

Mr. Nigel Arnold Nigel Arnold Architects,, 5, Penarth Head Lane, Penarth, CF64 1BB

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St. Athan Boys Village, St. Athan

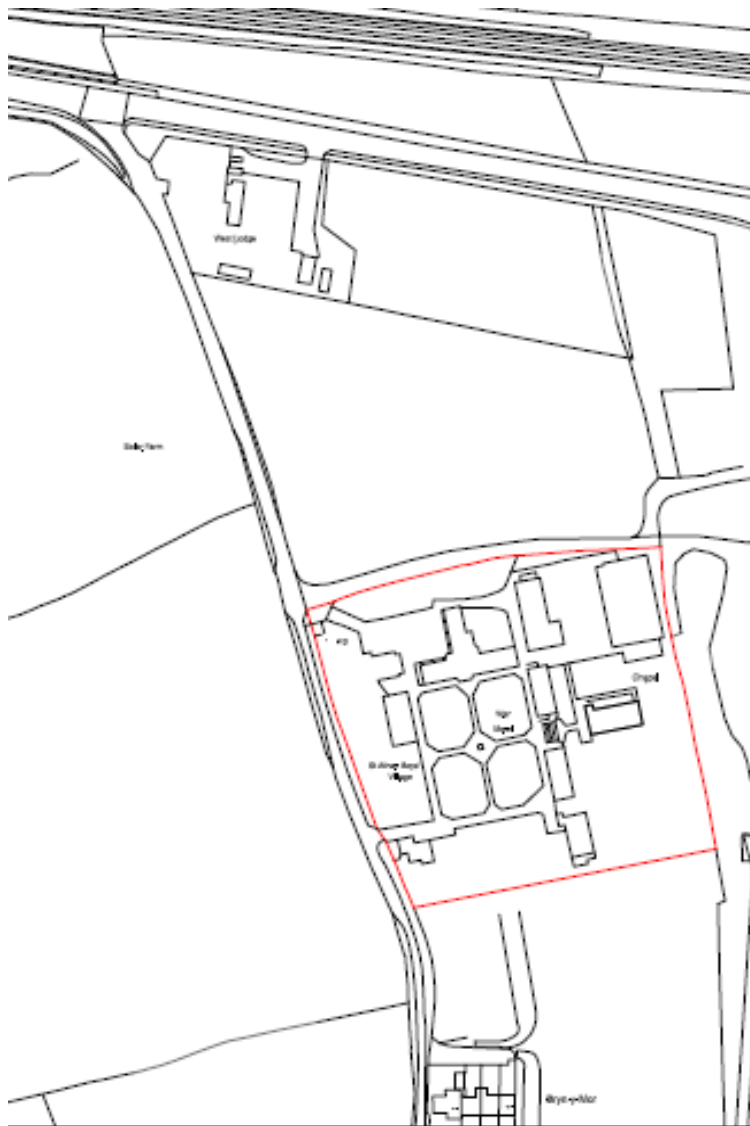
Demolition of part demolished, fire damaged and derelict former C1 residential buildings. Construction of 14 no. link dwellings (40% affordable), and the conversion of the existing chapel into a dwelling and the retention/extension of the caretaker's bungalow

SITE AND CONTEXT

The application site is the former Boys Village, West Aberthaw, which is a group of dis-used buildings that are located in the countryside approximately 350m south of the B4265, 750m east of the village of Gileston and just to the west of Aberthaw Power station. The site is accessed from the B4265 and then lies approximately 180m along a rural lane that spurs off the access road towards the power station. There are two existing theoretical access points into the site (at the north west and south west corners), however, these are both blocked with boulders.

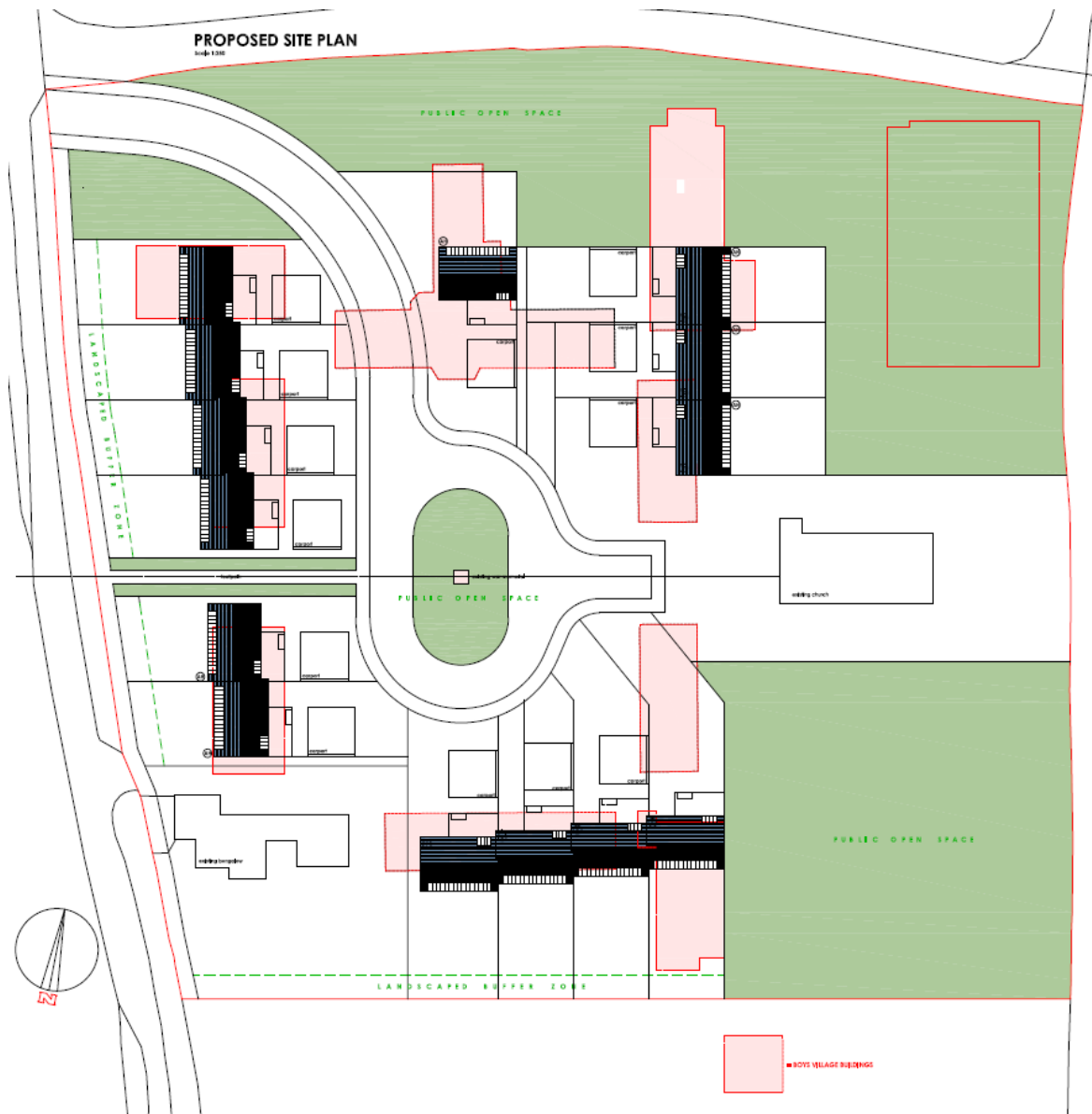
The site measures approximately 120m wide by 120m deep, with a road frontage along the western boundary. As noted above, it contains a range of dis-used buildings, which formerly comprised a boys holiday camp that was constructed in the 1920's. Centrally within the site is a Grade II Listed War Memorial.

