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APPENDICES

APPENDIX 1

2021/00423/FUL Received on 6 December 2021

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr Luke Grattarola Geraint John Planning Ltd, Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee as the applicant has appealed to Planning and Environment Decisions Wales (PEDW) in respect of the non-determination of this application. PEDW has confirmed that this appeal is valid and, as such, started the appeal on 11th August, 2022.

The report sets out the policy background and issues relating to the proposed scheme, and will make a recommendation in respect of the Council's stance in the forthcoming appeal.

EXECUTIVE SUMMARY

This report considers an application, as amended, for demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end. The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

The applicant has appealed non determination of the application. Therefore, this stance report assesses the application based on the plans and information currently under consideration. It is concluded that the proposal fails to preserve or enhance the character of the Bonvilston Conservation Area and would fail to provide future residents with safe pedestrian and highway access to and from the site.

Therefore, this stance report makes a recommendation that the application would have been refused should an appeal for non-determination not have been submitted.

SITE AND CONTEXT

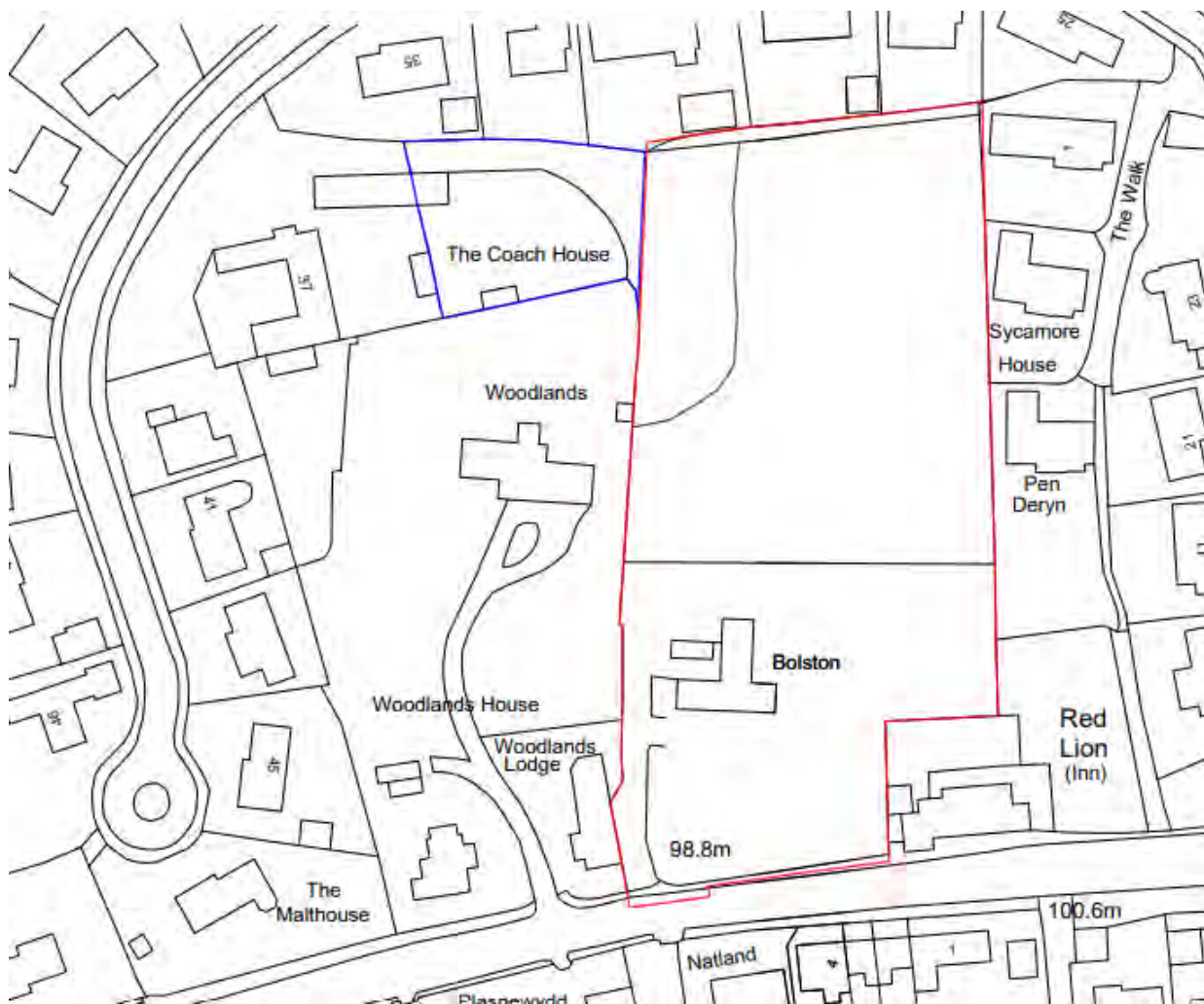
The site comprises the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The dwelling itself appears to have been vacant for some time. The property benefits from a single vehicular access from the A48 running to the south of the site and is enclosed along this elevation by an approximately 2-3 metre-high stone wall. The application sits within the Bonvilston Conservation Area and there is also an archaeological record on the site relating to a Supermarine Spitfire N3221 crash site.

The western boundary of the site is defined by the gardens of other detached dwellings. To the north, the site abuts the rear gardens of the dwellings in Village Farm and to the east are the dwellings at 1 The Walk, Sycamore House and Pen Derwyn. The Red Lion Public House abuts the south-east corner of the site.

There are a number of mature trees within the site, including a number that are covered by tree preservation orders including 2 sycamores to the north-western boundary (035-1973-08-A06) and 2 further sycamores to the eastern boundary (035-1973-08-G05).

An extract of the site location plan and an aerial photo can be viewed below:





DESCRIPTION OF DEVELOPMENT

The application seeks full planning permission for the demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposed dwellings vary in style, height and scale. The largest plot on site (Plot 1) would have a maximum ridge height of approximately 9.2 metres and an eaves height of approximately 6 metres. It would measure approximately 15.7 metres in width and 22.5 metres in depth.

Plots 11-14 would be constructed in the form of semi-detached units measuring 9.3 metres in height with accommodation in the roof space. These would measure approximately 9.3 metres to ridge, 6 metres to eaves, 14 metres in depth and 6.1 metres in width.

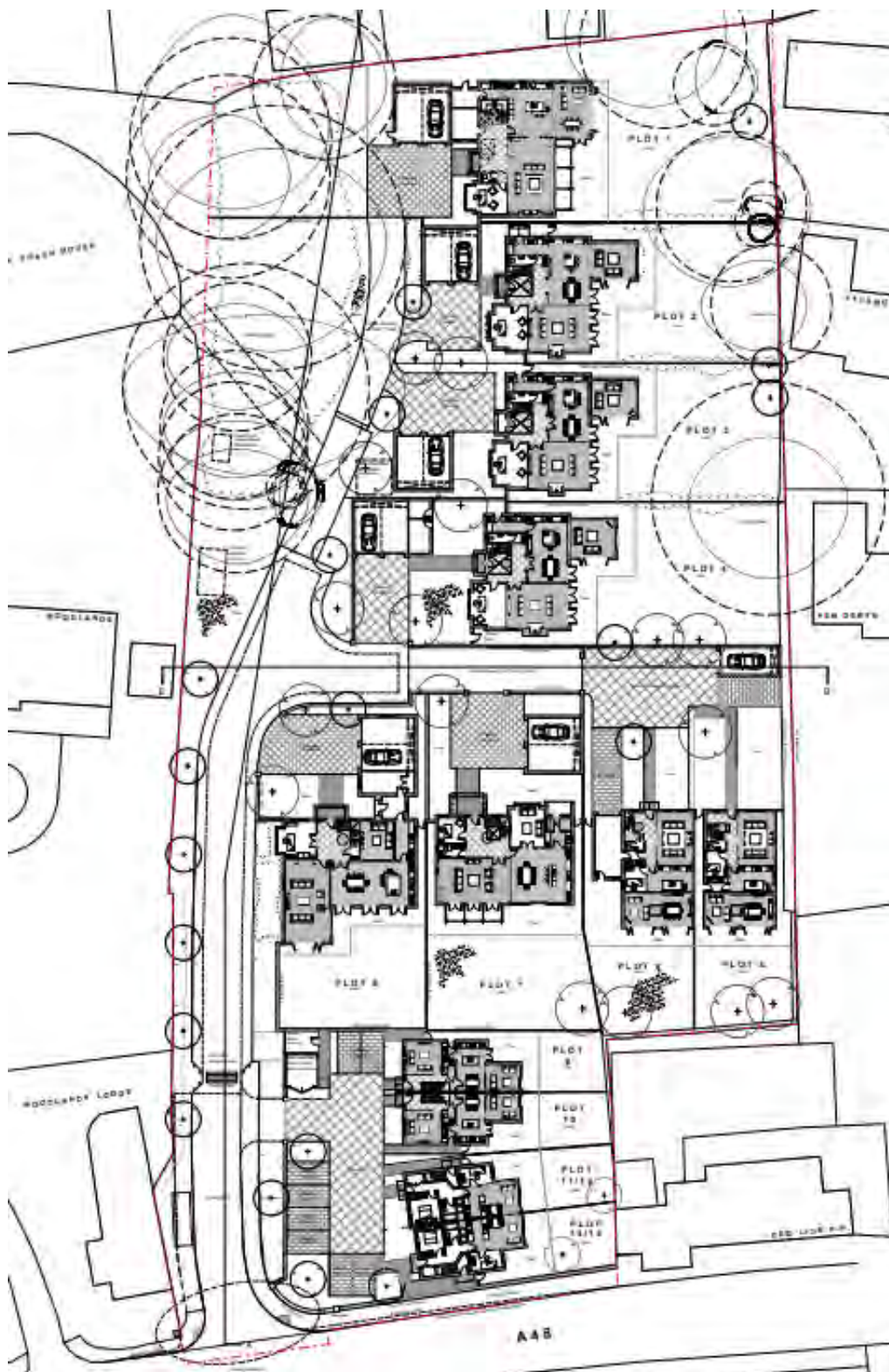
The dwellings would be finished in a mixture of stone, facing brickwork and painted render with quoin detailing. The roofs of the dwellings would be finished in an artificial slate with a riven finish. The windows would be dark colours and doors are to be timber construction.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end.

Each dwelling would be served by dedicated off road parking with many of the dwellings also being served with detached double garages.

The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

Extracts of the site plan and elevations can be viewed below:



Site layout



Example elevations of house type proposed for Plot 1



Example elevations of housetype proposed for Plots 11-14

PLANNING HISTORY

1978/01926/FUL, Address: Bolston, Bonvilston, Proposal: Double Private Garage, Decision: Approved;

2010/01289/TCA, Address: Bolston House, Bonvilston, Proposal: Felling of Lawson cypress on boundaries, Decision: Approved

2014/00491/TPO, Address: Bolston, Bonvilston, Proposal: Fell one Sycamore in rear paddock, Decision: Approved

2021/00424/CAC, Address: Land at Bolston House, Bonvilston, Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works, Decision: Being considered concurrently with this application

2022/00238/TCA, Address: Land at Bolston House, Bonvilston, Proposal: Work to trees in Bonvilston Conservation Area: Proposed felling of 3 Lawson Cypress in front garden area on boundary with Red Lion Public House. Decision: Approved.

CONSULTATIONS

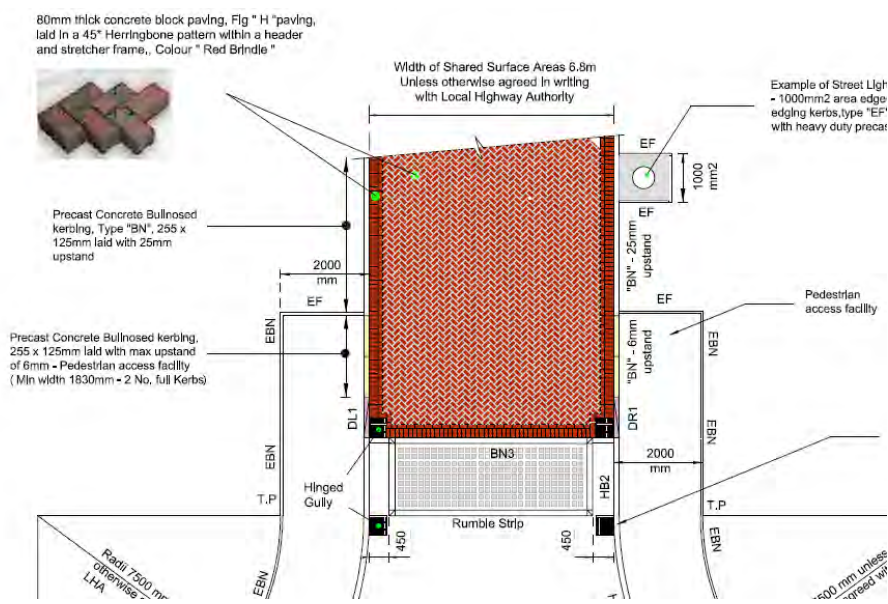
St. Nicholas and Bonvilston Community Council object to the proposals by virtue of road noise for future occupiers; lack of suitable access and connection to nearby facilities; loss of Bolston House; request that application be determined by Planning Committee; suggest use of S106 money for active travel infrastructure and consideration of revised speed limit.

An additional response was received from the Community Council re-emphasising the above concerns, but also raising the following objections query whether Bolston House could be retained within the development of the site and its demolition is at odds with Wellbeing and environmental objectives; the site should be developed to achieve a higher density perhaps including land to the north-west of the site.

The Council's Highway Development section were consulted with regard to the proposals and based on the most recent amended site layout plan formally submitted, have objected on the following grounds :

- The kerb radii for the proposed new junction at the site entrance do not mirror one another and kerb radii of 8m on the right hand side and 4m on the left hand side are proposed. This is not in accordance with highway design criteria or standards and as such junction radii should match on both sides unless specific criteria such as deceleration lanes or merging tapers dictate otherwise.
- The 4m radius could present issues for vehicles turning into the site and could potentially cause safety issues along the A48 for vehicles having to slow down more abruptly to negotiate the tight radius. The A48 is a de-trunked A class road with AADT flows in excess of 15,000 vehicles and greater than 5% of flows are HGV's and the speed limit is 40mph. The swept paths provided indicate that a larger HGV would need to use all the available width of the proposed access road to enable entry which could cause conflict with vehicles exiting the site and vehicles turning into the development site from the West.

- Swept paths have not been provided for large HGV's accessing and leaving the site via the Westbound Carriageway therefore the suitability of the new junction for this direction of traffic cannot be justified.
- The layout of the proposed shared surface appears to show narrow footways (1m) proposed on either side of the block paved shared surface. These footways are not deemed of a suitable width to enable a safe space for vulnerable pedestrians and as such could enable pedestrians to walk in the narrower carriageway to the detriment of highway and pedestrian safety.
- The site proposes the narrowing of the A48 carriageway to accommodate a wider 2m footway fronting the development which would prevent the existing wall being taken down. The narrowing of this section of carriageway is not deemed to be taken along the A48 on the approach far enough in terms of the kerb alignment. This will create a sharp narrowing rather than a gradual one over a longer distance which could potentially be detrimental to highway safety and possibly detrimental to cyclist safety.
- Entry onto and off the shared surface is not in accordance with our standards as shown in the below detail. As a result, this area could potentially be an impact/conflict zone.



The Councils Operational Manager Highways and Engineering (Drainage) was consulted and indicate that the site is not located in DAM Zone at risk of tidal or fluvial flooding and NRW maps indicated that there is a very low risk of surface water flooding to the development site. They indicate that the application is subject of SAB approval and as therefore indicate that no further planning conditions be attached to any consent granted although request an advisory be attached to any consent granted advising them of the requirement for SAB.

Shared Regulatory Services (Pollution Control) recommend construction hours be limited to Monday to Friday 8am to 6pm; Saturday 8am to 1pm, no work on Sunday or Public Holidays.

Glamorgan Gwent Archaeological Trust was consulted and identify that the proposal has an archaeological constraint. Their response notes that whilst it is unlikely that remains associated with the crash of Supermarine Spitfire N3221 would be encountered, they note that the site is located adjacent to the A48, which follows the line of the Roman Road from Cardiff to Neath and also in close proximity to the medieval core of Bonvilston. As such they recommend that a condition be attached to any consent given requiring an archaeological watching brief to be provided prior to commencement of development.

Former Wenvoe Ward member was consulted although no comments had been received at the time of writing this report.

Dwr Cymru Welsh Water was consulted with regard to the application and advise that the site is crossed by a public sewer and recommend that no development should be allowed within 3 metres of the centreline of the sewer. As such they recommend that the developer carry out a survey to ascertain the location of the sewer and establish its relationship to the proposed development.

They advise that capacity exists within public sewerage network for foul only flows and request a condition be attached to any consent granted requiring further details of a foul water drainage scheme to be provided.

The Council's Ecology Officer was consulted with regard to the application and raised a holding objection to the proposals, with particular regard to the absence of bat surveys recommended within the applicants own ecological assessment. They also indicate that a lighting survey would be required; request clarification of details with regard to Great Crested Newts; breeding birds; reptiles; amphibians and hedgehog. No comments have been received in respect of further survey works completed on site.

The Councils Housing Strategy Section (Affordable Housing) was consulted and indicated that in line with the 40% affordable housing requirement of the SPG they would expect 5.2 units, rounded up to 6 to be provided on site and request that these units be provided as 3no 2 bedroom and 3no 1 bedroom and DQR compliant.

Natural Resources Wales (NRW) were consulted with regards to the application and originally objected due to insufficient information. Following the submission of further survey work they raised concerns in relation to overshadowing to the proposed mitigation bat house. Following the submission of amended plans they have advised that they continue to have concerns about the works. However, they are now satisfied that concerns can be overcome by attaching conditions. This would include the construction of a bat house to provide a compensatory roost and condition for a scheme of lighting.

