

Edenstone Homes Ltd. and Mr. John Thomas, C/o Agent.
Geraint John Planning Ltd., 33, Cathedral Road,, Cardiff., CF11 9HB

Land off Cowbridge Road, St. Athan

Residential development of up to 253 units and associated work, including the provision of public open space and strategic access points

REASON FOR COMMITTEE DETERMINATION

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

Executive Summary

This is an outline application with all matters reserved other than access. The proposals consist of up to 253 dwellings and associated works, including two new vehicular access points off Cowbridge Road. The indicative layout/masterplan includes an internal road/footpath network, areas of public open space, an attenuation pond etc. Details of the proposed access points have been included, with a new off-site roundabout junction which would be located on Cowbridge Road, also serving Eglwys Brewis Road. A secondary access would be located further along Cowbridge Road.

The site is approximately 10.9ha of mainly agricultural land made up of two large fields on the northern edge of St Athan, near the MoD base and to the east of Eglwys Brewis. There is also a smaller area to the southern section of the site which is currently a large area of hardstanding and grassed area, where a building previously stood. The site is allocated for housing development of 255 dwellings in the adopted Local Development Plan under policy MG2(5).

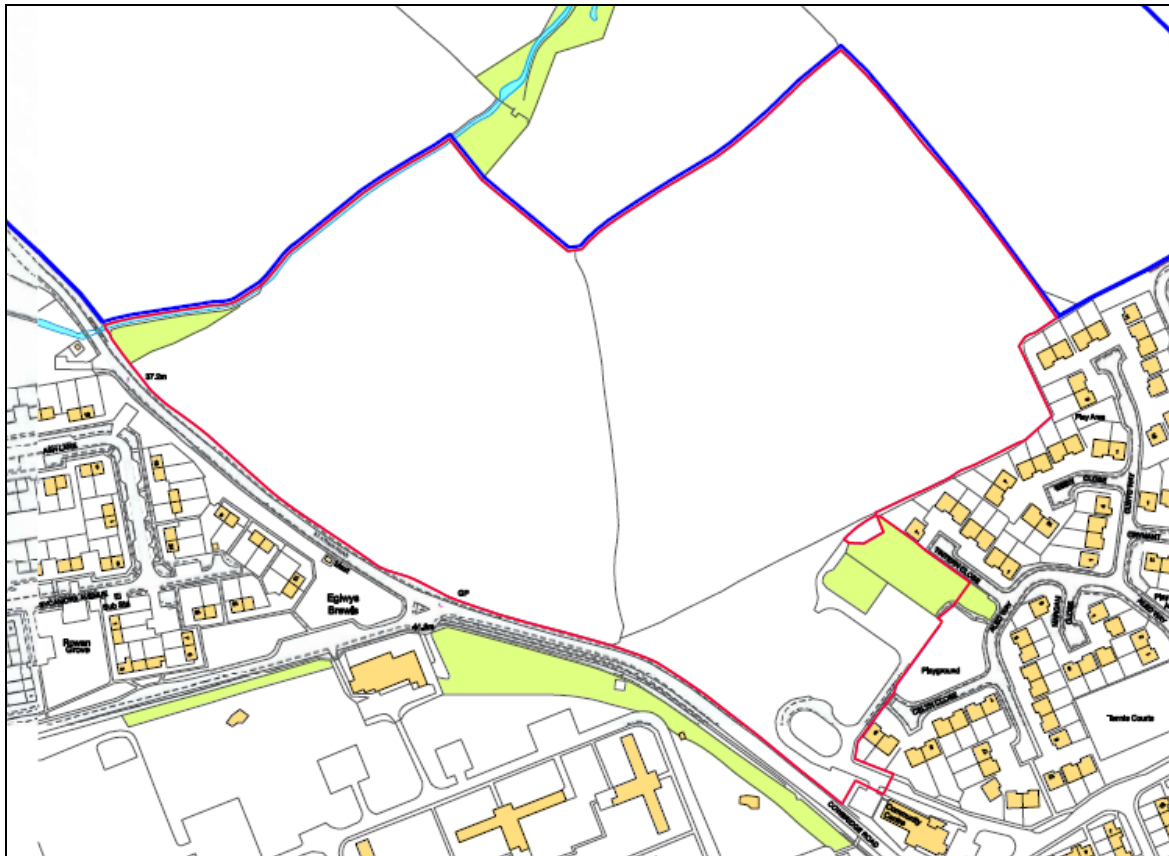
Objections have been received from St. Athan Community Council on the basis that other more suitable brownfield sites available, increased traffic, a lack of cycle provision and public transport serving the area, loss of open space, loss of agricultural land and protected species.

The main issues have been the principle of the development and how it accords with national and local planning policy, especially policy MG2 which relates to allocated housing sites. Other main issues that have been considered is the ecological impacts of the development (especially as rare arable plants have been recorded at the fields) and access into the site together with traffic impacts within the wider highway network.

Following extensive negotiations it is recommended that subject to conditions and suitable mitigation this outline application should be approved, in line with LDP policies. Also, this approval is subject to the applicant entering into a legal agreement with provisions relating to affordable housing, public open space and education.

SITE AND CONTEXT

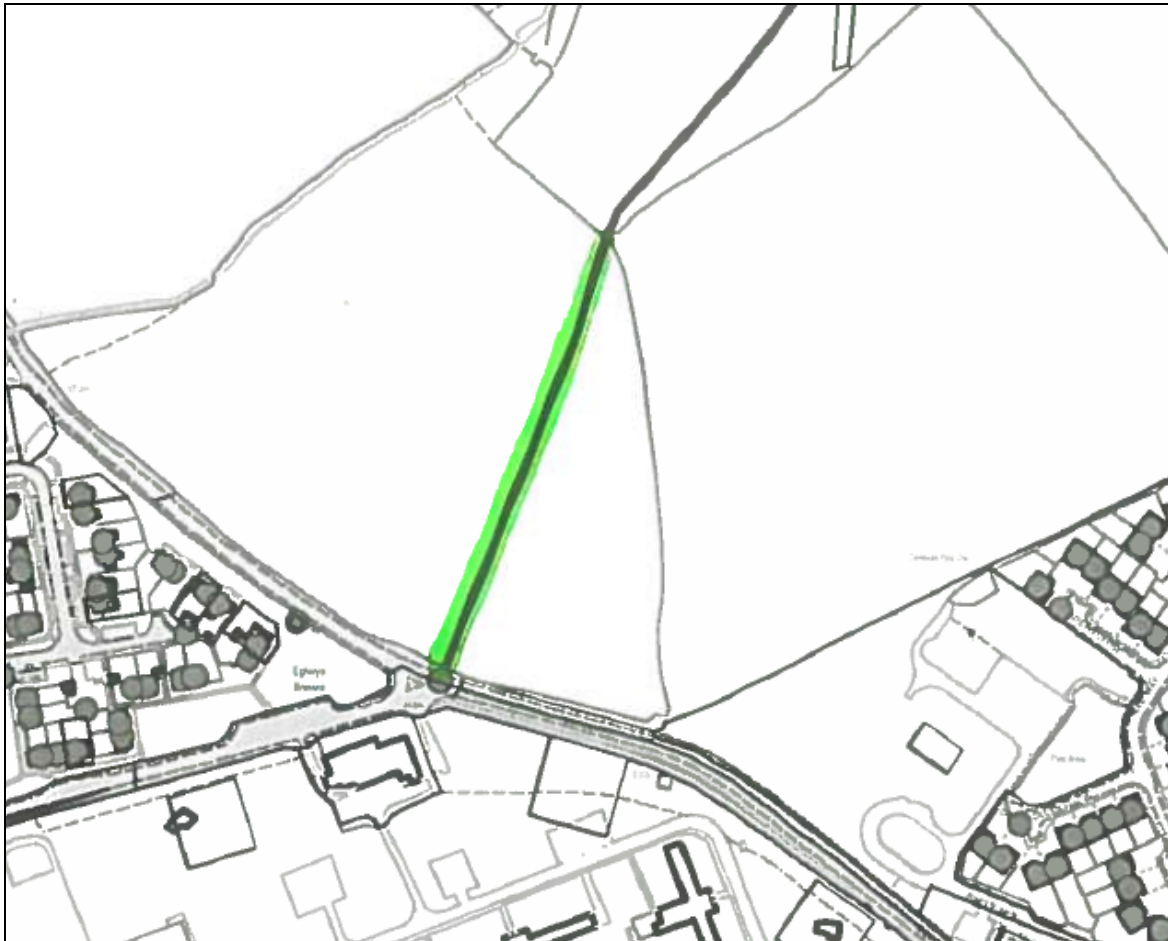
The site is at the northern edge of the village of St Athan. The site is made up of two agricultural fields of irregular shape, with hedgerow boundaries. There is also a smaller third parcel of land which is not in agricultural use, with areas of hardstanding, an access road and mown grass. It is understood that this is the site of a former MoD building that has since been removed. This southern parcel of land is smaller than the two fields, although also of an irregular shape. The site lies within the Settlement Boundary of St Athan, as defined by the adopted Local Development Plan. This 'greenfield' site has a total area of approximately 10.9ha.