The site's location is shown on the plan below:



DESCRIPTION OF DEVELOPMENT

This is an outline application (with all matters reserved) for 14 new build dwellings, the conversion of the former chapel to a 15th dwelling and the retention and extension of the vacant caretaker's bungalow (in the south west corner of the site). While the application is in outline, an indicative layout has been submitted, which is shown on the plan below:



The plan shows an indicative access point at the north western corner, an indicative layout comprising a detached dwelling, a pair of semi-detached houses, a row of three and two rows of four, the church to be converted on the eastern side of the site, the existing vacant former caretaker's bungalow in the south western corner and the retention of the war memorial centrally. The original buildings are shown in pink for reference.

The application initially sought approval for access and layout, but these have now been omitted such that all matters are reserved.

Indicative (rear) elevations have been submitted, however, it should be stressed that these are only indicative and the subsequent assessment of the proposal in this application should not involve a detailed appraisal of the design. Nevertheless it shows a row of effectively one and a half storey dwellings.



The proposed scale parameters, which are a guide to the scale of the new build dwellings, propose dimensions of up to 9.8m for depth and width and up to 7.2m for height.

The application is accompanied by a bat survey, which was carried out in June 2015.

PLANNING HISTORY

2015/00245/OUT : St. Athan Boys Village, St. Athan - Demolition of part demolished, fire demolished/damaged and derelict former C1 residential buildings. Construction of 15 no. detached dormer style dwellings, a link terrace of affordable housing comprising 6 No units, and the conversion of the existing Chapel into a dwelling, total of 22 dwellings - Withdrawn

2012/00634/FUL : Plot 4, former accommodation block flat roof brick building, Boys Village, West Aberthaw - Proposed conversion of accommodation block building to form single dwelling - Approved

2012/00633/FUL : Plot 3, Former School Chapel, Boys Village, West Aberthaw - Proposed conversion of school chapel building to form single dwelling - Approved

2012/00632/FUL : Plot 2, Former T Shaped canteen block, Boys Village, West Aberthaw - Proposed conversion of canteen block building to form single dwelling - Approved

2012/00592/FUL : Plot 5, former caretakers bungalow site, Boys Village, West Aberthaw - Proposed rebuilding of caretakers bungalow to form single dwelling - Approved

2012/00591/FUL : Plot 1, Former Frazier Hall, Boys Village, West Aberthaw - Proposed re-building of hall formerly known as Frazier Hall at Boys Village for use as single residential dwelling - Approved

2000/01435/FUL : St. Athan Boys Village, St. Athan - Conversion and replacement of existing buildings to form 12 dwellings - Approved

1999/00583/FUL : Former Boys Village, St. Athan - Change of use of site for residential care home - Withdrawn

1991/01214/S64 : St. Athan Boys Village, St. Athan - Residential holiday, sports & leisure complex, camping & caravan site - Withdrawn

1984/00969/FUL : Sports and Holiday Centre, St. Athan Boys Village, Gileston, near Barry - Toilet block extension - Approved

1983/00905/FUL : Boys Village, Gileston, St. Athan - Erection of temporary office accommodation for Heritage Coast Youth Training Scheme - Approved

1982/00764/FUL : The Boys Village, St. Athan - Replacement of garage/storage accommodation with administration building - Approved

1982/00473/FUL : The Boys Village, St. Athan - New accommodation unit with ancillary Conference Hall, tutorial rooms, offices and services - Approved

1981/01400/FUL : Boys Club Village, St. Athan - Extensions to existing gymnasium - Approved

1980/01043/FUL : Boys' Village, St. Athan - To provide new entrance from existing access lane and prepare car parking adjacent to existing office building at Boys Village, St. Athan - Approved

1980/01042/FUL : Boys Village, St. Athan - To use existing waste land as car park for residents of Boys' Village - Approved

CONSULTATIONS

St. Athan Community Council- No objection in principle, however, serious concerns are expressed regarding the access road to the site, which the Community Council considers is very narrow and not suitable to serve the development.

Highway Development- No objection in principle, subject to conditions regarding the position of the access, footways along the site frontage, parking space numbers and vision splays.

The Council's Education Section have provided advice in respect of local schools capacity and Section 106 requirements.

Highways and Engineering (Drainage)- No objection, subject to a condition relating to the drainage of the site.

Environmental Health (Pollution)- No representations received to date.

Glamorgan Gwent Archaeological Trust- No representations received to date.

Local ward members- No representations received to date.

Dwr Cymru Welsh Water have suggested the Local planning Authority consult Natural Resources Wales, since the applicant proposes a private treatment works.

The Council's Ecology Officer- No objection subject to conditions to protect bats and relating to nesting birds.

Waste Management- No representations received.

Arts Development Officer- No representations have been received.

Housing Strategy- No objection subject to the provision of 6 affordable units, comprising 5 social rented and 1 Low Cost Home Ownership (LCHO).

Natural Resources Wales- No objection subject to condition to protect ecological interests.

National Grid Plant Protection have provided advice and guidance in respect of the protection of their assets.

The Police Designing Out Crime Officer has advised that the development would assist in reducing crime. Other crime reduction recommendations are made.

REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. No representations have been received.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 8 – TRANSPORTATION

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV6 – EAST VALE COAST

POLICY ENV8 – SMALL SCALE RURAL CONVERSIONS

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV28 – ACCESS FOR DISABLED PEOPLE
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE
POLICY HOUS7 - REPLACEMENT AND EXTENSION OF DWELLINGS IN THE COUNTRYSIDE
POLICY HOUS12 - AFFORDABLE HOUSING
POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
POLICY REC6 – CHILDREN'S PLAYING FACILITIES
POLICY TRAN 10- PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'

'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- *there is no adopted development plan or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular.

