

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 OCTOBER 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2015/0801/BR	AC	Land at Romilly Park Road, Barry	Proposed residential development of 4 detached dwellings
2015/0878/BR	AC	Plot 5, Craig Yr Eos Avenue, Ogmore By Sea	Proposed construction of detached dwelling
2015/1210/BR	AC	15, Countess Place, Penarth, Vale of Glamorgan,	Proposed single storey rear extension and internal alterations.
2015/1239/BR	AC	27, Vincent Close, Barry	Conservatory with W.C. to rear of premises
2015/1240/BN	A	18, Maes-Y-Ffynnon , Bonvilston	Loft conversion
2015/1241/BN	A	The Chantry, Flemingston, Barry	Single storey extension
2015/1242/BN	A	18, Wye Close, Barry	removal of loadbearing wall between kitchen and utility room to enlarge kitchen
2015/1243/BN	A	22, Maes Y Coed, The Knap, Barry	Renewal of roof covering complete, External wall insulation
2015/1244/BR	AC	62, Adenfield Way, Rhose	2, storey side extension, internal re-modelling & relocation of f/floor bathroom

2015/1245/BN	A	2, Glanmor Crescent, Barry	Widening of front door access
2015/1246/BN	A	10, Romilly Park Road, Barry	Domestic alterations, take down walls, install lintels
2015/1248/BN	A	13, Station Road, Rhoose	Knock through wall between 2 reception rooms in a mid terraced 3 bedroom house.
2015/1249/BN	A	22, York Place, Barry	Remove internal loadbearing wall, remove external loadbearing wall. Take up existing floor in basement & install new
2015/1250/BR	AC	Leigh Cottage, Mount Road, Dinas Powys	New roof over side extension, new single storey rear extension
2015/1257/BR	AC	29, Masefield Road, Penarth	Demolish existing garage & toilet. Construct new two storey extension to side of dwelling
2015/1270/BN	A	2, Casteland Street, Barry	Installation of external door
2015/1271/BN	A	50, St Marys Avenue, Barry	Installation of external door
2015/1272/BN	A	36, Lower Morel Street, Barry	Installation of external door
2015/1273/BN	A	74, St Marys Avenue, Barry	Installation of external door
2015/1274/BN	A	40, Lower Pyke Street, Barry	Installation of external door
2015/1275/BN	A	12, Fryatt Street, Barry	Installation of external door
2015/1276/BN	A	39, Castleland Street, Barry	Installation of external door
2015/1277/BN	A	6, George Street, Barry	Installation of external door
2015/1278/BN	A	24, Station Street, Barry	Installation of external door
2015/1279/BN	A	20, Digby Street, Barry	Installation of external door
2015/1280/BN	A	57, George Street, Barry	Installation of external door

2015/1281/BN	A	32, Fryatt Street, Barry	Installation of external door
2015/1282/BN	A	59, Jewel Street, Barry	Installation of external door
2015/1283/BN	A	7, Greenwood Street, Barry	Installation of external door
2015/1284/BN	A	8, Lower Morel Street, Barry	Installation of external door
2015/1285/BN	A	13, Lower Pyke Street, Barry	Installation of external door
2015/1286/BN	A	80, Kingsland Crescent, Barry	Installation of external door
2015/1287/BN	A	37, Castleland Street, Barry	Installation of external door
2015/1289/BN	A	29, George Street, Barry	Installation of external door
2015/1290/BN	A	27, Lower Morel Street, Barry	Installation of external door
2015/1291/BN	A	28, Castleland Street, Barry	Installation of external door
2015/1292/BN	A	18, Digby Street, Barry	Installation of external door
2015/1293/BN	A	6, Castleland Street, Barry	Installation of external door
2015/1294/BN	A	90, Street Castleland Street, Barry	Installation of external door
2015/1295/BN	A	61, George Street, Barry	Installation of external door
2015/1296/BN	A	71, Dock View Road, Barry	Installation of external door
2015/1297/BN	A	19. Lower Morel Street, Barry	Installation of external door
2015/1298/BN	A	11, Lower Pyke Street, Barry	Installation of external door
2015/1299/BN	A	77, Dock View Road, Barry	Installation of external door
2015/1300/BN	A	111, Dock View Road, Barry	Installation of external door
2015/1301/BN	A	42, Lower Pyke Street, Barry	Installation of external door
2015/1302/BN	A	87, Castleland Street, Barry	Installation of external door

2015/1303/BN	A	60, Dock View Road, Barry	Installation of external door
2015/1304/BN	A	36, Castleland Street, Barry	Installation of external door
2015/1305/BN	A	25, Cross Street, Barry	Installation of external door
2015/1306/BN	A	3, Lower Guthrie Street, Barry	Installation of external door
2015/1307/BN	A	48, Coronation Street, Barry	Installation of external door
2015/1308/BN	A	37, Fryatt Street, Barry	Installation of external door
2015/1309/BN	A	19, Merthyr Street, Barry	Installation of external door
2015/1310/BN	A	8, Jewel Street, Barry	Installation of external door
2015/1311/BN	A	31, Station Street, Barry	Installation of external door
2015/1312/BN	A	14, Wilfred Street, Barry	Installation of external door
2015/1313/BN	A	34, Fryatt Street, Barry	Installation of external door
2015/1314/BN	A	13, Greenwood Street, Barry	Installation of external door
2015/1315/BN	A	49, George Street, Barry	Installation of external door
2015/1316/BN	A	104, George Street, Barry	Installation of external door
2015/1317/BN	A	3, Cross Street, Barry	Installation of external door
2015/1318/BN	A	55, Coronation Street, Barry	Installation of external door
2015/1319/BN	A	32, Kingsland Crescent, Barry	Installation of external door
2015/1320/BN	A	4, Wilfred Street, Barry	Installation of external door
2015/1321/BN	A	54, Dock View Road, Barry	Installation of external door
2015/1322/BN	A	Tadross Hotel, 271, Holton Road, Barry	Replacement of 21 No. windows in double glazed UPVC
2015/1324/BN	A	9, Cardiff Road, Dinas Powys	Single storey rear extension

2015/1327/BN	A	33, Culver Close, Penarth	convert existing bathroom into wet room
2015/1328/BN	A	4, Griffin Close, Barry	Single storey extension
2015/1329/BN	A	Carneddi, Greenfield Way, Llanblethian	Internal alterations & construction of new garage/studio area
2015/1330/BN	A	36, Cae Canol, Penarth	Single storey rear extension
2015/1331/BN	A	3, Hastings Avenue, Penarth	Rebuild of existing garage with slight addition in length.
2015/1332/BN	A	98, Fontygary Road, Rhoose	Loft Conversion With Dormer
2015/1333/BN	A	20, Fonmon Park Road, Rhoose	Front porch forming part of the fabric of the building
2015/1337/BN	A	11, Rees Court, Boverton	Removal of non loadbearing pantry in kitchen
2015/1338/BN	A	18, Crawshay Drive, Boverton	Removal of non loadbearing wall between Bathroom and WC
2015/1339/BN	A	6, John Batchelor Way, Penarth,	Conversion of internal garage to living room
2015/1340/BN	A	57, Lougher Place, St Athan	Removal of non loadbearing pantry in kitchen.
2015/1341/BN	A	102, Lougher Place, St. Athan	Removal of non loadbearing wall between kitchen and bathroom.
2015/1342/BN	A	33, Lougher Place, St. Athan	Removal of non loadbearing pantry in kitchen.
2015/1343/BN	A	47, Glebeland Place, St. Athan	External of property. 20mm Insulated render system with a dash finish as per Wetherby specification.

2015/1344/BN	A	22, Glyndwr Avenue, St. Athan	External of property. 20mm insulated render system with a dash finish as per Wetherby specification.
2015/1345/BR	AC	13 Wordsworth Avenue, Penarth CF63 2RL	Single Storey Side and Rear Extension, and Internal Re-design
2015/1346/BN	A	80, Tynewydd Road, Barry	Re-roof
2015/1347/BN	A	2, Fennel Close, Penarth	Single Storey extension to create 3rd reception room and a shower room.
2015/1349/BN	A	35/37, Mountjoy Avenue, Penarth, CF64 2SY	Re-Roof
2015/1351/BR	AC	8, Plassey Square, Penarth	Single storey rear/side flat roof extension
2015/1353/BR	AC	13, Kenson Close, Rhoose	Convert existing garage into bedroom, with shower room.
2015/1354/BR	AC	Hillcrest, Tredodridge, Vale of Glamorgan	Two Storey extension replacing existing conservatory and internal works.
2015/1357/BN	A	4, Bradford Place, Penarth	Dormer removal, reinstate original roofline. Then, possible addition of soil pipe to run down front of property in keeping with property style and into existing drain/sewer system
2015/1359/BN	A	79, South Road, Sully	Re-roof of pitched roof (felt & tiles), Re-roof of flat roof to rubber
2015/1361/BN	A	88, Plymouth Road, Penarth	Two new french doors and 1 lintel change.
2015/1362/BR	AC	2, Sunnycroft Lane, Dinas Powys	Loft conversion with flat roof dormer to rear and hip to gable.
2015/1364/BN	A	Land at Railway Terrace, Dinas Powys	New Single-two Storey dwelling.

2015/1367/BN	A	44, Harvey Street, Barry	New roof
2015/1370/BN	A	62, Llanmaes Road, Llantwit Major	Altering master bedroom into two bedrooms requiring an extra window in front of house
2015/1371/BN	A	18, Spitzkop, Llantwit Major	Garage conversion and split 1 dwelling in to 2 properties.
2015/1372/BN	A	68, Colcot Road, Barry	To fit multiburner fire to existing fire place.
2015/1375/BN	A	4, Porth y Castell, Barry	To make structural alterations & form new kitchen/bathroom/en suite.
2015/1380/BN	A	66, Wenvoe Terrace , Barry	Void 'room' unihabited but located adjoining lower floor bedroom looking to be accessed. Lintel to be used to support wall being knocked through. Structural surveyor being used. Reputable building firm being used. Accessed void will be made good & utilised as a dressing room only accessiabile via bedroom
2015/1383/BN	A	55, Mountjoy Avenue, Penarth	Demolish wall between kitchen and dining room and move exiting doorway back into hall. retaining wall require rsj
2015/1384/BN	A	Heritage Coast Centre, Southerndown	Demolition of current site and installation of 5 storage units for use by beach activity businesses.
2015/1385/BN	A	5, St Teilo Close, Dians Powys	Demolition of old garage and construction of new garage.
2015/1388/BN	A	Church House, St. Mary Church	Single storey extension

2015/1390/BN	A	13, Forrest Road, Penarth	Installation of steel beam and removal of exterior doors between house and conservatory
2015/1391/BN	A	3 - 4, Bron Y Mor, Barry	New steels fitted to serving hatch and dining area as openings widened
2015/1392/BN	A	28, Boverton Brook, Llantwit Major	Garage conversion with en-suite
2015/1393/BN	A	2, New Forest View, Cowbridge	Partial garage conversion and internal alterations
2015/1394/BN	A	Maes Yr Haf, 6, Twchwyn Garth, Llangan	Two storey extension to enlarge kitchen and create a further bedroom
2015/1395/BN	A	51, Harding Close, Boverton	Garage conversion
2015/1399/BN	A	46, Clos yr Wylan, Barry	Single storey orangery to enlarg living space.
2015/1400/BN	A	44, Uplands Crescent, Llandough	Single storey extension to family room.

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2015/1247/BN	R	149, Fontygary Road, Rhoose	Single storey rear extension
2015/1374/BN	R	67, Westward Rise, Barry	Single storey extension to enlarge lounge.
2015/1382/BR	R	31, Dyserth road, Penarth	Rear single storey extension

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2015/0142/AI	A	Pizza Hut, Magistrates Court, Thompson Street, Barry	Fit out of takeaway unit
2015/0143/AI	A	Great Hamston Farm, Dyffryn	Internal alterations, remodelling and associated works

2015/0144/AI	A	8, Heol Leubren, Barry	Single storey rear extension, garage conversion and associated works
2015/0145/AI	A	Land adjacent to Stepping Stones, Windmill Lane, Llantwit Major	Proposed construction of a three storey detached dwelling and detached single storey garage, (works to include material alterations to structure, controlled services, fittings and thermal elements)
2015/0146/AI	A	15, Tudor Place, Llantwit Major	Proposed single storey rear orangery extension to dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0147/AI	A	23, Barberry Rise, Penarth	Second floor dormer conversion, works to include material alterations to structure, controlled elements
2015/0148/AI	A	30, Queens Road, Penarth	Formation of internal structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0149/AI	A	32, Fairfield Rise, Llantwit Major	Single storey rear extension and associated works
2015/0150/AI	A	40, Brockhill Way, Penarth	Single storey porch extension
2015/0151/AI	A	Premier Inn, Port Road, Wenvoe	Two storey bedroom extension with associated alterations. Alterations and extension to reception
2015/0152/AI	A	Windsor Arms, 95, Windsor Road, Penarth	Replacement cavity wall construction to front elevation, replacement roof structure and general refurbishment, works to include material alterations to structure, controlled

			services, fittings and thermal elements.
2015/0153/AI	A	Fairways Cottage, Greenfield Way, Llanblethian	First floor rear bathroom extension and associated works
2015/0154/AI	A	32, Fairfield Rise, Llantwit Major	Single storey extension and associated works
2015/0155/AI	A	Goldway House, Llanmihangel, Cowbridge	Bespoke rear glazed structure
2015/0156/AI	A	7, Well Walk, Barry	Proposed construction of a single storey rear extension and formation of internal structural opening, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0157/AI	A	126, Plassey Street, Penarth	Installation of new windows
2015/0158/AI	A	The Cwm Talwg Inn, Plas Cleddau, Cwm Talwg, Barry	Proposed internal alterations to layout and refurbishment, (works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0159/AI	A	3, Meliden Road, Penarth	Single storey extension and associated works
2015/0160/AI	C	15, Tudor Place, Llantwit Major	Proposed single storey front extension, works to include material alterations to structure, controlled services, fitting and thermal elements
2015/161/AI	A	55, Purcel Road, Penarth	Single storey extension and associated works
2015/0162/AI	A	Lloyds Bank, 1, Windsor Road, Penarth	Internal alterations to existing retail bank to provide accessible ramp and create an ATM nigh lobby, including the installation

3. PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB EIA (Scoping) Further information required	E Split Decision
EN EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2014/00870/LBC	A	Barns at West Aberthaw Farm, Aberthaw	Conversion of redundant barns to provide four residential units
2014/01133/FUL	A	18, Venwood Close, Wenvoe	Single storey extension to rear and minor alterations
2015/00194/FUL	A	Trem y Fro, Pen y Waun to Jct A48, Bonvilston	Construction of an animal exercise area
2015/00306/LAW	A	35, Chamberlain Row, Dinas Powys	Proposed dormer
2015/00317/FUL	A	Fisherman's Holiday Cottage, Warren Mill, Pendoylan	Extension to fisherman's holiday cottage to provide family accommodation
2015/00354/FUL	A	46, Grove Terrace, Penarth	Two storey rear extension

2015/00403/FUL	R	Plot adjacent 8, Cliff Street, Penarth	Proposed two bedroom house including new self contained access to first floor flat (Flat 2)
2015/00407/FUL	A	Ground Floor, 3, Vere Street, Barry	Change of use of ground floor from A1 (Shop) to A3 (Hot Food Takeaway) and installation of fume extraction duct to rear
2015/00422/FUL	A	Springfield Nurseries, Llandow	Installation of a glasshouse, packing building, accommodation and welfare facilities
2015/00486/FUL	A	Fontygary Holiday and Leisure Park, Rhoose	Proposed rear extension including internal and external alterations. Substantial internal refurbishment to provide enhanced spa, catering, health club and private members facilities
2015/00518/LBC	A	Village Farm, Penllyn	Replace three rotted wooden windows to look exactly the same but benefit from double glazing
2015/00528/FUL	A	Plot 130 (4 Goldsland Walk), The Grange, Wenvoe	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00535/FUL	A	Old Mill, Mill Road, Dinas Powys	Two single storey extensions to the front of the property. Single storey extension to the rear. Recladding elements of the existing house in dressed stone. Replacement windows
2015/00542/FUL	R	South of B4265 and South West Of Seaview, St. Athan	Proposed replacement farm house
2015/00568/FUL	A	212, Holton Road, Barry	Change of use from former dentist office to residential two bedroom apartment

2015/00572/FUL	A	Pen y Bryn, Llanmaes	Conversion of existing barns into a single dwelling. (Change to Planning Permission 2012/00941/FUL granted for the conversion of the existing barns into two dwellings)
2015/00585/FUL	A	20, River Walk, Penarth	To install velux window in spare room
2015/00589/FUL	A	141, Port Road West, Barry	Construct double storey extension to east elevation. Change rear velux windows to full dormer. Split existing detached house into 2 separate semi-detached dwellings
2015/00594/FUL	R	1, Well Walk, The Knap, Barry	Proposed two storey side extension and internal alterations to create garage/utility with ensuite bedroom above
2015/00600/FUL	A	Maes y Ward Farm, Bonvilston	Installation of 150kW Ground Mounted Solar PV System
2015/00602/FUL	A	67, Highwalls Avenue, Dinas Powys	2 storey side extension and rear single storey extension
2015/00603/FUL	A	2, Royal Buildings, Stanwell Road, Penarth	Proposed change of use of first, second and third floor to create three residential flats
2015/00623/FUL	A	Natwest, 2, Plymouth Road, Penarth	Remove existing teller line to open up banking hall. Install new non-structural partitions to form an automation wall. Removal of back office to increase size of banking hall. New external ATM and signage to be installed
2015/00627/FUL	A	Plot 4, Craig Yr Eos Avenue, Ogmore By Sea	New five bedroom house with single garage

2015/00634/FUL	A	107, Murlande Way, Rhoose	First floor extension over garage to form additional bedroom and extended Bathroom
2015/00636/FUL	A	296, Holton Road, Barry	Change of use to A2 - Solicitors Office
2015/00639/FUL	A	Llantrithyd Lake, Treguff Farm, Llantrithyd	The construction of a stone access track from existing track at a point adjacent to entrance to solar farm, to lakeside and construction of a new six space car park adjacent to Lakeside
2015/00641/FUL	A	Greenmantle, 31, Cae Rex, Llanblethian, Cowbridge	Front porch
2015/00666/ADV	A	Natwest, 2, Plymouth Road, Penarth	Remove existing teller line to open up banking hall. Install new non-structural partitions to form an automation wall. Removal of back office to increase size of banking hall. No change of use. New external ATM and signage to be installed
2015/00671/LBC	A	Natwest, 2, Plymouth Road, Penarth	New signage, ATM and alteration works
2015/00681/FUL	A	3, Plymouth Road, Penarth	Removal of existing wooden box sash windows replacing with upvc sliding box sash double glazed windows (nine windows to front, two to side)
2015/00687/FUL	A	Old School House, Cardiff Road, Cowbridge	Detached three bedroom house and carport within the curtilage of the grounds of Old School House and associated works including access to the plot
2015/00691/FUL	A	36, Cae Canol, Penarth	Single storey rear extension

2015/00693/ADV	A	Marks and Spencer Plc., Culverhouse Cross, Cardiff.	Existing signs to be removed and replaced with new illuminated metal fascia signs. Individual 3D letters
2015/00695/FUL	A	Channel View, Grants Field, The Downs, St. Nicholas	Single storey rear extension, internal and external alterations
2015/00697/FUL	R	Stables, St. Andrews Road, St. Andrews Major	New field access and gates
2015/00699/FUL	A	The Cottage, Jubilee Lane, Penarth	Renewal and extension of an existing single storey side extension, internal ground and first floor alterations and a new ground floor opening to an existing dwelling
2015/00702/FUL	A	17, Yr Efail, Treoes	Proposed two storey extension to existing detached house
2015/00708/FUL	A	Ty Mawr Farm, Llangan	Proposed Stables
2015/00721/FUL	A	92, Stanwell Road, Penarth	New second floor replacement window
2015/00723/FUL	A	Lille Hus, 22, Church Hill Close, Llanblethian, Cowbridge	Roof extensions including dormers and balcony
2015/00724/FUL	A	17, Charteris Close, Penarth	Proposed single storey rear extension to form enlarged bedroom and internal alterations to suit ambulant disabled person and new conservatory
2015/00732/FUL	A	8, Cardiff Road, Cowbridge	Erection of double garage (amendments to roof shape of planning permission 2015/0068/FUL)

2015/00733/FUL	A	Priory Cottage, Marcross	Removal and rebuilding the deficient existing front wall of the stables, providing adequate foundations, cavity wall insulation, etc, to match existing, and provision of new external door to utility , to match existing
2015/00737/FUL	A	5, Byrd Crescent, Penarth	Two storey extension to the rear of existing property, providing ground floor kitchen/dining room, and first floor bedroom, en-suite and study
2015/00741/FUL	A	Stanwell Comprehensive School, Salisbury Avenue, Penarth	Construction of a single storey uninsulated mower and machinery store
2015/00742/FUL	A	Seafield House, 18, Clinton Road, Penarth	Internal alterations to all three floors, existing garage to be demolished and a single storey extension to be constructed which links into the existing house. Minor alterations to the rear landscape, rear dormer to be enlarged and three new rooflights to be fitted (two to front and one to rear)
2015/00749/FUL	A	40, Tathan Crescent, St. Athan	Loft conversion
2015/00753/LBC	A	West Aberthaw Farm, West Aberthaw	Rebuild 4m section of collapsed boundary wall and then remove vegetation from remaining sections of wall and repair/conservate as appropriate
2015/00754/FUL	A	29A, Station Road, Dinas Powys	Ground floor flat refurbishment, insertion of new windows to frontage, replacement kitchen extension in lieu of demolished pvc conservatory

2015/00755/ADV	A	4, Westgate, Cowbridge	Installation of the following shopfront signage, post removal of signage currently in situ; 1 no. 245mm high halo illuminated Natwest purple lettering and red chevron logo. 1 no. 600mm non illuminated projecting sign. 1 no. 245mm high non illuminated flat chevron logo. 2 no. 890mm high nameplate. 1 no. 500mm high car park sign
2015/00756/LBC	A	4, Westgate, Cowbridge	Installation of the following shopfront signage, post removal of signage currently in situ: 1 no. 245mm high halo illuminated Natwest purple lettering and red chevron logo. 1 no. 600mm non illuminated projecting sign. 1 no. 245mm high non illuminated flat chevron logo. 2 no. 890mm high nameplate. 2 no. 500mm high car park sign
2015/00757/FUL	A	Cliff Lodge, Llancarfan	Change of use from barn to domestic dwelling
2015/00758/FUL	A	Ysgubor Wen, Llancarfan	New single storey garden room extension and minor alterations to existing East range
2015/00760/FUL	A	3, Albert Road, Penarth	Proposed single storey rear extension
2015/00761/FUL	A	Yr Ysgubor Ganol, Wick Road, Llampha	Installation of three roof lights
2015/00762/FUL	A	21, Partridge Road, St. Athan	Landscaping of rear garden and provision of new means of enclosure (re-submission of 2014/01066/FUL)

2015/00763/FUL	A	7, Sandringham Close, Barry	Demolish existing garage. Construct new two storey extension to provide new garage/workshop, extend existing kitchen at ground floor, new bedroom space and study at first floor
2015/00770/LAW	A	15, Elm Grove Road, Dinas Powys	Vehicular parking access to the rear
2015/00774/FUL	A	4, Channel View, Penarth	Construction of a two storey rear extension, a single storey kitchen extension, and extended front porch
2015/00779/FUL	A	47, Maes Y Gwenyn, Rhoose	Erection above existing front entrance door of a corner fit Portico Georgian style white GRP canopy
2015/00784/FUL	A	Church House, St. Mary Church	Rear extension for swimming pool (private only)
2015/00786/FUL	A	The Market Place Restaurant, 66, High Street, Cowbridge	Install a freestanding retractable awning in the rear yard
2015/00787/LBC	A	The Market Place Restaurant, 66, High Street, Cowbridge	Install a freestanding retractable awning in the rear yard
2015/00792/FUL	A	64, Kingsland Crescent, Barry	Construction of roof terrace to existing kitchen roof to utilise flat concrete space
2015/00793/FUL	A	18, Heol Miaren, Pencoedtre Village, Barry	Demolition of existing conservatory. Three storey extension to rear, loft conversion with dormer to side and window to front elevation
2015/00795/FUL	A	42, The Wheate Close, Rhoose	Two storey side extension
2015/00800/FUL	A	12, Cwrt Y Vil Road, Penarth	Single storey rear extension
2015/00801/LAW	A	7, Dyserth Road, Penarth	Single storey infill extension

2015/00803/FUL	A	Southerndown Lodge, Main Road, Southerndown	Proposed two storey side extension (amendment to previous planning consent 2012/01352/FUL approved 30 January 2013. Amendments to include reduction in size of extension, changes in window design and doors and enlargement of balcony area
2015/00806/FUL	A	42, Fontygary Road, Rhoose	Retention and completion of executive detached four bed dwelling as amendment to planning permission 2014/00467/FUL
2015/00807/FUL	A	13, Ashgrove, Dinas Powys	Construction of a single storey extension to the sides and rear of the property to provide a kitchen/living area and additional bedroom
2015/00810/FUL	A	Curload House, Factory Road, Llanblethian	Proposed external store with garden curtilage
2015/00811/FUL	A	Curload House, Factory Road, Llanblethian	Temporary consent for change of use to storage for material in retrospect
2015/00817/FUL	R	The Vineyard, Lavernock Road, Penarth	Proposed dwelling
2015/00818/FUL	A	Shop Unit 1, Skomer Road, Barry	Proposed first floor extension to accommodate two self-contained residential flats
2015/00820/FUL	A	1, Sandy Lane, Ystradowen	Conversion of garage to play room
2015/00821/LAW	A	35, Harlech Drive, Dinas Powys	Single storey extension to rear of dwelling
2015/00822/FUL	A	7, Ael y Coed, Barry	To take down existing rear elevation conservatory and construct new sun lounge - to convert existing garage to new playroom

2015/00824/FUL	A	10, Brean Close, Sully	Single storey side and rear extension
2015/00830/FUL	A	Maes yr Haf, 6, Twchwyn Garth, Llangan	Two storey rear/side infill extension to existing dwelling
2015/00833/LAW	A	11, Cornerswell Road, Penarth	Removal of existing former and construction of new dormer
2015/00834/ADV	A	Tec Marina, Terra Nova Way, Penarth	New illuminated fascia sign
2015/00838/FUL	A	57, Bron Awelon, Barry	Removal of front porch and enlarge living room and bathroom and form new entrance porch
2015/00839/FUL	A	121, Westbourne Road, Penarth	Proposed dormer and relocation of roof light to eastern elevation. Revision to application 2014/01051/FUL and 2015/00219/FUL
2015/00840/FUL	A	The Haven, 28, Cog Road, Sully	Proposed pitched roof above garage, and pitched roof dormers as revision to planning application 2015/00400/FUL
2015/00841/LBC	A	Ysgubor Wen, Llancarfan	New single storey garden room extension and minor alterations to existing East range
2015/00842/FUL	A	15, Craven Walk, Penarth	Front and side extensions and alterations to the roof and windows

2015/00844/FUL	A	Alandale Guest House, 17, Plymouth Road, Penarth	Change of use of property from 13 bed guest house to a family dwelling and associated works, including to reinstate two storey front bay window and replace upvc windows with timber double glazed sliding sash windows
2015/00847/FUL	A	15, Colcot Road, Barry	Erection of front extension and retention of alteration to roof shape on rear extension
2015/00849/FUL	A	32, Fairfield Road, Penarth	Single storey rear extension
2015/00850/FUL	A	4, Bradford Place, Penarth	Removal of a dormer window to restore the original roofline with rooflight and replace an existing rear single storey extension with a larger single storey extension
2015/00854/FUL	A	15, Hensol Villas, Hensol	Single storey side extension and two storey rear extension
2015/00855/FUL	A	7, Pardoe Crescent, Barry	Demolition of existing garage and utility room/conservatory and construction of side and rear single storey extension
2015/00864/FUL	A	19, Plymouth Road, Penarth	Proposed ground floor rear family room extension
2015/00868/LAW	A	15, Runcorn Close, Barry	Demolish section of existing garage to side of property, replace with single storey w/c room extension
2015/00869/FUL	A	1, Victoria Square, Penarth,	Demolish existing single storey lean to kitchen and construct new single storey, flat roof, extension with parapet wall and atrium sky light

2015/00870/FUL	A	The Old Mill, Abbey Road, Ewenny	Change of use from D1 use - revert back to B1 Office
2015/00871/FUL	A	The Tannery and The Curriers, Wine Street, Llantwit Major	Subdivision of property to re-instate two dwellings
2015/00873/FUL	A	32, Maes Illtuds, Llantwit Major	Single storey lean to rear and side extension and front porch
2015/00875/FUL	A	182, Westbourne Road, Penarth	Roof change from a flat felted roof to a tiled roof
2015/00876/ADV	A	Co-operative Pharmacy, 148, Holton Road, Barry	One Internally Illuminated Fascia. One Internally Illuminated Projector
2015/00878/FUL	A	62, Fontygary Road, Rhoose	Removal of existing hedge and construction of a new wall greater than 2m high
2015/00879/LAW	A	10, Maillards Haven, Penarth	Removal of conservatory and build new orangery
2015/00882/FUL	A	2, Heol Yr Ysgol, St. Brides Major	Erection of a single storey rear extension with a raised decking area
2015/00885/FUL	A	29, Archer Road, Penarth	Demolition of existing garden storage sheds to the rear of 29 Archer Road and construction of new single storey extension. Alteration of rear bedroom window to form Juliette balcony
2015/00891/FUL	A	15, Countess Place, Penarth	Proposed single storey rear extension and internal alterations
2015/00892/ADV	A	5, Boverton Road, Boverton, Llantwit Major	Two Internally Illuminated Fascia, four Non Illuminated Fascia, three Window Vinyl Graphics

2015/00893/FUL	A	5, Cherry Close, Penarth	Single storey extension to rear and first floor extension to side above existing garage
2015/00896/ADV	A	Tudor Tavern, Church Street, Llantwit Major	New signage
2015/00904/FUL	A	Parc Cottage, Park Road, Dinas Powys	Extension to existing utility and workshop and altered driveway access
2015/00906/FUL	A	Plot 95, Reflections at the Quays, Y Rhodfa, Barry	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00931/FUL	A	2, Croft Terrace, Cowbridge	Rear single storey kitchen and store extension
2015/00932/ADV	A	Currys, Culverhouse Cross Retail Park, Culverhouse Cross	Pair of newly redesigned signs for updated brand image
2015/00939/FUL	A	21, Pembroke Close, Dinas Powys	Proposed front porch
2015/00942/LBC	A	Tudor Tavern, Church Street, Llantwit Major	New signage
2015/00949/FUL	A	2, Coleridge Avenue, Penarth	Hip to gable end roof extension
2015/00967/OBS	P	Derwen Solar Farm, Weycock Road, Barry	To install or keep installed above ground electric lines

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 1 October, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

None

(b) Enforcement Appeals Received

None

(c) Planning Appeal Decisions

L.P.A. Reference No: 2015/00123/LAW
Appeal Method: Public Local Inquiry
Appeal Reference No: X/15/3065757
Appellant: Mr. Mark Boland,
Location: 28A, The Yard, Station Road, Penarth
Proposal: Lawful use of workshop as B2 use
Decision: Appeal Withdrawn
Date: 19 August 2015
Council Determination: Delegated

Summary

Appeal Withdrawn

L.P.A. Reference No: 2015/00055/FUL
Appeal Method: Written Representations
Appeal Reference No: 15/3018505
Appellant: Mr. Kenny Willan,
Location: 42, Stanwell Road, Penarth
Proposal: Dormer loft conversion
Decision: Appeal Dismissed
Date: 19 August 2015
Inspector: Richard Duggan
Council Determination: Delegated

Summary

The Inspector considered the main issues to be the effect of the development on the character and appearance of the area, and whether the proposed development would preserve or enhance the character or appearance of the Penarth Conservation Area.

The Inspector confirmed that by virtue of its design and use of materials, the dormer does introduce an unsympathetic and incongruous box like addition to the rear of the appeal property. Furthermore, by reason of its scale it dominates the rear roof plane and represents an oversized and unsympathetic addition which overwhelms the rear roof plane of the host dwelling and fails to respect its design or form. It therefore has a substantial adverse impact on this property when viewed from Grove Terrace. In addition, having regard to the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, he found that the proposal would neither preserve nor enhance the character and appearance of the CA. For these reasons, he considered that the 'as built' dormer to be contrary to the provisions of Policy ENV17, ENV20 and ENV27 of the adopted Vale of Glamorgan Unitary Development Plan 1996 – 2011, and the CA Appraisal and Management Plan.

Accordingly, the appeal was dismissed.

(d) Enforcement Appeal Decisions

None

(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (incl. tree appeals)	W	15	1	16	1
	H	-	1	1	-
	PI	-	-	-	1
Planning Total		15 (88%)	2 (12%)	17	2
Enforcement Appeals	W	-	-	-	-
	H	-	1	1	-
	PI	-	-	-	-
Enforcement Total		- (0%)	1 (100%)	1	-

All Appeals	W	15	1	16	1
	H	-	2	2	-
	PI	-	-	-	1
Combined Total		15 (83%)	3 (17%)	18	2

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

Head of Regeneration and Planning.

DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 OCTOBER 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved

R - Refused

E Split Decision

2015/00686/TPO	A	St. Michaels and All Angels Church, Colwinston	20% Reduction of Ash on West boundary to be achieved by lifting the crown.
2015/00726/TPO	A	Access roads Tesco and Marks & Spencer, Culverhouse Cross	Pruning to two Oak trees each side of totem sign on ground east of the access point from A48 belonging to Tesco store.
2015/00734/TPO	A	Southgate Park, Town Mill Road, Cowbridge	Removal of both Willow trees (T1 and T2)
2015/00736/TPO	A	Llandough Castle, Llandough	Fell 2 X Goat Willows, 1 X Sycamore, 2 X Ash, deadwood 1 X Oak, to allow sympathetic replacement trees

2015/00813/TPO	A	Ash Tree Lodge, Llandow	Coppice two Ash trees to east side front garden; Pollard and reduce by 5 metres second Ash tree to left hand side front garden; Prune 5 metres multi stem hedgerow Ash tree to right hand side of front garden and to include removal of Cypress from front boundary
2015/00814/TPO	A	Argoed, Llanmihangel Road, Llanblethian	30% reduction (maximum)/light pollard on Ash tree
2015/00857/TPO	A	24, Walston Road, Wenvoe	Reduce two limbs to Chestnut tree in rear garden
2015/00858/TPO	A	11, Merevale, Dinas Powys	Reduce Turkey Oak by 20%

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 1 OCTOBER 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

9. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

2014/01401/OUT Received on 9 January 2015

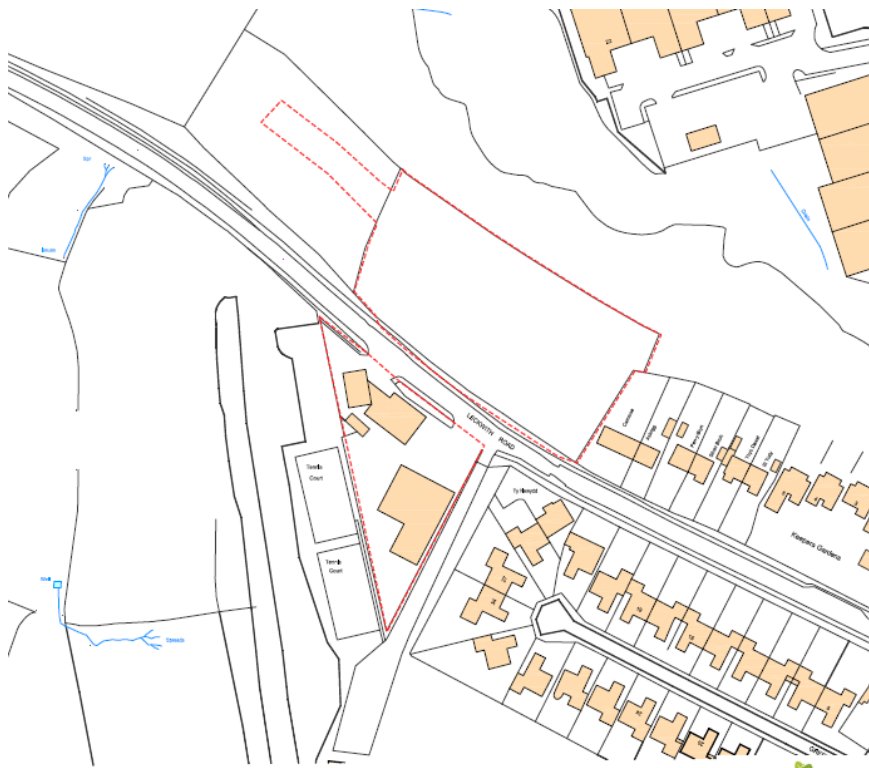
Leckwith Motor Company, C/o Agent,
Geraint John Planning Ltd, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Leckwith Motor Company, Leckwith Road, Llandough

Proposed residential development of 21 dwellings on land to the north and south of Leckwith Road, (including land at Leckwith Motor Company) and associated ancillary works

SITE AND CONTEXT

The application site is approximately 1.04 hectares and relates to two parcels of land located to the north and south of Leckwith Road, Llandough.



The southern parcel relates to a triangular piece of land currently occupied by a car sales forecourt and ancillary offices, the northern parcel of land relates to vacant scrub land with the width of Leckwith Road separating the two parcels.

Both sites lie within the countryside immediately outside of the residential settlement boundary for Llandough and in an area of Green Wedge as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The site to the north also lies within the Cwrt-yr-Ala Basin Special Landscape Area (SLA) and a SINC designation.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application for residential development of up to 21 dwellings, with all matters reserved.

An indicative layout plan has been submitted (ref: 2093-102G), showing a potential indicative layout with the dwellings and internal roads together with parking areas and landscaping. (See below).



The submitted indicative layout plan indicates a combination of detached, semi-detached and short terraces. The DAS notes that the proposed dwellings would include off-street parking with driveways and attached or detached garages. The proposed housing would include an element of affordable housing.

The access is shown to be via Leckwith Road for both sites and further details of the reconfiguration of the road narrowing island has been submitted and considered by the Highway Development Officers as part of this application.

Members will note that this is an outline application and as such the housing layout and details provided with the DAS are indicative only. Full details through 'Reserved Matters' would be required for the proposed development if the outline application were approved.

PLANNING HISTORY

2006/00407/FUL : Leckwith Motor Company, Leckwith Road, Llandough, Penarth - Erection of new security fencing to site boundaries - Approved 23 June 2006.

2001/01233/PNT : Leckwith Service Reservoir, Langcross Wood, Pen y Turnpike Road, Leckwith - Erection of 9 aerials and 2 dish antenna on the existing 30m lattice tower together with an equipment cabin - Approved 9 November 2011.

2001/01199/PNT : Leckwith Motor Company, Leckwith Road, Llandough - 12.5m high street furniture column with integrated antenna together with two equipment cabinets - Further prior approval (PNA/PND/PNT/PNQ) 2 November 2001.

2000/00876/FUL : Leckwith Motor Company, Leckwith Road, Llandough - Cleaning area - retention - Approved 8 September 2000.

1999/00177/FUL : Leckwith Motor Company, Leckwith Road, Llandough, Penarth - Change use of petrol station and pay kiosk into car display and sales office - Approved 14 July 1999.

1991/00933/FUL : Leckwith Service Station, Llandough, Nr. Cardiff - Canopy renewed/extended - Approved 25 October 1991.

1991/00227/FUL : Leckwith Service Station, Leckwith Road, Llandough - Build new sales kiosk etc and carwash, also extend canopy - Approved 26 April 1991.

1986/01061/FUL : Leckwith Service Station, Leckwith Road, Cardiff - Redevelopment of existing filling station including new sales building, tank, carwash, car vac and canopy extension - Approved 10 February 1987

1986/00596/FUL : Leckwith Service Station, Leckwith Road, Llandough - To retain 3 no. customer parking spaces - Approved 2 September 1986.

1984/00162/FUL : Leckwith Service Station, Leckwith Road, Llandough, Penarth - The removal of that part of Condition 2 of the previous planning references 346/26/73/9732 in order that cars can be displayed for sale - Approved 1 May 1984.

CONSULTATIONS

Llandough Community Council were consulted on 14 January 2015. A response received on 18 January 2015 states:

'The Council has no objection in principle to the proposal for housing development at these locations but would reserve its judgement on the design, layout and access elements should a detailed application be submitted at a later stage. The Council's key concern is that if this development were to proceed at some future point, there should be no further development along Leckwith Road ensuring that the green divide between Llandough and Leckwith is fully protected. The Council considers that there may well be a case for including a S106 agreement with any granting of detailed planning permission so that an investment can be made in amenity space and facilities within the community area.'

The community council were re-notified on the amended plans on 27 August 2015 and 21 September 2015, a response received on 16 September 2015 states that the council have no objection in principle but reserve judgement on access, layout and design should a reserved matters application be submitted. They also request no further development on Leckwith Road and request S106 contributions should planning be granted.

Highway Development were consulted on 14 January 2015. A response received on 25 March 2015 objected to certain aspects of the proposal and requested amendments. They were re-consulted on 27 August 2015 and 21 September 2015, a response received on 7 September 2015 states that the development is acceptable in principle subject to conditions.

Highways and Engineering (Drainage) were consulted on 14 January 2015, a response received on 24 April 2015 objected to the proposed drainage strategy. They were re-consulted on 27 August 2015 and 21 September 2015, a response received on 9 September 2015 states that the original objection has been removed, however they have recommended conditions to be attached to any permission.

Traffic and Transportation were consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Shared Regulatory Services / Environmental Health (Pollution) were consulted on 14 January 2015. A response received on 2 February 2015 confirmed no objection to the proposals subject to conditions relating to noise, construction management and ground conditions. They were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, a response received on 18 September 2015 comments that the Council's records show four underground petrol storage containers exist on site from the former use, no details of whether these have been removed have been provided and there is insufficient information to demonstrate that there will be no negative impact on the proposed end-use of the site, therefore the pollution control team recommend refusal of the application. However, they comment that should the Council be minded to approve the application suitably worded conditions should be attached to ensure there are not potential contamination risks.

Glamorgan Gwent Archaeological Trust (GGAT) were consulted on 14 January 2015, a response received on 4 February 2015 states no objection to the proposal. GGAT were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Dwr Cymru Welsh Water were consulted on 14 January 2015, a response received on 24 February 2015 states should the local planning authority be minded to grant planning permission they would like conditions and advisory notes added. They were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, and their comments received on 18th September reiterated the same.

The Council's Ecology Officer was consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Environmental Health (Private Sector Housing) were consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015, to date no response has been received.

The Council's Waste Management Section were consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Crime Prevention Design Advisor were consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

The Council's Housing Strategy Section were consulted on 14 January 2015, a response received on 28 January 2015 states that 35% affordable housing would need to be provided on site with a 80/20 social/intermediate tenure and would prefer to see 5x 2 bedroom houses and 1x 2 bedroom house with all units meeting 'Development Quality Requirements'.

They were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, a response received on 8 September 2015 states the increase in units numbers and based on the 40% requirement one two bedroom house social/intermediate, 2 one bed flats and six two bed houses as rented with all units meeting 'Development Quality Requirements'.

The Affordable Housing Officer has confirmed that she is happy with the proposed site layout considering the topography issues on the northern parcel.

Llandough Ward Members were consulted on 14 January 2015 and re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Natural Resources Wales (NRW) were consulted on 14 January 2015. A response received on 11 February 2015 states no objection to the proposal. NRW were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

Wales and West Utilities were consulted on 14 January 2015. A response received on 20 January 2015 states that they have no objections to the proposals, however they have suggested the developer should contact them directly to discuss their apparatus located in the vicinity. They were re-consulted on the amended plans on 27 August 2015 and 21 September 2015, to date no response has been received.

REPRESENTATIONS

The neighbouring properties were consulted on 14 January 2015, a site notice was also displayed on 20 January 2015, the application was also advertised in the press on 21 January 2015. The application was re advertised with a site notice on 4 August 2015 on the amended layout. Five letters of objection and one letter of support were received, the concerns relating to the objections are summarised below:

- : Overdevelopment
- : Difficult access relating to Leckwith Road
- : Impact of local wildlife
- : Drainage
- : Overlooking
- : Maintain the green belt
- : Loss of wildlife
- : Increase road traffic
- : Danger exiting the site within 40mph zone
- : Stress from potential sewerage works across my land
- : By allowing this proposal Llandough will link to Cardiff and no longer be a village

A sample letter of objection and the let of support are included at Appendix A.

REPORT

Local Planning Policies

Vale of Glamorgan Adopted Unitary Development Plan 1996-2011

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

Strategic Policies

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 8 - TRANSPORTATION

POLICY 11 - SPORT & RECREATION

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV3	- GREEN WEDGES
ENV4	- SPECIAL LANDSCAPE AREAS
ENV7	- WATER RESOURCES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV16	- PROTECTED SPECIES
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
EMP4	- PROTECTION OF LAND FOR EMPLOYMENT USES
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	- PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC6	- CHILDREN'S PLAYING FACILITIES
REC7	- SPORT AND LEISURE FACILITIES
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).’

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

Planning Policy Wales:

Planning Policy Wales (Edition 7) advises that where development plan policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. It is for the decision-maker to determine whether policies in the adopted Development Plan are out of date or have been superseded by other material considerations and this should be done in light of the presumption in favour of sustainable development.

In this case, the relevant material considerations are considered to be as follows:

DEVELOPMENT PLANS – CHAPTER 2 – Following extracts relevant:

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

2.6.3 Questions of prematurity may arise where an LDP is in preparation but the plan has not yet been adopted. In these circumstances refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Refusal will therefore not usually be justified except in cases where a development proposal goes to the heart of a plan. This requires careful judgement. A refusal might be justifiable where a proposal would have a significant impact on an important settlement, or on a substantial area, with an identifiable character, but is rarely justifiable if a development proposal is likely to impact upon only a small area.

2.6.4 The stage which a plan has reached will also be an important factor in judging whether a refusal on prematurity grounds is justifiable. A refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.6.5 Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

2.6.6 Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

HOUSING –CHAPTER 9 – Following extracts relevant

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;
- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. (Affordable housing is defined in 9.2.14.) Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well-designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact (see 4.12); reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- ‘barrier free’ housing developments, for example built to Lifetime Homes standards.

9.1.4 Local authorities must understand their whole housing system so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to produce Local Housing Market Assessments (LHMA). LHMA's must include monitoring so that responses to changing housing requirements can be reflected in updated development plans and housing strategies.

9.2.3 Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.

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

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- 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 12 – Design (2014)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Biodiversity and Development
- Planning Obligations
- Public Art
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted above.

In addition to the above, it is considered that the following proposed policies of the draft LDP are of relevance to the consideration of this application:

- Policy SP3 - Residential requirement.
- Policy MG2 - Housing allocations
- Policy MG4 – Affordable Housing
- Policy MG18 – Green wedges
- Policy MD7 – Housing Densities

In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2014 update)
- Findings of the Candidate Site Assessment Process (2013)
- Green Wedge Background Paper (2013)
- Housing Supply Background Paper (2013)
- Local Housing Market Assessment (2013 update)

- Open Space Background Paper (2013)
- Population and Housing Projections Background Paper (2013)
- Sustainable Settlements Appraisal Review (2013)
- Affordable Housing Delivery Statement (2015 update)
- Joint Housing Land Availability Study (July 2014)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- Transport Assessment of LDP Proposals (2013)

Other relevant evidence or policy guidance:

- Planning Obligations Circular
- Community Infrastructure Regulations (As Amended).

Issues

The application was initially submitted with a layout plan showing up to 15 units over the two sites, this has been amended to 21 units, 8 units being located on the northern site and 13 units being located within the southern site, to reflect the higher density aspirations of the LDP.

The primary issues to be considered with this application are considered to be the following:

- The principle of the development having regards to relevant Unitary Development Plan and National policies.
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Issue of prematurity given the current stage in preparation of the Vale of Glamorgan Local Development Plan;
- Visual impact of the development, part of which is currently a car sales showroom and an area of scrub land in the open countryside;
- Density of the development;
- Design and layout;
- Public open space;
- Consideration of the potential impact to neighbour amenities;
- Amount and tenure of Affordable Housing to be provided on site; and
- Other issues that will be considered include the need to protect archaeology; flood risk and drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development
- Agricultural land quality; and
- Amenity of the future occupiers of the site;
- Highway/pedestrian safety and the proposed access and junction arrangements;

Principle of the Development

Unitary Development Plan context

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31st March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

The proposals consist of the development of housing, part of the site is vacant however the southern site can be classed as developed 'brownfield' land within the open countryside adjacent to the existing settlement boundary.

Policy ENV1 of the UDP states that in the delineated countryside, development will only be permitted in the interests of agriculture / forestry; for appropriate recreational uses; for the conversion of rural buildings; or for development approved under another policy of the UDP. In this case when solely considering this policy, the proposed development would not be considered as justified.

In considering the other policies of the UDP, Policy HOUS2 states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). In this case, while the application site adjoins the existing settlement of Llandough, it is considered that the scale of the proposed development (21 No. dwellings) and the size of the site are such that the development could not be considered as "small scale" rounding off (HOUS 2 defines 'small scale rounding off' as being no more than five dwellings (paragraph 4.4.63 refers). Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS2.

Policy EMP4 – Protection of Land for Employment Uses states that on existing employment sites and sites identified in Policy EMP1 development of uses that are not contained in classes B1, B2 and B8* of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted. In this instance part of the site relates to a car sales showroom which is sui generis use and not afforded the same protection as B1, B2 and B8 uses and therefore the proposal would not contravene Policy EMP4.

Policy HOUS3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned under Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding-off development and would have no justification in accordance with TAN 6 or Policy HOUS3.

Similarly Policy HOUS13 allows for the provision of affordable housing on sites adjoining existing settlement boundaries where all criteria are met. Further clarification is provided with the Council's Affordable Housing SPG, which indicates that 'the scale of affordable housing maybe greater than the "small scale rounding off" permitted under Policy HOUS2' that is more than 5 dwellings. In view of the restrictive approach to new development within the rural Vale, particular emphasis will be given to protecting the character and countryside setting of the settlement." In this regard HOUS 2 cross references and emphasises a requirement to satisfy criterion 1 of Policy HOUS8 that "the scale form and character of the proposed development is sympathetic to the environs of the site". Given that the proposal is for market rather than 100% affordable housing it is considered that it does not comply with policy HOUS13.

Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

The planning application is supported by a planning statement which acknowledges that statutory development plan for the area is the *Vale of Glamorgan Adopted Unitary Development Plan 1996-2011*, which was adopted by the Council in April 2005.

Whilst the UDP is time expired, it remains the current adopted policy for proposals in the Vale of Glamorgan. It is therefore considered that based on the current policies the principle of the proposed development is considered to be contrary to ENV1, ENV3, and HOUS2 of the adopted UDP, for the reasons given above. However in line with PPW consideration must be given to the age of this Development Plan, as to whether there are specific material considerations which should justify any departure from the development plan to out-weigh the objection set out in the UDP.

Local Development Plan Context

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted above.

Under the Local Development Plan (LDP) Draft Deposit of 2012, both application sites were included as a housing allocation sites. The Deposit Draft Local Development Plan 2013 allocates only the northern parcel of the site for residential development under reference policy MG 2(31), for a total of 15 dwellings. Llandough is identified in the Deposit Draft Local Development Plan as a 'Primary Settlement', as part of the settlement hierarchy.

Furthermore, the Deposit draft LDP states:

5.17 Notwithstanding St. Athan's strategic role, the primary settlements of Dinas Powys, Llandough (Penarth), Rhose, Sully, St Athan and Wenvoe play an important role in meeting housing need and in providing some key local services and facilities.

Nevertheless given that this is in draft form, consideration should be given as to whether the proposals would be premature, considering the site's inclusion as an allocated site in the Draft.

On the issue of prematurity, PPW advises (at paragraph 2.6.3) that *"refusing planning permission on grounds of prematurity may be justifiable in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Refusal will therefore not usually be justified except in case where a development proposal goes to the heart of a plan. This requires careful judgement. A refusal might be justifiable where a proposal would have a significant impact on an important settlement, or on a substantial area, with an identifiable character, but is rarely justifiable if a development proposal is likely to impact upon only a small area"*

Considering the advice of PPW, it is important to consider the potential impacts of allowing such a development at this stage and its impact to the LDP process, the overall strategy and the provision of housing supply with the Vale of Glamorgan.

Members should note that the allocation that covers part of the application site is not one of the Strategic Housing Sites within the Draft plan. On the basis that the site is not a 'strategic allocation', it is considered that bringing this site forward for 21 dwellings would not 'go to the heart' of the overall LDP strategy, given that this relates to a very small percentage of the overall housing land requirement over the plan period. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have already been approved.

It is also considered that it would not undermine the deliverability of the strategic housing allocations or wider strategy of the plan, in line with the guidance set out in PPW (paragraph 2.6.3).

Nevertheless, while part of the site has been identified for a housing allocation site in the Deposit Draft Local Development Plan and Llandough is considered a primary settlement, it is recognised that this Draft plan remains unadopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it becomes an adopted Development Plan.

Given the above and since the proposals are not in accordance with the adopted UDP, there would still need to be sufficient material considerations to justify the proposed residential development of the site now.

The following section will assess to the current situation with regards the 5-year Housing Land Supply and the impact this development would have in this regard.

Housing Need and Supply

Firstly, consideration should be made as to whether there is a need for additional housing within the Vale of Glamorgan. PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. As such, the housing land supply and the need for housing levels and mix are important factors that must be considered in the assessment of this application.

Members will be aware that Technical Advice Note 1 (TAN1) has been recently updated and that a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the new TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

Members will be aware that the adopted Vale of Glamorgan UDP expired on 1st April 2011, and officers are currently preparing for submission of the LDP to Welsh Government for independent examination by an appointed Inspector, which is timetabled to take place from August 2015. As a consequence of the revised TAN 1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. Moreover the 2014/15 JHLAS for the Vale of Glamorgan which indicated over 7 years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight (TAN 1, para 6.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN 1, 3.3) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

The determination of planning applications for residential development in advance of the LDP Examination would also need to fully consider all other material considerations, such as the LDP background evidence and the wider environmental, social and economic benefits of the scheme (including meeting local housing needs and the provision of local infrastructure).

As noted above the Council's Joint Housing land Availability Study 2014 (JHLAS 2014) indicated that the Council had a 7.3 year supply of housing land. Accordingly, the Council had a sufficient supply of housing land to comply with paragraph 2.2 of TAN1. However, this JHLAS has now expired (therefore that figure cannot be relied upon), and the Council must maintain a supply of housing land in excess of 5 years for when the LDP is adopted. It is, therefore, clear that the most recent housing figure cannot be relied on in perpetuity and does not imply that all further residential developments subsequent to that should be resisted, given the need to maintain sufficient supply at all times.

While the most recent JHLAS indicated in excess of five years, it appears from the most recent assessment using the new method of calculation set out in TAN1 that the current figure may now be less than four years. While the approval of this development would not immediately alter the 'official' housing supply position (since the Council does not have an adopted LDP to enable it to produce its formal JHLAS report) TAN 1 is clear that housing land supply must nevertheless be kept under review, particularly if the Council should be able to evidence a five year supply on adoption of its LDP. It is considered that failure to have regard to the current housing supply figure (while not a formal JHLAS figure) would prejudice the Council's position in respect of housing supply at the time of LDP adoption.

Therefore, and given that the current position appears to be less than 4 years, it is considered that this represents a significant material consideration in favour of approving this residential development in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and TAN 1.

However, whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not solely outweigh in principle all other material considerations, particularly if a development is considered harmful in any other respect, if it does not accord with national policies, or if it would be harmful to the deliverability or wider strategy of the LDP. Rather the need to maintain a TAN1 compliant housing supply is a material consideration that must be balanced against all other material considerations in the case of any future application for residential development in this policy context. Therefore, this does not infer that any new applications for residential development would be considered acceptable.

Conclusion on housing land supply and the principle of the development

The Council's most recent JHLAS (now expired) indicated in excess of five years housing land supply, however, this must be maintained and the Council must have careful regard to how that will be maintained. It appears that the current figure is less than four years and, therefore, the proposed development would make a significant contribution to increasing the available housing land supply.

As noted above, the need to maintain this supply will not justify all new applications for residential development, rather this is one of many factors that will dictate whether an additional residential development will be acceptable in this context, in advance of the adoption of an LDP.

In this case, in addition to the current housing supply position, the proposal is supported by a raft of information within the LDP background documents, and while the LDP itself is of very little weight, that information is relevant to the application and are material considerations and demonstrates why the site has been included within the draft LDP.

Alongside this, the need to maintain a healthy housing land supply is a very important material consideration and it is considered that in the absence of any other fundamental and overriding policy conflict, this is a material consideration that weighs heavily in favour of the development.

Therefore in light of the significant amount of background information that has led to part of the site's inclusion as a housing site in the LDP, the current housing supply and need to maintain adequate housing land at all times, and the above assessment in terms of the deliverability of the LDP, it is considered on balance that the development of the land is acceptable in principle the outweighs the conflict with UDP policies, in terms of the principle of housing in this location.

However, further applications for sites within the Draft LDP will each have to be considered on their merits, having regard to the housing land supply at that time, as well as how that specific development would affect the delivery of the LDP, and all other material considerations.

Loss of existing car showroom business

Part of the site (southern parcel) relates to an existing car sales showroom, whilst the 2012 draft LDP included this parcel as a housing allocation, the more recent 2013 draft does not but does include the site within the residential settlement boundary for Llandough.

The site is located on the edge of the existing settlement boundary adjacent to existing residential properties. Whilst the current car sales showroom may well be a 'business type' use at the moment, such uses including alternative uses of the site for B1, B2 & B8 uses in such a location, potentially opposite further housing opposite the site would not be considered desirable, from a residential amenity perspective.

The agent has also suggested the market for such uses in this location is questionable and whilst no evidence has been submitted to support such a view, it is reasonable to assume that such uses would be far better located in alternative locations.

With this in mind, the loss of the site as an existing commercial enterprise is not considered to be an overriding reason to refuse planning permission.

Green Wedge

As aforementioned, both parts of the application site fall within a green wedge. Policy ENV3 of the Unitary Development Plan (UDP) has a presumption against development within green wedges that prejudices the open nature of the land. Paragraph 4.8.14 of chapter 5 of PPW recognises the importance of green wedge designation, it states that when considering applications for planning permission in green wedges, there should be presumption against inappropriate development. In this context, the proposal would fail to comply with the aims and objectives of the Green Wedge policy.

However, in preparing the LDP growth strategy and identifying appropriate sites for new residential development, it was recognised that development required during the plan period cannot be solely accommodated on brownfield land either within or on the periphery of existing settlements. It is therefore inevitable that development will occur outside of existing settlements within the open countryside and most likely in those areas already under significant development pressure i.e. those areas previously designated as green wedges.

With this in mind, It is important to note that green wedge background paper prepared for the Vale of Glamorgan Local Development Plan for 2011-2026 removed some designated green wedges whilst adding other sites, the area to which the application site relates to has been removed from the green wedge, in fact Llandough as a whole has been removed which is considered material consideration to this application. On this basis, the material change in the green wedge boundary in this location in the draft LDP, is considered to outweigh the policy objections under the UDP.

Layout and Scale of Development

The description of development indicates a development of up to 21 dwellings on what is currently part countryside part car sales showroom. Whilst the application is in outline with all matters reserved, the accompanying Illustrative Layout provides an indication of the proposed access, layout and scale of the development proposed. The accompanying Design and Access Statement (DAS) considers the constraints and opportunities for development and assesses the capacity and density for development on the site.

Whilst there would be some concerns regarding the indicative design and layout of the southern parcel of the site, should the application be approved in outline, the detailed layout will be assessed at a later stage against the context and character of the existing residential development to the south east of the site and in particular, with regard to Manual for Streets.

The illustrative layout indicate that there will be a mix of one, two, three and four-bedroom properties, principally houses with a small number of flats in two storey properties. The development will incorporate a mix of house types, intended to appeal to first time buyers as well as to existing home owners. As required by the Council, 40% of the total number of units will be affordable.

The general indicative layout and supporting details of the proposed development are considered suitable and in general accordance with the advice of the Manual for Streets documents. However, this would be subject to the details that would be required through a Reserved Matters application where more detailed consideration would need to be given, in the event that this outline application is considered to be acceptable.

Density of the development

In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential.'

The development proposes 21 units (indicatively 8 units at the northern site and 13 on the southern site) compared to the Draft LDP allocation of the northern parcel for 15 units. The site forms part of a primary settlement, where densities are typically high.

The density (21 per ha.) does not comply with the aims of Policy MD7 of the Draft LDP which requires at least 30 dwellings per ha. for primary settlements, however it is recognised that the site is constrained by a sewer easement and the change in levels, therefore the lower density on this particular site is considered acceptable.

Open Space Provision

In terms of public open space, Policy REC3 of the UDP advises that public open space will be sought within all new residential developments, in accordance with the Council's approved minimum standards for outdoor playing space.

The level and type of public open space for the development and the strategic requirement is considered in detail in the planning obligations section of this report.

Impact of the Development on the Amenities of Existing Properties

The submitted illustrative layout plan includes two proposed access points for the northern site and use of the existing access at the car sales showroom from Leckwith Road.

Whilst the layout is a reserved matter, the illustrative layout gives an indication of the possible development of the site and shows that new dwellings will be relatively close to the boundaries of existing properties and as such, it would be necessary as part of any reserved matters application to ensure that the siting of the dwellings has regard to the criteria of Policies ENV 27 and HOUS 8 of the UDP, and the Council's Supplementary Planning Guidance 'Amenity Standards'. It is considered at this outline stage that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

Accordingly, it is considered that the residential development in principle would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for consideration with the reserved matters. In this respect it is considered that the proposal complies with Policy ENV27 and the aims of Policy HOUS8 of the UDP.

Visual and Landscape Impact

The northern parcel of the site is located within the Cwrt-yr-Ala Basin Special Landscape Area (SLA) in the UDP. However, the SLA boundary has been changed in the DLDP to exclude the housing allocation and reflect the amended residential settlement boundary. The land has recently been cleared and relates to scrub land adjacent to woods and due to site topography is not visible whilst travelling along Leckwith Road. It is however highly visible from Penarth Road, Cardiff. It is accepted that the development will fundamentally affect the character and appearance of the land, however it is considered that this does not necessarily render the development unacceptable.

Whilst the development is larger than that which could be considered as small scale rounding off (under policy HOUS2) it is nevertheless considered that it would appear as a relatively logical extension of the existing built environment of Llandough. The southern parcel of the site relates to single storey buildings relating to the existing use and set alongside existing housing, this parcel of site does not form part of a Special Landscape Area or any other statutory landscape designation. Given the use of the southern parcel of land, the northern parcel does not have any inherent rural feel, and relates more closely with the residential properties to the east.

Therefore, whilst the character of the land would fundamentally change, it is considered that the development would not unacceptably impact on the wider rural landscape. The site represents an acceptable location for additional development, in terms of the impact on the landscape and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the DLDP.

Trees and Hedgerows

The application has been accompanied by a 'Tree Survey – Treescene, December, 2014' which assessed the trees in relation to BS5837: 2012 *Trees in relation to design, demolition and construction – Recommendations*'. There are no protected trees within or around the site, however the report identified a number of mature trees of varying age and condition.

Trees in a tree survey are categorised according to their quality, life expectancy and their value including arboricultural value, landscape value and cultural value including conservation. Trees can range from Category A of high quality with an estimated remaining life expectancy of at least 40 years; Category B of moderate quality with an estimated remaining life expectancy of at least 20 years, Category C of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm and Category U those in a poor condition (although Category U trees can have existing or potential conservation value which it might be desirable to preserve).

The Tree Survey identified one Category B oak tree, with all the other trees surveyed falling into Category C & U. This tree and others are shown as being retained on the accompanying illustrative layout.

A condition is recommended to ensure that appropriate tree protection measures are put in place to protect the identified trees which are indicated to be retained.

Agricultural Land Classification

The Agricultural Land Classification (ALC) system divides land into grades based on the physical limitations of land for agricultural use. Factors affecting grade are climate, site and soil characteristics. Land is divided into five grades 1 to 5, with Grade 3 subdivided into two subgrades 3a and 3b.

Agricultural Land of Grades 1, 2, and 3a are considered to be the "most flexible, productive and efficient" land in terms of output (Technical Advice Note 6).

Policy ENV 2 of the UDP states that the best and most versatile agricultural land (Grades 1, 2 and 3A) will be protected from irreversible development)

The application has not been submitted with a agricultural land quality assessment, the northern part of the site is classed as agricultural land and the council's own records suggest the site falls within a grade 3 but does not provide a subgrade. Given the topography of the site (14 metre difference between the top and bottom) it is unlikely to be subgrade 3a given that wetness is the principal limitation to land quality and access to the site will be restricted for long periods throughout the winter and early spring.

Consequently, it is considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with Policy ENV 2 of the UDP.

Ecology and Biodiversity

The application has been accompanied by the following reports relating to the sites ecology and biodiversity:

- Extended Phase 1 Habitat Survey Report (June 2014);
- Badger Survey Report (January 2015);
- Reptile Mitigation Strategy (January 2015);
- Bat Survey Report (September 2014);

The Extended Phase 1 Habitat Survey records that there are no statutory wildlife sites, however two sites of 'Interest to Nature Conservation (SINC) fall within/close proximity of the site. The northern part of the site falls within the Factory Wood SINC designation whilst the southern part of the site is within 20m of the Reservoir Wood SINC.

With regards to the southern part of the site, the Extended Phase 1 Habitat Survey concludes that proposed development is unlikely to have an impact on the adjacent SINC woodland exceeding that of present. The report acknowledges that the woodland may see an increase in use however the potential impact would be small and is unlikely to impact on the value of the woodland and its features.

The report notes that the northern parcel of land does not lie within the immediate boundary of Factory Wood SINC and only forms the extreme periphery of the SINC, and the affected area does not contain any broadleaf woodland. While the development of this land will lead to a small loss in the overall extent of the SINC, the report concludes that the area affected does not meet the SINC Criteria as adopted and would not lead to a significant impact on the indicator species or features of the SINC woodland.

The survey recommends that all clearance work notably areas of trees should be undertaken outside the bird nesting season (March-July) and should this not be possible each section of vegetation should be checked by an ecologist no more than 48 hours before clearance is to commence. A suitably worded condition can ensure this is carried out.

The Extended Phase 1 Habitat Survey suggests further bat, badger and reptile survey which have been carried out and submitted with the application.

The reptile mitigation strategy notes that the development will result in the removal of reptile habitat and provides practical steps to ensure the impact on reptiles and habitat is kept to a absolute minimum and to ensure any habitat around the proposed drainage area is redeveloped as quickly as possible following completion of the development.

The submitted Badger survey report concludes that there is no evidence of badger activity at the site and as a result of the development it is considered highly unlikely that the proposed development will impact upon badgers.

NRW have not objected to the proposal and the submitted Bat Survey Report found no evidence of bats on site and concluded that no further survey work was required in respect of bats.

On the basis of the submitted reports and the recommendations of NRW, there is no ecological constraint to development and provided that appropriately worded conditions are attached to ensure protection of existing habitats and provision of enhancements the development is considered to be acceptable in this respect.

Drainage and Flooding Issues

In terms of relevant policies and guidance, Policy ENV7 of the UDP states that development will not be permitted where it would potentially be at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level and this is supported by TAN 15 on Development and Flood Risk.

The application has been accompanied by a Drainage Strategy Report –that confirms that the site is located in TAN 15 Zone A which would be subject to little or no risk of fluvial or tidal flooding, Planning Policy Wales allows residential development in Zone A.

The Council's Drainage Engineer originally objected to the application, however through the submission of further drainage details the engineer has reviewed the revised submission and has raised no objection but recommends conditions.

Natural Resources Wales have not raised any concerns with regards flooding on the site or elsewhere.

DCWW have provided comments and does not object to the development but requests if minded to grant planning consent that conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to DCWW's assets.