The Councils Contaminated Land Officer was consulted with regards to the application and has requested conditions in relation to contaminated land assessment/verification and imported soil.

The Councils Conservation Officer was consulted with regards to the application and in summary objects to the proposal on the grounds of loss of trees, part of the front boundary wall and intensification of the site with a suburban highway layout.

REPRESENTATIONS

The neighbouring properties were consulted on 8 April 2021 and 04 July 2022. A site notice was also displayed on 12 April 2021 & 05 January 2022. The application was also advertised in the press on 16 April 2021 and 13 January 2021. To date 11 letters of representation have been received. The concerns raised can be summarised as:

- : Increase in traffic.
- : Concerns about poor access.
- : Concerns about extent of loss of wall.
- : Concerns about speed limit.
- : Concerns about the width of pavement.
- : Concerns for future residents about noise from adjacent pub.
- : Concerns about overlooking
- : Concerns about loss of trees and habitat

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 SP3 – Residential Requirement
- POLICY SP4 – Affordable Housing Provision
- POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

- POLICY MG1 – Housing Supply in the Vale of Glamorgan
- POLICY MG4 – Affordable Housing
- POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

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

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Policy 1 – Where Wales will grow

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

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 particular relevance in the assessment of this planning application:

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

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

Chapter 3 – Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity.

Chapter 4 – Active and Social Places

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

Chapter 6 – Distinctive and Natural Places

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

The following extracts are considered to be of particular relevance:

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.

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.

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 10 – Tree Preservation Orders (1997)

- Technical Advice Note 11 – Noise (1997)

Paragraph 10. Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

- Technical Advice Note 12 – Design (2016)

TAN 12 provides the following advice:

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).”

- Technical advice note (TAN) 16: sport, recreation and open space

3.5 Outdoor facilities like playing fields, recreation grounds, play areas, footpaths and cycle routes and woodland can provide significant health, and environmental benefits for the community. In places, the loss of outdoor facilities and their replacement by indoor provision, the provision of facilities with secure access and admission charges and centralised, instead of localised provision, can have a significant effect on their role in meeting recreational and amenity needs, particularly those of young people.

3.7 Playing fields and green open spaces have special significance for their recreational and amenity value and, particularly in towns and cities, for their contribution to the urban environment and for supporting biodiversity. Playing fields and green spaces add interest and vitality to living and working environments. As a means of responding to climate change, they can help maintain reasonable local temperatures, improve local air quality in urban areas, and may be useful in reducing surface water run off. Tree planting may offer shade while areas, particularly those linked by pathways, can contribute to biodiversity, particularly where sensitive management practices are used. In addition to their environmental role they can also offer health and well-being benefits, and opportunities for

community engagement. When not required for their original purpose, they may be used to help meet the need for informal recreational or amenity land in the wider community. Only where it can be clearly shown that there is no deficiency, should the possibility of their use for alternative development be considered.

3.12 Open space, particularly that with a significant amenity, nature conservation or recreational value should be protected.

3.13 Standards for new open space and recreational provision should be based on robust evidence drawn, where available, from the Open Space Assessment. The aim should be that everyone has easy local access, by means other than the car, to formal and informal recreational facilities and open space. This can include linear green spaces or waterways, which connect into a wider open space network. In considering provision, local planning authorities should be mindful of the needs of disabled people and of people in deprived communities, and the more limited ability of people in disadvantaged groups to travel far from their local areas.

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

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT – March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

- Welsh Office Circular 13/97 – Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues are considered to be:

- The principle of the development;
- Density;
- The design and visual impact of the proposed development and its impact on the character of the conservation area;
- Impact on neighbours' amenity & privacy;
- Amenity of future occupants;
- Trees & Biodiversity;
- Highways;
- Affordable Housing and S106 matters;
- Drainage;

Principle of Development

The site falls within the settlement boundary of Bonvilston, which is identified as a 'Minor Rural Settlement' in the Adopted Vale of Glamorgan Local Development Plan 2011-2026, where new residential development is considered to be acceptable in principle, subject to meeting the criteria of other relevant policies in the Plan, tother with National Development Plan Policies and guidance.

Impact on the character of the conservation area (including tree issues)

The existing site is well screened from public viewpoints along from the A48, given that it is enclosed by a prominent 2-3m high stone wall along the front of the site, with mature established vegetation adjacent to the wall inside the site. That stone wall is identified in the Bonvilston Conservation Area Appraisal and Management Plan as a Significant Stone Wall (referred to in more detail below. Together, the wall and the landscaping that make up this frontage contribute positively to both the built fabric and the verdant character of the conservation area. This is demonstrated in the photo extract of the site frontage below and as shown in the aerial photo above.



The plans indicate that approximately 10m of the wall to the front of the site would need to be demolished to provide the vehicular access, footways and associated visibility splays to serve the proposals. The section of wall that returns into the site would also be demolished, albeit that section is less visually prominent and its removal would not have such an appreciable impact on the character of the site and the conservation area.

Any development of the site, particularly towards the southern more publicly visible part of the site, must accord with Policy MD8, where proposals should preserve and enhance the character of the conservation area, in terms of the design and materials of dwellings and their orientation relative to the wider conservation area *unless other material considerations outweigh this).

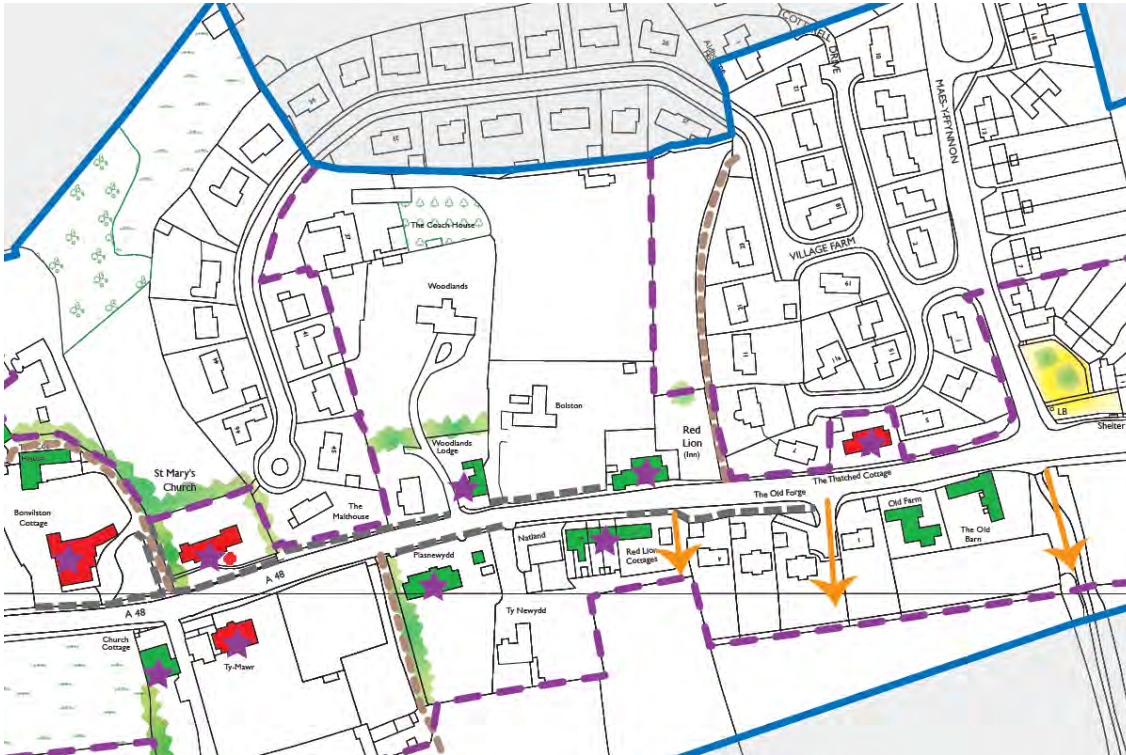
This is reinforced by national guidance in the form of Planning Policy Wales (PPW) sets out the Welsh Government's planning guidance on the conservation and enhancement of the historic environment. Chapter 6 is of particular relevance;

Paragraph 6.1.14 states: *"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 is to be preserved or enhanced and their heritage value is to be fully realised."*

Furthermore 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

Having regard to the guidance contained within policy MD8 'Historic Environment', PPW within the Council's adopted Bonvilston Conservation Area Appraisal and Management Plan, there is significant concern with regard to development that would require substantial works to this wall.

The wall itself is identified as a 'significant stone wall' within the Townscape Appraisal Map within the CAAMP (see below). Within the CAAMP there are a number of references to the importance of substantial stone walls indicating that 'Roadside walls built from the same grey limestone rubble blocks of varying sizes are a prominent feature of the Conservation Area and help to maintain a historic character to the village centre.' Indeed, the protection of existing front boundary walls is specifically listed within the issues section of the CAAMP and as such there is a general presumption against works to these walls.



Extract from CAAMP

The provision of a vehicular access and removal of the wall/tree screening would fundamentally and harmfully alter the character of the frontage, both in terms of the loss such a large amount of the fabric of the wall, and the substantial reduction in tree cover. Both the wall and the mature tree cover are considered to contribute significantly and positively to the character of the conservation area, and their loss would fail to preserve the character of the area.

The Council's Conservation officer has objected to the loss of the wall and notes that the proposed development will, in his view, result in the loss of historic fabric and create a suburban highway layout which will result in harm being caused to the character and appearance of the conservation area. This is contrary to Section 72(1) of the Act.

Moreover, the proposed access would fail to achieve a safe access into the site. In order to achieve a scheme that would preserve highway safety, it is highly likely that even more of the wall would have to be demolished. As such, the removal of an even greater section of historic stone wall would further erode the character of site and the Conservation Area, over and above the scheme which is currently submitted.

Notwithstanding that, it is also necessary to consider the design, form and layout of the dwellings, and the impact that these parts of the development would have on the character of the area. The village as a whole has a somewhat organic form, albeit along the A48 there is a generally predominant character of dwellings/buildings fronting the road. It is noted that the dwelling to the west of the site is 'side on' to the road, however, that is not reflective or the more common pattern of development.



The shape of the site and the location of trees governs to a large degree how development can be achieved. The developable part of the rear portion of the site in particular is relatively linear (north to south) and the general layout/orientation of dwellings proposed there is not likely to be harmful. It is likely to be well screened from public view.

The front half of the site would naturally be more highly visible and the buildings at plots 7-14 would be clearly visible and open to view from the A48, given the nature and size of the proposed opening in the frontage. Plots 7 and 8 are orientated with the front elevations facing north into the site, with the rear elevations facing the A48. While these dwellings are set further into the site (than plots 9-14), it is nevertheless considered that this arrangement (which would be highly visible) would relate poorly to the road and would fail to provide an active frontage. Instead, the high enclosures around the rear gardens would be in prominent view. There appears to be no prohibitive reason why dwellings in this part of the site could not be orientated to face in a southerly direction, to relate positively to the road.

The buildings at plots 9-14 would be at ninety degrees to the road and while there is evidence of this kind of relationship in the neighbouring site, that building is relatively anomalous in the wider street scene. A positive and active frontage to the road would respect the surrounding pattern of development, whereas this form of layout is considered to relate poorly to the road and the predominant layout within the conservation area. The harm would be amplified by the layout to the front of units 9-14, which comprises a parking court in almost its entirety. This insensitively designed and sited parking court would be very prominent at the entrance to the site and would further erode the character of the conservation area.

In summary, it is considered that the layout is poorly conceived and has insufficient regard to the character and context of the conservation area, and the way that this site interacts with the surrounding built environment. The proposal comprises a relatively suburban layout that would be at odds with and harmful to the character of the Bonvilston Conservation Area.

The dwellings themselves are relative traditional in appearance and composition, notwithstanding the harm caused to the site frontage and the inherent problems with the layout, buildings of this general design and character could be acceptable in this context.

The tree assessment notes that approximately 17 individual trees and 6 groups of trees would be removed due to arboricultural reasons and approximately 9 individual trees and 11 groups of trees would be removed to allow the development to take place. It is unclear from the reports as to how many trees form each group but assuming there are a minimum of 2 trees forming each group, the proposal would see the removal of at least 60 trees.

Furthermore, it is also evident from the submissions that a number of trees would be removed from the frontage of the site. The application is accompanied by a tree survey and arboricultural impact assessment prepared by Treescene dated 13th August 2020. The assessment (based on the originally submitted layout) indicates that a significant number of trees would be removed as a result of the development, including a significant number within the southern half of the site, whilst indicating that a number of trees would be retained within the development. Out of the 9 individual trees being removed to allow the development to take place, 3 trees are categorised as category B (moderate quality) trees whilst the remaining are categorised as category C (low quality). Whilst category C quality are low quality, they nevertheless provide amenity value (particularly when in significant number) and the loss of the category B quality would be regrettable.

Firstly, the retention of the trees towards the eastern and western boundaries would be welcomed. However, there is significant concern with regard to the quantity of other trees that would be lost. Whilst a number of these trees are not recognised as being of particular consequence individually, cumulatively these trees are considered to make a significant contribution to the character of the conservation area, providing interest and a visual barrier between the road and the existing house. The submitted details indicate that the vast majority of the existing vegetation to the southern boundary would be removed and this would completely change the character of the site's frontage. Although a number of the other trees are individually characterised as being category C trees, these currently contribute significantly to the character of the Conservation Area in their groups and as a whole.

The tree assessment notes that approximately 35+ trees would be removed due to arboricultural reasons and approximately 30+ trees being removed to allow the development to take place.

The Bonvilston CAAMP notes the contribution that trees make to the Conservation Area, noting '*large plots, trees and high stone walls provide interest*' and in terms of general character, '*substantial stone walls and groups of mature trees are also important features, the heavy planting now seen in oblique views along the road having been encouraged by house owners to provide a visual barrier from the road*'. The 'negative factors' section of the CAAMP also specifically highlights the *need to protect and enhance the rural qualities of the conservation area, including the protection of trees*. It is evident therefore that collectively trees are a vital contributor to the wider character of the conservation area.

It is also considered that the introduction of large dwellings within such close proximity to those trees shown to be retained and garden areas largely falling beneath the canopy of trees, would likely result in pressure from future occupiers to undertake works to these trees. The loss of this many trees would be highly likely to have a significant biodiversity impact and development proposals should be designed to minimise the loss of trees as far as practicable, with compensation planting where appropriate. The application has been supported with a landscape mitigation strategy which indicates 22 new trees. These proposed trees would be largely within gardens and would take a significant time to mature and the planting would not adequately account for the trees that would be lost.

In summary, it is considered that individually and taken together the works to the significant front boundary wall, the loss of substantial areas of tree cover and the poorly conceived internal housing layout would have a detrimental impact upon the character of the site, and critically would fail to preserve the character of the Bonvilston Conservation Area. The development is therefore contrary to Policies SP10 (Build and Natural Environment) (criterion 1), MD2 (Design of New development) (criterion 1 and 2), MD5 (Development within Settlement Boundaries) (criteria 3 & 4) and MD8 (Historic Environment) (criterion 1) of the LDP, together with the guidance contained within the Bonvilston CAAMP, Paragraph 6.1.14 of PPW and Paragraphs 2.6 and 6.16 of TAN12.

Density

In terms of density, Policy MD5 requires new development to (inter alia) '*Make efficient use of land or buildings*'.

Policy MD6 'Housing Densities' of the Development Plan' requires that residential development proposals within Minor Rural Settlements such as Bonvilston should achieve

a minimum net density of 25 dwellings per hectare. This is to ensure the efficient use of land to meet identified housing needs and protecting land for future generations. It should also be noted since the adoption of the LDP, Future Wales has been adopted and that seeks increased densities.

Whilst such a density may not be possible in all instances where site constraints exist, it is evident that any proposal should still seek to make efficient use of land.

The application proposes 14 dwellings on a gross site of circa 0.9 hectares, resulting in a density of circa 15.5dph. The net developable area, discounting the area of dense and protected trees to the north-west of the site, results in a smaller developable area of circa 0.8 ha (resulting in 17.5 dph). On this basis, the proposals would develop the site in a manner which is significantly below that advocated by Policy MD6.

Policy MD6 does allow for lower density levels in certain instances, including where development of the prescribed densities may result in unacceptable impact upon character; where there are significant site constraints or mixed-use development where residential use is a subordinate element.

In this case, as noted above, there are fundamental concerns with the loss of trees and inevitably the retention of more trees would be likely to have an impact on the dwelling density. Consequently, if an acceptable scheme were to be designed in principle, a balance must be struck in this regard. While the Council can only assess the scheme before it, it is evident that the type and size of the dwellings proposed is a clear barrier to maximising the efficient use of the land. Whatever an 'acceptable developable area' is, the types of dwellings proposed would not enable efficient use of that area and even if it were accepted that 25 per hectare cannot be achieved, a more appropriate mix of smaller units would assist the density being as close to 25 per hectare as possible. In the current context of the climate and nature emergencies declared by the Council. It is imperative that land in sustainable locations, within settlements, is developed efficiently, to reduce the amount of greenfield land that may be required to meet housing targets going forward in the replacement Local Development Plan.

However, it is evident that the proposals, with the exception of plot 5, 6, 9, 10, 11-14 include dwellings of a significant size and scale within substantial plots.. As such notwithstanding the identified constraints, it is considered that although a degree of relaxation may be justified, the proposal still results in an inefficient use of the site.

Accordingly, the proposal is considered to be contrary to policy MD2 (Design of New development) (criterion 2), policy MD5 (Development within Settlement Boundaries) criterion 1 & policy MD6 (Housing Densities).

