

APPLICANT: Mr Paul Booth Littlemoor Farm, Squire Street, Llysworney, CF71 7NQ

AGENT: Mr Alex Veitch Bourne House , Cores End Road, Bourne End, SL8 5AR

Land adjacent Littlemoor Farm, Squire Street, Llysworney

Erection of a single dwelling house, single storey detached garage, landscaping, and associated works

SITE AND CONTEXT

The site is located off Squire Street, Llysworney. It is an open grassed area associated with Littlemoor Farm which contains several trees, and is bounded by a mature hedgerow. Squire Street encircles the site boundary and, although adopted, has an informal appearance and becomes a narrow grass track where it meets with and encircles the site. The main vehicular access to the site is from the Moor Farm end, though both sides are open. The application site is at higher ground level than Littlemoor Farm, reflecting the local landform.

The site is located within the settlement boundary of the village and is inside the Conservation Area. The farmhouse and former agricultural buildings of Littlemoor Farm are identified as 'positive buildings' within the Llysworney Conservation Area Appraisal and Management Plan (CAAMP) and views across the site are also of identified significance. It is also located within the Upper and Lower Thaw Valley Special Landscape Area.

The location of the site is shown in the plan extract below:



DESCRIPTION OF DEVELOPMENT

The proposal is for the erection of one dwelling and a detached garage on the site. It would be a three to four bedroomed property with a pitched roof. It would have an eaves height of approx. 3.3m and ridge height of approx. 7.6m. It would be finished in a mixture of slate, stone, and render. It would also have conservation style roof lights.

The proposed site layout is shown below:



The proposed elevations are shown below:





PLANNING HISTORY

1989/00268/OUT, Address: Land opposite Shire Hall, Squire Street, Llysworney, Proposal: One detached bungalow, Decision: Refused

2007/01102/LAW, Address: Little Moor Farm, Llysworney, Cowbridge, Proposal: Infilling of veranda area of property, Decision: Approved

2018/01152/TCA, Address: Littlemoor Farm, Squire Street, Llysworney, Proposal: Work to a tree within the Llysworney Conservation Area - Remove lower limb of Willow, Decision: Approved

2021/01242/FUL, Address: Land adjacent Littlemoor Farm, Squire Street, Llysworney, Proposal: Erection of a detached dwelling; detached garage with first floor accommodation; landscaping; and associated works, Decision: Refused

Reasons:

1. *Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would harm the character and appearance of the Llysworney Conservation Area by reason of its size, scale, urbanising effect and the significant disruption of a significant view. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 1, 2 and 10 of MD2 – Design of New Development, criteria 3 and 4 of MD5 - Development within Settlement Boundaries and criterion 1 of MD8 - Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.*

2. *The proposals would result in the unnecessary loss of a significant number of trees which have biodiversity and habitat value, climate benefits, and contribute positively to local amenity and the character and verdant setting of the Llysworney Conservation Area. The development is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 – Built and Natural Environment, criteria 10 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and Policy MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.*
3. *In the absence of a Section 106 agreement, adequate provision for affordable housing has not been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council’s Affordable Housing SPG.*

CONSULTATIONS

1. Llandow Community Council – no response received to date.
2. VoGC Highway Development stated no objection subject to the applicant applying for a vehicle crossover and vision splays on the existing southern access being improved.
3. VoGC Drainage Section stated that the site was in DAM Flood Zone A, considered to be at little risk of tidal or fluvial flooding, and very low risk of surface water flooding. It was stated the development would be subject to SAB approval and a detailed drainage design would be required through that process.
4. Dwr Cymru/ Welsh Water did not object, but stated that disposal of surface water via the main sewer could not be accepted in any circumstances and recommended planning condition securing a detailed drainage scheme be agreed prior to commencement.
5. VoGC Ecology Officer requested refusal as they considered there was no reasonable justification for the loss of so many mature trees. They also stated that it is important to bear in mind that arboricultural surveys are concerned wholly with, tree health and form and not with the value of trees for biodiversity, the landscape and the climate services they provide, and that planning policies and guidance also advocate the protection of trees because *‘they are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation’* (PPW 6.4.24).

They also stated that the assessment of useful biodiversity mitigation and enhancement was hindered by the absence of a bat flight survey.

6. VoGC Housing Strategy stated that there is a need for affordable housing in the Vale of Glamorgan evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units were required each year to meet housing need in the area. A financial contribution of £36,493.60 toward delivery of affordable housing off-site was requested.
7. Llandow Ward Councillor – no response received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 13 July 2023.

A site notice was also displayed on 10 July 2023.

6 no. representations have been received and all raised objection and/ or concerns regarding aspects of the proposed development.