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage and the Coast.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Supplementary Planning Guidance:

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

- Amenity Standards
- Affordable Housing
- Biodiversity and Development
- Conversion of Rural Buildings
- Design in the Landscape
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions are expected in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

*'2.8.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Background Paper (2013 and 2016 update)
- Affordable Housing Viability Update Report (2014 and 2016 update)
- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 (September 2016)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- Housing Provision Background Paper (2015)
- Housing Supply Background Paper (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)

- Open Space Background Paper (2013)
- Education Facilities Assessment (2013)
- Sustainable Settlements Appraisal Review (2016)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Community Infrastructure Levy Regulations 2010 (as amended)
- Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Issues

It is considered that the main issues involved in the assessment of the applications are:

- The principle of the development (including sustainability issues relating to location).
- Design, layout and visual impact.
- Impact on the setting of the listed war memorial.
- Ecology.
- Highways (including access and parking).
- Amenity space provision.
- Impact on neighbours.
- Drainage.
- Trees and landscaping
- Section 106 matters.

Background

The Boys Village was opened in the 1920s as a holiday camp for the sons of miners. The original buildings included a dining hall, dormitories, a gym, swimming pool, workshops and a church. There was also a full-sized cricket pitch, putting green, tennis courts, football and rugby grounds and a pavilion. The camp was requisitioned in 1940 for military use but returned to civilian use in 1946. In 1962, the centre was refurbished and a youth hostel opened on site. In 1990, the Boys' Clubs of Wales, the organisation responsible for running the camp, went into administration, forcing the site's closure.

Planning permission was granted in 2006 for the conversion and re-construction of buildings at the Boys Village to 12 units (application 2000/01435/FUL) however, the consent has not been implemented. Applications were subsequently made in 2011 for the renewal of that permission and those applications have not been determined.

Subsequent to that, five planning permissions (as listed in the planning history above) were granted, each relating to the conversion or construction of a single dwelling within five different parts of the site. Those units were the conversion of the chapel, the conversion of the former T shaped canteen, the retention of the caretaker's bungalow, the conversion of the brick dormitory and re-construction of a further dwelling on the footprint of a further dormitory. Those permissions have also not been implemented.

The principle of the development (including sustainability issues relating to location).

Policy ENV 1 Assessment.

The site lies in the countryside and, therefore, Policy ENV1 of the UDP is relevant to the assessment. This policy permits in principle, development that is related to agriculture, horticulture, forestry, appropriate recreational use, the re-use of existing buildings or a development that is acceptable under another Policy of the plan.

One of the proposed units (the chapel) involves the conversion of an existing building and the development involves the retention of the existing caretaker's bungalow. It is considered that in principle, this unit in the chapel falls to be considered under the terms of Policy ENV8 - Small Scale Rural Conversions. The works to the caretaker's bungalow should be assessed against Policy HOUS7 - Replacement and Extension of dwellings in the Countryside (i.e. this is an existing dwelling to be extended, rather than a new dwelling to be justified). Whilst it is currently vacant and in a poor state of repair, the residential use is not considered to be abandoned at present.

The remainder of the units would principally be sited on the footprints of former buildings but would fundamentally be new buildings/dwellings.

Through the course of the application, your officers and the applicant have investigated the potential for the development to be wholly affordable in nature with an interested Registered Social Landlord (RSL), as national policy provides for affordable housing exception sites in the countryside. However, the RSL has advised that in this location, they would not wish to take on a wholly affordable development, rather they believe that for social/community integration reasons, any development should be mixed, with 40% as affordable.

With reference to policy HOUS 13 (Exception Sites for Affordable Housing in the Rural Vale), while it is clear that the site does not adjoin an existing settlement, the Council has in recent times taken a relatively pragmatic stance in respect of Policy HOUS 13 (regarding physical attachment to settlements), where sites are sufficiently sustainable, given the acuteness of affordable housing need. Consequently, it is possible that this site may have sat broadly within the aims and objectives of Policy HOUS 13 should it have been wholly affordable, however, the lack of RSL interest in a wholly affordable development means that the development cannot be considered against this policy.

In light of the above, it is considered that the development is contrary to Policy ENV 1 of the UDP, in that it is not related to agriculture, horticulture, forestry or an appropriate recreational use, it predominantly does not involve the re-use of existing buildings and it cannot be considered under the terms of Policy HOUS 13 (or any other UDP policy).

The primary question in this case is therefore whether there are material considerations which in principle, would justify the construction of new dwellings (and this number of new dwellings), and whether the development would be demonstrably harmful in any respect.

Material considerations

The character of the site and former use

While the existing and former use of the site would not fall within use class C3 (dwellings), as noted above, the former use was quasi residential in character. It is, therefore, considered that the proposed residential use is not alien to the site or wholly different in character to that former use. It is considered that while the proposed development is contrary to Policy ENV 1, a residential form of use may be acceptable in principle, subject to an assessment of visual impact, sustainability and all other details planning issues (highways, ecology, etc). This view is supported by the fact that residential planning permissions have previously been granted, and that is material to this application.

Visual impact- new buildings in principle.

Local and national policy that fundamentally directs houses to existing settlements is principally to protect the character of the countryside and to ensure development is consistent with sustainability aims. Therefore, developments comprising new housing in the countryside will normally be unacceptable for at least one of these two reasons. They may be other site specific reasons such as agricultural land quality, flooding, ecology or impact on trees, but (other than in respect of agricultural land quality) these are not inherently 'countryside' issues.

Policy Wales (PPW) defines previously developed (brownfield) land, as "*that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure*". When functioning as a boys holiday camp, the site had significant coverage with buildings and hardstandings and, although many have now been removed, there remain a number and a large aggregate area of hard surfaces. The image below shows the former condition and layout of the site:



PPW advice in respect of previously developed land states as follows:

Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

Therefore, while not all previously developed land will be acceptable for development, (particularly where the proposed re-development would be considered fundamentally unsustainable), this is a material consideration in favour of the development, but the detailed impacts in terms of visual impact and sustainability must nevertheless be considered.

Visual impact is a matter that must be carefully considered. The previous existence of significant numbers of buildings would not in principle, justify the same site coverage with dwelling houses, but it is considered that the fully developed phase of the site's history is not immaterial.

Similarly the condition of the site is considered to be material to the assessment of this application. The appearance of the site and the physical fabric of the buildings have deteriorated markedly since the closure of the boys village and it continues to deteriorate, such that the site presently has a damaging impact upon the character of the countryside. The site has been (and continues to be) subject to significant vandalism and anti-social behaviour since and the local Police are regularly in contact with the Council's Planning Department in respect of such issues.

