



TRANSPORT STATEMENT

January 2024

**Residential Development
Bolston House
Bonvilston
Vale of Glamorgan**

acstro

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Revision History

Issue 1	16 th September 2020	First Issue
Issue 2	22 nd November 2021	
Issue 3	30 th January 2024	For Revised Application
Issue 4	31 st January 2024	Final

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1 Introduction

- 1.1 Acstro has been appointed to prepare a Transport Statement in respect to the proposed development of 14 dwellings on land at Bolston House, to the north of the A48 in the village of Bonvilston, Vale of Glamorgan.
- 1.2 The site currently accommodates one dwelling, Bolston House which will be demolished as part of the development.
- 1.3 The site was subject to a previous, similar, planning applications (2021/00423/FUL and 2021/00424/CAC) that were the subject of planning appeals (CAS-02110-Z3G0G4 & CAS-02116-V8L7Z7), considered together, against the Council's failure to give notice within the prescribed period of a decision on the applications for planning permission.
- 1.4 The Council did not make decisions on the applications. However, the Local Planning Authority did produce Stance Reports for the planning appeals which considered that planning permission should be refused. Amongst the Council's objections was that the proposal would result in a substandard form of access into and out of the site, which would adversely impact upon highway safety.
- 1.5 The Planning Inspector did not agree with the Council's objections over the proposed development's access arrangements, concluding that:

"Hence, I am of the opinion that the proposed access would strike an appropriate balance between ensuring that a safe means of access can be achieved whilst also respecting the character and appearance of the CA [Conservation Area]. I am satisfied that the proposal would not compromise highway safety, consistent with the requirements of LDP Policies MD2 and MD5."

[Appeal Decision: Paragraph 38]

Appendix 1 Appeal Decision

2 Existing Conditions

2.1 The site is located to the west of the Red Lion public house and is shown in Figure 1.

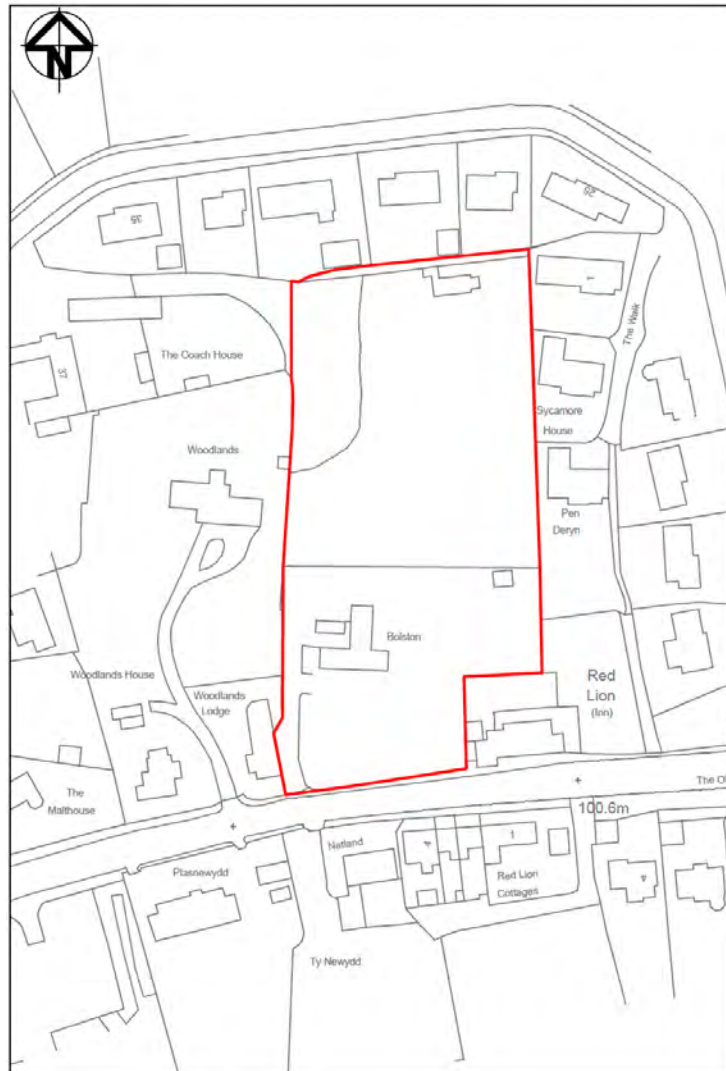


Figure 1 Location Plan

2.2 Bolston House has a direct access onto the A48 that is located at the south western corner of the site. The access is flanked by walls and the proposed development will seek to minimise any disruption to these walls for conservation reasons.



Figure 2 Existing Bolston House Access

- 2.3 The site is located in Bonvilston, which is some 8km east of Cowbridge and 5km west of Culverhouse Cross on the outskirts of Cardiff. Cardiff city centre is approximately 13km from the site. The village is linked to these larger settlements by the A48, which continues west of Bonvilston to Cowbridge and Bridgend.
- 2.4 The facilities available within the village include the Bonvilston Reading Rooms adjacent to the site, village shop and café opposite the site, Saint Mary's Church and Red Lion pub. At the edge of the village and approximately 1km to the east of the application site is the Cottrell Park Golf Resort.
- 2.5 There are footways on both sides of the A48 within the village. These benefit from street lighting. There is a signal-controlled pedestrian crossing facility adjacent to the Red Lion pub.
- 2.6 A broader range of services and facilities are available in Cowbridge, Culverhouse Cross and Cardiff that are all within easy reach of the site.
- 2.7 Journeys to these larger settlements can be made by public transport with bus stops located on either side of the A48, within 100m to the west of the site. These are served by the X2 'Cymru Clipper' bus service that runs between Cardiff and Porthcawl via Cowbridge and Bridgend. In each direction the bus services passes every 30 minutes on weekdays and Saturdays and hourly throughout Sundays.

- 2.8 The A48 that passes through the village is subject to a 40mph speed limit. The A48 has a wide carriageway (approximately 9m) and provides a single traffic lane in each direction. The flow of traffic is normally positioned in the centre of lane width of the traffic lanes allows the flow of traffic to normally be positioned in the centre of lane width of the traffic lanes. A 7-day traffic count to measure vehicle speeds in both directions adjacent to the proposed development has been undertaken (December 2018). The survey found that the 85th percentile speed of traffic was 36mph westbound and 38mph eastbound. The survey data is provided as Appendix 2.

Appendix 2 Traffic Speed Survey

- 2.9 Guidance on appropriate visibility provision at accesses and junctions is provided within TAN18, Manual for Streets (MfS1), Manual for Streets 2 (MfS2) and the Design Manual for Roads and Bridges (DMRB). The guidance of visibility requirements differs depending on the situation of the access and the speed of traffic passing.
- 2.10 The most recent of these documents is MfS2 (October 2010), provides clarification on which of the design standards should be followed in which situations.
- 2.11 MfS2 states in 1.3.2 that 'for any scheme affecting non-trunk roads, designers should start with MfS'.
- 2.12 Advice on these parameters is provided within section 10 of MfS2, which states that visibility from an access (Y-distance) should be based upon the stopping sight distance (SSD) for the speed of approaching traffic. SSD should be calculated based on the following formula:

$$SSD = vt + v^2/2(d + 0.1a)$$

Where:

v = speed (m/s)

t = driver perception/reaction time (seconds)

d = deceleration (m/s²)

a=longitudinal gradient (%)

- 2.13 A reaction time (t) of 1.5 seconds is recommended where speeds are below 60kph (37.3mph) and 2 seconds where speeds are higher. A deceleration rate of 0.45g should be used for light vehicles and 0.375g for HGV's and buses.
- 2.14 Based on these parameters and allowing for HGV traffic it is calculated that the SSD for westbound traffic is 59m and for eastbound traffic is 73m.

3 Proposed Development

- 3.1 The proposal is to demolish the existing dwelling, Bolston House, and construct 14 dwellings in its place. The proposed access arrangement is shown in Appendix 3.