The grounds of objection and areas of concern are summarised below:

- Noise and disruption from construction activities
- Narrow lane unsuitable for additional traffic
- Traffic congestion
- Detrimental to highway and pedestrian safety
- Negative impacts to Llysworney Conservation Area
- Erosion of significant public views
- The winter views and views in years gone by are/were more pronounced
- Loss of trees
- Site unsuitable for two storey buildings
- Concern regarding potential further developments in future
- Detriment to visual amenity
- No detailed plans of proposed garage
- Site location plan inaccurate (blue line area)
- Breach of land covenant(s)

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG4 – Affordable Housing

POLICY MG17 – Special Landscape Areas

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites and Species

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

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD4 - Community Infrastructure and Planning Obligations

POLICY MD5 - Development within Settlement Boundaries

POLICY MD6 - Housing Densities

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 – Resilient Ecological Networks and Green Infrastructure

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

The document also contains the following advice in relation to planning and conservation areas:

6.1.9 “Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.”

6.1.14 “There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.”

6.1.15 “There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In

exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.”

6.2.1 *“Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales... At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks.”*

6.4.24 *“Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.”*

6.4.25 *“Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.”*

Technical Advice Notes:

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

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

In relation to design, TAN12 states:

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

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

4.8 *“Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape,*

architecture and historic quality, landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements).”

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

- Technical Advice Note 18 – Transport (2007)
-
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2022)
- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)
- Llysworney Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

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

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

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of the Development

The site is located within the settlement boundary of Llysworney as identified within the Local Development Plan (LDP). Policy MD5 (Development within Settlement Boundaries) of the LDP permits new residential development in this location, subject to several criteria. These and the other relevant plan policies and principal considerations are discussed in turn, below: -

Design, Character and the Llysworney Conservation Area

Policy MD8 (Historic Environment) states that proposals within conservation areas must preserve or enhance the character and appearance of the area. In a legislative context, Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty where '*special attention shall be paid to the desirability of preserving or enhancing the character or appearance*' of the conservation area. Moreover, Policy MD2 (Design of New Development) and MD5 also promote a high standard of design and state new development must relate well to its surroundings.

The immediate area is tranquil in character, becoming gradually more urbanised moving away from the site and towards the centre of the village. The site and its surrounds have a distinct rural character with the part of Squire Street encircling the site being un-engineered highway, having instead the appearance of a rural track. The road is typically flanked by green verges, hedgerows, and stone walls.

The views across the site from Squire Street have been identified as significant views within the Conservation Area Appraisal and Management Plan (CAAMP). The CAAMP assessment likely sought to convey that these views extend into the distance across the site in a non-linear fashion and, despite being in residential use, the site is free of any significant development. The actual extent of the views, particularly in summer, has been reduced since the CAAMP assessment because of increased and taller vegetation. These changes in site context are clearly material to this assessment, however, so is the year-round context, and there are still wide ranging and expansive views across the site to the agricultural landscape beyond available in winter. These views would also be more open in summer if canopy cover was reduced, or if the hedgerow was maintained to a lower height.