It appears that such issues are proving particularly difficult to manage given the size of the site, the relative ease of access for trespassers, the lack of natural surveillance and the presence of a number of buildings that can be entered. The Police have discussed increased security measures with the applicant but it is evident that significant investment would be required to robustly secure the site and monitor it with CCTV.

The very poor condition of the site does not justify any form of development and in some cases, the poor visual condition of a site may be considered of limited weight, since a landowner should not be able to justify more development than would ordinarily be acceptable by letting a site run into disrepair. However, in this case, the condition of the site is an extremely long running issue and it appears evident that it is unlikely to materially improve without some form of re-development. Again, this does not infer any form of development will be acceptable and the long standing negotiations that have taken place over the last fifteen years are testament to the fact that the Council has resisted inappropriate development.

However, it is considered that the condition of the site and the associated vandalism, antisocial behaviour and crime are more material here than they would be in many cases, given the long standing history and the inherent difficulty in managing such issues with a site of this nature (in a rural location).

The former buildings were not wholly alike dwelling houses (in appearance) but the site did have a quasi residential use. Therefore, and given the extent of previous buildings, the number of buildings that remain and the condition of the site, it is considered that there is scope in principle for a development of replacement buildings that would not unacceptably impact upon the character of the surroundings, particularly in light of the site's history. The visual impact associated with this proposal (albeit in outline) is contained below.

The Sustainability of the Location

The site is located in the countryside and, notwithstanding the above, it is necessary to consider whether this is an appropriate location for permanent residential development. The site lies approximately 400m away from the nearest shop (located at the petrol station on the B4265) other typical day to day services located in the immediate area (i.e. within West Aberthaw) are limited. The nearest settlement that would offer a wide range of services including a school, shops, community centre, library, public house etc, is St. Athan, which is 1.5km away via roads.

There are bus stops on both sides of the road directly adjacent to the petrol station and this would potentially give occupants of the development a means of travelling to St. Athan (to the west) or eastwards towards Barry and Cardiff, other than by car. It is also realistic that occupants may cycle to St. Athan, however, given the distance, it is considered unlikely that the majority of trips for day to day services would be made on foot. It should be noted however that there is a continuous footway between the petrol station (on the opposite side of the road) and St. Athan. This would enable pedestrian access to St. Athan safely and would increase the likelihood of such trips being made.

The existing bus stop on the eastbound side of the road is only a pole stop with no shelter and no formal waiting area off the carriageway. While the stop on the westbound side of the road has a shelter, it is of a relatively poor standard and is not equipped with real time information or other modern facilities. It is, therefore, considered that in order to make modes of transport other than the car more attractive and likely to be used, the bus stops in this location would need to be upgraded such that they represent realistic alternatives. The route to those bus stops and the shop is not paved for pedestrians beyond the point where the lane spurs off towards the site, however, this lane is lightly trafficked and it is considered that pedestrian use is a reasonable and safe option for this length of road, and would not be discouraged by a lack of footway along part of the route.

The highways engineer has not requested a footway along the lane (this could not be provided in any case due to land ownership) and has not raised any objection in respect of pedestrian safety (see sections below for highways issues). It is, therefore, considered that the bus stops, shop and footway to St. Athan are reasonably accessible on foot, with only a modest section of the route not served by footway.

Moreover, it is considered that sustainability is effectively a 'sliding scale', i.e. it is not simply the case that something is either in a sustainable location and therefore acceptable, or in an unsustainable location and therefore unacceptable. In reality, many sites are somewhere in between and their sustainability credentials are a matter of subjective judgement. Further, it is considered that something should not automatically be deemed unsustainable if occupants of a development would be reliant on the car to make trips to certain services. Rather it is also relevant to consider how far the development is from those services, i.e. very short car trips from close to a settlement would be less harmful to sustainability objectives than long trips caused by a site in a very remote location. In addition, the shorter the distance, fundamentally the more likely an occupant would walk or cycle.

In this case, the site is in relatively close proximity to St. Athan and, therefore, any car trips made to that village would not be substantial in length and would not be as unsustainable as if the site were more remotely rural in location.

While it is acknowledged that the site is not as sustainable as those within or directly adjoining larger settlements, given the proximity to the shop and bus stops, the proximity to St. Athan, and the footway links to the shop and St. Athan, the site is more sustainable than it would otherwise be in another rural location that is 1.5km from the nearest settlement. Car trips to that settlement would be shorter and the likelihood of pedestrian and cycle trips is increased.

It should also be noted that the residential development of this site has previously been held to be acceptable in terms of sustainability, both in 2006 (when application 2000/01435/FUL was approved) and in 2014 when the five applications for individual dwellings were approved. It is considered that there have been no fundamental changes since the last applications in terms of policy, the site's physical characteristics or its surrounding context, that would alter the assessment in terms of sustainability. The number of units has increased from 12 in the case of the 2006 approval to 15 here and it is considered that in such a location, where sustainability issues are balanced, a significant number of units would be much less likely to be acceptable. However, it is considered that this represents a relatively minor increase from 12 and whereas that application secured £12,000 for sustainable transport improvements, this applicant has agreed to a contribution of £33,000, which would significantly increase what can be done to improve sustainable transport options, compared to £12,000.

It is considered that subject to the implementation of works to improve the bus and pedestrian facilities in the vicinity of the site, and the preparation of a residential travel plan, the development would be materially more sustainable than the site is at present and on balance, sufficiently sustainable to justify a development of this size and kind in this location. This matter is discussed in more detail in the Section 106 part of the report below.

Members are advised that the above assessment is based on the specific circumstances of this site and would not infer that the development (residential or otherwise) of another site in the countryside would necessarily be acceptable in planning terms, particularly where the distance to the nearest settlement is greater, or where there is poorer pedestrian infrastructure, less access to services, less site coverage with buildings or a different planning history.

Housing need

Paragraph 2.2 of TAN1 states that 'Local planning authorities must ensure that sufficient land is genuinely available to provide a 5 year supply of land for housing'. In cases where supply is below 5 years, paragraph 5.1 of the guidance suggests that 'The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies'. This guidance is supported in part 9.2 of PPW, in particular paragraph 9.2.3.

A material consideration in this application would be the contribution that the proposed development would make to the Council's housing land supply. Currently, in the absence of an adopted LDP, the Council is unable to undertake a formal TAN 1 JHLAs assessment of its housing land supply, but is required to evidence a 5 year housing land supply at adoption of the LDP. The Council's LDP housing land trajectory (September 2016) (see Council's response to Hearing Session 2&3, Action Points 4, 6, 7,9 & 10) indicates that the Council currently has 5.1 years housing supply (at April 2016). The housing trajectory paper makes assumptions about the continued supply of housing in the years ahead, including the delivery of 70 dwellings per annum on large windfall sites such as this.