The proposed development is in outline with all matters reserved and in any case it is unusual to have the full details of how foul and surface water drainage will be dealt with included with the submitted planning application details. Therefore subject to the receipt of information by condition it is considered that drainage and the potential for off site flooding can be adequately managed to ensure there is no risk to properties.

Archaeology

GGAT has been consulted on the application and not objected to the application and it is their opinion that there does not appear to be an archaeological restraint to the positive determination of the application, and they do not recommend any mitigation.

Traffic and Transport

The site is located close to an existing traffic calming road narrowing, where speed limits decrease from 40 mph to 30mph. The Council's Traffic Engineer's have not commented on the application, however no adverse comments relating to the site were provided when the site was allocated in the LDP Candidate Site Register and the proposal includes the relocation of this traffic calming measure further along Leckwith Road to the west of the site.

As aforementioned the application is outline with all matters reserved, the proposed changes are considered acceptable at this early stage with speed limits outside the site reduced to 30mph similar to other developments along Leckwith Road, details of the exact location and works to be carried out to the road narrowing can be controlled by way of condition and further submissions at reserved matters stage.

The Planning Obligations SPG requires new housing development to make an off-site contribution to enhance sustainable transport facilities, this could be used to improve walking and cycling provision around the site.

Access

The application proposes 21 dwellings with access to all of the dwellings will be taken off Leckwith Road via 2 new access points (for the northern parcel) and using the existing access to the car sales for the southern parcel), access is a reserved matter and it is therefore not subject to detailed consideration at this stage.

As aforementioned the application also proposes the relocation of the existing traffic calming road narrowing located adjacent to the site, the requirement to enter into an agreement to undertake the works within the adopted highway shall be required by condition and can be controlled through a S.278 agreement.

The Council's Highway Engineer has not objected to the application subject to conditions, more details relating the layout and access should be considered at reserved matters stage.

The proposed access subject to the implementation of appropriate traffic calming measures is considered to be an acceptable access to the site.

Former use of part of the site as a Petrol Station

The Council's Environmental Health Officer has raised concerns regarding the previous use of the site as a petrol station and the potential land contamination issues that could arise as a result of the presence of underground storage tanks. It is considered that such matters can be dealt with by condition (as recommended at Condition 15 below) and it would not be appropriate to refuse this outline application on these grounds.

Other matters

Comments from objectors are noted, the report confirms the site density reflects the LDP and PPW aspirations for higher density development in accessible locations and therefore there are no concerns in terms of overdevelopment. It is noted that there have been no objections from the Council's Highway Engineer and plans propose relocating the site within a 30 mph zone in respect of access to the site, and furthermore the application has been submitted as outline with all matters reserved and as such further details would be provided at reserved matters stage, to ensure residential amenity and highway safety is protected. No concerns have been raised in respect of traffic generation from the Council's traffic team, issues of loss of protected wildlife has been addressed in the body of the report, and there is nothing shown within the plans to suggest the drainage plans would involve requiring access to nearby residential properties, nevertheless an informative condition will be attached should planning permission be granted to advise developers.

It is considered that the remaining points of objection have been addressed within this report.

S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

In view of the type and form of development proposed in this location, having regard to local circumstances, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Affordable Housing

The Council has undertaken a Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government. In light of evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted Supplementary Planning Guidance on Affordable Housing (contained in the Affordable Housing Delivery Statement) seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

The Deposit Local Development Plan (October 2013) policy MG2 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been further 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in this area.

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

The applicant proposes nine affordable units comprising seven two bed units (six social rented and one low cost ownership), two one bed units (all social rented). This equates to just over 40% of the 21 units and the Council's Affordable Housing Officer has accepted this number and this mix of units. The units would be split at 80% social rented and 20% intermediate units, to reflect the need in the Vale.

The Council's SPG on Affordable Housing states that these units should be dispersed throughout the site and should not be grouped in more than 10 units in any group which the application proposes and is considered acceptable.

Whilst there were originally concerns that the affordable units were proposed solely within the southern parcel of the site, the agent has confirmed the sites deliverability requires the northern parcel to be open market housing which the Council's Affordable Housing Officer has accepted.

It is considered that the affordable housing proposed would satisfy the aims of the Council's SPG and policy.

In terms of phasing, given the divorced nature of the site, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. Therefore, the Section 106 Agreement will include clauses requiring an appropriate percentage of affordable housing to be provided prior to beneficial occupation of a certain percentage of the market housing units, across the two parcels of land.

Education

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

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG indicates that the development of 21 dwellings would generate the need for education facilities for 2 nursery school age children, 5 primary school age children and 1 secondary school age children. There is not sufficient capacity in the relevant schools, therefore, the following contributions have been sought:

- two nursery school children, which equates to £28,926.52
- five primary school children, which equates to £72,316.30
- one secondary school child, which equates to £21,793.42

This totals £123,036.24 and the applicant has agreed to this amount and would be used to provide education facilities at the following schools:

- Llandough Primary School
- St. Joseph's Primary School
- St. Richard Gwyn Secondary School

Sustainable Transport

UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. These policies are supported by the Council's approved Supplementary Planning Guidance on Sustainable Development and the advice in Planning Policy Wales, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

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

In this case, and in line with the rationale set out in the Council's SPG, a contribution of £42,000 was sought (£2,000/dwelling), as the basic contribution required to off-set the impacts of the development.

Such a contribution would be used to improve access to/from the site by sustainable modes of transport i.e. walking, cycling and public transport. In particular this could be spent in improving cycle parking provision at key destinations within cycling distance of the development, improving cycle/pedestrian routes between the site and the wider area in particular Penarth and Cardiff, new signage, public transport services and highway safety improvements in the vicinity.

Clearly, a development of this scale could not provide all of the above, but the level of contribution reflects the scale of development proposed and would be used as a contribution, alongside other available funding streams, to make improvements to sustainable transport facilities which would be likely to influence the travel patterns of the future residents of the development.

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

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG. However where it is impractical to provide open space and/or recreational facilities on site, the Council can consider off site contribution payments.

It is noted that no areas of public open space provision are shown within the proposed illustrative layout. However given that the site is within close proximity to public open space which contains sport pitches and children's play area and the site abuts tennis courts it is considered appropriate for all of the POS provision to be by way of an off-site contribution to enhance and make better use of existing facilities.

In this case, and in line with the rationale set out in the Council's SPG, a contribution of £47,880 (£2,280/Dwelling) was sought, as the basic contribution required to off-set the impacts of the development.

Such a contribution could be used to improve the following recreational facilities in the vicinity of site:

- Llandough Playing Fields and Tennis Courts;
- Public Right of Way; or
- Cogan Pill Road Play Area and Open Space.

Community Facilities

UDP Policy HOUS8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m² per dwelling or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities.

Due to the scale and nature of the proposed development, it is not considered appropriate to require a facility on site, rather a contribution is sought towards the upgrade and provision of community facilities, serving the development.

An amount of £20,758.50 which reflects the need that results from the development and accords with the guidance in the Council's SPG would be sought.

Such a contribution could be used to provide new community facilities in Llandough or improve the existing facilities at Penarth Leisure Centre or Llandough & Leckwith Memorial Hall.

Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted supplementary planning guidance (SPG) on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

This is considered to be an essential element of high quality design and one that is considered necessary on major housing developments to provide local distinctiveness and character in accordance with the good design principles required under UDP policy ENV27 and TAN 12: Design, which states at paragraph 5.15.1 “Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape.” This provision needs to be secured through condition or planning obligation.

The agent, on behalf of the applicant has agreed to 1% of build cost for public art given that the application is only in outline and the exact number of dwellings will be determined at reserved matters stage this is considered to be acceptable.

S106 Administration

The Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council’s costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council’s costs in this regard. In this case, that would equate to £4673 in this case.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies 1, 2, 3, 8 and 11, ENV1 Development in the Countryside, ENV2 Agricultural Land, ENV3 – Green Wedge, ENV4 – Special Landscape Areas, ENV10 Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV16- Protected Species, ENV18 Archaeological Field Evaluation, ENV19 Preservation of Archaeological Remains ENV27 Design of New Developments, ENV29 Protection of Environmental Quality, EMP4 – Protection of Land for Employment Uses, HOUS2 Additional Residential Development, HOUS3 Dwellings in the Countryside, HOUS8 Residential Development Criteria, HOUS12 Affordable Housing, TRAN9 Cycling Development, TRAN10- Parking, REC3 Provision of Public Open Space for New Developments, REC6 Children’s Play Facilities, REC7 – Sports and Leisure Facilities and REC12 Public Rights of Way and Recreational Routes of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance ‘Affordable Housing’, Vale of Glamorgan Housing Delivery Statement, ‘Sustainable Development’, ‘Amenity Standards’, ‘Biodiversity and Development’, ‘Planning Obligations’, ‘Public Art’, and Trees and Development,

Planning Policy Wales (Edition 7) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5-Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space, and 18-Transport, it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of the appropriate layout and scale of the proposed development, its suitable means of access, and with no unacceptable impact in terms of residential amenity, drainage/flood risk and ecology.

RECOMMENDATION

Members should note that due to reconsultation regarding an increase in the number of dwellings to 21 that the expiry date for responses to those consultations is 12 October 2015. Therefore should any additional responses be received on this application following Members resolution, that raise substantive new issues, the application will be reported back to Planning Committee for resolution

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

- Procure that least 40% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of **£2,000** per dwelling to provide or entrance sustainable transport facilities in the vicinity of the site which could include:
 - Provide cycle parking at key destinations within cycling distance e.g. Town Centre, Country Park, Rail Station.
 - Improving cycle/pedestrian routes between the site and the wider area in particular Penarth and Leckwith.
 - Provision of safe crossing facilities at Leckwith Road.
 - Provide or enhance public transport services serving the site.
 - Provision of new/improved bus shelters along Leckwith Road.
 - Highway safety improvements along Leckwith Road.
- Pay a contribution of £123,036.24 for the provision or enhancement of education facilities at Llandough Primary School, St. Joseph's Roman Catholic Primary School and St. Richard Gwyn Roman Catholic Secondary School.

- Pay a contribution of £2,280 per dwelling to provide or enhance off site recreation facilities, Llandough Playing Fields and Tennis Courts, Cogan Pill Road play area and open space; or local PROW network.
- Pay a contribution of £988.50 to provide new or enhance community facilities at Penarth Leisure Centre or Llandough and Leckwith memorial Hall.
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted for approval at reserved matters stage.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£4673 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. Notwithstanding the submitted plans and prior to the commencement of any works on site, full engineering drawings and design calculations of the proposed vehicular, pedestrian and cycle access to the site to include vision splays, sections, drainage and gradients details, shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure the provision of safe access for the site to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to the commencement of any works on site full details of the relocation of the existing gateway feature road narrowing on Leckwith Road shall be submitted to and approved in writing by the Local Planning Authority, and shall include a timescale for construction. The scheme thereby approved shall be implemented prior to the beneficial occupation of the first dwelling on the site.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. No works or development shall take place until a SuDS management plan which includes details on future management responsibilities for the site and its drainage assets has been submitted and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The management plan shall be implemented in full accordance with the agreed terms and conditions in perpetuity.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere in accordance with Policy ENV27 of the Unitary Development Plan.

7. No development shall commence on site until a detailed scheme for the drainage of the site (foul water, surface water and land drainage) has been submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented prior to beneficial use of the development hereby approved, and an as-built plan of the drainage systems should be provided to the Lead Local Flood Authority.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere in accordance with Policy ENV27 of the Unitary Development Plan.

8. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that no surface water or land drainage run-off shall discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

9. A scheme providing for the fencing of the trees and hedgerows to be retained and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development, including any site clearance, shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity, highway safety, and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. The development hereby approved shall be carried out strictly in accordance with the recommendations of the submitted 'Extended Phase 1 Habitat Survey' (TerraAqua June 2014) 'Bat Survey Report' (TerraAqua September 2014) 'Reptile Mitigation Strategy', 'Badger Survey Report' & 'Extended Phase 1 Habitat Survey Report Addendum' (TerraAqua January 2015) and 'Tree Survey' (Treescene 17 December 2014) unless otherwise agreed in writing by the Local Planning Authority. Details of the recommendations shall be submitted with any subsequent Reserved Matters application relating to this approval.

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

12. Prior to commencement of development on the site, with the exception of site clearance works, an assessment shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate whether there are any underground storage tanks within the site. Should such tanks be found present, details of the decommissioning and removal of the underground tanks, in accordance with the Association for Petroleum and Explosive Administration (APEA) publication on 'Design, Construction, Modification, Maintenance and Decommissioning of Filling Stations (ISBN 0 85293 217 0), shall be submitted to and approved in writing by the Local Planning Authority and the decommissioning/removal works shall be carried out in full in accordance with the approved details prior to the commencement of the development, excepting site clearance works.

Reason:

To remove the risk of ground contamination and compliance with Policies ENV7 and EN27 of the Unitary Development Plan.

13. The development hereby permitted shall not commence until a scheme to deal with potential contamination of land and/or groundwater, including soil contamination, ground/surface water contamination, landfill gas, leachates and stability as appropriate has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include all of the following measures unless otherwise agreed in writing by the Local Planning Authority:-

- (a) A Phase 1 Preliminary Risk Assessment, carried out by competent person(s), to identify and evaluate all potential sources and impacts on land and/or groundwater contamination relevant to the site. This shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.
- (b) A Phase 2 Site Investigation and Risk Assessment shall be carried out by competent person(s) to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until:
 - (i) A Phase 1 Preliminary Risk Assessment has been completed and agreed in writing with the Local Planning Authority;
 - (ii) The requirements of the Local Planning Authority for site investigations have been fully established in writing; and
 - (iii) The extent and methodology of the site investigation and risk assessment have been agreed in writing with the Local Planning Authority.

The Phase 2 Site Investigation and Risk Assessment Report shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

- (c) A Phase 3 Remediation Statement for the remediation of land and/or groundwater contamination relating to the site, determined through the risk assessment, shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development. The works specified in the Phase 3 Remediation Statement shall be implemented and completed in accordance with the agreed Remediation Statement by competent person(s) and no alterations to the Remediation Statement or associated remediation works shall be carried out without the prior written agreement of the Local Planning Authority.
- (d) A completion report (Phase 4 Validation Report) confirming the objectives, methods, results and effectiveness of all remediation works shall be submitted to and agreed in writing with the Local Planning Authority within two months of completion of the development.

- (e) A further risk assessment and remediation proposal to deal with any contamination not considered in the Phase 3 Remediation Statement but identified during the construction/remediation works. This shall be agreed in writing with the Local Planning Authority and the development completed in accordance with any further agreed amended specification of works, prior to first beneficial occupation of the development.

Reason:

The site may be contaminated as a result of past or current uses and the Local Planning Authority wishes to ensure that the proposed development can be implemented and occupied with adequate regard to environmental and public protection in compliance with Policies EN7 and ENV27 of the Unitary Development Plan.

- 14. No development shall commence until a Noise Assessment for each part of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved assessment.

Reason:

To ensure that the development is undertaken in the interests of residential amenity and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

- 15. Any soils or similar material to be imported on to the site shall be assessed for chemical and other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority prior to its importation. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

NOTE:

- 1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

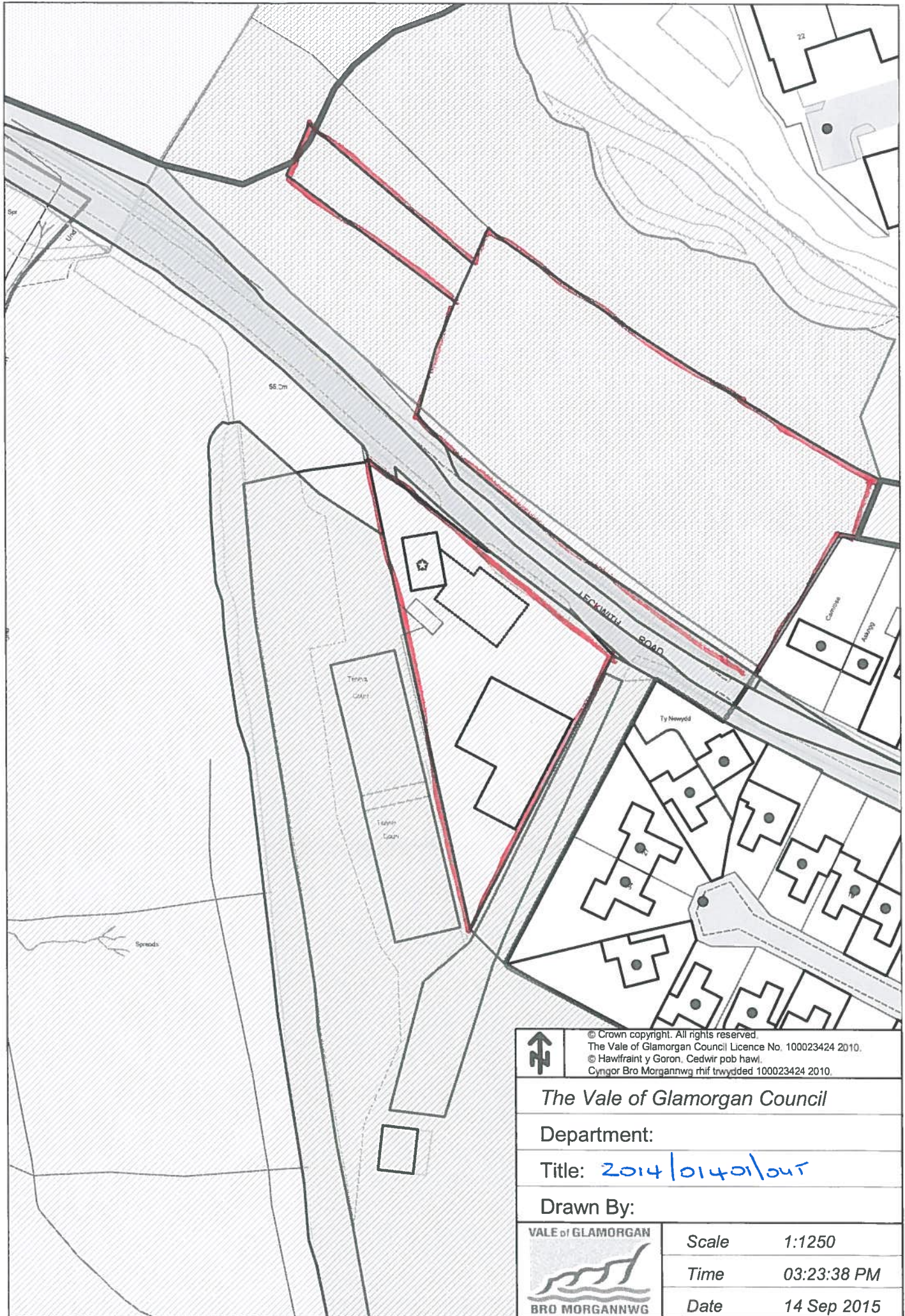
2. **The applicant's attention is drawn to the comments of Wales and West Utilities made on this application.**
3. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**



Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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	<i>The Vale of Glamorgan Council</i>	
	Department:	
	Title: <i>2014/01401/OUT</i>	
Drawn By:		
	Scale	1:1250
	Time	03:23:38 PM
	Date	14 Sep 2015

O'Keefe, Kevin T

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 17 January 2015 14:23
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2014/01401/OUT

New comments have been received for application 2014/01401/OUT at site address: Leckwith Motor Company, Leckwith Road, Llandough, Penarth

from Mr Robert Bird [REDACTED]

Address:
32 Greenway Close, Llandough,, CF64 2LZ

Comment type:
No Objection

Comments:
At this moment with details provided as it stands. I have no issue with this development. But will monitor developments closely.

Case Officer:
Mr. Shafqut Zahoor

Area:
North

D.E.E.R
RECEIVED
ACTION BY: JMC SZ
NO: 11
ACK:

RECEIVED
19 JAN 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

2014/01401/OUT
'Appendix A'

Mr. Shafqut Zahoor
The Vale of Glamorgan Council,
Dock Office,
Barry Docks,
Barry
Vale of Glamorgan
CF63 4RT

Mr Glyn Richards
Camrose,
Leckwith Road,
Llandough,
Penarth,
Vale of Glamorgan,
CF64 2LY

Your Ref: P/DC/SZ/2014/01401/OUT

Re. Application No: 2014/01401/OUT/SZ

15th September 2015

Dear Mr Zahoor

Thank you for your letter of 27th August 2015 concerning the proposed residential development of 15 dwellings on land to the north and south of Leckwith Road. As a neighbour who would be greatly affected by the proposal I wish to register my objection and lodge my reasons as follows:

Environmental

- The new development will vastly add to road traffic along Leckwith Road which will mean exiting my property will become even more hazardous.
- There will be a significant impact on air quality and noise.
- The trees and wildlife that were in the fields have now been displaced. Although some are coming back the development will mean a migration of wildlife and the destruction of its environment once again

Traffic Speed

- The speed limit at the proposed entrance the new development is 40 mph.
- I know from experience that drivers regularly enter the village (through the road narrowing) at speeds in excess of 40 mph – I have seen the speed indicator showing up to 56 mph at times!
- This will mean residents of the new development will be at great danger when leaving and also increasing the likelihood of an accident near or outside my house.

Sewerage

- I note from the plans that there is a proposal to give easement rights to connect to the sewerage pipe on my property.
- This sewer was put in place by myself and my neighbours costing ca. £3500 each.

- The sewer runs into that of the Keepers Cottage residences and was sized to allow sewerage from ours and Keepers Cottages. As the proposal is to add a further 15 dwellings I fear that the system will not be able to cope with the increased volume.
- Notwithstanding the issue of potential problems as outlined above IF the proposal is to gain easement rights and connect to the sewer it would mean digging across my land which would not only cause disruption but also increase my stress levels as I have spent a lot of money and time landscaping my garden

The Village

- By allowing the proposal to go through the boundary of the village would be extended towards Leckwith and will ultimately link into Cardiff.
- If we do not stop this now then Llandough will no longer be a village but rather an outpost for greater Cardiff

I urge you most strongly to not allow this development to proceed

Yours sincerely

Glyn Richards



2015/00325/FUL Received on 11 June 2015

Mr. I. A. Morgan, 33, Le Sor Hill, Peterston Super Ely, Vale of Glamorgan, CF5 6LW

Mr. Andrew Parker, Andrew Parker Associates, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

Brookfield Stables, off Groes-Faen Road, Peterston Super Ely

Stable block

SITE AND CONTEXT

The application site comprises two field parcels, approximately 2.5 ha in area, located between 'Saith Farm' to the east and 'Kuteera' and 'Gwern y Gaer Isaf', two dwellings to the west.

The site is accessed via an existing field gate in the south eastern corner of the land onto a private lane, which connects to the adopted highway approximately 400m to the east.

The site is located in the open countryside to the north west of Peterston Super Ely the nearest residential settlement as identified in the Unitary Development Plan. The site is also located within the Ely Valley and Ridge Slopes Special Landscape Area, and a Public Right of Way, Public Footpath No. 8 Peterston Super Ely, runs along the eastern boundary.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the erection of a stable block. The 4 No. box stable plus a tack and feed store will be positioned towards the south eastern corner of the site near the existing field gate entrance. The proposed stable will have a 'L' shaped footprint, with the longest length, and rear elevation, running along the boundary with the access track. The stable will measure approximately 18.3m x 3.7m along one wing, and 7.3m x 3.7m on the projecting wing. The single storey building will measure approximately 3.7m to the ridge with a roof overhang of approximately 1.8m. The timber framed building will be clad in horizontal timber and finished with a grey onduline profiled roof. A wind turbine will also be installed on the northern gable end of the stable.

The existing entrance will be modified with new gates and fencing set back 3m within the site and a concrete apron provided to the front. The submitted layout plan also shows an area of hardstanding to the front of the stables plus an unspecified 'gravelled area' within the first field. In addition new post and rail fencing to a height of 1.5m will be erected along the length of the public footpath 2m off the hedgerow boundary.

The application is accompanied by a Design and Access Statement (DAS).

PLANNING HISTORY

None.

CONSULTATIONS

Peterston Super Ely Community Council – Consulted on 21 May 2015. No comments received to date.

The Council’s Legal, Public Protection and Housing Services - Environmental Health – Pollution Section – Consulted on 21 May 2015. No comments received to date.

The Council’s Public Rights of Way Officer – “Public Right of Way No.8 Peterston-super-Ely crosses the proposed site as acknowledged on the applicant’s site plan.

The site plan details a new fence running parallel to the footpath and providing a 2 metre wide corridor; the Public Rights of Way Section accept this item within the proposal.

When reviewing the installation of furniture along a public right of way the Authority must have regard to the principle of least restrictive access as stated in the Authority’s Rights of Way Improvement Plan 2007.

The proposal shows a stile at the southern end of the footpath where the footpath meets the access road. A stile is already located at this point and we accept the stile remaining in place however we would prefer the removal of the stile in favour of a gap or if there are issues or stock control replacement with a pedestrian gate or kissing gate.

I have not visited the site recently but from memory the current stile is slightly off the definitive alignment of the path, I would suggest the applicant contact Paul Lock (Asst. Public Rights of Way Officer) who will be happy to come out and advise.

The proposal also shows a stile at the northern end of the public right of way where the path leaves the site, at the moment there is no stile at this location. To install a new structure on a public right of way requires an application to the Public Rights of Way Section under The Highways Act 1980 section 147. The applicant should contact Public Rights of Way Officer for an application form and to discuss their proposal.

Public Rights of Way must be kept open and free for use by the public at all times. No adverse effect should result to the Public Rights of Way. The applicant should ensure that materials are not stored on the Public Right of Way and that any damage to the surface as a result of the development is made good at their own expense.

Should the Public Right of Way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions other than where a public path order has already been confirmed.”

The Council’s Highway Development team – “Further to reviewing the proposals in relation to the above, an objection in relation to the highway and transportation aspect of the development is not raised, provided that the details below are made conditional to the planning consent.

Condition:

- 1 The proposed stable block shall remain ancillary to the existing use at the site and not be commercially or otherwise let out to any third party without prior permission from the Local Planning Authority. **Reason:** To retain control over the number of operators/users requiring access over the adjacent private drive and in the interests of highway safety.”

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 21 May and 2 June 2015. In addition the application was advertised in the press and on site notice on 11 June and 3 July 2015 respectively.

A letter of objection has been received from the occupiers of ‘Gwern y Gaer Isaf’ which has been reproduced in full at Appendix A. However, in summary the main points of concern relate to:-

- The existing lane is private and a right of way exists only for agricultural use.
- There has been an increase in traffic resulting from the sale of separate parcels and unauthorised uses such as Saith Farm (subject to enforcement regarding use as builder’s yard). The proposed equestrian use would exacerbate this.
- Concerns over size and siting, with possible commercial use. The need for the number of stables is questioned, and its siting close to a public footpath could interfere with pedestrian safety.
- Do not agree with statement in the accompanying Design and Access Statement that the building would add to the local agricultural setting and request that Members visit the site.

The applicant has submitted comments in response which are reproduced in full at Appendix B. In summary these note:

- The proposed stables are not intended as a commercial venture.
- They have a legal right to access the lane and there will be no extra cars.
- The stables are necessary for the health and welfare of the horses, and the planning delays are very concerning.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICY 1 - THE ENVIRONMENT.

Policy:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE.

ENV2 - AGRICULTURAL LAND.

ENV4 - SPECIAL LANDSCAPE AREAS.

ENV9 - DEVELOPMENT INVOLVING HORSES.

ENV10 - CONSERVATION OF THE COUNTRYSIDE.

ENV11 - PROTECTION OF LANDSCAPE FEATURES.

ENV27 - DESIGN OF NEW DEVELOPMENTS.

TRAN10 - PARKING.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, Chapter 2 of Planning Policy Wales Edition 7, 2014 (PPW) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for sustainability, including 4.10 – conserving agricultural land; and Chapter 5-Preserving and improving natural heritage and the coast, in particular paragraph 5.1.1.

Technical Advice Notes:

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

- TAN12 – Design including paragraph 2.6.

Supplementary Planning Guidance:

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

- Design in the Landscape SPG (DG1 refers to Sustainable Development and DG7 refers to Roads-Rural).

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales Edition 7 July, 2014 (PPW) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to, the principle of the use; the likely effect on the character and appearance of the surrounding countryside which sits within the Ely Valley and Ridge Slopes Special Landscape Area; and highway safety.

Justification

In policy terms the site is located in the countryside, well outside of any residential settlement boundary as defined in the Unitary Development Plan. As such restrictive planning policies apply to new development, including ENV1- Development in the Countryside. Notwithstanding this Policy ENV9 of the UDP, Development Involving Horses, allows for horse related development subject to certain criteria, including criterion (i) which requires that the development should not result in the loss of the best and most versatile agricultural land. This supports Policy ENV2, which seeks to protect the most versatile agricultural land (Grades 1, 2 and 3A) from irreversible development. The Council's Agricultural Land Classification records show that the land is classified as Grade 3, although it is not clear whether this is the higher 3A or 3B. Despite this it is considered that the nature of the works is such that the development is not entirely irreversible, and the land could be made available for agricultural use at a future date.

It is noted that objections have been raised by the neighbour regarding the possible commercial use of the site. However, the applicant has indicated that the proposed stables are not for commercial use, and are required for the health and welfare of her own horses. To safeguard this position, a condition specifying personal use with no business use can be attached to any planning permission.

Design and visual impact

Criterion (ii) of ENV9 requires that the development should not unacceptably affect the character and appearance of the locality. As already noted the site lies within the Ely Valley and Ridge Slopes SLA, which is designated in part for its generally unspoilt farmland and hedgerows. One of the aims of Policy DG1 of the SPG on Design in the Landscape is that the layout of a development should be designed to avoid or minimise the impact on natural features, whilst DG7 seeks to maintain the rural character of rural roads as an integral element of the landscape; to conserve hedgerows; and minimise the impact of development.

There is a Public Right of Way, Public Footpath No. 8 Peterston Super Ely, which runs through the field on its eastern boundary. It is also noted that there is no hedgerow along the southern boundary of the site with the access track. As such the site is a prominent one in relation to public viewpoints. Despite this it is considered that the size and scale of the proposed stable block is not excessive in proportion to the land holding. In addition the materials and finishes are appropriate to the rural location. The building clearly reflects its equestrian use and, as such, will appear as an appropriate development in this countryside location.

On the question of the likely impact on the existing planting, it is noted that the building will be located well away from the hedgerow on the eastern boundary and there is no hedgerow on the southern boundary. However the building will be positioned 3.5m from that boundary so that some screen planting could be provided. There is a hardstand area proposed to the front of the stable, and the proposed site plan shows a gravelled area beyond this into the field. The actual extent and finish of such an area has not been specified. Whilst a limited area of hard surfacing close to the building and from the entrance would be appropriate, a larger area extending into the open field would not be acceptable in terms of its visual impact. As such further details showing the exact extent and finishes of any hard surfacing will be required.

Thus it is considered that the development should cause no harm to the rural character of the surrounding countryside, including the Special Landscape Area.

Highways and pedestrian safety

One of the grounds of objection raised by the neighbours relates to the intensification of the use of the private access track. Firstly the issue of the applicant's right of access along the track is a civil matter outside of the control of planning legislation. As regards the acceptability of the proposed development and its associated access, it is considered that the proposed building should not generate any more traffic than is associated with the existing grazing of the horses on the land. Indeed the Council's Highway Development team have advised that there are no objections in relation to the highway and transportation aspect, provided that any planning consent is conditioned to ensure the proposed stable block shall remain ancillary to the existing use at the site and is not used for any commercial purposes or otherwise let out to any third party without prior permission from the Local Planning Authority. Whilst a condition can be imposed to ensure the use is restricted to personal use only, as is the general rule for such development, the Council cannot control the sub-letting of the site through a planning condition. It is noted that the applicant has confirmed that the stables are intended for private use and not for any commercial use. In addition it is noted that the setting back of the field gate within the site should serve to improve highway safety at the site.

As regards any impact on pedestrian safety and the use of the public footpath, the Council's Public Right of Way Officer has not raised any objections, noting that the new fence running parallel to the footpath and providing a 2m wide corridor is acceptable. In addition whilst accepting the retention of the existing stile at the entrance from the track, they indicate a preference for its removal in favour of a gap or pedestrian or kissing gate, in line with the principle of least restrictive access as stated in the Authority's Rights of Way Improvement Plan 2007. On this point an Informative can be attached to any permission advising the applicant to contact the Council's Public Rights of Way section directly concerning this and related matters such as the definitive alignment of the path; and the proposal to install a new stile to the north of the entrance, which requires a separate application to the Public Rights of Way Section under The Highways Act 1980 section 147.

Other issues

As regards any impact on neighbouring amenity, it is noted that the nearest residential properties are 'Kuteera' and 'Gwern y Gaer Isaf' located over 100m to the west. It is acknowledged that the proposal will introduce a further building in the area, and closer to these properties than other recent developments. However, it is not considered that the introduction of a stable building to house the horses that are already kept on the land, would result in any additional harm to the level of residential amenity currently enjoyed by the neighbouring occupiers.

In view of the above the following recommendation is made.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV9-Development Involving Horses, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV27-Design of New Developments, TRAN10-Parking and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales and TAN12-Design, it is considered that the proposal is an acceptable form of horse related development that should not result in any significant adverse impact on the surrounding countryside, including the character and appearance of the Ely Valley and Ridge Slopes Special Landscape Area. In addition, the proposal will cause no detriment to highway safety or the neighbouring and general residential amenities of the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the plans, Site Plan; Dwg. No.s 598/P/01 and 02; and Design and Access Statement, all received 13 May 2015, and the development shall be carried out strictly in accordance with these details.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The stable block hereby permitted shall be for private use only and for no commercial use whatsoever.

Reason:

To ensure control over the nature and intensity of the use in the interests of highway safety, neighbouring and visual amenity in accordance with Policies ENV4-Special Landscape Areas, ENV9-Development Involving Horses, and ENV27-Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the submitted plans, before the implementation of any hard surfacing on the site, further details, including extent and surface finishing, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the character and appearance of the site and the wider Ely Valley and Ridge Slopes Special Landscape Area in accordance with Policies ENV4-Special Landscape Areas, ENV9-Development Involving Horses and ENV27-Design of New Developments of the Unitary Development Plan.

