be located approximately 8.6m away from the boundary of the site. The amended plans received in June 2024 altered the boundary line in this position, with the site boundary being set further within what was originally shown to be part of the site. A hedgerow is located adjacent to the boundary and the neighbour's garden is positioned adjacent to this. There is a sufficient distance between the boundary and the proposed dwellings to ensure no overbearing impacts on these occupiers. Whilst a double garage is proposed in closer proximity to this dwelling, given the single storey scale of the garage it is considered that it would not result in any harmful impact. A section drawing has been submitted which shows the relationship of plot number one and this neighbour, which is as follows:



This section drawing indicates that the proposed dwelling for plot number one is positioned at a lower level than the neighbour, which also assists with reducing the impact. It is noted that this neighbour has a first floor side elevation window – approved plans show that this is a small bathroom window. However, it is considered that given the distance and angles, the proposed windows for plots 1 and 2 would not cause significant harm. This is also considered the same for the conservatory to the rear of this neighbouring property.

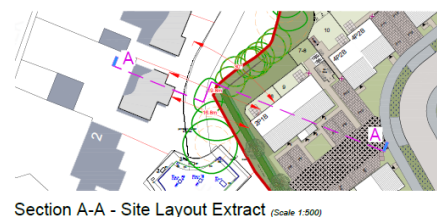
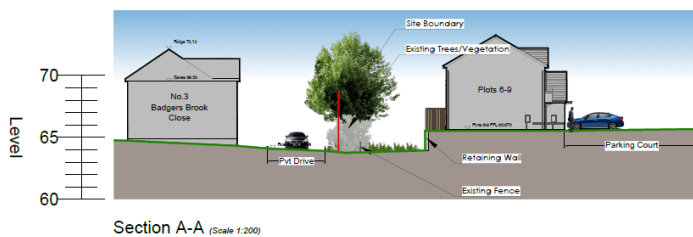
Number 7, Badgers Brook Close is positioned at an angle, with its rear elevation facing partly towards the application site. This property has recently been extended and as such, has a high level of glazing on its side and rear elevation, facing the site. The following extract shows the relationship of the proposed dwellings to this residential property:



At its closest, the proposed dwellings at Plots 3, 4 and 5 would be located approximately 12m away from the boundary of this neighbour, which is considered a sufficient distance to ensure no harmful impacts to their garden. With regards to the neighbouring dwelling itself and habitable room windows, whilst the outlook would be altered, given the proposed distances and angles between habitable room windows, it is considered that the proposal would not result in any detrimental overlooking and would comply with the aims of the Council's SPG.

To the north-west of the application site, there is a private drive, serving the properties of 3-6, Badgers Brook Close. No. 6 would look out towards the 5p3b property proposed for plot number 21. This proposed dwelling would have no first floor side elevation windows and as such, the proposal would not result in any unreasonable views towards this neighbour. In addition, the proposed dwellings would be located a sufficient distance from this neighbour to ensure no harmful overbearing impact. Number 5 and 4, Badgers Brook Close are positioned a sufficient distance away from the proposed new dwellings to ensure no harmful impact.

Number 3, Badgers Brook Close, (along with the remainder of the row) is positioned at a lower level than the proposed new dwellings. An extract of the section plan indicating this relationship is shown below:



At its closest, the proposed dwelling on plot number 6 would be located approximately 16.7m away from the front elevation of number 3, Badgers Brook Close. As evidenced in the above extract, the proposed dwellings are also located at a higher level than this neighbour, however, given the orientation away from these neighbours, the proposals would not result in an unacceptable overbearing impact on this neighbour. In terms of overlooking, given the distances and the nature of the views which would be initially over a shared driveway, the proposals would not result in any unacceptable loss of privacy to these neighbours. Whilst it is noted that the area adjacent to the boundary is used informally as a play area (given the presence of play equipment etc.) this area is already overlooked by residential properties and it should be noted that these neighbours also have private gardens to the rear. Overlooking of this area is therefore not considered to cause any unacceptable harm.

The proposals also include detail of boundary treatments and whilst these would be located in close proximity to some existing residential properties, given the modest height of these elements and the separation distances, it is considered that the proposed boundary treatments would not unacceptably impact upon residential neighbours. However, final details of enclosures is to be sought by means of a condition (**Condition 5 refers.**)

Neighbour comments relate to lights from cars shining into the properties along Sandy Lane, particularly when exiting the application site. Whilst this has been considered, the application site is an allocated site and as such, the presence of cars and their lights along this road is inevitable for an allocated site within the settlement boundary. Whilst it is noted that lights from vehicles exiting the site would be directed towards some properties directly opposite the site entrance, such impacts would not be so unreasonable to refuse the application.

It should be noted that the proposed scheme would alter the outlook for many residential properties in the locality and would result in the loss of a view. With regards to the loss of a view, this is not a material planning consideration. However, whilst the impact on outlook has been considered, given the position and scale of the development, in addition to the nature of the site as an allocated site within the LDP, the impact on outlook would not be unacceptable in this instance.

Neighbour comments have also raised concern on impact to health and wellbeing and issues such as noise and air pollution etc. Firstly, the proposed scheme when operational is not considered of a scale or nature that would result in unacceptable impacts such as noise etc. It is recognised that there will be some disturbance as a result of the construction phase of the development, however, a condition requesting a CEMP has been included (**Condition 7 refers**) which seeks detail on how the site will be managed, to include detail such as deliveries, dust control and construction hours etc. Such a condition is considered necessary as it assists with minimising the impact of the construction phase. Provided a CEMP is conditioned and is implemented by the developer, it is considered that impacts to existing residential occupiers can be adequately managed during the construction phase.

Neighbour comments have also raised concern with regards to the location of solar panels and the potential impact these could have on existing residents. Whilst these concerns have been considered, given the position of these panels, it is considered that they would not unacceptably impact upon residents. Notwithstanding this, such additions could be considered as permitted development once the properties are built.

Taking the above into consideration, the proposals are considered to comply with criterion 8 of policy MD2 (Design of New Development), in addition to the aims of the SPG: Residential and Householder Development.

Amenities of future occupiers

Criterion 9 of policy MD2 (Design of New Development) states that development proposals should provide private amenity space in accordance with the Council's standards. Policy MD2 of the Local Development Plan requires new developments to meet the Council's approved guidelines with respect to the provision of amenity space and public open space. These approved guidelines are contained within the adopted Supplementary Planning Guidance (SPG) 'Residential and Householder Development', which provide guidelines to ensure that all new residential developments contribute towards a better quality of life without unacceptably affecting the amenity enjoyed by existing residents.

The guidance contained within this policy notes that for flats between 12.5 sq. m and 20 sq. m of amenity space per person should be provided, depending on the size of development and for dwellings 20 sq. m of amenity space per person. Moreover, the guidance states that communal areas of amenity space may be acceptable, but these must be directly accessible for all occupiers.

In terms of the layout and positioning of dwellings, they are located a sufficient distance away from each other and gardens etc. to ensure no harmful overbearing or overlooking issues. In addition, all dwellings would have a generous outlook from habitable room windows and as such, the amenity of future occupiers is considered acceptable.

The overall level of amenity space provision varies throughout the site. Whilst there is a shortfall in some instances, it is recognised that there are also instances where the level of provision exceeds the aims of the SPG. As such, and recognising that all future occupiers would have different expectations in terms of provision, it is considered that on balance, the amenity space offered would be sufficient to serve the needs of future occupiers, noting the provision of public open space that would also be available within the wider site.

In addition, it is noted that there are facilities for cycle parking and bin storage etc. where necessary, which would also assist with ensuring acceptable amenity provision for future occupiers.

Drainage and Flooding

Criterion 7 of policy MD7 (Environmental Protection) states that development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from flood risk consequences. This is also supported by TAN 15 (Development and Flood Risk).

This site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal / tidal flooding. In addition, NRW flood maps (TAN15 2004) indicate that this site is at a very low risk of surface water flooding.

A drainage strategy has been supplied as part of this planning application with the intent to comply with SAB requirements and the Council's drainage department have stated that a SAB pre-application has been submitted for this site for which a response has been issued.

The site would need to receive separate consent for SAB, which would need to be approved by the Drainage Authority.

It should be noted that a surface water drainage route is proposed to the north of the site, where water will discharge to a ditch/stream via a headwall. Natural Resources Wales, in their comments, state the following:

“The site inclines towards this watercourse and there is potential for pollutants to enter the water environment during construction which could affect water quality.”

In order to address this, NRW have requested a CEMP condition as they consider the issue can be addressed through appropriate pollution prevention measures (**Condition 7 refers**). Subject to conditions and informatives on drainage, the proposal would not detrimentally impact upon the locality in terms of flooding. As such, the proposal is considered to comply with criterion 7 of policy MD7.

Archaeology

HENEB have commented on the proposals and have stated that based on information in the Historic Environment Record, the application area is located in an area of archaeological potential. The application has been supported by an Archaeological Desk Based Assessment (GGAT Archaeological Services, 2023, 2023/009) which indicates that there was low potential for encountering remains prior to the medieval period, and a medium potential for encountering remains from the medieval, Post-medieval and Modern periods.

HENEB concur with such conclusions and as such, have recommended a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource in the form of a watching brief during the groundworks required for the development.

To ensure adherence to the recommendations, HENEB recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014. In addition, an informative is required to ensure that the watching brief is carried out by a suitably qualified archaeologist. Subject to the addition of such a condition and informative, the proposal is considered acceptable in terms of its impact on the archaeological resources in the area (**Condition 22 refers**).

Ecology

The application has been supported by a Preliminary Ecological Assessment (PEA) in addition to a stage 2 ecological survey. The stage 2 survey states that the northern hedgerow supports significantly higher levels of bat activity compared to the hedgerow along Sandy Lane (given that the latter is regularly managed and cut). The northern hedgerow is identified as likely to act as an important flight corridor and foraging resource for bats in the local area. The survey concludes that the removal and translocation of the hedge along Sandy Lane would not result in a long term negative impact to commuting bats, but may result in a temporary loss of small foraging resource.

The report suggests that the linear habitat of the northern hedgerow / boundary should be maintained as a dark corridor for foraging and commuting bats to avoid any impacts to habitat connectivity and also stated that lighting should be designed appropriately to as to reduce artificial light spill. Such conclusions have also been made by the Council's

Ecologist, who has requested a condition for a lighting plan, indicating dark corridors and the impact of any proposed external lighting on them (**Condition 20 refers**). It should also be noted that in some cases, the layout of a scheme can impact upon the dark corridors (i.e. such as position and proximity of windows to the corridors etc.), however, it is considered that in this instance there is sufficient distance between the proposed dwellings and this corridor and as such, the addition of the condition is sufficient to address this issue.

The surveys found no evidence of Great Crested Newts or Hazel Dormice on site, however, the stage 2 ecology survey suggests a precautionary approach towards the removal and translocation of the hedgerow along Sandy Lane. This should be addressed within a CEMP, which is to be secured by means of condition (**Condition 7 refers**). Notwithstanding this, should either be found during the course of development, the developer / applicant should stop and follow correct legal procedures.

Evidence of badgers using the site was found, including a sett within 200m of the proposed site. It is therefore recommended that during the course of development, any excavations are covered overnight or a means of escape provided. This should be detailed within a CEMP – which has been secured by means of condition (**Condition 7 refers**).

The PEA states that the hedgerow and tree habitats on site are likely to support a number of scrub / tree nesting bird species. As such, vegetation clearance should be subject to seasonal constraints and should be undertaken outside bird nesting season (between September – February) and if this is not possible, an ecologist should be present to inspect habitats prior to removal to confirm the absence of nesting birds. This is included as an informative.

Details of fencing have been received as part of the application, however, there are no indications (aside from within the PEA) for gaps in the bases of close boarded fence lines to allow hedgehogs and other small mammals free passage. Further details of boundary treatment, in addition to the provision of gaps, is secured by means of a condition (**Condition 5 refers**).

The PEA makes reference to many precautions in respect of protected species and work on site outlined in the PEA need to be reflected in a CEMP (as aforementioned). Subject to a condition seeking a CEMP, the proposal is considered acceptable in terms of its impact on ecology.