Impact on neighbours

Criterion 8 of Policy MD2 states that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance. Additional guidance is contained in the Council's SPG on Residential and Householder Development.

The Residential & Householder Development SPG says that the windows of opposing habitable rooms should be at least 21 metres apart. To prevent harmful overlooking, the planning authority typically requires habitable-room windows to be at least 10 metres away from neighbours' back gardens.

The application site's boundary is formed by residential gardens to the north, east and west. The Red Lion Inn and its beer garden form part of the southern/eastern boundary.

Having considered the current layout, the proposal would meet the requirements of the SPG in respect of 21 metres from opposing first floor windows and 10 metres from neighbouring boundaries from first floor windows in most respects. However, the first floor furthestmost Juliet balcony within plot 2 would be set approximately 17 metres away from the opposing first floor window. Therefore, if the scheme were acceptable in all other respects, a condition would need to be imposed ensuring that these patio doors are non-opening and obscurely glazed to safeguard the neighbouring privacy/amenity, or officers would have negotiated a revision to this specific plot to address this concern.

It is noted that representations have requested additional screening toward neighbouring properties. However, notwithstanding the requirement of obscure glazing at plot 2, the windows and balconies would be at least 10.5 metres from neighbouring gardens and over 21 metres from opposing first floor window. As such, there would be no need for additional screening to satisfy the aims of the Council's policies and SPG. The proposed dwellings would be set sufficient distance from boundaries to not be considered overbearing and unneighbourly.

It is possible that existing residents would experience disturbance during the course of construction works. However, such impacts are usually an unavoidable consequence of a development such as this and it would not be reasonable to withhold planning permission on that basis. Nevertheless, the Council's Pollution Control Officer has requested a condition to ensure working hours are restricted during any construction phase.

Therefore, the proposal could be considered acceptable in respect of impact on neighbours subject to conditions.

Impact on future residents

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

: Noise, vibration, odour nuisance and light pollution;

Criterion 8 of Policy MD2 states that new development should safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

The application site is located adjacent to the A48 and the proposed dwellings would have residential gardens in close proximity to a public house and beer garden. The application is supported by a noise assessment, which has been considered against TAN 11 and suggests that the proposed noise levels could be acceptable subject to acoustic glazing.

The Council's Regulatory Services team have not commented on the noise assessment to date. Notwithstanding this, the noise report makes no reference to any noise associated with the public house that adjoins the site. The current layout seeks 6 residential gardens that would adjoin the beer garden. The owners of the public house have made representations stating that whilst they do not object to redevelopment of the site, they want to confirm that the site does hold events and does have a beer garden. They are concerned that should residential properties be constructed, noise from the site may cause concern for future residents.

This position is supported by paragraph 10 of TAN11 states:

Local planning authorities should consider whether proposals for new noise-sensitive development would be incompatible with existing activities, taking into account the likely level of noise exposure at the time of the application and any increase that may reasonably be expected in the foreseeable future. Such development should not normally be permitted in areas which are, or are expected to become, subject to unacceptably high levels of noise and should not normally be permitted where high levels of noise will continue throughout the night.

Noise nuisance is a real concern given the orientation and size of the gardens to plots 5-6 and 9-12. Without the benefit of a noise assessment that fully assesses noise impact from the public house and beer garden adjoining the site, the amenities of future occupants could be harmfully affected by noise nuisance. Should the non-determination appeal not have been submitted, further noise assessments would have been requested to consider noise from the public house and any mitigation measures.

In the absence of this, the proposal has not demonstrated that noise impacts from the adjoining site have been reasonably considered or can be appropriately mitigated. The proposal is therefore considered to be contrary to policies MD2 (Design of New Development) criterion 8 and MD7 (Environmental Protection) criterion 4 of the LDP in this respect.

Ecology

Criterion 10 of Policy MD2 requires development to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscaping features and biodiversity interests.

In policy terms Policies MG19 and MG20 of the LDP are most relevant. Policy MG19 requires development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or
2. The proposal will not adversely affect the integrity of the site;
3. There is no alternative solution;
4. There are reasons of overriding public interest; and
5. Appropriate compensatory measures are secured

Policy MG20 states that development proposals which are likely to affect protected species will only be permitted where it is demonstrated that the population range and

distribution of the species will not be adversely impacted; there is no suitable alternative to the proposed development; the benefits of the development clearly outweigh the adverse impacts on the protected species and appropriate avoidance, mitigation and compensation measures are provided.

Policy MD9 states that new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

The application has been supported by an Ecological Assessment (EA) prepared by Celtic Ecology and Conservation Ltd dated May 2022 together with mitigation plans. The EA report concludes that the site is of a high ecological value in terms of bats and a moderate ecological value at a local level. It also recommends that site clearance should take into account reptiles and great crested newts within an appropriate method statement and that mitigation would be required.

NRW have considered the latest revision of the ecological assessment and the mitigation measures proposed. Whilst they have concerns in respect of the proposal, they have indicated that subject to conditions, the works could be acceptable. This would include the construction of a bat house to provide a compensatory roost and a condition for a scheme of lighting.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the LPA must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6).

It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

The following points are noted in relation to the three tests for derogation.

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

As noted above, the proposed development is considered to cause harm to the character of the conservation area. The report below details that the scheme no longer proposes an element of affordable housing. It is considered that the proposal fails planning policies in respect of design and other issues and consequently, there is not considered to be any imperative reason of overriding public interest why this development should proceed. Any benefits attributable to general housing provision or knock on benefits relating to the construction industry and not considered to be of overriding weight, or of such weight that they overcome the concerns listed above (and to follow later in this report). Consequently, the proposal would fail to meet Test i.

Test ii) - There is no satisfactory alternative

The existing dwelling is in a relatively poor state of repair. Works to result in basic repair may still likely impact on the protected species at the site, however, that would amount to a much smaller intervention than the demolition of the building.

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

NRW have accepted the findings of the submitted survey work and mitigation measures proposed subject to conditions including that no works should commence until a licence has been issued to the applicant by Natural Resources Wales, pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorising the specified activity/development to proceed. NRW have requested that an informative is attached to any planning permission granted for this proposal in respect of a European protected species (EPS) Licence.

Policy MD9 requires new development proposals to conserve and where appropriate enhance biodiversity interests. The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan.

The application has not been supported with an ecological enhancement strategy. The proposal includes the removal of approximately 60+ trees and replacement with approximately 22 trees. The Council's Biodiversity and Development SPG (2018) requires a 2:1 replacement tree planting scheme. This would in theory require upwards of 120 trees being provided on site, and that evidently cannot be accommodated. Notwithstanding this, should the development have been considered acceptable in all other respects, there may have been appropriate opportunity to negotiate on additional tree planting off site (to be included in a legal agreement), to ensure the proposal is not harmful to biodiversity. However, in the absence of this, the development does not make adequate provision for tree planting and this is both contrary to the Council's SPG and Policies MD2 and MD9 of the LDP, in respect of the loss of biodiversity and habitat to support it.

Therefore, the proposals fails to meet all three tests for a derogation in addition to providing satisfactory mitigation for the loss of tree on the site. The proposal would therefore be contrary to policies MD2 (Design of New Development) criterion 10 and MD9 (Promoting Biodiversity) criterion 1&2

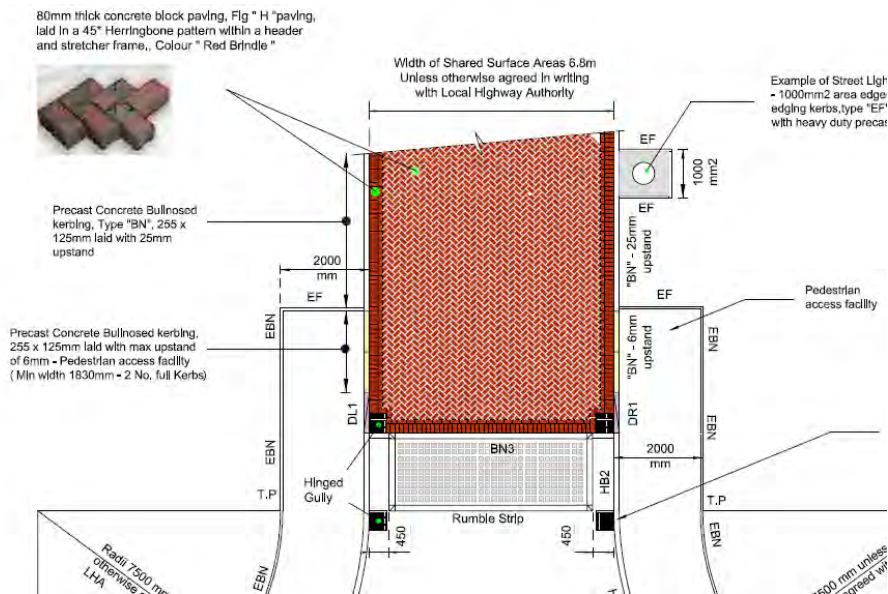
Parking and Highway Safety

Criterion 5 of Policy MD2 of the LDP requires developments to meet the Council's standards to provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users on amenity and space, access, car parking and servicing.

The site would be accessed directly from the A48, a very highly trafficked classified A road, and as such any access must be built to a standard that preserves highway safety. The Council's Highway Officer has considered the latest set of plans and has raised an objection.

The objections can be summarised as:

- The kerb radii for the proposed new junction at the site entrance do not mirror one another and kerb radii of 8m on the right hand side and 4m on the left hand side are proposed. This is not in accordance with highway design criteria or standards and as such junction radii should match on both sides unless specific criteria such as deceleration lanes or merging tapers dictate otherwise.
- The 4m radius could present issues for vehicles turning into the site and could potentially cause safety issues along the A48 for vehicles having to slow down more abruptly to negotiate the tight radius. The A48 is a de-trunked A class road with AADT flows in excess of 15,000 vehicles and greater than 5% of flows are HGV's and the speed limit is 40mph. The swept paths provided indicate that a larger HGV would need to use all the available width of the proposed access road to enable entry which could cause conflict with vehicles exiting the site and vehicles turning into the development site from the West.
- Swept paths have not been provided for large HGV's accessing and leaving the site via the Westbound Carriageway therefore the suitability of the new junction for this direction of traffic cannot be justified.
- The layout of the proposed shared surface appears to show narrow footways (1m) proposed on either side of the block paved shared surface. These footways are not deemed of a suitable width to enable a safe space for vulnerable pedestrians and as such could enable pedestrians to walk in the narrower carriageway to the detriment of highway and pedestrian safety.
- The site proposes the narrowing of the A48 carriageway to accommodate a wider 2m footway fronting the development which would prevent the existing wall being taken down. The narrowing of this section of carriageway is not deemed to be taken along the A48 on the approach far enough in terms of the kerb alignment. This will create a sharp narrowing rather than a gradual one over a longer distance which could potentially be detrimental to highway safety and possibly detrimental to cyclist safety.
- Entry onto and off the shared surface is not in accordance with our standards as shown in the below detail. As a result, this area could potentially be an impact/conflict zone.



Noting these comments, in order to satisfy the highway concerns, ultimately the proposals would require further widening and standardisation of both sides of the access to enable an appropriate radii to be created. Given that this would result in the loss of even more of the wall, this is not likely to be acceptable in the context of this proposal for conservation area reasons. Any amendment would also need to overcome each of the reasons above, but in particular the concerns regarding the narrowing of the carriageway.

Consequently, it is considered that the proposed site access would adversely impact upon the free flow of traffic and highway safety, contrary to criterion 5 & 6 of Policy MD2 (Design of New Development) of the LDP as it would not provide a safe and accessible environment for all users of the site whilst also having an adverse impact on highway safety.

Planning Obligations

LDP Policy MD4 'Community Infrastructure and Planning Obligations' and the Council's SPG on Planning Obligations, sets out the policy framework for seeking new and improved infrastructure, facilities and services appropriate to the scale, type and location of proposed new development. In particular, the SPG on Planning Obligations sets out thresholds and formulas for each type of obligation, based upon different development types. Following consideration of the size of the development and the potential impacts and needs arising from the developments, the Council sought planning obligations for the following:

- Affordable Housing; (6 units on site)
- Education; (**£109,743.**)
- Public Open Space; £34,684
- Sustainable Transport; £29,900
- Public Art. (1% project build cost).

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

Sustainable Transport

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car. The applicant would be required to pay a contribution of £29,900 which accords with the rationale set out in the Council's SPG. This money could be spent on improving access for pedestrian and cyclists to and from the site and to improve access to shops and services etc.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that decisions should take account of social considerations relevant to land use issues, of which education provision is one. LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in Policy MD4.

Based on the information submitted the scheme will not be a 100% affordable housing scheme and it is being brought forward by a private developer, consequently the affordable housing exemption contained within the Planning Obligations SPG would not apply to the proposal. However, the proposal does include 2x 1 bed apartments. The Planning Obligation SPG excludes 1 bedroom units from the financial contribution calculations as they are considered unlikely to result in pupil yield due to the nature of the residential unit. Furthermore, the site accommodates an existing dwelling this means the net number of residential units being delivered on the site is 11. Consequently, 11 residential units will be considered in the calculations for the Education contribution arising from the development.

The 11 units available for S106 purposes, would generate the following pupil requirements:

- 11 units x 0.1 = 1 Nursery place.
- 11 units x 0.278 = 3 Primary places.
- 11 units x 0.208 = 2 Secondary places for ages 11-16.
- 11 units x 0.04 = 0 Secondary place for post 16 year olds.

There is no nursery provision within the local area. St Nicholas CiW Primary School has received planning consent to be redeveloped to include nursery provision which would serve the development. The proposal would provide 24 part time nursery places. As there is no existing capacity for nursery provision the Council would seek S106 contributions for 1 nursery age pupil at a cost of £18,249 per pupil totalling £18,249 to contribute towards the planned nursery provision in the area.

Regarding Primary provision, the development would be served by Ysgol Iolo Morganwg for Welsh medium (48%), St Nicholas C/W Primary and St Helen's R/C Primary Schools for denominational (48%) and Ysgol Y Deri for ALN (4%).

Based on the current capacity at the schools there is no projected capacity for Welsh Medium, Denominational or ALN schools. Consequently, the Council would seek S106 contributions for 3 primary age children in total, 1 (48%) for denominational, 1 (48%) for Welsh Medium and 1 (4%) for ALN, at a cost of £18,249 per pupil totalling £54,747.

Based on current capacity within the schools there no projected surplus capacity to accommodate the pupil yield from the development over the next 5 years. The Council would seek S106 contributions for 2 pupils aged 11 – 16 at a cost of £27,498 per pupil totalling £54,996. No contributions would be required for post 16 pupils. The total secondary contribution required would be £54,996.

Affordable Housing

LDP Policy MG4 requires residential developments to contribute to meeting the affordable housing need. There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment (LHMA) which determined that 1205 additional affordable housing units are required each year to meet housing need in the area.

Members will not that the site falls within the new Llancafarn and St. Nicholas Ward and formerly was within the Wenvoe Ward. However, there is no data available from within this Ward and those prospective tenants who have previously selected one of these 3 wards from which the new ward was formed, have now been given an opportunity to amend their first area of choice, so potentially all could select the new ward, however this is not yet known.

On the basis of the above, the need is further evidenced by the following figures from the Council's Homes4U waiting list in the Ward of Wenvoe, Peterston Super Ely and Rhose:

	WENVOE	RHOOSE	PETERSTON SUPER ELY	%
1 bed	54	99	17	46
2 bed	48	62	20	35
3 bed	20	27	4	14
4 bed	7	4	3	4
5 BED	0	0	0	0
6 BED	0	2	0	1
	129	194	44	

The adopted Affordable Housing SPG sets out how affordable housing is calculated. The proposed development is within the minor rural settlement of 'Bonvilston' and as such 40% affordable housing would be requested on residential developments with a net gain of 1 or more.

This application is for 14 residential units, however given the existing dwelling at the site, the proposal will result in a net gain of 13 dwellings on the site. In line with the 40% Affordable Housing requirement of the SPG, the development would require 6 affordable

units to be provided on site (5.2 rounded up). Of the six units on site five would be social rented and one intermediate to comply with policy regarding tenure mix.

Public Open Space

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Residential developments are expected to make provision for Public Open Space and / or recreational facilities to meet the needs of the future population they will bring to the area, in accordance LDP Policy MD3 and MD4. The Council's adopted Planning Obligations SPG states that 55.68m² should be provided per dwelling. It is unclear from the submissions how useable the areas of landscaping would be within the submission and whether this would accord with this requirement, plus noting also that this is not included within the suggested developable area.

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

9. Provide public open space, private amenity space and car parking in accordance with the council's standards;

Where it is impractical to provide public open space on site, the Council requires a financial contribution to provide and/or enhance off-site public open space and recreational facilities in the vicinity of the development site, to meet the need not catered for on-site. In this regard, the Council would request a contribution of £34,684 (£2,668 per additional dwelling) if the provision cannot be adequately met on-site. This could be used to provide upgrades within the public open spaces within the immediate vicinity of the site.

According to the Council's Open Space Background Paper there is a no outdoor sports provision in Bonvilston and an under provision in children's open space provision. The site could theoretically be developed in a manner that could allow some meaningful POS to the north west of the site where there would be a tree buffer and there does not appear to be a reason why this could not be provided in principle on this site.

The Council's Open Space Background Paper notes an under provision of Children's Play Space. The application would therefore be contrary to Policies MD2 (Design of New Development) Criterion 9, MD3 (Provision of Open Space) & and Planning Policy Wales (Paragraph 3.3 and 3.8).

Public Art

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. The Public Art in New Development SPG provides additional guidance in this regard.

Development Viability

The layout currently being considered was initially submitted on the basis that plots 1-8 would market dwellings and plots 9-14 would be smaller affordable units. Notwithstanding the length of time that the application has been under assessment and negotiation, in June 2022 the applicant submitted a viability assessment suggesting that that the site would not be viable to provide any affordable housing or s106 contributions and requested the application be determined at the next available planning committee.