Appendix 3 Proposed Access

- 3.2 The existing access will be widened to an adoptable standard with a 5.5m wide carriageway, a 2m wide footway on its eastern side and 2m verge on its western side. Within the site the layout will transition into a 6.8m wide shared surface that leads to a turning head, capable of accommodating a refuse vehicle.
- 3.3 From the stub ends of the turning area, private shared drives will continue onwards to serve two and three dwellings, respectively.
- 3.4 The alignment of the boundary wall currently restricts visibility from the access. To overcome this it is proposed part of the wall will be demolished and also that localised widening of the footway be undertaken. The footway will be widened to a width of 2m across the site's frontage. This work has the effect of advancing the give-way line providing drivers that emerge from the site with 2.4m x 120m visibility in both directions.
- 3.5 Parking provision within the site will accord with the Council's current Parking Standards, which recommend one parking space per bedroom up to a maximum of 3 per dwelling.

4 Conclusion

- 4.1 The proposal is to construct 14 dwellings on land in Bonvilston. They will replace an existing dwelling and so there will be an overall increase of 13 dwellings.
- 4.2 The village has a number of basic facilities including a shop, café and pub. A broader selection of services and facilities is available in Cowbridge to the west and Cardiff to the east and are accessible by way of the frequent and regular bus services that serve Bonvilston.
- 4.3 The new dwellings will be served by a new, adoptable access from the A48. Visibility splays of 2.4m x 120m will be provided, this being achieved through localised widening of the footway adjacent to the site. This access arrangement was considered at a previous planning appeal and found to acceptable, striking an appropriate balance between ensuring that a safe means of access can be achieved whilst also respecting the character and appearance of the Conservation Area.
- 4.4 In conclusion it is considered that the proposed development is acceptable in highway and transportation terms.

Appendix 1 Appeal Decision

Appeal Decisions

by Melissa Hall BA(Hons), BTP, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 08/11/2023

Appeal references: CAS-02110-Z3G0G4 & CAS-02116-V8L7Z7

Site address: Land at Bolston House, Bonvilston CF5 6TP

- **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - **Appeal B** is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for conservation area consent.
 - The appeals are made by Transworld Real Estate Ltd against The Vale of Glamorgan Council.
 - The development and works proposed are described on the planning application form as 'Demolition of the existing dwelling and re-development of the site to accommodate residential development and associated works'.
 - A site visit was made on 4 July 2023.
-

Decisions

1. **Appeal A** is dismissed.
2. **Appeal B** is dismissed.

Procedural Matters and Background

3. A hybrid application form was used for the works and development proposed under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning Act 1990. As set out above, two appeals are before me which will be considered on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.
4. I have had sight of several iterations of the planning application form, with that accompanying the original application submissions describing the '*Proposed re-development of the site including demolition of the existing buildings and partial demolition of boundary wall to allow for access, and associated provision of 9 no. dwellings and associated works*'. However, the proposal was amended during the course of the applications, with the description amended to that shown in the heading above and the corresponding Proposed Site Plan showing a layout of 14no. units consisting of 8no. detached houses, 2no. town houses and a pair of semi-detached units serving as 4no.

flats. It is on the basis of this amended scheme that the Council considered the proposal and upon which I shall determine the appeals.

5. Notwithstanding the above, and subsequent to the appeals being made, I understand that the appellant continued discussions with the Council primarily in respect of highway matters and provided information and plans regarding the same (Drawing Refs 1401-007G Proposed Access and 1401-008G Proposed Access, dated September 2022). However, the provisions of section 78(4BA) are such that once notice of an appeal under this section has been served, the application to which it relates may not be varied, except in such circumstances as may be prescribed by a development order. I have not therefore had regard to these submissions in coming to my decisions.
6. The Council did not make decisions on the applications. However, the Local Planning Authority has produced Stance Reports which have been provided with the appeal submissions. In short, it considers that planning permission should be refused on the grounds that:
 - (i) the loss of a large proportion of a significant stone wall, substantial amounts of tree cover and the insensitively designed/orientated internal site layout would fail to preserve the character of the Bonvilston Conservation Area (CA);
 - (ii) The proposed layout would fail to make necessary, efficient use of the land;
 - (iii) The proposal would result in a substandard form of access into and out of the site, which would adversely impact upon highway safety;
 - (iv) The proposal fails to provide adequate information to assess the impact of noise or demonstrate that the proposal would not be prejudicial to the amenity and living conditions of future residents; and
 - (v) The proposal fails to satisfy the tests to justify a derogation for protected species and would result in inadequately mitigated loss of trees that would harm the biodiversity interests of the site.

It follows that the LPA considers that Conservation Area Consent (CAC) should also be refused on the basis that the loss of part of the historical stone boundary wall would fail to preserve or enhance the character of the CA and that there is no acceptable redevelopment scheme to justify the demolition of the existing dwelling.

7. On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled '*Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales*'. Although it is to be included in the forthcoming revision to PPW, the letter confirms that the Chapter 6 policy is updated with immediate effect. The main policy changes which are of relevance here relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees. However, since the implications of the changes to PPW do not affect the outcome of **Appeal A**, I have not sought to canvas the views of the parties. I will nonetheless deal with these matters in more detail later in my decision letter.

Main Issues

8. Against this background, the main issues in **Appeal A** are:
 - Whether the proposal would preserve or enhance the character or appearance of the CA;
 - Whether the proposal would represent an efficient use of land;
 - The effect of the proposal on highway safety;

- Whether the proposal would provide acceptable living conditions for future occupants of the development, with specific regard to noise;
- The effect of the proposed development on biodiversity; and
- Whether the proposal makes adequate provision for affordable housing and any additional need for infrastructure, services and facilities arising from the development.

Reasons

Character and appearance

9. The appeal site comprises the dwelling of Bolston House and its grounds which make up an area of approximately 1 hectare. The appeal site is bounded by dwellings and their gardens to the west, north and east. The Red Lion public house bounds the site to the south-east. The southern boundary adjoins the A48, with the vehicular access from this road located in the south-western corner of the site. A stone wall with a height in the order of 2-3 metres forms the southern site boundary abutting the highway, which screens much of the site from public vantage points.
10. There are a number of mature trees within the site, four of which are covered by Tree Preservation Orders. Two of these are Sycamores in the north-western corner with a further two Sycamores located midway along the eastern boundary.
11. The site lies within the Bonvilston Conservation Area (CA). I have been provided with a copy of the Council's Conservation Area Appraisal and Management Plan (CAAMP), with the associated Townscape Appraisal Map showing that the site is bounded by two dwellings which are both identified as 'positive buildings' or 'county treasures', albeit the site itself does not contain any notable historic assets. The CAAMP states that the CA covers the core of the historic settlement along the A48 which forms the principal street, with the centre of the village, if there is one, located around the Red Lion public house. Overall, it defines the character of the village as '*...detached or terraced properties set back slightly from the road, the depth of the front gardens having been reduced by the road widening in 1930. Substantial stone walls and groups of mature trees are also important features, the heavy planting now seen in oblique views along the road'* (my emphasis). In particular, the wall fronting the appeal site is identified as a 'significant stone wall' on the Townscape Appraisal Map within the CAAMP.
12. It therefore seems to me that the site lies at the centre of this linear CA, alongside the public house, between two positive buildings and on the principal A48 highway which is a defining spatial feature. In this context, the roadside, front boundary wall constructed from grey limestone rubble blocks is a particularly notable and prominent feature of the site which, together with the tree coverage on the site, assists in maintaining a historic character to the village centre and makes a positive contribution to this part of the CA.
13. The Council does not take issue with the demolition of Bolston House. Given that the dwelling is not identified in the CAAMP as making a positive contribution to the character and appearance of the area, is not historically significant or of any architectural merit, and is in a poor state of repair, I am satisfied that its loss would not be damaging to the CA.
14. Nevertheless, approximately 10m of the stone wall to the front of the site would need to be demolished to facilitate the widening of the vehicular access, footways and associated visibility splays to serve the development. The Council finds this element of the scheme objectionable on the basis that it would fail to preserve the intrinsic character of the site and the CA.
15. My attention has been drawn to the CAAMP, which identifies issues relating to the management of the CA; this includes a need to protect existing front boundary walls and

retain such features which enhance the character of the CA. Consequently, the CAAMP is clear that the Council will seek to resist proposals to remove or significantly alter traditional boundary walls.