The southern part is relatively flat, while the site as a whole generally slopes down towards the north. There is a stream that runs along part of the northern boundary of the site, with a flood zone (C2) to either side of this watercourse.

Cowbridge Road/St Athan Road is to the western boundary of the site (the highway becomes St Athan Road north of the junction with Eglwys Brewis Road). There is agricultural land to the north of the site, with residential areas of Eglwys Brewis to the west. The village of Flemingston (and its Conservation Area) is approximately 370m from the edge of the site, to the northeast. The MoD St. Athan site is to the south and west, with residential areas of St Athan to the south and east. The community centre known as the Gathering Place is to the south of the site, off Flemingston Road.

Public Right of Way No.1 'Eglwys Brewis' (footpath status) crosses the western field, linking with Cowbridge Road. See the plan extract below, with the designated footway that crosses the site highlighted in green:



The Scheduled Ancient Monument of 'Flemingston Deserted Village' is approximately 1km to the east of the site.

The site is allocated in the Adopted Local Development Plan for 255 dwellings- Policy MG2 (5).

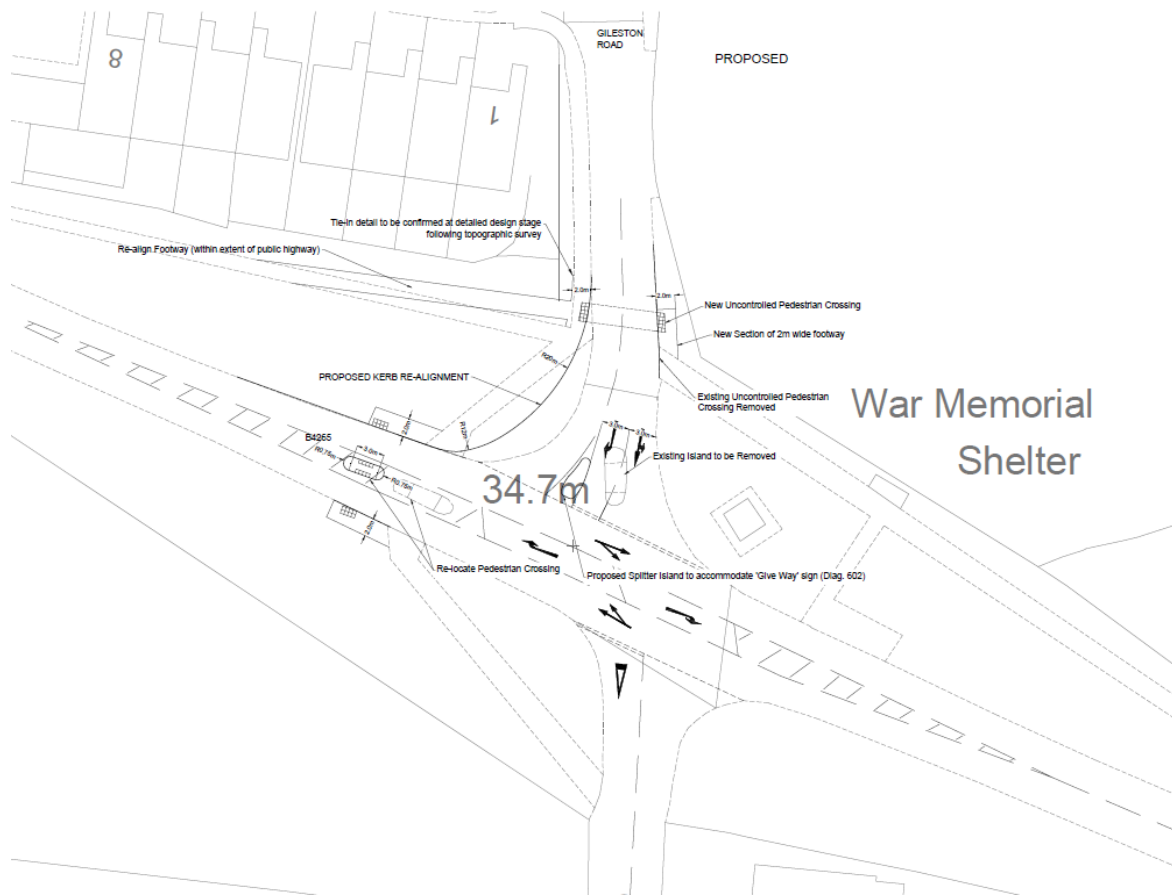
DESCRIPTION OF DEVELOPMENT

The proposal is for a major residential development of up to 253 dwellings, incorporating 17% affordable housing. The application is in outline, with all matters other than access reserved. The proposals include two access points off Cowbridge Road; the principal access being a new roundabout junction adjacent to Eglwys Brewis Road and the secondary access being a priority junction further along Cowbridge Road.

The indicative masterplan below shows the two access points and a theoretical layout for the development, including areas of open space and drainage attenuation areas:



The development also involves offsite highway works with improvements to capacity at the Gileston junction with the B4265, shown on the plan below:



PLANNING HISTORY

2016/01116/SC1 - Outline application for proposed residential development – Screening Opinion –

Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, the Local Planning Authority is of the view that the characteristics and location of the site is such that it is not a 'sensitive' area and the potential impact of the development as outlined in the supporting documentation is unlikely to be significant upon the environment for the reasons identified in the screening opinion attached.

Accordingly, it is considered that there is no requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016.

2005/01587/FUL, Address: Land at Cowbridge Road/Flemingston Road, East Camp, St. Athan, Proposal: New community church building with associated works, Decision: Approved

2006/01834/FUL, Address: Land at Cowbridge Road/Flemingston Road, East Camp, St. Athan, Proposal: New community church building with associated works, Decision: Approved;

2008/00367/FUL, Address: The Gathering Place, Church and Community Centre, St. Athan, Proposal: Steel storage container to be sited on edge of car park for secure storage for the Gathering Place Community Centre, Decision: Approved;

CONSULTATIONS

St. Athan Community Council – The Council has “strong objections” to the proposals which are summarised below:

- Considers the proposals as unsustainable development due to its location, with other more suitable brownfield sites available. States that the use of the MoD site future should be known before development on greenfield land.
- Increased traffic in the area, including minor rural routes particularly to the lanes north of St. Athan
- Criticism and responses to the submitted Transport Assessment, including criticism of the assumption that the ‘Northern Access Road’ or other highway infrastructure being delivered; a lack of cycle provision included; St Athan Road/Cowbridge Road is not an acceptable route for cyclists or pedestrians; There is a lack of public transport serving the area; There is poor connectivity to main employment centres for cyclists or users of public transport;
- Loss of the area of open space adjacent to the Gathering Place, with the proposed open space only serving the new development;
- The proposals contributes to an overdevelopment of St Athan considering other recent developments;
- Unacceptable impact on the amenity and character of the locality by way of noise, traffic and parking;
- Does not contribute towards community facilities;
- The proposals would result in an unacceptable loss of agricultural land.
- The proposals would result in the loss of open space and protected species.

Highway Development - The site access and highway matters have been subject to extensive negotiation. The highways engineer has confirmed that the revised and latest iteration of the proposed site access is acceptable in relation to vehicular and pedestrian safety and subject to the revised access and junction improvements proposed; the impact to the local highway network was acceptable. The proposed cycle and footway arrangements were also considered acceptable in principle, but the detailed design remained under review. No objection is raised in respect of traffic impacts.

Public Rights of Way Officer – Stated that Public Right of Way No.1 ‘Eglwys Brewis’ should remain open at all times for the public to use. However, it is noted that the proposal would require the diversion of the public footpath. There is also the option of a ‘temporary’ closure to assist works.

Highways and Engineering (Drainage) – No objection subject to a condition requiring full surface water drainage, taking into account climate change. A written declaration is required detailing responsibility for the adoption and maintenance of all elements of the drainage system is also required, together with a Construction Environmental Management Plan.

Environmental Health (Pollution) – No objections. Agree with the conclusions of the submitted Environmental Noise Survey. Recommended a condition requiring a Construction Environmental Management Plan.