NOTE:

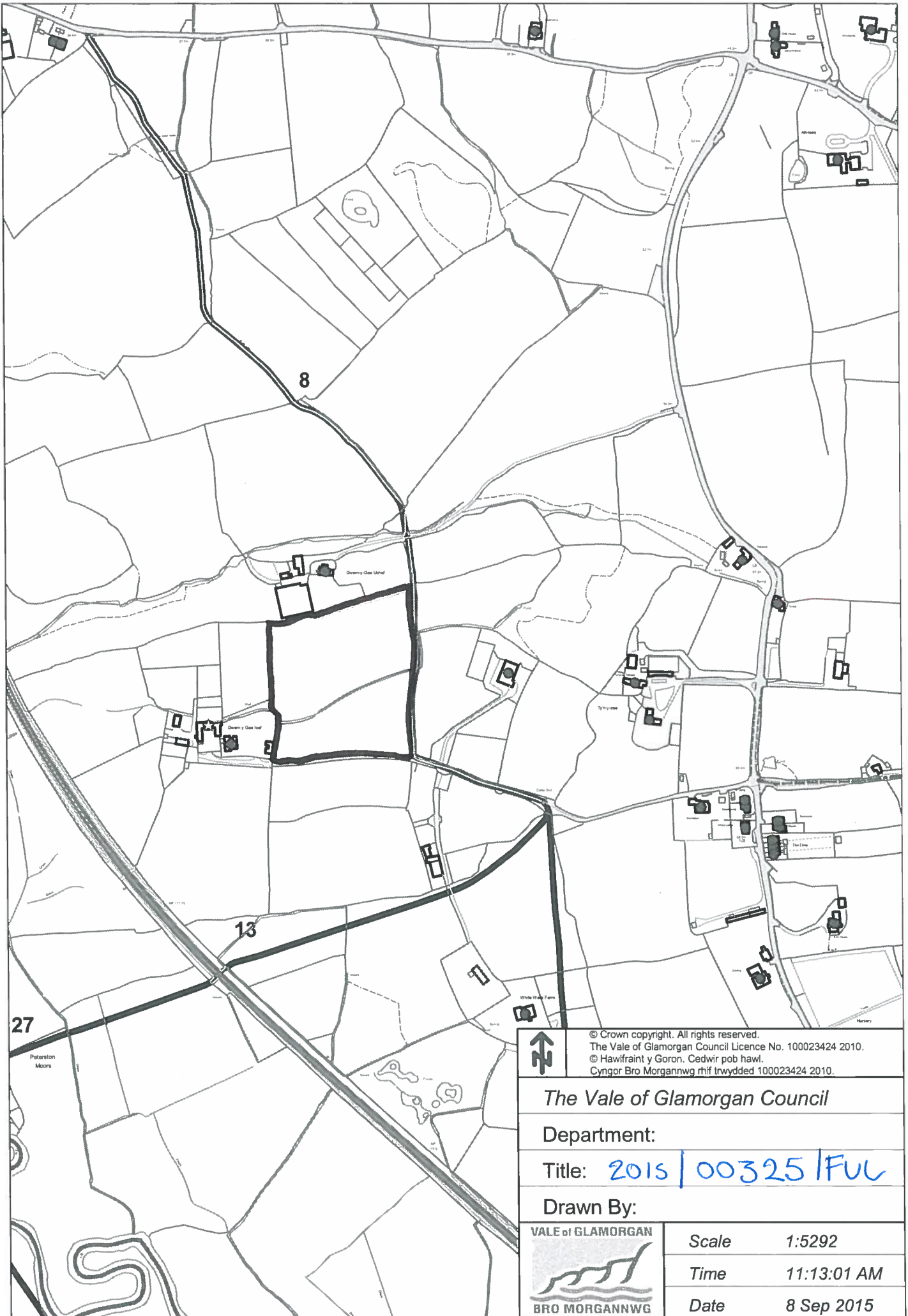
1. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed, particularly in relation to the proposed new stile to the north of the new stables. The Council's Public Rights of Way section have advised that you contact them directly regarding this and related matters concerning the alignment and proposed works to the existing stile. Please contact Gwyn Teague (Public Rights of Way Officer) on 01446 704810, or gwteague@valeofglamorgan.gov.uk.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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Cyngor Bro Morgannwg rhif trwydded 100023424 2010.

The Vale of Glamorgan Council

Department:

Title: 2015 | 00325 | FUL

Drawn By:

 VALE of GLAMORGAN BRO MORGANNWG	Scale	1:5292
	Time	11:13:01 AM
	Date	8 Sep 2015

15 / 00325 / FUL 'A'

Gwern y Gaer Isaf,
Peterston Super Ely,
Vale of Glamorgan
CF56NE

The Vale of Glamorgan council,
Dock Office, Barry Docks,
Barry
CF63 4RT

RECEIVED

22 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Dear Sir/Madam

Re: Town and Country planning, Act, 1990 (as amended)

Application No. 2015/00325/FUL/YP

Location: Brookside stables off, Groes Faen Rd, Peterston Super Ely

Proposal: Stable block

I am writing this letter to object to the above planning application. We purchased our property in 1986 along with full ownership of the private access lane which forms the access to the fields of the proposed Stable block. A right of way does exist to these fields from our lane but only for agricultural use. When we first owned the property the fields adjoining our lane had only one owner Mr Michael Dovey of Brynderyn Lodge. Mr Dovey subsequently sold a parcel of his land adjacent to our lane to Mr Steven Randall who called this holding Saith Farm. There were no buildings present on this parcel of land until Mr Randall was granted permission to erect an agricultural building to store farm machinery.

Over the last few years Mr Randall has sold Saith Farm in three separate parcels. One parcel of land which contained the agricultural building is now under appeal with stop notices served as it is being used as Builders yard plus other unauthorised uses. Due to this we have been subjected to unacceptable increases in traffic in the form of skip lorries, Low loaders and commercial vehicles, the owner also tacks out horses on his land which further increases traffic. The other two parcels were sold to two separate parties who have both been grazing horses. One of these Mr and Mrs Morgan has submitted the planning application for stabling. If permission is granted we fear it will increase traffic further due to the more frequent visits needed to horses being stabled compared with those out on grazing. Further to this under planning laws grazing of horses is applicable to agricultural use but stabling is equestrian use and as stated previously the right of way on the access lane is for agricultural use only. Having read the planning application the author wrongly references the stable block and yard as being agricultural when in fact it is equestrian.

From examining the plans of the stable block I object to both its size and siting. The owner is naming the proposed stables 'Brookside stables' which implies that they are going to be used commercially. With regards to size I am only aware of the applicants owning two horses this can be confirmed by checking horse passports, so why is such a large stable block being applied for? Considering the siting there is no mention of the proposed stable block being adjacent to a well-used public foot

15/00325/AVL'A₂

path which also comes down our lane. The siting of the stables could interfere with the usage of this public foot path and the increased vehicle movements visiting the stables could pose a danger to pedestrians using the foot path. I also disagree with the 3rd summary point on the Design and Access statement submitted with the application stating that 'The building would be a valuable addition to the local agricultural setting and enhance the amenity and rural usage of the associated agricultural land and residential converted barn' because there is no residential converted barn on the land and I can't see how a stable block would add to the local agricultural setting. In the view of my comments I suggest the planning committee members visit the site and see the situation for themselves before considering this application.

Yours Faithfully,

Robert Jones and Jocelyne Haran Jones

15/00325/FUL 'B'

Dear Mrs Prichard

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

ACK:

Further to our conversation on Wednesday 12th August and another one yesterday, please find below my comments with regards to the objections made by a neighbour concerning our planning application:

Commercial Venture: As explained, I have no interest in any commercial venture. Our family had a business in Barry for over 30 years which we closed a year and half ago and have no intentions whatsoever to enter into another business venture! I do understand why the person has raised this concern but can assure you that nobody needs to be concerned at all.

I currently use the premises next door to me, Saith Farm, to store my horse's hay and feeds as I have no facilities on my land at the moment. I believe the neighbour sees me going into Saith Farm and thinks I am connected to them, I can assure you this is not the case, it's just the case of Mr Williams kindly letting me store my feeds on his premises for the time being.

Private Lane: When we purchased our fields, the contract confirms we have a legal right to use the lane to access our land. As I used to keep my horses at Saith Farm before the purchase of our fields, I can confirm that no extra cars use the lane to access Brookfields.

I hope the above comments help to clear any doubts with regards to the objections on our planning application.

With regards to your site visit early July, I confirm that my horses were in the back field, as we are growing hay in the front field, which is where the proposed stables are to be situated. I realise after our conversation earlier this week, you are aware of this situation and have taken it into consideration.

I would like to point out that stables are very important for my horses, one currently has had to have his necked lanced and I am finding it very difficult to keep flies off the wound, plus another horse has very bad reactions to fly bites, the latest bite requiring vet treatment, which entailed an internal examination, so I am sure you can see that the stables are very important for the horses health and welfare.

I am concerned that the delay from the expiry date of 6th August to being heard at the October meeting, as you mentioned earlier this week, will cause a problem, firstly with the lead time of ordering the stables and also if we have bad weather in October/November with regards to erecting and as I am sure you understand, stables in the Winter months are as important as the summer months.

If you have any further queries, please do not hesitate to contact me. I however, look forward to hearing from you, hopefully in the near future.

Mr. Keith Roberts, 1, Cae Rex, Llanblethian, Cowbridge, Vale of Glamorgan, CF71 7JS
Planabuild Ltd. 3, Laburnum Drive, Porthcawl, CF36 5UA

Cresselly, 1 Cae Rex, Llanblethian

Single storey extensions to rear and side, engineering works to garden levels, dormers to front and rear and retention of retaining wall

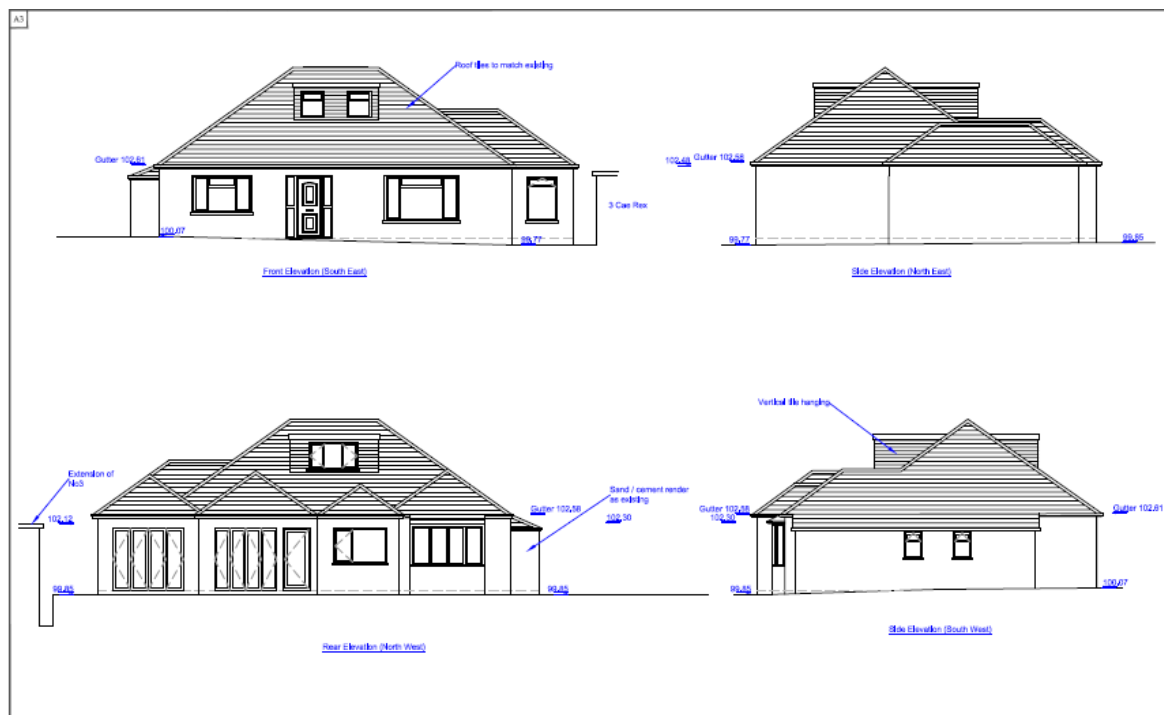
SITE AND CONTEXT

The application property is a detached bungalow situated within a predominantly residential area of the settlement of Llanblethian as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011. The bungalow benefits from on-site parking, and until recently a attached single storey garage which also served as the dwelling's on-site parking provision.

The properties in the immediate area comprise to both two-storey dwellings and dormer bungalow properties. The application site falls outside the designated Conservation Area.

DESCRIPTION OF DEVELOPMENT

The application proposes single storey side and rear extensions, engineering works to garden levels, dormers to front and rear and retention of a retaining wall.



The proposed single storey side extension would measure 2 metres in width, 6.3 metres in length, 2.6 metres to eave level and a maximum height of 4 metres finished in matching materials.

The proposed single storey extension to the south west elevation would measure 1 metre in width, 8 metres in depth with a 2 metre eave height and maximum height of 2.4 metres finished in matching materials.

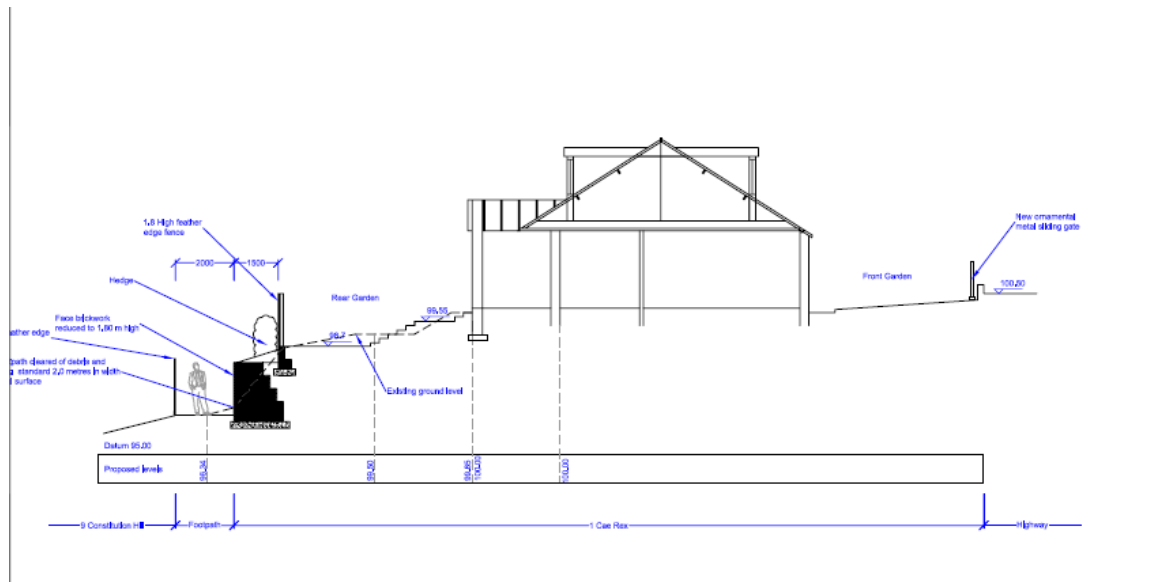
The proposed rear extension would measure approximately 8 metres in width, approximately 3 metres in depth finished with 2 separate hipped roof's with a 2.5 metre eave height and a maximum height of 4.1 metres.

The proposed front dormer would measure 2.8 metres in width, 1.2 metre in height projecting 1.6 metres from the roof plane finished in roof tiles to match the existing roof.

The proposed rear dormer would measure 2.9 metres in width, 1.2 metre in height projecting 2.9 metres from the roof plane finished in roof tiles to match the existing roof.

A partly constructed rear boundary wall (finished in red brick) would be retained at 1.8 metre in height finished in red brick, a bank set back 1.5 metre from the wall would be part planted with a hedge and a 1.8 metre high fence would be erected adjacent to this set back.

The application also proposes engineering works to the existing garden, given the existing levels, the large majority of the garden would not useable amenity space, the proposed works would result in a reduction of levels in some areas of the garden and a levelling of the garden to allow more useable amenity space.



PLANNING HISTORY

1994/00665/TCA : 1, Cae Rex, Llanblethian - Lop ash tree - Approved 11 August 1994.

1985/00250/FUL : 1, Cae Rex, Llanblethian, near Cowbridge - Car port - Approved 23 April 1985.

CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 11 May 2015. A response received on 4 June 2015 states that whilst the committee accept the building alteration, they are extremely concerned with the alteration of ground levels and the height of the retaining wall which is adjacent to a public footpath. The red brick facing wall is out of keeping with the surrounding properties.

Public Rights of Way Officer was consulted on 11 May 2015. No objections received.

Cowbridge Ward Members were consulted on 11 May 2015. Cllr Parker has asked for the application to be considered by the Planning Committee, and has requested a site visit is undertaken.

REPRESENTATIONS

The neighbouring properties were consulted on 11 May 2015 and a site notice was also displayed on 13 May 2015. To date 6 letters of objection were received from the owners of neighbouring properties who object to application, their concerns are summarised below:

- Work has commenced on site
- Works have been carried out on weekends
- Impact on privacy/ Overlooking
- Garden has been extended into public footpath
- No drainage points on boundary wall/impact on surface water run off
- The property has a restrictive covenant dated 7/12/78

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Policy:

ENV27 – DESIGN OF NEW DEVELOPMENTS
TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity Standards

Issues

The primary issues to consider are the potential impact of the works upon the amenity of neighbouring residential properties, the character of the property and area, as well as potential impact upon parking provision and the nearby public right of way.

The application as submitted proposed a 2.2 metre high wall and a 2.4 metre high close boarded fence directly above the proposed wall, the proposed garden levels would have resulted in a 1 metre increase in levels in some areas of the rear garden. Following negotiations, amended plans were submitted reducing the wall to 1.8 metres, then setting a 1.8 metre high fence back 1.5 metres from the boundary wall with a hedge between the two walls and reducing the garden levels.

Impact upon character

It is acknowledged that there is significant variety in terms of house design within the immediate street scene with two storey houses and bungalows in close proximity. The proposed dormer extensions would be set below the ridge, up from the eaves and set back from the eaves considerably and as such the proposed dormers are considered acceptable on design grounds.

The scale, form and design of the proposed side and rear extensions are considered appropriate, given the low heights, the position of the site in relation to the neighbouring properties and the fact the proposed extensions would be set off the boundary, the proposals are therefore not considered to adversely impact the streetscene or the wider area.

The amended proposal for a 1.8 metre boundary wall and tiered boundary enclosure is considered to overcome the concerns raised with the initial proposal and as a result the proposed set back and reductions proposed would overcome any potential harm in terms of the visual impact of the property when viewed from the public footpath to the rear.

Impact on the Neighbour Amenities

With regard to impact on neighbouring properties, the proposed side extension would be located close to the boundary with No 3 Cae Rex. This neighbouring property has a single storey flat roof extension located on the boundary and a boundary wall and hedge forming the boundary towards the rear of the site. Given this and the limited scale of the extensions, the proposed extensions are not considered to harm the privacy or amenity of these neighbours.

The single storey extension to the south west elevation would be set off the boundary with properties along Love Lane by 3 metres at it closest point and separated by a boundary wall and fence. Given the single storey scale, boundary enclosure and being set off the boundary, the proposal will not cause any undue overshadowing or be considered to be overbearing on the neighbouring properties.

One window is proposed in the rear first floor dormer extension facing properties on Constitution Hill, however this window would be located over 25 metres away and would accord with the council's supplementary planning guidance on privacy distances.

A further window is proposed in the front elevation facing Cae Rex. This would not face windows directly opposite and would be located approximately 20 metres from the boundary of neighbours to the front and over 25 metres from any side facing windows, as such this aspect of the proposal is not considered to cause any loss of privacy in relation to the front dormer.

In terms of the engineering works, the amended level changes, together with the boundary enclosure of 1.8 metres is considered to overcome concerns relating to overlooking neighbouring properties at Constitution Hill.

Highway safety

The proposal would allow sufficient off street car parking to serve the property and therefore not considered to cause harm to highway safety or parking.

Other Matters

Comments from neighbours have been noted, whilst it is unfortunate that work has commenced on site with the benefit of planning permission, planning legislation however does not make this an offence and it is a risk the applicant has taken in the event that planning permission is not forthcoming. In terms of comments regarding the hours of operation of building works on site, neighbours are advised to contact the Council's pollution control team in respect of noise nuisance and operating hours. Issues of overlooking/loss of privacy have been addressed within the report, it is also not envisaged that the new garden levels/or retaining works would create more surface water run off to a degree that requires drainage points within the wall. The applicant has signed certificate A to confirm that the land subject to this application is within the control of the applicant and any restrictive covenant on the property is a legal matter and not related to the determination of this application.

Enforcement

Members will be aware that a condition is recommended which would require compliance with the approved scheme, as such authorisation is also sought to take any enforcement action necessary to achieve compliance.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 – Design of New Development, TRAN10 - Parking and Supplementary Planning Guidance – Amenity Standards, it is considered that the proposed extensions, enclosures, engineering and associated works are an acceptable form of development which are not considered to detract from the appearance of the dwelling, the wider visual amenities, the privacy and amenities of nearby occupiers or highway safety. The development is therefore considered to comply with the relevant policies and should therefore be approved.

RECOMMENDATION – OFFICER DELEGATED

APPROVE with Enforcement Action to require compliance with this consent.

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Plan No: 1098-06-B,1098-07-B,1098-09-D,1098-11-B, 1098-12-B,1098-13-B,1098-14-F and 1098-15-C.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted plans, the external walls of the dormer hereby approved shall be finished in hanging tiles finish to match those of the existing roof of the dwelling.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Unitary Development Plan.

4. Within three months of the date of this permission a plan showing the proposed spot levels of the site shall be submitted to and approved by the Local Planning Authority.

Reason:

For avoidance of doubt as to the approved development and to accord with Policy ENV27 of the Unitary Development Plan.

5. Within four months of the date of this permission, the retaining wall present on site above that shown on the approved plans, together with the materials back-filled against it shall be taken down and re-profiled to accord with the approved plans and details submitted in discharge of Condition 4.

Reason:

To ensure orderly form of development and to accord with Policy ENV27 of the Unitary Development Plan.

6. The proposed hedge as shown on the approved plans shall be planted out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; Should the hedge within a period of five years from the completion of the development die, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

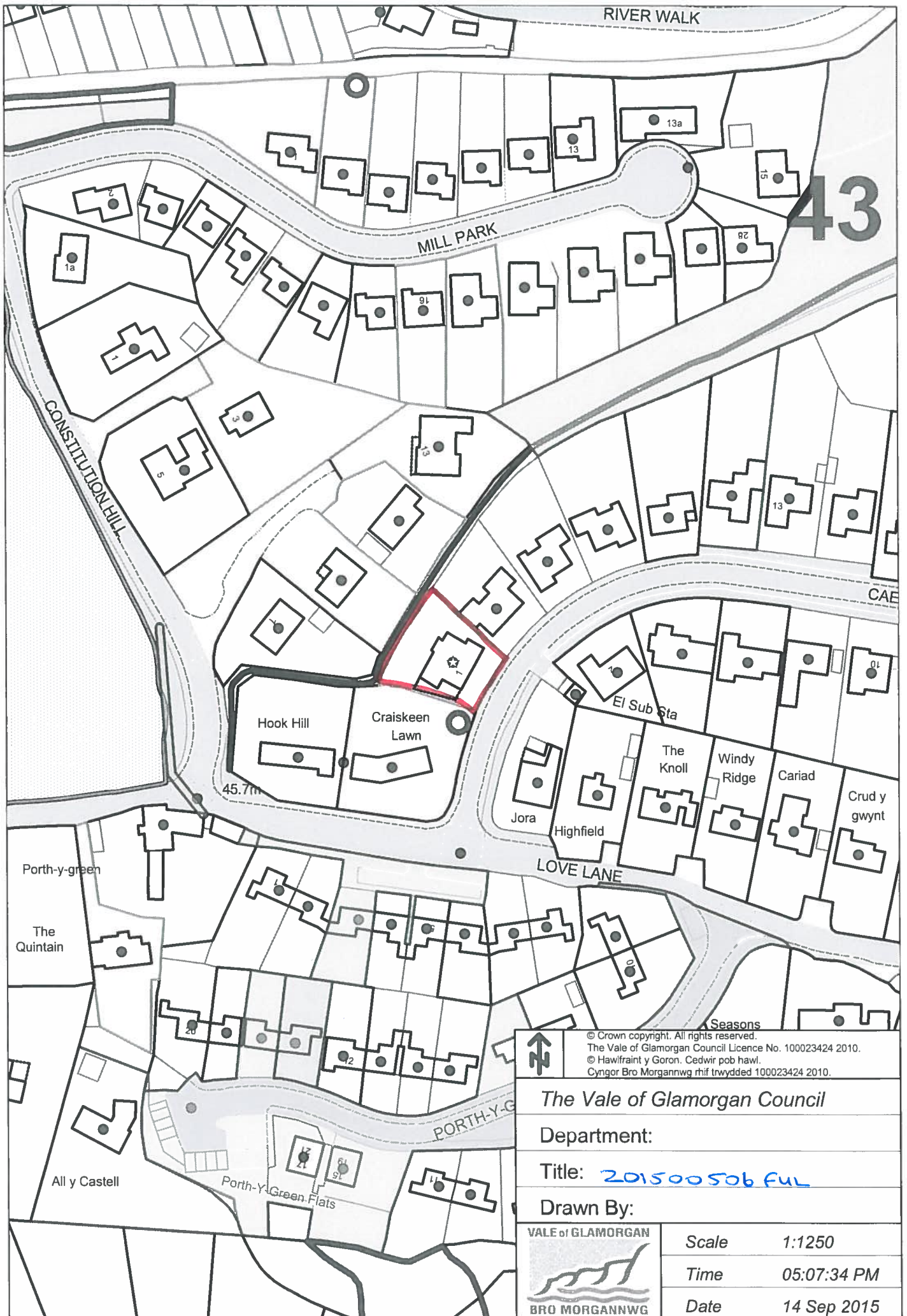
NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.


In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

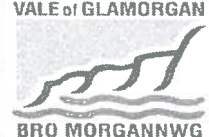
Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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The Vale of Glamorgan Council
 Department:
 Title: *201500506 Ful*
 Drawn By:

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	Date	14 Sep 2015

Mr. A. Sinclair, C/o Agent
Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan,
CF5 6TR

Former Leisure Complex, Beach Road, Swanbridge, Sully

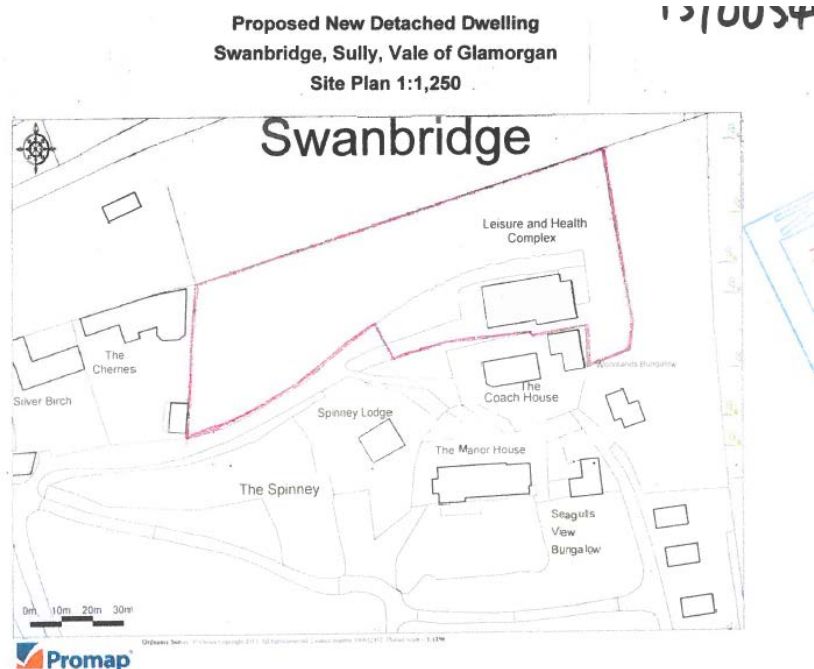
Proposed new detached dwelling

SITE AND CONTEXT

The site relates to a detached building constructed in the 1980's as a Leisure Complex including swimming pool, sauna etc. The property is predominantly single storey but constructed over two levels due to site topography. The buildings on site are currently vacant with no use. The land appears to be used for the grazing of animals (i.e. horses and donkeys present on site).

The access to the site serves other properties of a residential nature, and is gained off Swanbridge Road, sharing an access with the Spinney Caravan Park. The site is located within the East Vale coast designation and there are protected trees located to the northern and eastern boundaries of the site.

The site is located outside the Sully settlement boundary and, therefore, is located within the countryside. The agricultural land is classed as Grade 2 agricultural land.



DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing buildings on site and the erection of detached dwelling with detached garage, improved access and parking.

The dwelling will be not be constructed on the developed footprint of the previous buildings but sited to face west and the width of the dwelling to be constructed from south to north. The dwelling will be 18.1m wide (Main building) 24.6m (with side annex) x 10.8m depth x 9.6m high to ridge and 5.6m high to eaves. The dwelling will have a modern hipped roof with a flat roof and finished in brick and stone surrounds around openings, slate roof and timber and aluminium composite for doors and frames. The detached garage will be sited in front of the principal elevation of the dwelling to the north. The detached garage will have a dormer addition in the roof and will measure 8.9m wide x 6.9m depth and 6.8m high (2.8m to eaves)



PLANNING HISTORY

2005/01280/FUL : Avalon Health & Leisure Centre, Beach Road, Sully - Change of use and alterations including replacing storm damaged roof to form dwelling - Approved 17 November 2005.

2004/01723/FUL : Avalon Leisure Complex & Manager's Accommodation Beach Road, South - Change of use to dwelling (Class C3 of T&CP(Use Classes) Order 1987) and replace storm damaged roof. - Withdrawn 23 February 2005.

2004/00895/FUL : Avalon Health & Leisure Centre, Beach Road, Swanbridge - Temporary change of use to dwelling for a period of 12 months - Withdrawn 23 February 2005.

2003/01603/FUL : Avalon, Beach Road, Sully - Replacement storm damaged roof, additional bedroom accommodation for guests with extension to pool area with staff accommodation - Approved 8 March 2005.

2003/00766/FUL : Avalon, Beach Road, Sully - Replacement storm damage roof, additional bedroom accommodation for guests with extension for pool area with staff accommodation over. - Withdrawn 8 March 2005.

2001/01496/OUT : Avalon, Beach Road, Swanbridge - Ancillary guest accommodation and staff accommodation - Approved 13 September 2002.

1997/00105/OUT : Plot to rear of The Spinney Caravan Park, Beach Road, Swanbridge - 2 no. detached dwellings - Withdrawn 21 April 1997.

1988/00527/OUT : Plot to rear/west of Avalon, (Health and Leisure Centre), Beach Road, Sully. - Three bedroom single storey dwelling accommodation for occupation by owner/managers and overnight accommodation. - Refused 19 July 1988.

1987/01234/OUT : Plot rear of 'Avalon' Beach Road, Swanbridge, Sully - 2/3 bedroom single storey dwelling unit, for occupation by owner/managers of 'Avalon' - Refused 16 February 1988.

1983/00354/RES : North of The Spinney, Swanbridge, Sully - Proposed leisure/recreation complex - Approved 2 August 1983.

CONSULTATIONS

Sully Community Council was consulted on 30 May 2015. No comments

Highway Development was consulted on 30 May 2015. No objections subject to the car parking spaces being provided on site.

Policy Section (Planning) was consulted on 30 May 2015. No comments

Dwr Cymru Welsh Water was consulted on 30 May 2015. No objection subject to the foul water and surface water discharges shall be drained separately from the site and no surface water to connect to the foul drain.

Building Control Section was consulted on 30 May 2015. No comments

The Councils Ecology Officer was consulted on 30 May 2015. No comments to make on this application.

Planning - Tree Officer was consulted on 30 May 2015. No comments to date.

Local Ward Members were consulted on 30 May 2015. No comments

Natural Resources Wales was consulted on 30 May 2015. No objection subject to the proposal connecting to the mains sewers as indicated in the application.

REPRESENTATIONS

The neighbouring properties were consulted on 30 May 2015.

One letter of representation has been received to date. The letter outlined the following: -

The application is for 'stable block and detached dwelling' yet there appears to be no stable block on the plans. The garage, which has two storeys, appears to be on the highest part of the plot and as such could dominate the sky-line unnecessarily

REPORT

Members will recall that this application was deferred at the 3 September 2015 meeting of Planning Committee for a site visit.

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT
- POLICY 3 – HOUSING
- POLICY 8 - TRANSPORTATION

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV6	- EAST VALE COAST
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV27	- DESIGN OF NEW DEVELOPMENTS
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
TRAN10	- PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

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

Planning Policy Wales:

National planning guidance issued in the form of Planning Policy Wales, 7 2014 (PPW) is of relevance.

Paragraph 4.4.3 is of relevance stating that *'Planning policies, decisions and proposals should:*

Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted.'

In addition paragraph 4.11.9 states *'the visual appearance of proposed development, its scale and relationship to its surroundings are material planning considerations and Local Planning Authorities should reject poor buildings and contextual designs'*.

Paragraph 4.7.8 states that **'Development in the countryside** should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.'

Chapter 5 recognises the need to protect the character and appearance of the countryside for its own sake. In particular, part 5.5 relates to development control and the consideration of the environmental impact of any development proposal.

Paragraph 5.1.4 of PPW is also of relevance stating that *'It is important that biodiversity and landscape considerations are taken into account at an early stage in both development plan preparation and development management. The consequences of climate change on the natural heritage and measures to conserve the landscape and biodiversity should be a central part of this.'*

Paragraph 9.2.22 of PPW states that *'In planning for **housing in rural areas** it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision. In order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.'*

Paragraph 9.3.2 of PPW states that *'Sensitive **infilling** of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport. Residential development in the vicinity of existing industrial uses should be restricted if the presence of houses is likely to lead residents to try to curtail the industrial use.'*

Paragraph 9.3.3 is of particular relevance as it states that *'Insensitive infilling or the cumulative effects of development or redevelopment...should not be allowed to damage an area's character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing'*.