Trees, Hedgerows and Green Infrastructure

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. The main policy changes

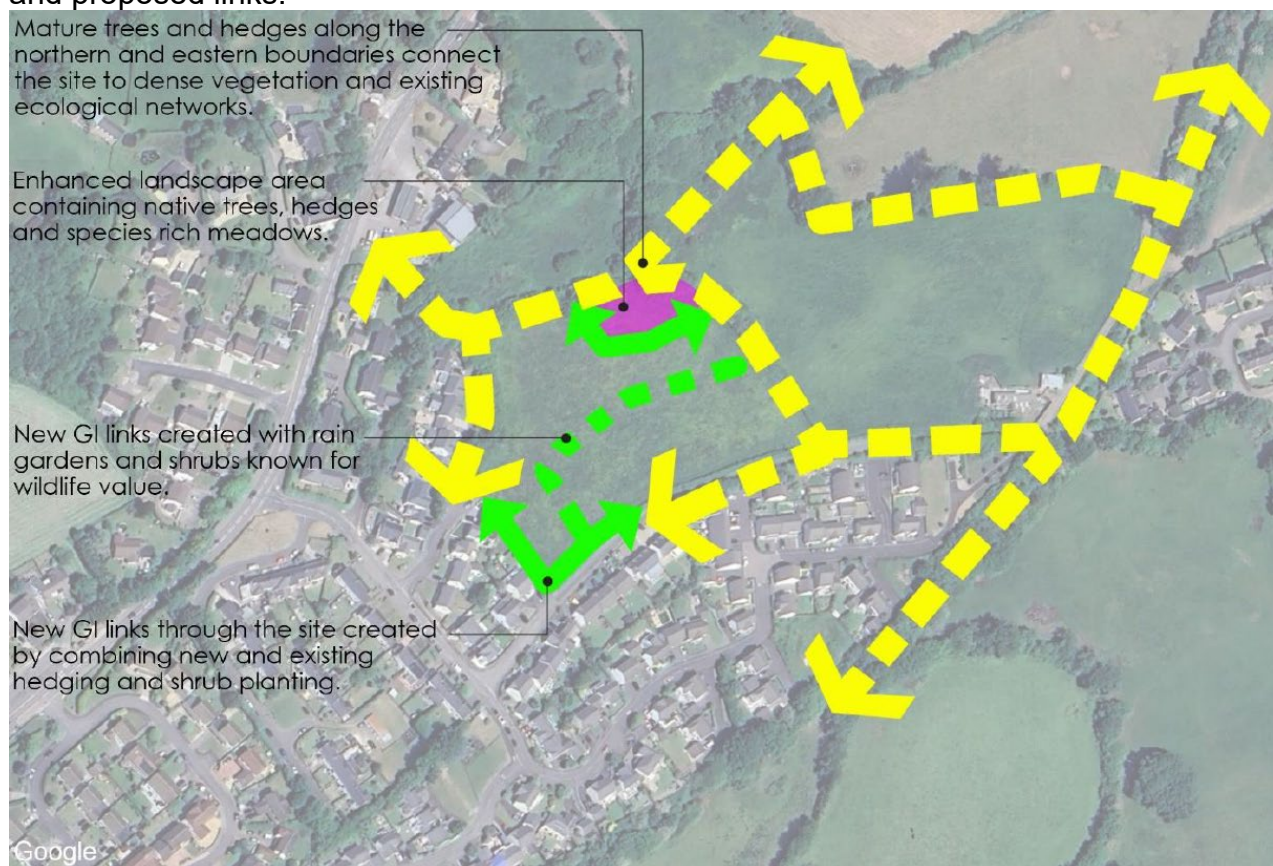
which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

The application has been supported by a tree survey and tree constraint plans. The survey and accompanying plan identifies that there are no trees located within the field and all trees are positioned along the outskirts of the application site. The trees consist of:

- No category A trees
- Four category B trees and three category B groups
- Four category C trees and eight category C groups
- One category U tree

There is a recommendations table within the tree survey that states limited works are required to some trees. The application proposes to retain trees, however, as aforementioned, the hedgerow along Sandy Lane is to be translocated elsewhere within the site.

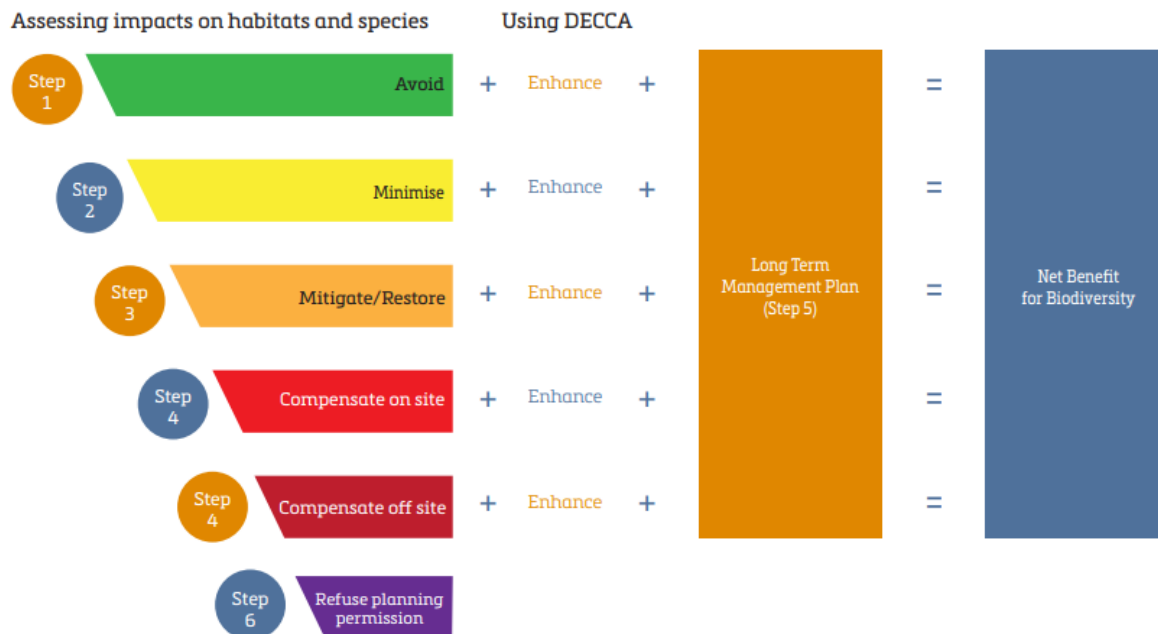
The ecological impacts of this translocation have been discussed above, however, the purpose of the recent green infrastructure requirements is to ensure that impacts are considered and where possible, improvements should be made. In this instance, the ecological surveys and GI statement have identified that the northern hedgerow forms a connective link for bats. The following extract from the GI statement denotes the existing and proposed links:



The trees and hedgerow located along the western, northern and eastern boundary are to be retained and enhanced as part of the landscaping proposals.

However, as aforementioned, the hedgerow along Sandy Lane would be removed and translocated elsewhere within the site. The GI statement acknowledges that there will be a

temporary reduction in green infrastructure, however, the proposal is to relocate the hedge and occasional hedgerow trees in order to mitigate the temporary loss and contribute to the creation of new habitats. Planning Policy Wales advises a step-wise approach in terms of loss of such vegetation and as such, following discussions with the Officer, the GI statement was amended June 2024 to include detail on the step-wise approach. In this instance, the hedgerow loss is unavoidable and is required in order to address requirements for the widening of Sandy Lane and the provision of acceptable footways. The step-wise approach, as referenced in PPW, is shown below for information:



In considering the GI statement, it is recognised that avoidance, where able, has been adopted throughout the site. Whilst it is recognised that some green infrastructure is to be lost as a result of the application, the reasoning behind the unavoidability (i.e. for highway safety reasons) is considered a very valid reason and there is considered suitable provision for enhancement to green infrastructure as part of the proposals.

As aforementioned, a tree survey has been submitted, however, a tree / hedgerow protection plan will be sought by means of condition so as to ensure that retained vegetation is suitably protected during the course of construction (**Condition 16 refers**).

In order to ensure satisfactory maintenance of landscaping features, the Council’s Ecologist has requested a condition for a Landscape and Ecology Environmental Management Plan (LEMP) which is considered necessary (**Condition 18 refers**).

Taking the above into consideration, the impact upon trees, hedgerow and green

infrastructure provision are considered acceptable and comply with PPW.

Biodiversity enhancement

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrate that:

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

Para. 6.4.5 of Planning Policy Wales (Edition 12, 2024) states that:

"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity....."

The SPG for Biodiversity and Development in the Vale of Glamorgan suggests (page 65) that a medium development of this size should have 33% of properties with a bird box and for some on the margins of the site an external or integrated bat roost box could supplant a bird nest box. In this instance, the PEA states that the landscaping scheme proposes a comprehensive scheme of planting throughout the site, which would provide habitat and fauna for a range of wildlife and insects. In addition, the enhancement of the existing hedgerows will also be of assistance to a wide range of wildlife, such as bats. The proposal also includes the addition of bat and bird boxes, however, the location of these is not shown on any of the proposed plans.

The Ecologist has stated that the strengthening of the eastern boundary is the top priority and it should be properly managed. They also state that at least one substantial hibernaculum should be created to the north and a LEMP is required to secure future management.

The Council's Ecologist has requested that *Salix caprea* is replaced with *Euonymus europaeus* as this is considered of more interest for both biodiversity and local amenity than goat willow. This has been relayed to the agent but given that a landscaping scheme is to be conditioned (as referenced above), this will be considered further at condition discharge stage.

Subject to a condition relating to the placement and retention of these details (**Condition 19 refers**), they are considered an acceptable and proportionate level of biodiversity enhancements and as such, accords with policy MD9 of the LDP and PPW.

Contamination

Neighbour comments refer to concerns on potential contaminants such as asbestos being found. The Council's Shared Regulatory Services for Contaminated Land have been consulted and stated that the contamination assessment within the submitted site investigation survey identified no significant concerns. However, given that unforeseen contamination cannot be ruled out, a condition on this matter has been requested (**Condition 26 refers**). It should also be noted that NRW have also requested the

unforeseen contamination condition due to the highly sensitive location of the site above a Principal bedrock aquifer and whilst they note no significant sources of contamination were found, localised hydrocarbon impact to soils was encountered.

The supporting Site Investigation report provides detail of ground investigations. Paragraph 5.3.2 states that:

“The contamination test results, and investigation observations do not show significantly elevated concentrations within the topsoil and subsoil beneath the site.

Although slightly elevated PAH concentrations were identified within the subsoil at 0.4m depth in one location, the results of additional testing carried out around this location did not identify any elevated concentrations. Based on the results of the testing, the lack of a potential contaminant source and the agricultural site history, with no history of any previous development, it is considered that the initial result may be considered an anomaly.

It is therefore considered that the site does not present a significant risk to end users and no specific remedial mitigation measures are required.”

It is therefore concluded that there are no known risks to future occupiers.

Other conclusions include paragraph 10.4 where it states that all gardens and areas of soft landscaping will require a minimum thickness of 150mm of clean topsoil and 10.6 states that the site would require basic radon protective measures. This is a matter for Building Control.

Other issues

Neighbour comments refer to the loss of a substation and a pumping station that were initially included within the original scheme. However, these were removed prior to the submission of recent plans and are not considered as material planning considerations.

Comments relating to whether a housing scheme is required have been addressed in part during the assessment on principle of development and given the allocated nature of the site, such an issue is not assessed further.

Comments relating to damage to property / cars etc. are considered legal / domestic issues. However, some of these concerns relate directly to highway safety etc. which has been discussed above and as aforementioned, subject to conditions, the Highway Authority has raised no objections on this matter.

Neighbour comments refer to the need for the application to improve sustainable transport and routes etc. elsewhere As set out below, there is a requirement for a 106 agreement, which also includes the provision of payment for sustainable transport £105,800 which can be used to provide or enhance sustainable transport measures within the vicinity of the site.

Neighbour comments refer to concerns on the Welsh language and refer to the weight afforded to issues such as the environment, which are not given to the Welsh language. These comments have been considered and whilst there is reference in national policy such as Future Wales to the Welsh language, the Vale of Glamorgan Local Development Plan does not have any specific policies on the matter. As a result, there are no identified Welsh language sensitive areas etc. and there is no requirement for additional

assessments etc. on a scheme of this scale. Notwithstanding this, it should be noted that the scheme would provide affordable housing, which can assist with ensuring that local people remain in the area. It should also be noted that as an allocated site, any impacts on the cultural environment have already been deemed acceptable through the examination of the LDP.

Planning Obligations

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

In summary the proposal would require the following contribution (calculated from the SPG):

- Affordable Housing – 19 on site units.
- Sustainable Transport - £105,800.
- Education - £145,992
- Public Open Space - £40,320.
- Community Facilities - £57,960
- Public Art - 1% of build costs.

The policy requirements are expanded upon below:

Affordable Housing:

Technical Advice Note 2: Affordable Housing defines 'affordable housing' for the purpose of the land use planning system as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes:

- Social rented housing;
- Intermediate housing.

Social rented housing is housing that is provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.

In accordance with Policy MG4 of the Local Development Plan, in this area, a minimum of 40% affordable housing is required for all housing developments where the net gain is one or more dwellings. On sites of 10 or more dwellings, this 40% is expected to be provided on site.

On a site of 46 dwellings, 19 (18.4 rounded up) should therefore be provided as affordable housing on site.

Following comments from the Council's Housing Strategy (Affordable Housing) department, the 19 affordable units should comprise of a mix of a minimum of 70% for

social rent – which amounts to 14 units and the remaining 5 shall be for assisted home ownership.

The 14 units for social rent are to be provided as follows:

57% 8no. 1 bed
27% 4no. 2 bed
15% 2no. 3 bed

The 5 for assisted home ownership will be 2 bed houses.

The affordable units will need to meet WDQR 21 standard and a Housing Association will need to manage them.

The overall siting, design and mix of the affordable housing proposed is considered acceptable and in line with the above requirements.

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 acts 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"*.

The Council's adopted Planning Obligations SPG states that for smaller and constrained sites that *'where it is impractical to provide open space and / or recreational facilities on site or where existing open space provision is deficient in quality in the immediate locality, the Council may be willing to accept alternative provision i.e. off site contribution payments.'*

The overall requirement for POS is approximately 2,437.04 sq.m. The total provided as part of the proposals, as detailed above amounts to approximately 1,610 sq.m. leaving a deficit of approximately 827 sq.m. The deficit cannot be provided on-site and as such it is considered acceptable to secure an off-site contribution on lieu of full on site provision.

The amount required as per the Planning Obligations SPG is £2688 per dwelling. On the basis that each dwelling is to provide 55.68 sq,m of POS to accord with the SPG, this figure

would be the equivalent of 15 dwellings (rounded up). Therefore, the off-site contribution in this instance would be £40,320, which has been agreed by the agent.

Sustainable Transport:

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

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

Chapter 3 in Planning Policy Wales (PPW) (Ed 12) requires proposals to seek to maximise accessibility by walking, cycling and public transport to key locations, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Further, national policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

For the provision and/or enhancement of off-site sustainable transport facilities and having regard to the cost of providing sustainable transport infrastructure and services as set in the adopted Planning Obligations SPG, the Council requires £2,300 per residential unit.

All residential developments of 10 dwellings or more are expected to contribute towards the enhancement of off-site sustainable transport facilities. The Planning Obligations SPG requires a payment of £2,300 per dwelling for this purpose. On the basis of 46 dwellings, the amount required would be £105,800, which has been agreed by the agent.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (Ed. 12) emphasises that in order to achieve a "More Equal Wales", development should promote access to services like Education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales.

All residential developments of 10 dwellings or more will be expected to contribute towards the provision of additional school places, where the pupil numbers generated by that development cannot be met by available spare capacity within local schools. One bedroom

units are excluded from the above, as these are not considered to be of a size to generate children.