Glamorgan Gwent Archaeological Trust (GGAT) – Considered the submitted Evaluation Report (Worcester Archaeology) and noted the findings. Stated that the potential for buried archaeology outside of the areas already explored and would therefore recommend a condition to mitigate this possibility, in the form of a full written scheme of investigation for a programme of archaeological works.

St. Athan Ward Member - Cllr John Thomas declared a pecuniary interest and would therefore not be passing comment.

Dwr Cymru/Welsh Water – Stated that only foul water should be discharged from the site into the sewer system and stipulated the point of connection. Required full details of drainage from the development via condition. Developer should contact Dwr Cymru/Welsh Water to organise connection to the sewer system. No objection relating to water supply for the proposed development.

Ecology Officer – Recommended the inclusion of planning conditions to protect the biodiversity of the site, following consideration of the main ecological issues highlighted at the site (including rare plants, slow worms, and bats along the river corridor). The conditions relate to the preservation of the rare arable plants, the need for a biodiversity strategy, the need for a reptile strategy, plus the need for biodiversity enhancements.

Landscape Section – A Strategic Landscape and Visual Appraisal has been submitted with assessments of the site from certain strategic views, which has been assessed by the Landscape Officer, who has advised as follows. 'I am happy from a technical stand point that the report carried out by EDP identifies the visual impacts affecting this site. I am aware that this site is viewed within the context of an existing housing and large scale units associated with St .Athan's Ministry of Defence (MOD) and I confirm that subject to suitable landscaping mitigation measures I have no objections to the development.'

Waste Management - No comment received to date;

Wales and West Utilities – Stated that there are pipes within the area and requested the developer to contact them before the commencement of development.

Crime Prevention Design Advisor – No objection to the proposals. However, there is a lack of information within the Design and Access Statement on this matter. Recommended conditions to enhance security and safety of future occupants against crime and enhance highway safety.

Housing Strategy - Based on 300 units there should be 105 units of affordable housing, with a 70/30% split in favour of social rented over intermediate housing. Affordable housing should be DQR compliant. Housing Strategy have been involved in further discussions regarding development viability (considered below) and confirmed a preference for 100% social rented tenure based on local needs.

Natural Resources Wales (NRW) – Following consideration of the submitted surveys (particularly related to dormice), there is no objection subject to conditions.

With regards the rare arable plants (Corn Buttercup and Shepherds Needle) NRW accept the general principle surrounding proposed mitigation measures submitted. A method statement is requested relating to the mitigation implementation. Details of what should be incorporated into the method statement have also been included in the comments, which have been forwarded to the Agent for the application.

NRW have noted that no development is shown within the flood zones on the Masterplan. NRW required a condition that no development other than open space is proposed within the predicted flood outlines.

With regards Great Crested Newts there are no objections to the proposals as the masterplan indicates boundary hedgerows are to be retained.

Western Power Distribution – No comment received to date;

Cadw (Ancient Monuments) – Considered that there are “no scheduled monuments or registered historic parks within the vicinity of the development” and therefore have no comments to make. Advised that there should be no planting or building within the vicinity of the archaeological ring ditches and that they should be protected with temporary fencing through the course of construction.

Ministry of Defence - No safeguarding objections;

Cardiff Airport (Safeguarding) – No safeguarding objections

Public Health Wales – ‘We have capacity in Chapel Surgery, St Athan to accommodate the expected increase in population in this area, although we would need to carefully plan the increase in general medical service provision, which may need financial support from the Health Board during the transition period as our list size grows. St Athan branch surgery is open half a day for 5 days a week so as the demand increases we could extend the opening times to ensure there is sufficient access. The Health Board would need to commit to providing ancillary services such as phlebotomy, counselling etc’.

Sustrans – Advised that “a shared path should be provided along the full length of the site on the north east side of Cowbridge Road to a minimum of the destination of the Community Centre”. Walking and cycling should be encouraged with a network provided for residents.

Cardiff and Vale University Health Board (UHB) – Considered the potential number of people that could occupy the proposed houses against the capacity of different forms of care that would be required. Advised an addition 0.35 of a full time GP would be required, together with additional health expenditure due to the increased population. Also advised prioritising pedestrian routes, strengthen connectivity, provide sufficient outdoor space and make land available for community food growing.

REPRESENTATIONS

The neighbouring properties were consulted at various points during the application, between 16 December 2016 and 2nd January 2018. Site notices were displayed. The application was also advertised in the press. There have been 35 emails and letters received in response to these consultations. There have been concerns and objections cited relating, in summary, to the following:

- An increase in traffic on local highway network
- The road network would struggle to accommodate the increased traffic generated
- Narrow rural roads and no pavements on roads to the north of the site
- Vehicular conflicts at Eglwys Brewis Road junction
- It would be a prominent development which would have an adverse impact on the Special Landscape Area
- The loss of land from agricultural use, which is high grade
- It would effectively join St Athan to Flemingston
- There would be negative impacts arising from the affordable housing on local communities
- The housing should be less dense than proposed with larger gardens
- An increased flood risk as a result of proposed development
- A lack of local facilities, including school places
- There would be a possible alternative to develop MoD site instead of this greenfield site
- A loss of existing open space area adjacent to Gathering Place
- Air pollution caused by additional traffic
- A lack of suitable public transport provision
- The proposals would undermine local tourism industry potential
- The site access would be dangerous
- The majority of the site is outside of the Settlement Boundary
- The proposals are contrary to UDP policy
- The site is unsustainable and would be primarily accessed by private vehicle
- The proposal represents overdevelopment of this rural area
- The application is pre-empting the LDP process
- The future development of the MoD base should be determined first
- A loss of hedgerows and trees
- The sewer capacity is not sufficient for the proposed development
- A detrimental impact to Brown Hares, evident in the area
- There is a lack of need for additional dwellings in the area
- A detrimental impact to visual rural qualities of area
- The urbanisation of the Vale from cumulative developments
- A loss of local ecology
- Light pollution from the proposed development
- Three storey buildings would be out of keeping with the vicinity
- Insufficient employment opportunities in St Athan to support the development
- It would over-burden existing local facilities and services
- There are more suitable brownfield sites available

- Ancient burial grounds would be desecrated

A representation was also received in support of the proposals, citing the positive impacts for local business.

Mr Alun Cairns MP emailed on the 21 December 2016, stating that his constituents in the area are “understandably concerned” that the development would cause excessive pressure on level services and infrastructure. He expressed particular concern relating to highway network and increased traffic and also raised concern about broadband speeds being negatively affected by the development.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

- Policy MG1 – Housing Supply in the Vale of Glamorgan
- Policy MG2 – Housing Allocations – **The site is referred to as ‘Strategic Housing Site’ No 5 for ‘Land to the east of Eglwys Brewis, St Athan’ for 255 dwellings.**

- Policy MG4 – Affordable Housing
- Policy MG17 – Special Landscape Areas
- Policy MG19 – Sites and Species of European Importance
- Policy MG20 – Nationally Protected Sites and Species

Managing Development Policies:

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

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

9.1.1 The Welsh Government will seek to ensure that:

- *previously developed land (see definition at Figure 4.4) is used in preference to greenfield sites;*
- *new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that*
- *the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.*

9.1.2 *Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing.*

9.2.14 *A community's need for **affordable housing** is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is 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.*

9.3.1 *New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.*

9.3.4 *In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.*

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

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 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 – 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:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Design in the Landscape
- Model Design Guide for Wales
- Parking Standards
- Planning Obligations (2017)
- Public Art
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees and Development
- Flemingston Conservation Area Appraisal and Management Plan

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:

- 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)
- Vale of Glamorgan Housing Strategy - (2015-2020)
- Plan Preparation and Flood Risk background paper update (2015)
- VOGC and Natural Resources Wales LDP Flooding Position Statement (2016) (LDP Hearing Session 4, Action Point 1)
- Local Development Plan Highway Impact Assessment (2013)
- Infrastructure and Site Deliverability Statement (2015)
- Open Space Background Paper (2013)
- Community Facilities Assessment (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 Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- 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.*
- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update, Welsh Government (2009)

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 considered with this application are as follows:

- The principle of the proposed development and policy context
- The proposed access into the site and offsite highway works
- Impact of traffic generated by the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Open space provision
- Potential impact to neighbour amenities
- Ecological impacts of the proposed developments
- Impact to trees and hedgerows
- Consideration of the proposed drainage strategy and the impact of flood risk
- Loss of agricultural land
- Impact to archaeological resource

Principle of the proposed development and housing density

The site is allocated for housing development in the adopted Local Development Plan (LDP) under policy MG2 (5). The site within the LDP is known as 'Land to the east of Eglwys Brewis'. The application was submitted in 2016 when, at the time, the LDP was not adopted, but the plan at 'deposit' stage did include this site as an allocation for up to 300 dwellings. The LDP was later adopted in 2017, at which time this site remained as a residential allocation, but with the number of dwellings reduced to 255. The rationale for the reduction was principally to reflect that arable plant mitigation was likely to be needed which reduced the net developable area of the site.