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

Paragraph 9.3.6 is of particular relevance stating that *'New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.'*

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 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2014)

Supplementary Planning Guidance:

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

- Sustainable Development
- Amenity Standards
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection).'

Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Coastal Study (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Sustainable Transport Assessment (2013)

Issues

Update from Previous committee report

Since the report was presented to Committee on 3 September 2015, the Council have received a late representation of support for the application.

The late representation has been received by Geraint John Planning, acting on behalf of the applicant, outlining his position with respect to the officer's report and assessment of the planning proposals. The letter simply outlines or reiterates the points made in previous correspondence with the officer, disagreeing with some of the key issues of the proposal.

It should be noted that all of the matters raised by Geraint John have been considered and addressed in the report to committee..

In the opinion of the Planning Authority, the principal issues in this application are the following

- The current use of the site and planning history
- The principle of the erection of a dwelling in this location;
- The sustainability of the location;
- The issue of previously developed land;
- The impact upon the character of the countryside and East Vale Coast;
- Impact upon trees protected by a Tree Preservation Order (TPO);
- Highway and parking; and
- The impact upon the amenity of neighbouring residential properties.

These matters will be addressed below:

Use of the site and Planning History

The land proposed for development has been partially developed with the leisure complex buildings on site. These are low lying single storey buildings that have a utilitarian appearance. The site has a long and detailed planning history that extends from the early 1980's to 2005 (prior to this application). The full history can be seen under the planning history section of this report above.

The leisure/recreation complex was approved in 1983 and further applications for a staff and guest accommodation were sought in the late 1980s but refused and dismissed at appeal. Tourist and staff accommodation was again sought and approved in 2001 and 2003 subject to conditions and legal agreements linking any residential accommodation to the business use. These permissions were not implemented. It is evident that proposals for temporary and permanent dwellings were sought in 2004 but withdrawn until the eventual approval of an independent residential use, which was granted in 2005. This 2005 permission was for the conversion of the existing buildings to a residential dwelling. As this permission was never implemented, the permission has expired. The residential use of the existing buildings is not, therefore, a 'fall back position' for the applicant.

From a site visit it was noted that, other than grazing animals, there is no current use of the buildings on site and that they are in a state of disrepair. It is understood that the site last operated as a leisure complex more than 10 years ago (prior to the 2005 residential conversion application). There are not understood to have been any other uses since that time.

Principle of residential development

The site falls outside of a residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and as such the proposal amounts to the erection of a new dwelling in the countryside. Policy ENV1 is a criteria based policy relating to development within the countryside and states *'Within the delineated countryside permission will only be granted for:*

- (i) Development which is essential for agriculture, horticulture, forestry or other development including mineral extraction, waste management, utilities or infrastructure for which a rural location is essential.*
- (ii) Appropriate recreational use.*
- (iii) The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.*
- (iv) Development which is approved under other policies of the Plan.*

Policy HOUS3 relates more specifically to the erection of new dwellings in the countryside and states *'subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry'*. The supporting text to the policy adds additional weight to this noting that *"the many groups of scattered and loose knit buildings in the Rural Vale cannot be regarded as settlements under the terms of Policy HOUS2. These are little more than pockets of dwellings and farmsteads lying in isolation in the countryside.*

Additional dwellings would be inappropriate in these locations unless justified in the interests of agriculture or forestry". The policy also notes that the 'undeveloped and attractive appearance' of the countryside should be protected and that new housing outside villages and towns often creates unacceptable intrusions into the rural landscape and often create unacceptable burdens on local services.

In addition paragraph 9.3.6 of PPW states *"New house building and other new development in the open countryside, away from established settlements, should be strictly controlled. The fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of the area. Isolated new houses in the open countryside require special justification, for example, where they are essential to enable farm or forestry workers to live at or close to their place of work in the absence of nearby accommodation."*

TAN6 provides further guidance on the circumstances in which applications for new dwellings within the countryside including those for rural enterprise dwellings or affordable housing schemes, and the justification that would need to be provided.

The proposed dwelling has not been supported by special justification, such as that required for a rural enterprise dwelling. Furthermore, the development would not amount to the re-use or adaptation of an existing building to assist the rural economy. Accordingly, the development does not benefit from the provisions of UDP Policies ENV1 or HOUS3, or the provisions of PPW and TAN6, being neither integrated/connected to the existing settlement pattern, nor being required in connection with a rural enterprise.

The site also falls within land designated as the East Vale Coast within the adopted Unitary Development Plan and as such policy ENV6 of the Development Plan is of relevance. This policy notes that development within the undeveloped coastal zone will be permitted if i) a coastal location is necessary for development and ii) will not cause unacceptable environmental impacts including visual intrusion. The site is firmly within the East Vale coastal zone and, whilst being on the edge of a collection of buildings, the proposal does extend into the undeveloped coast. Given this, it is considered that the principle of the erection of a new dwelling at this site would be contrary to the provisions of Policy ENV6, which seeks to strictly control the erection of new houses in the countryside and the East Vale Coast.

Notwithstanding the findings above, the guidance in paragraph 9.2.22 of Planning Policy Wales (edition 7) (PPW) is noted. It states that *'in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled. Many parts of the countryside have isolated groups of dwellings.*

Sensitive infilling of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.'

Furthermore, paragraph 9.3.1 of PPW requires that new housing should be well integrated with and connected to the existing pattern of settlements, with the expansion of towns and villages avoiding the creation of ribbon development, the coalescence of settlements or a fragmented development pattern.

While it is acknowledged that there is a small group of dwellings to the west and south, and that the caravan park is also to the south of the site, the land surrounding the application site (spanning from the North West to the east) is undeveloped agricultural land. The existing group of dwellings are closely related, the existing on site buildings included, and there is no particular cohesion or consistent pattern to the existing built form. The caravans further south are not permanent structures and are typical of a rural or coastal tourism use. The proposed development (the dwelling and detached garage) would result in a linear form of development that protrudes into the undeveloped part of the site, towards the open agricultural land to the north of the application site. It would not be read as forming part of the existing collection of buildings, but instead will sit firmly within undeveloped land forming part of the coastal zone. Accordingly, the development is not considered to represent a logical infill plot within a group of dwellings, or a minor extension to that group and, as such, the proposal is considered to be at odds with the above-mentioned provisions of PPW.

In light of the above it is considered that the proposal amounts to an unjustified form of development that is considered to cause an unacceptable degree of harm to the character of the countryside, contrary to the provisions of Policies ENV1, HOUS2 and HOUS3, and ENV6 of the UDP, as well as guidance contained within PPW and TAN6. As such, the development is considered to be unacceptable in principle.

Sustainability

The application site falls outside of a settlement as defined by the Vale of Glamorgan UDP 1996-2011, with nearest part of defined boundary of the settlement boundary of Sully being approximately 400 to 450 metres distant to the north-west, and significantly further from a number of the day to day services contained therein. Whilst noting that there is a post box and public house within close proximity to the proposed dwelling, there is no direct and easy access to the full range of services provided in nearby settlements including access to public transport services, basic community services, education or employment opportunities. The lack of physical proximity to settlements and the services contained therein, is compounded by the lack of pavements or footways provided adjacent to the road running southwards towards the site from South Road to the north to provide ready, safe or convenient access by pedestrians. The lack of physical proximity to local services and the lack of pedestrian facilities linking the site to the nearby settlement is considered to further demonstrate the reliance of future occupiers of this development on the private car and furthermore indicate that this site represents an unsuitable and unsustainable location for additional residential development within the countryside.

Indeed Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*. The provisions of this policy is echoed within paragraph 9.2.22 of PPW as noted previously which states that *'in order to safeguard the character and appearance of the countryside, to reduce the need to travel by car and to economise on the provision of services, new houses in the countryside, away from existing settlements recognised in development plans or from other areas allocated for development, must be strictly controlled.'*

This sentiment is reflected throughout PPW. With regard to planning for sustainability, part 4.4.3 states that *'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car'* and *'Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*. Also paragraph 4.7.4 states that *'Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with minimising the need to travel and increasing accessibility by modes other than the private car.'*

The erection of a dwelling on this site within the countryside is, therefore, considered to be contrary to the provisions of both the development plan and national planning policy. Given its lack of proximity to local services and settlements, and the lack of adequate pedestrian or public transport facilities serving the site, future occupiers of any dwelling on this site would be heavily reliant on the use of the private motor car to access essential day-to-day services and facilities and is therefore considered to amount to an unsustainable form of development at odds with the provisions of Strategic Policies 2 and 8 and Policies ENV1, HOUS2 and HOUS3 of the Unitary Development Plan 1996-2011 and guidance contained within Planning Policy Wales (edition 7, 2014) particularly 9.2.22, 4.43 and 4.74 and as such is considered to be unacceptable in principle.

The sustainability of the location of the site is a matter that was considered recently by a Planning Inspector in an appeal against the refusal of a new dwelling at the Spinney Lodge, only a matter of metres away from the application site. The application was refused for reasons including the unsustainable location. The Inspector agreed with the Council's findings, stating:

'Turning to the sustainability of the location, the appellant states that the site is within walking distance of Sully, where there is access to a grocery store, public house, chemist, post office, doctors surgery, primary school and community centre. I also understand that there is a regular bus service some 400 metres away at the end of Beach Road, providing links to the nearby large town centres of Barry and Penarth and to Cardiff.'

Whilst I do not dispute the proximity to local facilities and services, I observed that Beach Road and the lane over which access would need to be negotiated by foot or bike, has no footways and is only partially lit. Together with its significant length and limited visibility of oncoming traffic, I consider that it would not represent a particularly attractive or safe route for pedestrians or cyclists. In my view, it would discourage future occupants of the development from walking or cycling to the nearest facilities and services. Such an arrangement would not adequately cater for the day-to-day needs of the future occupants of this development without significant reliance on the car as a means of travel.

In this context, it would conflict with the aims of UDP Strategic Policies 2 and 8, and Policy ENV 27 to encourage sustainable practices, minimise traffic levels and favour development in locations which are accessible by means of travel other than the private car. It would also be at odds with the Council's 'Sustainable Development' Supplementary Planning Guidance and PPW in this regard.'

The Inspectors decision in respect of the case is provided for the committee's information in Appendix A.

On the issue of sustainability, the applicant has referred to the previous use of the site, the approved residential use granted in 2005 and an extract from the Officer's report on the 2005 application, which states:

'In conclusion, a highly material consideration in this case relates to the fact that the existing building is of domestic, non rural appearance. In addition, the alterations are to the rear portion of the premises and actually result in improvements in the appearance of the site by removing unsightly roof structures and its replacement with a more uniform roof, more domestic in appearance. The proposed site curtilage is also reduced in extent from that previously proposed, and the cessation of the business and its replacement with a single dwelling use will result in a less intensive use of this site.'

As outlined above, any occupier of the proposed dwelling will require access to day to day services and facilities that would not be easily accessed from this site, thus rendering the site in an unsustainable location. The proposal offers nothing that would mitigate this, particularly as the development of the site with a single dwelling would not be of any benefit to the rural economy or tourism in the rural Vale. Accordingly, there is no justification for this development in a location that is otherwise considered to be unsustainable in light of its use.

The applicant suggests that the same objections would apply to a leisure complex, that being the previous use of the site. Whilst there is no necessity for such a use to be located close to or within easy access to every day services and facilities, its location away from (or not within easy access from) a settlement would be an issue in terms of sustainability. Notwithstanding this, the leisure use would be of benefit to the rural economy and would benefit tourism in the rural Vale, particularly as the use would serve users of the existing nearby caravan park and is within close proximity to other tourism destinations and tourism related uses. Accordingly, it is considered that there are other benefits that would weigh against issues of sustainability in terms of the location of a leisure use.

Another matter that has been raised by the applicant's agent in respect of the site's sustainability credentials is the prospect of housing being approved at Sully Sports and Social Club and a proposed cycle route identified within the Vale of Glamorgan's recently Adopted Local Transport Plan (2015-2030). The Sully Sports Club application, reference 2015/00843/FUL, is for housing and redevelopment of the existing sports club. This is a hybrid application, with the principle of the housing development being considered in outline. This application is at a very early stage and, as such, subject to a full assessment as part of the planning process. Accordingly, at this juncture the potential provision of a sports club close to the application site is not a matter that can be afforded any particular weight in the determination of this application.

As for the cycle way link in Local Transport Plan (2015-2020), the Applicant's Agent has provided some extracts from the Transport Proposal Plan and Local Development Plan (2011-2026) that show the existing cycle route that can be found along the South Road/Lavernock Road (main vehicle highway) that passes from Sully and Penarth at the top of Beach Road. The plan illustrates that a proposed National Cycle Route (NCN) 88 would follow a similar route as the existing public footpath along the coast and down beach road that accesses Swanbridge. In addition, he has provided a small extract from the 5 year plan table of the Local Transport Plan (LTP) showing the provision of cycle infrastructure of the National Cycle Network will be provided over this period.

The Principle Transport & Road safety Officer has been consulted on this matter, it transpires that the proposed cycle network improvements close to the site are not certain. Whilst the Council has aspirations to carry out works as part of the NCN over the next five years, the element identified within Swanbridge is not likely to be completed in the next five years.

The Council's Principle Transport and Road Safety Officer states that *'the NCN is a huge corridor of aspirational routes that it is intended to be delivered over the period of the Plan up to 2030 and will be considered and delivered as opportunities arise. The more strategic of the routes will come forward within the next 5 years, with other routes being medium to longer term, or when available funding allows.*

Many of the routes identified in the LTP are aspirational and may not all be delivered on the current line of the Plan. The routes were originally identified by Sustrans when they carried out a study on the Council's behalf and suggested possible routes that could complete a national cycle network. However, there is still much work to do to consider whether the routes recommended in that report are actually feasible. Many have been to-date, but some will be amended and alternative routes considered due to restrictions on current infrastructure for example. E.g. The NCN recommends a route through private land around the headland where it would cause a security issue for a private company. This would never be delivered and an alternative option will be sought. Whilst we couldn't change the ideal recommended routes that were identified in the Sustrans report, we may not be able to progress those routes, and we may need to consider alternatives that bring the benefits but may not adhere to the recommended routes that were considered at that time.'

It is clear that the funding within the next five years will address more important and strategic routes along the NCN and will not address the proposed route along the coast. Furthermore, there is uncertainty that the route identified will be provided. Accordingly, it is again the case that the potential for improvements to the cycle network matter cannot be afforded any particular weight in the determination of this application.

Previously Developed Land

In the light of the proposal to erect new buildings in the place of existing buildings on the site, the guidance in part 4.9 of PPW on the re-use of land should be noted. Whilst this indicates that previously developed land should be used in preference to Greenfield sites, the guidance also states that the presumption is always in favour of sustainable development on such sites. Paragraph 4.9.1 of PPW states that '*previously developed (or brownfield) land.....should, wherever possible, be used in preference to Greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location.....*'.

Further, paragraph 4.9.2 states '*Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:*

- *In and around existing settlements where there is vacant or under-used land, commercial property or housing;*
- *in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;*
- *Which secure land for urban extensions, and;*
- *Which facilitate the regeneration of existing communities.*

As already indicated, this site has clearly been considered to be unsustainable as a location for residential development. The general presumption in favour of sustainability is, in this case, considered to be given greater weight than use of previously development land.

Notwithstanding the findings in terms of the re-use of land, the proposed replacement dwelling will result in a significant extension beyond the footprint of the existing building, into land that was previously undeveloped. The specific guidance in PPW on previously developed land suggests that it is not necessarily appropriate to develop the entire curtilage of an existing building and that each Planning Authority should make a judgement on site layout in this context. In light of the findings in the following section on the visual impact of the development, for the reasons set out below the development is not considered to benefit from the provisions of part 4.9 of PPW.

Design and scale of the proposed dwelling and its impact

Notwithstanding the principle issues of a new dwelling in the countryside and the unsustainable location, the proposed dwelling is of a design, scale, height and prominence that is considered to be unacceptable within this location.

Firstly, the site edged red proposes the whole of the approximate two acre site as the residential curtilage to serve the dwelling. The result would be to overly urbanise a site that has been only partially developed. The resulting domestication of surrounding land, the enlarged access and hardstanding, and erection of associated structures and other paraphernalia associated with such a use, would change the character of the land.

In respect of the context of this site, the land is located to the north of an existing caravan and chalet site, known as the Spinney Caravan Park, located within the undeveloped East Vale Coast. There are existing residential properties within the proximity of the site, in particular, the manor house, the coach house, spinney lodge and the cherries. It is not contended that there is any particular architectural style, with the adjoining dwelling being an updated coach house building of the Manor House (a modern two storey dwelling) while the other adjoining dwellings are large detached dormer bungalow properties. However, it is considered that the adjoining buildings and the existing leisure complex buildings are low lying single storey buildings or one half storey properties, whilst the Manor House and the Coach House sit within a significantly lower position than the elevated site of the former leisure complex. Accordingly, the dwellings do not sit prominently within the landscape and are only seen within close proximity. In contrast, the proposed dwelling will utilise a larger proportion of the width of the field on a more elevated level of the application site, with a three storey 9.6m height (accommodation in the roof by way of dormers). The property will be visible from both close views and distant views, particularly when viewed from the adjoining highway, and will be a prominent building when from the Beach Road highway.

Accordingly, it is considered that the design and scale of the dwelling has no regard to its context and would also sit prominently within the coastal location. It is considered that, despite the surrounding properties being sizable, the proposed scale and height of the proposed dwelling will be significantly larger than the majority of dwellings within the locality and would not appear as a logical or seamless extensional addition to the group, rather it would appear as an arbitrary and visually intrusive extension to the existing specific group. In addition, it must also be considered that the poor design and scale of the proposed development will only be exacerbated by its prominence within the site. In particular, the proposal sits elevated in the site and its scale and height will make it more visible from distant views to the south and from the adjoining Beach Road.

Policies HOUS8, HOUS 11, ENV6, ENV10 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as well as Planning Policy Wales and TAN12 requires that proposals for new development are of a high standard of design, and have full regard to the context of the local natural and built environment. It is considered that the proposal would result in a large detached dwelling that is of a scale, form and character that fails to have regard to the context and would appear as an unsympathetic and inappropriately designed form of development within the undeveloped east vale coastal location.

Impact upon adjoining neighbours

Other than the proposed dwellings wider visual impact upon its surroundings, it is considered that the proposed dwelling will have no harmful impact upon the adjoining neighbours private amenity.

In particular, the removal of the existing buildings and the reorientation of the proposed property will set the dwelling away from the nearest adjoining neighbour at the Coach house, reducing the impact of the existing low lying buildings that are within close proximity to the rear boundary of the adjoining neighbour. There are no issues of overlooking. Despite its scale and height, all other neighbours are sufficient distance from the proposed dwelling and, as such, it is considered that no harm could be caused by the proposed dwelling.

Whilst the use of the site for residential purposes will cause additional activity on a site that is currently vacant, it should be noted that a leisure use of the site could continue, the activity associated with which may be more intensive than that of a single dwelling. Notwithstanding this, in the light of the distance of the property from the adjoining occupiers, there is unlikely to be any harm caused to the amenity of these occupiers resulting from the new residential use.

For the reasons set out above, the development is not considered to conflict with UDP Policies HOUS8 and ENV27, as well as the Council's Amenity Standards SPG.

Highway and Parking

With regards to Highway issues and parking, there is an existing access to the site and the proposed drive, turning area and parking are considered acceptable by the Highways Authority and there is no objection in this instance. Accordingly, there is not considered to be any conflict UDP Policies HOUS8 and ENV27.

Impact upon trees

The application site is covered by a Tree Preservation Orders (TPO) to trees along the northern and eastern boundaries. The applicant should have submitted a Tree Survey with the application but no information on the possible impact of the development on trees has been submitted with the application.

From a consideration of the plans and the location of the TPO trees near to the boundaries, the Council's tree Officer considered that it was unlikely to have a significant bearing on the protected trees within the site. Nevertheless, additional information, such as a survey showing the location of the trees, any possible impact and the indication of how the trees would have been protected throughout the construction period should have been provided with the application. This matter was noted at the assessment stage of the application, however, as the principle of the residential development was not considered acceptable at this point, it did not appear reasonable to delay the determination of the application or request that the applicant go to unnecessary expense to provide a tree survey when this would only overcome one aspect of the Council's concerns with the proposed development.

Accordingly, while this matter could possibly be overcome with the submission of a tree survey to address these matters, it must be noted that with the lack of information submitted in relation to trees to support the application, it is not considered that the Council could adequately consider such effects. Consequently it is considered that it has not been adequately demonstrated that the proposals would not cause detriment to the protected trees on the site and as such the proposals are at odds with the provisions of policy ENV11 of the UDP, the guidance contained within Planning Policy Wales and TAN 10 Tree Preservation Orders (1997).

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

By virtue of its siting, the absence of an agricultural/forestry/rural enterprise justification, the proposal represents an unjustified and unacceptable form of development in the open countryside, which would detract from the site's rural context, and the wider character of the surrounding countryside and East Vale Coast. Furthermore by reason of its isolated position outside of a defined settlement boundary, the site is considered to be in an unsustainable and unsuitable location where the new dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. In addition, it has also not been demonstrated that the proposals would not result in an unacceptable detriment upon protected trees. As such the proposals are considered to be contrary to the provisions of the above referenced policies and national planning policy.

RECOMMENDATION

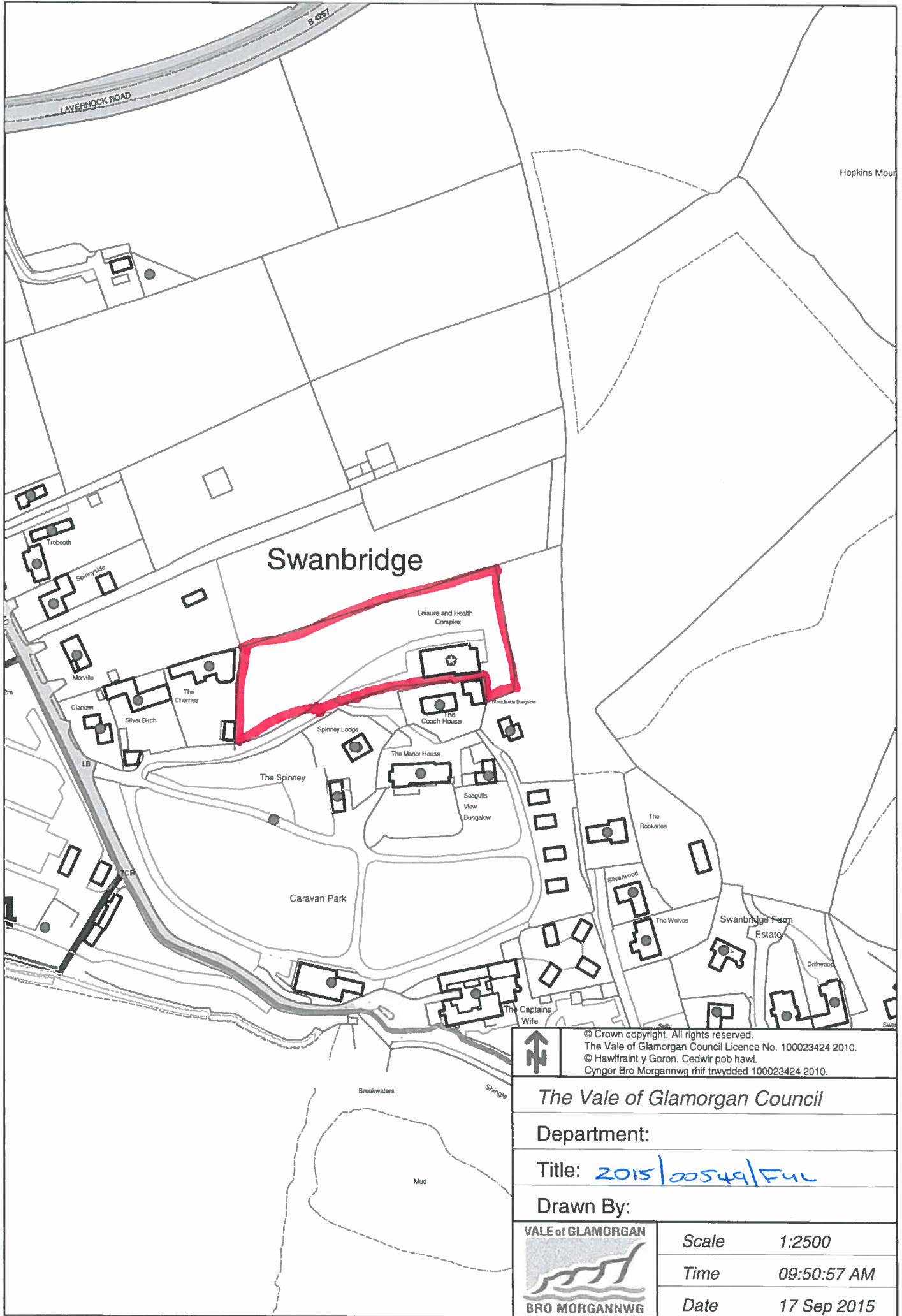
REFUSE (W.R.)


1. By reason of its siting and surrounding context, and the absence of an agricultural/forestry/rural enterprise justification, the proposal represents an unjustified and unacceptable form of development in the open countryside, which would detract from the site's undeveloped character and rural context, and the wider character of the surrounding countryside and the East Vale Coast. The development is therefore contrary to Policies ENV1 - Development in the Countryside, ENV6 – East Vale Coast, ENV10 - Conservation of the Countryside, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; together with Supplementary Planning Guidance on Sustainable Development and national guidance contained in Planning Policy Wales (edition 7, 2014), TAN6-Planning for Sustainable Communities.


The proposed three storey dwelling by reason of its scale, height and siting would represent an unacceptable form of development that has no regard to its context or the wider visual amenities of the surrounding character and appearance of the undeveloped east vale coastal location. As such it is contrary to Policies ENV27 - Design of New Developments and HOUS8 – Residential Development and ENV6- East vale Coast Criteria of the Unitary Development Plan and adopted Supplementary Planning Guidance 'Amenity Standards'.

2. The proposed three storey dwelling by reason of its scale, height and siting would represent an unacceptable form of development that has no regard to its context or the wider visual amenities of the surrounding character and appearance of the undeveloped East Vale Coastal location. As such it is contrary to Policies ENV27 - Design of New Developments, HOUS8 - Residential Development and ENV6 - East Vale Coast Criteria of the Unitary Development Plan and adopted Supplementary Planning Guidance 'Amenity Standards'.
3. By virtue of its isolated position outside of any defined settlement boundary and absence of comprehensive pedestrian/alternative modal links to the nearest settlement, the site is considered to be in an unsustainable and unsuitable location where the new dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic Policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Development Plan (1996-2011) and the national policies regarding sustainable development contained within Planning Policy Wales (Edition 7, 2014).

4. The proposed development would be in close proximity to trees covered by Tree Preservation Orders and it has not been adequately demonstrated that the health of these trees would not be compromised by the proposed development, which would in turn unacceptably impact upon the amenity of the wider area. The proposal is therefore contrary ENV11 - Protection of Landscape Features and ENV27 – Design of New Development of the Development Plan and the guidance contained within Planning Policy Wales (edition 7 2014) and TAN 10 Tree Preservation Orders (1997).




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<i>The Vale of Glamorgan Council</i>	
Department:	
Title: <i>2015/00549/F4C</i>	
Drawn By:	
	Scale 1:2500
	Time 09:50:57 AM
	Date 17 Sep 2015

2015/00566/FUL Received on 20 May 2015

Pegasus Developments (Woodlands Road) Ltd c/o
DPP, Sophia House, 28, Cathedral Road, Cardiff, CF11 9LJ

Site of former Adult Training Centre, Woodlands Road, Barry

Erection of thirty residential units (Class C3) comprising twenty four one bedroom units and six two bedroom units, erection of bin/cycle store, amendment to existing access on Belmont Street, landscaping, car parking and associated works

SITE AND CONTEXT

The application site is the former Woodlands Road Adult Training Centre, on Woodlands Road, Barry. The site is situated within the settlement of Barry as defined by the Vale of Glamorgan Unitary Development Plan 1996-2011.

The site did form the location of Woodlands Adult Training Centre, a three storey Victorian building, similar to a large house in appearance, and a single storey shallow pitched roof building. There were also relatively small buildings on site, including a boiler house. These buildings were recently demolished in 2013 and the land has been cleared.



The site fronts the predominantly residential street of Victorian properties along Woodlands Road on one side and Belmont Street on the other. Belmont Street is a 'secondary' street linking Woodlands Road to Gladstone Road. Belmont Street comprises the side elevations of properties on Gladstone and Woodlands Road as well as the rear of the Councils Ty Jenner Buildings.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission for thirty units, comprising a mixture of one and two bedroom affordable homes. All properties will be affordable homes and the scheme will consist of 24 one bedroom units, six two bedroom units as well as the erection of bin and cycle stores, an amendment to the existing vehicular access from Belmont Street, landscaping, car parking and ancillary works.

The site would be developed into three separate blocks of housing, A, B and C consisting of two storey and three storey buildings fronting Woodlands Road and Belmont Street as well as backing onto a rear vehicle lane along Woodlands Road.

The blocks comprise of the following

Block A

Belmont Street frontage: Three storey – communal lobby and lift provided.

Ground floor – four one bed units and two two bed units including one wheelchair accessible unit.

First floor – four one bed units and two two bed units

Second floor – four one bed units and two two bed units

The block has a footprint of 17m by 25m and a height of 11.7m.

Block B

Woodlands Road frontage: Two storey – ‘walk up units’

Ground floor – four one bed units

First floor – four one bed units

This block will take the form of four two storey terraced properties fronting Woodlands Road, with a combined footprint of 7.6m in depth by 30m wide by 8.7m high.

Block C

Standalone block: Two storey – ‘walk up units’

Ground floor – two one bed units with private terraces, both wheelchair accessible.

First floor – two one bed units.

This block takes the form of two storey dwelling units with a combined footprint of 15.6m in length by 9m depth by 8.8m high

In addition, twenty parking spaces would be provided within a central courtyard, including four disabled spaces. Ten secure cycle spaces would also be provided.

In the north eastern corner of the site, a secure, covered bin store is proposed. Communal amenity space and a communal drying area would be provided in the south eastern corner.

The plans below show the principal layout and elevations



PLANNING HISTORY

2013/01205/PND : Woodlands ATC, Woodlands Road, Barry - Complete demolition - Approved 18 December 2013.

CONSULTATIONS

Barry Town Council was consulted on 2 June 2015 and 31 July 2015. The Town Council object strongly to the proposed development. The Town Council recognises the overwhelming need for Affordable Housing in the area and is generally supportive of the provision, but remains concerned that in its present form this development would cause unacceptable harm to the amenities of the local community. In particular, the Town Council has raised issues such as the density, height of the proposed building, parking and the type of accommodation.

The Council's Education Section were consulted on 2 June 2015. No comments have been provided.

Highways Development were consulted on 2 June 2015. No objection to the parking provision or access to the site, subject to conditions requiring the parking layout to be implemented, access being laid to adoptable council standards, a parking management scheme, Traffic regulation orders along Belmont Street and Woodlands Road as well as footway improvements along Belmont Street.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 2 June 2015. No comments have been received in respect of the application.

Glamorgan Gwent Archaeological Trust were consulted on 2 June 2015. No objection to the proposed development.

Local Ward members were consulted on 2 June 2015 and 31 July 2015. The local Councillor has requested that the application go to committee given the substantial change of use from the previous adult training centre to housing and reserves the right to comment further.

Dwr Cymru Welsh Water were consulted on 2 June 2015. No objection subject to standard drainage conditions and the proposed development being at least 3m away from the public sewer passing through the site.

The Council's Ecology Officer were consulted on 2 June 2015. No objection subject to a survey on nesting reptiles and possible birds nesting.

The Crime Prevention Design Advisor was consulted on 2 June 2015. No comments in respect of the application.

The Council's Housing Strategy Section was consulted on 2 June 2015. The Housing strategy department support the application and the mix of accommodation of one bed and two bed proposals.

Natural Resources Wales were consulted on 2 June 2015. No comments have been received in respect of the application.

The Council's Drainage and Flood Risk Engineer no objection subject to a condition for a SUDS Management Plan.

REPRESENTATIONS

The neighbouring properties were consulted on 2 June 2015 and 21 July 2015.

A site notice was also displayed on 5 June 2015

The application was also advertised in the press on 8 June 2015

The Council has received 52 representations (some repeated as part of re-consultation) against the proposed development. The main issues raised by residents are the following: -

- Parking issues (only 20 provided for the 30 units) and pressures on street parking.
- refuse lorries and emergency vehicles will not be able to access the site due to on street parking
- Congestion and road safety
- Height of the three storey block proposed on Belmont street as well as the gable fronting Woodlands Road
- Percentage of one bedroom units is not in keeping with the accommodation of family dwellings within the locality
- Design of the proposed units and whether they reflect the character of Woodlands Road
- Overlooking, privacy and light and noise issues have been raised
- Overdevelopment- the density needs to be reduced from 30 units
- Increase of crime- issue with communal entrance
- Water pressure within the area is already low
- Effect on the value of properties
- Disruption during construction.
- No play areas proposed.

A letter has been received by Alun Cairns MP. This has been included as Appendix 'A'.

Three neighbour letters of representation have been provided in Appendix B.

REPORT

Planning Policies and Guidance

In addition to national guidance contained within Planning Policy Wales, any application would be considered against the Policies within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, details of which are available on the Council's web site by visiting www.valeofglamorgan.gov.uk. The relevant policies would include:

STRATEGIC POLICIES 2, 3, 8 AND 9

- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV25 - REGENERATION OF URBAN AREAS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY
- HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
- HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA
- HOUS12 - AFFORDABLE HOUSING
- REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
- REC6 - CHILDRENS PLAYING FACILITIES
- TRAN 10 - PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).’

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

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

Section 8 of PPW sets out Welsh Government guidance for transport.

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

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

Amenity Standards SPG

Planning Obligations SPG

Affordable Housing SPG

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and submitted the Local Development Plan to the Welsh Government for Examination on 24TH July 2015. Examination in Public is expected to commence in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted above.