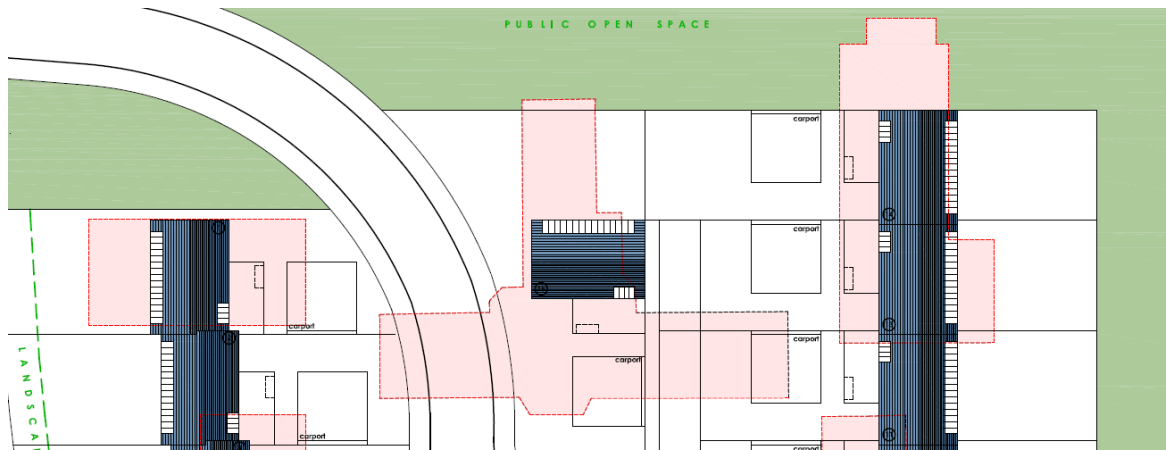
There is a need to maintain sufficient housing supply at all times. In considering the figures outlined above, this site would assist in securing a 5 year housing land supply at the time of adoption of the LDP. However whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not solely outweigh in principle all other material considerations particularly if a development is considered harmful in these other respects. Rather the need to maintain a TAN1 compliant housing supply is a single material consideration that must be balanced against all other material considerations in the case of any future application for residential development in this policy context.

Summary of Principle issues

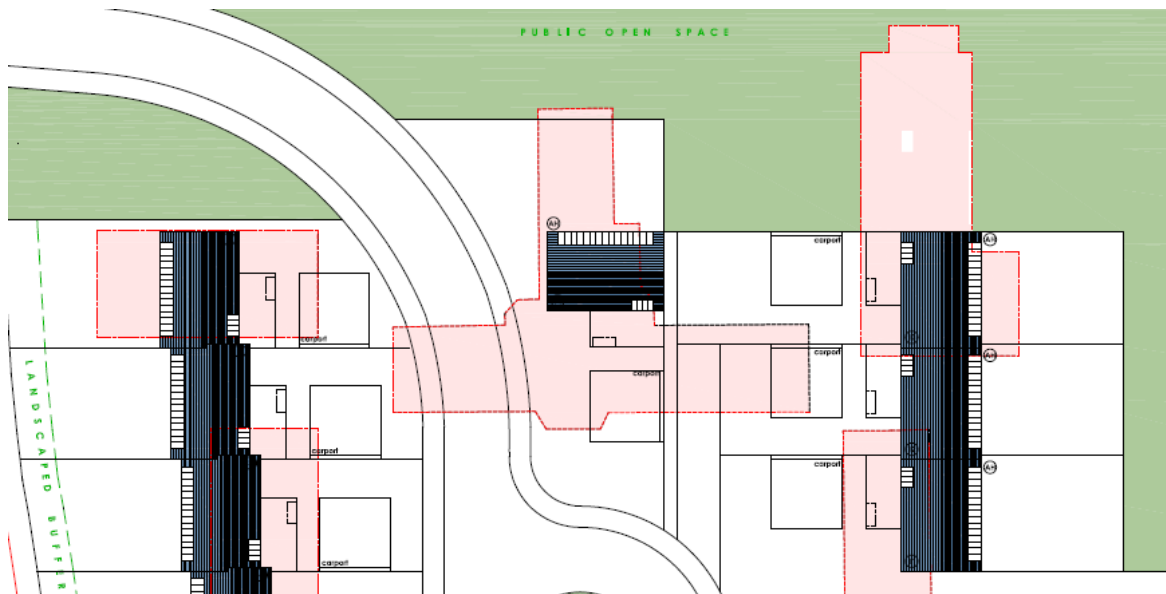
Having regard to the above, it is considered on balance that the development is acceptable in principle. This has regard to the history of the site, the existing buildings, the condition of the site, the sustainability issues appraised above and the contribution towards meeting housing need. The site has been subject to a number of applications over the last 15 years, some of which have been resisted for reasons of layout and density and some have been approved but have not been implemented. It is considered that in principle, this proposal represents an acceptable balance in terms of density, visual impact, regard to sustainability and the importance of improving the condition of the site.

Design, layout and visual impact on the character of the surrounding area.

The application initially proposed 15 new units plus the conversion of the church and subsequently through the course of negotiations, the most northerly unit, which would have extended closest to the northern site boundary, has been omitted. This initial layout is shown on the plan extract below.



The layout (albeit only indicative) has now been amended to that shown below:



While the layout is only indicative, it is considered that the siting of buildings shown on the amended plan, which would preserve a larger open 'buffer' at this part of the site, would have less intrusion visually towards the fields at the north and would lessen the impact of the development.

While this represents a more intensive scheme than the previous approvals, the indicative plans demonstrate that this many units can be accommodated in a layout which has regard to the former footprint of buildings, concentrated close to each other in a quadrangle. It is considered that this form of layout (as opposed to a more sporadic and suburban layout that has been seen on previous applications), is wholly more appropriate, both in terms of respecting the character of the historic layout of the site and minimising the impact on the surrounding area. It is considered that subject to control over the height and scale of the buildings, a layout of this kind, with the buildings concentrated close to each other, would limit overall site coverage and would not unacceptably impact upon the countryside and views towards the site from the road. Wider views of the site from further afield are limited. The northern part of the site would accommodate a wide open space buffer and this would visually soften the impact of the development from the approach along the road.

It is acknowledged that the site would be more likely to take on a residential character than at present (or compared to the previous active use) but subject to control over the detailed design of layout, buildings, and means of enclosure, it is considered that the impact in this respect would not be demonstrably harmful, particularly given that the historical use was quasi residential.

The plans and submitted scale parameters suggest a maximum ridge height of 7.2m, and this is in comparison to the existing/former structures which are 7m in the case of the former canteen and 6.5m in the case of the dormitory blocks. It is therefore considered that the height of the proposed dwellings should be limited to a maximum of 7m and subject to this, the scale and massing of the proposed buildings would be very similar to the established former complex of buildings and would have a similar impact within the wider landscape. Detailed elevational design would be for the reserved matter stage and, while the design need not necessarily be a replica of the former buildings, it should have regard to the site's rural context.