The current proposals are similar in number to the allocated site, in so far as they are for up to 253 dwellings. The principle of the proposed residential development has been established in planning policy, since it is in accordance with LDP policy MG2(5). It is stated in policy MG2 (Housing Allocations) that the housing sites are allocated "in order to meet the housing requirements" with this site being considered a "Strategic Housing Site". Sub-paragraph 6.10 to this policy outlines how the need for more housing has been determined and how the sites have been assessed through the LDP allocation process:

“6.10 In accordance with the LDP Strategy and Policy SP3, land has been allocated for an additional 8,525 dwellings over the Plan period on 48 sites to take account of changes arising from demographic change, migration and changes in household formations. The number of units proposed for each site is based on an assessment of appropriate density. Where sites already have the benefit of planning permission, the figures reflect actual permissions, while on some sites densities have been adjusted to reflect site specific circumstances, including flooding constraints.”

This development is of high importance as a strategic allocation in order for the Council to meet its housing targets as set within the LDP. The allocations are based upon evidenced need throughout the Vale over the period of the plan. As noted, the allocation was originally for up to 300 dwellings but reduced to 255. The current proposals are for only 2 dwellings below that of the LDP allocation, but it should also be recognised that reduction was intended to reflect a requirement for ecological mitigation to preserve the rare arable plants identified by Natural Resources Wales. However, off site mitigation is now proposed and is considered suitable by Natural Resources Wales (the ecological matters are discussed in more detail below). Whilst the site might therefore be expected to yield a higher number of dwellings, there have been other constraints identified through the application process. The net developable area limits identified by the applicant are considered reasonable in light of flooding constraints and hedgerow buffers. As such, based on a suitable density of 30 dwellings per hectare as required by LDP policy MG2, a proposal for up to 253 dwellings on this site is considered acceptable.

Overall, the principle of developing this site for housing is in accordance with the adopted LDP, specifically policies SP3 and MG2. The housing numbers proposed within the net developable area are also considered acceptable.

Visual and Landscape Impacts

The application has been supported by a ‘Strategic Landscape and Visual Appraisal’ by EPD. The appraisal assessed the existing site and nearby landscape designations and considered views from surrounding areas, such as the Flemingston Conservation Area and the wider Special Landscape Area. The appraisal concludes that *“the site is generally only visible in short range views from the south, east and west and medium distance views from the north”*. The appraisal states that where the site is visible from close range *“it is likely to be seen in conjunction with existing built residential or industrial scale development”*, being the existing houses of St Athan and the adjacent MOD base.

In relation to longer range and landscape views, including from the public right of way (PRoW) the appraisal concludes:

‘Medium distance views are available from the north from higher ground. Views are available from the edge of Flemingston Conservation Area, these views are limited and filtered. There are a number of designated assets within the study area; the likely visual effects are however limited to localised PRoW, in particular, PRoW E1/1/1 which crosses through the site, although to a lesser degree.’

The overall conclusion of the appraisal is that “the potential effects of the proposed development are considered limited and localised, and are not felt to be contrary to local planning policy..”

The ‘Landscape and Visual Addendum’ provides additional detail over and above the original appraisal, based upon the amended plans. It includes viewpoints used from a range of distances and locations. This addendum concludes that from the viewpoints used there would be no harmful visual impact from the nearby Valeways Millennium Heritage Trail or the Deserted Village Scheduled Monument. The view from Flemingston Conservation Area would have a ‘minor’ visual impact, and the report highlights that vegetation would interrupt the views and the existing housing would be in the backdrop. The closer views have a higher level of impact, being ‘moderate’ other than the view from the existing public right of way which could be ‘major’. However, in identifying sites for residential development, resultant visual change in the immediate close context would be expected from a major residential development. Such matters were also fundamentally considered as part of the process of allocating the site within the LDP and while there will inevitably be a significant change to the character of the land this does not imply that the development is unacceptable. Rather it is necessary to ensure, through appropriate design and landscaping, that the development assimilates into the adjoining settlement and the landscape as sensitively as possible.

A landscape mitigation strategy has been included with the submitted information based on landscaping along the boundaries of the site. It would seek to ‘protect and enhance existing landscape features by introducing ecological buffers along field boundaries’. The appraisal also points to the areas of public open space and areas around the proposed attenuation pond, which would help provide landscaped areas within the development. The application is for outline permission, therefore specific landscape detailing would be assessed at a later stage, but the retaining of existing hedgerows and planting of more trees will help to soften the visual impact of the development, including the adjacent Special Landscape Area.

It is considered that the proposed residential development would appear as a logical extension to the village of St Athan, with the dwellings proposed being largely viewed against the backdrop of existing residential areas and the adjacent MOD base. A suitable scheme of landscaping can be required by condition and the safeguarding of existing mature trees and hedgerows would also soften the visual impact of the development. There would be no significant detrimental impact to the setting of the adjacent Special Landscape Area and the character of the Flemingston Conservation Area would be preserved in accordance with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the LDP.

Indicative Layout

The proposed layout has been indicated with a basic masterplan. The masterplan illustrates a road layout, housing blocks, the position of public open space, access points into the site, the attenuation pond etc. There is no plan detail of the proposed dwellings for example, at this stage. The specific detail would be considered during a reserved matters application if this outline application was approved.

The site is effectively split into two main sections. There is a smaller area to the southern section of the site, on what is currently the hardstanding and grassed area north of the community centre. The other larger area consists of the two fields located at the northern side of this site.

The smaller southern section of the site would have its own access off Cowbridge Road. Most of the trees within this area are to be retained with an area of open space designated near the western boundary with a connecting footpath link running adjacent to the open space and through the trees. There is no internal vehicular access proposed here, as there is a significant difference in levels between these two sections of the site. The proposed pedestrian link would, however, ensure permeability within the site. The simple highway arrangement proposed within this area is considered acceptable in principle to serve this part of the development.

The layout for the two existing fields is illustrated on the Masterplan with a loop arrangement that links with the main access off a new roundabout. This would be the primary route through the site, but there are also secondary highway links and loops along with two short cul-de-sacs. The layout is logical with a clear hierarchy of highway connections, which would help with the legibility and orientation of the development. The two archaeological areas are shown to be free of any built development. Also, there are no dwellings proposed near the stream or the adjacent flood zone area to the northwest boundary. There is an attenuation pond, being part of the sustainable drainage of the site, proposed near the stream which is considered a suitable location for such a feature, which would contribute towards the informal open space in this area.

The public open space arrangement is well distributed throughout the proposed development, with a smaller Local Area of Play (LAP approx. 100sqm) and a Local Equipped Area of Play (LEAP - approx. 400sqm) and a Neighbourhood Area of Play (NEAP – approx. 1000sqm) all included.

The maintenance of hedgerows to the perimeter is an appropriate approach for this site considering the open nature of the surrounding land to the north. The site bounds existing residential properties to the east, but there is no opportunity for permeability between these areas as the properties back on the proposed site. The retention of the hedgerow is therefore appropriate in relation to the layout. It is indicated that the hedgerows would be retained where possible, with the majority to be safeguarded. The hedgerows would also help soften the visual appearance of the development on the edge of St Athan and have an ecological benefit.

The layout as indicated on the submitted plans is considered to be acceptable in principle for a development of this kind, subject to a full assessment of the details to be submitted at a Reserved Matters stage.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan includes dwellings relatively close to the southern site boundaries, which adjoin the boundaries of existing dwellings. As such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings accords with the relevant criteria of Policy MD2 of the LDP, and the Council's Supplementary Planning Guidance 'Householder and Residential Development' SPG. However, subject to an assessment at Reserved Matters stage, an acceptable layout can be achieved that provides for adequate spacing between dwellings to ensure that the residential amenities of existing residents are protected.

A large scale construction project such as this will inevitably cause some disturbance to neighbouring properties during the course of construction. These impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless, for development of this size and likely duration of the works, it would be reasonable to require submission of a 'Construction Management Plan' by condition, to ensure that any impacts as a result of the construction phase of development are minimised (condition 13).