The proposed development site is located within the following catchment areas:

- Y Bontfaen – English medium (Primary)
- Ysgol Iolo Morgannwg – Welsh medium (Primary)
- Llansannor/St Helens RC Primary School – Denominational
- Cowbridge Comprehensive High School – English medium
- Ysgol Gymraeg Bro Morgannwg – Welsh Medium (Secondary)
- St Richard Gwyn RC High School – Denominational
- Ysgol Y Deri – Additional Learning Needs (ALN)

The 38 units available for S106 purposes, would generate the following pupil requirements:

- 38 units x 0.1 = 4 Nursery places.
- 38 units x 0.278 = 11 Primary places.
- 38 units x 0.208 = 8 Secondary places for ages 11-16.
- 38 units x 0.04 = 2 Secondary places for post 16-year-olds.

The development serves Y Bontfaen Primary for English medium provision (59%), Ysgol Iolo Morgannwg for Welsh medium (12%), Llansannor CIW Primary and St Helens for denominational (29%).

There is no capacity at Y Bontfaen Primary School, current and projected, to manage demand arising from the development. Therefore, there is a need for education funding in the order to manage demand arising from the development for EM provision consisting of 2 nursery and 6 primary places. The Council would therefore seek s106 contributions for 8 places at a cost of £18,249 per place totalling £145,992.

The development serves Cowbridge Comprehensive School for English medium provision (92.5%), Ysgol Bro Morgannwg for Welsh medium (5%) and St Richard Gwyn and Bishop of Llandaff for denominational (2.5). There is spare capacity, current and projected, to manage pupil demand.

The overall S106 requirement for both primary and secondary level is £145,992, which has been agreed by the agent.

Community Facilities:

All residential developments of 25 dwellings or more are expected to contribute towards the provision of community facilities, such as community centres and meeting places, community halls, places of worship, libraries, life centres, leisure centres, allotments and

burial land. The Planning Obligations SPG requires a payment of £1260 per dwelling for this purpose, therefore £57,960 for the development, which has been agreed by the agent.

Public Art:

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "*individuality and distinctiveness*" within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4. Further advice is available within the adopted Public Art in New Development SPG.

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard. which has been agreed by the agent.

Planning Obligations Administration Fee:

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

REASON FOR RECOMMENDATION

RECOMMENDATION

APPROVE, subject to the below conditions and subject to the interested person(s) first entering into a Section 106 legal agreement to include the following necessary planning obligations:

- To secure the provision of the identified 19 affordable housing units on the site;
- To pay a financial contribution to the sum of £105,800 to contribute towards the provision of sustainable transport facilities in the vicinity of the site;
- To pay a financial contribution to the sum of £145,992 towards education requirements arising from the development;
- To pay a financial contribution to the sum of £40,320 to provide / improve areas of public open space;
- To pay a financial contribution to the sum of £57,960 towards the provision of new, or enhancement of existing, community facilities in the area, and
- To provide Public Art to the value of 1% of the build costs

In addition to a clause requiring the payment of a fee to monitor and implement the legal agreement (£7,081.44 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents (unless otherwise specified):

1679-ACS-ZZ-XX-RP-T-001-C Transport Statement (except the proposed plans)
 Tree Survey At Sandy Lane Ystradowen dated 21 March 2022
 Tree Constraints Plan Sandy Lane Ystradowen
 19351 C Sk113 S278 Works Extent And Catchment Plan 0
 P3113a Rev A - Topographic Survey

Received 18 September 2023

Ecology Summary Note June 2023 final (except proposed engineering plan)
 Archaeological Desk Based Assessment - September, 2023

Received 21 September 2023

Bsd 01 Communal Bin Store
 Ed 01 1800 Screen Wall Reconstituted Stone
 Ed 02 1800 Close Board Fence
 Ed 03 Timber Gate Detail
 Ed 04 1200 Ball Top Railings
 Gar 01 Garage Planning Drawings Rev A
 P/2P1BF/01 Rev A Floor Plans and P/2P1BF/03 Elevations Render / Stone ST4
 P/4P2B/01 Rev A Floor Plans and P/4P2B/03 Elevations Render / Stone ST4

P/5P3B/01 Rev A Floor Plans and P/5P3B/03 Elevations Render / Stone ST4
P/BUR/01 Rev A Floor Plans and P/BUR/03 Elevations Render / Stone ST4
P/BURC/01 Rev A Floor Plans and P/BURC/03 Elevations Render / Stone ST4
P/HYA/01 Rev A Floor Plans and P/HYA/03 Elevations Render / Stone ST4
P/ROX/01 Rev A Floor Plans and P/ROX/03 Elevation Render / Stone ST4
P/SHE/01 Rev A Floor Plans and P/SHE/03 Elevations Render / Stone ST4
P/THO/01 Rev A Floor Plans and P/THO/05 Rev A Elevations – Render / Stone

ST4

Received 3 April 2024

SK111 Rev A Section Through Site received 9 April 2024

SLP-01 Rev B Site Location Plan
SS-01 Rev E Street Scenes (except site layout)
SSE-01 Rev B Site Sections to Existing Dwellings
12604/JJ/20/SI Rev B Site Investigation Report
E22108601/DOC 01 May 2024 Preliminary Ecological Appraisal Issue 5
E22108601/DOC 02 May 2024 Stage 2 Ecology Report Issue 5
19351-R-601-SAB Compliance Strategy Rev D

Received 3 June 2024

Planning Statement (except image of proposed LAP) received 4 June 2024

Design and Access Statement June 2024
1179.01 Rev H Soft Landscape Proposals
1179/R01C/DP/29.04.24 Green Infrastructure Statement
ADP-01 Rev F Adoption Plan
EW-01 Rev H External Works Layout
FIRE-01 Rev D Fire Strategy Plan
HF-01 Rev G House Finishes Layout
OSP-01 Rev F Open Space Plan
PSP-01 Rev D Parking Strategy Plan
PV-01 PV Rev D Panels Location Plan
RCS-01 Rev D Refuse Collection Strategy Plan
TP-01 Rev M Proposed Site Layout
SK101 Rev 18 Preliminary Engineering Appraisal

Received 17 June 2024

Reason:

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

3. Notwithstanding the submitted details, 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 wider visual amenities are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

4. Notwithstanding the submitted details, prior to the commencement of development, a schedule of materials, to include samples, to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason:

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

5. Notwithstanding the submitted details, prior to their erection on site, all means of enclosure associated with the development shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include the provision of gaps to assist with the free movement of mammals. The means of enclosure shall be completed and retained in accordance with the approved details prior to the first beneficial use of the relevant parts of the development and shall be retained in accordance with the approved details.

Reason:

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

6. Notwithstanding the submitted details, all retaining structures associated with the development shall be completed in accordance with design and finishing details which shall be submitted to and agreed in writing by the Local Planning Authority prior to their construction. The retaining walls shall be completed in accordance with the approved details prior to the first beneficial use of the relevant dwelling / part of the site to which the detail relates.

Reason:

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

7. No development or site clearance shall commence, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
 - xiv) general Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - xv) Soil Management: details of topsoil strip, storage and amelioration for re-use
 - xvi) CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - xvii) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - xviii) Traffic Management: details of site deliveries, plant on site, wheel wash facilities
 - xiv) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - xv) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
 - xvi) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
 - xvii) details of the precautionary approach towards hedgerow removal and translocation to ensure the protection of wildlife, details on how any excavations will be left overnight

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

Reason:

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

8. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of the site operating times, the proposed haulage routes for site traffic, timings of construction traffic and means of defining and controlling traffic routes and timings, parking of site vehicles on site, measures to control mud and debris from entering the highway, the storage of materials and the loading and unloading of plant.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

9. Notwithstanding the submitted plans and details, no construction works shall commence on the development until full Engineering details have been submitted and approved by the Local Planning. The details shall incorporate road geometry, vision splays, Street lighting, road signs, materials, surface water drainage strategy, active travel improvements and resurfacing of Sandy Lane and any retaining structures.

Reason :

To ensure the minimum Design and Construction Standards are achieved in the interests of Highway / Public Safety and to comply with Policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

10. Notwithstanding the submitted plans and details no construction works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, drainage systems, street lighting, water culverts etc. abutting or within close proximity to the existing / proposed highway have been submitted to and approved by the Local Planning Authority.

Reason:

To ensure the minimum Design and Construction Standards are achieved and to comply with Policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

11. Prior to the first beneficial occupation of the development, a scheme for a traffic regulation order (TRO) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of no waiting at any time restrictions along the frontage of the site and into the development access to protect vision splays and ensure suitable operation of the junction for vehicles entering and leaving the site. All cost associated with the TRO shall be payable by the developer.

Reason:

In the interests of highway safety and to comply with Policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

12. No dwelling or flat shall be occupied until the parking spaces and cycle storage, pathways, associated access and turning areas have been laid out within the site in accordance with drawing no PSP-01 Parking Strategy Plan Rev D which shall thereafter be retained in accordance with the approved layout for the lifetime of the development.

Reason:

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

13. Prior to the commencement of development (or any site clearance), a Pre Development Condition Survey shall be carried out along the agreed haulage route, the extent of which is to be agreed with The Councils Highway Network Manager. The survey shall be undertaken by a suitably qualified and experienced independent Highway Maintenance Consultant and the Pre Development Condition Survey shall be submitted to and approved by the Local Planning Authority,.

Reason:

To assess the condition of the highway prior to the commencement of development and to comply with Policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

14. Within three months of the completion of development (or such time that the Highway Authority instruct), a second Condition Survey along the previously agreed haulage route is to be undertaken by the approved independent Highway Maintenance Consultant and submitted to the Local Planning Authority. Any remedial works required identified as a result of extra-ordinary traffic due to the development should be carried out at the developers expense in accordance with timescale which shall be set out within the second Condition Survey.

Reason:

To ensure a satisfactory condition along the network and to comply with Policy SP1 (Delivering the Strategy) of the Council's Local Development Plan.

15. There shall be no obstructions including planting whatsoever within the areas required for vision splays. Any hedgerows or planting shall be maintained in order to ensure that the required vision splays are retained in the interest of highway / public safety.

Reason:

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

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) 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 (or as agreed under Condition 18) from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

18. A Landscape and Ecology Environmental Management Plan (LEMP) shall be submitted to the local planning authority for their written approval prior to the commencement of any groundworks on site or any site clearance. The LEMP shall be fully implemented in accordance with the approved details and in accordance with the timescale as detailed in the approved LEMP and shall include details such as the future maintenance of the Public Open Spaces, trees, shrub and planting, boundaries and SUDS features.

Reason:

In the interests of safeguarding the ecology of the site and to ensure mitigation and enhancement of the ecological value of the site in accordance with Policy SP1 (Delivering the Strategy) of the Local Development Plan.

19. Prior to the first beneficial occupation of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
- a) Details of any bird/bat box provision
 - b) Details of any landscaping features
 - c) Details of any additional ecological enhancements, to include one substantial hibernaculum in the north of the site

Reason:

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

20. Prior to its installation, full detail of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Details of the siting and type of all forms of external lighting to be used
 - Drawings setting out light spillage in key sensitive areas, in particular the retained vegetation to the west and north of the site
 - Details of lighting to be used both during construction and operational phases
 - Measures to monitor light spillage once development is operational

The lighting shall thereafter be installed and retained in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

21. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

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

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

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to comply with policy SP1 (delivering the Strategy) of the Local Development Plan.

23. 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 of the Vale of Glamorgan Local Development Plan.

24. 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 of the Vale of Glamorgan Local Development Plan.

25. 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 of the Vale of Glamorgan Local Development Plan.

26. 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 policy MD7 of the Vale of Glamorgan Local Development Plan.

27. Notwithstanding the submitted details, prior to first beneficial occupation of the development, further details of the LAP equipment, to include section drawings of a minimum 1:20, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed LAP shall thereafter be completed in accordance with the timescale submitted within the approved scheme and thereafter retained.

Reason:

To ensure an adequate level of play equipment provision, in line with policies SP1 (Delivering the Strategy) and MG28 (Public Open Space Allocations) of the Local Development Plan.

28. Notwithstanding the provisions of Part 2 (Minor Operations) Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure other than those approved under Condition 5 of this consent shall be erected within the curtilage of any dwelling house between the dwelling house and the highway.

Reason:

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

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, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 - Housing Allocations, MG4 – Affordable Housing, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, 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, MG28 – Public Open Space Allocations, MD1 – Location of New Development, MD2 - Design of New Development, MD4 – Community Infrastructure and Planning Obligations, MD5 – Development Within Settlement Boundaries, MD6 – Housing Densities, MD7 – Environmental Protection, M8 – Historic Environment and MD9 Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council’s Supplementary Planning Guidance on Affordable Housing (2022), Biodiversity and Development (2018), Model Design Guide for Wales, Parking Standards (2019), Planning Obligations (2018), Residential and Householder Development (2018), Sustainable Development – A Developer’s Guide and Trees, Woodlands, Hedgerows and Development (2018), Future Wales: The National Plan 2040, Planning Policy Wales 12th Edition (2024), and Technical Advice Note 2 – Planning and Affordable Housing (2006), 5 – Nature Conservation and Planning (2009), 11 – Noise (1997), 12 – Design (2016), 15 – Development and Flood Risk (2004), 16 – Sport,

Recreation and Open Space (2009), 18 – Transport (2007) and 24 – The Historic Environment (2017), the development of this allocated site is considered acceptable in terms of density, design and visual impact, open space provision, as well as its impact on existing and future residential amenities, amenity space provision, highway safety and parking provision, green infrastructure and biodiversity enhancement provision.

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

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

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

NOTE:

- 1. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 2. In relation to the Highways works the developer will be required to enter into a Section 278 Agreement with the Highway Authority before undertaking works along the adjacent highway.**

The applicant is required to contact Highway Maintenance team (networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety.