16. I do not dispute that there is already an existing vehicular access track, and therefore a gap, at the south-western corner of the site frontage. Nevertheless, the loss of a section of the wall would have the effect of altering the solid to void ratio, creating a notably larger gap and undermining the robust and imposing appearance of the wall as it currently reads. As the width of the opening has some effect on the wall's contribution to the character and appearance of the CA, it follows that its alteration in the manner proposed would have a limited harm. Although I accept that the scheme proposes the re-use of the stone from the demolished section of wall to create the splayed entrance, this would not offset the harm that I have described.
17. Turning to the loss of trees on the site. I do not dispute that the existing tree cover makes a positive contribution to the character and appearance of this part of the CA, insofar as it provides a verdant setting to the built form, softening its impact. Whilst a number of trees would be felled to facilitate the development, they are predominantly groups comprised of ornamental planting and / or non-native, invasive or self-seeded specimens with only their unmaintained canopies visible above the front boundary wall. As assessed and quantified by the Arboricultural Impact Assessment, the vast majority of trees to be removed are C category trees (low quality). That is, some of the mature trees would be retained (this matter is dealt with in more detail later in this decision) with the application supported by a Tree Protection Plan, a Landscape Strategy and a Plant Schedule and Specification accordingly.
18. Although the Council makes reference to the 'suburban and insensitively designed/orientated internal site layout', I note that its Stance Report suggests that it is only the southernmost plots / dwellings that would be clearly visible and open to view from the A48. It otherwise accepts that the general layout/orientation of dwellings proposed is likely to be well screened from public view. Hence, it is my understanding that its design and layout concerns are predominantly in respect of the orientation of the dwellings on the southernmost plots.
19. The surrounding built form does not have a uniform character in terms of layout and orientation but comprises a mix of linear roadside development and more modern cul-de-sac development to the north. In particular, I saw at my site visit that the existing dwellings immediately to the west of the appeal site, and which are visible from public vantage points, are orientated in the same manner as the closest units proposed here i.e. they each have a 'side' facing main entrance which does not directly address the road frontage. Although the Council argues that this is not reflective of the more common pattern of development in the surrounding area, the proposed development would be read in the context of these closest neighbouring dwellings.
20. In coming to a view on this matter, I have had regard to the appellant's contention that any dwellings orientated to face south would look onto, at close proximity, the retained high stone wall (with a resultant poor principal outlook for future occupants). To this end, I share the concern that such an alternative arrangement would not represent good design.
21. Consequently, I do not find that the layout and orientation of the dwellings on the southernmost plots would be at odds with that of the surrounding built form to the extent that it would fail to preserve the character and appearance of the CA. I have also taken into account that the retained stone boundary wall would extend some 10m beyond the front elevation of the closest units, thus would continue to provide substantial screening of the development. Additional tree planting would soften the visual impact of the built

form and, once mature, would filter and screen the development from public vantage points to a degree.

22. Overall, and whilst I have found only limited harm to the character and appearance of the CA by reason of the loss of a section of the wall, I can only conclude that the development would offend the duty in the Act to preserve the character and appearance of the CA and represent a minor conflict with LDP Policies SP10, MD2 and MD8 and the Bonvilston CAAMP Supplementary Planning Guidance in this regard. It would also be at odds with national planning policy guidance in Technical Advice Note (TAN) 12: Design and TAN 24: Planning and the Historic Environment.

Efficient use of land

23. LDP Policy MD5 requires new development to *inter alia* make efficient use of land or buildings. Meanwhile, Policy MD6 states that residential development proposals within minor rural settlements, such as Bonvilston, should achieve a minimum net density of 25 dwellings per hectare (dph) so as to ensure the efficient use of land to meet identified housing needs and protect land for future generations. Both policies are consistent with Future Wales insofar as it seeks increased densities.
24. The Council acknowledges that such a density may not be possible in all instances where site constraints exist, albeit it maintains that any proposal should still seek to make efficient use of land. Here, it notes that a density of circa 17.5dph is proposed, resulting in a density significantly below that advocated by Policy MD6.
25. From my reading of Policy MD6, it is clear that lower densities may be permitted where it can be demonstrated that development at the prescribed densities would have an unacceptable impact on the character of the surrounding area, where reduced densities are required as a result of significant site constraints or to preserve a feature that would contribute to existing or future local amenity.
26. As I understand it, significant site constraints exist here which result in a smaller developable area, broadly consisting of; (i) the access position and geometrical restrictions made by the vision splays and retention of much of the boundary wall; (ii) TPO'd trees and other good mature species worthy of retention; (iii) the proximity of houses to the eastern boundary; and (iv) the sustainable drainage needs which were not factored into the LDP dph figure.
27. The scheme before me shows the retention of a number of the trees which inevitably has an impact on the dwelling density that can realistically be achieved. However, whilst the Council recognises this issue, it considers that the type and size of the dwellings proposed is a clear barrier to maximising the efficient use of the land.
28. At my site visit, I saw that housing density in the surrounding area is mixed, with a wide range of housing types including terraces, detached and semi-detached dwellings of varying age, exhibiting a density and "grain" well under the 25 dph referred to in Policy MD6. Moreover, the proposal omits development from the north-western portion of the site which has dense tree coverage and the plans show that the dwellings' footprints are set away from the canopies of the mature trees to be retained. I further recognise that there is a balance to be struck between density, good design / layout and retaining features on the site which make a positive contribution to the character of the area. This leads me to the conclusion that developing this site to the density identified in Policy MD6 may be difficult.
29. I consider it reasonable to have regard to existing housing densities in the surrounding area which, to my mind, is important in terms of ensuring that the development would have an acceptable impact on its surroundings, including preserving the character and

appearance of the CA. In my view, the size of the proposed dwellings and their respective plot sizes would not be dissimilar to those in the surrounding built form. In any event, the Council indirectly acknowledges that the dwellings on plots 1-4 and 7-8 are not of a significant size with substantial plots. It must therefore be the case that the scheme proposes a mix of dwelling types within the site.

30. On balance, therefore, and whilst I have taken into account the climate and nature emergencies, I consider that the site would be developed efficiently and at an appropriate density having regard to the character and appearance of the area and the site's constraints when balanced against the need to reduce the amount of greenfield land that may be required to meet the LDP housing targets. Accordingly, I do not find conflict with Policies MD5 or MD6 in this regard.

Highway safety

31. The submitted drawings show that the access would be a private drive arrangement leading to a shared surface over approximately half of its length at the back end of the site. The appellant contends that although it would have a reduced specification (in order to minimise the section of the stone boundary wall that would need to be removed), appropriate visibility splays would be provided at its junction with the A48 together with adequate space for the movement and turning of refuse vehicles. Additionally, the carriageway would be narrowed to provide a 2m wide footway along the site's frontage.
32. The site is accessed directly from the A48, which the Council confirms is a very highly trafficked classified A road. Its concerns in respect of this matter relate to: (i) the omission of swept path analysis for western bound HGVs; (ii) the surfacing at the shared surface junction and the narrow footways proposed in this area; (iii) the adjustments needed to the A48 carriageway narrowing alignment; (iv) the asymmetrical kerb radii; and (v) the radii geometry, meaning a larger HGV accessing the site would have to use the entire access width, resulting in possible conflict with exiting vehicles. Hence, it considers that further and more extensive works would be needed in order to address these concerns, with resultant implications for the amount of the stone boundary wall that would be lost.
33. The appellant's position is that further submissions were made post lodging of the non-determination appeals, which sought to address the issues raised in (i) – (iii) above. This included swept path analysis for all movements at the junction, amendments to the intersection between the 5.5m wide carriageway and shared surface, the removal of a dashed line around the perimeter of the shared surface to avoid any confusion that a segregated footway is proposed, and the tapering over a longer distance of the build-out / narrowing of the carriageway at the junction. Whilst I am unable to consider a variation to the scheme for reasons I have already given, I am satisfied that these are detailed design matters that do not alter the substance of the proposal and could be dealt with by condition in the event of planning permission being granted.
34. Turning to the issues raised by the Council in respect of the kerb radii and radii geometry. The appellant acknowledges that addressing these concerns would involve the submission of further plan revisions (which is likely to require additional widening to enable an appropriate radii to be created on both sides of the access). Nevertheless, I have considered the acceptability of the scheme as submitted.
35. The Council's states that its particular concerns in relation to kerb radii for the proposed new junction at the site entrance are that they do not mirror one another; the submitted drawings show kerb radii of 8m on the right-hand side and 4m on the left-hand side. The implication being that an issue could arise with drivers having to slow down more abruptly to negotiate the tight radius turning into the site and potentially cause safety issues along the A48.