It is considered that the residential development would not in principle unacceptably impact upon the amenities of neighbouring dwellings, subject to detailed design which would be assessed in detail during a reserved matters application. In this respect it is considered that the proposal complies with the relevant criteria of Policy MD2 of the LDP.

Highways Matters

The detail of the internal road layout and parking arrangement within the site are reserved matters and are not under consideration as part of this outline planning application. The site access and the impact of the development in relation to traffic generation, pedestrian movement and highway safety are considered in more detail below.

Two new vehicular access points are proposed. The primary access would be formed by creating a new roundabout at the Eglwys Brewis Road/ St Athan Road/ Cowbridge Road junction. There is an existing transition from a 40mph speed zone to a 30mph speed zone shortly before the junction on the approach from the northwest, which can be moved further to the northeast in order that the site frontage would be located within the 30mph zone. The relocation of the transition and addition of a roundabout would act as traffic calming measures, slowing speeds and reducing conflict at the existing junction. The secondary access to the south eastern part of the site is proposed as a priority junction situated off Cowbridge Road. These works and necessary Traffic Regulation Orders will be secured through the section 106 legal agreement.

There would be an inevitable increase in traffic flow in the surrounding highway network as a consequence of the development; however, the projected impacts of the development have been reviewed as part of a capacity analysis informed by the supporting Transport Assessment (TA). The TA has assessed traffic impacts within the wider highway network and modelled that the proposed 253 dwellings will generate some 1146 daily vehicle movements with 120 movements occurring during the morning peak hour and 129 during the evening peak hour. The TA assessed the likely distribution of the traffic (a split agreed with the Council's Highways section) and it concluded the traffic impacts could be acceptably accommodated by the wider network, with the exception of the Gileston junction at the B4265. This junction is already operating close to capacity and the proposed development would increase traffic flows at that junction. Consequently, works are proposed at this junction comprising widening and flaring of Gileston Road's northern approach. The widening of the junction approach increases the junction's capacity by making it easier for left-turning traffic to pass traffic that's waiting to turn right. The Council's Highways Engineers have considered the proposals and are satisfied that they would sufficiently mitigate against the traffic impacts. The Assessment also concludes that the proposed roundabout and priority junction into the site would operate within safe capacity considering current and projected traffic flows. The Highways Engineer has assessed the submitted TA and plans and raises no objection to the proposals in respect of traffic generation.

The designs of the proposed accesses have been reviewed by Council's Highways Development section in relation to visibility and safety and the proposed arrangement is considered acceptable to accommodate the development.

In addition to the above, the above referenced improvement works are also proposed to the junction of Gileston Road and the B4265, which include kerb realignments, widening the junction, relocation of the splitter island and relocation of the pedestrian crossings, have been subject of negotiation with the Highway Development section and the design is now considered acceptable and safe.

In relation to pedestrian and cycle provision, it is proposed to provide a shared route along the site frontage between the two accesses. This would provide a safe route for pedestrians and cycle traffic from the proposed development in the direction of St Athan. Thereafter, there is a potential to extend the route to the south east, past the Community Centre car park to join existing facilities on the junction of Flemingston Road. This is the preferred and most rational option for providing a continuous route towards St Athan. This option is dependent on the required land being offered for adoption to the Highway Authority and the route detail and land transfer remains subject of review and negotiation at this time.

The provision of a cycle/footway in this location is clearly preferable, but also dependent on the provision of land from a third party and is outside the control of the applicant. In assessing whether the application is acceptable, it is therefore necessary to assess the alternative option for pedestrians in the event the land is not adopted. In this case, there is an existing footway on the opposite side of Cowbridge Road, which could satisfactorily connect the development to St Athan via the provision of an appropriate crossing. There is also potentially scope for pedestrians to link through to the adjacent area to the south east of the site. Consequently, it is considered that the development would be served by acceptable pedestrian and cycle links, which would encourage travel patterns that do not rely wholly on the private motor vehicle. Condition 16 requires details to be agreed.

There is no formal pedestrian or cycle route proposed leading west from the primary access. The site is located towards the edge of the settlement and as such it is not considered necessary to provide a formal route across the western side of the site frontage. It is indicated that a strip of land adjacent to the highway would be offered for adoption to the Council, therefore, there would be sufficient room to provide a footway in the event that one would be required in future. There would be a pedestrian crossing located at the proposed roundabout that would link to the existing footways serving the housing and MOD site opposite. This will be dealt with as part of the Section 106 agreement.

The development is therefore considered acceptable in relation to the impact upon traffic generation, site access and highway safety, subject to appropriate conditions requiring the implementation of the off-site works prior to the first beneficial occupation of the development and the approval of detail for the pedestrian and cycle provision south of the site.

Drainage and Flooding Matters

The proposals have been supported by a 'Flood and Drainage Statement' (Shear Design – September 2016), with appendices. It identifies that for foul drainage, a pumping station would be required to pump the sewerage to the point of connection with the Welsh Water sewers. Welsh Water has agreed to these proposals in principle and did not foresee any problems with waste water treatment works as a result of the proposed development. It is also noted that Welsh Water has no objection to the proposals on the grounds of water supply.

The statement indicates that no soakaway tests relating to the possible use of soakaways have been completed as yet. However, the statement also made clear that the ground would be unlikely to allow for good levels of permeability through the site. Therefore, it is proposed to discharge surface water into the stream (Nant y Stepsau) at 'greenfield' runoff rates, via the proposed attenuation pond. The indicated attenuation volume is 3200 cubic meters. The pond is indicated to have a permanent water depth of 1m below the outfall.

In terms of a suitable drainage hierarchy, soakaways are the preferred method. Infiltration should be considered as the primary method of surface water disposal prior to any other method being considered. Therefore, prior to a detailed drainage strategy being approved, evidence of porosity testing on site should be submitted. If soakaways are not a suitable means of drainage then alternatives including the currently proposed discharge into the stream can be considered. In any event, full hydraulic details would be required, along with details of future maintenance and management of the drainage system on site.

A Construction Environmental Management Plan for the protection of the adjacent brook from pollution during the course of construction is also required via condition.

The information submitted with this outline application illustrates an acceptable approach, in principle, if the porosity tests support the conclusion of the drainage statement. The details of the testing would be required to be submitted before a drainage scheme can be fully considered. The Council's Drainage Engineer has raised no objection, subject to conditions.

In regard to flood risk, it has been identified that there is a relatively small area of the site which is located in DAM Flood Zone C2, indicating there is a risk of fluvial flooding to those areas. There is also a designated 'Main River' at the northern boundary of the site, that being the aforementioned Nant Y Stepsau. The Flood and Drainage Statement suggests that the extent of surface water flooding is marginal across the site. The Flood and Drainage Statement and indicative master plan illustrate that there will be no built development within the risk areas identified as Zone C2 and NRW recommend the areas be kept free of development by condition.

In accordance with TAN 15 it is necessary to avoid placing development sensitive to flooding within areas at risk. The scheme also utilises these areas positively, for the proposed attenuation pond and for drainage purposes. There is no objection from NRW regarding the proposed development, on condition that no built development occurs within the DAM Flood Zone. This matter would however be addressed during assessment of the detailed layout during any subsequent reserved matters application.

Agricultural Land Classification

The existing land is primarily agricultural. The land is classified as Grade 3a agricultural land, which is considered the "most flexible, productive and efficient" land in terms of output (Technical Advice Note 6).

Planning Policy Wales 2016 states the following on this matter:

*“4.10.1 In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. 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.”*

Policy MD1 of the LDP at Criterion 9 states that development should “*have no unacceptable impact on the best and most versatile agricultural land.*” However, this site is allocated for residential development in the LDP under Policy MG 2, taking into account its agricultural land quality, where such matters needed to be balanced against the need to deliver sufficient housing to meet identified need and having undertaken a robust site assessment and allocation process.

In reference to the advice within PPW, in this case the overriding justification for the development is housing need, which is to be met by the proposed residential development. There is an identified and evidenced need for additional housing which is to be met primarily by the sites allocated for housing within the LDP, such as this strategic site. The loss of good quality agricultural land is regrettable, but is outweighed in this case by the significant need to provide housing within the Vale of Glamorgan, in line with the LDP strategy and also is in accordance with PPW, which allows for development of such land where there is “an overriding need for development”. The loss of Grade 3a agricultural land is therefore considered acceptable in this instance and was accepted by the LDP Inspector in his Examination report.

Public Rights of Way (PROW)

The application site is crossed by a Public Right of Way (No.1 ‘Eglwys Brewis’). This runs east-west across the western field, connecting between Cowbridge Road and a field to the northeast of the site. The proposed site could accommodate residential development while preserving this right of way, albeit a diversion order must be obtained, confirmed and implemented prior to any development. The proposed route is indicated to follow the hedgerow between the eastern and western fields within the site and will need to be considered further at the Reserved Matters application stage.