A minimum of 12 week's notice is required to implement a Temporary or Permanent Traffic Regulatory Orders should the closure or other order be agreed. Requests for any such orders must be submitted in writing to Operational Manager Highways & Engineering, Alps Depot Wenvoe, Vale of Glamorgan.

- 3. Any works to watercourses, including ditches and stream where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include any change to the ordinary watercourse that may obstruct or alter its flow on a permanent or temporary basis.**

New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

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

- 4. In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.**

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991. Any alterations to existing premises resulting in the creation of additional premises or merging of existing premises must also be constructed so that each is separately connected to the Company's water main and can be separately metered. Please contact our new connections team on 0800 917 2652 for further information on water and sewerage connections.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 5. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.**

6. The contamination assessments and the effects 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.

7. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

8. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0300 065 3000 or the Council's Ecology Section on 01446 704855.

- 9. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

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.

2021/01516/FUL Received on 15 September 2022

APPLICANT: Mr N Rubenstein c/o DHPC, Lytchett Minster , BH16 6FE

AGENT: Mr Darryl Howells Darryl Howells Planning Consultancy, Unit 6, The Axiom Centre, Dorchester Road , Lytchett Minster, BH16 6FE

Woodside Hamlet, Ham Manor, Llantwit Major

Siting of five proposed tourist pods and wooden platform accesses

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr S Haines because of high public interest.

EXECUTIVE SUMMARY

The application relates to an area of woodland to the south of Llantwit Major with access gained from the Ham Manor Park residential park to the south. There are significant site levels differences at the site, which mean that the woodland floor is approx. 5m lower than the adjacent land. The River Hoddnant runs centrally through the site and as a result part of the site also sits within DAM Flood Zone C2/ FMfP Flood Zones 2 & 3.

Planning permission is sought for the tourist use of the site with five tourist pods and the erection of wooden platform accesses. The proposed plans also show vehicular access provided via Woodside Hamlet, with a parking area provided to the south-eastern corner of the site.

Llantwit Major Town Council objected on several grounds, as have Cllr G John and Cllr S Hanks. Cllr S Haines called the application to Planning Committee on account of high public interest. Representations were received on behalf of approx. 65 households, with only one of them expressing support. The prevalent grounds of objection and concerns relate to inadequate supporting information, the impact on the countryside, heritage coast, the health of the woodland, biodiversity and nature conservation, inadequate access, highway and pedestrian safety matters, flood risk, and detriment to amenity from noise and other disturbances or nuisances.

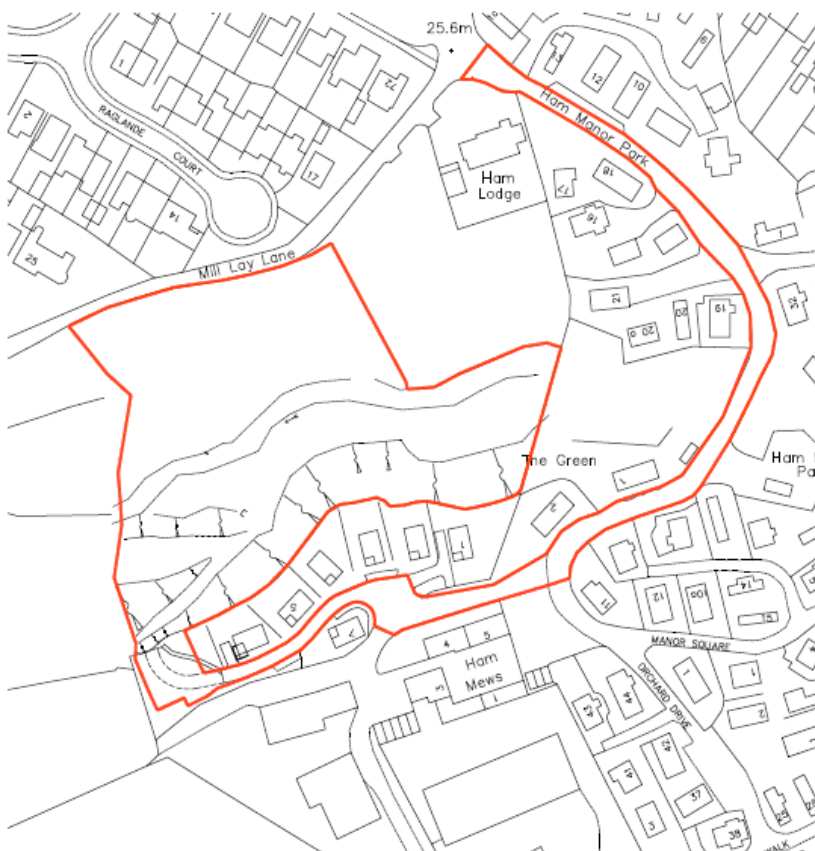
Having considered the above, and having appraised the principle of development, the impact to the woodland, nature conservation, ecology and biodiversity, neighbouring impacts, and highways impacts, among other things, it is considered that the proposed use would be likely to have unacceptable consequences to the heath and nature conservation value of the woodland, and that insufficient information has been submitted to demonstrate the flood risk is acceptable. Insufficient ecological information has also been submitted due to the time that has lapsed since several of the field surveys were carried out. The application is therefore recommended for refusal.

SITE AND CONTEXT

The application relates to an area of mixed woodland to the south of Llantwit Major with access gained from the Ham Manor Park residential park to the south.

The site lies just outside of the settlement of Llantwit Major as defined by the Vale of Glamorgan Local Development Plan 2011-2026 and, as such, the site is located in the countryside. There are significant site levels differences at the site, which mean that the woodland floor is approx. 5m lower than the adjacent land. The River Hoddnant runs centrally through the site and as a result part of the site also sits within DAM Flood Zone C2/ FMfP Flood Zones 2 & 3. The site lies adjacent to but not within the Glamorgan Heritage Coast. The site is also situated within Sand & Gravel and Limestone Category 2 mineral safeguarding zones. The woodland is recorded as a Restored Ancient Woodland.

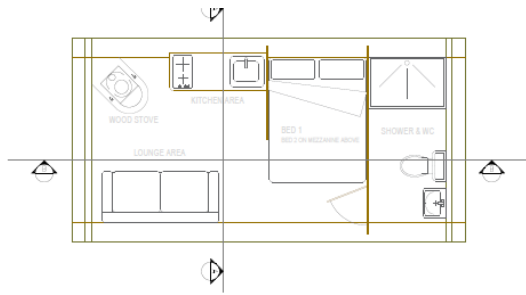
The site location is shown in the below plan extract:-



DESCRIPTION OF DEVELOPMENT

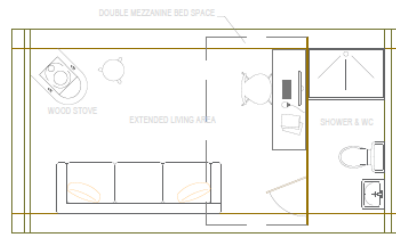
Planning permission is sought for the tourist use of the site with five tourist pods and the erection of wooden platform accesses. The proposed plans also show vehicular access provided via Woodside Hamlet, with a parking area provided to the south-eastern corner of the site.

The proposed tourist pods would have a timber finish and measure approx. 3.2m x 2.6m in area and be 3.2m tall. They are depicted as shown in the below plan extracts and images:



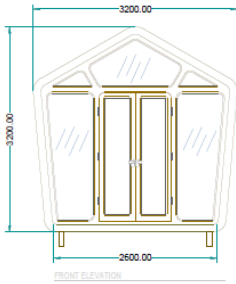
FLOORPLAN - STANDARD EQUIP+ LAYOUT

FOR TARGET RENTALS OF 4 PERSONS THE OXIA EQUIP+ CABIN IS CONFIGURED TO INCLUDE TWO DOUBLE BEDS (ONE ON THE GROUND FLOOR BEHIND PARTITION AND ONE ON THE MEZZANINE SPACE ABOVE ALONG WITH A KITCHEN AREA (OR DESK SPACE) IF REQUIRED AND LOUNGE AREA WITH SOFA AND WOODSTOVE.

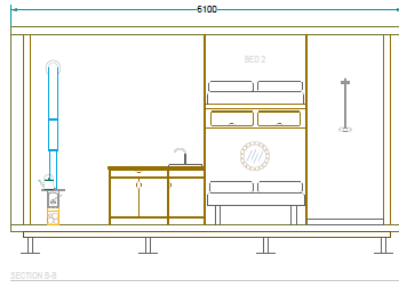


FLOORPLAN - ALTERNATIVE 2 PERSON LAYOUT

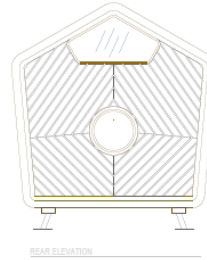
FOR WHEN TARGET RENTALS ARE FOR TWO PEOPLE THE OXIA EQUIP+ CABIN CAN BE CONFIGURED TO REMOVE THE GROUND FLOOR DOUBLE BED TO OFFER A LARGER, EXTENDED LIVING AREA TO ACCOMMODATE A LARGER SOFA AND ALLOW ROOM FOR OTHER FURNITURE ITEMS SUCH AS A DESK AND STORAGE FURNITURE.



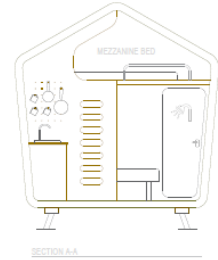
FRONT ELEVATION



SECTION B-B



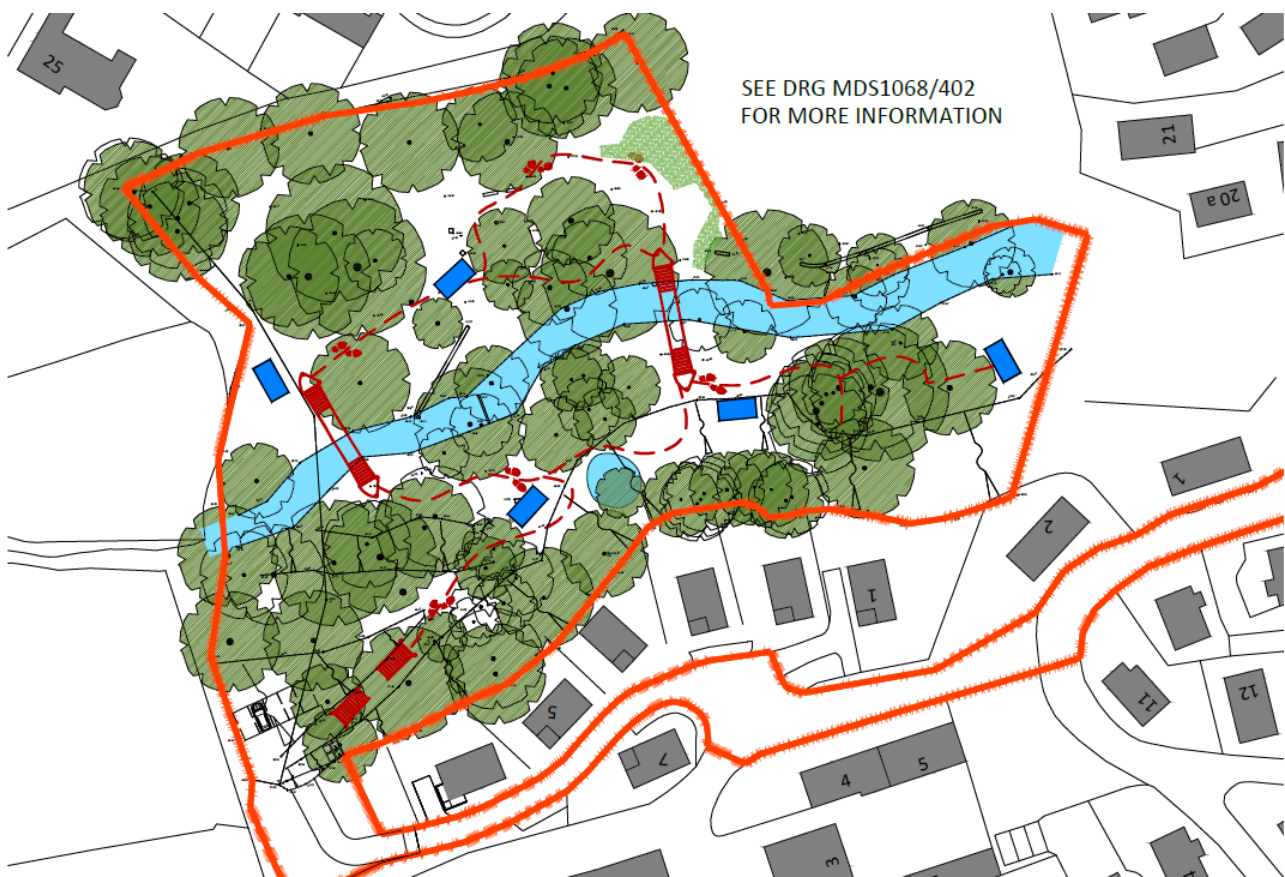
REAR ELEVATION



SECTION A-A



The proposed site layout is shown in the below plan extract:



PLANNING HISTORY

2003/01548/OUT, Address: Ham Woods, Ham Manor Park, Llantwit Major, Proposal: Demolition of existing barn and erection of 7 No. holiday chalets (suitable for disabled persons) and associated external works and planting. (Resubmission of 02/01042/OUT), Decision: Refused.

2004/00798/FUL, Address: Ham Woods, Ham Manor Park, Llantwit Major, Proposal: 7 no. residential park homes, associated site development works and removal of existing barn, Decision: Refused.

2005/01048/FUL, Address: Ham Woods, Ham Manor Park, Llantwit Major, Proposal: 7 No. holiday chalets, associated site development works and removal of existing barn, Decision: Approved.

2006/01739/FUL, Address: Ham Woods, Ham Manor Park, Llantwit Major, Proposal: Seven Holiday Chalets and associated works - revised chalet type 05/01048/FUL, Decision: Approved.