36. I note that the A48 is an A class road with a speed limit of 40mph, and flows in excess of 15,000 vehicles with greater than 5% of flows made up of HGVs. Although the representations of interested parties refer to vehicles travelling at speed together with a long history of accidents on this stretch of the A48, this has not been borne out by the evidence; the appellant's submissions confirm that only two 'slight severity' accidents have been recorded over a 10-year period covering 2012 to 2021 whilst the submitted Traffic Speed Survey (based on a 7-day traffic count to measure vehicle speeds in both directions adjacent to the appeal site) found that the 85th percentile speed of traffic was 36mph westbound and 38mph eastbound. The Council does not dispute this position.
37. I have also taken into account that the carriageway is wide with a relatively straight alignment, and clear views of oncoming traffic can be gained in both directions. I saw that there are a number of accesses serving individual dwellings along the stretch of the road in the vicinity of the site. I further consider that the need for HGVs to turn into the site is likely to occur infrequently, to the extent that the potential for conflict with existing vehicles is low to moderate. In any event, the driver of an approaching vehicle is likely to see the manoeuvre being performed well in advance and from a clear line of sight, and adjust their speed accordingly. Similarly, intervisibility between HGVs turning in and vehicles emerging from site would be adequate, with drivers likely to make allowances for slower moving and turning HGVs. I do not consider that such a situation would be unusual, especially frequent or markedly different from that which would already occur in association with the existing residential properties in the vicinity. I have been given no compelling reasons to conclude otherwise.
38. Hence, I am of the opinion that the proposed access would strike an appropriate balance between ensuring that a safe means of access can be achieved whilst also respecting the character and appearance of the CA. I am satisfied that the proposal would not compromise highway safety, consistent with the requirements of LDP Policies MD2 and MD5.

Living conditions

39. The Council's sole concern in respect of this matter is whether future residents would experience acceptable living conditions, with specific regard to noise impact from the public house and beer garden. Although its Stance Report confirms that the application was supported by a Noise Assessment, the Council takes issue with the assessment insofar as it makes no reference to any noise associated with the public house.
40. I recognise that the Noise Assessment focuses on road traffic on the A48 as representing the predominant environmental noise source at the site. It goes on to measure noise levels from two positions adjacent to this main highway, concluding that noise levels would fall within Exposure Category B as defined in TAN 11: Noise. It would not therefore give rise to serious concerns regarding the impact on the living conditions of future residents.
41. Be that as it may, I also acknowledge that over half of the proposed dwellings would have gardens adjoining the garden of the public house. Nevertheless, I understand that the Council's internal consultees (such as Pollution Control) have not raised any specific concerns in respect of this matter, nor does there appear to have been a corresponding request for further information during the course of the application to address any alleged shortcomings. Neither is there any suggestion that the Council has received complaints in respect of activities and events ongoing in the public house and its associated garden.
42. Further, I do not dispute the appellant's contention that the public house sits within an otherwise densely populated residential area, and yet it continues to function appropriately. Whilst the Council makes reference to the representation received from the

owners and operators of the public house, it seems to me that this correspondence merely clarifies that activities and events take place in the external areas of the premises.

43. Given that the principle of residential development of this site is not at issue, and mindful that the existing uses appear to co-exist, I consider that this matter could be dealt with by a condition requiring a scheme of mitigation in the event of planning permission being granted. In doing so, I am satisfied that the proposed noise-sensitive development would not be incompatible with existing activities and, as such, future residents would not be subject to unacceptably high levels of noise that would have a harmful effect on their living conditions. Consequently, I do not find conflict with LDP Policies MD2 or MD7, which require new development to demonstrate they will not result in an unacceptable impact on residential amenity resulting from noise or with the overall aims of TAN 11: Noise.

Provision for affordable housing and infrastructure, services and facilities

44. LDP Policy MD4 sets out the policy framework for securing community infrastructure and planning obligations. It states that *'Where appropriate and having regard to development viability, the Council will seek to secure new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations'* (my emphasis).

45. In line with this policy position, the following contributions were sought:

- (i) A financial contribution towards education provision given that the development would generate a requirement of 1no. nursery place, 3 no. primary places and 2no. secondary places.
- (ii) A financial contribution towards sustainable transport to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car.
- (iii) A financial contribution to provide and/or enhance off-site public open space and recreational facilities in the vicinity of the development site, if the provision cannot be met on-site.
- (iv) With a need for affordable housing evidenced by the 2021 Local Housing Market Assessment, 40% or 6 units are required for affordable housing based on the adopted *'Affordable Housing'* SPG.

46. It is common ground between the parties that the submitted Viability Assessment demonstrates that the scheme cannot make provision for affordable housing or any other planning obligations. Notwithstanding this, and on the basis of the evidence before me, I cannot be certain what has been factored into the 'external and abnormal costs' associated with the project or why the education and sustainable transport contributions have not been included. Neither have I been given any explanation why the contributions and affordable housing provision have not been considered as anything less than an 'all or nothing' scenario.

47. Thus, I am not satisfied that I am fully cognisant of the reasons why this particular site in this area is experiencing viability issues or what alternatives have been considered to improve viability, for example, whether an alternative design, layout and/or timing has been explored in order to ensure that the proposal would be a socially responsible one.

48. Setting these concerns aside, however, I have had regard to the fact that the development would provide some new open market housing which would make a modest contribution to meeting the LDP housing requirement, albeit I cannot be certain whether the mix meets the needs of the local community. However, the weight to be afforded to this benefit is reduced in light of: (i) the scheme's failure to provide affordable housing in

an area where there is a policy expectation of it being delivered and (ii) the clear policy objectives requiring new development to meet its own demands by way of financial contributions to community infrastructure provision.

49. Hence, without being furnished with a detailed explanation, I am not clear why the development cannot proceed with any amount of affordable housing or, indeed, any of the other community infrastructure benefits in the alternative. Neither am I convinced that the delivery of this site is so important that it should be permitted without mitigating its infrastructure impacts and providing an element of affordable housing.
50. Consequently, and whilst conflict with LDP Policies MG4 and MD4 and the '*Affordable Housing*' and '*Planning Obligations*' SPG may not arise taking into account development viability, the development's failure to provide any affordable housing or the infrastructure necessary to mitigate the impacts of the development in respect of public open space, education or sustainable transport has not been justified.

Biodiversity

51. There is no dispute between the parties (including Natural Resources Wales (NRW) as the statutory nature conservation advisor) that the proposal, supported by an Ecological Assessment together with mitigation plans, would be acceptable subject to conditions. This includes a condition requiring the construction of a bat house to provide a compensatory roost.
52. Nevertheless, the Council takes issue with the proposal's failure to satisfy the tests to justify a derogation for protected species. I am aware that proposals for which development works would contravene the protection afforded to European Protected Species (EPS) require derogations under the provisions of the Habitats Directive. There are three tests for derogation, including that the development works to be authorised must be for the purposes of preserving '*public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature ...*'.
53. Whilst I note the shift in emphasis introduced by the Chapter 6 update to PPW, which requires me to take into account the three tests for derogation when considering development proposals where EPS is present (with the aim of avoiding developments with planning permission subsequently not being granted derogations in relation to EPS), I am also aware that whether a derogation licence is to be issued or not is a matter for NRW. However, given that I am dismissing the appeals, it is of little consequence to the outcomes here. I have not therefore taken this matter any further.
54. Turning to the matter of arboriculture. I note that the proposal includes the removal of in excess of 60 trees and their replacement with approximately 22 trees. The Council's adopted '*Biodiversity and Development*' SPG requires replacement tree planting on a 2:1 basis, equating to upwards of 120 trees being provided on site in this case. Although the Council accepts that this cannot be accommodated, it confirms that had the development been acceptable in all other respects it would have sought additional tree planting off site to meet the Section 6 duty in the Environment Act (Wales) to enhance biodiversity. Such an approach is broadly consistent with the updated PPW Chapter 6 requirements, notwithstanding that it requires replacement tree planting at a ratio of 3:1 rather than the 2:1 required by the Council's SPG.
55. I am also aware that the Council took issue with this scheme insofar as the application was not supported by an ecological enhancement strategy. Again, it seems to me that the need for such a strategy is consistent with PPW in that it requires biodiversity enhancement, noting that the update to Chapter 6 of PPW now requires applications for

planning permission to be accompanied by green infrastructure statements (describing how green infrastructure has been incorporated into the proposal).