The Council’s Public Rights of Way Officer has raised no objection to the application, subject to either the preservation of the existing right of way or the more likely diversion of it via an agreeable route within the site.

Ecology - Fauna

The application is accompanied by an 'Extended Phase 1 Habitat Survey', with separate survey reports for reptiles, otters, bats and dormice. The Habitat Survey includes a site description as 'amenity grassland and concrete hard standing'. No part of the site is covered by National or International designations for ecology conservation importance. Furthermore, the Habitat Survey notes that no part of the site is covered by any local ecology designations, such as a Site of Interest to Nature Conservation (SINCs).

The Habitat Survey concluded that the amenity grassland has been intensively managed and so has a low ecological value. In regard to the trees on site, the report concludes that due to the high percentage of non-native trees they are of moderate ecological value. The scrubland also has moderate value, whilst the hedgerows provide connectivity and ecological habitats and so have a high ecological value at "*a site, local and county level*".

In regards to bats, the September 2016 report found that the site has some important commuting and foraging areas for bats and, therefore, provided recommended enhancements and mitigation, including a lighting plan, bat boxes on the new houses and a 'whole site strategy' for bats. In addition, it is recommended that a condition should be attached to any approval to control vegetation clearance and lighting of the stream corridor, which is considered to be a sensitive zone for bats in the area. A lighting scheme which is sensitive to protected species throughout the site, including the provision of dark corridors, should also be required via condition (condition 10).

In regard to otters, recommendations were made to ensure minimal disturbance to otters during the construction works. This is because it is found that otters sometimes travel along the watercourse to the northern edge of the site.

The Dormouse Survey shows no evidence was found indicating that dormice were present within the site and so their conservation status would not be affected by the proposals. However, it was recommended that hedgerows should be retained where possible to provide strong links for species such as dormice. The majority of hedgerows are to be retained, which would be of benefit to potential dormice in the area. The maintenance of hedgerows where possible is also considered as important for any potential population of Great Crested Newts, as stated by Natural Resources Wales.

There was evidence of reptiles confirmed by the submitted surveys, at the stream and also within hedgerows and scrub land. This included a population of slow worms. The submitted reptile survey recommended the removal of reptiles from the site prior to development, along with a buffer zone along the stream corridor, among other recommendations. It is considered that a full reptile strategy should be submitted that addresses the issue of safeguarding of any reptiles found to be at the site, which can include the recommendations of the initial submitted report (condition 10).

No evidence was found regarding badgers using the site and so no mitigation is required.

In regard to 'European Protected Species' and the surveys submitted, no objections have been raised by Natural Resources Wales (NRW). This is subject to a lighting plan condition which should include dark corridors along the watercourse and hedgerows, as indicated above. In addition, it is considered that a 'Biodiversity Strategy' should be required via condition (condition 10) to seek biodiversity enhancement throughout the development. This should include such features as newt friendly drainage, bird nesting boxes on the new houses, retention of hedgerows etc. This should be included with the subsequent Reserved Matters application if this outline application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority (LPA) must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

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

The residential development of the site would bring benefit to the local economy and provide a social benefit by addressing a clear and evidenced need for both market and affordable housing within the locality. The latter, in particular, is a reason of overriding public interest that meets the requirements of Test 1 and has also been identified as a strategic housing allocation within the LDP.

Test ii) - There is no satisfactory alternative

In this case the, land has been through a substantive assessment process in being considered suitable for residential allocation within the LDP. There are no equally suitable sites known within the vicinity of St. Athan that could readily accommodate a development of this size. The refusal of permission would inevitably result in development pressure on other, potentially less suitable sites, as an alternative location would need to be found to accommodate the number of units proposed here. There are also opportunities afforded through ecological enhancements and mitigation.

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.

The presence of protected species has been noted within this report and was identified via the ecological surveys that have been undertaken. The associated reports also address the impacts to each species, and subject to suitable conditions requiring the recommendations of the reports ~~be~~are ~~carried~~s out, the development would not be detrimental to the maintenance of the population of the species at a favourable conservation status in their natural range. This conclusion is supported by the comments of Natural Resources Wales, which did not object to the positive determination of this application, subject to suitable conditions.

It is considered that through careful mitigation and enhancements, there would be no significant adverse impact to the ecology of the site or the surrounding areas as a result of the proposed residential development. The proposals therefore accord with policy MD9 of the adopted LDP.

Ecology – Flora

Natural Resources Wales (NRW) have indicated that the presence of two arable plants have been recorded at this site, namely Corn Buttercup and Shepherds Needle. These are important and rare arable plant species and are classified as extremely high risk of extinction in the wild within Wales. NRW have suggested that this site is therefore an important site for this species within Wales.

A formal note has been submitted (May 2017), which addresses this issue based on a mitigation strategy set out in an Ecological Appraisal. This strategy includes fully developing the two fields as proposed, known as fields F1 and F2 in the July 2016 Ecological Appraisal. However, field F3, which is immediately to the north of the proposed housing site, is to be actively farmed with the purpose of creating the conditions for Corn Buttercup and Shepherds Needle to be re-established. Field F3 is stated to be within control of the applicant (the field is in the same land ownership as the site proposed for the housing), thereby allowing for this form of off-site mitigation (condition 10).

An extract from the submitted plan, showing fields F1 and F2 to the south, and F3 to the north-west, is included below:



The proposed development of the whole of the site for housing would clearly result in the loss of these plants within the fields where they were once established and common. However, the applicant has also contended that suitable agricultural activity on these fields would be unlikely to continue and is noted to have ceased at the present time. This would be likely to eventually lead to the loss of any seed bank that might currently exist on the land. Whilst the development would result in the loss of an area suitable habitat, the mitigation measures proposed would involve the transfer of the seed which would give the arable plants an opportunity to establish on the adjacent land.

NRW indicate that they accept the general principle surrounding the mitigation measures but require a condition securing submission of a detailed method statement. The statement would detail how the mitigation would be carried out; including the areas the soils will be transposed to and from, the volumes and depths, the timings of these works and post transposition works and/ or aftercare. It would relate to the translocation of soils from fields F1 and F2 to F3, with the intention of relocating the seed bank from the development site (as stated in the submitted letter from TerraAqua dated 6 October 2017). The NRW comments of the 18 August 2017 provide further detail on the information expected within the method statement.

The applicant has indicated their agreement to such a condition (no. 10). It is considered that the proposed mitigation measures offer adequate protection against the loss of the rare arable plants Corn Buttercup and Shepherds Needle, as outlined above.

Trees and hedges

The application includes an arboricultural report, which states that there are 17 individual trees, eight hedgerows, 8 groups of trees and a woodland (totalling 34 items). Twenty of the items were identified as Category B (moderate quality and value) and the remainder were category C (low quality and value) or category U (unsuitable for retention). None of the trees within the site are protected with TPOs.

The majority of category B items (13) can be retained, unaffected by the proposals, and these are indicated on the masterplan. The layout on the masterplan enables the retention of the main hedges through the site and around the perimeter, with a relatively modest intervention in one hedge to allow access between the two main field parcels. The majority of the existing trees are located within the smaller field parcel at the southern end of the site (in two groups), and the majority of these can be retained to contribute as substantial landscaping features. The trees along the site frontage are likely to be affected by a footway, however, there is scope within the development for new tree planting inside of the footway. While the masterplan is indicative, there is evidently scope for the existing trees and hedges to be supplemented with new planting around the site perimeter and throughout the development. It is considered, in summary, that the development would not unacceptably impact upon trees and hedges within the site and that the retention of these would contribute towards a landscaping scheme that would successfully soften the impact of the development.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have advised that there needs to be a full written scheme of investigation for a programme of archaeological works required via condition. The survey submitted revealed archaeological features, including a barrow and two ring ditches. As GGAT noted, the area of the two ring ditch features are not to be developed and are to be retained as areas of open space, which is a positive approach to developing the site. GGAT also state that there is potential for buried archaeology outside of the areas already explored and would therefore recommend a condition to mitigate this possibility, in the form of a full written scheme of investigation for a programme of archaeological works (also known as a written scheme of historic environment mitigation). The details of such a scheme can be required for submission by condition (condition 9).

Planning Obligations

LDP policy MD4 'Community Infrastructure and Planning Obligations' sets out that where appropriate, and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services through the use of planning obligations.