2014/00530/FUL, Address: Plot 2, Mill Lay Lane, Llantwit Major, Proposal: Proposed new dwelling on land adjacent to Ham Land, Llantwit Major, Decision: Refused.

2015/00995/OUT, Address: Woodside Hamlet, Ham Manor, Llantwit Major, Proposal: Proposed tourist (tree tent) accommodation development on land adjacent to Woodside Hamlet, Decision: Withdrawn.

2016/01160/OUT, Address: Woodside Hamlet, Ham Manor, Llantwit Major, Proposal: Proposed tourist (Tree Tent) accommodation development on land adjacent to Woodside Hamlet, with associated parking, wash up and toilet facilities, Decision: Refused

Reason: *By virtue of its location relative to nearby residential properties and proposed means of access through the Ham Manor Estate, the proposed use of the site for tourist (Tree Tents) accommodation development, with associated parking, wash up and toilet facilities, represents an unneighbourly form of development that would unreasonably affect the amenity of nearby residential properties. The proposed use is therefore considered contrary to LDP Policy MD2(8) which requires development proposals to safeguard existing public and residential amenity, particularly with regard to noise and disturbance.*

This application was subsequently dismissed at appeal.

2020/01274/FUL, Address: Woodside Hamlet, Mill Lay Lane, Llantwit Major, Proposal: Full planning application for the erection of a detached dwelling with integral garage and vehicular access, Decision: Refused.

2021/01515/FUL, Address: Woodside Hamlet, Ham Manor, Llantwit Major, Proposal: Siting of five proposed tourist lodges and wooden platform accesses, Decision: Withdrawn.

CONSULTATIONS

Llantwit Major Town Council objected, with their reasons for objection and other comments summarised below:-

- NRW maps state that the development is within the Glamorgan Heritage Coast and this should be clarified.
- It would be in use all year round and is not 'low impact tourism'.
- Harmful and arbitrary incursion into the countryside.
- Loss of trees and harmful impact on restored ancient woodland.
- Location has not been justified in planning policy.
- Inadequate proposed parking facilities, with no consideration for service vehicle spaces.
- No detail of the raised platform required to accommodate the car park.
- Potential access rights issues
- Questioned arrangements for emergency access.
- Concerns relating to construction traffic management.
- Noise and light pollution.
- Increased risk of flooding, site has a history of flooding.
- No details provided for foul water disposal.
- Detrimental impact on biodiversity, wildlife, flora and fauna.
- Harm to well-being of the community, mental health.
- Green infrastructure and biodiversity should be protected and enhanced.
- It is not understood how, as stated in the application form, no staff would be employed.
- It is requested that the relevant utility companies are consulted, as high voltage cables may be present beneath the site.

Cllr G John objected, the reasons for which are summarised below:-

- The site is in the Heritage Coast.
- Harm to ancient woodland / loss of trees.
- Climate change impact.
- Destroying of ecology and wildlife.
- Impact on residents.
- An Equality Impact Assessment should be carried out.
- Access rights and maintenance issues.
- Noise from construction vehicles.
- Noise from the proposed use – as highlighted by an Inspector who dismissed the appeal in 2019.
- No mention of disabled facilities.
- No mention of sewerage disposal, waste management.
- Health and safety concerns (rope bridge, burning stoves).
- The emergency services should be consulted.

Cllr S Hanks objected, the reasons for which are summarised below:-

- Noise and general disturbance to residents.
- Narrow access road, old wall, and constant flow of pedestrians.
- Destroying ancient woodland, site of nature conservation and ecosystem.
- Loss of trees not quantified.
- There is a duty to comply with the Well-being of Future Generations Act.
- Ham Wood is included in the Heritage Coast and should be conserved.

Cllr S Haines requested the application be called-in to Planning Committee on account of high public interest.

VoGC Highway Development did not object to the proposals in principle but stated the applicant will need to consider refuse collections, sustainable transport modes, and the ability for vehicles to enter and leave the site in forward gear. It was requested that planning conditions be included requiring a detail of a scheme of cycle parking and details of a swept path analysis for the vehicle parking area.

VoGC Drainage Section (SAB) – no response received to date.

Tourism & Marketing – no response received to date.

Shared Regulatory Services (Neighbourhood) – no response received to date.

Gwent Glamorgan Archaeological Trust (now Heneb) stated no objection, noting that it was unlikely that significant archaeological remains would be encountered.

Dwr Cymru / Welsh Water stated that to establish what would be required to serve the site with adequate water supply, it would be necessary for the developer to fund a hydraulic modelling assessment on the water supply network.

They also referred to their response dated 03.03.22 for planning application 2021/01515/FUL, which stated that the site was crossed by several public sewers and that the proposed development would be within the 3m protection zone either side of their centreline. They stated that application could be made to divert them but recommended that the development was repositioned to account for the protection zones. In the first instance, it was recommended that a survey was carried out to confirm the location and depth of the sewers.

A condition was also recommended that required details of a foul water drainage scheme to be agreed and advisory notes were provided about the recording of assets and requirements of the Water Industry Act 1991.

VoGC Ecologist objected and recommended refusal, stating that many of the surveys were beyond the 3 years stated in CIEEM guidance (CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys, April 2019) as being 'unlikely to still be valid'. It was stated that updated surveys for bats, badger, otter, amphibians, and reptiles were necessary.

The following was also stated:-

Woodland: it was noted that policy (PPW) reaffirmed the importance of ancient and semi-natural woodland, and its designation as restored ancient woodland qualifies it as a Site of Importance for Nature Conservation (SINC) (Wildlife Sites Guidance Wales, Wales Biodiversity Partnership, February 2008 – p.27) and the VoGC Biodiversity and Development SPG sets out that ecological reports should assess the site status against SINC criteria, whether it is a recognised SINC or not.

Badger: the site is known to hold an active sett and to be part of a network extending down the valley. Their presence supports consideration of the land as having SINC value. The provision of tourism accommodation linked by a network of paths and bridges, even with the exclusion of dogs, would result in a fundamental change in activity levels at the woodland, which in turn would seriously impact the population of badgers, through disturbance and hindrance of their ability to move freely around the environment.

Otter: it was stated that they are known to use the River Hodnant (through NRW survey work 2009 - 2020) and it is an important and relatively undisturbed route for commuting in the valley. Otter is listed under Section 7 of the Environment (Wales) Act 2016 as being of conservation concern. The proposal for two bridges, mains services, and increasing human presence requires further assessment of the impact on their use of the landscape.

Bats: it was stated that surveys for bats have been solely based around their use of trees as active roost sites. A flight survey should be carried out to determine the species using the site, flight lines, commuting or feeding behaviour and their origin, to provide a basis for mitigation proposals.

In conclusion, it was stated that the biodiversity interests of the site would be adversely effected and both Badger and Otter are species that do not tolerate the potential levels of disturbance the development would bring. Notwithstanding this, it was also stated that the site should have been treated as a SINC within the ecological reporting and up to date site surveys carried out.

Natural Resources Wales stated they had concerns with the application because inadequate information has been provided about European Protected Species (Bat, Great Crested Newt, Dormice). This was because the protected species surveys undertaken at the site were last fully carried out in 2018, with a subsequent site walkover carried out in April 2022.

They noted that the proposal was to connect to the main sewer and requested they be re-consulted if this changed.

In relation to flood risk, it was noted that the site lies partially in DAM Zone C2 and FMfP Zone 3 (Rivers). It was also noted that the revised site plan (1068/402 revD) included an additional access/ egress on the southern boundary and the location of the pods had been revised. While it appeared that they were outside of the predicted flood extents, it was stated that the route of the river on the site plan did not align with their maps and a clearer plan was requested of the applicant.

It was further advised that the LPA must be satisfied that the risks and consequences of flooding can be managed, particularly regarding access and egress, for emergency planning, and structural damage, and that an FCA may be asked for to aid these considerations.

It was advised that a Flood Risk Activity Permit would be required for any works or structures located in, under, over, or within 8 meters of the river bank.

Shared Regulatory Services (Environment) did not object and provided advisory notes relating to contamination and unstable land.

Woodland Trust objected due to:-

- Direct loss of restored ancient woodland, which is an irreplaceable habitat.
- Intensification of recreational human and pet activity, resultant disturbance to breeding birds, vegetation damage, litter, fire damage.
- Noise, light and dust pollution.
- Further loss of trees that if they become safety issues in public areas.
- Adverse hydrological impacts from changes to the quantity and quality of surface water runoff.
- Lack of arboricultural and ecological assessments for the application.

REPRESENTATIONS

The neighbouring properties were consulted on 22 February & 15 September 2022.

A site notice was also displayed on 3 March & 22 September 2022.

Representations were received on behalf of approx. 65 households.

The reasons for objection and concerns raised are summarised below: -

- Highway safety concerns
- Danger to highway users, inc. pedestrians.
- Lack of parking provision.

- Lack of disabled access provision.
- Traffic congestion.
- Harm to wildlife, biodiversity, and ecology interests.
- The Council has declared a nature emergency.
- Exacerbates climate change.
- Loss of trees/ ancient woodland.
- Questioned whether trees were protected.
- Noise pollution/ disturbance from proposed use.
- Impacts from construction phase and traffic.
- Loss of outdoor recreational space/ peacefulness.
- Light pollution.
- Loss of privacy.
- Concerns relating to foul drainage.
- Vermin, Litter.
- Questioned availability of fresh water.
- Site at risk of flooding/ increase of flood risk elsewhere.
- Fire risk.
- Health and safety concerns.
- Inadequate access for emergency and service vehicles.
- Harm to the character of the countryside and Heritage Coast.
- The VoGC maps delineating the Heritage Coast differ to NRW/ Lle maps
- Poor design.
- Difficult terrain/ topography to develop, land stability.
- Land contamination.
- Personal circumstances.
- Impact on Human Rights.
- Access rights issues.
- Land ownership issues.
- Land maintenance and damage issues.
- Security issues for residents.
- Potential for lost mail.
- Encroachment on conservation area.
- Lack of detail on how services would be supplied to the site.
- Lack of detail of means of access.
- Impact on heritage assets (inc. historic mill on or near the site).
- Lack of demand for the proposed tourism units.
- The maximum site capacity is not stated.
- Lack of up-to-date supporting information (inc. DAS, tree, ecology surveys).
- Time wasting/ impact on public resources.

One representation was received in support.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

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 MG27 – Glamorgan Heritage Coast

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

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 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

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

- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the determination of this application.

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Development in the Countryside

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

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)

Flood Risk and Drainage

6.6.21 *Any development discharging domestic sewage should connect to the foul sewer where it is reasonable to do so. Development proposing the use of non-mains drainage schemes will only be considered acceptable where connection to the main sewer is not feasible. The installation of private sewage treatment facilities within publicly sewered areas is not considered acceptable because of the greater risk of failures leading to pollution when compared to public sewers. Where non-mains sewage proposals, such as septic tanks and or independent sewage treatment systems, are included in development applications they should be subject to an assessment of their effects on the environment, amenity and public health in the locality, in accordance with the criteria set out in Circular 10/99*, prior to the determination of the planning application.*

**note: replaced by Circular 008/2018.*

6.6.25 *Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.*

6.6.26 *In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere. TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.*

6.6.22 *The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.... Welsh Government Circular 008/2018: Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants. should be considered at an early stage in formulating development proposals.*

Protected Species

6.4.35 *The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.*

6.4.36 *Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. Proposals for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or 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'. Derogations are granted by a licence issued by NRW who should notify planning authorities when a licence application has been granted. Planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities must take the above three requirements for derogation into account when considering development proposals where a European protected species is present.*

Coastal

6.5.12 *"Development proposals should aim to protect or enhance the natural or historic character and landscape of undeveloped coastlines. The particular landscapes of the coastline should be recognised and protected where they represent significant characteristics of place. Designation as a heritage coast does not directly affect the status of the area in planning terms, however, the features which contributed to the designation of such areas will be important considerations in development plans and in making development management decisions."*

5.5 Tourism

5.5.1 *Tourism involves a wide range of activities, facilities and types of development and is vital to economic prosperity and job creation in many parts of Wales. Tourism can be a catalyst for regeneration, improvement of the built environment and environmental protection.*

5.5.2 *The planning system encourages tourism where it contributes to economic development, conservation, rural diversification, urban regeneration and social inclusion, while recognising the needs of visitors and those of local communities. The planning system can also assist in enhancing the sense of place of an area which has intrinsic value and interest for tourism. In addition to supporting the continued success of existing tourist areas, appropriate tourism-related development in new destinations is encouraged. In some places however there may be a need to limit new development to avoid damage to the environment or the amenity of residents and visitors.*

5.5.3 *In rural areas, tourism-related development is an essential element in providing for a healthy and diverse economy. Here development should be sympathetic in nature and scale to the local environment.*

Green Infrastructure (Trees, Woodlands and Hedgerows)

6.2.1 *Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales and some components, such as trees and woodland, are often universally present and function at all levels...*

6.2.2 *The Environment (Wales) Act 2016, provides a context for the delivery of multi-functional green infrastructure. Its protection and provision can make a significant contribution to the sustainable management of natural resources, and in particular to protecting, maintaining and enhancing biodiversity and the resilience of ecosystems in terms of the diversity within and connections between ecosystems and the extent and condition of these ecosystems, so that they are better able to resist, recover from and adapt to pressures. This means that the development of green infrastructure is an important way for local authorities to deliver their Section 6 duty.*

6.2.12 *A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach (Paragraph 6.4.15) has been applied.*

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

6.4.39 *Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG and the Green Infrastructure Assessment...*

6.4.40 *Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.*

6.4.42 *Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure. Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords.*

6.4.43 *Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory, work to improve its completeness and use it to ensure the protection of trees and woodland and identify opportunities for more planting as part of the Green Infrastructure Assessment, particularly in terms of canopy cover.*

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)

4.2.1 PPW recommends pre-application discussions (paragraph 5.5.1) and consultations (paragraph 5.5.4) between developers, local planning authorities and the statutory agencies. It is essential that all potentially important nature conservation issues (including effects on international, national and local sites, European and other protected species, organisms and habitats listed under section 42 of the Natural Environment and Rural Communities Act, UK BAP habitats and species, and coastal and inland waters and other wetlands) are identified and fully addressed at the earliest stages of preparing a planning application.