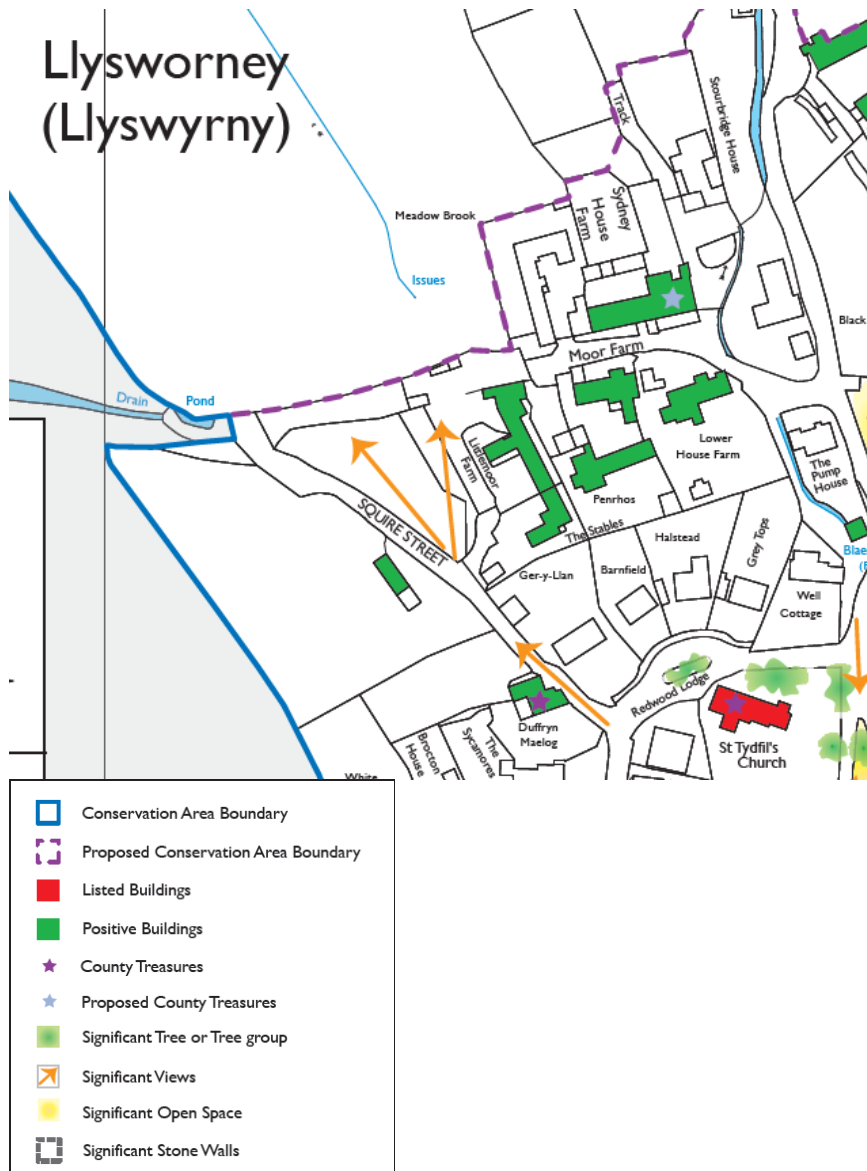
The applicant's new Heritage Statement seeks to portray the actual views as insignificant, stating they are "*no more than sight-lines that are of minimal importance in terms of managing the heritage asset.*" (p.3.4). However, to begin with, this assessment is based solely upon the summer context, and secondly, an inflexible interpretation of the CAAMP diagram, and the images provided are narrow and low-resolution. The actual (notably, winter) views are not experienced as tunnelled views but reflect a broad range across the site over to the opposite slope of the valley, and while the tip of the arrows (see diagram below) may be on private land, the public highway is mere yards away. The image below demonstrates (part of) the winter view that is available:



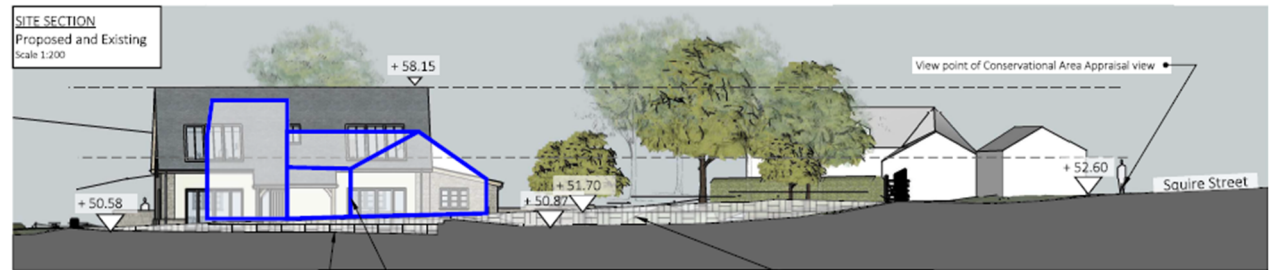
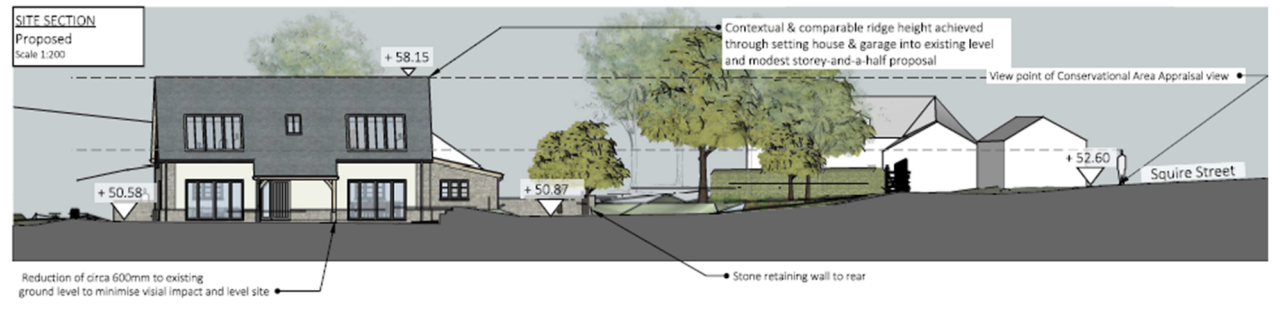
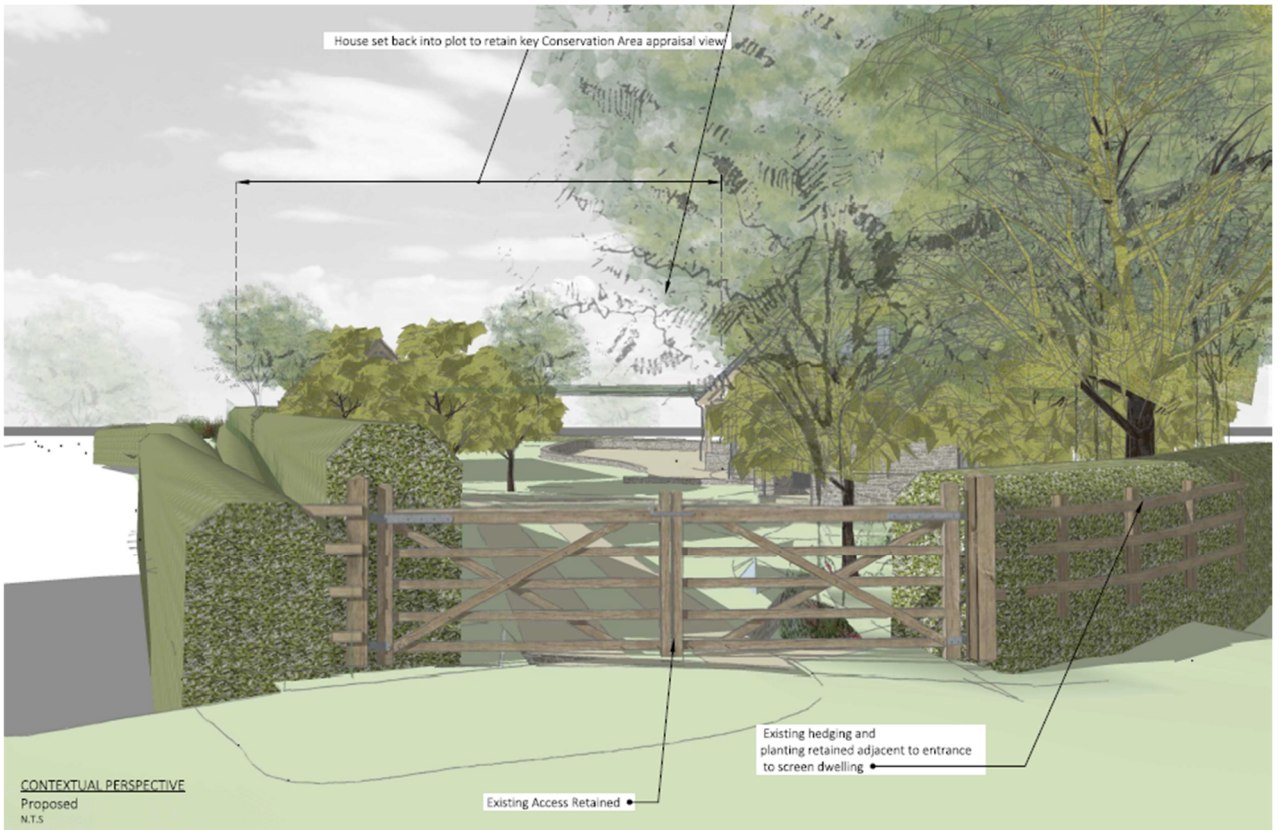
The significance of this view is gained from how the rural character of the conservation area blends into, and is framed by, the wider agricultural landscape. The location on a north-west facing slope providing views over the valley of the Stembridge Brook is identified as one of the defining characteristics of the conservation area in the CAAMP. The significant views, together, reinforce the agrarian origins of the village and assist in appreciating the village's rural context. The impact of the development on this view, as well as its immediate surrounds, is therefore of considerable importance in this assessment.

In the immediate context, the Littlemoor Farm buildings have long been put to residential use, but they are predominantly single storey and are clearly read as being part of a former agricultural complex. There is also a single storey stone barn to the west of the site, but it complements the rural character of the immediate vicinity. This part of the village and conservation area remains very open.

The plan extract of the site location within the CAAMP is shown below:



The proposals are depicted in the below sectional plans provided by the applicant.