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2017) and Affordable Housing (most recently adopted version, February 2018) provides more detail regarding where, what, when and how planning obligations will be sought via Section 106 Agreements, in order to assist the Council in creating sustainable communities that provide social, economic, and environmental benefits. The adopted SPGs have been applied to any applications received after 1st August 2017, following the adoption of the Local Development Plan (LDP).

Given that this application was received prior to the formal adoption of the SPGs, the financial obligations have been assessed against the 2015 formulae values set within the draft Planning Obligations SPG. This is considered appropriate given how advanced negotiations had progressed. To provide background, the Council prepared draft SPGs on Affordable Housing and Planning Obligation in November 2015 in response to updated evidence being used by the Council and to inform the Examination of the Deposit Local Development Plan. Since the adoption of the Council's Local Development Plan, the Council formally adopted the draft Planning Obligations and Affordable Housing SPGs in July 2017. Minor changes were made to the draft SPGs prior to their adoption, to reflect factual changes and relevant changes in national policy and guidance. In addition, the formulae used to calculate financial contributions were updated to reflect index increases since November 2015.

The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the application seeks outline planning permission for the development of 253 dwellings and associated works and access.

Officers have considered the need for planning obligations based on the relevant policy and legislation; the type of development proposed; the local circumstances and needs arising from the development, and what is reasonable to expect the developer to provide in light of viability constraints.

The relevant planning obligation requirements are outlined below followed by an analysis of the development viability issues affecting the deliverability of such obligations.

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.

The Council's 2015 Local Housing Market Assessment (LHMA) identified a net annual need for 559 Affordable Housing per annum. This assessment has recently been reviewed (2017), and the actual need has increased to 576 affordable housing units, comprising a need of 479 social rented units and 97 intermediate units per annum.

Relevant policies within the LDP include, SP4-Affordable Housing Provision, MG4-Affordable Housing, and MD4-Community Infrastructure and Planning Obligations. Policy MG4 requires 35% affordable housing on residential developments in this area of the Vale resulting in a net gain of 5 dwellings or more. The affordable housing requirement therefore equates to 89 dwellings.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools.

The Council's formula for calculating pupil demand is contained within the Planning Obligations SPG. The development of **229 family homes** (a deduction of 24x1bed units) would generate the need for 23 pre-school children, 64 primary school children, 48 secondary (11-16years) and 9 young adults (post 16years). However, this may be subject to change as the final figure of 1-bedroom dwellings is not known at this stage given that the application is in outline.

The nurseries and primary schools serving the development are:

- St. Athan Primary (English Medium)
- Ysgol Gymraeg Dewi Sant (Welsh Medium)
- Wick and Marcross Church in Wales (denominational)
- St. Helen's Infants and Juniors (Roman Catholic)
- Special Educational Needs

The secondary schools serving the development are:

- Llantwit Major Comprehensive (English Medium)
- Ysgol Gyfun Bro Morganwg (Welsh Medium)
- St Richard Gwyn Roman Catholic Comprehensive
- Bishop of Llandaf Church in Wales

Having regard to the Education Facilities Background Paper (2013) and the Education Department's review of available capacity and school admissions, there is not adequate existing or forecasted capacity to accommodate these pupils.

Nursery - The development is served by the primary schools above. There is no future projected capacity. The authority would therefore seek S106 contributions for 23 nursery children.

Primary - The development is served by the schools above. There is no future projected capacity at St Athan and Wick to accommodate the development, the authority would therefore seek S106 contributions for 54 children at St Athan and 4 children at Wick.

Secondary - The development is served by the schools above. There is no future projected capacity at Llantwit and Bro Morgannwg to accommodate the development, the authority would therefore seek S106 contributions for:

Llantwit (93%) – 11-16 years - 45 pupils
16-18years - 8 pupils

Bro Morgannwg (4.5%) – 11-16 years - 2 pupils
16-18years - 1 pupil

Having considered the above and based upon the 2015 values contained within the Draft SPG, the following section 106 contribution would usually be required for the additional provision of nursery, primary and secondary education:

- Nursery Level – 23 children x £17,446 = £401,258
- Primary Level – 58 children x £17,446 = £1,011,868
- Secondary level (11-16years) – 47 children x £26,289 = £1,235,583
- Secondary level (post 16years) – 9 child x £28,511 = £256,599

Total: £2,905,308

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel.

Given the scale and location of the development, an off-site contribution of £1,208 per dwelling (based on the 2015 values contained in the SPG at the time the application was submitted) would usually be required, equalling £305,624

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. TAN 18-Transport was published in March 2007 and paragraphs 9.20-9.23 support the Councils' request for sustainable transport contributions. Therefore, it is considered appropriate to seek contributions to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving new developments.

Based on the SPG requirement at the time the application was submitted, the Council would usually seek a financial contribution of £2,200 per residential unit to provide sustainable transport facilities, which in this case equates to £556,600.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also act as a visual amenity. Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

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

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space).

The development for 253 houses creates the need for 1,467sqm of children's equipped play space, 3,228sqm of other children's play space and 9,391sqm for outdoor sports space. The LDP Public Open Space Background Paper (2013) identifies that this development will need to provide equipped children's play space and other children's play space on site, as there is an under-provision within the ward. However, there is existing sufficient provision within the Ward for outdoor play space, including the nearby golf course, and so no outdoor sport space is required in this instance.

The children's equipped play space will be made up of a NEAP (Neighbourhood Area of Play), LEAP (Local Equipped Area of Play) and LAP (Local Area of Play), which will be secured via the legal agreement. The masterplan also shows a significant amount of green space within the development that can be used for 'other children's' play space', which will also be secured via a legal agreement.

Given that the application is in outline, specific details regarding the public open spaces will be dealt with via the legal agreement and through the submission of reserved matters.

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.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

Development Viability

During negotiations, the applicant has raised concern that the Council's requirements for planning obligations threaten the economic viability of the development. Welsh Government advice contained in "Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update" (2009) makes it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability, and supporting paragraphs 7.29-7.30 advise as follows:

"7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed has been made available"

The applicant submitted a viability review prepared by Savills (July 2017) , which included details such as sales revenue, development costs, abnormal costs, professional fees, finance costs and build contingency and land value. The abnormal costs are associated with the deep foundations needed at this site; the need for a foul water pumping station; off-site rare plant mitigation and the construction of an attenuation basin.

The review concluded that based upon the above planning obligations, it would result in the development not being viable, taking into consideration a reasonable benchmark land value and developer profit.

The District Valuer (DV) was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The DV's appraisal and report regarding the viability of the development confirmed that the abnormal development costs did in fact make the site unviable at full policy requirement (including 35% affordable housing).

The financial data contained within these reports is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member's to review, under Member privilege.

As set out above, Policy MD4 (paragraph 7.30) recognises and accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity.

Policy MD4 (paragraph 7.31) sets out that "Essential Infrastructure" should be prioritised, to enable the development of the site, for example, transport infrastructure, ecological mitigation, service and utilities and flood prevention. Thereafter, "Necessary Infrastructure" should be prioritised, such as affordable housing and infrastructure required to mitigate the impacts of the proposed development on local services and to provide for the needs generated by the development, where they cannot be met by existing facilities (for example, community facilities and open space).

In this case, "Essential Infrastructure" such as highways, ecology and flooding have already been considered and are included within the development cost assumptions. As such, officers have considered the 'Necessary Infrastructure' set out above, and considered alternative scenarios based upon a reduced Section 106 package. Having regard to the location of the development, and the needs arising from it, officers recommend the surplus to be prioritised towards the following:

Affordable Housing: it is acknowledged that a provision of 35% affordable housing on site is not achievable without prejudicing other equally necessary planning obligations such as education. Consequently, a total on-site provision of 43 units has been agreed (17%), comprising:

- 1 block of 6 x 1 bedroom apartments preferably with their own entrances x 2 storeys (the 3 x ground floor units we would like to be level access entrances and have a level access shower or wet room included)
- 1 x block of 4 x 2 bed apartments with their own entrances x 2 storeys (the 2 x ground floor units we would like to be level access entrances and have a level access shower or wet room included)
- 2 x 4 bed houses
- The remaining units to be 60% x 2 bed houses & 40% x 3 bed houses

In addition, the Council usually require the affordable housing tenure split to be provided at a ratio of 70% social rented and 30% intermediate. However in this instance, following discussions with Housing Strategy officers informed by the latest findings of the Local Housing Market Assessment it is proposed that 100% of the affordable provision be social rented units to meet the highest area of need.

The level of affordable housing is considered acceptable given the viability constraints, and provides the type of affordable tenure which is of greatest need in accordance with the 2017 LHMA. The Housing Strategy team also agrees that this is a pragmatic solution given the viability constraints at the site.