6.2.2 It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.

6.3.6 Regulation 3(4) of the Habitats Regulations requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive's provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive's requirements... The issues of whether development could give rise to a breach of the Regulations' requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing 'tests' required by the Directive should be considered by the local planning authority. The requirement for a licence and the application of the three licensing tests is equally a material consideration in planning appeals. Local planning authorities should give due weight to the presence of a European protected species on a development site to reflect these requirements and this may potentially justify a refusal of planning permission.

6.3.7 It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the Habitats Directive and regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no regulation 44 licence would be forthcoming.

- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)

- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- 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.
- Welsh Government Circular 008/2018: Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants
- CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys, April 2019

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of tourism use

The site lies outside the defined settlement boundary of Llantwit Major as identified within the Council's Adopted Local Development Plan 2011-2026. The tourism led policies of the Local Development Plan, comprising Policies SP11 (Tourism and Leisure), MG29 (Tourism Facilities) and MD13 (Tourism and Leisure), support *low impact* and *sustainable* rural tourism-related development. The site is outside of any defined settlement within the adopted LDP, however, the *sustainable* use of the countryside (including within the Glamorgan Heritage Coast), is promoted in policy terms.

The Council's Tourism and Leisure Development SPG indicates that examples of low impact tourism development include visitor accommodation in the form of semi-permanent structures such as yurts, tepees or bell tents which can be easily removed and have a minimal impact on the locality. The proposed pods are lightweight structures with minimal foundations, which would likely be installed on ground screws. The proposal is low-density and there is no other significant infrastructure proposed, except for a short access road and car parking area for five vehicles. Paths and rope bridges are also proposed. Having regard to the above, it is considered that the development could potentially be a form of *low impact* tourism, that in principle, could be supported under the terms of Policy MD13.

The tourism use is therefore considered acceptable in principle. However, to be considered truly *low impact* and sustainable, the proposal must also be acceptable in all other respects and in relation to its environmental impacts, noting that the site has several known development constraints, contains restored ancient woodland and is, potentially, of high habitat value. The principal considerations relate to the impact on trees and woodland, ecology and biodiversity, the character of the countryside and Heritage Coast, impact on residential amenity, flood risk, drainage, mineral safeguarding, and access and transportation.

These matters are discussed in further detail, below: -

Mineral Safeguarding

The site is within Sand & Gravel and Limestone Mineral Safeguarding Areas. Policies SP9 (Minerals) and MG22 (Development in Minerals Safeguarding Areas) of the LDP relate to minerals safeguarding. However, the site is not considered suitable for prior extraction activity because of the sites environmental sensitivity, drainage infrastructure, and proximity to residential areas. Therefore, it is considered the proposal complies with these policies.

Impact on Trees and Woodland

The retention and protection of trees and woodland is promoted in policy for their benefits to biodiversity, habitat value, landscape, amenity, and to mitigate climate change (PPW para. 6.4.37). This is further emphasised in paragraph 6.2.39 which states that planning authorities should protect woodland *'where they... contribute to the character or amenity of a particular locality'* and paragraph 6.4.40 adds that the impact of the provision of services and utilities should be identified and considered as part of development proposals. Paragraph 4.4.43 places a strong emphasis on protection of ancient and semi-natural woodlands, stating their loss or deterioration would only be justified *'very exceptionally' when 'there are significant and clearly defined public benefits'*.

A tree report was prepared by Julian Wilkes of Treescene Ltd., which indicated that several of the trees on site are classified individually as dead or of a poor value such that that they would mean that they were unsuitable for retention. This was the case for 38 out of 82 trees and tree groups surveyed. Whilst this assessment of individual trees is acknowledged this does not however diminish the overall group value of the woodland area and its contribution to the rural environs of the site. It is also important to note that woodland is a natural environment, where trees grow in close proximity to one another and in variable light conditions, and as such, variance in arboricultural quality, with some trees dead or in decay, is to be expected.

It is understood that the applicant has previously outlined (Design & Access Statement for application 2016/01160/OUT refers) that no trees would be removed to enable the development as they form an important backdrop, but some tree works may be required. This would appear to continue to be the case, noting the Ecology Report submitted refers to limited tree works being carried out around the cabins and paths, for safety purposes. However, no coherent statement or further details that define the extent of the proposed tree works have been provided with this application, despite request, and it should be noted that the parking area and one of the cabins has been re-positioned since the Ecology Report was produced. The proposed site plan shows trees, with some overlaid in orange. The meaning of the overlays has been queried with the agent, but no further response has been received to clarify this, or the extent of tree works. The overlays might represent root protection areas; however, this is not necessarily so, and in any event, several more trees (including those not requiring removal) are shown without such root protection areas overlaid.

There are also no details provided for the services and utilities to serve the development, with the application forms stating this would be dealt with by planning condition. The Ecology Report states these would avoid mature trees, without further explanation how. If a mains connection was to be made, it is unclear whether and how this is to be provided and the extent of pipework, excavation trenching etc., noting that the existing mains are on the northern side of the River Hoddnant and three of the pods are on the southern side. Moreover, Welsh Water have advised that their existing apparatus would require protection zones either side, following establishment of the sewer routes via a drainage survey. This could result in a requirement to re-site the two pods on the northern side if they were found to be inside protection zones. If private drainage was pursued, likewise, there is no detail as to the extent of excavations that might be required to provide either a septic tank and drainage field or contained tank (if such measures were acceptable from an environmental impact perspective).

Moreover, it is also apparent that the proposed parking area is situated on a steep slope and, to provide access at a safe gradient, either very intrusive engineering works or another solution would be required. The area where the parking spaces are shown appears to be substantively below the level of the access road at Woodland Hamlet (as observed on site and as apparent on the submitted site survey plan). In addition, there appears to be private drainage infrastructure in this area (an inspection chamber was observed), as well as a telegraph pole. Also, in or around the proposed parking area (north of the telegraph pole and west of the access gate), there are several trees and these are absent from the tree survey and site survey plans.

It is consequently not known whether it is feasible to deliver the parking spaces, the true extent of tree removal required, and/or whether any existing drainage and communications apparatus here would need to be re-located. There was reference to a cantilevered parking area being provided in application 2016/01160/OUT (an outline application). However, the current proposals are not accompanied by any other plan detail to explain how it might be implemented, or the extent of turning area required, and as such the likely the impact on the roots and canopies of the trees cannot be ascertained. The Ecology Report also refers only to a previously proposed, and now omitted, parking area off Mill Lay Lane.

The pods, (c.3.2m x 2.6m x 3.2m) would also need to be transported into the woodland. There is a steep descent on both sides of the river valley and it is not known if this is feasible without improved access works (inc. associated tree works) to enable them to be transported to their locations. Note, the 'gravel track' annotated on the southern side of site survey plan is a steep, rough and un-laid footpath.

Further to the above, neither has the application been accompanied by a Green Infrastructure Statement. The information such a statement might contain is fundamental, in this case, to establishing the extent of prospective tree removal, and in turn, undertake an assessment of the likely impact upon the nature conservation and amenity value of the woodland. It is considered that further details of woodland and site management would also be necessary to understand the scope and impact of the proposal.

The proposals, even in the very best scenario, are likely to result in tree losses or tree works around the proposed cabins and paths, as well as the unknown impact from service and utilities provision, the car parking area, and during the construction phase. Furthermore, with the development of a woodland for tourism use, the woodland is likely come under greater pressure from the intensified amenity use (e.g. pressure to undertake tree works for practical and safety concerns), than is presently the case, and trampling, littering and fire damage could also occur outside of the path areas. As noted above, the tree survey has indicated that several trees on the site are 'unsuitable for retention', on grounds of their condition (indicating they could be viewed as unsafe). Site users would not necessarily confine themselves to the proposed paths and, without robust management proposals, there is a real and unacceptable risk that incremental deterioration of the woodland would occur. It would be difficult to resist pressure for remedial tree works if it was seen to impact on public safety / perceived safety, and in turn, the viability of an established tourism enterprise/ use.

Perhaps more importantly, this ancient (semi-natural, replanted) woodland is a habitat which, although not (yet) locally designated, has established nature conservation value as has been recognised within the applicant's Ecology report (where it is termed as having county level importance). Woodland such as this will inevitably have a wide range of trees specimens, all in differing states and condition. It would be highly unusual to have a *natural* woodland habitat populated predominantly by large trees in good arboricultural condition and of high, individual amenity value. Dead and decaying trees add to the biodiversity of woodland habitats (nest holes, invertebrate habitat etc.). The Woodland Trust noted in their response that "*Ancient woodlands ecosystems, and the soils on which they have developed, are of special importance because of their long history of ecological and cultural continuity. This contributes to ancient woodland being one of the most diverse terrestrial habitats in the UK.*" and "*development in ancient woodland can lead to long-term changes in species composition, particularly ground flora and sensitive fauna*". The proposals, as presented, risk diminishing the long-term habitat value of the woodland through a direct and unquantified habitat loss.

The proposals, for the reasons outlined above, also fail to quantify and allow for an assessment of the impact of the proposals on the amenity value of the woodland. The existing woodland provides a backdrop to the immediate street scene on Mill Lay Lane, which is flanked by traditional stone walls. The woodland gives the area a pleasing verdant character, and softens the otherwise hard visual impact of built development at the settlement edge. The woodland is also a prominent feature, and will be seen from viewpoints on public footpaths inside the Glamorgan Heritage Coast. The diminishment of the woodland would be to the detriment of amenity, as well as from a nature conservation perspective.

The Ecology report provides outline mitigation measures, citing measures such as confining lighting to interior of the pods, advising against dogs being allowed, as well as stating the whole site would be subject to a habitat management plan, with thinner areas planted with native species, as well as improvements to enhance the habitat suitability of the pond. However, and as noted above, there are on-going uncertainties about the scope of proposed tree works that would be required to facilitate this development, and not all of these are discussed in the Ecology report. Although there are no public footpaths through the site, access to the site is currently unmanaged, and there is some potential benefit in managing how the site is used. However, without a fundamental information relating to prospective tree/ habitat losses, it is considered that insufficient information has been provided to assess the effectiveness of these outline management and enhancement measures. One of the pods has also been re-sited (26.9.22) since the ecology report was produced.

Note: - matters pertaining to protected species and ecology are discussed in greater detail in the ecology section below.

As it stands, this proposal is not sufficiently clear as to the extent of the impact on trees and woodland, and if the development were to proceed, it would present an unacceptable risk of immediate and incremental detriment to the health of the woodland and its inherent nature conservation value. In turn, the proposals present an unacceptable risk to the biodiversity and habitat value of the woodland, its climate benefits, as well to local amenity and the verdant appearance of the site and character of the area. The development is considered to be contrary to paragraph policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, and criterion 1 of MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (12th ed.) at paragraphs 6.2.12, 6.4.37, 6.4.39, 6.4.40, and 6.4.43 and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure).

The tourism-related benefits of the proposal, noted previously, have been considered. However, these benefits are not considered to equate to the very exceptional and significant public benefits referred to in paragraph 6.4.43 of Planning Policy Wales, should those proposals put the health and condition of the woodland at risk (as is the case here).

Impacts on Ecology

The woodland is ancient and along with the river habitats are considered within the applicant's Ecology report to be of County level importance, while the site is of a local level importance for protected species. Otters are also thought to use the river habitat for foraging. Although not locally designated as such, its findings would qualify the site as a Site of Importance for Nature Conservation (SINC) according to assessment guidelines (Wildlife Sites Guidance Wales, Wales Biodiversity Partnership, February 2008 – p.27). There are also Section 7 (priority) and protected species known to use the site.

Policies 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) and MD9 (Promoting Biodiversity) of the LDP indicate that new development proposals should not have adverse impacts upon protected and priority habitats and species and should conserve and where appropriate enhance biodiversity interests.

Policy MG19 states in relation to European protected species:-

Development proposals likely to have an adverse effect on a European protected species will only be permitted where:

- 1. There are reasons of overriding public interest;*
- 2. There is no satisfactory alternative; and*
- 3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Policy MG20 states in relation to protected species:-

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

- 1. The population range and distribution of the species will not be adversely impacted;*
- 2. There is no suitable alternative to the proposed development;*
- 3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and*

4. *Appropriate avoidance, mitigation and compensation measures are provided.*

Policy MG21 also states:-

Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and species will only be permitted where it can be demonstrated that:

- 1. The need for the development clearly outweighs the nature conservation value of the site;*
- 2. Adverse impacts on nature conservation 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.*

The application is supported by a habitat survey, as well as details of previous species-specific field surveys supplemented by a site walkover in 2022. The report presents the findings of data records and the field surveys and assesses the importance of the habitat to those species on the application site. The ecology report and its findings are detailed below:

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Amphibians:

In respect to the proposed development, the updated ecology report indicates that the proposals would not be likely to affect Great Crested Newts (GCN) because of the low habitat suitability of the on-site pond meaning their presence was thought to be very unlikely. The report states that the walkover visit in April 2022 found the feature to be of the same value.

In response to consultation, both Natural Resources Wales and the Council's Ecologist have questioned the validity of these results, with the source information dating back to 2016. The Council's Ecologist has drawn attention to the CIEEM guidance, which states regarding survey validity: -

"More than 3 years: The report is unlikely to still be valid and most, if not all, of the surveys are likely to need to be updated" (CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys, April 2019).

The Council's Ecologist also noted that DNA analysis would be advisable in respect of the pond. The pond survey, undertaken in 2016, is outdated and can no longer be relied upon to discount the likelihood of GCN presence in the pond. The score of 0.49 on the suitability index, although categorised as 'poor' suitability, is nonetheless marginal with 0.5 representing the base of the 'below average' category. The presence of GCN in the pond, today, cannot be ruled out with certainty by the 2016 habitat assessment. It is noted that it is not proposed to remove the pond, however, should GCN be present they may also be using the wider site as part of their terrestrial habitat.