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Joint Housing Land Availability Study (2014)
- The Affordable Housing Delivery Statement (2009)
- Community Facilities (2013)

Issues

Principle of the Development

The application seeks consent for 30 affordable housing units. The site lies within the identified Residential Settlement Boundary of Barry. Policy HOUS2 – Additional Residential Development outlines that housing infill, small scale development/redevelopment is acceptable in principle within settlements, subject to the proposals meeting the criteria listed in Policy HOUS8 – Residential Development.

Strategic Policy 2 of the UDP states *'proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.'* Similarly Strategic Policy 8 states that developments will be favoured in locations which *'are highly accessible by means of travel other than the private car'*.

This sentiment is reflected throughout PPW. With regard to planning for sustainability, part 4.4.3 states that *'planning policies, decisions and proposals should.... locate developments so as to minimise the demand for travel, especially by private car'* and *'Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car'*.

The erection of the proposed housing is, therefore, considered to be in compliance to the provisions of both the development plan and national planning policy. Given its proximity to local services and being located within the Barry settlement, the development is therefore considered to amount to a sustainable form of development, complying with the provisions of Strategic Policies 2 and 8 and Policies HOUS2 of the Unitary Development Plan 1996-2011 and guidance contained within Planning Policy Wales (edition 7, 2014).

Furthermore, the land is previously developed land as it accommodated an Adult Training Centre until it was recently demolished in 2013. Policy ENV25 - Regeneration of Urban Areas indicates that the UDP seeks to encourage the regeneration of derelict and degraded land within the fabric of urban areas. The re-use of such sites provides opportunities for the provision of residential developments, whilst ensuring that the need for Greenfield sites is reduced.

Planning Policy Wales reiterates the position of Policy ENV25 by outlining that that previously developed land should be used in preference to Greenfield sites. In particular, paragraph 4.9.1 and 4.9.2 outlines the following: -

4.9.1 Previously developed (or brownfield) land (see Figure 4.3) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.

4.9.2 Many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- In and around existing settlements where there is vacant or under-used land, commercial property or housing;*
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;*
- Which secure land for urban extensions, and;*
- Which facilitate the regeneration of existing communities.*

Accordingly, it is considered that the principle of residential development at this site is acceptable, subject to it complying with the relevant criteria identified in Policies HOUS8, ENV27, ENV29 and TRAN10, which will seek to ensure the development proposed has an appropriate design and scale, no detrimental impact upon neighbouring amenity, sufficient car parking and amenity space to meet Council standards. These matters, along with ecology, drainage, Landscaping & Tree removal and S106 obligations will be considered in turn under the following headings: -

- Scale, Design, and External Appearance.
- The level of amenity space to serve the units
- Impact on neighbouring properties residential amenity
- Highways issues including access and the level of parking to serve the development.
- Ecology
- Drainage
- Tree Survey and Landscaping

- Section 106 requirements.

Affordable housing needs

Policy HOUS12 seeks to ensure that the Council secures affordable housing as part of schemes above ten units. It should be noted that Newydd Housing Association are involved in the submission of this application and as such 100% of the 30 dwellings proposed in this instance will be affordable housing.

Upon consultation with the Housing Strategy department of the Council it was outlined that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2010 Local Housing Market Assessment (LHMA), which determined that 915 additional affordable housing units were required each year to meet housing need in the area.

In addition to this consultation, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Barry with 1657 people requiring accommodation:

	Barry
1 Bed Need	929
2 Bed Need	512
3 Bed Need	166
4 Bed Need	45
5 Bed Need	5
Total	1657

Accordingly, it is considered that the 30 units proposed in this instance would appreciably and positively affect the Council's try to meet the increasing need for affordable housing with the Vale of Glamorgan. In response to that The Council's Housing Strategy team have also outlined that the ongoing welfare reforms and the removal of the Spare Room Subsidy, more commonly known as the "Bedroom Tax", has increased the need for one and two bedroom properties, to allow people to downsize from unsuitable and increasingly unaffordable properties. Therefore, the Housing strategy department are strongly supportive of this application which will deliver much needed affordable one and two bedroom properties to Barry.

It has been noted that a number of representations have outlined that the development is poorly considered as the one and two bedroom homes to be provided are not consistent with the existing pattern of family homes in the area. Evidently, it is clear that the characteristics of the accommodation have been directed by the substantial need for one and two bedroom affordable home properties within the locality. Notwithstanding this, when taking into account the edge of town centre location of the site, there is a mix of varied accommodation including family homes and flats within the context of the application site. As such, it is considered that this area is not strictly characterised by family homes and as such the accommodation is not inconsistent with the pattern of development within the area.

Nevertheless it is considered that there is not fundamental reason in any case why flats should not be acceptable in principle in this location, which is overtly residential in character.

Scale, Design, and External Appearance

The proposed buildings are of a relatively significant scale given the context of the site, and objections have been received about the scale and density of part of the development. The surrounding buildings on Woodlands Road and Gladstone Road are predominantly 2 or 2.5 storeys with some dwellings having accommodation in the roof. Generally the dwellings in the immediate vicinity are traditional pitched-roof terraced properties with on-street parking and private gardens to the rear. Typically the taller two and half storey examples are at ends of the terraces, providing a 'book end' forms.

The proposed development comprises three blocks of flats between 2 and 3 storeys in height, which front onto Woodlands Road and Belmont Street. In terms of their scale and height, the three storey elements will appear larger than the properties on the adjacent streets. The main areas of concern raised by residents are the scale and height of Block A and the gable frontage facing Woodlands Road. Block A will increase the height from the two storey Block B to a full three storeys, however, it is considered that this in itself does not cause demonstrable harm. The developer has sought to minimise the bulk of the proposed buildings as a whole by reducing Block B and C to appear as simple two storey dwellings along Woodlands Road, in line with the scale and appearance of the dwellings on the opposite side of the road. Furthermore, it should be noted that the previous adult training centre building was relatively large, with three storey elements. It is also considered that the prominent corner position of the site is such that it is capable of accommodating a larger building than the dwellings in the more 'secondary' parts of the street. For instance, the 'book end' form is already present at the ends of the terrace, and it is considered that the larger three storey element provides scale and a positive character to the proposed development in a similar way.

While parts of the development would be clearly taller than the surrounding buildings, it is considered that the difference in height would not be so significant that the buildings would appear as unacceptably over scaled or visually intrusive to a harmful degree.

Locating the off-street parking and bin stores to the rear of the site in a private communal courtyard, helps to create a strong building frontage to echo the built form of the nearby dwellings on Woodlands Road which generally front onto the footways and have minimal front garden areas. The materials proposed are sympathetic to the area, being render, with a slate roof. Samples will be required by condition to ensure a quality finish in-keeping with the context of the site.

In terms of design, the proposal is shown as traditional pitched roof buildings which echo design details from traditional properties in the vicinity. The buildings are stepped to respond to the changing gradient on the site, to minimise the bulk of the building form and to reduce the impact of the proposed development from the street level. However, the proposal also incorporates modern features such as the large corner Block as well as contrasting window sizes, build out surrounds around the window detail and material changes (in particular rain screen cladding). The change in materials and their quality will be important to ensure the development appears as a high level of design, providing a modern addition that enhances the character of the area. Given the importance of the materials and finishes, a full schedule should be submitted by way of condition prior to their implementation and use.

The proposal will retain the scale and fabric of the existing wall along the site frontage. The proposal to maintain a small red brick wall around the main frontages of the site will help to retain some of the existing character of the site and provide a strong sense of enclosure along the boundary between the development site and the adjoining footway.

Overall the character of the proposed development is considered to be sufficiently in-keeping with the character of the surrounding street scene and it is considered that this would not demonstrably harm the visual amenity of the area. Therefore, it is considered that the massing, scale and design of the proposed development is acceptable in terms of its impact on the street scene, complying with the objectives of Policies HOUS8 and ENV27 of the Adopted Unitary Development Plan 1996-2011.

Amenity Space and Public Open Space

The site layout plan shows provision for an area of communal amenity space in the eastern end of the site to the rear of 'Block C' measuring approximately 224m². The Amenity Standards SPG recommends that in flatted developments, developers should seek to provide 20m² per person, therefore, the proposal would fall short of the minimum requirements for such a development.

Nevertheless, in view of the constrained urban nature of the site, it is considered that it would be impractical to provide the above quoted level of amenity space within the development site, while at the same time developing it efficiently. It is considered that in a town centre location such as this, where higher densities of residential developments are both sustainable and appropriate, there is a justification in relaxing these standards. However, it is nevertheless recognised that the communal area will provide a basic degree of outdoor space for the future occupiers to sit out and dry clothes etc. There is a designated area for bin storage and cycle storage and also two private communal areas of 34m² and 48m², which have been provided for future residents of Block C. (totalling 306m² with the general communal area)

There is no provision within the site for Public Open Space or recreational facilities. In this regard it is material that the site lies in close proximity to the centre of Barry the Gladstone Gardens facilities, and central park. Furthermore a contribution of £68,400 for Public Open Space' will be sought through the Section 106 Agreement, which could be used to provide or enhance public open space and / or recreational facilities in the vicinity of the site. (The POS contribution is discussed further in this report under the S106 requirements section). While private amenity space is functionally different to POS, the difference is less significant where shared amenity space for flats is conceived and it is considered that the proximity to POS is material.

Therefore, on balance it is considered that the level of amenity space and contribution for off-site POS will be adequate to meet the needs of the future occupiers of the site, in terms of outdoor relaxation and recreation.

Impact upon Neighbouring Properties

To the north, the site is adjoined by the Council Offices Ty Jenner as well as the flying start nursery buildings. The closest elements of the proposed development are Block A and Block C. Block A is approximately 9m from the boundary with Ty Jenner but approximately 20m from main building whilst Block C is approximately 6.5m from the boundary of the flying start outside play area. Accordingly, given the use of the Council office building and nursery, Block A and Block C will not impact upon any adjoining residential neighbours to the north. There have been concerns raised with respect to the overlooking to the nursery, however, while the concerns raised have been with respect to overlooking onto a sensitive area of children playing, this should not be afforded the same weight in terms of the protection of privacy. Accordingly, there are no overriding concerns regarding the development having issues of privacy or being overbearing on the existing buildings to the north.

The majority of objections relate to the effect of the proposal on the adjoining residential properties along Woodlands Road and to the rear of residential dwellings along Court Road.

The nearest dwellings to Block C and unit 4 of Block B would relate to the private rear gardens of Court road (No. 45 to 57). The site is separated from the rear boundaries of these properties by a rear vehicle lane access, measuring approx. 2.5m wide.

In considering the distance of Block C from the nearest properties, the most affected would be Nos. 49 to 55 Court Road, while unit four of Block B would relate more closely with Nos. 45 and 47 of Court Road. Blocks C and B are two storey in height and given the buildings will be between 6 to 10 metres from the boundary of these properties and approximately 13m to 18m from the dwelling houses it is considered that the proposed development would not be overbearing or unneighbourly to the nearest dwellings along Court Road. .

There is a secondary window in unit (C4) of the living space that faces the garden area of No. 49 Court Road at a distance of 8 to 9m. In order to safeguard the existing private amenities of the neighbour at No. 49 Court road an obscure glazing condition is recommended for the first floor window. In any other case, the windows that serve the dwellings at first floor in both Block B (unit B4) and C (unit C2) are, in the main, at an oblique angle and therefore while there might be some views in that direction, the distance and angle means the privacy impact would not be significant.

The physical development of the site is likely to have the greatest effect on the residents along Woodlands Road, up to and around the junction along Belmont Street. Nos. 1 to 13 (odd) lie immediately adjacent to the application site, while No. 4 Woodlands Road side elevation fronts the Belmont Street frontage of the proposed development.

The siting of Blocks A and B means that the building will be approx. 1 to 2m from the boundary with the footway, whilst the nearest properties to the proposed development would be No. 3, 5 and 7 Woodlands Road. The properties are between 15 and 16m from building to building and as such would be below the recommended distance outlined in the Councils Amenity Standards SPG (21m between habitable windows). However, the context of the site must also be taken into account, and in this instance the residential properties on the opposite side of the road (No. 4 Woodlands Road and evens) are only around 17m in separation, which is considered to be comparable to the distance proposed as part of this scheme.

As such, when considering the context of the site and the pattern of the development within this urban location, 15 to 16m between the properties is considered acceptable access on a street where distances are typically less than 11m. If the Council were to require the applicant to reposition the development to increase the distance between properties, this would negatively impact on the way the development relates to the street and would impinge upon the developable part of the site..

To the west of Block A, the nearest residential property is No. 4 Woodlands Road, Barry. The application site and No. 4 are separated by the vehicle highway, Belmont Street, with the side elevation of the end of terrace facing the proposed Block A frontage. There is between 16 to 17m between the proposed Block A elevation and the side elevation and rear private garden area of No. 4 Woodlands Road. There will be a number of windows serving the units along Belmont Street that will face the side elevation of No. 4 Woodlands Road. There is one window serving the side elevation of No. 4 Woodlands Road, which would appear as a secondary or hallway window. Similarly to the distances to the dwellings opposite on Woodlands Road it is considered that the 16m between the windows serving the new development and the side elevation of the dwelling/ private garden area, is sufficient not to have a detrimental impact upon the private amenities of the residents of No. 4 Woodlands Road.

In terms of the physical impact of the building, the proposed development would alter the outlook from the properties along Woodlands Road. However, while there would inevitably be an impact experienced due to the proximity of the building, it is considered that this impact is mitigated by the 1m to 2m gap within the site and the fact that the relationship between the two sets of buildings will be across a public highway. Therefore, while the proposed building is materially taller in part than the previous education centre, it is considered that its height is not excessive in this context and that the degree of separation across the highway and the change in the scale of the blocks between A and B would ensure that, on balance, the amenities of the occupiers of the existing dwellings along Woodlands Road, Court Road and Belmont Street are not unacceptably impacted upon.

In terms of assessing the impact from any noise and disturbance, whilst it is accepted that the proposal would result in the siting of an access road in close proximity to No. 4, the car park and access points to Block A are located within the court yard area, reducing any significant impact upon the amenities of No. 4 by way of increased noise. No comments have been received from the Director of Legal, Public Protection and Housing Services (Environmental Health) on this matter. A condition will be attached to any consent requiring a construction management plan to ensure the construction phase, hours of operation and issues of noise etc. can be controlled to an acceptable level.

Accordingly, it is considered that the relationship of the proposed buildings to each other would ensure that the residential amenities of the occupiers would be preserved, complying with the objectives set out in Policies HOUS8, ENV27, ENV29 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Councils Adopted Amenity Standards SPG.

Highways issues and Parking

Access

The access to the site would be formed to the North West corner of the site from Belmont Road. The access proposed would create a dropped kerb and measures 6.5m wide, leading to the rear court yard and parking area. The access will allow for 2.4m x 30m visibility splays along Belmont Street.

On initial consideration of the new access, the Highways Authority raised concerns regarding the proximity of the access to the existing access to the Council offices at Ty Jenner. Specifically, the two accesses are side by side and the concerns raised were with respect to the potential conflict of vehicles entering and exiting the two sites at the same time. In order to overcome the concerns raised by the Highways Authority, the applicant undertook a further assessment of the development in relation to the means of access to the site, which is supported by a Stage 1, Road Safety Audit (RSA), submitted on 3 September 2015.

The assessment includes a survey at the access to the adjacent office use, which identified very low traffic flows and has demonstrated a low risk of vehicle conflict with those entering/exiting the development site. In addition, it was noted that the submitted RSA did not identify any operational issues associated with access to the development.

As a result, the Highways Authority have not objected to the proposed means of access to the site, subject to the access being constructed to adoptable standards, no obstruction over 900mm being present and TRO's being implemented to provide yellow lines along part of Belmont Street. The access is therefore considered acceptable in terms of highway safety.

Parking Provision

A total of 20 car parking spaces are proposed on the site in a rear parking court. This level of parking does not meet the approved Parking Guidelines which in central areas requires one space per bedroom plus one visitor space for every five dwellings. As such, the required parking provision set out by the guidelines would amount to 42 spaces. The guidelines recognise that in certain developments such as student accommodation and housing association developments where there is evidence of low car ownership levels, a relaxation of the parking requirements may be considered.

Objections have been received from the Town Council, the local member and local residents about the lack of parking being proposed on the site and the on street parking pressures that already exist along Woodlands Road and Belmont Street.

Planning Policy Wales (Edition 7, 2014) states that car parking provision is a major influence on the choice of means of transport and the pattern of development. Local authorities should ensure that new developments provide lower levels of parking than have generally been achieved in the past. Minimum parking standards are no longer appropriate (paragraph 8.4.2 refers). In view of the minimal provision of on site parking, it is important to consider the availability of off-site parking on street in the vicinity.

The application site is bound on two sides by Belmont Street and Woodlands Road. Presently, there are no parking restrictions along Belmont Street, whilst Woodlands Road is a mixture of resident and limited parking (single yellow line). It is understood from representations that the parking along Belmont Street and Woodlands Road is often at capacity, but this would be expected given the close proximity to town centre and the Council office at Ty Jenner. The development of the site will reduce the on street parking along Belmont Street by virtue of the access and restrictions around the access. It would appear that parking capacity is high on street in the day due to the nearby Council Office building, while the night time capacity is taken up by the existing residents at Gladstone and Woodlands Road.

In order to try and demonstrate that the proposed level of parking is sufficient for the proposed development, the applicant has submitted surveys of similar housing association developments in Barry to assess existing parking occupancy levels. Table 3.1 below (submitted in the documents Transport statement) contains the results of a survey undertaken on the 22nd of April 2015 at three Newydd Housing Association managed sites in Barry. These sites offer the best possible local examples, which allow the potential maximum occupancy to be assessed for the proposed site on Woodlands Road.

Table 3.1 – Parking Occupancy Survey 22nd of April 2015

Existing Newydd Sites (Barry)			
Car Park Occupancy Survey			
Survey Date	22-Apr-15		
Survey Time Period	18:30 to 19:00		
Site Surveyed (Time)	Total Spaces	Occupancy	Percentage
Jacksons Quay (18:30)	70	30	43%
Merthyr Street (18:53)	13	6	46%
Former Barry Magistrates (18:55)	49	15	31%

The survey took place on a mid-week evening (Wednesday) after the normal evening peak hour to ensure most residents would be at home following a normal working day. All of the above sites in Barry were fully let at the time of the site visit. The transport document outlines that the highest occupancy occurred at Merthyr Street where 46% of the spaces were occupied.

While there are some variants to the proposed development and the sites surveyed, i.e. location and total number of units of accommodation it is considered that these sites represent comparable context. While the Magistrates and Merthyr Street developments are virtually 1:1 accommodation to parking spaces, and this proposal is closer to 50%, nevertheless, the survey makes an important point in illustrating that in this case it is likely that the occupancy levels would be such that the proposed 20 spaces would more than adequately service the proposed 30 units, with potentially six remaining spaces at time of high level of occupancy and anyone visiting the site.

The Highways Engineer has assessed the level of parking proposed and has outlined that while this scheme has less than one parking space per unit, applicant has demonstrated the car parking provision is appropriate to serve the proposals. Furthermore, it was noted by the Highways Officer that the site is located within the recommended acceptable walking distance to Barry Town Centre (and to all local amenities) as specified by the Institution of Highways and Transportation in their document Planning for Journeys on Foot.

Accordingly, based on information submitted with the application regarding occupation at similar sites it is considered that the level of parking is sufficient to deal with the occupancy levels that will be present on site and should not increase on street parking demand to unacceptable levels. The occupancy of the parking can also be managed through a parking scheme organised by the Housing Association and required through a planning condition.

Further to the car parking spaces, the plans indicate provision for cycle parking on the site for 10 bicycles, with cycle hoops, in the courtyard area to the side of Block C.

Therefore, based on the above, it is considered that an objection in relation to the highway and transportation aspect of the development could not be sustained in this instance, provided that conditions are attached to any consent requiring the parking layout to be implemented and a parking management scheme identifying the tenant landlord agreement for the parking provision on site.

Having regard to the above, it is considered that the proposed development would be served by an adequate level of parking, given the sustainable location, and a safe means of access. In these respects, the development is considered to accord with Policies ENV27, HOUS8, SHOP2 and TRAN10 of the UDP.

It should also be noted that the applicant has proposed, as part of a TRO in conjunction with the Highways Authority, to remove the yellow line outside the site along Woodlands Road and to replace it with residents parking, which would not be available to any future residents of the proposed development. While this element of the proposal is subject to an application for a Traffic Regulation Order, if carried out, the TRO should reduce some concerns raised with respect to drop off/pick up parking to the residents in Block B, which have access onto Woodlands Road, and also increase parking availability to the residents of Woodlands Road.

The Highways Engineer has requested the management of parking areas via a S106 agreement, however, it is considered that a condition would adequately control this.

Ecology

A desk study and a walk over survey was carried out by Wildwood Ecology Ltd on 5 February 2015 and was submitted with the application.

The survey indicates that site is not located on a protected area or near to any sites of special scientific interest. The ecology survey identifies that the likely ecological constraints on the site relate to reptiles and nesting birds. The conclusions of the survey identify that a survey for reptiles should be completed before any commencement of works as well as a bird survey if clearance of the site would be carried out during the nesting period.

The Council's Ecology department have outlined that the site has limited ecological value and therefore they have no objection to the application, but recommend the inclusion of a planning condition to ensure that the LPA has regard to biodiversity as required by the NERC Act. An appropriate condition will be included to protect against the impact of the development on possible reptile and bird nesting.

Drainage Strategy

The site is located within Flood Zone 1 as described in the National Resource Wales Development Advice Maps, therefore, no flood consequence assessment was required for the proposed development. Given its location the land is assessed as having less than a 0.1 percent (1 in 1000yr) chance of flooding.

The applicant has submitted a proposed drainage strategy with the scheme. It identifies that the previous education centre was served by a public sewer that crosses the site but is currently not connected to the public sewer system.

The proposed drainage strategy outlines that the scheme will connect to the main sewer system for the foul and will drain to the sewer passing through the site. The existing sewer will be diverted in the site to ensure that none of the proposed development is within 3 metres of the middle of the drain.

Following soak away test results it was found that the site was not suitable for soakaway. This was based on the site constraints, proximity of existing structures and the local ground conditions. Accordingly, following correspondence with Welsh Water the developer has proposed for the run off from the site to connect to the main public sewer but at a reduced discharge rate of 11 l/s, which has been agreed in writing by Welsh Water and submitted with the scheme. To provide for the 1 in 100 year design event plus 30% for climate change, a storage tank with a capacity of 53m³ will be provided, with vortex control to limit the discharge from the site. Microdrainage calculations provided with the drainage strategy confirm this. The storage tank will not be offered up for adoption.

Welsh Water were consulted and had no objection to the proposals subject to a standard drainage condition and no development being within three metres of the middle line of the public sewer passing through the site. These can be included with any consent as conditions.

The Council's Drainage Engineers have considered the submissions and subject to the development complying with the drainage strategy as outlined within the submitted document, they hold no objection to the proposed scheme. However, there is a request that a condition is included with any consent requiring the applicant to submit a scheme of how the drainage proposals will be managed in the future.

Accordingly, an appropriate worded condition will be attached to agree the changes to the public sewer across the site and the proposed tank as well as the management of the drainage scheme.

Tree survey and landscaping

A tree survey was submitted with the application, identifying the existing trees on site, the species', height, age, physical condition etc.

The survey identified four trees that will have to be removed in order to accommodate for the proposed development. Three of the trees are located within the site and located within the footprint of the building along Woodlands Road and Belmont Street. The final tree that is identified for removal is a street tree located on the corner junction between Woodlands Road and Belmont Street.

On inspection of the site it is considered that none of the trees that would have to be removed are of significant value to the visual amenities of the street scene along Woodlands Road and Belmont Street. With specific regard to the street tree to be removed, this tree appears to have recently been pollarded and in the Local Planning Authority's view, does not significantly benefit the visual amenities of the street scene along Woodlands Road at this time. However, with growth, the street tree would soften the introduction of the larger new development to the visual amenities of Woodlands Road. As such, a condition will be included to require the developer to replace the street tree following completion of the development.

The Council's parks and open space officer has been consulted regarding this matter but has not commented on the proposal to remove this tree from the corner location.

Some indicative proposals appear to have been illustrated on the plans, outlining some green areas to the front of Woodlands Road and the east of the site in the communal and drying areas, however, no formal landscaping proposals have been set out on the submissions to the Local Planning Authority. Accordingly, a condition requiring the submission of landscaping details will be added to any consent requiring the developer to submit the relevant details before beneficial use of the housing.

S106 Requirements

Education Facilities

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

The Council's Supplementary Planning Guidance requires developments of ten or more residential units (excluding one bedroom units) to make provision for education contributions, where need is identified based on a lack of capacity in existing schools. In this instance it has been considered that the one bedroom flats within the development will be unlikely to yield children of school age that would impact upon the educational facilities within the locality. Specifically, the majority (24) of the units are one bedroom and would not be considered to be family units and the remaining two bedroom units (6), which could possibly be considered family units, would be under the threshold of ten units to make provision for educational facilities.

Therefore, it is not considered necessary in this instance to require a contribution towards such demand on education facilities, as this impact would not arise from the development. On that basis and given that the number of dwellings falls below the SPG threshold amount, a contribution is not sought in this case.

POS contributions

Planning Policy Wales and TAN16: Sport, Recreation and Open Space (2009) both require local planning authorities to ensure that all new developments make adequate provision for public open space and recreational facilities to meet the needs of future occupiers. In particular, paragraph 4.15 of TAN 16 states that planning obligations can be used to provide or enhance existing open space and that these will be justified where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

However, given that the site cannot practically accommodate this, it is considered that it would be reasonable to require a financial contribution for off-site provision in this case. The Council has developed an SPG to calculate reasonable levels of contributions to provide or enhance public open space of site, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The rationale set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. This amount has been calculated having regard to the Council's Supplementary Planning Guidance on Planning Obligations and the statutory tests contained within the CIL Regulations, which require planning obligations to be 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.

The Planning Obligations SPG document indicates that contributions towards off-site contributions should be requested on the basis of £2,280 per dwelling proposed based upon an average household size of 2.28 people and £1,000 per person. In this instance therefore a contribution of **£68,400** is sought for a development of the scale proposed, to enhance the quality of the closest open space to the site, which occupants would be reliant upon. This reflects the fact that insufficient public open space is provided on site and, therefore, the development without such a contribution would be contrary to Policy REC 3 of the UDP.

With specific regard to the site and surrounding POS, it is considered that there a number of sites where the contributions could be used to improve the POS within proximity of the site with direct benefit to residents, directly mitigating the impacts of the development. These could include

- Area of POS at Anuerin Road
- Park area adjacent to Tadross Hotel along Holton Road
- Small area of POS at corner of Hannah Street and (Bassett Street play area on Barry Road
- Central Park area adjacent to Barry Library

On the basis of the above, it is considered that the proposed development would be acceptable in terms of open space provision and that the development would accord with the aims of Policies ENV27, HOUS8 and REC3 and the Council's SPG.

Community Facilities

The community facilities contribution, equates to £988.50* per dwelling in lieu of on-site provision. This applies to all housing developments of 25 units or more, including conversions and mixed use schemes where the net increase in dwellings is 25 or more.

Initially a contribution for Community Facilities within the locality was considered, however having reviewed the Community Facilities Background Paper for the LDP it is noted that within the Buttrills Ward, the current level of community space is adequate to accommodate the projected housing growth over the LDP plan period, apart from indoor sporting facilities. In light of this and the nature of the application, it was not considered that there was a requirement to make a community facilities contribution, and having regard to the nature of the development.

Sustainable Transport

With respect Sustainable Transport the Council usually seeks a financial contribution of £2,000 per residential unit as noted within the Supplementary Planning Guidance. As such a contribution of £60,000 would usually be required for a development of this sort

Given the sustainability of the location and nature of accommodation proposed it is considered that there is scope for flexibility in this case, particularly given that the applicant has highlighted viability issues relating to the proposed development.

Accordingly, it is considered that the £29,955 proposed by the applicant is acceptable for sustainable transport contributions. In view of the fact that the development is in a relatively central location and itself would result in significant benefits, in terms of the level of affordable housing provision, and the viability issues if the full £60,000 was sought, it was agreed with officers that the level of contribution is acceptable and would mitigate the impact of the development in this respect.

The contributions would be used to improve footways towards the town centre along the length of Woodlands Road, public transport services and facilities serving the site as well as improved cycle provision and facilities along routes into the town centre (and within the town centre).

Public Art

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

On negotiation of the sustainable transport and POS contributions it was outlined that there would be issues of viability for any further financial requirements and it was requested that the Council were flexible in respect of this requirement. On consideration of this matter it was determined given the redevelopment the site, the benefit of the affordable housing provision as well as the POS and sustainable transport contribution it is considered on balance that public art need not be secured as part of the S106 agreement.

Administration fee

In addition, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

On the basis of the application fee, this would equate to £1,980.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Strategic Policies 2 - Sustainability and 8 - Transportation, and Policies ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria – Policy HOUS2 Settlements, HOUS12 - Affordable Housing, REC3 - Provision of Open Space Within New Residential Developments and TRAN10 – Parking, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Councils Adopted Amenity Standards Supplementary Planning Guidance as well as the advice and guidance of Planning Policy Wales (7th Edition), it is considered that the proposed scheme is considered acceptable in respect of the principle of residential development, the impact upon the character of the wide area, highways issues and parking, amenity space, public open space and impact on neighbours.

RECOMMENDATION

Subject to the interested person first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The dwellings shall be built and thereafter maintained as affordable housing units in perpetuity.
- The developer shall pay the sum of sixty eight thousand and four hundred pounds (£68,400) to the Council to provide or enhance public open space at one or more of the following:
 - Area of POS at Aneurin Road
 - Park area adjacent to Tadross Hotel along Holton Road
 - Small area of POS adjacent to the Jenner Park School on junction of Hannah street and Barry Road
 - Central Park area adjacent to Barry Library
- The developer shall pay the sum of twenty nine thousand, nine hundred and fifty five pounds (£29,955) to the Council to provide new or enhance existing sustainable transport facilities likely to be used by the future occupiers of the site, to include one or more of: the improvement of pedestrian routes in the vicinity of the site (including those towards the town centre along the length of Woodlands Road), public transport services and facilities serving the site, improved cycle provision and facilities along routes into and within the town centre.
- Meet the Council's standard charge set at 20% of the planning application fee, for monitoring the implementation of the Agreement (which in this case equates to £1,980).

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the plans and documents registered on 20 May 2015 other than where amended by plans reference A-00-01_(C), A-00-02_(C), A-00-03_(C), A-00-04_(C), A-00-100_(C), A-00-101_(C), A- 90-03_(C) received on 16 July 2015.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Notwithstanding the submitted details, and prior to their use in the development hereby permitted, a detailed schedule of the proposed materials to be used, including samples of materials to be used on the elevations and the proposed front red brick wall enclosure, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and maintained at all times in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order no fence, wall or means of enclosure (other than the front red brick wall and those approved under the terms of Condition No. 4 of this planning permission) shall be erected, constructed, improved or altered on site without the prior consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, which shall include indications of the removal of the street tree and its replacement, implementation and future maintenance.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. The development shall be carried out in accordance with the drainage scheme submitted with the application dated 7th May 2015 and registered on 20th May 2015 unless otherwise agreed by the Local Planning Authority.

Reason

To ensure the site has adequate foul and surface water drainage from the site in compliance with Policies HOUS2, HOUS8 and ENV27 of the Unitary Development Plan.

9. The implemented drainage scheme for the site should ensure that all foul and surface water discharges shall be drained separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

10. No part of the building approved as part of this consent shall be within three metres either side of the centreline of the public sewer that crosses the site, or the position on the public sewers as re-located.

Reason:

To protect the integrity of the public sewer and avoid damage thereto.

11. Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 11 l/s.

Reason

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

12. No development shall commence until a SuDS management plan which will include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework has been submitted to and approved in writing by the Local Planning Authority. This plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full accordance with the approved details and maintained at all times thereafter unless otherwise agreed by the Local Planning Authority.

Reason:

To ensure the site has adequate foul and surface water drainage from the site and maintained in an appropriate manner, in compliance with Policies HOUS2, HOUS8 and ENV27 of the Adopted UDP 1996-2011.

13. No development shall take place (including any ground works, site clearance) until a method statement has been submitted to and approved in writing by the Local Planning Authority. The method statement shall include:

A) Method and timing of site clearance/ construction with respect to the protection of reptiles and breeding birds.

B) Measures for biodiversity enhancement, such as use of native species, creation/maintenance of habitat, nesting provision, dark movement corridors/flight lines and newt friendly drainage.

The works shall be carried out in accordance with the approved details and maintained thereafter unless otherwise agreed by the Local Planning Authority.

Reason:

For ecology and habitat protection and compliance with the objectives of Policies HOUS2, HOUS8 and ENV27 of the Adopted UDP 1996-2011.

14. No development shall commence until details of the finished levels of the site and buildings in relation to existing ground levels, and the adjoining public highway are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities of the site and surrounding street are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

15. Prior to the commencement of development, a Parking Management Plan shall be submitted to and agreed in writing with the Local Planning Authority in respect of the maintenance of and control of parking within the site. The development shall be carried out in accordance with the requirements of the scheme at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To retain control over the parking demand within the site and the possible overspill parking onto the adjacent highway and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

16. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and in accordance with the Councils standard details for adoption. The access shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

17. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Draw A-90-03 Rev C and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

18. The cycle provision shown on the approved plans shall be completed prior to the first beneficial occupation of the development hereby approved and at all times thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. Prior to the commencement of development, a scheme shall be submitted to and agreed in writing by the Local Planning Authority for the reconstruction of the footway along Belmont Street adjacent to the application site. The scheme of improvement works to the footway shall then be carried out in accordance with the agreed details prior to the first beneficial use of the development.

Reason:

In the interests of highway safety, and to ensure compliance with Policy HOUS8 of the Unitary Development Plan.

20. Prior to the beneficial use of any of the dwellings, schemes shall be submitted to and agreed in writing by the Local Planning Authority for the provision of Traffic Regulation orders along Belmont Street (adjacent to the access) and for the provision of resident only parking bays along Woodlands Road, immediately adjacent to the site. The approved TRO schemes shall be carried out in accordance with the approved details by the applicant prior to the beneficial occupation of any of the units on site.