This has been agreed with the developer.

Education: it is acknowledged that the full education contribution is not viable. Instead, having agreed with the Directorate of Learning and Skills, the following package has been determined:

- Primary and Nursery level for St. Athan Primary = £500,000
- Wick Primary Level = £69,784
- Llantwit Secondary (11-16) = £1,183,005
- Llantwit Secondary (post 16) =£228,088

The Council would consequently require a total contribution of **£1,980,877** to provide and enhance educational facilities to meet the needs of future occupiers, based upon the testing of development viability as outlined above. This has been agreed with the developer.

Sustainable Transport: Whilst it is not viable for the developer to pay an off-site contribution for sustainable transport, the developer has agreed to provide “in kind” enhancements to pedestrian and cycling infrastructure within the vicinity of the site, and at the junction of Gileston Road (see further detail under ‘Highways Matters’). This has been agreed with the developer. This is considered to be acceptable, in light of the viability constraints.

Public Open Space: The full requirement for on-site public open space will be provided on site. This has been agreed with the developer.

The importance of community facilities and public art is recognised as set out above. However, given the viability of the scheme, it is considered appropriate to prioritise contributions towards affordable housing need and education.

The developer has also agreed to transfer to the Council for safeguarding a strip of land from the site access along the site frontage to the north of the site. The purpose of this safeguarding is to ensure that there is sufficient space in the future to build a footway/cycleway to connect the site with the north of St. Athan and National Route 88 of the National Cycle Network.

In accordance with Welsh Government's advice regarding development viability, officers have negotiated that the development will have a restricted time limit for commencement and be subject to a review mechanism. The agreed review mechanism would ensure that in the event that the development site has not been completed within 59 months from commencement of development, that there will be a viability review (undertaken by the District Valuer at the developer's expense). The review would only reflect any upward improvements in viability, with additional contributions being payable in the event that the viability of the scheme was to improve. The viability review will be for the whole site, and the developer will be expected to provide evidence and values to demonstrate the income/costs of the site to date and an appraisal for going forward for the remainder of the site.

If the District Valuer considers that viability has improved, additional contributions will be payable and the values itemised above will be set out in the Section 106 Agreement. This is considered to be an appropriate mechanism given fluctuations in the market and costs, and to ensure the developer implements the planning permission in a timely manner. The applicant has agreed to the principle of such a mechanism and this will be reflected in the Section 106 Agreement.

To summarise, officers consider that the reduced planning obligations offer as set out above is only considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of this site.

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 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, MG17- Special Landscape Areas, MG19 – Sites and Species of European Importance, MG20 – Nationally Protected Sites and Species, MD2-Design of New Development, MD3-Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection, MD8 – Historic Environment, MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance on Householder and Residential Development, Affordable Housing, Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Conservation Areas in the Rural Vale, Flemingston Conservation Area Appraisal and Management Plan, Trees and Development and Sustainable Development; national guidance contained in Planning Policy Wales, TAN1 Joint Housing Land Availability Study, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6 – Planning

for Sustainable Rural Communities, TAN12-Design, TAN15 – Development and Flood Risk, TAN16-Sport Recreation and Open Space, TAN18- Transport and TAN24- Historic Environment, it is considered that the proposal represents an acceptable and sustainable form of residential development that meet an identified housing need on an allocated residential site, without an unacceptable adverse impact on the character and appearance of the area, Special Landscape Area and would preserve the character of the Flemingston Conservation Area and archaeological resource. It is also considered acceptable in relation to the site access and highway safety, neighbouring and general amenities on the site, drainage, impact to ecology and protected species and other relevant environmental factors such as drainage and flood risk. The proposal meets the requirements of all 'three tests' for derogation specified under the Conservation of Habitats and Species Regulations 2010. The proposal is therefore compliant with relevant legislation and both national and local planning policy.

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

APPROVE subject to the following conditions(s):

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

Reason:

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

2. The development shall begin before the expiration of two years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure the development commences within 2 years to reflect the concessions made for planning obligations in light of development viability constraints which may be subject to change in the longer term.

3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure the reserved matters application is made

with sufficient time to enable the development to commence within 2 years to reflect the concessions made for planning obligations in light of development viability constraints which may be subject to change in the longer term.

4. The development shall be carried out in accordance with the scale parameters as submitted with the table received 12 December 2016.

Reason:

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

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

1617 100 Revision G (Illustrative Masterplan)
Primary Access General Arrangement - 0991-013-K
Primary Access Geometry 0991-023-E
Gileston Road Junction General Arrangement - 0991-024-C

Speed Limit Transition Gateway 0991-020-C
Offsite Highway Works 0991-014-G
Secondary Access 0991-011-I

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.

6. Prior to commencement of development, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 17% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of

occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

7. Details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that part of the development to which they relate. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure that the visual and neighbour amenities are safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

8. No development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority, including details of the adoption, maintenance and management of the system. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change. Evidence of infiltration tests and full engineering details and hydraulic calculations shall also be submitted. The scheme shall be completed in accordance with the approved details prior to the first beneficial use of the development and thereafter retained in perpetuity.

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 MD1 (Location of New Development) of the Local Development Plan.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which shall be submitted by the applicant and approved in writing 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:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD8 (Historic Environment) of the Local Development Plan.

10. No development shall take place, including any site clearance, until a wildlife & habitat protection and management plan has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include:
 - i) Details of sensitive site clearance with respect to reptiles and breeding birds, and a strategy for dealing with reptiles;
 - ii) Details of newt friendly drainage.
 - iii) A plan showing wildlife and habitat protection zones, if appropriate;
 - iv) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
 - v) Details of the management of ecology features to maximise biodiversity;
 - vi) Measures to be undertaken to enhance biodiversity on site;
 - vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation and to ensure that wildlife corridors/mitigation habitats are not illuminated; and
 - viii) A detailed method statement for the management of Corn Buttercup and Shepherds Needle, including areas from which soil shall be transposed from, volumes and depths of soils, timings of the works and post transposition works and aftercare.
 - ix) Details of site and vegetation clearance, including timings.

The protection and management plan shall then be completed in accordance with the details and timings approved by the Local Planning Authority.

Reason:

In the interests of ecology and to ensure compliance with Policy SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphical Sites and Priority Habitats and Species) of the Local Development Plan.

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

Reason:

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

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 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.

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- 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, including means for the protection of the adjacent brook from contamination;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xi) diesel and oil tank storage areas and bunds;
- xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

Reason:

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

14. 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 parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

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.

15. 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, street 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 prior to beneficial occupation of the dwellings served by that vehicular / pedestrian access.

Reason:

In the interests of highway safety in accord with Policy MD2 of the Local Development Plan.

16. Notwithstanding the submitted plans, full engineering detail of the pedestrian and cycle routes to link the development to the existing highway network to the south east, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the cycle and footway routes have been constructed in accordance with the approved details.

Reason:

In the interest of highway and pedestrian safety and to ensure a satisfactory form of access to serve the development, and to ensure

compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

17. The site vehicular accesses shall be completed in accordance with the detailed arrangements shown in the approved plans prior to the first beneficial occupation of the phase of the development that they serve and shall be thereafter retained at all times.

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 Policy Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

18. The alterations to the junction of Gileston Road and the B4265 as illustrated on plan 0991 024 Rev C shall be constructed in accordance with the approved details prior to the first beneficial occupation of the development.

Reason:

In the interests of traffic flows and 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.

19. 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.

20. 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.

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

Reason:

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

22. The reserved matters submissions shall ensure that no buildings or dwellings are located within a C2 Flood Zone.

Reason|:

In order to minimise flood risk and to ensure compliance with Policies MD2 and MD7 of the LDP.

23. Prior to the commencement of the development hereby approved, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

NOTE:

- 1. Please note that with regards to drainage details, Dwr Cymru/Welsh Water advises the following:**
- 2. "Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made downstream of manhole reference number ST01694001."**

Please see their response dated 14 July 2017 for full details.

- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 4. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
- 5. In order to comply with Section 71ZB(5) of the Town and Country Planning Act 1990 (as amended), the applicant/developer must complete a 'Notification of initiation of development' form, which can be found in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. The notification shall be submitted in the form specified to the Local Planning Authority.**

At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

- 6. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

- 7. You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**
- 8. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.**
- 9. 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).**
- 10. 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.**
- 11. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
- 12. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
- 13. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 14. The developer should contact Wales and West Utilities prior to the commencement of development to establish whether any infrastructure under the site will affect the development.**

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.