The proposed dwelling and apron have been set down by approx. 600mm from the existing level, such that it cuts into the site and would sit at a slightly lower level to Littlemoor Farm and its associated buildings. The details demonstrate that the comparative height of the proposed dwelling would be similar to the tallest of the nearby buildings. Nevertheless, the dwelling would be far larger and bulkier than these buildings at first floor, creating a significantly urbanising presence in a currently open area that would in turn, disrupt the significant view identified in the CAAMP. Whilst there would be an appreciable impact to this view for much of the southern approach on Squire Street, the impact would be most pronounced near the site access.

It is noted that the distant views are partially blocked by vegetation in summer, but the trees are pleasant, organic features that add to the overall rural character of the area. The loss of several trees would be harmful to the pleasing verdancy of the area, and even more so when replaced with an urbanising feature in a sensitive part of the conservation area.

The design of the proposed dwelling has been revised compared to that proposed in application 2021/01242/FUL. It remains of a similar size, because while a rear wing has been omitted, its main section has been made wider. It has a more appreciable simplicity and symmetry that, together with the materials, better complements local vernacular. The Heritage Statement describes it as presenting an *agricultural form* and having a *barn-like* scale (p.6.2). However, fundamentally, this is overtly a large-sized dormer bungalow with a tall ridge and vast roof, albeit, one which has been designed with more regard to its context in the detailing. It also sits outside of the Moor Farm grouping, and whilst it is possible that a large barn *might* have been built on or around this site had different economic and practical circumstances existed, this has never happened, and so the site has retained its fundamentally undeveloped and open character.

As previously discussed, even with the reduction in ground levels the proposed dwelling would have a similar height to the tallest of the surrounding buildings. That said, the surrounding development is on an almost wholly single storey scale. The barn to the west, although renovated, is a traditional stone barn and the majority of Littlemoor Farm consists of single storey former (altered or rebuilt) barns. Not all are 'historic' buildings, but they nonetheless respect or add to the character of the conservation area and are noted as positive buildings in the CAAMP assessment. The sole exception is a small and relatively unobtrusive two-storey section on Littlemoor Farm. The scale and density of built development in Llysworney reduces toward the edge of the village as there is a transition to the open countryside beyond. The agrarian origins of the site, and linear simplicity of the existing buildings nearby, can still be clearly read within the layout and architecture.

The proposed development would be of a contrasting size and scale to nearby development in what are, characteristically, rural surrounds, and it is considered that it would detract from the positive contribution the nearby buildings make toward the character of the conservation area. While size is a material consideration in how the development would be visually appreciated, it is not the sole consideration. The concern relates to how the large new-build dwelling would dominate the low-key development that surrounds it and the rural character of the village fringes. It would expand the urban form of the settlement in an open and relatively undeveloped part of the village.

The proposed garage has been reduced in size compared to that proposed in application 2021/01242/FUL. However, it is nonetheless up to approx. 4.2m tall to the ridge and in a prominent position, which clutters the site and exacerbates the overall urbanising impact of the development, as well as impacting on the significant views and the character and appearance of its surrounds.

Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would unacceptably harm the character and appearance of the Llysworney Conservation Area. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 1 and 2 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and criterion 1 of MD8 - Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

Trees

There are several trees on this site, with 17.no individual trees identified within the submitted tree survey. The report has also classified the trees according to common practice (BS 5837:2012) based on their arboricultural value and condition. The submitted report has been reviewed and, noting its conclusions differ to the report submitted in 2021, there is no evidence to suggest its conclusions are less sound and it is the most recent and up to date.