It is considered, therefore, that 14 new units (in addition to the converted chapel) can be accommodated in a layout that would not unacceptably impact upon the character of the area.

The works to refurbish and extend the caretaker's bungalow would be assessed against Policy HOUS 7 of the UDP, however, there is no reason in principle why this building could not be extended in a way that would preserve the visual amenity of the area. Similarly the chapel can be converted, in principle in a way that would preserve its character and that of the wider area, in accordance with Policy ENV 8.

Impact on the setting of the listed war memorial

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

The Listed War Memorial would be retained on site, located within a central area with dwellings sited around it. The indicative layout seeks to make the memorial a central focal point to the development as a whole, by facing the dwellings onto it, with the access road running around it. The application initially included 'layout' for consideration as part of this application and the Council's Conservation Officer raised concerns in respect of the relationship between the road and the memorial and the extent to which the setting of the memorial would be dominated by vehicular activity.

'Layout' has now been reserved and there is no reason in principle why a layout could not be designed that creates and maintains a sensitive setting for the listed memorial. Such a setting has been achieved in previous applications and there is no objection to the principle of a residential development, in terms of how it would respect the memorial. It is likely that the layout will need to take a form where the memorial is less dominated by a surrounding road, and where there remains an interactive relationship between the memorial and the buildings that surround it.

It is also considered that 14 units are not so dense that it would prohibit a sensitive setting from being designed.

It should also be noted that currently the memorial suffers from a particularly damaging setting, created by the very poor condition of the site. It is considered that this setting would be materially improved by a sensitive re-development, which the Council would retain control over through any subsequent reserved matters submission. It is, therefore, considered that the proposal complies with the aims of Policies ENV17 and ENV27 of the UDP, in terms of the setting of the listed building.

Ecology

The application is accompanied by a bat survey (dated June 2015) which is an update of the surveys done in 2012 for the previous applications. The Council's Ecologist and Natural Resources Wales (NRW) have raised no issue in respect of the date of the survey, given that only one year has elapsed between then and the date of this application.

The survey reports that there are is a Long-eared roost and a Lesser Horseshoe night roost in the chapel, Common Pipistrelle roosts in the former caretaker's bungalow and the former dining room, and a Soprano pipistrelle roost in one of the accommodation blocks.

Given the above, a licence will be required from the Welsh Assembly to permit the proposed operations. In addition, the Local Planning Authority (LPA) has a legal duty under the Conservation of Habitats and Species Regulations 2010 in relation to EPS', namely that when determining a planning application for a development which has an impact on EPS, the Local Planning Authority must take into account the three derogation tests contained within Article 16 the Habitats Directive 1992:

The three tests are:

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

Test ii) There is no satisfactory alternative.

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

Test 1

The buildings that are to be converted are not listed, however, there is a listed memorial within the site. Given the deterioration in the condition of the site and the vandalism that it has suffered over the last ten years (including vandalism to the listed memorial) it is considered that leaving the site as it stands threatens the preservation of the listed building. It is considered that the scheme proposed would ensure that the listed building can be retained and maintained in a more secure setting.

Furthermore, while the buildings are not listed, it is nevertheless considered that there is a historic interest to the site, and that the retention of the chapel and the fundamental improvement in the condition and appearance of the site as a whole (and reduction in vandalism and anti-social behaviour) is in the public interest. Finally in this respect, the development would make a contribution to housing supply (specifically as a large windfall) and this is also considered to be in the public interest.

Test 2

The alternative to this development would be to leave the buildings as they stand, however, this would lead to further deterioration, potentially resulting in the loss of the roosts altogether. Given that the only realistic means of retaining the chapel roosts would be the retention and conversion of the building, it is considered that there is no satisfactory alternative. The new units can also potentially make provision for bats in the buildings and in bat boxes and it is considered that the further deterioration of the site without a new form of development would be likely to lead to their loss and wouldn't represent an acceptable alternative. Accordingly, it is considered that the second test is passed.

Test 3

NRW have been consulted and have advised that they do not object to the application, subject to conditions regarding mitigation and compliance with the measures contained within the bat survey report. The Council's Ecologist has also considered the survey report and raises no objection to the proposed development subject to conditions. Accordingly, it is considered that test iii is passed.

It should be noted that while NRW have requested a condition which would require the applicant to submit a mitigation strategy to the Council for approval, the Council's Ecologist considers this unnecessary and has only requested the submission of the European Protected Species licence. The reason is that in order to obtain a licence, the applicant must demonstrate acceptable mitigation to NRW and consequently, there is no need for this provision to be doubled up in a planning condition.

Having regard to the above, it is considered that the applicant has satisfactorily demonstrated that the proposed development would not adversely affect the maintenance of the existing bat habitats, subject to the mitigation measures being carried out.

The Council's ecologist has advised that there is no requirement for a reptile survey or condition relating to reptiles.

Finally in respect of ecology, the proposed access may involve the removal of a section of hedgerow, if it were sited centrally on the western boundary. It is considered that this could be off-set by the replanting additional hedgerow across the existing access point in the south west or north west corners. Further details of the specific composition of the hedge can be controlled by condition.

Highways Issues (including Parking)

There are presently two access points into the site, one at the north west corner and one towards the south west corner. The application initially included access for approval now, however, it has subsequently been reserved for future consideration. The Council's Highways Engineer has raised no objection to the application in principle and subject to the primary access being made centrally on the western boundary, adequate vision splays, widening of the carriageway along the site frontage, a footway along the site frontage swept paths for large vehicles entering the site and numbers of parking spaces.

The indicative layout suggests an access point at the north west corner and, while the Highways Engineer has requested the access be sited centrally on the western boundary, it is relevant to note that the 2000 application for 12 units was approved with the access in the north west corner and the 2012 applications would also have utilised the access point in the north west corner (as well as a further one on the western boundary). The Highways Engineer's concerns relate to the proximity of the north west access point to a field gate and the potential for vehicle conflict. However, this field gate was present when the previous applications were determined and it is considered that the additional three units (above the approved 12) would not result in a significant increase in the use of that access.

Notwithstanding the above, access is reserved and it is not fundamentally necessary as part of this application to demonstrate which access point would be used, provided the Council are satisfied that a safe and adequate access can be achieved to the site in principle. The Highways Engineer has not raised any in principle objection and clearly considers an access along the western boundary to be acceptable. Taking together the Engineer's comments and the previous approvals, it appears clear that a safe and adequate access can fundamentally be achieved and this matter can be fully assessed at the time of any reserved matters application. If the applicant is minded to pursue the access point to the north west (at reserved matters stage) it will be necessary for the plans to demonstrate (while taking previous approvals into account) that an access there wouldn't adversely impact upon highway safety.