The applicant's submission suggests that providing the on-site affordable housing and S106 contributions, the scheme would produce a 5.84% loss relative to the Gross Development Value (GDV). Whereas the removal of the need for contributions and affordable housing would produce a 7.92% profit on the GDV. The viability assessment has been reviewed and the consultant reviewing the work has not fundamentally disagreed (rather the review suggested viability would be poorer than the applicant's work suggests - in the region of 4-5% profit without contributions or affordable housing provision).

Having considered the viability submission further, it has become apparent that the applicant has submitted a viability assessment that does not consider education and sustainable transport contributions nor has it correctly considered the level of affordable housing. It is clear that had the correct S106 requirements sought from the LPA been factored in to the viability assessment, the viability would be further affected adversely.

As context to this, while the findings of the review are noted, it appears relatively unusual that the development of the site would be considered by the developer where profit may be in the region of 4-5%, given generally accepted industry standards regarding the level of profit that would be needed to incentivise a developer. While it be the case that slightly lower profit levels may be attractive where there is relatively low risk (relative absence of abnormalities, etc) that would still very likely need to be significantly higher than 4-5%.

In such circumstances, the LPA must consider whether the development is acceptable without the planning obligations and affordable housing (notwithstanding the other concerns/objections to the development explained above). In this case the development would fail to deliver any affordable housing or financial contributions to support improvements to infrastructure to mitigate the impacts of the development. The Council must also consider if there are other reasons which outweigh this and justify the development. As noted above, there is some weight to be afforded to market housing provision and the related economic benefits of construction. However, those benefits are considered to be decisively outweighed by the harm identified above in respect of impact on the conservation area, highway safety and biodiversity. It is similarly considered that these benefits do not outweigh the failure to provide critically needed affordable housing, for which there is universal policy support at local and national levels. In some cases it may be the case that planning permission can be justified without certain planning obligations, if the circumstances of the case merit it. For example, a strategic housing allocation that is critical to the delivery of the LDP Strategy, and where failure to deliver that site may have an adverse impact on strategic delivery. That is not the case here and while this windfall development would contribute towards housing supply, it's delivery is not considered so important that it should be permitted without mitigating it's infrastructure impacts. In particular and in addition to not satisfying affordable housing policy, it would mean additional pressure for places in the local relevant schools without the means to provide that capacity. There is not considered to be any other fundamental reason why the development of the site is 'necessary' in planning terms.

Consequently, it is considered that even in a context where financial obligations are not viable, that does not infer that the development is acceptable. To the contrary, it is considered that the development would fail to adequately mitigate its impacts and its delivery is therefore not acceptable in planning terms. In this respect the development is contrary to Policies MG4 and MD4 of the LDP and the Council's SPG on Affordable Housing and Planning Obligations, and Planning Policy Wales and TAN 2- Planning and Affordable Housing.

Drainage

Policy MD7 - Environmental Protection requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences.

Furthermore, Planning Policy Wales and its associated Technical Advice Note (TAN) 15 requires that consideration be given to any potential for flooding from surface water emanating from the proposed development sites.

The site lies entirely within Zone A, as defined by the flood risk Development Advice Map (DAM) referred to in TAN15; therefore, the site is considered to be at little or no risk of fluvial or tidal flooding.

The application has been supported with a flood risk assessment and drainage strategy that suggest that initial ground investigations have indicated that soakaways may not be appropriate. The report suggests further investigative measures would need to be undertaken. However no further details have been provided. Notwithstanding this, any new developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), require SuDS Approval Body (SAB) approval prior to the commencement of construction. The site will therefore be subject to the SAB process in terms of surface water.

The application form states that the foul sewage would be disposed of via the public sewer. Dwr Cymru Welsh Water have confirmed capacity and raised no objection to this. However, they have requested further details of the drainage connection, and a condition to ensure no surface water is connected. Furthermore, they have confirmed that a public sewer crosses the site, and that no construction can take place 3 metres either side.

It is considered that at this position in time, the proposed development would comply with the requirements of policy MD7 of the LDP and TAN15 with respect to drainage or flood risk. On the basis of the above, the applicant would need to be advised of the need to submit an application to the SuDS Approval Body (SAB) by way of an informative.

Contamination

Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from (inter alia):

- : Land contamination
- : Hazardous substances

: Noise, vibration, odour nuisance and light pollution;

The Councils Contaminated Land Officer has not raised an objection to the proposal but has requested standard conditions in respect of contaminated land assessment, imported soil and unstable land.

RECOMMENDATION

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal for the reasons set out below:

REFUSE (W.R.)

1. By reason of the loss of a large proportion of a Significant Stone Wall, the loss of substantial amounts of tree cover and the suburban and insensitively designed/orientated internal site layout, the proposed development would fail to have regard to and would fail to preserve the character of the the Bonsilton Conservation Area, contrary to policies SP10 - Built and Natural Environment, MD2 - Design of New Development, MD5- Development within Settlement Boundaries and MD8 – Historic Environment of the Vale of Glamorgan Local Development Plan 2011 - 2026 and the Bonvilston Conservation Area Appraisal and Management Plan and national guidance contained in Planning Policy Wales (Edition 11) and Technical Advice Note 12 - Design.
2. By reason of the size of the dwellings and plots, the proposed layout fails to make necessary, efficient use of the land, contrary to policy MD5 - Development within Settlement Boundaries & MD6 - Housing Densities of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.
3. By reason of the geometry and radii of the access, and the design of works to the carriageway/footway, the proposal would result in a substandard form of access into and out of the site, which would adversely impact upon highway safety. The proposal is therefore considered contrary to Policies MD2 (Design Of New Development) & MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.
4. In the absence of a noise assessment that considers potential noise nuisance from the Red Lion Inn and its garden, 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 at the site. In this respect the development is contrary to Policies MD2 (Design of Development) & MD7 (Environment Protection) of the Vale of Glamorgan Local Development Plan 2011-2026.
5. 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. Therefore, the development is considered contrary to Policies MD2- Design of New Developments & MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the guidance contained within the Councils Biodiversity and Development Supplementary Planning Guidance.

6. The proposal fails to provide any affordable housing or the infrastructure necessary to mitigate the impacts of the development in respect of public open space, education and sustainable transport. In this respect the development is contrary to Policies MG4 and MD4 of the LDP and the Council's SPG on Affordable Housing and Planning Obligations, and Planning Policy Wales and TAN 2- Planning and Affordable Housing.

2021/00424/CAC Received on 6 December 2021

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr Luke Grattarola, Geraint John Planning Ltd, Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee as the applicant has appealed to Planning and Environment Decisions Wales (PEDW) in respect of the non-determination of this application. The PEDW has confirmed that this appeal is valid and, as such, started the appeal on 15th August, 2022.

The report sets out the policy background and issues relating to the proposed scheme and will make a recommendation in respect of the Council's stance in the forthcoming appeal.

EXECUTIVE SUMMARY

The site relates to the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026. The application sits within the Bonvilston Conservation Area.

The proposal is for the demolition of existing dwelling and part of the boundary wall adjacent to the A48. This CAC application has been submitted in conjunction with planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and redevelopment of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The applicant has appealed non determination of the application. Therefore, this stance report assesses the application based on the plans and information currently under consideration. It is concluded that the proposal fails to preserve or enhance the character of the Bonvilston Conservation Area.

Therefore, this stance report makes a recommendation that the application would have been refused should an appeal for non-determination not have been submitted.

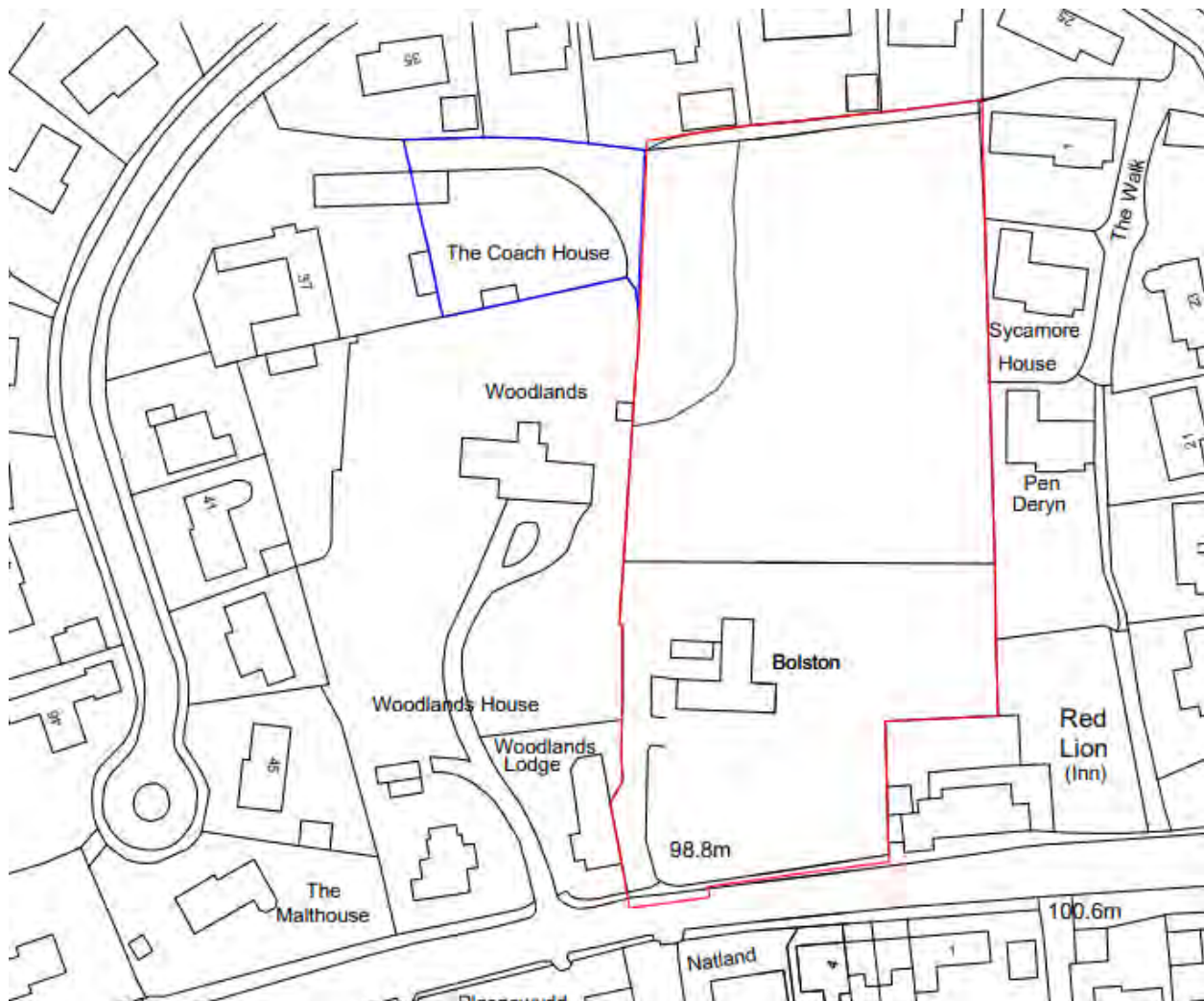
SITE AND CONTEXT

The site relates to the dwelling of Bolston House and its grounds that extend to an area of approximately 1 hectare, falling within the settlement boundary of Bonvilston as defined by the Vale of Glamorgan Local Development Plan 2011-2026.

The dwelling itself appears to have been vacant for some time. The property benefits from a single vehicular access from the A48 running to the south of the site and is enclosed along this elevation by a 3-metre-high stone wall. The application sits within the Bonvilston Conservation Area and there is also an archaeological record on the site relating to a Supermarine Spitfire N3221 crash site.

There are a number of mature trees including a number that are covered by tree preservation orders including 2 sycamores to the north-western boundary (035-1973-08-A06) and 2 further sycamores to the eastern boundary (035-1973-08-G05).

An extract of the site location plan can be viewed below:



DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of existing dwelling and part of the boundary wall adjacent to the A48. This CAC application has been submitted in conjunction with planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats.

The proposals also include alterations to the access including the partial demolition of the wall to facilitate access to the site from its southern end.

The plans also include re-alignment of a section of the carriageway outside the site to provide a 2-metre-wide pedestrian footway.

Extract of photos of the existing dwelling and boundary wall and the proposed layout can be viewed below:



PHOTO OF EXISTING DWELLING



PHOTO OF EXISTING DWELLING



PHOTO OF EXISTING DWELLING



PHOTO OF BOUNDARY WALL



PHOTO OF BOUNDARY WALL



PROPOSED SITE LAYOUT

PLANNING HISTORY

1978/01926/FUL, Address: Bolston, Bonvilston, Proposal: Double Private Garage, Decision: Approved.

2010/01289/TCA, Address: Bolston House, Bonvilston, Proposal: Felling of Lawson cypress on boundaries, Decision: Approved.

2014/00491/TPO, Address: Bolston, Bonvilston, Proposal: Fell one Sycamore in rear paddock, Decision: Approved.

2021/00423/FUL, Address: Land at Bolston House, Bonvilston, Proposal: Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works, Decision: Being considered concurrently with this application

2022/00238/TCA, Address: Land at Bolston House, Bonvilston, Proposal: Work to trees in Bonvilston Conservation Area: Proposed felling of 3 Lawson Cypress in front garden area on boundary with Red Lion Public House. Decision: Approved.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council object to the proposals by virtue of loss of Bolston House – on grounds of heritage and sustainability • and Access onto the A48 – particularly in relation to the 40mph speed limit.

Former Wenvoe Ward member was consulted although no comments had been received at the time of writing this report.

The Councils Conservation Officer was consulted with regards to the application and a response states that the loss of this part of the wall will not, in his view, preserve or enhance the character or appearance of the conservation area. Without an acceptable replacement scheme there is not any overriding public benefits that will overcome this harm.

REPRESENTATIONS

The neighbouring properties were consulted on 8 April 2021 and 04 July 2022. A site notice was also displayed on 12 April 2021 & 05 January 2022. The application was also advertised in the press on 16 April 2021. To date 1 letter of representation has been received raising safety concerns in respect of traffic.

REPORT

Planning Policies and Guidance

Local Development Plan:

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 SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD8 - Historic Environment

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

Future Wales: The National Plan 2040:

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

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 particular relevance in the assessment of this planning application:

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

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

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places.

4.5.3 Formal and informal open green spaces should be protected from development, particularly in urban areas where they fulfil multiple purposes. As well as enhancing quality of life, they contribute to biodiversity, the conservation of the historic environment, nature and landscape, better air quality, the protection of groundwater and as places of tranquillity.

Chapter 4 - Active and Social Places

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

Chapter 6 - Distinctive and Natural Places

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

The following extracts are considered to be of particular relevance:

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.

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.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

6.1.17 Conservation area designation introduces control over the total or substantial demolition of unlisted buildings within these areas, but partial demolition does not require conservation area consent. Procedures are essentially the same as for listed building consent. When considering an application for conservation area consent, account should be taken of the wider effects of demolition on the building's surroundings and on the architectural, archaeological or historic interest of the conservation area as a whole. Consideration should also be given to replacement structures. Proposals should be tested against conservation area appraisals, where they are available.

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 12 – Design (2016)

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

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 24 – The Historic Environment (2017)

1.23 Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains²¹, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets.

1.29 The local planning authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses received from consultees as part of this process. A judgement has to be made by the consenting authority, on a case-by-case basis, over whether a proposed development may be damaging to the setting of the historic asset, or may enhance or have a neutral impact on the setting by the removal of existing inappropriate development or land use.

6.13 “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. Proposals to demolish such buildings should be assessed against the same broad criteria as proposals to demolish listed buildings (see 5.15). 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. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

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:

- Bonvilston Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issue to assess with regards to this application is the potential impacts to the character and appearance of the Bonvilston Conservation Area.

Policy SP10 of the Council's LDP states that development proposals "must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including the architectural and / or historic qualities of buildings or conservation areas". Similarly, policy MD8 states that:

- 1) Within conservation areas, development proposals must preserve or enhance the character or appearance of the area

The development must also comply with Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. This requires the character of the conservation area to be protected and ensure the proposed development does not negatively impact this.

This is an application for conservation area consent (CAC) for the demolition of the existing dwelling known as Bolston House and part demolition of the front boundary wall.

This CAC application has been submitted in conjunction with a detailed planning application 2021/00423/FUL which proposes the demolition of the existing dwelling and part of the front boundary wall and re-development of the site to accommodate 14 residential dwellings and associated works. This includes the provision of 8 detached houses and 2 town houses and a pair of semi-detached units serving as 4 walk-up flats. The corresponding planning application is on this Planning Committee agenda for consideration.