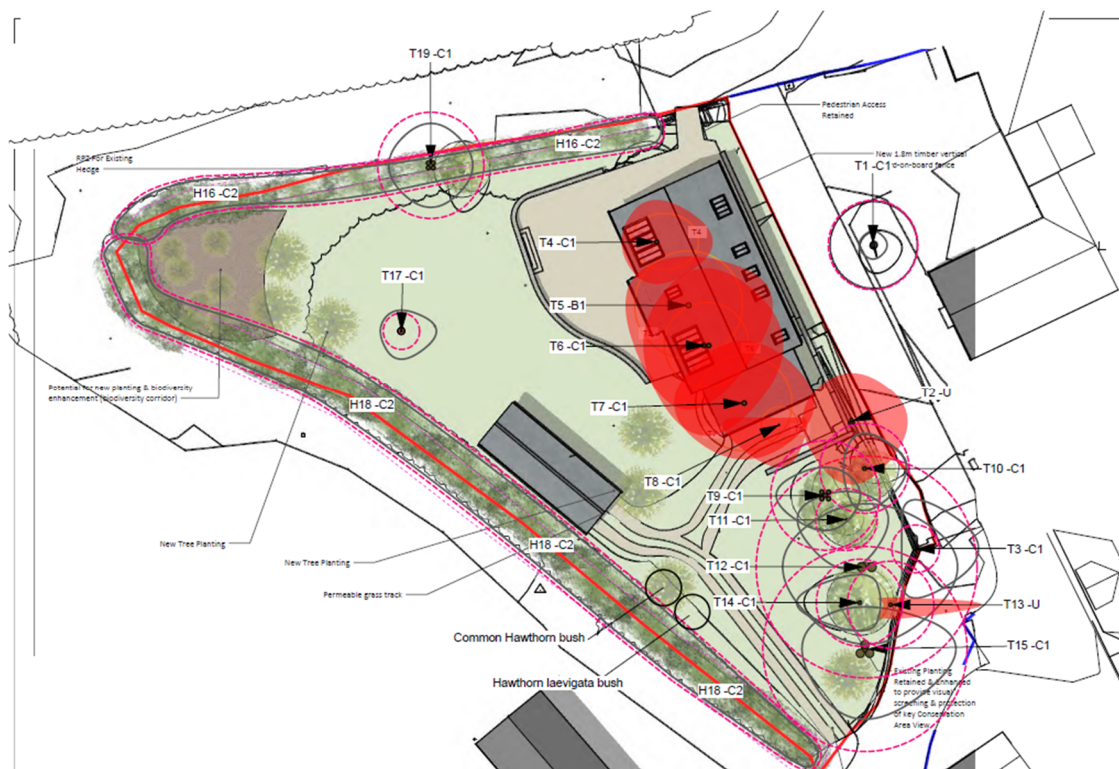
The trees are not subject of a Tree Preservation Order but are located within the Llysworney Conservation Area and as such consent would be required for their removal.

Five of the trees would be lost to the development:

- 3. no Oak (1.no Cat. B1 & 2.no Cat. C1)
- 1. no Beech (Cat C1)
- 1. no fruit tree

The apple tree does not contribute significantly to local amenity and its loss could be compensated for within landscaping proposals.

The location of the trees to be lost is highlighted in red below:



The retention and protection of trees is promoted in policy for their benefits to biodiversity, habitat value, landscape, amenity, and to mitigate climate change (PPW para. 6.4.24 & 6.4.25). Paragraph 6.2.24 explicitly states that the role, siting, and design requirements of urban trees should be promoted within decision making. This is further emphasised in paragraph 6.2.25 which states that planning authorities should protect trees and group of trees, *'where they... contribute to the character or amenity of a particular locality.'* The Council's Trees, Woodlands, Hedgerows and Development SPG also states, at paragraph 7.3.4 that trees categorised as 'A' (high quality and value) or 'B' (moderate quality and value) should be retained on site and the development design adapted to protect them from unacceptable harm. Policy MD9 (Promoting Biodiversity) of the LDP also states that new development proposals will be required to conserve and where appropriate enhance biodiversity interests.

The proposals would result in the loss of several trees of varying size and arboricultural quality, as outlined above. It is accepted the trees are young to middle aged, but amongst the group are trees of considerable size and together they make a significant positive contribution to local amenity, as well as adding to the verdant rural character of the conservation area. The trees have also been surveyed and do not support potential roosting features for bats.

It is noted that the choice to propose development on the eastern part of the site is an attempt to mitigate the harm to the Llysworney Conservation Area and the significant views identified within the CAAMP. While development within the north-eastern corner of the site would be the least disruptive in terms of these views and tie the dwelling closer to the existing grouping of buildings, these proposals result in the loss of many trees which have both individual merit, and group value.

This proposal would cause loss of biodiversity and habitat value, climate benefit, as well as detriment to local amenity and the verdant setting of the Llysworney Conservation Area. It is noted that opportunity would exist for replacement planting. While the landscaping plan indicated 14.no would be planted, aside from two birch trees these are fruit or ornamental specimens and would not replicate the stature of those lost. These proposals could feasibly be amended or supplemented; however, such compensatory planting can be subject to failure and would likely take many years to mature. Furthermore, with the development of a new dwelling, any replacement planting would likely come under greater pressure from the intensified amenity use of the site (e.g. shading, views, practical and safety concerns) than is presently the case. The ability to replace and compensate is also not considered acceptable justification for the extent of the immediate tree loss on the scale proposed here.

Having regard to the above, the development is considered contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and criterion 1 of MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

Landscape impact

Policy MG17 (Special Landscape Areas) of the LDP permits development where it would cause no unacceptable harm to the important landscape character of the area. Notwithstanding the harm and important issues identified above, it is considered that these localised impacts would not cause an unacceptable landscape impact or harm the important landscape character of the wider SLA.