56. This inevitably leads me to the conclusion that the proposal would result in an inadequately mitigated loss of trees and an inadequate level of detail in relation to ecological enhancement measures, thus harming the biodiversity interests of the site. As such, the development would conflict with LDP Policies MD2 and MD9 and the Council's 'Biodiversity and Development' SPG which, overall, require new development proposals to conserve and enhance biodiversity interests and to provide ecological enhancements to promote biodiversity. Additionally, given that the scheme cannot accommodate replacement planting at a ratio of 2:1 required by the Council's SPG, it follows that neither can it meet the updated requirements of PPW.

Appeal B

57. Turning specifically to **Appeal B**, and the CAC for demolition. Paragraph 6.13 of TAN 24 provides guidance relating to the demolition of unlisted buildings in CAs. It states that *"There should be a general presumption in favour of retaining buildings, which make a positive contribution to the character or appearance of a conservation area.....In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable"*.
58. In this case, the demolition of the dwelling is clearly part of a project which includes redevelopment. Hence without the completion of the project overall, I find that the demolition of the building would be undesirable.

Conclusions

59. Since noise impacts could be mitigated through the imposition of a suitably worded planning condition, I do not find that the development would cause any material harm to the living conditions of future occupants. Similarly, the development would not give rise to any highway safety issues subject to details being agreed and implemented through planning conditions. These matters would therefore be neutral in the planning balance.
60. In terms of the effect of the proposed development on the character and appearance of the area, and whilst I do not consider that it would represent an inefficient use of land, I have found limited harm to the character and appearance of the CA by reason of the loss of a section of the stone boundary wall. This matter weighs against the development.
61. I have also weighed in the balance the development's zero contribution to affordable housing or the infrastructure necessary to mitigate the impacts of the development and the harm to the biodiversity interests of the site. These matters weigh against the development.
62. Overall, and although the effect of the works to the stone boundary wall on the character and appearance of the CA may not, of itself, necessarily have been a factor to justify withholding planning permission, I do not consider that the benefits I have described would be sufficient to justify this limited harm and the harms associated with the other main issues. The appeals are therefore dismissed.
63. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that these decisions are in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

Refs: CAS-02110-Z3G0G4 & CAS-02116-V8L7Z7

Melissa Hall

INSPECTOR

Appendix 2 Traffic Speed Survey

Site No: 99186001

Site Reference: 99186001

A-48 Bonwillston on L/C as near to target as safe

Speed Summary (Mon to Fri)-Lin From 04/12/2018 To 12/12/201 Channel: East to Cowbridge

Time	Total	85th %ile	Mean Ave.	Std. Dev.	Bln 1	Bln 2	Bln 3	Bln 4	Bln 5	Bln 6	Bln 7	Bln 8	Bln 9	Bln 10	Bln 11	Bln 12	Bln 13
Begin	Vol.				<11Mph	11-<16	16-<21	21-<26	26-<31	31-<36	36-<41	41-<46	46-<51	51-<56	56-<61	61-<66	=>66
00:00	27	46.8	41.4	6.1	0	0	0	0	1	3	11	7	3	2	0	0	0
01:00	16	45.3	41.2	7.6	0	0	0	0	1	3	5	5	1	1	1	0	0
02:00	10	52.7	45.7	7.6	0	0	0	0	0	1	3	3	2	1	1	0	0
03:00	7	-	43.9	6.2	0	0	0	0	0	1	2	2	1	0	0	0	0
04:00	18	50.3	44.3	9	0	0	0	0	0	2	5	4	4	1	1	0	1
05:00	41	49.6	43.1	7.7	0	0	0	0	1	4	12	12	6	3	1	0	1
06:00	142	45.9	40.4	6.2	0	0	0	0	3	26	55	36	14	5	2	1	0
07:00	402	40.2	35.7	4.8	0	0	0	2	44	171	146	30	7	1	1	0	0
08:00	499	39.6	35	4.5	0	0	1	6	56	246	159	24	5	1	0	0	0
09:00	368	39.1	34.6	4.6	1	1	2	2	45	197	103	14	2	0	0	0	0
10:00	364	38.9	34.4	4.6	1	1	1	6	45	196	102	10	2	1	0	0	0
11:00	417	38.5	34	4.3	0	0	2	5	68	229	100	11	1	0	1	0	0
12:00	491	37.5	33.5	4.2	1	1	2	8	86	292	93	8	1	0	0	0	0
13:00	493	38.2	33.9	4	0	0	1	5	81	282	111	11	2	0	0	0	0
14:00	556	38	33.6	4.3	1	1	2	6	105	309	121	8	2	0	0	0	0
15:00	646	37.4	33.1	4.3	0	1	2	16	154	344	117	11	1	1	0	0	0
16:00	842	35.7	32.1	4	1	0	2	16	313	410	91	8	1	0	0	0	0
17:00	843	36.2	32.5	4.2	0	1	2	16	271	421	113	15	2	0	0	0	0
18:00	609	38.2	33.5	4.5	0	1	3	13	132	308	135	15	1	0	0	0	0
19:00	328	40	35.6	4.5	0	0	1	2	30	151	118	21	4	1	0	0	0
20:00	243	40.2	36.3	4.4	0	0	0	1	13	107	102	15	5	1	0	0	0
21:00	169	40.8	37.1	4.9	0	0	0	0	9	64	73	16	5	1	1	0	0
22:00	157	40.7	37.3	4.7	0	0	0	0	5	56	75	14	4	1	1	0	0
23:00	84	44.3	38.8	6	0	0	0	0	4	22	35	14	4	2	0	1	0
12H,7-19	6530	38.2	33.6	4.5	5	7	19	101	1400	3404	1391	165	27	5	2	0	0
16H,6-22	7412	38.7	34	4.7	5	7	20	104	1455	3752	1739	253	55	13	5	1	0
18H,6-24	7653	38.9	34.1	4.7	5	7	20	104	1464	3830	1849	280	63	16	6	2	0
24H,0-24	7772	39.1	34.2	4.9	5	7	20	104	1467	3844	1888	312	79	24	10	2	2
Am	08:00	-	02:00	04:00	09:00	09:00	08:00	08:00	11:00	08:00	08:00	06:00	06:00	06:00	06:00	06:00	05:00
Peak	499	-	45.7	9	1	1	2	6	68	246	159	36	14	5	2	1	1

Pm	17:00	23:00	23:00	16:00	18:00	18:00	17:00	16:00	17:00	18:00	18:00	19:00	20:00	23:00	21:00	23:00	16:00
Peak	843	44.3	38.8	6	1	1	3	16	313	421	135	21	5	2	1	1	0