While the stretch of rural lane directly to the north of the site is only single vehicle width, it is only approximately 180m in length and relatively straight, such that there is good visibility along the stretch. Accordingly, while the lane is lightly trafficked in any case, drivers will be able to see oncoming cars at a distance to enable them to wait at a point where vehicles can pass. It is considered that the proposed development would not significantly add to existing traffic levels and accordingly, there are no requirements for off site works to the highway network.

There is space within the site for each dwelling to be served by a level of parking that would satisfy the Council's parking guidelines, in addition to turning facilities which would ensure that vehicles can enter and leave the site in a forward gear.

As noted above, the stretch of lane where there is no footway is no significant in length and it is straight, enabling any pedestrians to see oncoming traffic, and vice versa. It is therefore considered that this arrangement would not be demonstrably harmful to pedestrian safety. Again it is relevant to note previous approvals (particularly the development of 12 units) and the fact these have all been considered acceptable in this respect.

Having regard to the above, it is considered that the proposed development is acceptable in terms of parking and highway safety (vehicular and pedestrian).

Amenity Space

The layout is only indicative but it is clear that there is space within the site for each of the dwellings to be served by an area of garden that meets the requirements of the Council's Amenity Standards Supplementary Planning Guidance and Policy ENV 27 of the UDP.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.40 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24m² per person or 55.68sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.32 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

Based on the Council's Planning Obligations SPG, the development of 15 units excluding the caretaker's bungalow which is an existing dwelling (albeit vacant) creates the need for 835 sqm of open space. This is a requirement for 278.4 sqm of children's play space, of which 87 sqm should be equipped.

The illustrative layout includes significant areas of open space in the north, north east and south east parts of the site and this would comfortably account for the POS needs of the development, in accordance with Policies REC 3 and REC 6 of the UDP and the Council's SPG (both in terms of area and the functionality of its location relative to the houses). A condition is recommended for a scheme of POS to be submitted and agreed and the location and layout of the POS (including play equipment) would be shown at reserved matters stage.

Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has not advised definitively whether the land will be retained and managed privately or offered to the Council for adoption. The Section 106 legal agreement should therefore contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

Impact on Neighbours

The nearest neighbouring dwellings to the site are located approximately 80m away to the south and it is, therefore, considered that their residential amenity will not be adversely affected by the development.

In terms of inter-relationships between the dwellings that are the subject of the application, this would be assessed in detail at reserved matters stage, however, there is no reason in principle why a development could not be designed that would adequately preserve the residential amenity of the new houses.

Drainage

The application forms suggest a private treatment plant for foul sewerage, however, Natural Resources Wales (NRW) have advised that there is no guarantee a permit will be issued. Therefore, a condition is recommended for full details of the proposed drainage system to be submitted to and agreed by the Local Planning Authority, to enable further consultation to be undertaken with NRW and (should the proposed method change) Dwr Cymru Welsh Water if necessary.

In respect of surface water, the site does not lie in a DAM area at risk of tidal or fluvial flooding and the application proposes soakaways. Detailed plans have not been submitted and, therefore, the Council's Drainage Engineer has requested a condition which requires detail of this to be agreed.

In summary, there are no fundamental concerns regarding drainage and conditions are recommended to ensure that the implemented drainage scheme is acceptable.

Trees and landscaping

The Council's records suggest that there are TPO designations at the northern boundary of the site, however, there do not appear to be any trees along this boundary currently, only a hedge separating the site from the adjacent field. The Council's aerial photographs suggest the trees were lost a number of years ago.

In any case, the development would not affect that northern boundary of the site and a condition is recommended in respect of a landscaping scheme, which will enable the Council to ensure that an appropriate level of landscaping is implemented to soften the impact of the development.

Section 106 Matters

Affordable housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households or, where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision on substantial development schemes, such as this. The supporting text to that policy also states: “The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale”. In 2015, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 559 affordable housing units (for rent or low cost home ownership) are required each year over the next five years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government.

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of ‘focused’ and ‘minor’ changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development. The latest viability evidence, contained within the Council’s Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan (and more especially in some of the rural areas), and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the rural Vale.

The Council has recently adopted supplementary planning guidance on Affordable Housing on 6th January 2016. The SPG updates and replaces the Council’s previous Affordable Housing SPG (2006) and has been produced to support the policies of the Vale of Glamorgan Local Development Plan (LDP), as well as the existing UDP.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver **40% affordable housing**. The Council requires a 70/30 split on site between Social Rented and Intermediate properties. Based on 15 dwellings, 6 affordable dwellings would be required. This would require 5 social rented and 1 Low Cost Home Ownership (LCHO). The applicant has agreed to this affordable housing provision of 6 units and the split should be stipulated in any legal agreement, should Members be minded to resolve to approve the application.

As noted above, through the course of the application officers and the applicant have investigated the potential for the development to be wholly affordable in nature with the interested Registered Social Landlord (RSL). However, the RSL has advised that in this location, they would not wish to take on a wholly affordable development, rather they believe that for social/community integration reasons, any development should be mixed, with 40% as affordable.

In terms of the location of the affordable dwellings, this is a matter to be agreed at the reserved matters stage. Any future layout should ensure that the affordable units are appropriately integrated through the overall site and it is considered that the indicative layout, which shows them split into separate groups of 1, 2 and 3 would be acceptable in this regard.

In terms of phasing, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. Therefore, the Section 106 Agreement should include clauses requiring the appropriate percentage of affordable housing to be provided prior to beneficial occupation of a certain percentage of the market housing units, and this will be phased throughout the development.

Education Facilities:

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's rationale for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 15 dwellings would generate the need for education facilities for 2 nursery school age children, 4 primary school age children and 4 secondary school age children (3 aged 11-16 and 1 post 16). However, it is only reasonable to request contributions for those school places above and beyond existing spare capacity, and on that basis, the Council has requested the following Section 106 contributions for education facilities:

- Nursery school children – 2 children x £17,466 = £34,932
- Primary school children – 3 children x £17,466 = £52,398
- Secondary (aged 11-16) school children – 3 children x £26,289 = £78,867
- Secondary (aged post-16) school children – 1 child x £28,511 = £28,511

This totals **£194,708** and the applicant has agreed to this amount.

Sustainable Transport

UDP Policy 2 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. UDP Policy ENV27 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. These policies are supported by the Council's approved Supplementary Planning Guidance on Sustainable Development and the advice in Planning Policy Wales, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £33,000 was sought, as the basic contribution required to off-set the impacts of the development and render the site sufficiently sustainable.