Reasons

In the interests of Highway Safety and on street parking capacity, and to ensure compliance with Policy HOUS8 of the Unitary Development Plan.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

22. The window in the first floor south side elevation of Block C shall be glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of dwellings approved as part of this development and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

23. Any external lighting shall only be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In order to ensure a satisfactory and safe development and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

24. Prior to the construction of any of the external elevations, details of the external surrounds/build outs around the windows, including materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first beneficial occupation of the development.

Reason

To ensure a high standard of design and to safeguard the visual amenities of the area, complying with the requirements of ENV27, HOUS2, HOUS8 of the Adopted UDP 1996-2011.

NOTE:

1. **The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

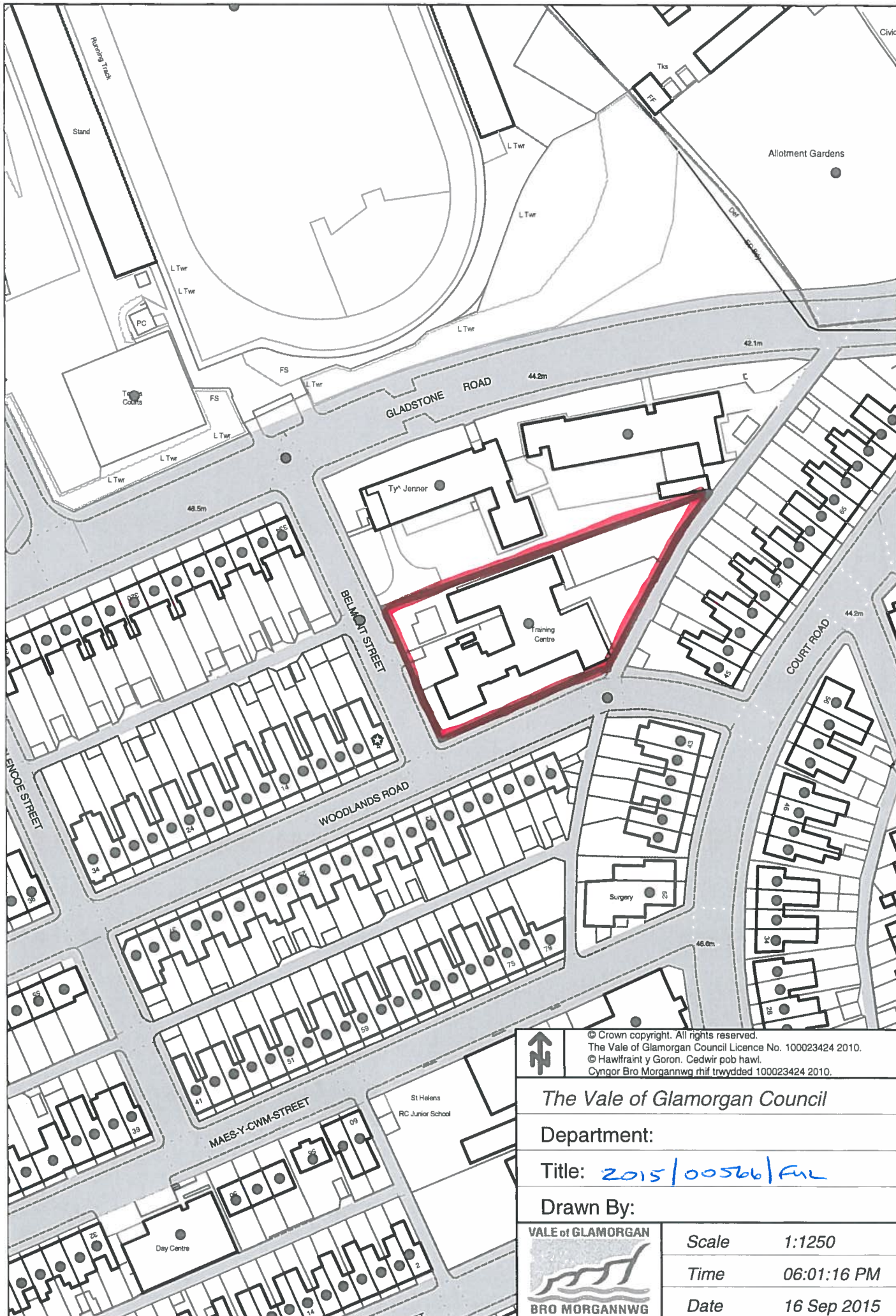
- 2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 3. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**
- 4. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 5. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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The Vale of Glamorgan Council

Department:

Title: *2015/00566/FUL*

Drawn By:



Scale	1:1250
Time	06:01:16 PM
Date	16 Sep 2015

2015/00566/FUL



Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

APPENDIX
'A'

30 June 2015
Our ref: VoG/AB/S/G/Jun15

Dear Mark

I am writing on behalf of a number of constituents from Woodlands Road in Barry, who have raised concerns with me regarding the two building lots situated nearby on Tynewydd Hill and Belmont Street. The residents are of the understanding that the Vale of Glamorgan Council intend to build Housing Association accommodation on these two sites and further that part of the development will be used to house ex-offenders recently released from prison. They have also expressed concern that parking provision will further stretched and exacerbate an already congested area for residents parking.

I am further informed that future plans for this area have not been well circulated by the Council to residents who are also seeking re-assurance in relation to any type of ex-offender who may take up residence, albeit temporarily.

I wonder therefore, in light of the concerns expressed to me, could I be provided with a brief outline of the Councils plans for this area and what re-assurance can be delivered to residents, some quite elderly, in relation to Public Protection concerns.

Thank you for your consideration in this matter and I look forward to hearing from you as soon as possible.

Kind regards,

Alun Cairns MP
Vale of Glamorgan

Please consider this letter to be private and not to be shared with any party without prior permission.

2015/00566/FUL

Mrs La-eiad Griffiths
17 Woodlands Road
Barry.
CF63 4EF

APPENDIX
'B'

29 July 2015

Dear Mr Howells

I'm writing to raise my objection about the "Woodlands Road development application-2015/00566/FUL".

As I mentioned in my previous objection, I have recently moved to Woodlands road in March this year to be closer to my daughter to feel safer, she advised that this is a lovely and safe area to live in. I have found living here that the excising traffic flow is already very busy and quite dangerous at times when crossing the road to visit my daughter.

I am very worried about what you are proposing to build in this area and the 20 car parking spaces you are proposing. What about the visitors? Where are they going to park? These proposals will surly impact on the amount of traffic going through this street, making it even more unsafe to cross the road for an elderly lady like myself.

I'm objecting to the fact that you are proposing to put so many residents in a small area as excising water pressure in this area is already very low and I feel adding on more residents will make this matter worse as the new plan is proposing to using the excising drainage systems.

How can you still justify that this is a "development" that is in keeping with the existing area and the people in this community? I still highly object to this ludicrous development that you are proposing, by putting the type of community that you suggest in this area you are making me fearful for my safety, and height of the construction is also another point that I highly object to, it's not in keeping with the area at all as its taller than my house!

Please, please reconsider the plan.

Yours Sincerely

Mrs L. Griffiths


Objections on the following grounds –

Overdevelopment of the site – the planning application indicates that the previous development covered the majority of the site, and therefore the current plan is acceptable use of the site, however, the majority of the previous development included single storey extensions/outbuildings – the proposed development will therefore be significantly larger than the previous development. In addition, despite the plans indicating that sufficient parking will be provided for the development, concerns regarding parking in the area are high. During the working week, it is impossible to park on Belmont Street already, with staff from the Flying Start and Adult Care Centres, along with staff from the Doctor's surgery on Court Road parking on the Road. Access to the lanes during the working week is extremely difficult for residents. During the evening and at weekends, a number of residents are forced to park on Belmont Street, owing to the lack of sufficient parking on Woodlands Road. If the old Adult Training Centre development, and the 2015/00570/FUL development are both approved, the already straining demands on parking on Woodlands Road would increase significantly.

Overlooking and loss of privacy – Despite the plans indicating that the height of the proposed development is the same height as the previous development, the old building was not built to this height across the entire site. The proposed development will cover a significantly larger area, to a higher level, and will therefore overlook the gardens belonging to properties at the Belmont Street end of Woodlands Road and Gladstone Road resulting in a loss of privacy, in a way that the old development did not.

Visual impact and character of the neighbourhood – The Woodlands Road area consists solely of traditional houses built around The development will undoubtedly impact upon the traditional character of the area, both in terms of the scale of the development being out-of-scale when compared to the existing properties, and its modern character.

We would like voice our objections for the proposed housing development on Woodlands Rd. and Belmont St, and also Woodlands Road /Tynewydd Road

We understand the need for housing in Barry but feel the size of this double development is too big for the already congested area. The number of properties on the site is far greater than expected, and the overall look of the building (Belmont st.) The original building was older and in keeping with the look of the surrounding houses of the area of Woodlands Rd.

Parents and children using St Helens School, Jenner Park and the Children's Centre (adjoining the development), and the influx of trade and office workers vehicles in the main and side streets have increased over time causing the crossroads between Woodlands Rd and Glencoe St, and Belmont St to be hazardous and have caused many accidents over the years.

If 30 properties were agreed, the residents in one bed social housing are generally short stay therefore do not integrate with the area. The tenants, friends and family members would need transport, therefore increasing the already very congested road system despite the onsite car park. It was not stated if the residents of the properties would need parking permits but if granted where are they going to park? Belmont St. or Woodlands Rd. which are already over congested. The removal of any parking restrictions would make for even more dangerous junctions and bends.

If the tenants in the disability units require regular carers or special deliveries where would they be able to park as there is no extra parking proposed?

We feel that the units, in particular the one bedroom flats plus the new proposed development on the Tynewydd Rd site to be too much for this area considering the footfall of children and families already here that it will not enhance the sense of community that we have now.

Please would all involved with this project and its development take note of our concerns.

Mr & Mrs Carter
CF63 4EF

2015/00570/FUL Received on 20 May 2015

Hendre Ltd., St. Hilary Court,, Copthorne Way,, Culverhouse Cross,, Cardiff,, CF5 6ES
Dennis Hellyar Architects Pinecroft, Romilly Park Road, Barry, Vale of Glamorgan, CF62 6RN

Woodlands Road, Barry

New Proposed development of 27 new apartments in a one bed and two bed mix at the vacant site on Woodlands Road junction with Tynewydd Road

SITE AND CONTEXT

The site is located just to the north of Barry town centre, between Gladstone Road, Ty-Newydd Road and Woodlands Road.



Along the eastern boundary of the site is a neighbouring house with a series of outbuildings, and a security gated, back lane typical of the area. This lane provides access to the rear gardens of Woodlands Road and Gladstone Road.

The adjacent properties are primarily terraced two storey red brick dwellings. The large majority of buildings in the area date from the late 1800s / early 1900s, a notable exception the town hall and library renovation and extension, a modernist and contextual design utilising red brick, glass and copper and completed in 2006.

The site measures 0.62 acres. It is orientated in a northwest to southeast direction and slopes significantly from 53.84m at the northeast corner of the site, to 43.38m on the southwest corner of the site

Existing access to the site is from a gate off Woodlands Road where the kerb is dropped. A steel palisade fence runs around the majority of the site, broken along Ty-Newydd Road where a section of red brick retaining wall exists.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of 27 apartments. Comprising a mix of 15 no. one bedroom units, 9no. two bedroom units and 3no. one bedroom units, with accommodation over three floors.

The apartments are arranged in three principal blocks fronting onto Gladstone Road, Ty-Newydd Road and Woodlands Road with car parking and amenity areas located to the rear.



The layout indicates 18 car parking spaces to the rear of the building within a car park, accessed the site off Woodlands Road. Amenity space and bin stores are also to be positioned in this location. Areas for some landscaping/ tree planting are shown around the boundary of the site and to the court formed inside.



The blocks will be set back some 2.5 metres from the back edge of the highway where they front Woodlands Road and Tynewydd Road with a set back of some 5 metres where they front onto Gladstone Road.

The blocks have an overall height of 10.9 metres and eaves heights of 7.7 metres. The blocks are 7.5 metres deep, and the width varies in each block. As an example the middle block fronting Ty- Newydd Road is 19.7 metres wide.

The buildings will principally be constructed from brick, specified as being Freshfield Lane First Quality Multi (Dark side). The roof will be finished in charcoal concrete roof tiles with single ply dark grey membrane to parapet flat roof areas. Fascia and windows will be in dark grey UPVC.

The development will be largely open plan onto the road elevations, with sections of retaining wall with grass banks on top and feature planters.

The scheme also shows that the Sub Station on Tynewydd Road will be removed and replaced by a new Sub Station positioned to the north east corner of the site. However this element of the scheme does not require planning permission and is shown for completeness.

PLANNING HISTORY

2013/00118/FUL : Plot at Junction of Gladstone Road, Ty Newydd Road and Woodlands Road, Barry - The proposal is for a single storey building of 570m², providing hydrotherapy pool, multi-function room, treatment room, cafe, changing facilities and ancillary accommodation, with parking and associated landscaping - Approved 10 April 2013..

1989/01068/REG4 : Woodlands Play Area, Woodlands Road, Barry - Erection of public shelter on existing play area - Approved

1987/00452/REG4 : Former Woodlands House Site, Land North of Woodlands Road, East of Tynewydd Road, Barry - Children's play area and kickabout area (Minute 109(1)(iv) - 22/6/87 refers) - Approved

1982/00829/FUL : Woodlands House, Tynewydd Road, Barry - Training workshop for unemployed teenagers - usage in accordance with Class 3 Light Industry - Approved.

CONSULTATIONS

Barry Town Council was consulted on the original application and whilst recognising that there is an overwhelming need for Affordable Housing in the area and being generally supportive of the provision, remain concerned that in its present form, the development would cause unacceptable harm the amenities of the local community. Therefore an objection is raised on the following grounds (as summarised):

- cumulative impact with the redevelopment of the former Adult Training Centre, Woodland Road (PA 2015/00566/FUL) would result in overcrowding of the area, excessive and intolerable strain on local community facilities, unacceptable additional traffic movements and further demand for on-street parking resulting from the lack of proposed on-site parking provision;
- height, massing and current design is considered excessive and overbearing;
- the proposed bin store is likely to cause amenity problems to occupiers of No.82 Woodlands Road
- the high proportion of one bedroom units proposed does not reflect what they perceive to be local social housing need nor would the single units contribute to the provision of lifetime homes for the area. As a result there is fear that the development will result in the development of a transient community that would not contribute to neighbourhood harmony;
- the Vale of Glamorgan Council adopted Revised Parking Standards no longer accept the reduced car parking provision for Affordable Housing Units. Whilst it is accepted that some under provision may be recognised as a result of the proximity to local community services the significant under provision which is likely to cause serious local congestion and on-street parking problems in the area;
- if the Vale of Glamorgan Council is minded to approve the, Barry Town Council requests that a formal process is set up between the applicant and the local community to ensure that future tenancy arrangements are reflective of proper and meaningful debate about fulfilling local need and the future occupation of units.

The Highway Development Team were consulted and their comments are attached as Appendix A. In summary, it is stated that the parking provision within the site is considered appropriate and the proposed means of access is considered suitable. Whilst it is noted that the scheme will result in the loss of three on street parking spaces, there is available kerbside parking capacity within the local area which would compensate.

On the basis of the above, no objection has been raised subject to conditions to ensure the provision of the following :

- Construction Management Plan
- Construction of a new vehicle cross over
- Scheme to be approved for Traffic Regulation Orders along Woodlands Road
- Details of bin stores
- Laying out of parking prior to beneficial occupation
- Cycle parking
- A scheme of parking management

The Council's Environmental Health (Pollution Control) section were consulted and in summary have requested conditions in relation to the following :

- Noise Impact Assessment
- Sound Insulation Requirements
- Contaminated Land Assessment
- Construction Management Plan (including operating hours)

Glamorgan Gwent Archaeological Trust were consulted and have stated that it is unlikely that any un recorded archaeological features would be encountered during development work.

Dwr Cymru Welsh Water were consulted and in their amended comments have requested conditions to ensure that foul water and surface water discharges shall be drained separately from the site and that land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system.

They have also stated that surface water discharges rates shall be permitted to connect to the public combined sewerage system at a maximum discharge rate of 13 litres per second using a suitable flow control device.

The Council's Ecology Officer was consulted and agrees with the findings of the report and recommends the inclusion of a planning condition, to protect / enhance biodiversity on the site.

The Council's Waste Management Section were consulted and no comments have been received to date

The Council's Highways and Engineering Team were consulted and in summary have stated that whilst the site is not located in a DAM zone, NRW maps indicate that there is a low to medium risk of surface water flooding. In light of this a condition is required to demonstrate how road and roof/yard water can be dealt with. In addition full details of a SUDS management plans shall be submitted to include details of future management responsibilities and maintenance schedules.

The Crime Prevention Design Advisor was consulted and no comments have been received to date

The Council's Public Sector Housing team were consulted and in summary have stated that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Barry.

Ongoing welfare reforms and the removal of the Spare Room Subsidy, more commonly known as the "Bedroom Tax", has increased the need for one and two bedroom properties, to allow people to downsize from unsuitable and increasingly unaffordable properties. Therefore, they are strongly supportive of this application which will deliver much needed affordable one and two bedroom properties to Barry and have worked closely with Hendre and Hafod Housing Association to ensure the unit mix is representative of need in the area.

Buttrills Ward Members were consulted and a response has been received from Cllr Ian Johnson, who requested that the application is determined by Planning Committee as the proposal relates to a substantial change in use from park to housing at a key entry point to Barry Town Centre.

REPRESENTATIONS

The neighbouring properties were consulted on 6 June 2015 and site notices were also posted. To date some 21 letters of representation have been received in respect of the original scheme, all of which raise an objection. Two letters of representation are attached as Appendix B and C and the objections raised are summarised below :

- The type of residents that will occupy the flats.
- Proposal will exacerbate existing parking and traffic problems.
- Concerns in respect of depth of excavations.
- Design of the development is out of character with the traditional houses in the vicinity.

- The size and scale of the building is not in keeping with nearby two storey dwellings.
- Height of building will result in overshadowing.
- Proposal relates to overdevelopment of the site.
- Concern over re siting of sub station and associated noise.
- Overlooking and loss of privacy.

A letter of representation has also been received by Alun Cairns MP. This has been included as Appendix D.

In respect of the amended scheme four letters of representation has been received to date, which continue to raise the same concerns as largely set out above, a sample letter of objection can be found at Appendix E.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 2 AND 8

Policy:

ENV25	– REGENERATION OF URBAN AREAS
ENV27	– DESIGN OF NEW DEVELOPMENTS
ENV28	– ACCESS FOR DISABLED PEOPLE
HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS11	– RESIDENTIAL PRIVACY AND SPACE
TRAN9	– CYCLING DEVELOPMENT
TRAN10	– PARKING
REC3	– PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).’

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application, with particular regard to Chapter 4 (planning for sustainability) and Chapter 9 (housing).

Technical Advice Notes:

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

- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

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

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Barry Development Guidelines
- Biodiversity and Development
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8 November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council has considered all representations received and submitted the Local Development Plan to the Welsh Government for examination on 24 July 2015. Examination in public is expected to comment in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Open Space Background Paper (2013)
- Small Sites Viability Report (2013)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Sustainable Transport Assessment (2013)
- The Affordable Housing Delivery Statement (2009)
- Vale of Glamorgan Housing Strategy

Other relevant evidence or policy guidance:

CSS Wales, Wales Parking Standards 2008

Community Infrastructure Levy Regulations 2010

Issues

The Principle of the Development

The site lies within the identified Residential Settlement Boundary of Barry. As such Policy HOUS2 (Additional Residential Development) is relevant which stated that housing infill, small scale development/redevelopment, which meets the criteria listed in Policy HOUS8 – Residential Development Criteria will be permitted within the urban settlement of Barry.

Strategic Policy 2 of the UDP states *‘proposals which encourage sustainable practices will be favoured including:... ii) proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.’* Similarly Strategic Policy 8 states that developments will be favoured in locations which *‘are highly accessible by means of travel other than the private car’*.

Furthermore, Policy HOUS12 also seeks to ensure that the Council will negotiate with developers for the inclusion of affordable housing schemes above 10 units. It should be noted that the Hendre Ltd are a Registered Social Landlord (RSL) and as such 100% of the proposed 27 apartments will be affordable housing.

The site has not functioned as meaningful open space since 2004 and has been disposed of by the Council. The proposed development does therefore not result in the loss of any open space, rather it would put to beneficial use a piece of land that currently does not contribute positively to the street scene. Moreover, there is an extant planning permission for a hydrotherapy pool, with parking and associated landscaping (approved under application ref. 2013/00118/FUL). In light of this the principle of re-development of this site has previously been accepted.

Given the close proximity of the site to Barry Town Centre with availability of retail and other services and public transport, the site is considered to be particularly appropriate for residential use, being located in a highly sustainable location. The re-development of the site will also meet the objectives of Policy ENV25 which favours the improvement of the urban fabric with regeneration of derelict land within Barry. The re-use of brownfield sites provides opportunities for the provision of residential developments, whilst ensuring that the need for greenfield sites is reduced

The erection of the proposed housing on this site is, therefore, considered to be in compliance with the provisions of both the development plan and national planning policy. Given its proximity to local services and being located within the settlement of Barry, the development is therefore considered to amount to a sustainable form of development, complying with the provisions of strategic policies 2 and 8 and Policies HOUS2 of the Unitary Development Plan 1996-2011 and guidance contained within Planning Policy Wales (Edition 7, 2014).

The principle of residential development at this site is therefore acceptable, subject to it complying with the relevant criteria identified in HOUS8, ENV27, ENV29 and TRAN10, which will seek to ensure the development proposed has an appropriate design and scale, no detrimental impact upon neighbouring amenity, sufficient car parking and amenity space to meet Council standards, in addition to other relevant material considerations.

Siting, Scale, Design, External Appearance and Landscaping

The proposed buildings have been located to the perimeter of the site principally to continue the urban grain of Ty-Newydd Road, Gladstone Road and Woodlands Road.



It is stated in the supporting DAS that this approach maintains the current access point on Woodlands Road avoiding traffic issues on Gladstone Road and Ty-Newydd Road. The individual blocks will have entrance points direct from the inner courtyard to the site, adjacent to parking zones for eighteen cars, including three disabled accessible places.

The approach chosen to continue the building frontages along these roads is considered acceptable and echoes the built form of the nearby dwellings. The parking and amenity spaces and bin stores etc. are all contained within what is a rear courtyard. In this regard the strong building frontage around the perimeter of the site is considered appropriate.

In terms of the building scale and height, the blocks have the appearance of two and a half storey buildings, with the third floor of accommodation being contained partly within the roof area with eaves height dormers.

The application has been supported by street scene and context drawings. Along the Gladstone Road frontage, the blocks will be much lower (some 3 metres) than the height of the adjacent dwellings located on Gladstone Road, where the ground floor will be set down into the site and below road level. The principal frontage of the development is onto Ty-Newydd Road. This road is more intimate in scale compared to Gladstone Road, with smaller scale dwellings comprising traditional terraced blocks. However there is a modern three storey flatted development (David Davies House) located at the bottom of Ty- Newydd Road at its junction with Wyndham Street. In light of this there is already a varied street scene in terms of both the height and scale of buildings along this side of Ty- Newydd Road.

The development turns the corner into Woodlands Road, which is narrower than Ty-Newydd Road although the scale of the dwellings is largely the same, being two storey terraced dwellings with shallow (2.5-3m deep) front gardens. However the proposed block is separated from the nearest house on the north side of Woodlands Road by some 12.5 metres, due to the gated lane (serving the rear gardens of Woodlands Road and Gladstone Road) and the access within the site. The block which fronts Woodlands Road is only marginally higher (by 0.9 metres) than the adjacent terraced dwellings within the street. In light of this the impact of the development on this part of the street scene is considered appropriate in terms of its size and scale, reinforcing its scale in what is a prominent corner position.

In terms of design, the apartment blocks differ from the neighbouring red brick residences (2 storey houses) and accordingly its horizontal form and modern expression differs from them. However, in terms of scale and massing the new blocks are considered to be sympathetic to the adjacent existing properties.

Whilst the overall scale and massing is considered appropriate, concern was raised in respect of some of the design elements, with a view of “breaking up” the each of the blocks, to give each block more of a vertical rather than horizontal emphasis. Principally, concern was raised in respect of window detailing to stairwells and the size of the windows to the ground floor, which should be enlarged/varied to provide more interest.

The photomontage below shows the scheme as originally submitted



The scheme has been significantly improved through negotiation and the amended scheme (illustrated below) shows that the communal stair area glazing has been introduced to all elevations, in place of render. This breaks up the massing of each block by visually dividing the 1bed flats from 2 bed flats, in any pairing. This creates more interest to the frontages and contributes activity to the public frontage. In addition rooflights have also been introduced above the stairwell glazing which assists in breaking up the ridgeline and gives a vertical continuity to the stairwell glazing.

In addition, the bedrooms window at ground floor level have been enlarged (where plan permits) which creates variation in the street elevations, breaking up the rigid window patterns and creating more interest and visual activity in the street frontage.



The front and rear elevations are articulated at second floor level with flat roof and gabled roof dormers. These maintain the face of the façade plane, whilst breaking the monotony of a single eaves line. Given the limited depth of the street in front (Woodlands Road or Ty-Newydd Road), these large elements will break the eaves line and screen the ridge line. Moreover the Ty-Newydd Road elevation will be broken up by the stepped ridge line of each block which follows the sloping ground levels.

Further revisions have been made to the Woodlands Road elevation with the location of the gable and dormer swapped, which improves this elevation and its impact on the street scene.

The scheme proposes dark grey UPVC windows, which are considered appropriate giving a more contemporary feel to the development. The original scheme proposed reconstituted stone detailing to cills and copings. However given that the scheme proposes grey windows with other contemporary detailing, it was considered that the introduction of such stone detailing was not consistent and that it would be more appropriate to limit the development to a simple pallet of high quality materials. In light of this the copings to the gables will now be finished in dark grey zinc coping. In addition cills will be brick heads in a flat soldier arrangement.

Given the predominance of brick within the development, the type of brick and mortar jointing is a key detail. The agent has confirmed that the brick will be “Freshfield Lane First Quality Multi (Dark side)”. Members should note that this is a high quality brick and is the same specification as that use within the Premier Inn at Barry Waterfront. The choice of brick is considered acceptable and not being wire cut and of a more irregular “multi” appearance, it will assist in softening the impact on the building. There is a mix of materials in the surrounding terraces comprising red brick, stone and render and therefore the type and specification of brick choice is considered acceptable. Roof tiles are specified as being charcoal concrete tiles which are considered acceptable in principle.

Whilst the materials and finishes proposed are considered acceptable it is considered necessary to agree full details and samples by condition.

The scheme proposes an open frontage which will comprise part retaining walls and grass banks, to act as a gradual transition from footway level to the blocks. Whilst this approach is considered acceptable, concern was raised that this could result to a bland detail, particularly along the Ty-Newydd Road elevation. In response, the amended scheme now introduces large stone wall planters in front of the communal glazed areas, which will improve the ground floor landscape design and provide a visual connection from the footway to the buildings in each of the blocks.

Full details of the landscaping of these planting areas, in addition to the internal areas of landscaping and amenity space shall be submitted by way of condition. In summary, the development is considered acceptable in terms of scale, design and layout.

Amenity Space and Public Open Space

The amended site layout plan shows provision of several areas of communal amenity space which are located between the parking areas and the buildings and along the north east corner of the site, totalling some 340 square metres.

The Amenity Standards SPG recommends that in flatted developments, developers should seek to provide 20 square metres per person, which in this case would be 720 square metres based on a minimum occupancy of the flats and a maximum requirement of 900 square metres. Therefore, the proposal would fall short of the minimum requirements for such a development.

In view of the constrained urban nature of the site and its topography, it is impractical to provide the aspirational level of amenity space within the development site. However, it is recognised that these communal areas will provide a reasonable degree of space for the future occupiers to sit out and dry clothes etc.

There is no provision within the site for Public Open Space or recreational facilities. In this regard it is material that the site lies in close proximity (some 200 metres) to Central Park. However, it should be noted (as discussed in greater detail under the Planning Obligations Section of the report) that the applicant has agreed to pay £61,560 which can be used to enhance one or several areas of Public Open Space within the vicinity of the site

In light of the above and on balance, it is considered that the level of amenity space given the contribution for off site Public Open Space enhancement (in close vicinity to the site) will be adequate to meet the needs of the future occupiers of the site.

Impact upon Neighbouring Properties

The nearest residential dwellings to the application site are the end of terraced dwellings which are located along the eastern boundary of the site, being No. 264 Gladstone Road and No. 82 Woodlands Road.

In respect of the impact on No. 264 Gladstone Road, this is the only dwelling which directly abuts the application site.



The block adjacent this dwelling, which fronts onto Gladstone Road, is side onto this dwelling and is a distance of 9.5 metres, from the gable end of 264 Gladstone Road. Whilst the proposed block is set further back into the site, this block is set at a much lower level than the adjacent existing dwelling. As such the distance and associated levels are such that this element of the scheme will not have an overbearing impact on the occupiers of this dwelling. In terms of impact on privacy, given the difference in levels between the site. The only potential for overlooking will be from the second floor window in the gable end of the adjacent block. Whilst there is a distance of some 9 metres to the boundary of the adjacent dwelling, this window could afford some views of the neighbouring garden. Given that this is a secondary window, it is considered that this could be fitted with obscure glazing, to address this concern. The applicant has agreed to a condition to this effect.

In relation to the impact on No. 82 Woodlands Road, the proposed block is side on to this end of terrace dwelling, with a distance of 12.5 metres between buildings. Whilst the proposed block will be some 0.9 metres higher, this element of the scheme will not have an overbearing impact on these adjacent occupiers, given the distance between buildings. In terms of impact on privacy, the nearest windows are those within the gable end of the block. Whilst there is a reasonable distance to the rear garden and gable of the adjacent dwelling, there may be some opportunities for overlooking of this property from the first and second floor windows in the gable end of the proposed block. Given that this is a tertiary window, it is considered that this could be fitted with obscure glazing and, to address this concern. The applicant has agreed to a condition to this effect.

More generally the windows which are in the inner courtyard are all in excess of 21 metres where they directly overlook neighbouring gardens. Where there are windows within 21 metres, the orientation is such that any views would be acute and would not cause an unacceptable degree of overlooking to neighbouring dwellings.

In terms of the impact of the development on the opposing housing on Woodlands Road, Ty-Newydd Road and Gladstone Road, the distance between the proposed blocks and these dwellings is some 14m, 18m and 35m respectively. As such the distances are such that the proposal would not be overbearing on any opposing occupiers. Moreover the impact on privacy would be no greater than the distances between opposing dwelling in the remainder of the terraced streets, which is characteristic of the area.

In terms of noise and disturbance, it is not considered that the flatted development would cause undue noise and distance to existing adjacent residents. Moreover there is sufficient distance between adjacent dwellings and parking area so as not to cause any undue disturbance.

It is noted that a letter of representation makes reference to potential noise from the relocated sub-station. Given that there is a requirement for the substation to have a road frontage, there is little opportunity to replace the substation anywhere else within the development. However it should be noted that the installation (by a statutory undertaker) of transformers and switching stations, is in any case considered as Permitted Development. Therefore whilst the new sub station is shown within the application, this element does not have to form part of the planning application.

Highways Issues and Parking

In light of the initial comments received from the Highways Engineer and the concerns raised by local residents in respect of traffic generation and parking, a Transport Statement (TS) was requested in support of the proposals.

The submitted TS assesses the impact of the proposed development on the surrounding transport network and identifies any measures required to mitigate the impact of the proposed development. The report also considers the on-site layout with regard to manoeuvrability and parking provision.

The vehicle trip generation rates for the 27 proposed affordable houses is stated in the TS to be around nine in the a.m. peak period and eleven movements in the pm peak period. Consequently it is stated that no further assessment is deemed necessary due to the marginal number of vehicle trips generated by the proposed development, which is less than the daily fluctuation in daily peak flows and therefore deemed as having a minimal impact.

In addition to the above, CSS Wales, Wales Parking Standards 2008 (page 17, point 5) states “For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken”

A total of eighteen car parking spaces (including three disabled bays) are proposed to serve eighteen one bed flats and nine two bed flats.

A sustainability assessment has been undertaken within the TS, which calculates a score of 10 points to allow a reduction in parking provision of two spaces per dwelling. Based on the analysis undertaken, a reduction of one space per dwelling has been applied to the proposed two bed flats. Whilst the level of parking is lower than the required number of spaces (based on the adopted standards), it is considered that the proposed provision can be justified for the reasons set out below.

The site is well served by public transport, with regular scheduled bus services passing along both Gladstone Road and Ty-Newydd Road providing connectivity throughout Barry and the Vale of Glamorgan as well as regional destinations such as Cardiff and Bridgend. Additionally the site is well situated for access to rail with Cadoxton, Barry Docks and Barry railways stations all with walking distance of the site.

The TS makes reference to Statistical Bulletin (SB100/2013) ‘People and Licensing and Vehicle Ownership, 2012’ which states that 23% households in Wales do not have access to a car. Moreover it states that this figure rises substantially to 53% of households that are housing association (social rent) accommodation.

The TS notes that housing tenure has a significant impact on car ownership rates, with only 13% of open market houses having no access to a car. Whilst the scheme is likely to provide accommodation for social rent, rates for private rent have also been considered. Statistics are available for houses that are rented (either social or private), with 44% of households having no access to a car. Members may have noted the submissions that form part of application 2015/00566/FUL, (on this agenda), which demonstrates that in comparable developments, parking take up is very low.

The Statistical Bulletin does, however, identify that across Wales 45% of one person households (typically associated with smaller houses or flats) have no access to a car compared with 23% average for all household types.

In light of the above, given the high proportion of one bedrooms units, the housing tenure and the highly accessible nature of the site and the advice contained within the Wales Parking Standards, it is considered that the applicant has demonstrated that an appropriate level of parking has been provided.

Access

It is proposed to provide a single point of access, in the form of a simple vehicle crossover, on Woodlands Road. The layout of the site has been designed to ensure ease of pedestrian and cyclist access and will include links to the surrounding pedestrian and cycling networks.