Housing Density

Policy MD6 – Housing Densities states that residential development should have a minimum density of 25 dwellings per hectare in minor rural settlements. The proposal for one dwelling falls short of this threshold, but considering the site constraints, the proposal for a single dwelling below the density threshold is not contrary to the aims of this policy.

Amenity Space

It is stated within Residential and Householder SPG that 20sq.m shared amenity space should be provided per person, equating to at least 60-80sq.m for a dwelling of this size. The amount of space available, as well as the retained space for the existing dwelling, would exceed this standard.

Neighbouring Amenity

The principal impacts to consider are those to the occupiers of the neighbouring property 'The Stables' given its proximity to the application site and to the occupiers/future occupiers of Littlemoor Farm.

The dwelling would have a close physical relationship with Littlemoor Farm, being located adjacent to the proposed boundary with the existing dwelling. The application site is also at a raised ground level to Littlemoor, although plans indicate proposed levels would be set approx. 600mm below the existing. The immediate curtilage land at Littlemoor is a hardstanding (part of the driveway) and whilst there would be some shading impact to the immediate area, there would be no significant neighbouring impacts to the dwelling or retained amenity area of Littlemoor Farm.

The sill height of the roof lights facing Littlemoor Farm has not been ascertained, but it appears these are likely below 1.7m from the internal floor, and while these appear to be approx. 21m distance from the main opposing front elevation, there are potentially closer views available from the bedroom window toward the nearside gable end of Littlemoor Farm. However, design mitigations such as obscuration, repositioning, or removal of these roof windows are achievable through planning conditions, if the proposals were considered acceptable in all other regards. There are directly opposing windows at ground floor, however subject to conditional detail, a typical c.1.8m boundary enclosure could provide for an effective screen. The development is therefore considered acceptable in relation to the impact to Littlemoor Farm, subject to the above.

In relation to construction, a degree of noise and disturbance from the works is inevitable. The impact is temporary and not in itself adequate justification for refusal of planning permission. To minimise and mitigate these impacts, the submission of a Construction and Environmental Management Plan could be secured by planning condition.

Parking and Highway Safety

The local highway network is not to modern standard, however the parts near the site are very lightly trafficked and low speed. The proposed use for a single dwelling would not cause any unacceptable intensification in traffic. The Highway Authority have also been consulted and did not object in this regard. The Parking Standards SPG indicates a maximum parking requirement of once space per bedroom for units of this size (up to three spaces) and the proposed development would provide for sufficient parking and turning space within its curtilage.

The Highway Authority have nevertheless stated that the visibility from the southern site access should be improved, but not to what extent. Their response to application 2021/01242/FUL indicated splays should be provided based on expected 20mph speeds.

There are no significant upgrades to the current field gate access shown on the proposed site layout and retaining the current informal appearance would be important to preserving the character of the conservation area. Supporting documentation submitted for planning application 2021/01242/FUL indicated visibility could be improved through the minor removal or maintenance of vegetation, and within this application, the access has been realigned to be perpendicular to the highway (offering the best available visibility in both directions).

This would still result in visibility less than the 20mph standard (Manual for Streets/ TAN18 refers) requested by the Highway Authority last time around, noting that all of Squire Street (including the unmade section) is part of the adopted highway. However, the submissions demonstrate that a safe access can be achieved from the southern end of Squire Street for pedestrians and to an approx. 10mph standard for vehicular traffic. This is considered acceptable in principle, noting the local context (where speeds experienced would likely be lower than 20mph). It would, however, be considered necessary for vegetation to be maintained, primarily in the interest of providing adequate visibility of pedestrians and other highway users. It is considered that this could be secured by planning condition.

Ecology/ Biodiversity

Policies MG19, MG20 and MG21 of the LDP seek to protect sites, species, and habitats of European, national, and regional/ local importance. The application is supported by a 2023 addendum to a Preliminary Ecological Assessment (PEA) undertaken in 2020, which identifies the ecological value of the site, supported by field surveys, as well as its potential to support protected species and this is considered an acceptable approach in the circumstances. The addendum summarises the findings of the PEA, a recent site walkover, and concludes no further field survey work is necessary. The addendum puts forward several mitigation measures, including maintenance of a dark corridor across the site (the hedgerow), through adoption of a sensitive lighting scheme and compensatory tree planting and a precautionary approach to reptiles.

The Council's Ecologist's comments in relation to trees are noted and these matters have been discussed in greater detail in the 'Trees' section of this report, above. They also stated that further flight survey for bats were necessary. This was because the mature tree line on the east of the site plus the hedgerows all make for excellent commuting and feeding areas, but little is known of which species are using this, noting, there are differences in light sensitivity between species. Although a bat survey would be informative, the PEA and addendum concluded that there are no bats roosting on the application site and so the works would not require a European Protected Species licence - and consequently is not subject to the 'three tests' of the Habitats Regulations. Landscape and lighting design are of importance to biodiversity interests, particularly bats, but there is no evidence to suggest that a suitable scheme to preserve or enhance the value of the site specifically for commuting and foraging habitat bat cannot be achieved or agreed (including survey work) as part of prospective planning conditions, if the application was considered acceptable in other regards.