In this case, the money may be spent on any of the following, all of which would improve access to and from the site by modes other than the car: Provision of a new, modern standard bus stop at the B4265, dropped kerbs and tactile paving between the footway at the head of the rural lane and the footway on the opposite side of the road, dropped kerb/tactile paving outside the local shop at the petrol station, bus or rail season tickets for occupiers of the development, bicycles for occupiers of the development, PROW improvements in the area around the site, GreenLinks bus provision, improvements for access to St. Athan primary, cycle storage in St. Athan village centre and at local schools, money towards upgrading bus stops in St. Athan/on the B4265.

The applicant has agreed to this amount and it is considered that the improvements that would be implemented as a result would materially improve the degree to which the site and local services could be accessed by sustainable modes of transport, in accordance with local and national policy.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required 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 proposal. The applicant has agreed to this.

S106 Administration

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 Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £3894.16.

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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside, ENV 6- East Vale Coast, ENV 8- Small Scale Rural Conversions, ENV16 - Protected Species, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments, ENV29 - Protection of Environmental Quality, HOUS3 - Dwellings in the Countryside, HOUS 7- Replacement and Extension of Dwellings in the Countryside, TRAN10 - Parking, REC3 - Provision of Open Space within New Residential Development, Strategic Policies 1, 2 and 8, The Council's Supplementary Planning Guidance on Amenity Standards, Affordable Housing, Biodiversity, Planning Obligations, Parking Guidelines, Conversion of Rural Buildings, Design in the Landscape, Public Art, Sustainable Development and Trees and Development, and national guidance contained in Planning Policy Wales 8th Edition and Technical Advice Notes 1, 2, 6, 12 and 16, it is considered that the proposal is acceptable in terms of the principle of the development, visual/landscape impact, sustainability, highways issues, impact on residential amenity and ecology.

RECOMMENDATION

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

- Procure that at least 6 (40%) of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be intermediate properties.
- Pay a contribution of £33,000 towards sustainable transport facilities in the vicinity of the site. The contribution is to be used on items including one or more of the following: Provision of a new, modern standard bus stop at the B4265, dropped kerbs and tactile paving between the footway at the head of the rural lane and the footway on the opposite side of the road, dropped kerb/tactile paving outside the local shop at the petrol station, bus or rail season tickets for occupiers of the development, bicycles for occupiers of the development, PROW improvements in the area around the site, GreenLinks bus provision, improvements for access to St. Athan primary school and St. Athan village centre, cycle storage in St. Athan village centre and at local schools, money towards upgrading bus stops in St. Athan/on the B4265.
- Public open space to be provided on site to equate to at least 55.68sqm per dwelling, of which 18.56m² per dwelling shall be children's play space, and of which at least 5.8m² per dwelling will be equipped play space. The public open space is to be provided in accordance with a scheme to be approved by the Local Planning Authority.
- The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Pay a contribution of £194,708 for education purposes for the provision or enhancement of educational facilities in schools serving West Aberthaw for Nursery, Primary and Secondary school children.
- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£3894.16).

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Notwithstanding the submitted scale parameters, the reserved matters details referred to in condition 1 above shall provide for a maximum of 14 new build dwelling houses (in addition to the 15th unit within the chapel to be converted and the retention of the former Caretaker's bungalow), of a size that does not exceed a maximum height parameter of 7m.

Reason:

In order to protect the character of the area and in order to ensure compliance with Policy MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026).

6. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall

be submitted to and approved in writing by the Local Planning Authority and shall include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies SP1 'Delivering the Strategy', SP7 'Transportation', MD1 'Location of New Development' and MD2 'Design of New Development' adopted Local Development Plan (2011-2026), and the adopted Travel Plan Supplementary Planning Guidance (2018).

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

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies SP1 'Delivering the Strategy', MD2 'Design of New Development', MD3 'Provision of Open Space', MD4 'Community Infrastructure and Planning Obligations' of the adopted Local Development Plan (2011-2026) and the adopted Planning Obligations Supplementary Planning Guidance.

8. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art strategy and the timing of its provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Policy MD4 'Community Infrastructure and Planning Obligations' of the adopted Local Development Plan (2011-2026) and the Council's Public Art in New Development Supplementary Planning Guidance (2018).

9. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the

approved details.

Reason:

In the interests of highway safety in accord with Policy MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026).

10. Prior to the commencement of development, a scheme for the protection of the listed memorial stone during the course of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out in accordance with the approved details.

Reason:

In order to ensure the protection of the listed memorial stone and to ensure compliance with Policies SP10 'Built and Natural Environment' and MD8 'Historic Environment' of the adopted Local Development Plan (2011-2026).

11. Prior to the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 'Delivering the Strategy' and MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026).

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 'Delivering the Strategy' and MD2 'Design of New Development' of the Local Development Plan (2011-2026).

13. The development shall be carried out in accordance with the following approved plans and documents: Plan 39514:07 Rev A and Acer Ecology Update Bat Survey June 2015.

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.

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

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026).

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy MD2 'Design of New Development' the adopted Local Development Plan (2011-2026).

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

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Local Development Plan (2011-2026)

17. The information submitted in accordance with the requirements of Condition No. 14 of this consent shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration and plan to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Local Development Plan (2011-2026)

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

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policy MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026)

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 'Design of new Development' of the adopted Local Development Plan (2011-2026).

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 'Design of New Development' of the adopted Local Development Plan (2011-2026).

21. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence (for Bats) issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy MG19 'Sites and Species of European Importance' of the adopted Local Development Plan (2011-2026) and the Council's adopted Biodiversity and Development Supplementary Planning Guidance.

22. Prior to the erection of any new external lighting, "a Lighting Design Strategy" for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall identify bat roosting locations (retained or newly created), bat access points (all) and dark flight lines around the site and demonstrate the protection of these biodiversity features.

Reason:

In the interests of ecology and to ensure compliance with Policy MG19 'Sites and Species of European Importance' of the adopted Local Development Plan (2011-2026) and the Council's adopted Biodiversity and Development Supplementary Planning Guidance.

23. Replacement bird nesting sites shall be incorporated into the development, in accordance with section 6.5 of the Acer Ecology report. The new development shall incorporate 2(no) sparrow terraces, 2(no) thrush boxes and 2(no) swallow cups, in accordance with details (of their type, location and the timing of their provision) that shall be submitted to an approved in writing by the Local Planning Authority prior to the first beneficial occupation of any of the dwellings. These features shall be retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policy MG20 'Nationally Protected Sites and Species' of the adopted Local Development Plan (2011-2026) and the Council's adopted Biodiversity and Development Supplementary Planning Guidance.

NOTE:

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
3. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP
General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
4. 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).
5. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

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.