Paragraph 6.13 of TAN 24 provides additional guidance relating to the demolition of unlisted buildings in conservation areas:

"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. Proposals to demolish such buildings should be assessed against the same broad

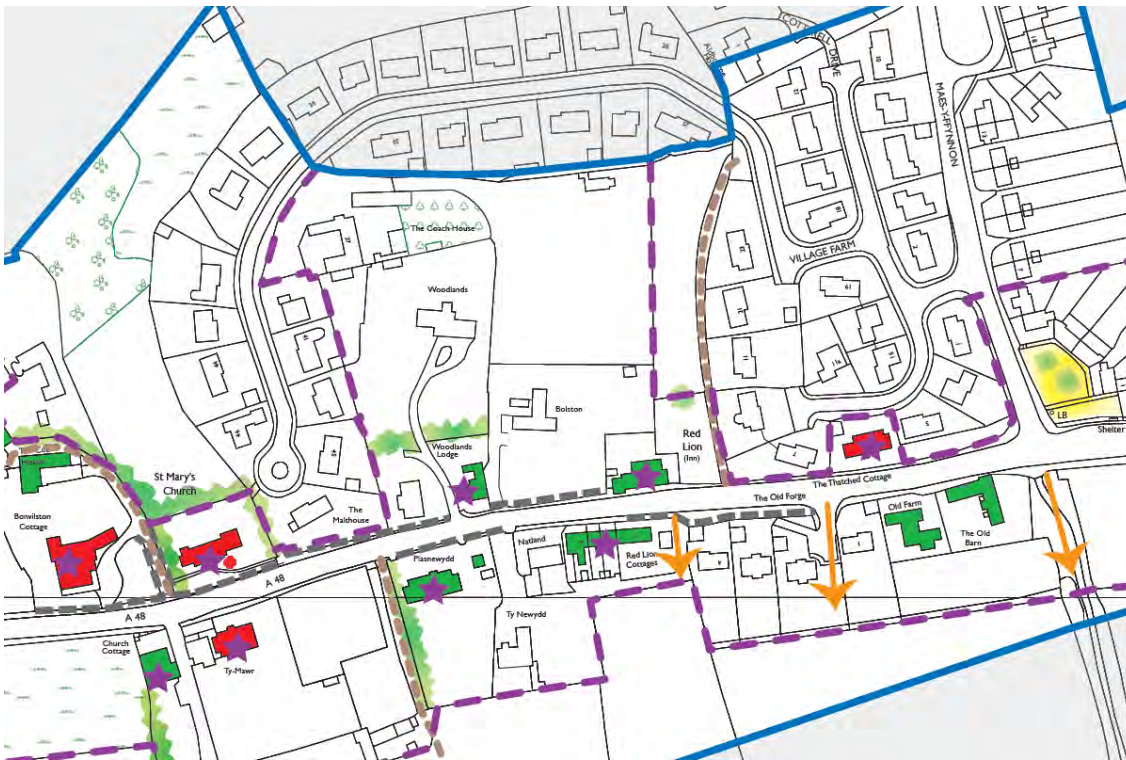
criteria as proposals to demolish listed buildings (see 5.15). In cases where it is considered a building makes little or no contribution, the local planning authority will normally need to have full information about what is proposed for the site after demolition. Consent for demolition should not be given without acceptable and detailed plans for the reuse of the site unless redevelopment is itself undesirable. The local planning authority is entitled to consider the broad principles of a proposed development, such as its scale, size and massing, when determining whether consent should be given for the demolition of an unlisted building in a conservation area.”

The existing dwelling is not identified in the CAAMP as making a positive contribution and it is not historically significant. It is considered that the existing dwelling does not make a positive contribution to the character or appearance of the conservation area. However on the basis that there is not an acceptable scheme to redevelop the site as detailed under planning application ref. 2021/00423/FUL for the replacement dwelling, there is an objection to the demolition of the house.

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

Having regard to the guidance contained within policy MD8 ‘Historic Environment’, PPW within the Council’s adopted Bonvilston Conservation Area Appraisal and Management Plan, there is significant concern with regard to development that would require substantial works to this wall.

The wall itself is identified as a ‘significant stone wall’ within the Townscape Appraisal Map within the CAAMP (see below). Within the CAAMP there are a number of references to the importance of substantial stone walls indicating that ‘*Roadside walls built from the same grey limestone rubble blocks of varying sizes are a prominent feature of the Conservation Area and help to maintain a historic character to the village centre.*’ Indeed, the protection of existing front boundary walls is specifically listed within the issues section of the CAAMP and as such there is a general presumption against works to these walls.



Extract from CAAMP

The provision of a vehicular access and removal of the wall would fundamentally and harmfully alter the character of the frontage, in terms of the loss such a large amount of the fabric of the wall. The wall is considered to contribute significantly and positively to the character of the conservation area, and the loss of this large proportion of it would fail to preserve the character of the area.

The Council's Conservation officer has objected to the loss of the wall and notes that the proposed development will, in his view, result in the loss of historic fabric and create a suburban highway layout which will result in harm being caused to the character and appearance of the conservation area. This is contrary to Section 72(1) of the Act.

Considering the above, the proposed works are deemed to have an unacceptable impact to the character of the conservation area and would result in the unwarranted loss of heritage assets from the site as well. The proposal fails to comply with criterion 1 of SP10 and criterion 1 and 3 of Policy MD8, in addition to paragraphs 2.6 and 6.16 of TAN 12, paragraph 1.29 & 6.13 of TAN24, the aims and objectives of the Bonvilston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

REFUSE

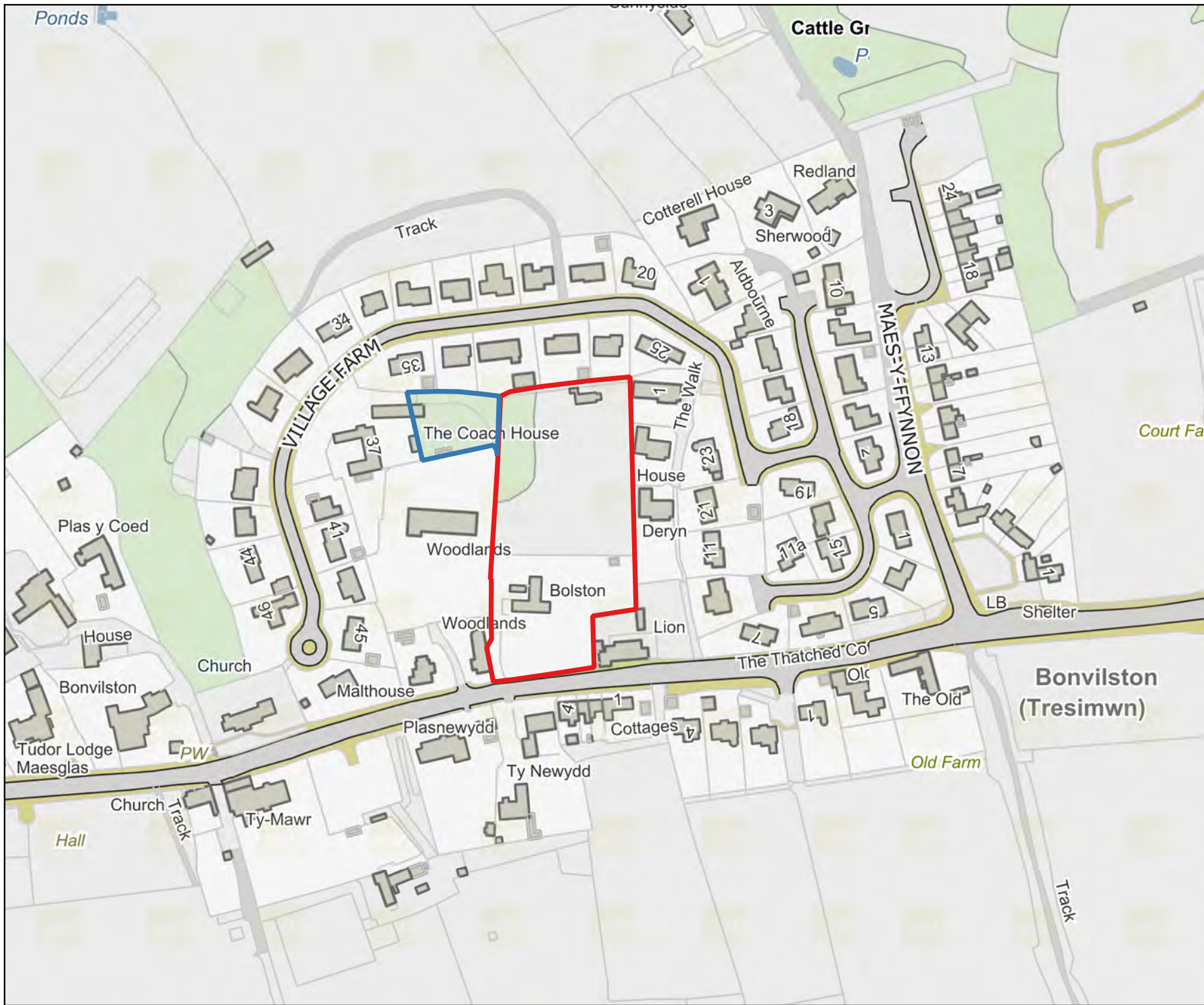
1. The loss of part of the historical stone boundary wall would be damaging to the intrinsic character of the site and the conservation area. The proposal would therefore fail to preserve or enhance the character of the Conservation Area and would be in conflict with Policies SP10 and MD8 of the Adopted Local Development Plan, in addition to TANs 12 and 24, the aims and objectives of the Bonvilston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

REASON FOR RECOMMENDATION

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal for the reason set out below:

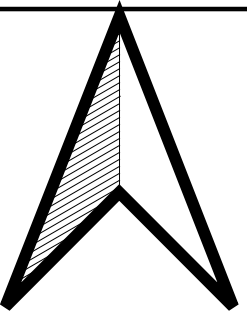
It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

APPENDIX 2



Site Plan

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APPENDIX 3





TAKE
OPEN E

The **RED LION**
AWARD WINNING
Alas 
**UNDER NEW
MANAGEMENT**
TUESDAY TO FRIDAY 12 - 2:30 & 6 - 8:30 / SATURDAY ALL DAY
SUNDAY 12-4

ENTRANCE TO LONDON

BEER GARDEN

























APPENDIX 4

LDP Strategy

- 5.25 The LDP Strategy provides a land use framework that is flexible and will help to deliver widespread benefits across the Vale of Glamorgan. The Council will seek to assist delivery of the LDP by securing public sector funding through various mechanisms such as the Cardiff Capital Region City Deal, Regional Transport Plan, the Welsh Government Rural Communities – Rural Development Programme (2014 – 2020) and the European Agricultural Fund for Rural Development. The designation of St. Athan – Cardiff Airport as an Enterprise Zone and Barry as a Regeneration Area are key to the successful delivery of the Strategy.
- 5.26 It is acknowledged, however, that the successful implementation of the Strategy depends on a number of key external factors. Examples include the availability of genuinely developable land, the introduction of new European or national policy, changes in the global and local economy and the availability of private and public sector funding.
- 5.27 In view of the above, section nine of the LDP contains a monitoring framework which will help to assess the effectiveness of the LDP Strategy and policies in meeting the Plan’s objectives. In particular, the Council will closely monitor the development of the strategic regeneration site at Barry Waterfront, development at St. Athan– Cardiff Airport Enterprise Zone, the provision of new land for employment and housing (including affordable housing), as well as proposed transport improvements.
- 5.28 Following adoption of the LDP, the Council will publish an Annual Monitoring Report which will identify any Policies that are not being implemented, the reasons why and suggest suitable amendments to the LDP to address the situation. In addition, a full review of the LDP is required every four years in accordance with LDP Regulation 41 (1)³.

Strategic Policies

- 5.29 The following Strategic Policies (SPs) provide a framework for delivering the LDP Strategy.

POLICY SP1 - DELIVERING THE STRATEGY

The strategy will seek to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. This will be achieved by:

- 1. Providing a range and choice of housing to meet the needs of all sectors of the community;**
- 2. Promoting a range of employment sites intended to meet the needs of the Vale of Glamorgan and the wider capital region;**
- 3. Reinforcing the role of Barry, service centre settlements and primary settlements as providers of cultural, commercial and community services;**
- 4. Promoting sustainable transport;**
- 5. Delivering key infrastructure linked to the impacts of development;**
- 6. Protecting and enhancing the built, natural and coastal environment;**

7 Promoting opportunities for sustainable tourism and recreation; and

8. Favouring development that promotes healthy living.

- 5.30 The LDP's Strategy area is illustrated on the Key Diagram. Over the last 15 years, the South East Zone and some of the Primary Settlements have experienced significant housing growth and there continues to be a need for affordable housing in this area, particularly in Barry. This additional housing, whilst assisting in supporting and sustaining facilities, has also placed increased pressure on existing infrastructure as well as local services and facilities. The limited local employment opportunities has also meant that a large number of residents living in this area continue to commute to neighbouring authorities, particularly Cardiff, on a daily basis placing increased pressure on existing public transport services and the strategic highway network.
- 5.31 The LDP provides a policy framework which seeks to maximise regeneration opportunities and create sustainable communities. The LDP Strategy aims to match existing and planned housing developments with new local employment opportunities thereby providing opportunities for the resident population to work within the Vale of Glamorgan. The LDP Strategy also aims to enhance sustainable transport opportunities in order to reduce dependence on the car and ease congestion in the locality. In addition, new and improved retail and community facilities will be provided as part of new development proposals to meet the needs of the Vale of Glamorgan's growing population.
- 5.32 In developing sustainable communities, proposals which promote healthy living and address health inequalities will also be favoured. This includes designing environments which encourage physical activity and considering the health and healthcare needs of future residents through the design of buildings or the multi-use of community facilities, particularly where this enables people to retain their independence and remain within the local community.

**POLICY SP2 -
STRATEGIC SITES**

Land is allocated for development at the following strategic sites:

- 1. Mixed uses at Barry Waterfront;**
- 2. Mixed uses at St. Athan; and**
- 3. Employment uses at land adjacent to the airport and Port Road, Rhose, as part of the St. Athan – Cardiff Airport Enterprise Zone**

- 5.33 The sites identified in Policy SP2 (Strategic Sites) are those that are considered to be major elements contributing to the implementation of the LDP Strategy as set out in the Plan i.e. the promotion of development and regeneration opportunities within the specific areas identified within the strategy.

Barry Waterfront

- 5.34 Barry Waterfront lies adjacent to the No. 1 Dock and comprises approximately 48.55 hectares of previously developed land, enclosing 30 hectares of water with 4.3 km of quayside. The Vision for Barry Waterfront is:

Defence announced in 2013 that 14th Signal Regiment would move to St Athan, thus reinforcing the important role of the base as part of UK defence plans.

Cardiff Airport

- 5.41 The LDP Strategy recognises the importance of Cardiff Airport to the future prosperity of the Vale of Glamorgan, as does its designation (along with St Athan) as part of the 'St Athan – Cardiff Airport' Enterprise Zone. This strategically located flagship site is intended to stimulate inward investment and consolidate the role of the Vale of Glamorgan within the Capital Region.
- 5.42 To facilitate the Enterprise Zone, Policy MG10 allocates 77.4Ha of land surrounding the airport, which is intended to focus on business and employment uses catering specifically for the needs of the aerospace industry and high tech manufacturing. Policy MG10 expands upon this strategic allocation designation, which will require a Masterplan to demonstrate how a comprehensive development can achieve the strategic goals identified within the LDP, alongside the provision of a sizeable extension to the existing Porthkerry Country Park to the west of Barry (Policy MG28 refers).

Living

POLICY SP3 - RESIDENTIAL REQUIREMENT

In order to meet the identified residential requirement, land is made available in sustainable locations for the provision of 9,460 new residential units up to 2026.

- 5.43 Policy SP3 anticipates the need for 9,460 additional residential units over the Plan period, arising from demographic change and migration together with changes in household formations. This requirement originates from the Welsh Government's 2011 based local authority population and household projections. Further information on the dwelling requirement including statistical analysis is contained within the Council's Population and Household Projections background paper (2013) and the Housing Provision background paper (2015).
- 5.44 The greatest demand for new housing is from changes in the population of the Vale of Glamorgan over the plan period 2011 - 2026, with the Welsh Government's 2011 based 10 Year Average Migration local authority population and household projections indicating the population shall increase by 9,602 persons between 2011 and 2026, and shall generate the need for an additional 7,399 dwellings. Additionally, and as a consequence of the economic growth aspirations of the LDP, the Council anticipate that the strategic employment allocations at St. Athan and Cardiff Airport Enterprise Zones, and Land to the South of Junction 34 Hensol together have the potential to create the need for a further 1,602 dwellings by 2026. Provision is also made for an additional 459 dwellings to assist in addressing the high level of need for affordable housing in the Vale of Glamorgan, this being the equivalent of 1 year's backlog of affordable housing need identified within the Council's 2015 Local Housing Market Assessment.

5.45 The table below sets out the components of the LDP dwelling requirement up to 2026, further details on how this will be met is set out under Policy MG1.

Components of the Vale of Glamorgan Dwelling Requirement 2011 - 2026	
	Dwellings
2011 - based 10-year average migration Population and Household Projection	7,399
Potential economic growth impact – 1,540 households, multiplied by 1.04 household to dwelling conversion ratio	1,602
Allowance for additional affordable housing provision	459
Housing requirement	9,460

5.46 The construction of 9,460 new residential units in the Vale of Glamorgan over the Plan period will require a significant increase in house building rates from an average of 468 experienced over the last 15 years to a build rate of 631 per annum. The framework for delivering this increased growth is provided by Policy MG1 (Housing Supply in the Vale of Glamorgan) and Policy MG2 (Housing Allocations).

5.47 The majority of new housing sites listed in Policy MG2 fall within Barry and in the St Athan area as well as the Key Service Centre and Primary Settlements identified in the LDP Strategy. Accordingly, a wide range of existing and developing employment, retail, leisure and education facilities are within easy reach and the settlements are served by good public transport. In addition, new housing at Barry Waterfront will assist in the regeneration of the town. To facilitate a range and choice of development opportunities, some additional housing sites have also been allocated in some of the more sustainable villages within the Rural Vale. In this regard the LDP settlement hierarchy identifies various sustainable minor rural settlements which have the capacity to accommodate some additional development without it having an unacceptable effect on their character.

5.48 In order to manage growth effectively, settlement boundaries are defined around all the settlements within the LDP Settlement Hierarchy. Development proposals will be assessed in accordance with Policy MD5. Elsewhere, additional accommodation will be provided through the replacement, renovation and conversion of appropriate existing rural buildings (Policy MD11) and affordable housing exception sites (Policy MD10).