Created at 20:18:37 on 12 Dec 2018

Site No: 99186001 Site Reference: 99186001

A48 Bonville on L/C as near to target as safe

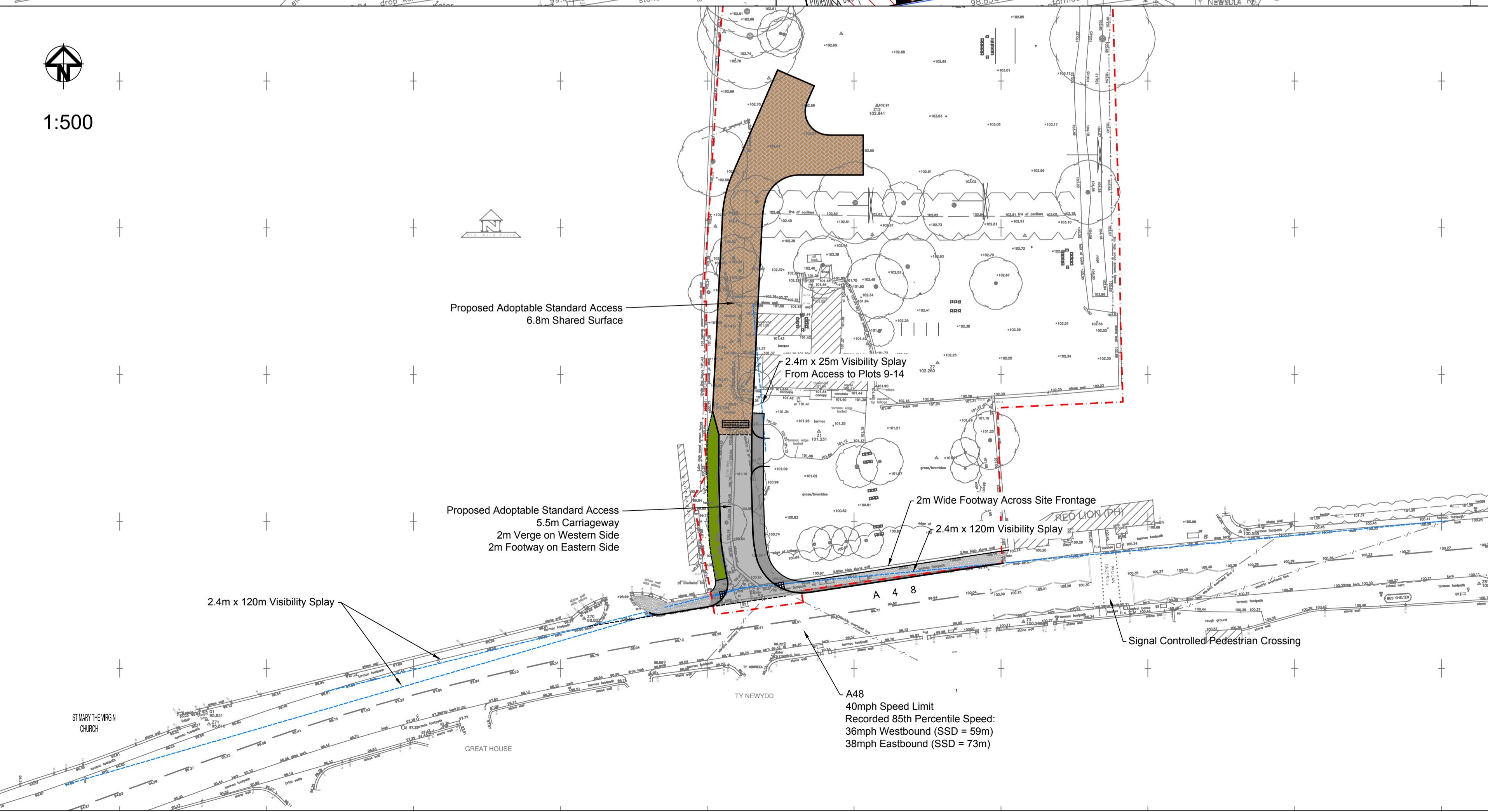
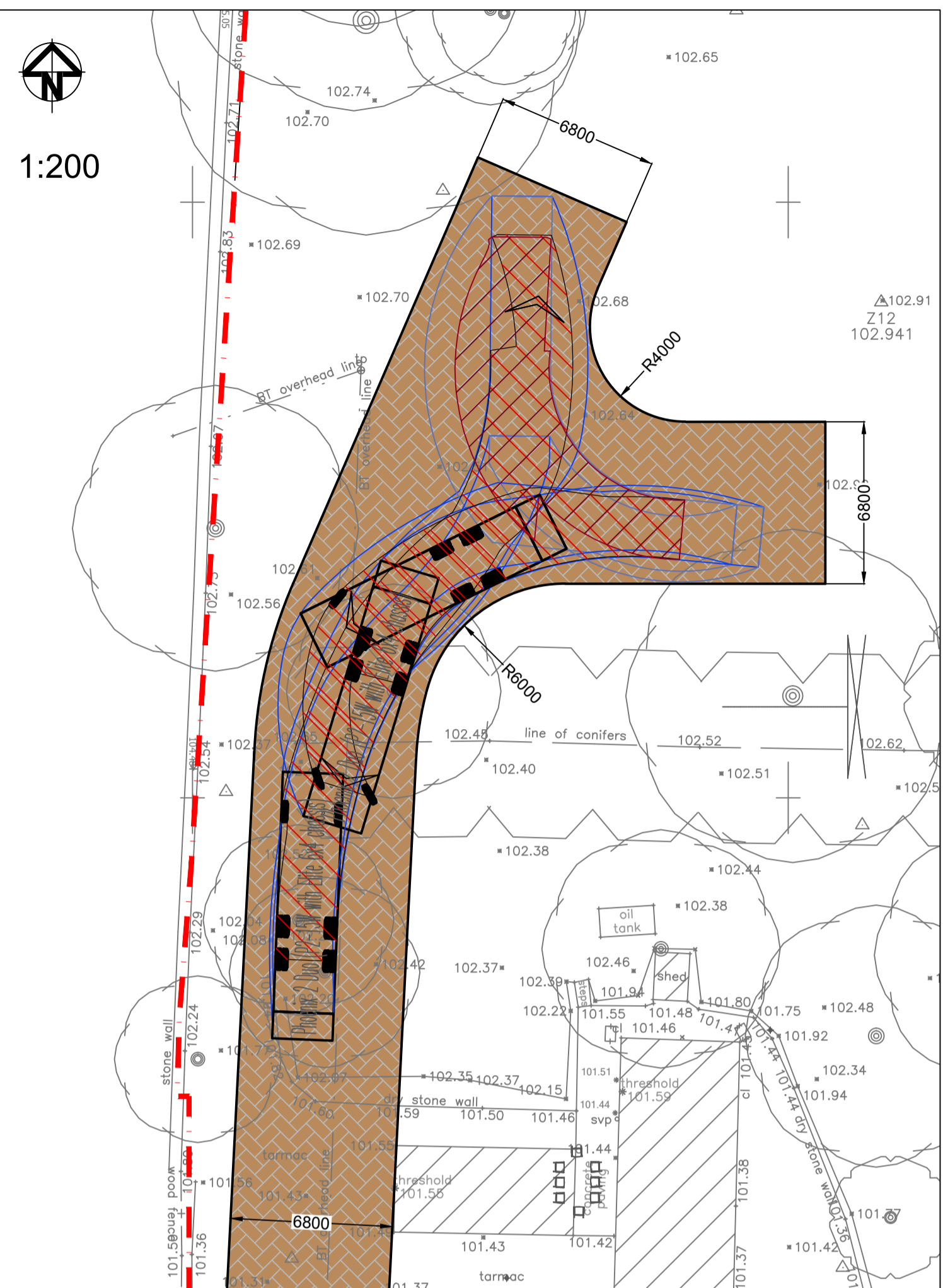
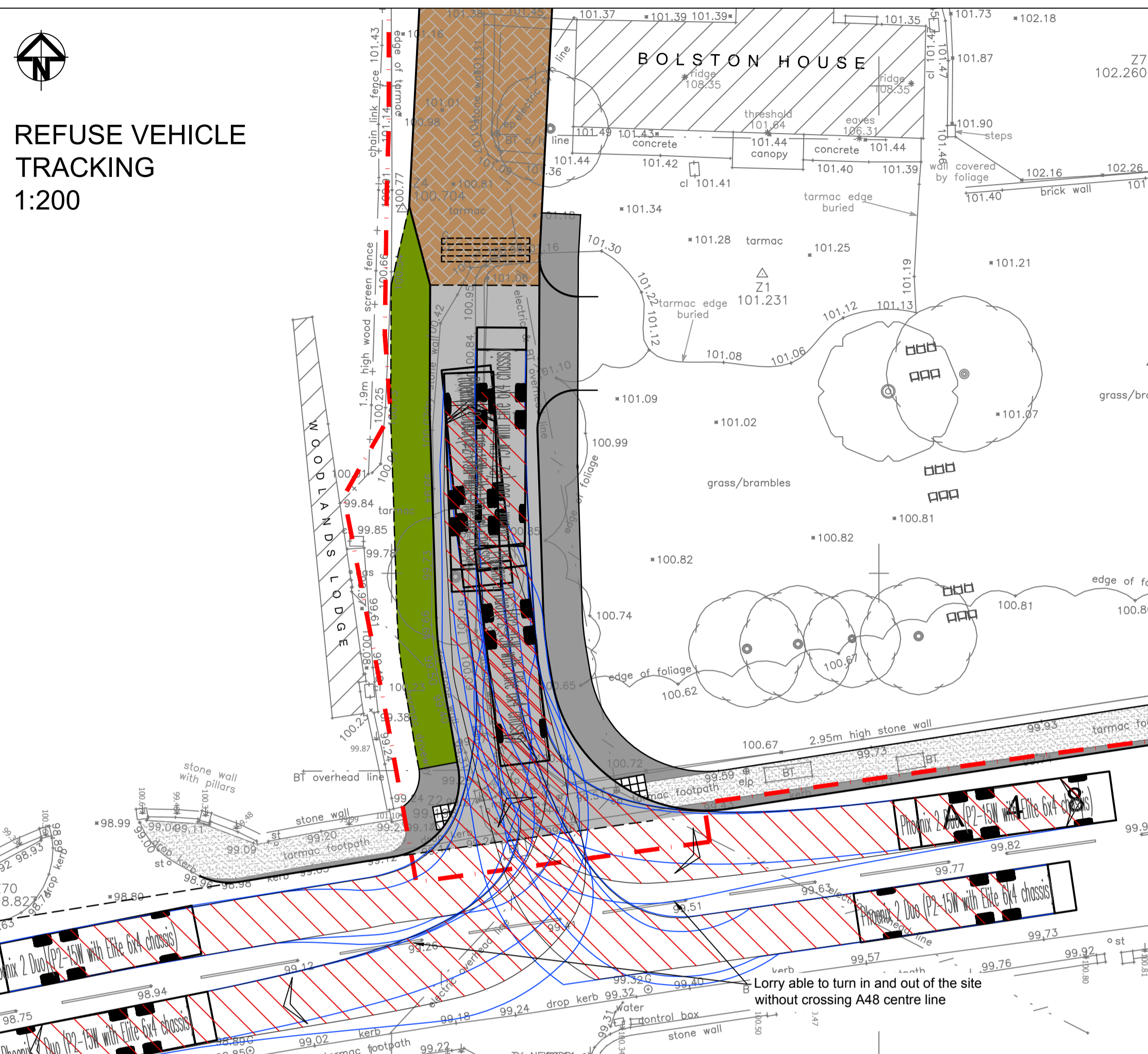
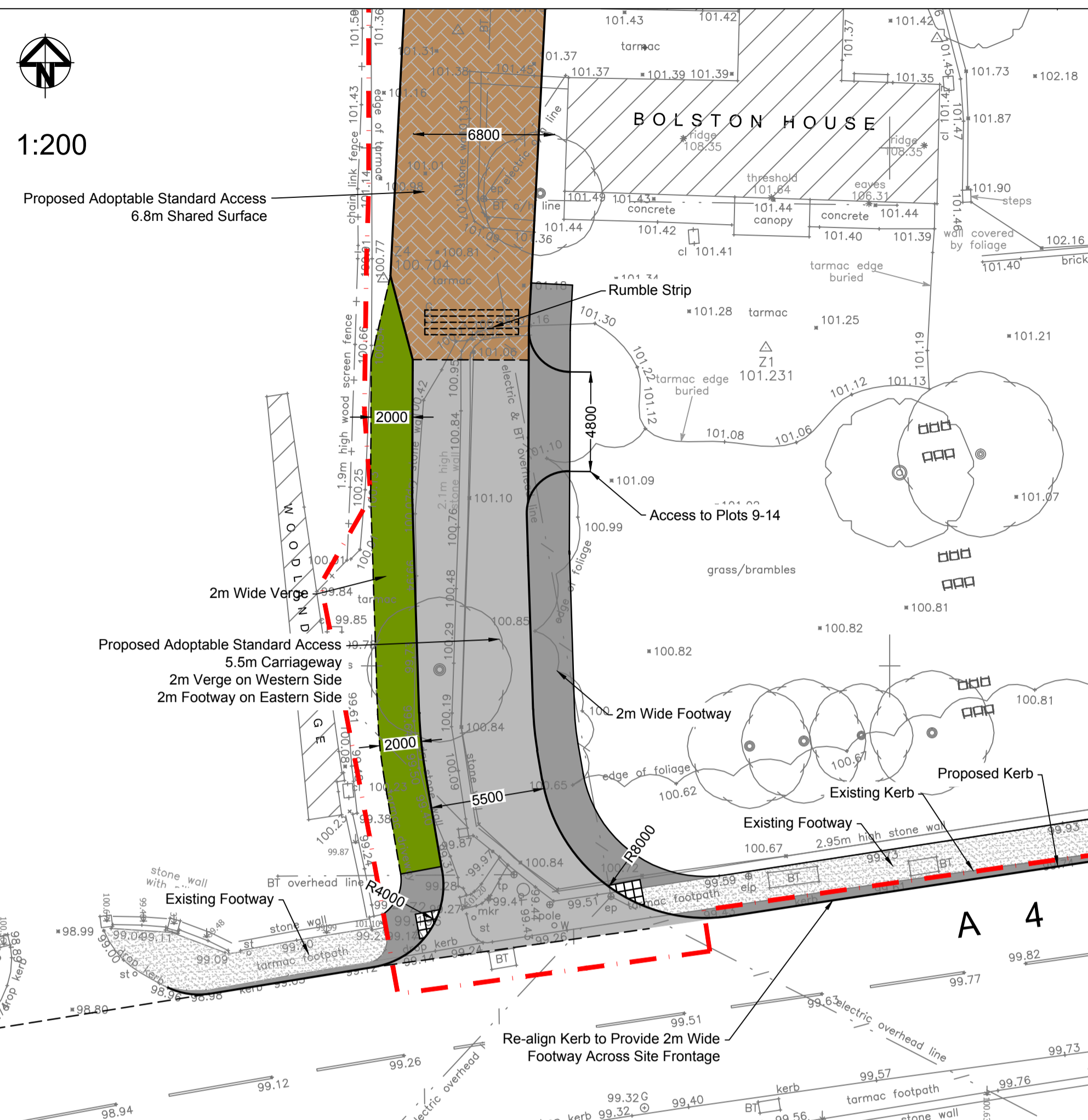
Speed Summary (Mon to Fri)-Lin From 04/12/2018 To 12/12/201 Channel: West to Cardiff