In relation to non-GCN species, toad was observed in the river (Hoddnant) in 2016, and no further survey work has been carried out in respect of toad. These are listed as a Section 7 Environment Act (Wales) 2016 species and an up-to-date survey, targeting all amphibians on the site, is considered necessary.

Birds

Birds are found within the woodland but are only likely to be affected by the proposals if significant numbers of the trees are to be removed. As noted above, the extent of tree works has not been properly clarified. Nonetheless, appropriate mitigation for nesting birds is likely to be possible via adoption of the proposed working methodology, predominantly achieved by carrying out tree works outside of the nesting season.

Dormice:

There was no substantial evidence of Dormice found on site during surveys undertaken in 2015. As noted above, the survey work is now too outdated to be relied upon. Nevertheless, the ecology report indicates that a precautionary approach would be undertaken equating to their assumed presence. This would involve the undertaking of clearance works under the supervision of an ecologist, enhancement through new planting, and the provision of 20 dormouse nest boxes. The Council's Ecologist considered that a site re-survey for dormouse was not necessary on account of these measures. These would need to be subject of further detail, albeit these could likely be secured by planning condition to be agreed prior to the commencement of works or site clearance.

Otters:

Evidence of Otters was present along parts of the River Hoddnant that runs through the site, in 2016, but no resting places were identified at the time. Otters are listed under Section 7 of the Environment Act (Wales) 2016. The Council's Ecologist has noted that otters are known to have been using the river for some time, with a community established in the wider landscape. They also stated that because this development affects the River Hoddnant through the construction of two bridges and providing mains services across the river, as well as significantly increasing the presence of humans within the woodland, then the impact on otters needs to more fully assessed, as well as the impact on the scale of landscape use (i.e. territory) that otter population here requires.

It is noted that the potential impacts, described above, would have similarly affected the proposals subject of application 2016/01160/OUT, perhaps to a greater degree. Nonetheless, it is agreed that the site walkover conducted in 2022 (albeit signs of Otter were observed) are not sufficient an exercise to allow a full appreciation of the number of otters using the site, the nature of that use, and the likely impacts that would occur from the development. It is considered that a full targeted on-site survey is necessary to establish thoroughly how they are using the site, as well as the likely impacts from the proposed development (both physical and behavioural) on the local population within their natural range.

Otter is a priority species and therefore subject to the policy provisions outlined in LDP policy MG21. In the absence of an up-to-date survey that establishes the number and how otters use the site, there is insufficient evidence to enable full consideration of the impact of the development on the local population. This information is fundamental to enabling assessment of criterion 1 of Policy MG21, which requires that the need for the development outweighs the conservation value of the site. The proposed tourism would have associated economic benefits, but there is also no evidence of need for the development provided within the application. Compliance with criterion 1 of Policy MG21 has therefore not been demonstrated, and significant doubt exists over potential compliance with criterion 2-4. It is

anticipated that the proposed use would be harmful to population of otter, with a potential to influence their behaviour and beneficial use of the site.

Badgers:

The site is known to hold an active sett, and their presence has been confirmed as part of the applicant's Ecology report. The site was subject to targeted surveys in 2016, and signs of their presence were observed during the 2022 site walkover. The Council's Ecologist noted that the sett is part of a network extending down the valley and that badgers and their sets are protected in law.

The Council's Ecologist also noted that whilst badgers are not a valid reason alone for selection as a SINC, their presence is a supporting reason for selection of land as a SINC and on habitat grounds for the presence of other species. (Wildlife Sites Guidance Wales, Wales Biodiversity Partnership, February 2008 - page 54).

The Council's Ecologist went on to state that *"badgers will quickly go to ground with unfamiliar sounds, smells and disturbances and not re-appear for up to an hour or more. The ability to move around the environment to feed, to play and to travel are important in badger ecology and breeding success and I believe that this level of uncontrolled activity in the woods would have a serious impact on the population and their ability to breed successfully. In addition, this sett is part of a network in the valley landscape so disturbance here will have impacts on a wider area."*

The provision of five huts linked by a network of paths and bridges would, even with the exclusion of dogs, represent a fundamental change in the human activity levels in the woodland, especially after dark. There is, therefore, a significant risk that the proposed use would impact on suitability of the site to contain/ maintain setts and an active badger population, post development. The application is not supported by an up-to-date targeted survey, and in turn, it is impossible to judge the impact of the proposals on either the badger population utilising the site today, or the wider impact to the population at a landscape scale. This information is also required to judge the effectiveness of proposed mitigation measures.

The proposed cabins, footpaths, and bridges would not have a direct physical impact on the badger setts (identified in 2016). However, they would nonetheless be situated nearby (approx. 10-25m distant) and therefore may discourage the use of the setts, as well as the use of the wider application site for foraging. Compliance with criterion 1 of Policy MG21 has therefore not been demonstrated, and significant doubt exists over potential compliance with criterion 2-4. It is anticipated that the proposed use would be harmful to population of badger, with a potential for human habitation of the woodland to influence their behaviour and their beneficial use of the site.

Bats:

All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed. These requirements are translated into planning policy through Planning Policy Wales (PPW) and TAN 5 (Nature Conservation and Planning). The national policy related to this area is outlined in the Planning Policy Section of this report above, and is also reflected by the requirements of Policy MG19 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the LDP.

In the initial survey, now dating to 2015, 26 of the trees surveyed contained bat roosting features and were thought to hold potential for bat roosts. A further tree climbing inspection survey was carried out in July, August, and September 2018 to inspect the trees with likelihood for bat roosts. Following the tree climbing survey, the 26 trees that were thought to hold potential for bat roosts was reduced to 13 trees.

The site walkover in 2022 found that some trees identified as having some bat roosting potential had fallen since the initial surveys but stated that these changes do not significantly affect the bat roost potential at Ham Woods which remained of at least local value. However, there were no further inspections of the trees carried out, and their and other trees' condition may have changed in the intervening years. In addition, an amendment to re-locate one of the cabins has been submitted since the walkover was conducted (No.3) and the extent of proposed tree works has not been clarified by the applicant.

The Council's Ecologist also stated that it was disappointing no flight surveys had been carried out to establish the bat species that may be using the site, their flight lines, commuting and feeding behaviour etc. They stated that, while mitigation for bats was likely possible, the surveys were necessary to determine whether the proposed measures were suitable for the population using the site.

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 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).

The undertaking of ecological surveys to establish whether protected species are present on the site is a fundamental first step in this process. This advice is clear within PPW at paragraph 6.4.35 and TAN 5 at paragraphs 6.2.2, 6.3.6 and 6.3.7. The last appropriate and targeted bat survey is dated to 2018, and with reference to the above referenced CIEEM guidance, it is outdated and no longer valid. Therefore, it is not possible to accurately assess the implications of the development upon bats, and in turn these tests cannot be satisfied. NRW questioned the validity of the surveys in their consultation response, and the Council's Ecologist expressed the view that further surveys were required.

The submitted ecological surveys are outdated and invalid, with reference to the above CIEEM guidance, and therefore it is not possible to meet the requirements of the above-mentioned tests, and the proposals are contrary to the above national-level guidance as well as the requirements of LDP Policy MG19.

Conclusion:

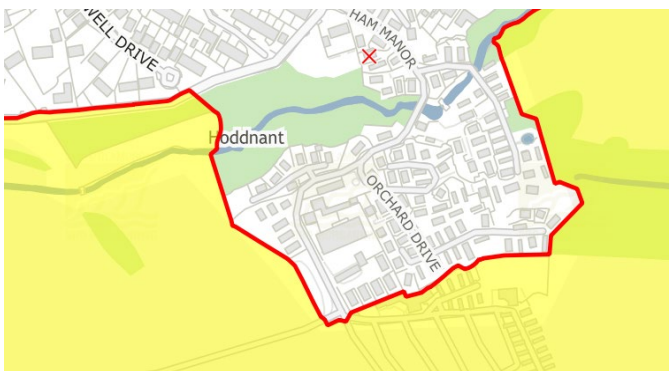
The submitted ecological surveys are outdated and invalid, and therefore fail to demonstrate that there would not be adverse impacts on a protected and priority species (where the onus lies with the applicant to demonstrate this would not occur) and they are therefore contrary to Policies MG19, MG20, MG21, and MD9 (in that it would not conserve biodiversity interests) of the LDP, as well as national guidance contained at paragraphs 6.3.6 & 6.3.7 of TAN 5 – Nature Conservation and Planning and paragraph 6.4.35 of Planning Policy Wales and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure). It is also contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

Design, visual and landscape impact

It is noted that Natural Resources Wales / Lle (now Datamap Wales) maps state show part of the site is within the Glamorgan Heritage Coast. However, the Council's records indicate it is not. Extracts from the GIS records are shown below:



(Datamap Wales)



(Vale of Glamorgan Council)

Natural Resources Wales hold the definitive records; however, the boundary has not changed and the Datamap polygon appears imprecisely drawn. Irrespective of where the true line is drawn, Policy MG27 (Glamorgan Heritage Coast) permits low impact tourism that has no unacceptable affect on the special environmental qualities of the Glamorgan Heritage Coast.

The woodland currently provides a contribution to the rural and undeveloped character of the area and gives a pleasing verdant backdrop to Mill Lay Lane, from where it is highly visible. Parts of the site may also be visible from around 250m to the west on a public right of way.

As set out above, while it is accepted that it is the applicant intention to retain a wooded backdrop, and this would be part of the site's appeal, it is considered that the proposal has insufficiently described the extent of the proposed tree works. This has been discussed in more detail in the Impact on Trees and Woodland section of the report, above, and refusal is recommended on these grounds.

With respect to the proposed operational development, the tourism pods are relatively small-scale structures with timber finishes and would have minimal foundations. If the woodland canopy cover could, in theory, be maintained or enhanced then the pods, together with the paths and bridge structures, would be largely screened from view. They are also appropriately designed for their rural setting and would not considerably change the character of the site, including from the most prominent viewpoints off Mill Lay Lane.

The proposed new access route area is currently an area of grass to the West of the lodges and the provision of the road here would be acceptable from a visual perspective. However, insufficient detail has been submitted to explain how the proposed parking spaces would be provided. If this could be achieved with minimal impacts to the woodland, then the impact of (for example) a cantilevered structure would not necessarily have unacceptable visual or landscape impacts or affect the special environmental qualities of the Glamorgan Heritage Coast. These impacts would nonetheless need to be fully considered with benefit of plans which adequately describe the proposal.

Transportation

In terms of its location, the site is located near to the edge of the settlement of Llantwit Major. There are regular bus and train services from Llantwit Major. The bus services would be a 5-to-10-minute walk from the site while it would be a 10–15-minute journey (0.8 miles) on foot to the train station, which provides links to Cardiff and Bridgend. The site can therefore be accessed by non-car means, and the edge of settlement location is considered entirely suitable, in principle, for the proposed tourism use in terms of sustainability and accessibility.

In respect of vehicular access to the site, this is proposed to be along the existing internal access road serving the residential park at Ham Manor. There is no pavement along this road, but traffic calming (speed reduction) measures exist, and this is a low-speed environment and pedestrians would not be placed at any unacceptable increased risk. The application also proposes a car parking area in the woodland containing five spaces, accessed via an extended access road.

The area immediately adjoining the site is in a mix of residential and tourism uses. Whilst there would be some additional traffic associated with the development, it is considered that there would not be a significant increase in the number of trips, overall, and that the proposal would not result in traffic congestion locally. The Council's Highways Engineer has been consulted and has not raised an objection in principle, however requested further detail including a swept path analysis of the proposed access/ parking area and a scheme of cycle parking.

It is, however, also apparent that the proposed parking area is situated on a steep slope and, to provide access at a safe gradient, either very intrusive engineering works or another solution would be required. The area where the parking areas are shown appear to be several meters below the level of the access road at Woodland Hamlet (as observed on site and as apparent on the submitted site survey plan). There was reference to a cantilevered parking area being provided in application 2016/01160/OUT (an outline application).

However, the current proposals are not accompanied by any other plan detail to explain how a safe access can be provided to the parking area. In addition, vehicles would be required to turn to egress the site safely, and no details of the extent of any turning area has been provided, despite request.

These proposals do not demonstrate how the site can be safely accessed and how vehicular traffic and parking can be accommodated for. There are also no details of cycle storage provision, or clarification of other matters such as how the site would be serviced for refuse collection or accessed in the event of an emergency. Whilst the site could be advertised as a car free development to prospective occupiers, the site will nevertheless require access for staff, servicing (refuse collection etc.) as well as during construction/ delivery of the units, as a minimum.

In conclusion, the proposals are not fully formed and fail to demonstrate that the proposed parking area is feasible, or how the site can be satisfactorily and safely accessed and serviced without it. In the event of a lack of safe means of access, prospective occupiers of the units would be placed at an unacceptable risk in the event of an emergency, and in more general terms, it has not been demonstrated that adequate service access could be provided in terms of deliveries of good, provision for staff (cleaning etc.) and for refuse collection.

It is noted that no disabled parking spaces are shown on the proposed layout. However, the site is steep and inherently difficult to access, and the tourism pods would be unsuited to access by non-ambulant persons. Whilst disabled access should be provided to new tourism development, whenever possible, it is not feasible in this instance.

Having regard to the above, the proposals are considered contrary to criterion 5 of Policy MD2 (Design of New Development) and sections 6.7 & 6.8 of Manual for Streets.

Flooding

The proposed development site lies partially within Development Advice Map (DAM) Flood Zone C2 and Flood Maps for Planning (FMfP) Zones 2 & 3 (rivers). These areas are defined by Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004) as being at high risk of flooding. TAN15 sets out the types of development that might be appropriate within these flood zones, noting that highly vulnerable development (such as dwellings and tourist accommodation) should not be located within the areas of highest risk (DAM Zone C2). DAM maps are no longer updated but the equivalent risk is represented by FMfP Zone 3, and these maps are a material consideration in the planning process.