5.49 The monitoring and release of land will be guided by the Council's annual Joint Housing Land Availability Study (JHLAS), which includes a mechanism for the calculation of housing land supply measured in years and annual monitoring report for the LDP. The aim being to ensure specific, deliverable sites capable of providing a 5 year supply of land is demonstrated. Consideration has also been given to the availability and delivery of relevant infrastructure.

POLICY SP4 - AFFORDABLE HOUSING PROVISION

The residential requirement identified in policy SP3 will be expected to contribute to the established community housing needs of the Vale of Glamorgan by providing up to 3,252 affordable residential units over the plan period.

- 5.50 The delivery of affordable housing is a key objective of the LDP Strategy, with the relative strength of the Vale of Glamorgan's housing market over the last 10 years having resulted in many local people experiencing difficulties purchasing suitable housing on the open market.
- 5.51 The Council's 2015 Local Housing Market Assessment (LHMA) identifies a net annual need for 559 Affordable Housing per annum over the next five years (2015 - 2020), comprising of 331 social rented, 115 low cost home ownership (LCHO) and 113 intermediate rented dwellings. Identifying an affordable housing need across the Vale of Glamorgan, with the highest areas of need identified in the wards of Penarth and Llandough, and Barry, followed by Llantwit Major, Dinas Powys, Cowbridge, Rhoose, Sully, St. Athan, Wenvoe, Peterston Super Ely, Llandow/Ewenny and St Bride's Major.
- 5.52 To help address the need identified, the Council anticipates that the LDP will contribute towards meeting this identified need through the provision of up to 3,252 affordable dwellings over the Plan period. The provision of affordable housing over the Plan period will principally be through the Council's statutory function as the local housing authority and the local planning authority.
- 5.53 As the local housing authority the Council will ensure the efficient management of housing stock, with particular emphasis on reducing vacancy rates, and will work in partnership with Registered Social Landlords to deliver new housing in the social sector. The Council has delivered an average of 25 new affordable residential units per annum via social housing grant. Projected over the next 15 years this could generate an additional 375 affordable residential units but this is dependent on the continuation of Social Housing Grant and as a consequence this contribution is not included in the 3,252 units identified in Policy SP4.
- 5.54 As the local planning authority the Council will seek to secure an appropriate level and mix of affordable housing in all proposed residential developments and may include social and intermediate rent, low cost market housing, as well as co-operative housing and housing for older persons. Further information on this aspect is included under Policy MG4 and in the Council's Affordable Housing Delivery background paper. The Council's Affordable Housing Viability evidence prepared to inform the LDP assessed the ability of new residential developments throughout the authority to provide an element of affordable housing within schemes, concluding that new residential developments in the Vale of Glamorgan can provide between 30 and 40% affordable housing. These requirements have been taken into account when formulating Policy MG4.
- 5.55 The affordable housing requirement figure in Policy SP4 is indicative and relates only to those affordable homes secured through the planning system. The figure includes contributions from committed sites, additional housing from new allocations, windfall and small sites as identified in Policies MG1, MG2, MG4 and MD5. It is anticipated that new allocations will contribute up to 2,627 affordable housing units and windfall and small sites up to 625 affordable residential units, including the 10% flexibility allowance in supply set out under Policy MG1.
- 5.56 In order to assist in the provision of affordable residential units Policy MD10 provides a framework which allows for the development of affordable housing in sustainable locations outside the settlement boundaries of the towns and villages identified in the LDP settlement hierarchy.
- 5.57 Further details on the LDP's site specific requirements for the provision of affordable housing are detailed within the Managing Growth and Managing Development policies of the Plan (sections 6 and 7 refer respectively).

LDP Strategy

- 5.93 Mineral resources are finite and therefore it is vital to use these resources wisely and efficiently as well as encouraging the use of alternatives to naturally occurring minerals wherever this is technically possible and where it does not have unacceptable effects on the local environment. In this regard, Policy SP9 translates national and regional guidance on aggregates provision to the local level by promoting the use of natural minerals sustainably and encourages the use of secondary and alternative resources.
- 5.94 Planning Policy Wales stresses the importance of safeguarding mineral deposits which society may need in the future. Carboniferous and Liassic limestone are widespread in the Vale of Glamorgan. This policy safeguards those resources in accordance with national policy to ensure availability for future generations. The safeguarded areas are shown on the Proposals Map. Policy MG22 sets out the criteria by which development proposals that may sterilise or hinder future extraction of safeguarded minerals resources will be assessed against. Additionally, although there is no history of land-based sand and gravel extraction in the Vale of Glamorgan, a number of areas have been identified that may in the future contribute as a replacement to marine-dredged materials. In view of the limited availability of such material these areas are also safeguarded from development that would unnecessarily prejudice their potential extraction in the future.
- 5.95 Although the Wharf at Barry Docks has not been used for landing marine sand and gravel since 2005 it is recognised that this is a potential supply route of sand and gravel resource into the region. The wharf site is therefore safeguarded on the Proposals Map and future proposals will need to consider the potential impact on the landing of marine sand and gravel at Barry Docks. The safeguarding of the wharf does not prevent its use to land other goods and does not affect permitted development rights.

POLICY SP10 - BUILT AND NATURAL ENVIRONMENT

Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

- 1. The architectural and / or historic qualities of buildings or conservation areas, including locally listed buildings;**
- 2. Historic landscapes, parks and gardens;**
- 3. Special landscape areas;**
- 4. The Glamorgan Heritage Coast;**
- 5. Sites designated for their local, national and European nature conservation importance; and**
- 6. Important archaeological and geological features.**

- 5.96 The Vale of Glamorgan's natural and built environmental qualities significantly contribute to its identity and also provide valuable local recreation and tourism opportunities. These assets include areas recognised as being of European, national and local importance, including the Vale of Glamorgan's coastline which includes the Glamorgan Heritage Coast designation and the Severn Estuary Special Protection Area (Appendix 2 refers).
- 5.97 Policy SP10 emphasises the need to protect the Vale of Glamorgan's natural and built environmental assets and reinforces that sensitive design and choice of location of new development can have a

positive effect on the Vale of Glamorgan's built and natural heritage. Similarly, new development will be required to minimise its impact on natural systems, landscapes, species and habitats and, where appropriate, provide opportunities for the creation of new habitats or the sensitive enhancement of existing habitats.

- 5.98 The LDP provides a policy framework that seeks to preserve and enhance the Vale of Glamorgan's important historic built environment particularly in relation to the numerous listed buildings (both statutory and local), conservation areas, scheduled monuments and historic landscapes, parks and gardens that exist. It should be noted that statutory listed buildings are also covered under Policy MD8 and are subject to separate legislation. In addition, it recognises the importance of preserving and enhancing the natural environment, principally the countryside and the coast, which have significant landscape and nature conservation value.

Enjoying

POLICY SP11 - TOURISM AND LEISURE

Proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. Existing tourism and leisure facilities will be protected and enhanced, and favourable consideration will be given to proposals which:

- 1. Enhance the range and choice of the Vale of Glamorgan's tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations;**
- 2. Favour rural diversification and the local economy; and**
- 3. Protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.**

- 5.99 Located within the most populated area of Wales and in close proximity to Cardiff, the Vale of Glamorgan is well situated in terms of its catchment area for both day visitors and also as a base for visitors wishing to explore South Wales. The Vale of Glamorgan's coastal and rural setting is a valuable tourism and recreation asset, as are day trip destinations such as Whitmore Bay, Barry Island and Penarth. These assets were further enhanced in 2012 with the opening of the All Wales Coastal Path, a 'flagship' tourism project that is capable of bringing economic benefit to coastal communities. Such destinations and assets also provide a valuable source of local employment, employing approximately 3,000 people⁵ and generating some £169.6 million of visitor expenditure both directly and indirectly.

- 5.100 The Vale of Glamorgan Council's Community Strategy seeks to build upon these tourism strengths. The aspiration is for the Vale of Glamorgan to become "the Green Lung of South East Wales" recognising the importance of ensuring that tourism is undertaken in a sustainable manner so that the natural and built tourism assets are maintained for the enjoyment of future generations. The LDP provides a policy framework which encourages new investment in appropriate tourism, leisure and recreation facilities and seeks to protect and enhance existing facilities for the benefit of residents, visitors and the local economy.

⁵Vale of Glamorgan Tourism Strategy 2011-2015

Managing Growth in the Vale of Glamorgan

- 6.1 This section sets out the Managing Growth Policies that will be used to ensure that future developments within the Vale of Glamorgan contribute to delivering the Vision, Objectives and Strategy of the LDP. The Policies will be used to complement national planning guidance produced by the Welsh Government and should be considered in the context of and in combination with these national policies. The policies do not seek to repeat national policy, but have been developed to reflect local circumstances in order to manage the distinctive characteristics of the Vale of Glamorgan. No policy should therefore be considered in isolation as the policies within the Plan form a suite of interrelated policies.
- 6.2 Policies contained in this section are set out under the themes identified in the Vision and Objectives section. The policies outlined under the living theme provide a framework for new residential development, those policies identified under working theme provide a context for new employment, retail and transportation proposals, the managing theme provides a framework for safeguarding special landscape areas, the urban fringe, locally important buildings and structures and mineral resources and those policies outlined under the enjoying theme provide a context for new leisure and recreation development in the Vale of Glamorgan.

Living

POLICY MG1 - HOUSING SUPPLY IN THE VALE OF GLAMORGAN

In order to meet the housing land requirement of 9,460 new dwellings provision will be made for the development of up to 10,408 new dwellings during the plan period. This will be met through:

- 1. Allocations within the plan;**
- 2. Development sites with extant planning permissions;**
- 3. Development of unallocated windfall sites in sustainable locations; and**
- 4. Small sites, including infill, the conversion of suitable buildings and subdivision of existing dwellings.**

- 6.3 Policy SP3 identifies a housing requirement of 9,460 dwellings for the Plan period. The requirement figure is based on Welsh Government population projections for the Vale of Glamorgan⁶. To accommodate this level of growth the LDP has identified a range of development opportunities throughout the Vale of Glamorgan. The LDP provides a framework for the delivery of 9,460 dwellings with the inclusion of a 10% margin for flexibility to ensure the availability of a range and choice of housing land throughout the Plan period.
- 6.4 As Policy MG1 indicates, the supply of new dwellings is provided through the following:
- 6.5 Allocations within the Plan – land for new residential development is allocated in accordance with Policies SP3 and MG2 for 8,525 dwellings.
- 6.6 Development sites with extant planning permissions as of April 2011 – As of April 2011, excluding those sites that are allocated under Policy MG2, planning permissions were in place in the Vale of Glamorgan for 182 dwellings on large sites (10 dwellings or over), with many of these sites having been built-out in the intervening period. For the avoidance of doubt this excludes constrained sites, as listed in the Joint Housing Land Availability Study 2011 (JHLAS).

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- 6.7 It must be noted that should planning permission for a site lapse, planning applications to renew that approval will be assessed against the policies in the LDP.
- 6.8 Development of unallocated windfall and small sites - The contribution of both unallocated windfall (sites of 10 or more units) and small sites (9 units or less) to the overall housing supply in the Vale of Glamorgan can be significant. Based on the 10 year trend that preceded the Plan period the Council estimate that together small and large windfall development shall contribute 1,701 dwellings over the plan period.
- 6.9 In order to provide sufficient land to accommodate the projected growth, the LDP will provide a policy framework for the construction of new dwellings as follows:

Development of Sites with extant planning permissions (10 or more dwellings) at April 2011	182
Allocations within the Plan	8,525
Development of unallocated windfall sites (10 or more dwellings)	840
Development of small sites (less than 10 dwellings)	861
TOTAL DWELLING SUPPLY 2011- 2026	10,408

POLICY MG2 - HOUSING ALLOCATIONS

In order to meet the housing requirement identified in Policy SP3 land is allocated for residential development at the following locations:

		Size (ha)	Number
Strategic Housing Sites			
1	Phase 2, Barry Waterfront * # =	48.55	1,700
2	Land at Higher End, St. Athan # (in part)	9.78	220
3	Land at Church Farm, St. Athan	8.4	250
4	Former Stadium Site / Land adjacent to Burley Place, St. Athan	2.2	65
5	Land to the east of Eglwys Brewis, St Athan =	10.9	255
6	Land adjacent to Froglands Farm, Llantwit Major =	4.4	90
7	Land between new Northern Access Road and Eglwys Brewis Road, Llantwit Major =	15.8	375
			2,955
Key Settlement: Barry			
8	Barry Island Pleasure Park #	1.18	25
9	White Farm ** #	12.14	177
10	Land to the east of Pencoedre Lane #	2.8	67

POLICY MG4 - AFFORDABLE HOUSING

Residential developments (including mixed use schemes) will be required to contribute to meeting affordable housing need and should meet the levels of affordable housing set out below:

- 30% affordable housing on residential developments resulting in a net gain of 5 or more units in:
 - Barry;
- 35% affordable housing on residential developments resulting in a net gain of 5 or more units in:
 - Llantwit Major;
 - Rhoose; and
 - St Athan.
- 40% affordable housing on residential developments resulting in a net gain of 1 dwelling or more; or the conversion of existing buildings resulting in a net gain of 2 or more dwellings in:
 - Cowbridge;
 - Dinas Powys;
 - Llandough;
 - Penarth;
 - Sully;
 - Wenvoe;
 - The minor rural settlements; and
 - The rural Vale of Glamorgan.

The provision of affordable housing will be negotiated on a site-by-site basis taking into account the evidenced viability of the development.

On sites of 10 or more dwellings affordable housing shall be provided on site, unless exceptional circumstances are demonstrated, with the requirement being rounded up to the nearest whole number. On sites of fewer than 10 dwellings the affordable housing requirement will be calculated and any whole units shall be provided on site, unless exceptional circumstances are demonstrated, with the residual amount being provided as an equivalent financial contribution. Off-site contributions received will be used to deliver alternative affordable housing in the Vale of Glamorgan.

Contributions will be made in accordance with the requirements set out in the Council's affordable housing SPG, which provides guidance on viability and the circumstances under which contributions may be varied or reviewed.

6.22 Policy SP4 identifies a target of up to 3,252 affordable homes across the Vale of Glamorgan over the Plan period in accordance with the findings of the Council's Local Housing Market Assessment (2015) (LHMA) which considered the nature and scale of the shortage of affordable housing in the Vale of Glamorgan over the Plan period.

6.23 For the purpose of Policy MG4 the requirements shall apply to those areas within the delineated settlement boundary of the relevant settlement cited, as shown on the Proposals Map. The 'Rural Vale of Glamorgan' means the area outside any defined settlement boundary. Development sites adjoining or close to the settlement boundaries of Barry, Llantwit Major, Rhoose and St. Athan will

Managing Growth in the Vale of Glamorgan

be treated as the 'Rural Vale of Glamorgan' and will be expected to deliver 40% affordable housing, unless the developer provides viability evidence to justify an alternative.

- 6.24 The findings of the Council's Affordable Housing Viability Update Report (AHVA 2014)⁸, highlights that the Vale of Glamorgan has amongst the highest house prices in Wales, which generates significant land values from which section 106 contributions can be sought by the Council. Indicating that within the Vale of Glamorgan new residential developments have the potential for supporting affordable housing contributions of 30% in the Barry housing market area, 35% in Llantwit Major, Rhoose and St Athan, and elsewhere 40% affordable housing contributions.
- 6.25 The 2014 AHVA also reconfirmed the findings of the Council's Small Site Viability Study (2013)⁹, which recommended that the Council should adopt a single dwelling threshold within the highest areas of affordable housing viability. However, the study also highlighted that single barn conversions and the replacement of an existing dwelling on a one for one basis, the conversion/subdivision of an existing dwelling into 2 units, and the conversion of existing buildings into a single dwelling should be excluded.
- 6.26 Policy MG4 reflects the findings of the 2014 AHVA, and sets a target contribution of 30% within Barry, and 35% target within Llantwit Major, Rhoose and St Athan on residential and mixed use sites resulting in a net gain of 5 dwellings or more.
- 6.27 In Cowbridge, Penarth, Dinas Powys, Wenvoe, minor rural settlements and the rural Vale of Glamorgan a 40% affordable housing target is set on all new residential development schemes generating a net gain of 1 or more dwellings; and developments involving either the subdivision of existing dwellings or the conversion of existing buildings, where these result in a net gain of 2 or more dwellings. In accordance with the recommendation of the small sites viability study, barn conversions are excluded from the requirements of Policy MG4.
- 6.28 Having regard to the findings of the Council's Local Housing Market Assessment (2015) (LHMA) and the evidence on development viability, the Council will usually seek a tenure split of affordable housing to be delivered on site of 70% social rented housing and 30% intermediate housing, which may be either intermediate rented housing or low cost home ownership (LCHO) housing provided it satisfies the TAN 2 definition of Affordable Housing. However, tenure mix can be considered on a case by case basis where evidence suggests that the Council's preferred mix is not appropriate or deliverable or local evidence of need indicates an alternative mix would be more appropriate.
- 6.29 Policy MG4 specifies the Council's preference for on-site provision of affordable housing but recognises on smaller sites (of fewer than 10 dwellings) the requirement will often equate to less than whole dwellings. In such circumstances, given the small scale of development, it is appropriate to require a financial contribution proportionate to the residual requirement, which can be pooled and used to enable affordable housing off-site. The Council's preference will always be for on-site delivery of affordable housing, however, where appropriate, the Council may allow a proportion of the affordable housing to be delivered off site or through the provision of commuted sums to facilitate affordable housing in areas of greatest need, affordable housing on land in ownership of the Council or an RSL or improvements to existing affordable housing, or may allow the Council to use funding to provide affordable housing in areas of greatest need. The Council's approach to financial contributions (commuted sums) is set out in more detail in the Affordable Housing Supplementary Planning Guidance (SPG). Commuted sums will be calculated using the equivalent

⁸Vale of Glamorgan Council Viability Update Report (2014)

⁹Provision of Viability and Policy Advice on Affordable Housing, Small Sites and Commuted Sums for the Vale of Glamorgan Council, August 2013)

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cost of on-site provision and will be used to assist development of affordable housing to meet identified needs.