Time	Total	85th	Mean	Std.	Bin 1	Bin 2	Bin 3	Bin 4	Bin 5	Bin 6	Bin 7	Bin 8	Bin 9	Bin 10	Bin 11	Bin 12	Bin 13
Begin	Vol.	%ile	Ave.	Dev.	<11Mph	11-<16	16-<21	21-<26	26-<31	31-<36	36-<41	41-<46	46-<51	51-<56	56-<61	61-<66	=>66
00:00	16	44.8	38.5	6	0	0	0	0	1	5	5	2	2	0	0	0	0
01:00	8	-	40	6.7	0	0	0	0	1	2	3	1	1	0	0	0	0
02:00	5	-	40.7	6.5	0	0	0	0	0	1	1	1	1	0	0	0	0
03:00	11	48.4	41.5	7.7	0	0	0	0	1	2	3	2	2	1	0	0	0
04:00	26	46	39.8	8.4	0	0	0	2	2	3	7	8	3	1	1	0	0
05:00	87	46.8	40.4	5.9	0	0	0	0	2	18	34	18	11	4	0	0	0
06:00	303	40.7	36.5	5	0	0	6	19	113	127	28	8	1	1	1	0	0
07:00	911	35.5	30.9	5.4	8	10	21	75	288	415	88	4	1	0	0	0	0
08:00	825	35.6	31.1	5.5	6	15	22	46	249	395	88	5	0	0	0	0	0
09:00	633	36.6	32.4	4.7	0	2	11	33	151	329	101	6	0	0	0	0	0
10:00	536	36	32.5	4.2	0	0	3	20	150	282	76	5	1	0	0	0	0
11:00	511	36.2	32.1	4.8	1	2	8	27	140	252	75	5	0	0	0	0	0
12:00	479	36.9	32.2	5.1	1	4	10	21	121	235	80	4	1	0	0	0	0
13:00	474	37.1	32.6	4.7	1	2	5	20	114	242	85	4	0	0	0	0	0
14:00	496	36.9	32.3	4.9	1	2	8	21	139	235	83	6	1	0	0	0	0
15:00	553	37	32.6	4.6	0	2	6	27	128	287	97	5	1	0	0	0	0
16:00	584	35.8	31.7	5	1	5	9	33	183	275	70	6	1	0	0	0	0
17:00	567	36.9	32.6	4.5	0	1	7	20	146	290	94	8	0	0	0	0	0
18:00	349	38.5	33.6	4.7	0	1	1	9	76	170	80	10	2	0	0	0	0
19:00	217	39.5	34.6	4.6	0	0	0	3	35	103	60	13	2	0	0	0	0
20:00	134	40.3	35.7	5	0	0	0	1	15	61	42	11	3	1	0	0	0
21:00	114	40.8	36.3	5.2	0	0	0	1	11	48	38	10	4	1	0	0	0
22:00	88	41.7	36.7	5.4	0	0	0	0	9	35	28	10	4	1	0	0	0
23:00	44	43.2	37.8	5.4	0	0	0	0	2	15	16	7	2	1	0	0	0
12H,7-19	6918	36.3	32	5	19	45	111	352	1885	3407	1016	69	8	0	0	0	0
16H,6-22	7686	37.1	32.4	5.1	19	45	111	363	1965	3732	1283	130	25	3	1	0	0
18H,6-24	7818	37.3	32.5	5.1	19	45	111	363	1976	3782	1327	147	31	5	1	0	0