Planning Policy Wales (PPW) aims to minimise and manage environmental risks and pollution and contains policies relating to flood risk. Paragraph 6.6.22 states that *“Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.”* Paragraph 6.6.25 asserts that *“Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself.”* In addition, paragraph 6.6.26 sets out that *“TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk.”*

TAN15 at para. 6.2 states *“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted.”*

The proposed accommodation is intended to be located outside of the above referenced flood risk zones and, should this be demonstrably the case, the NRW response suggests that they would be unlikely to object to the proposals. However, they noted in their response that the River Hoddnant is shown to have a different alignment in the proposed site layout plans, compared to their flood map information. The route of the river in the proposed plans appears to be derived from the site survey information by Meridian Surveys LTD. The survey work may be an accurate representation; however, the flood risk areas do not appear to be accurately represented on the site layout plan.

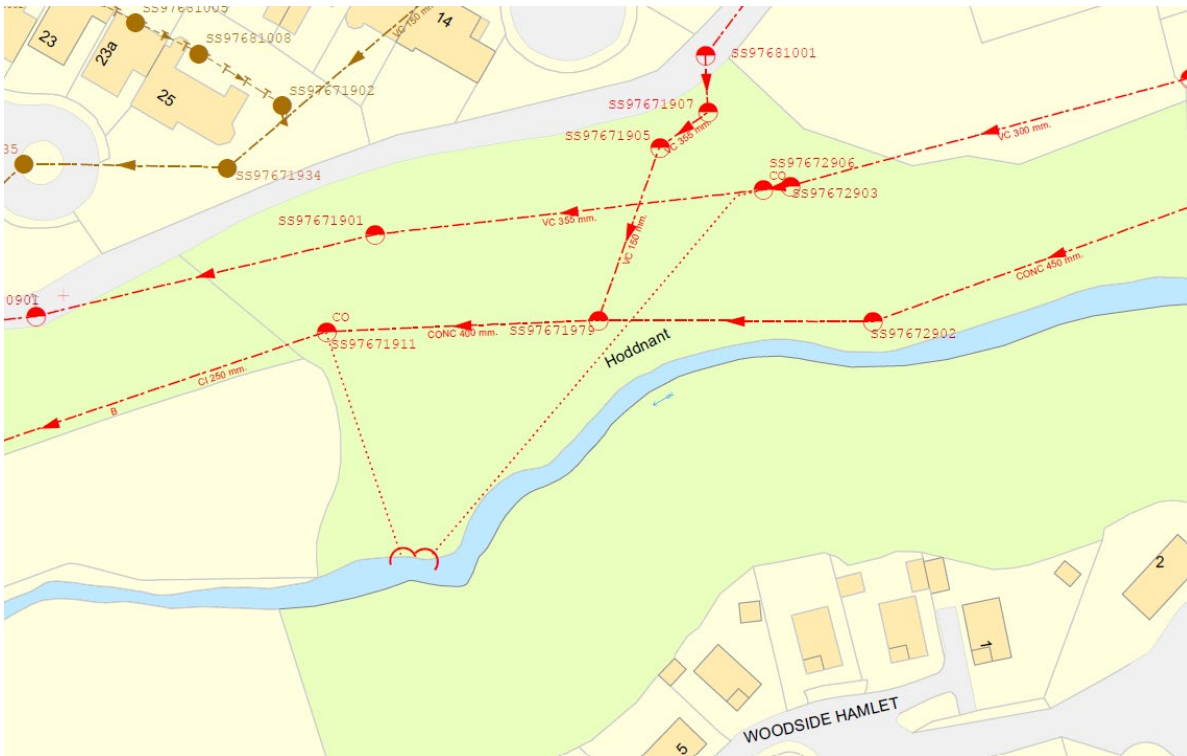
NRW noted that the cabins appeared to be outside of the flood risk zones, however, requested that this was made clear on the proposed plans. In measuring the extent of the flood risk zones compared to the proposed cabins, using fixed points, Officers agree most are clearly outside of the flood risk zones. However, the south easternmost cabin appears to be at its very margins, and it is considered that corrected and clear plans with the flood risk zones correctly overlaid are necessary to demonstrate policy compliance in respect of flood risk (paragraph 6.2 of TAN15 refers). This information is also considered necessary to ensure that the proposed footbridges are outside of and elevated above these flood risk zones, and, in turn, pedestrian access could be maintained during such flood events.

In the absence of the above information, the proposals fail to demonstrate compliance with TAN15 in terms of ensuring that no highly vulnerable development is permitted inside of DAM Flood Zone C2 / FMfP Zone 3 (the 1:100-year flood event thresholds) and that safe access and egress to the site can be provided. It is considered that approval of the application would potentially place occupiers of the development at unacceptable flood risk. The proposal is therefore considered contrary to Policies SP1-Delivering the Strategy, criterion 12 of MD2- Design of New Developments & criterion 5 of MD7 - Environment Protection of the Vale of Glamorgan Adopted Local Development Plan 2011 - 2026, and national guidance contained in paragraph 6.6.22, 6.6.25 and 6.6.26 of Planning Policy Wales (Edition 12), and paragraph 6.2 of TAN15 - Development and Flood Risk.

Foul Drainage/ Services

In response to consultation, NRW stated that the site is in a publicly sewered area and as such, they would expect the site to connect to the mains sewerage system. This is consistent with the advice within Welsh Government Circular 008/2018 in respect of non-mains drainage. The submitted application forms do not state the method of proposed foul drainage, but NRW note comments from the applicant stating they would seek a connection to the main sewer. However, it is unclear whether and how this is to be provided and the extent of pipework, excavation trenching etc., noting that the existing mains are on the northern side of the River Hoddnant and three of the pods are on the southern side.

Moreover, in their response, Welsh Water highlighted the presence of foul and surface water mains crossing the application site on the statutory public sewer record and advised that their apparatus would require 3m protection zones either side, following establishment of the sewer routes via a drainage survey. These are shown on the extract below:



The site survey drawing depicts the location of a single outfall pipe; however, no further survey work appears to have been carried out to establish the true position of any of the drainage apparatus on the site. This would be necessary to establish the extent of on-site sewer protection areas, and in turn, inform the acceptability impact of the pod sites in terms of their impact on trees and ecology.

Nevertheless, in terms of the drainage apparatus, asset protection is ultimately a matter for Welsh Water to consider and enforce, and as noted in their response, they would retain rights of access to their apparatus. If the development were to be within a defined protection zone, then it could unlikely be delivered and they would have to be moved. A drainage survey would inform whether the pods could be sited as shown on the proposed plans and this is also important because of the uncertainties relating to the woodland impact and to protected/ priority species.

In relation to water supply, Welsh Water advised that, to establish what would be required to serve the site with adequate water supply, a hydraulic modelling assessment on the water supply network would be required. This matter could however feasibly be dealt with by planning condition.

Neighbouring impacts

The proposal has attracted several local objections in respect of the impact upon the nearby residences by virtue of noise and disturbance, litter, fire safety and crime from the use of the site and the potential traffic movements to and from the site.

The site is located relatively close to Woodside Hamlet (tourist lodges) and the Ham Manor estate (retirement park) with static park homes as well as some converted buildings to the southwest. To the North is a modern residential estate at Raglande Court and Whitewell Drive. A further dwelling, Ham Lodge, is located to the East. Woodside Hamlet lodges along with 1 and 2, The Green and 20a and 21, Ham Manor Estate directly adjoin the site. A paddock of land within Ham lodge ownership does adjoin the site but it is understood that it is not garden. The nearest dwellings, Raglande Court (no 14 and 17) and 25, Whitewell Drive, are approximately 10m from the woodland edge across Mill Lay Lane, albeit these are at a much higher level than the woodland base.

Application 2016/01160/OUT was refused on grounds of the detrimental impact to the amenity of neighbours. An appeal was also dismissed, and in their reasoning, the appointed inspector stated the following: -

“... I share the Council’s concerns that the development would fail to satisfactorily safeguard levels of residential amenity at neighbouring properties, with specific reference to levels of noise and general disturbance. In coming to this conclusion, I have been particularly mindful of the fact that the tree tents would not be insulated in the same way as more permanent structures and that they would, therefore, be unlikely to effectively suppress noise generated from the holiday accommodation. Moreover, I have been particularly conscious of the difficulties in controlling such impacts through a management plan or other such strategy, as well as the fact that such noise and disturbances would be likely to commence early in the morning and potentially continue late into the evenings.”

Application 2016/01160/OUT proposed 11 tree tents and these revised proposals consist of 5 tourist pods. The proposed number of units is less than half of the previous proposals and, moreover, the proposed pods are of solid construction and would have better sound insulation, compared to tents. The density of occupation is also now much lower, and the pods would be sited over 30m from the gardens of permanent dwellings on the opposite side of Mill Lay Lane.

It is noted that outdoor noise would not be contained in the same manner. However, no significant outdoor amenity areas are proposed, or likely, in this location. The pods each contain one bedroom, and so are unsuited and unlikely to be used by large groups of families, for example. The proposed development is more likely to be used by couples or single occupants who wish to take advantage of the natural surroundings. It is considered that the tourism use will not result in any inherent or unacceptable disturbance to permanent neighbouring residents, or the other occupiers of other tourism accommodation. There has been no response from Shared Regulatory Services in respect of this application, however, they did not object to the previous larger scale proposals (2016/01160/OUT) in respect of noise impact.

The proposals would result in a degree of disturbance during construction, but this would be relatively minor, temporary, and would not warrant refusal of the application.

The proposed pods would be internally lit, and the ecology report indicates that no external lighting would be provided. In any event, minor external lighting would be very unlikely to cause an amenity issue for neighbouring residents, noting the distance and topography.

The proposed pods would be located a sufficient distance from neighbouring properties and would exceed minimum separation distances applicable to new dwellings (Residential and Householder Development SPG refers).

As noted above, it has not been demonstrated how the site can be acceptably accessed and serviced. Notwithstanding that, should that matter be resolved, it is unlikely that the proposals would cause unacceptable off-site impacts relating to vermin and litter. There are also no significant security implications to neighbouring occupiers arising from the proposed tourism use.

Accordingly, it is considered that the small scale of the accommodation proposed, along with the likely seasonal operational times, would mean that the use could be carried out without impacting significantly upon nearby residential amenity, complying with the requirements of LDP policies MD2 (Design of New Development) and MD7 (Environmental Protection) regarding amenity.

Other matters

It is considered require an Equality Impact Assessment is not required owing to the negligible impacts to groups with protected characteristics that would occur from this small-scale tourism development. The impacts on residential amenity are discussed above, and it is considered that there would be no detrimental impact on mental health and well-being, or any infringement of human rights would occur.

Access rights, maintenance issues, postal issues, and personal circumstances are not material planning considerations.

The pods are proposed to have small wood burning stoves. It is considered that these are not an inherently high fire safety risk. Open fires would present a greater risk but could feasibly be mitigated by robust site management.

The emergency services and energy distributors are not statutory consultees for this proposal.

The site is private land without public rights of access; therefore, no loss of existing outdoor recreational space would occur.

The proposals are for pods which would be anchored to the ground without significant foundations. Although some of the proposals are insufficiently described, there is no evidence that the land is unstable, or the proposals would be likely to cause land instability.

There is no evidence that the land is contaminated. Shared Regulatory Services have been consulted in this regard and provided advisory comments in this regard, as referenced in the consultation section of this report.

The site is not part of any conservation area.

There are no designated historic assets on the site the development would not affect the settings of any off-site heritage assets. GGAT (Heneb) records refer to a post-medieval water system shown on 1st edition OS (related to Old corn mill). As noted in the consultation section, GGAT have been consulted and did not object to the proposals.

The proposed development is materially different to that refused under planning application 2016/01160/OUT and therefore it would not been appropriate for the LPA to decline to determine the application.

RECOMMENDATION

REFUSE (W.R.)

1. The application has not been supported by a green infrastructure or equivalent statement and the plans and the supporting information do not sufficiently and accurately identify the extent of the impact on trees and woodland. If the development were to proceed, it would present an unacceptable risk of immediate and incremental detriment to the health of the woodland and its inherent nature conservation value, biodiversity and habitat value, climate benefits, as well to local amenity and the verdant appearance of the site and character of the area. The development is therefore contrary to paragraph policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, and criterion 1 of MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (12th ed.) at paragraphs 6.2.12, 6.4.37, 6.4.39, 6.4.40, and 6.4.43 and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure).
2. The submitted ecological surveys are outdated and invalid, and therefore fail to demonstrate that there would not be adverse impacts on a protected and priority species using the site. The proposals are therefore contrary to Policies MG19, MG20, MG21, and MD9 of the LDP, as well as national guidance contained at paragraphs 6.3.6 & 6.3.7 of TAN 5 – Nature Conservation and Planning and paragraph 6.4.35 of Planning Policy Wales (Edition 12), and Future Wales Policy 9 (Resilient Ecological Networks and Green Infrastructure). It is also contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.
3. Insufficient information has been submitted to demonstrate compliance with TAN15 requirements relating to flood risk because it has not been demonstrated that the proposed highly vulnerable development (comprising of tourist pods and access infrastructure) would be outside of DAM Flood Zone C2 / FMfP Zone 3. The proposal therefore at unacceptable risk of flooding, that is contrary to Policies SP1- Delivering the Strategy, criterion 12 of MD2- Design of New Developments & criterion 5 of MD7 - Environment Protection of the Vale of Glamorgan Local Development Plan 2011 - 2026, and national guidance contained in paragraph 6.6.22, 6.6.25 and 6.6.26 of Planning Policy Wales (Edition 12), and paragraph 6.2 of TAN15 - Development and Flood Risk.
4. The proposals fail to demonstrate that the proposed parking area is feasible and, in turn, that the site can be satisfactorily and safely accessed and serviced, contrary to criterion 5 of Policy MD2 (Design of New Development) and sections 6.7 & 6.8 of Manual for Streets.

REASON FOR RECOMMENDATION

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

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

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