- 6.30 Where concerns over viability are raised, the onus will be on the developer to demonstrate through the submission of a viability appraisal that the required contribution would make the development unviable.
- 6.31 Where it is demonstrated that there are proven economic circumstances that impact upon the delivery of the affordable housing, for example where market circumstances have changed or where existing use values prevent the policy target being achieved, the Council may negotiate the level, type, tenure and nature of on-site provision or where appropriate, off-site provision. In instances where a financial contribution in lieu of affordable housing provision is considered to be acceptable, the most appropriate use of this funding will be determined by the Council. This could include the provision of affordable housing on land in ownership of the Council or an RSL or improvements to existing affordable housing, or may allow the Council to use funding to provide affordable housing in areas of greatest need.
- 6.32 Where on site provision is required, emphasis will be on the provision of a range and choice of affordable housing to fulfil local housing needs and in order to provide for an appropriate mix and balance of development. In addition, the provision of local lettings policies will be important when bringing sites forward for affordable housing. Further information in relation to the affordable housing need is contained within the Affordable Housing Delivery Background Paper.
- 6.33 Appropriate planning conditions and/or planning obligations will be utilised to ensure that affordable housing provided through new development will remain affordable in perpetuity. Further detailed guidance on the implementation of this policy is set out in the Council's Affordable Housing Supplementary Planning Guidance.

POLICY MG5 - GYPSY AND TRAVELLER SITE

Land is allocated at Llangan for the provision of a 2 pitch gypsy and traveller site.

- 6.34 Sections 101 to 103 of the Housing (Wales) Act 2014 require local authorities to assess the accommodation needs of Gypsy and Travellers within their area and that where there is an identified need sufficient site(s) should be allocated within the Council's LDP to address that need.
- 6.35 The 2016 Vale of Glamorgan Gypsy and Traveller Accommodation Assessment (GTAA) identified an unmet need for 2 residential pitches over the short to medium term and a further unmet need for 18 residential pitches for the remaining development plan period (i.e. after 2021). The monitoring framework sets out the Council's proposed steps to identify and deliver a further site to meet this unmet need.
- 6.36 The current Gypsy and Traveller site at Llangan is in the ownership of the Council and is considered to be suitable to accommodate the short to medium term need of 2 pitches identified in the GTAA¹⁰.
- 6.37 The Council's Monitoring Framework has set out a 2 year timetable for the identification of an appropriate site to accommodate any future arising needs for Gypsy and Travellers.

POLICY MG20 –

NATIONALLY PROTECTED SITES AND SPECIES

Development likely to have an adverse effect either directly or indirectly on the conservation value of a site of special scientific interest will only be permitted where it is demonstrated that:

1. There is no suitable alternative to the proposed development; and
2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and
3. Appropriate compensatory measures are secured; or
4. The proposal contributes to the protection, enhancement or positive management of the site.

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

1. The population range and distribution of the species will not be adversely impacted;
2. There is no suitable alternative to the proposed development;
3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and
4. Appropriate avoidance, mitigation and compensation measures are provided.

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- 6.127 For the purposes of the policy, nationally designated sites include Sites of Special Scientific Interest (SSSI). Within the Vale of Glamorgan there are 28 SSSI and these are detailed in Appendix 2 and their locations are shown on the Constraints Map. Protected species are those detailed within the Wildlife and Countryside Act 1981 (as amended) and species specific legislation e.g. the Protection of Badgers Act 1992.
- 6.128 The presence of a protected species is a material consideration in the determination of planning applications. When assessing any development proposal which if carried out would be likely to result in harm to a protected species or its habitat, the Council will be guided by advice received from Natural Resources Wales.
- 6.129 There will always be a presumption against development which is likely to harm a protected site or species. However, there may also be instances when the importance of a development proposal will outweigh the conservation value, either temporarily or permanently to a SSSI / protected species and in such instances, the objective will always be to ensure that the nature conservation value of the site or protected species is preserved and where possible enhanced.
- 6.130 Where development is permitted, appropriate conditions or agreed planning obligations will be used to secure adequate compensation or mitigation measures.

- 7.1 The LDP Vision, Strategic Objectives and Strategic Policies set out the levels of growth and development for the Vale of Glamorgan over the Plan period. This section sets out the policy framework for managing future development in the Vale of Glamorgan. The policies seek to address issues that are relevant to all forms of development proposals, for example, access, design and amenity as well as providing a development specific context for proposals such as energy generation and rural buildings. These policies in combination with other policies contained in the LDP and national planning policy will form the basis for determining future planning applications in the Vale of Glamorgan.

POLICY MD1 - LOCATION OF NEW DEVELOPMENT

New development on unallocated sites should:

- 1. Have no unacceptable impact on the countryside;**
- 2. Reinforce the role and function of the key settlement of Barry, the service centre settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities;**
- 3. Where appropriate promote new enterprises, tourism, leisure and community facilities in the Vale of Glamorgan;**
- 4. In the case of residential development, support the delivery of affordable housing in areas of identified need;**
- 5. Have access to or promote the use of sustainable modes of transport;**
- 6. Benefit from existing infrastructure provision or where necessary make provision for new infrastructure without any unacceptable effect on the natural or built environment;**
- 7. Where possible promote sustainable construction and make beneficial use of previously developed land and buildings;**
- 8. Provide a positive context for the management of the water environment by avoiding areas of flood risk in accordance with the sequential approach set out in national policy and safeguard water resources; and**
- 9. Have no unacceptable impact on the best and most versatile agricultural land.**

- 7.2 Policy MD1 sets out the framework for future development to take place on unallocated sites within the Vale of Glamorgan. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In addition, it seeks to ensure the efficient use and reuse of land and buildings and effectively manage important resources. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure, local amenity or result in the redevelopment of important open space or community facilities.
- 7.3 Within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. For the purposes of the LDP, countryside is defined as that area of land lying outside the settlement boundaries of the main towns and villages identified in the LDP settlement hierarchy that has not been developed for employment use or allocated for development in the

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Plan. Proposals affecting green wedges, special landscape areas and the Glamorgan Heritage Coast will be considered against policies MG18, MG17 and MG27 respectively.

- 7.4 New development will be expected to avoid unnecessary flood risk and to meet the requirements of TAN 15: Development and Flood Risk. No highly vulnerable development will be permitted within Development Advice Map (DAM) Zone C2²⁴ and development will only be considered in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15.

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

In order to create high quality, healthy, sustainable and locally distinct places development proposals should:

1. **Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest;**
2. **Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;**
3. **Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;**
4. **Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;**
5. **Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;**
6. **Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;**
7. **Where appropriate, conserve and enhance the quality of, and access to, existing open spaces and community facilities;**
8. **Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;**
9. **Provide public open space, private amenity space and car parking in accordance with the council's standards;**
10. **Incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscape features and biodiversity interests;**
11. **Provide adequate facilities and space for the collection, composting and recycling of waste materials and explore opportunities to incorporate re-used or recyclable materials or products into new buildings or structures; and**
12. **Mitigate the causes of climate change by minimising carbon and other greenhouse gas emissions associated with their design, construction, use and eventual demolition, and include features that provide effective adaptation to, and resilience against, the current and predicted future effects of climate change.**

- 7.5 Policy MD2 sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments. Safeguarding the local character of the Vale of Glamorgan's towns and villages is reliant on securing high quality

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design that is of the appropriate scale and form in the right location. Equally, the layout and design of new development is essential for improving resident's quality of life, creating a sense of place and ensuring a healthy and safe environment.

- 7.6 All development proposals will be required to fully consider the context and character within which the development proposal is located so as to ensure that it contributes positively to the local setting including important views and vistas. Issues associated with safeguarding residential amenity should also be addressed during the design process especially where mixed use developments are proposed. Solutions to problems such as overlooking and noise can often be overcome by good design. All new buildings should respond positively to and respect their surroundings and contribute towards healthy and vibrant communities, reducing the fear of crime and creating a sense of place. In this regard developments must be of an appropriate scale, density and design for their location and make a positive contribution to the local environment. Further guidance will be provided in the Householder Design Guide Supplementary Planning Guidance.
- 7.7 Key locations, such as town centres and main routes/junctions that serve new developments, present opportunities for enhancing public realm and reinforcing a sense of place through the use of sensitive landscaping and public art. In all shopping centres, the Council will require well designed shop fronts which will enhance the area and add to its local distinctiveness.
- 7.8 All new development should be highly accessible. Walking and cycling have an important role to play in the management of movement across the area, particularly reducing the number of short trips taken by car. Developers will be required to ensure that new developments encourage walking and cycling by giving careful consideration to location, design, access arrangements, travel 'desire lines' through a development, and integration with existing and potential off-site links. Providing safe and convenient walking and cycling environments will help tackle health problems associated with physical inactivity and social exclusion factors arising from car dependency, poor access to services and public transport facilities.
- 7.9 The provision of car parking is a major influence on the choice of means of transport and the pattern of development. The Council will seek to restrict developments that generate a high level of trips (e.g. offices, shops and leisure uses) to locations well served by public transport. Moreover, provision for parking will be reduced in line with improvements to public transport accessibility. The Council's standards are set out in the Parking Standards Supplementary Planning Guidance.
- 7.10 As well as ensuring healthy and active environments consideration should also be given to the impact on the health and wellbeing of future users in the design of buildings, use of materials and access to light and quiet areas. The provision of features or the shared use of community facilities for health care needs which enable people to retain their independence and remain in the local community will be favoured where considered appropriate.
- 7.11 The Welsh Government promotes the widespread adoption of travel plans by businesses, schools, hospitals, tourist attractions, major residential developments and other significant travel-generating uses. These assist with the efficient management of the highway network and promote alternative modes of transport. The need for a travel plan will be identified early on as part of the pre-application process or scoping discussions with the Council, and will be the subject of Supplementary Planning Guidance.

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- 7.12 To meet the goal of achieving sustainable development, proposals need to make appropriate provision for reducing and recycling waste in accordance with the waste hierarchy. Encouraging energy conservation and generation from renewable sources is one measure by which the planning system can make a positive contribution towards reducing the impact of new development on climate change. The design of new developments must address the need to reduce energy consumption and maximise opportunities for low carbon energy generation. Developers should consider measures to help reduce effects related to climate change, for example by incorporating green space to provide shading and sustainable drainage systems to reduce run-off, incorporating renewable energy generation into the fabric of buildings or designs which prevent overheating to avoid the need for artificial cooling of buildings.
- 7.13 It is a statutory requirement that certain applications for planning permission and listed building consent are accompanied by a Design and Access Statement (DAS)²⁵. Where required, a Design and Access Statement should explain how proposals can contribute positively to reducing the fear of crime and creating a sense of place. The level of detail in the statement should be proportionate to the complexity of the proposal but should contain sufficient detail to explain how the development addresses any factors relevant to the scale and type of development proposed.
- 7.14 Larger residential and commercial schemes present an opportunity to deliver developments that create a sense of place, provide an accessible and healthy environment, and reinforce or enhance existing urban areas. In order to ensure the creation of high quality public spaces, the Council may require promoters of allocated and unallocated sites to prepare a master plan. As part of the master planning exercise developers will be required to demonstrate that they have had regard to all of the requirements of Policy MD2.

POLICY MD 3 - PROVISION FOR OPEN SPACE

Where there is an identified need for public open space, new residential development with a net gain of 5 or more dwellings will be required to provide public open space in accordance with the following standards:

- 1. Outdoor sports provision 1.6 hectares per 1,000 population**
- 2. Children's equipped play space 0.25 hectares per 1,000 population**
- 3. Informal play space 0.55 hectares per 1,000 population**

Where there is an identified need for public open space provision, major new commercial developments, where floorspace to be created exceeds 1000 sqm or the site is 1 hectare or more, will be required to provide public open space at a ratio of 16 sqm per full time equivalent employee.

In order to create sustainable places areas of open space will usually be required to be provided on-site as part of new development proposals. Where it is not practical or desirable to make provision on-site, appropriate off-site provision or financial contributions for improvements to existing facilities will be required in lieu of on-site public open space.

- 7.15 Planning Policy Wales (PPW) directs that the development plan should contain clear policies for the provision, protection and enhancement of sport, recreation and leisure facilities. Standards of

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provision should be set so that local deficiencies can be identified and met through the planning process. Policy MD3 outlines the Council's standards for open space provision as part of new developments and supports Policies MD2 and MD4.

- 7.16 The latest evidence of need for open space in the Vale of Glamorgan is contained in the Open Space Background Paper that supports the LDP. Where local deficiencies of provision have been identified, new residential development in the Vale of Glamorgan will be expected to provide new children's play space and informal recreation space and both commercial and residential developments will be expected to provide new outdoor sport facilities in accordance with the identified standards. In setting standards, the Council has adopted the widely accepted Fields in Trust (FIT) benchmark open space standards²⁶ as referenced in TAN 16: Sport, Recreation and Open Space²⁷.
- 7.17 The application of these standards will ensure that in areas of deficiency, new development will provide open space for future residents and employees and will not place an additional burden on existing levels of provision. The standards will be applied to all new residential development including, new build residential developments, redevelopment schemes, conversions and mixed-use developments containing housing and sheltered housing with a net gain of 5 or more dwellings. The policy applies to all proposals for commercial development where the new floorspace to be created exceeds 1000 sqm or the site area is more than 1 hectare. Where the proposal relates to a change of use to commercial activity, the policy will be applied where the intensification of use would generate additional demand for open space, for example change of use from a B8 storage use to a B1 Office use where the number of employees significantly increases. For the purpose of this policy commercial development is taken to mean employment, retail, leisure and other uses that provide a degree of employment, in recognition of the fact that such uses generate demand for open space and recreational activities by employees i.e. before, after and during recreational breaks.
- 7.18 New open space will normally be required to be provided on-site in order to serve those new residents and employees that will generate the increased demand. Where it is not possible to provide additional facilities on-site, for example due to the constrained nature of the site or the nature of the development proposed, off-site provision or financial contributions towards improving or maintaining existing facilities or access to existing facilities within the vicinity may be appropriate. Any alternative off-site provision agreed must be suitably located within easy, safe walking distance of the proposed development. The Council will work with developers to agree the most appropriate way of meeting the accepted standards and maintaining a satisfactory level and balance of provision should such circumstances arise. Where adequate open space exists in the vicinity of a development but has poor accessibility, improved access links may be sought as an alternative to open space provision.
- 7.19 The future maintenance of open space is essential to ensuring that high quality, safe facilities are available for local users. The Council will secure appropriate future maintenance arrangements through planning conditions or obligations in a section 106 agreement to ensure that all open space provided is appropriately maintained.
- 7.20 The above policy relates to recreational public open space requirements, and does not override the need for other areas of incidental green space throughout development proposals. In the interest of good design and to improve the urban realm, all new developments will be required to include appropriate levels of green space and landscaping for public amenity. Furthermore, in the case

²⁶Fields in Trust Planning and Outdoor Sport and Play (2008)

²⁷Technical Advice Note 16: Sport, Recreation and Open Space (Welsh Government 2009)

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of residential developments, appropriate provision must be made for private amenity space such as gardens, roof terraces and balconies, to meet the immediate needs of residents for storage, clothes drying and incidental private enjoyment of their property. Further details on Amenity Space provision is provided in Supplementary Planning Guidance.

- 7.21 Further details on the application of the open space standards will be provided in the Planning Obligations Supplementary Planning Guidance.

POLICY MD4 -

COMMUNITY INFRASTRUCTURE AND PLANNING OBLIGATIONS

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. Community infrastructure may include the provision or improvement of:

1. Affordable housing;
2. Educational facilities;
3. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic;
4. Public open space, public art, leisure, sport and recreational facilities;
5. Community facilities;
6. Healthcare facilities;
7. Service and utilities infrastructure;
8. Environmental protection and enhancement such as nature conservation, flood prevention, town centre regeneration, pollution management or historic renovation;
9. Recycling and waste facilities; and
10. Employment opportunities and complementary facilities including training.

- 7.22 The quality, accessibility and range of community infrastructure available to meet the needs of new developments is vital to the creation of sustainable communities. Policy MD4 seeks to ensure that all new developments in the Vale of Glamorgan are supported by appropriate services and facilities to meet their needs and the needs of the existing community, to create safe, sustainable, liveable, healthy and mixed communities. This may be through improvements to existing facilities or the provision of new infrastructure. The Infrastructure Plan accompanying this LDP sets out what infrastructure is required to deliver the LDP Strategy and specific development allocations, and identifies how these will be delivered throughout the Plan period.

- 7.23 Community infrastructure will be secured either through planning obligations contained within a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), or in due course through levy receipts under the Community Infrastructure Levy Regulations 2010 (as amended). The Council is currently working towards introducing a Community Infrastructure Levy (CIL) for the Vale of Glamorgan shortly after adoption of the LDP. It intends to prepare a draft charging schedule in 2016 with a view to adopting CIL by 2017. In advance of adopting CIL the Council will continue to secure necessary infrastructure through Section 106 Planning Obligations. Once CIL is in place, the use of Planning Obligations will be scaled back to include those matters not covered by CIL and affordable housing.