24H,0-24	7971	37.6	32.6	5.3	19	45	111	365	1982	3813	1380	179	51	12	2	0	0
Am	07:00	-	03:00	04:00	07:00	08:00	08:00	07:00	07:00	07:00	06:00	06:00	05:00	05:00	06:00	08:00	04:00
Peak	911	-	41.5	8.4	8	15	22	75	288	415	127	28	11	4	1	0	0
Pm	16:00	23:00	23:00	23:00	12:00	16:00	12:00	16:00	16:00	17:00	15:00	19:00	21:00	21:00	23:00	23:00	16:00
Peak	584	43.2	37.8	5.4	1	5	10	33	183	290	97	13	4	1	0	0	0

Created at 20:18:37 on 12 Dec 2018

Appendix 3 Proposed Access



Phoenix 2 Duo (P2-15W with Elite 6x4 chassis)

- Overall Length: 11.200m
- Overall Width: 2.500m
- Overall Body Height: 3.751m
- Min Body Ground Clearance: 0.304m
- Track Width: 2.500m
- Lock to Lock Time: 4.00s
- Kerb to Kerb Turning Radius: 9.500m

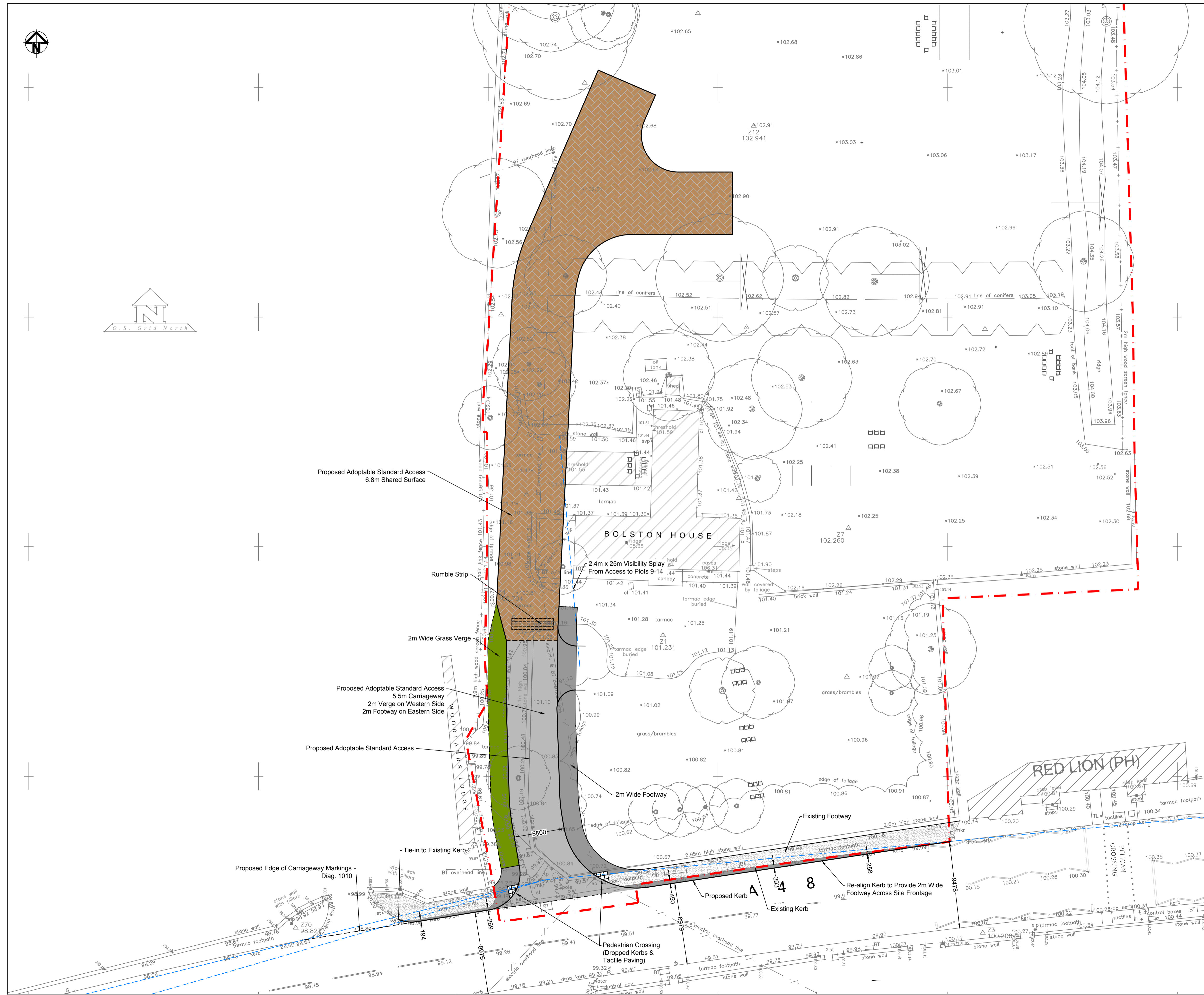
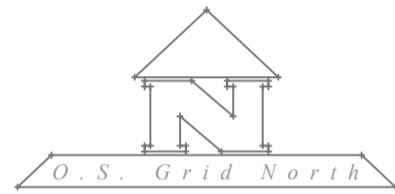
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F	Revised Layout	10-03-22
E	Revised Layout	09-03-22
D	Revised Layout	22-11-21
C	Revised Layout	17-09-21
B	Revised Layout	03-09-21
A	First Issue	23-08-21

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**BOLSTON HOUSE
BONVILSTON**

PROPOSED ACCESS

1401	007	G
1:500 & 1:200		@ A1



G	Shared Surface Transition	27-09-22
F	Shared Surface Transition	15-09-22
E	Revised Layout	10-03-22
D	Revised Layout	09-03-22
C	Revised Layout	21-11-21
B	Revised Layout	17-09-21
A	First Issue	03-09-21

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BOLSTON HOUSE BONVILSTON		
PROPOSED ACCESS		
1401	008	G
1:200		@ A1



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