Future Wales, TAN5 & Policy MD9 (Promoting Biodiversity) of the LDP also require proposals to provide biodiversity enhancement. The concerns relating to the acceptability of these measures insofar as the approach to tree loss and their potential replacement has been discussed in the 'trees' section of this report. Taking that issue aside, it is considered that the remainder of these measures are acceptable in principle and could feasibly be secured by condition.

Drainage/ Flooding

Welsh Water did not comment in relation to foul sewerage capacity, but did not object, and have previously stated (22.9.21) that adequate capacity exists for the local network to accommodate foul flows from a similar development proposal. They stated that they could not accept surface water disposal via the main sewer in any circumstances and requested a planning condition that would require a detailed drainage scheme to be agreed.

The site is not at any known significant risk of flooding. The application forms state that surface water is to be disposed of via the main sewer whereas soakaways are referenced within the Design and Access Statement. The utilisation of SuDS may however be required instead, given the detailed scheme would require separate approval by the Council's Drainage Section (SAB). The Council's Drainage Engineer did not object or request any further details, and noting the potential of use of permeable materials for hard surfaced areas and the availability of open areas within the site curtilage, there is no evidence to suggest a suitable SuDS scheme cannot be achieved within the proposed layout.

Section 106 Planning Obligations

Policy MD4 of the LDP relates to Community Infrastructure and Planning Obligations and notes that the Council will seek to secure new and improved infrastructure, facilities, and services appropriate to the scale, type, and location of proposed developments through the use of planning obligations. The Council's Planning Obligations Supplementary Planning Guidance (SPG) 2018 provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated. The Council's Affordable Housing SPG (2022) is also of relevance. These policies are evidence based and the calculation for the Local Housing Market Assessment (LHMA) 2021 shows a net annual requirement of 1205 affordable units in the Vale of Glamorgan during the next five-year period 2021-2026. This demonstrates a continued high demand for affordable housing in the area.

Policy MG4 requires all residential sites resulting in a net gain of one or more dwellings to provide an element of affordable housing. The site is in Llysworney and for one dwelling, therefore the policy requires that the site should deliver 40% affordable housing which equates to a financial contribution equivalent to 0.4 of a dwelling. The calculation is based on the following equation:

Acceptable Cost Guidance (£) per unit x % Social Housing Grant x Number of affordable housing units = Financial contribution (£).

The contribution is calculated based upon local need at the time of the application. The principal local demand is for two-bedroom properties and therefore this has been calculated as **£36,494**, derived on an ACG for a four person two bedroomed home (£157,300).

The applicant has stated that this is a self-build project and may so be eligible for exemption. In such cases, a S106 legal agreement would be required to secure the payment of the financial contribution in the event the exemption was not claimed or able to be verified, in accordance with procedures outlined in the SPG. While it is understood the applicant is agreeable, in principle, to go down this route there is no completed agreement in place at this present time. Therefore, adequate provision for affordable housing has not yet been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council's Affordable Housing SPG.

REASON FOR RECOMMENDATION

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

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

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

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

RECOMMENDATION

REFUSE (W.R.)

1. Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would harm the character and appearance of the Llysworney Conservation Area by reason of its size, scale, urbanising effect and the disruption of a significant view. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 1, 2 and 10 of MD2 - Design of New Development, criteria 3 and 4 of MD5 - Development within Settlement Boundaries and criterion 1 of MD8 - Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

2. The proposals would result in the loss of several trees which have biodiversity and habitat value, climate benefits, and contribute positively to local amenity and the character and verdant setting of the Llysworney Conservation Area. The development is therefore contrary to Policies SP1 - Delivering the

Strategy, criterion 1 of SP10 - Built and Natural Environment, criteria 10 of MD2 - Design of New Development, criteria 3 and 4 MD5 - Development within Settlement Boundaries and Policy MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 - Design.

3. In the absence of a Section 106 agreement an adequate provision for affordable housing has not been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council's Affordable Housing SPG.

NOTE:

1. **The applicant is advised that should they wish to appeal this decision on the basis of the first two reasons for refusal, a planning obligation should be submitted to the Planning Inspectorate with that appeal for the payment of the specified affordable housing contribution and if relevant, details of self-build exemption as detailed within the adopted Affordable Housing SPG.**

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.