Planning Obligations

- 7.24 In accordance with the advice contained in Planning Policy Wales, Circular 13/97 on 'Planning Obligations' and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations), the type and value of Planning Obligations sought in connection with a planning permission will be considered on a site by site basis having regard to the policy and legislative tests. As of 6th April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is: necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. Each application will be considered in respect of the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. Details of the types of infrastructure which may be required are set out in Policy MD4 and further information will be provided in Supplementary Planning Guidance on Planning Obligations. In most cases, the Council will encourage developers to provide facilities and infrastructure on site to serve the future occupiers of the development. Where this is the case, these 'in-kind' contributions will be taken into account when calculating the amount of any off-site contributions. Where a development is considered to meet all its needs on site and mitigate its impacts through sufficient in-kind contributions, it is unlikely that any additional financial contributions will be sought.
- 7.25 Where they satisfy the policy tests, (i.e. are necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects), the Council will use planning conditions rather than Planning Obligations to secure the necessary community infrastructure required as a result of the development (Planning Policy Wales and Circular 16/2014 'The Use of Conditions for Development Management').
- 7.26 Planning Policy Wales explains that unacceptable development should never be allowed because of unrelated benefits and acceptable development should never be refused simply because an applicant is unwilling to offer such benefits. Section 106 agreements are voluntary and require the cooperation of the developer in order to be delivered. However, where a developer fails to show they can adequately mitigate the impacts of their development, either through planning obligations or other measures, it is likely that the application will be refused.

Community Infrastructure Levy

- 7.27 The Community Infrastructure Levy Regulations 2010 came into force on 6th April 2010 in England and Wales and introduced powers for Local Planning Authorities to establish a Community Infrastructure Levy (CIL) to fund infrastructure required to support the development of the area. Section 216 of the Planning Act 2008, as amended by Regulation 63 of the CIL Regulations define 'Infrastructure' for the purpose of CIL as including roads and other transport facilities; flood defences; schools and other educational facilities; medical facilities; sporting and recreational facilities as well as open spaces. The scope of this definition currently excludes affordable housing. However, if it is included at a later date Policy MD4 caters for either scenario.
- 7.28 In February 2011, the Council resolved in principle to commence preparation of a Community Infrastructure Levy (CIL) for the Vale of Glamorgan. Once in place, the CIL will replace Section 106 agreements in many respects. CIL will therefore become the main mechanism for providing

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infrastructure in connection with new development once it is adopted. However, S106 agreements and planning conditions will still be used to secure on-site infrastructure such as open space and affordable housing. The CIL schedule for the Vale of Glamorgan will be subject to independent examination prior to adoption. Following its adoption, in considering the need for planning obligations, the Council will need to consider the level of CIL liability on the development and to what extent the community infrastructure needs of the development will be met through implementation of CIL.

Development Viability

- 7.29 Where a developer contends that the Section 106 requirements are too onerous in addition to the CIL liability and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought. Any subsequent reduction on this basis is only likely to be justified where there is planning merit and / or public interest in the site being developed e.g. the reuse of a listed building or the regeneration of an urban area. Where the reductions are justified on the basis of unusual market circumstances, such as an unpredicted drop in house prices, the Council will usually require developers to agree timely review points in their Section 106 agreement to take account of any subsequent up-turn in the market which make additional planning obligations feasible.
- 7.30 The Council accepts that it may not always be possible for developers to satisfy all the planning obligation requirements. Where this is proven to be the case, the Council will need to consider what the planning obligation priorities will be for that particular development, having regard to the site location and the local needs in the vicinity. This will be considered on a site by site basis having regard to the statutory tests. The Welsh Government has advised that, in such circumstances, affordable housing should be the priority once sufficient infrastructure to enable the scheme to proceed (such as education facilities to meet the additional pupil demand) has been made available²⁸.

Prioritising Community Infrastructure

- 7.31 The above list in Policy MD4 is not a prioritised list and where it is necessary to prioritise planning obligations the Council will do so on a site by site basis, having regard to the specifics of the development at that time and in light of the statutory tests. However, in considering how planning obligations will be prioritised, the Council will consider the specific needs arising from the development, using the following categories:

Essential Infrastructure required to enable the development of the site (LDP Objectives 1, 2, 3, 4 & 8 refer) e.g. Transport infrastructure and services for pedestrians, cyclists, public transport and vehicular traffic; service and utilities infrastructure; ecological mitigation (where a protected species is affected by the development) and flood prevention.

Necessary Infrastructure which includes:

- Infrastructure required to mitigate the impacts of the proposed development on local services and to provide for the needs generated by the development, where they cannot be met by existing facilities (LDP Objectives 1, 3 & 5 refer) e.g. educational facilities; community facilities; healthcare facilities; public open space and recreational facilities.

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- The delivery of affordable housing to meet local need (LDP Objectives 1 & 7 refer).
- Infrastructure required to satisfy the Council's aim of delivering high quality developments that bring environmental and other benefits to the Vale of Glamorgan (LDP Objectives 1, 4, 6, 9 & 10 refer) e.g. public art; environmental protection and enhancement; town centre regeneration; pollution management; historic renovation; recycling and waste facilities.

7.32 This categorisation should only be relevant where the developer has demonstrated that the development cannot deliver all of the Council's planning obligation requirements because of viability constraints. The Council has undertaken a viability assessment of the Plan's planning obligation and affordable housing requirements and in most circumstances developers will be expected to meet all the requirements set out in Policy MD4.

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

Settlement boundaries have been defined around all the settlements within the LDP settlement hierarchy. New development within these settlements will be permitted where the proposed development:

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

7.33 Settlement boundaries have been drawn around the settlements of the Vale of Glamorgan identified in the LDP hierarchy which are considered capable of accommodating additional development during the Plan period. The boundaries define the settlements within which new development will be permitted encouraging the re-use of land and buildings and preventing the spread of new development in the open countryside. Accordingly to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss, development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in paragraph 9.3.2 of PPW. Such developments would also need to respond appropriately to the local context and accord with Policies MD1 and MD2.

7.34 It is recognised that these settlements are likely to contain unallocated or "windfall" sites (either previously developed or infill sites) which could accommodate new development over and above those sites that have been allocated in Policy MG2 and which can make an important contribution to the housing land bank and the objectives of the LDP. Such developments will be expected to accord with Policy MD6 in respect of housing density and achieving best use of available land.

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- 7.35 Where proposals involve the loss of open space, community or tourist facilities the Council will require robust evidence that demonstrates the facilities are no longer required or such a loss would not have a detrimental impact upon local service provision. For the purposes of the Policy, Community Facilities are as defined in the Glossary of Terms at Appendix 1. Development proposals will therefore need to be supported by evidence which demonstrates that community buildings or facilities are either no longer required for their original purpose or, in the case of commercial enterprises, no longer economically viable. Statements of justification could include evidence that alternative provision is available within close proximity to the proposal site, the use of which is preferable to that which would be lost and satisfies local needs.
- 7.36 The inclusion of land within a settlement boundary, however, does not automatically imply its suitability to accommodate development and Policy MD5 provides a framework for the development of such sites ensuring that where they are promoted, they are appropriate to their surroundings. The Council would resist the development of a site that would prejudice the delivery of an allocated development site, for example by blocking vehicular access through to an allocated site, introducing a use that would adversely affect amenity on an allocated site; or undermining its delivery by placing pressure on existing infrastructure needed to serve a proposed allocation.

POLICY MD6 - HOUSING DENSITIES

Residential development proposals within the key, service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. In minor rural settlements, a minimum net residential density of 25 dwellings per hectare will be required.

Lower density levels will only be permitted where it can be demonstrated that:

- 1. Development at the prescribed densities would have an unacceptable impact on the character of the surrounding area;**
- 2. 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; or**
- 3. The proposal is for a mixed use development where a residential use is the subordinate element of the proposal.**

Higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity.

- 7.37 New residential development within the Vale of Glamorgan will seek to use land efficiently, providing dwellings that meet current housing needs whilst protecting land for future generations. A minimum residential density of 30 dwellings net per hectare will therefore be required for new residential development within the key, service centre and primary settlements of the Vale of Glamorgan. Within the minor rural settlements of the Vale of Glamorgan new residential development at a lower density of 25 dwellings net per hectare will be permitted. This reflects the sensitive nature of many rural villages and the character of existing built form.
- 7.38 Net developable area includes only those areas which will be developed for housing and directly associated uses such as access roads within the site, private garden space, car parking areas, incidental open space and landscaping, and children's play areas where these are to be provided.

This differs from gross density which is used to define the number of dwellings in a site/development area including major and local distributor roads, primary schools, churches, local shopping etc., open spaces serving a wider area and significant landscape buffer strips which may define the site boundary/development edge. In calculating net developable area it will be reasonable to discount areas of significant constraint within a site such as woodland to be retained, flood zone, ecology mitigation areas and other strategic infrastructure such as distributor roads, playing fields or schools.

- 7.39 Development below the specified residential density levels will not be permitted unless it is demonstrated that there are significant constraints associated with a site that prevent development at the specified levels or where development at the density required would have an adverse impact on the character or appearance of the locality or result in the loss of an important site feature. Higher densities will be permissible and indeed encouraged where they represent the sustainable use of land and reflect the character of the surrounding area and would not unacceptably impact upon local amenity. By way of example higher densities would be expected in waterfront developments, flatted schemes and on sites in areas which are already characterised by high density development. All new development should contribute to the creation of balanced communities, providing an appropriate mix of housing types, tenures and sizes, including smaller properties to meet local housing need.

POLICY MD7 - ENVIRONMENTAL PROTECTION

Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:

- 1. Pollution of land, surface water, ground water and the air;**
- 2. Land contamination;**
- 3. Hazardous substances;**
- 4. Noise, vibration, odour nuisance and light pollution;**
- 5. Flood risk and consequences;**
- 6. Coastal erosion or land stability;**
- 7. The loss of the best and most versatile agricultural land; or**
- 8. Any other identified risk to public health and safety.**

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

In respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15. No highly vulnerable development will be permitted within Development Advice Map (DAM) zone C2. Development will only be permitted in areas at risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN15.

- 7.40 While many elements of pollution control are outside the remit of the planning system it is important that new development does not lead to unacceptable levels of pollution. If, as a result of consultation with bodies such as Natural Resources Wales and Health and Safety Executive, the

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Council considers that a development proposal would lead to unacceptable pollution, or make an existing problem worse, then planning permission will not be granted.

- 7.41 Policy MD7 follows the precautionary approach and the Council encourages developers to assess any impact at the earliest stage so that development proposals reduce any impact present to an acceptable level. Where development is permitted conditions will be attached to the approval to minimise any potential pollution levels and where appropriate monitor the effects of the development.
- 7.42 The Vale of Glamorgan is covered by 2 Shoreline Management Plans (SMP). These have been prepared to consider the potential long term impact of increased sea levels as a consequence of climate change. The SMPs identify general policies and actions for managing change along the coastline. In developing the LDP the Council has used the SMPs to inform site allocations so as to ensure that future development proposals do not conflict with the longer term plans contained within the SMP. Policy MD7 is consistent with this approach by requiring that proposals within coastal locations include appropriate measures to avoid increasing coastal erosion and mitigate potential flooding.
- 7.43 The purpose of this Policy is to avert development from where it would be at risk from river, ordinary watercourse, coastal, surface water flooding or where it would increase the risk of flooding or additional run off from development elsewhere. The Policy will help deliver LDP objectives relating to flood risk and reflects advice set out in PPW and Technical Advice Note 15: Development and Flood Risk (July 2004). Avoiding unnecessary flood risk will be achieved by strictly assessing the flood risk implications of development proposals within areas susceptible to tidal or fluvial flooding and preventing development that unacceptably increases risk. In accordance with TAN15: Development and Flood Risk, no highly vulnerable development will be permitted in development advice zone C2. Development will only be considered in other areas at high risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements of TAN15 (2004 – Section 6, 7 and Appendix 1)".

POLICY MD8 - HISTORIC ENVIRONMENT

Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

- 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;**
- 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;**
- 3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;**
- 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.**

- 7.44 The historic environment is a significant, but finite, resource. With sensitivity and imagination, it can be a stimulus to creative new architecture and design, a basis for regeneration and make a powerful contribution to people's quality of life.

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- 7.45 The historic environment embraces many features: buildings, structures, monuments, remains, archaeological sites, gardens, parks, landscapes and their settings. Appendix 10 provides details of Listed Buildings, Conservation Areas, Local Listed County Treasures, Parks and Gardens of Special Historic Interest in Wales, Landscapes of Outstanding Interest in Wales and Scheduled Monuments. National legislation²⁹ and planning policy,^{30,31} indicates that all of these facets of the historic environment should be protected. The preservation and enhancement of the historic environment, including the settings of historic assets, is a key aspect of the Council's wider responsibilities, and will constitute a material consideration of significant weight when determining applications affecting such assets.
- 7.46 In the Vale of Glamorgan there are 39 Conservation Areas which make a significant contribution to the attractiveness of the Vale, having been designated not on the basis of individual buildings but because of the overall quality of the area, its mix of uses, historic layout, characteristic materials, scale and detailing of buildings and open spaces. The Council has prepared detailed appraisals for each of its designated conservation areas, which define their special character and guidelines for development and enhancement schemes, and have been adopted by the Council as Supplementary Planning Guidance in support of the policies of the LDP.
- 7.47 The Vale of Glamorgan has in excess of 740 Listed Buildings, whose special architectural or historic interest is protected by the need to obtain Listed Building Consent under the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990. The setting of such buildings, however, is often critical to the character of the building, and can be restricted to its immediate site or extend to a much wider area. It is therefore essential that any development proposals demonstrate that they have had regard to the need to preserve or enhance the building and its setting.
- 7.48 In partnership with the wider Community, the Council has identified buildings and structures within the Vale of Glamorgan considered as having special local architectural or historic interest. These 'County Treasures' are of significance to the local community and contribute to the environmental and cultural heritage of the County. Although not of national importance required to merit statutory listing, their local value deserves preservation and regard must therefore be given to the need for development proposals to protect such assets from insensitive development which individually and cumulatively can harm local character. Further advice on development affecting locally listed County Treasures has been prepared and is set out in a Supplementary Planning Guidance document³².
- 7.49 The Vale of Glamorgan has considerable archaeological and historical interest. Glamorgan-Gwent Archaeological Trust curates the authority's Historic Environment Record. Archaeological features can have a considerable bearing on the feasibility of development proposals. Where archaeological remains are known or understood to be present, an archaeological field evaluation should be undertaken at the earliest opportunity and submitted as part of planning application. Where a development proposal affects an important archaeological site or its setting, there will be a presumption in favour of physical preservation of the remains, regardless of whether or not the site is a Scheduled Monument. Where development is permitted, remains should be preserved and sensitively incorporated into the development scheme or removed for preservation off site, where appropriate, in accordance with advice from Glamorgan-Gwent Archaeological Trust.
- 7.50 Policy MD8 seeks to ensure that the unique built and historic environment of the Vale of Glamorgan is protected and enhanced. Facilities to enhance and increase the public enjoyment of these historic environments will be encouraged provided that the facilities do not conflict with their conservation.

²⁹ Planning (Listed Buildings and Conservation Areas) Act, 1990 and Historic Environment (Wales) Act 2016

³⁰ Planning Policy Wales Edition 9 Section 6

³¹ Technical Advice Note 24 – The Historic Environment (2017)

³² Vale of Glamorgan County Treasures SPG (March 2009)

POLICY MD9 - PROMOTING BIODIVERSITY

New development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:

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

7.51 The biodiversity value of a proposed development site should be established at the earliest opportunity. Biodiversity value of sites should be assessed in national and local contexts. By virtue of their designation, internationally and nationally designated sites have the highest conservation value. Other sites such as SINC's or those sites that support a priority habitat or species should be assessed individually, but would likely be of lower conservation value.

7.52 However, the biodiversity value of local sites may be increased by having any of the attributes below.

- Diversity
- Rarity
- Naturalness
- Size
- Typicalness
- Fragility
- Irreplaceability

7.53 Other features that may increase the importance of a site are where the site acts as a 'stepping stone', provides habitat connectivity or acts as a buffer zone to a designated site. Sites with one or more of these attributes will be important for biodiversity value.

7.54 Where a site has biodiversity value, and where the development will be likely to have an adverse impact on biodiversity, the need for development must be weighed against the biodiversity value of the proposed development site. Where a development will have an adverse impact on the biodiversity value of a site, the development must demonstrate that the need for the development clearly outweighs the biodiversity value of the site.

7.55 Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures. Compensation should ideally be located as close as possible to the original site and be on a like-for-like basis. Mitigation measures and compensation sites should be chosen so as to maintain biodiversity features or resources.

7.56 It is nearly always possible to provide biodiversity enhancement on development sites. Levels of enhancement should be commensurate with the level of adverse impact and the scale of development. Mitigation features that can be included could include: small animal underpasses, bird boxes on new build, vegetated dark flight corridors, ponds, hedgerows, native species in planting schemes, newt-friendly drainage. These features not only mitigate and enhance, but also significantly contribute towards sustainability and natural resource planning; ensuring that new developments in the Vale are "future-proof" allowing for migration and colonisation in response to climate change.

APPENDIX 5

Affordable Housing SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Affordable-Housing-SPG-English.pdf>

Biodiversity SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Biodiversity-and-Development-SPG-2018.pdf>

Bonvilston Conservation Area Appraisal and Management Plan

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Conservation/Appraisal-and-Management-Plans/Bonvilston-Conservation-Area-Appraisal-and-Management-Plan-2009.pdf>

Conservation Areas in the Rural Vale SPG

https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Conservation_Areas_Rural_Vale_SPG.pdf

Parking Standards SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Parking-Standards-SPG-March-2019.pdf>

Planning Obligations SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Planning-Obligations-SPG-2018.pdf>

Residential and Householder Development SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Residential-and-Householder-Development-SPG-2018.pdf>

Trees, Woodlands, Hedgerows and Development SPG

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Final-Trees-Woodlands-Hedgerows-and-Development-SPG-2018-v2.pdf>