The TS includes plans showing swept paths for both cars and 10 metre vehicles. The plans show that the existing parking areas and parking restrictions (which are residents only / two hour non return) would have to be amended, in order to achieve the necessary swept vehicle paths to access and leave the site. The proposal will result in the loss of three parking spaces to the front of the site on Woodlands Road. However there is availability of parking on Ty-Newydd Road. On this basis it is not considered that the loss of three spaces would result in unacceptable detriment to the on street parking provision in the area.

The Highway Engineer has raised no objection to the submitted scheme, based on the submitted TS and supplementary drawings. However a number of conditions are required (as set out in Appendix A) to ensure that highway safety is not compromised during construction works and as part of the ongoing development. In summary, these conditions relate to the submission of details and implementation in relation to :

- Construction Management Plan
- Construction of a new vehicle cross over to adoptable standards
- Scheme to be approved for Traffic Regulation Orders along part of Woodlands Road
- Details of bin stores
- Laying out of parking prior to beneficial occupation
- Cycle parking
- A scheme of parking management for residents of the development

The above can be secured by appropriately worded conditions and subject to these, the development is considered acceptable in highway terms.

Drainage

The site is not located in DAM flood zones at risk of tidal or fluvial flooding, however NRW maps indicate there is a low to medium risk of surface water flooding to the surrounding highways bordering the development site. It is therefore important that this site does not exacerbate flood risk in the surrounding area.

The Application Form and the Design and Access Statement indicate that SuDS and soakaways will be used to dispose of surface water on site; however no drainage strategy has been submitted detailing layout and design of the SuDS features.

Given the above, a condition is required whereby no development shall commence on site until a detailed scheme for the drainage of the site, showing how road and roof/yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. This is to ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere.

Moreover, a further condition shall be imposed to ensure that no works or development shall take place until a SuDS management plan (to include details on future management responsibilities, along with maintenance schedules for all SuDS features and associated pipework) has been submitted to and approved in writing by the Local Planning Authority.

Welsh Water were consulted and in their amended comments have requested conditions to ensure that foul water and surface water discharges shall be drained separately from the site and that land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system..

In addition to the Welsh Water have stated that they are happy to support surface water discharge into the public combined sewerage system, but only at a maximum discharge rate of 13 litres per second using a suitable flow control device. No details have been submitted detailing any attenuation. Therefore full details of the scheme of discharge of surface water shall be submitted, by way of condition setting out the means by which a suitable flow control device will attenuate the flows to a maximum of 13 litres per second and management of such a control device.

Trees and Ecology

It is noted that there are a number of small trees within the site, although these are largely self seeded following the cessation of the use of the site as a park. None of the trees within the site are considered of merit for retention. Moreover as set out below, none of the trees are considered important in terms of ecological habitat.

The application is supported by a Preliminary Ecological Appraisal, prepared by Acer Ecology.

In summary, the survey states that none of the habitat on the site is currently considered to be of international, national, regional, district, high or local value to wildlife. Furthermore, none of the habitats of the site qualify as “Priority Habitat” of the UK Biodiversity Action Plan or listed in Section 42 as “habitats of principal importance for conservation of biological diversity in Wales”

The report states that none of the trees on site have potential to support roosting bats. Whilst the site has potential to support foraging bats due to the presence of trees and scrub, the site is very isolated from natural habitats in the wider area and is highly unlikely to lie on a commuting route for bats or be used by a large number of foraging bats.

Recommendations are made within the report that any clearance works are undertaken outside of the bird nesting season. However no further survey work is required.

The Councils Ecology officer outlined that the site has limited ecological value and therefore they have no objection to the application, but recommend the inclusion of a planning condition to ensure that the LPA has regard to biodiversity as required by the NERC Act. An appropriate condition will be included to protect against the impact of the development on reptiles and bird nesting.

Nature of Residential Use

A number of the letters of representation received have made reference to the number of one bedroom flats proposed and stated that these would not be family units.

Members will note that there is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2010 Local Housing Market Assessment (LHMA) which determined that 915 additional affordable housing units were required each year to meet housing need in the area. In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Barry with 1657 people requiring:

	Barry
1 Bed Need	929
2 Bed Need	512
3 Bed Need	166
4 Bed Need	45
5 Bed Need	5
Total	1657

Moreover, ongoing welfare reforms and the removal of the Spare Room Subsidy, more commonly known as the “Bedroom Tax”, has increased the need for one and two bedroom properties, to allow people to downsize from unsuitable and increasingly unaffordable properties.

In light of this, Public Sector Housing are strongly supportive of this application which will deliver much needed affordable one and two bedroom properties to Barry and have worked closely with the applicant to ensure the unit mix is representative of need in the area.

Other Matter

Environmental Health (Pollution Control) have considered the application and its potential impact on the locality and are of the opinion that insufficient information has been submitted by the applicant in relation to potential noise nuisance and the impact of the development on neighbouring residents. Moreover no information has been submitted to determine the potential risk posed by contaminants on current or future site occupiers. Having regard to the comments made, all matters raised can adequately dealt with by way of condition in respect of the following :

- Contaminated Land survey to include an associated remedial strategy.
- Construction Environmental Management Plan (CEMP) to include the following construction hours

Monday – Friday	08:00 until 18:00
Saturday	08:00 until 13:00
No Sunday or Bank Holiday working	

With foundation or other piling or drilling on site restricted to:

Monday – Friday	8:30 until 17:30
Saturday and Sunday	Nil

- Dwellings shall be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise.

It is noted that the Environmental Health (Pollution Control) Team have also requested details of a written noise impact assessment in respect of the re-located electrical sub-station. However as stated previously, the installation of such equipment by a statutory undertaker is Permitted Development and therefore does not require planning permission. On this basis it is considered that the submission of such detail is not justified.

Section 106 Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

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

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

In view of the type and form of development proposed in this location, having regard to local circumstances and needs arising from the development, the following planning obligations are considered necessary to make the development acceptable in planning terms and to meet the policy and legislative tests for planning obligations.

Education Facilities

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

The Council's Supplementary Planning Guidance requires developments of ten or more residential units to make provision for education contributions, where need is identified based on a lack of capacity in existing schools. However, in this instance it has been considered that the flats, the majority of which are one bedroom units, will not yield children of school age that would impact upon the educational facilities within the locality. Specifically, eighteen of the units are one bedroom units, whilst the remaining two bedroom units, of which there are nine, would be under the threshold of ten units to require the payment of contributions for educational facilities.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3 sq. m. per person or 55.4 sq. m. per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

It is accepted that the size and location of the site is such that usable public open space cannot be practically provided on site and therefore it is reasonable to seek a contribution to provide or enhance public open space off site to meet the needs of the future occupiers of the development. In this case a contribution a contribution of £1,000 per person (or £2,280 per dwelling based on average household size) for those not catered for through on site provision would be required. Therefore, in this case the public open space contribution required equates to £61,650.

The applicant has agreed to the level of contribution sought. In particular, there are several areas of public open space within close vicinity of the site and within the Buttrills Ward, such as Central Park (some 200 metres away) and Gladstone Gardens (some 400 metres from the site). Both of these areas of POS form part of an ongoing review of Central Barry Public Open Space and the upgrading of such areas using S106 financial contributions. The contribution should be used to provide new or enhanced facilities at the identified areas of POS.

Community Facilities

The Council requires £988.50* per dwelling in lieu of on-site provisions where such provision is justified, based on the rationale set out in the SPG. This will apply to all housing developments of 25 units or more, including conversions and mixed use schemes where the net increase in dwellings is 25 or more.

However regard has to be given to the Community Facilities Background Paper, which assesses the level of provision for new or enhanced community, leisure and library provision and sports facilities. The Paper sets out a delivery standard for future developments, for both allocated and projected "windfall" housing to come forward over the plan period of the Local Development Plan. Whilst the Local Development Plan is not the adopted Plan, this background evidence is a material consideration in the assessment of the application.

In summary, the Background Paper states that within the Buttrills Ward, there is adequate provision for community building provision, community and library space. There is however a deficiency of built sport facilities. However given that the Community Facilities within this Ward can largely be met and the applicant has agreed to the full POS, it is not considered that the deficiency in only one element of the overall Community Facility provision within this Ward, would justify a financial contribution. Regard has also been had to the viability constraints associated within a feasible housing development

Sustainable Transport

UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. These policies are supported by the Council's approved Supplementary Planning Guidance on Sustainable Development and the advice in Planning Policy Wales, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

The Council has developed a rationale to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities. This has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. This ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling secured through a Section 106 Legal Agreement, to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes.

Based on the size and form of the proposed development, a contribution of £54,000 would be required prior to beneficial occupation of the development to provide sustainable transport facilities serving the site (i.e. for public transport users, cyclists, pedestrians and car sharers).

The applicant has confirmed that having considered their development costs (viability) they would only be able to contribute £10,000 towards sustainable transport. This is only basis that they consider that the site is very sustainable.

It is recognised that the redevelopment of the site, particularly due to the topography and extensive ground works required, will result in higher "abnormal" costs than a comparable 'level' brownfield site. Therefore given the sustainability of the location, the nature of accommodation and the other obligations entered into and viability, it is considered that a contribution of £10,000 can in this instance be accepted.

The contribution would be used to provide enhancements to the pedestrian footway links into the Town Centre along Ty-Newydd Road. Such enhancements would relate to dropped kerbs at its junction with Woodlands Road and Maes-y-Cwm Street. The scale of the works to these junctions would be subject to final costing's of a detailed scheme. The contribution would also provide improved pedestrian access for the future residents of the development, into the town centre and to public transport services, and enhancements (or new provision) to public transport facilities and cycle provisions serving the development.

Public Art

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

During negotiation of the sustainable transport and POS contributions, it was outlined that there are issues of viability for any further financial requirements. Moreover, the applicant has stated that the revisions sought to introduce glazing to the stairwells within the blocks and other façade alterations, have resulted in higher construction costs. In addition the amended scheme has also introduced planters to the Ty-Newydd and Woodlands Road elevations.

In light of this and the improvements made to the building and semi-public areas and overall enhancement to the public realm, it is considered in this instance that there is no requirement for the developer to make a public art contribution.

Administration fee

In addition, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

On the basis of the application fee, this would equate to £1,782.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Strategic Policies 2 – the Environment and 8 – Transportation and Policies ENV25 - Regeneration of Urban Areas; ENV27 – Design of New Developments; ENV28 – Access for Disabled People; HOUS2 – Additional Residential Development; HOUS8 – Residential Development Criteria; – Policy HOUS2 Settlements, REC3 - Provision of Open Space Within New Residential Developments, TRAN9 – Cycling Development and TRAN10- Parking; of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance and Planning Policy Wales July 2014, it is considered that the proposed development is acceptable in respect of the principle of residential development, density, layout, siting, design and scale, and is considered acceptable having regard to parking, highway safety, amenity space and impact on neighbours.

RECOMMENDATION

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

- The Developer shall pay the sum of £61,650 to provide new or enhanced public open space facilities at Central Park and Gladstone Gardens.

The Developer shall pay the sum of £10,000 to provide one or more of the following: pedestrian footways in the vicinity of the site, contributions towards new or enhanced public transport facilities serving the site, cycle routes and provision in the vicinity of the site.

- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the Legal Agreement (£1,782 in this case).

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

- L(00)205 – Site Location Plan received on 20 May 2015
- L(00)210 – Existing Site Plan received on 20 May 2015
- L(00)211 – Existing Topography Plan received on 20 May 2015
- L(00)221 Rev A – Proposed Plan received on 4 September 2015
- L(00)222 Rev A – Proposed Plans received on 4 September 2015
- L(00)223 Rev A – Proposed Plans received on 4 September 2015
- L(00)224 Rev A – Proposed Plans received on 4 September 2015
- L(00)225 Rev A – Proposed Plans received on 4 September 2015
- L(00)226 Rev A – Proposed Plans received on 4 September 2015
- L(00)240 Rev A – Proposed Elevations received on 4 September 2015
- L(00)241 Rev A – Proposed Elevations received on 4 September 2015
- Proposed amendments based on 10m rigid service vehicle x 2 received on 8 September 2015
- 14049-400 - Ramp Section with Vehicle Tracking received on 16 September 2015

- Amended Preliminary Ecological Appraisal received 10 August 2015
- Amended Transport Statement received on 15 September 2015
- Transport Statement Addendum received on 17 September 2015.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted plans, the second floor window serving the bedroom window located in the gable end of the block facing No. 264 Gladstone Road and the first and second floor windows in the gable end of the block serving the open plan kitchen and living areas shall be non opening and glazed using obscured glass to a minimum of level 3 of the `Pilkington` scale of obscuration at the time of the construction of the development hereby approved and prior to the first beneficial use of the respective flats hereby approved and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, details of a revised scheme of the circulation spaces around the parking area (in order to ensure all tracked vehicle movements can be met as detailed on additional drawing `Proposed amendments based on 10m rigid service vehicle` received on 8 September 2015) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out in accordance with the approved details prior to the first beneficial use of the development and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on adequate on site of parking and turning facilities without conflict to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

5. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the commencement of development full details of a scheme to demonstrate that surface water discharges to the public combined sewerage system do not exceed a maximum discharge rate of 13 litre per second (using a suitable flow control device) to include details of maintenance, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details and thereafter so maintained at all times.

Reason:

To prevent hydraulic overloading of the public sewerage system to protect the health of existing residents and ensure no detriment to the environment and to and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Prior to the commencement of development full details of a scheme for the drainage of the site demonstrating how internal road and roof/yard water will be dealt with, shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details and thereafter so maintained at all times.

Reason:

To ensure effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Prior to the commencement of development full details of a SuDS management plan (which shall include details of future management responsibilities) and maintenance schedule for all SuDS features and associated pipe work shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall detail the strategy that will be followed to facilitate the optimal functionality and performance of the SuDS scheme throughout its lifetime. The approved SuDS management plan shall be implemented in full accordance with the agreed plans in perpetuity.

Reason:

To ensure effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. No removal of hedgerows, trees, bramble, shrubs, ivy and other climbing plants or works to, or demolition of structures that may be used by breeding birds shall take place between 1 March and 31 August inclusive unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation to the Local Planning Authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds interest on site. No works shall commence until such time as the Local Planning Authority have confirmed that the submitted written confirmation is acceptable and agreed.

Reason:

To comply with Unitary Development Plan Policy ENV16 to secure the long-term protection of the species and to demonstrate Local Authority compliance with S40 of the NERC Act 2006.

10. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved in writing by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' :
- a) A Phase I Preliminary Risk Assessment (Desk Study) shall be submitted to the Local planning Authority for their written approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination;
- b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology which shall have been agreed in writing by the Local Planning Authority before any site surveys are commenced.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority .

e) Upon completion of the works, a verification report shall be submitted to and agreed in writing by the Local Planning Authority. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

To ensure the health and safety of current and future occupiers during and post construction and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

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

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Prior to the commencement of development of a scheme shall be submitted to the Local Planning Authority to show that all flats will be constructed in accordance with BS8233:1999 so as to provide sound insulation against externally generated noise. The good room criteria shall be applied, meaning there must be no more than 30 dB LAeq for living rooms (0700 to 2300 daytime) and 30 dB LAeq for bedrooms (2300 to 0700 night-time), with windows shut and other means of ventilation provided. Levels of 45 dB LAf.max shall not be exceeded in bedrooms (2300 to 0700 night-time). The approved scheme shall be implemented and thereafter maintained and retained at all times.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to the residential amenity of the proposed development and to ensure compliance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan and TAN11 - Noise.

13. Prior to the occupation of any of the flats, the developer should submit, for written approval by the Local Planning Authority, a verification report proving that the dwellings meets the criteria set out within Condition 13. None of the dwellings shall be occupied until the verifications report has been approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed dwellings hereby permitted achieve a satisfactory living standard and do not experience unacceptable levels of noise disturbance to the residential amenity of the proposed development and to ensure compliance with Policy ENV29 - Protection of Environmental Quality of the Unitary Development Plan and TAN11 - Noise.

14. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan

15. Prior to the commencement of development, details of the finished levels of the site, internal parking and access areas and buildings in relation to existing ground levels and adjacent ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

16. Details of a scheme of landscaping shall be submitted to the Local Planning Authority for their approval in writing.

Reason:

In the interests of the visual amenities of the area and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Orders revoking or re-enacting those Orders with or without modification), the only means of enclosure associated with the development hereby approved shall be that/those which are in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their erection, and the means of enclosure shall only be implemented in accordance with the approved details thereafter.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. The development hereby approved shall not be brought into beneficial use until the cross over serving the new access has been constructed in accordance with the Council's standard details for adoption. In addition, the existing vehicle crossover that provides access to the existing site shall be removed and reinstated as pedestrian footway in accordance the Council's standard details for footway construction prior to the first beneficial occupation of any unit.

Reason:

In the interests of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

20. The use hereby permitted shall not be implemented until such time as:

(1) The existing Traffic Regulatory Orders on Woodlands Road has been formally amended (within the scope of the area identified on Addendum Figure 1 of the Transport Statement Addendum) to ensure that the swept paths for cars and a 10 metre rigid vehicle can be achieved without conflict with parked vehicles, in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Highway Authority; and

(2) The requirements of the approved scheme and any associated requirements of the new or amended Traffic Regulation Order have been implemented.

Reason:

To provide safe access into the site and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

21. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on the submitted plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies ENV27 and TRAN10 of the Unitary Development Plan.

22. Full details of a cycle parking facility/ area shall be submitted to and approved in writing by the Local Planning Authority and the approved cycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and thereafter kept free of obstruction and available for the parking of cycles associated with the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

23. Prior to the commencement of development, a parking management plan shall be submitted to and agreed in writing with the Local Planning Authority in respect of the maintenance of and control of the allocation of parking spaces to residents within the site and details of the applicants intention of securing low levels of vehicle ownership for future residents of the site. The development shall be carried out in accordance with the requirements of the parking management plans unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To retain control over the parking demand within the site and the possible overspill parking onto the adjacent highway and to ensure compliance with Policies ENV27, TRAN10 and HOUS8 of the Unitary Development Plan.

24. Details of any proposed external lighting serving the development shall be submitted to and agreed in writing by the Local Planning Authority and any lighting thereafter erected shall be in accordance with the agreed details.

Reason:

In order to ensure that any lighting does not impact on the amenities of nearby residential occupiers and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

NOTE:

1. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
3. **Dwr Cymru Welsh Water (DCWW) have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. You should therefore contact the DCWW Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Please note that under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.**


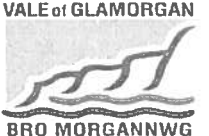
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



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	The Vale of Glamorgan Council	
Department:		
Title: <i>2015/00570/FUL</i>		
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	Date 18 Sep 2015	



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2015/00570/FUL
Observations By:	Paul D Harrison
Date:	18 September 2015
Location:	Woodlands Road, Barry
Proposal:	New Proposed development of 27 new apartments in a 1 bed and 2 bed mix at the vacant site on Woodlands Road junction with Tynewydd Road
Case Officer:	Mr. S. D. Butler

Further to reviewing the Transport Statement (TS) submitted in support of the above, an assessment of the development in relation to the provision of car parking, highway safety and the means of access to the site have been undertaken.

The assessment considers the provision of 18 No. parking spaces that will serve 27 No. apartments and has identified that for social rented accommodation, vehicle ownership is approximately 50%. However, notwithstanding the parking assessment, it is noted that the site is sustainably located, adjacent to and within the recommended walking distance of Barry Town Centre and to all local amenities including public transport facilities, as specified by the Institution of Highways and Transportation. As a result, it is considered that the car parking provision within the site is appropriate to serve the development.

When considering the road safety assessment undertaken within the TS, this has identified from local accident data that there have been 11 incidents over a 5 year period within a 200m radius of the site. However, it is noted that there are no established patterns identifying specific road safety issues and all accidents were related to driver error or inappropriate behavior.

Finally, from reviewing the vehicle swept paths submitted within the TS, it is considered that the proposed means access to the site is suitable to serve the development.

However, the provision of access will result in the loss of approximately 3 No. resident/limited waiting parking bays along Woodlands Road. Nevertheless, from site

WOODLANDS ROAD DEVELOPMENT OBJECTIONS

With reference to the proposed woodlands Road development of 27 flats please take this letter as confirmation of my objection to the development on the following grounds:

- 1) The proposed development of 3 storey is far too high to be in keeping with the surrounding properties, as the surrounding buildings are 2 storey and **NOT** 3 as stated in site context 2.1.
- 2) The proposed development contravenes 2.4 planning context Policy Hous 8, and Policy Hous 11 as the scale of the development is insensitive and is detrimental to the character of the area, due to the size and scale of the development being "shoe horned" into a small area and the site overdeveloped.
- 3) The proposed development contravenes Policy Hours 8 ii which states "The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of **noise, traffic congestion, exacerbation of parking problems** or visual intrusion." The 27 flats will house anywhere between 36 and 60 residents, and they will bring with them a conservative estimate of 30 cars. As the proposed development has only 18 car parking spaces they will have no choice but to park in the surrounding streets. I've attached some photos to illustrate how congested the streets are at present and have no idea where they will park, or I will for that matter.

RECEIVED

07 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

4) In the design brief I disagree with the point 3.2

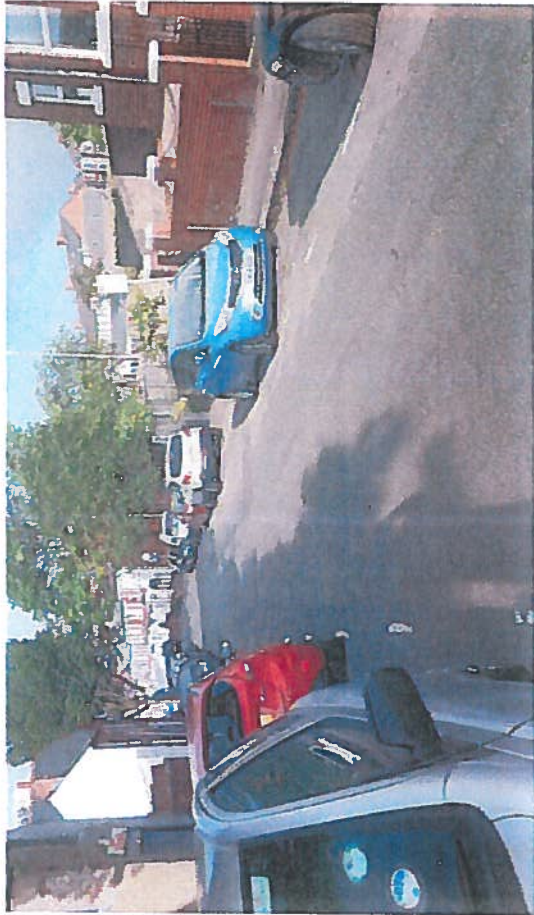
“The proposed buildings have been located to the perimeter of the site principally to continue the urban grain of Ty-Newydd Road, Gladstone Road and Woodlands Road. This concept has other benefits: Maintains the current access point on Woodlands Road avoiding traffic issues on Gladstone Road and Ty-Newydd Road.”

This will not avoid traffic issues on Gladstone road as construction traffic and future residents are more likely to take a direct route rather than detour through back streets.

5) The proposed development will have a detrimental effect on my current view, saleability and price of my house.

Jason Kerslake
249 Gladstone Road
Barry
CF63 1NJ

[REDACTED]
[REDACTED]



RECEIVED

07 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION



2015/00570/FUL

264 Gladstone Rd
Barry
CF63 1NH
22th June 2015

Appendix C

Occupational Manager
Development and Building Control

Proposed Development 2015/00570/FUL

Thank you for your letter of the 6th June 2015 regarding the proposed development of land at Woodland Rd/ Gladstone Rd.

I am the person most affected by the proposed development as the land is immediately adjacent to my house., I have lived here for 31 years . I WISH TO OBJECT TO THE PROPOSED DEVELOPMENT for the following reasons.

I am very concerned about the site of part three, along Gladstone Rd, as it is adjacent to the traffic lights and a very dangerous crossing, it would only take one car to be out of control and crash through the barriers to cause immense damage to the properties and even loss of life to the occupiers. This is one of the busiest roads in Barry and carries a lot of heavy traffic, there have been several serious accidents at that junction.

I am worried about the intended depth of the excavations and the amount of sub soil removed , about 15 ft plus footings deep, and only 17ft from my house. Shortly after the play park had been created I had subsidence, my insurance company spent £40, 000 correcting it and didn't look to establish a cause.

If the excavations caused another subsidence, I would find it extremely difficult to get insurance.

I am particularly concerned that the sub-station is being relocated right next to my property with its continuous hum and health hazard when there is a much more suitable place alongside the top corner of the lane, which is furthest away from all properties.

The scheme does not provide sufficient car parking spaces , on the road car parking in this area is already a problem and these plans will worsen the position.

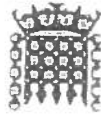
Needless to say, the whole development will considerably reduce the value of my home.,and should the scheme go ahead I would expect compensation as such.

When I first moved here I understand that the upper part of the land was gifted to The Barry Council on the condition it was used for recreational purposes, and to that end the proposed swimming pool by the purchasers met these conditions ,the current plan does not.

I recognise that there is a need for further development , but think that the proposed plan is too overdeveloped, I would have considered that part 1 and part 2 , Woodland Rd and Tynewydd Rd would be adequate, leaving extra parking space and gardens and even washing lines for the occupiers and well away from any dangers of the road junction.

Regards


Mrs Irene Thomas



2015/00570/FUL

Appendix D

Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

30 June 2015
Our ref: VoG/AB/S/G/Jun15

Dear Mark

I am writing on behalf of a number of constituents from Woodlands Road in Barry, who have raised concerns with me regarding the two building lots situated nearby on Tynewydd Hill and Belmont Street. The residents are of the understanding that the Vale of Glamorgan Council intend to build Housing Association accommodation on these two sites and further that part of the development will be used to house ex-offenders recently released from prison. They have also expressed concern that parking provision will further stretched and exacerbate an already congested area for residents parking.

I am further informed that future plans for this area have not been well circulated by the Council to residents who are also seeking re-assurance in relation to any type of ex offender who may take up residence, albeit temporarily.

I wonder therefore, in light of the concerns expressed to me, could I be provided with a brief outline of the Councils plans for this area and what re-assurance can be delivered to residents, some quite elderly, in relation to Public Protection concerns.

Thank you for your consideration in this matter and I look forward to hearing from you as soon as possible.

Kind regards,

Alun Cairns MP
Vale of Glamorgan

Please consider this letter to be private and not to be shared with any party without prior permission.

Appendix 'E'

45 WOODLANDS RD.
BARRY. CF63 4EG.

9/9/15

Mr. D. Butler,
Dock Office,
BARRY CF63 4RT.

Dear Mr. Butler,

Thank you for your letter of 7/9. We object most strongly to the proposals for 27 apartments on the corner of our road (Tynewydd-Woodlands Rd.) The volume of traffic in this busy area will be ridiculous if this scheme goes ahead - we already have terrible problems with non-stop vehicles also with parking and this will put tremendous strain on our already overpopulated area. The whole character of the area will be affected adversely - e.g. lovely large Georgian houses on one side and pretty smaller houses on the other - whatever happened to green spaces in urban places? we have nothing in this area to lift the spirit and this is a very important

part of life. I can only see deterioration happening if this goes ahead as my previous letter said (Dunlin Court as an example) these apartments won't fit into the character of the area in fact they'll detract from the lovely houses in which we all struggled to buy.

I hope these comments will be considered although we don't hold out that we will even get a reply to this letter (just courtesy I would think) as we didn't get one before.

Yours sincerely

Mr. Keith, Gary & Jill Morgan.



P.S. We also have three schools in this area, you can imagine the volume of traffic therefore!

Biglis Solar Farm Limited, C/o Agent.
Pegasus Planning Group Ltd., First Floor, South Wing, Equinox North Great Park
Road, Almondsbury, Bristol, BS32 4QL

Biglis Farm, Barry

Construction of a PV solar farm for the production of electricity comprising solar panels mounted on fixed frames with associated infrastructure and buildings (including gravel tracks, cabling, security monitoring system, transformers, inverters, substations, and ancillary equipment), security fencing and gates, landscaping and temporary construction access.

SITE AND CONTEXT

The application site, which has an area of around 13.3 ha, comprises agricultural land over four field parcels and an associated access track, including access to the most southerly parcel across the Barry to Cardiff railway track. The submitted details indicate that the land is currently used for a mix of arable and pastoral use.

The site is located to the north of the A4231 Barry Docks Link Road, and south of the existing Biglis Farmhouse, which is a Grade II listed building, and the associated outbuildings, which include a Grade II listed barn.

Vehicular access is via an existing track from the adopted Argae Lane to the north east of the St Richard Gwyn Roman Catholic High School. The track is also the line of two Public Rights of Way, Public Footpath Nos. 10 and 11 St Andrews Major.

The site is located in the countryside just outside of the residential settlement boundary for Barry as defined in the Unitary Development Plan. Part of the site, which is primarily the proposed access, also lies within a Flood Risk Zone. In addition a small section of the southern part of the site lies within the outer zone of the Health and Safety Executive's Hazardous Consultation Distance of Major Hazard sites and pipelines.



DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the development of a solar farm. The proposal entails the installation of an array of ground mounted photovoltaic panels to generate approximately 5MW of renewable electricity to be fed directly into the local electricity grid and the adjacent St Richard Gwyn High School. The proposed installation will comprise approximately 20,372 pv panels laid out in rows in an east-west alignment across the site. The panels will be mounted on a metal framework to a height of approximately 2.35m and a depth of approximately 3.7m.

A number of other structures will be erected on site including the provision of transformer and inverter station housings, with 6 No. structures shown on the submitted layout plan. The inverter station housing will measure approximately 4.5m x 1.5m x 3m, whilst the transformer station will measure approximately 5.13m x 2.35m x 2.72m. Other works will include the provision of CCTV cameras; 2m high deer fencing at the perimeter of the site; underground cabling; and gravel access track; and a temporary construction compound, which is shown positioned outside of the application site on the north-eastern corner of the northernmost field. There is also the proposal to provide additional planting to reinforce the existing hedgerows.

The submitted documents also provide details of the proposals for the construction period of the development, including a Traffic Management Plan. A swept path analysis plan demonstrates that a 15.4m articulated vehicle can enter and exit the site, with the proposal to temporarily remove/relocate the existing kerb and grass verge to facilitate access.

It is intended that the proposed solar panels will have a 25 year lifespan, after which they will be removed and the site will be returned to its existing agricultural use.

The application is also accompanied by a number of other documents, including a Planning Statement, Design and Access Statement (DAS), a Landscape Assessment, a Tree Survey, Arboricultural Impact Assessment and draft Tree protection Plan, a Heritage Desk-Based Assessment, an Ecological Survey, an Agricultural Assessment, a Flood Consequence Assessment, a Waste Audit Statement, and a Statement of Community Involvement.

PLANNING HISTORY

2004/01922/PNT - Land within part of southern section of current site - 15m telecommunications column - Prior Approval not required 14 January 2005.

2014/00069/SC1 - Environmental Impact Assessment (Screening) - Not Required 12 February 2014.

CONSULTATIONS

Dinas Powys Community Council – No objection.

Natural Resources Wales – “Due to the particular nature of the above application, we do not object to the proposed development but provide you with the following advice.

Flood Risk Management

The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the Nant Brynhill, which is a designated main river.

The FCA submitted in support of the application states:

- That there will be no change to ground levels from their current values.
- The Solar panels and substations are not located within any flood zones therefore the flood risk is minimal.
- The development will have minimal impact on surface water runoff therefore we have no adverse comments to make from this perspective.

Given the nature of the development and that no ground levels will be raised as part of it NRW would raise no objection from a flood risk perspective. The developer should be aware that some access roads are likely to be affected during an extreme flood event. Provided the developer is aware of this risk and is prepared to accept responsibility we have no adverse comments to make.

Ground Contamination

We note that the site is within Biglis Wells Source Protection Zone. Source Protection Zones are designated by Natural Resources Wales to identify catchment areas of drinking water sources, where risk associated with contamination is greatest. To minimise risk of pollution we advise that all works are undertaken in accordance with Pollution Prevention Guidance available here: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

European Protected Species

We have reviewed the submitted ecological report and note there are several ponds located within 500m of the survey area. Of these ponds, two were identified as having suitable habitats for great crested newts. We note from the presence / absence surveys that no great crested newts were identified in these ponds and the risk to great crested newts is low. The surveys also identifies that the hedgerows and trees on site have potential suitability as bat commuting routes. It is our understanding that all hedgerows and trees are to be retained. Therefore, we consider that there should not be a detriment to the maintenance of the favourable conservation status of species present. Please note that we have not considered possible effects on all species and habitats listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan, or other local natural heritage interests. To comply with your duty under Section 40 of the NERC Act, local planning authorities must have regard to purpose of conserving biodiversity and your decision should take account of possible adverse effects on such interests.”

Dwr Cymru/Welsh Water – Consulted on 17 June 2015. No comments received to date.

Glamorgan Gwent Archaeological Trust – Having identified a possible archaeological issue for this planning application they confirm that the proposed works will require archaeological mitigation. It is noted that the supporting information includes a report on the archaeological field evaluation, undertaken by Cotswold Archaeology, Report Reference: 14100, dated March 2015, and allows suitable detailed and targeted mitigation strategies to be made.

Previous excavation in the southern part of the site during 1978/9 recorded an Iron Age/ Romano-British settlement; further finds made nearby and possibly associated with this include a coin hoard of Roman date and pottery scatters. Further archaeological work in the vicinity has defined the extent of this settlement and also identified that it is unlikely that further significant remains are likely to exist within the current proposed development boundary. The report concludes that there would be no adverse visual impact; and that whilst there is potential for archaeological material to exist, any features or finds encountered would be of limited heritage significance. However, given the scattered nature of finds in the vicinity, further finds may be encountered during elements of the work such as cable trenching and soil stripping, and would require mitigation. It is therefore recommended that a condition requiring the applicant to appoint an archaeologist to conduct a watching brief is attached to any planning permission.

Cardiff Airport (Safeguarding) – The proposal has been examined from an aerodrome aspect and does not conflict with safeguarding criteria. Accordingly this department has no safeguarding objection to the proposal.

Network Rail – Initial comments - Holding objection submitted. The principal concern relates to the possibilities of driver distraction and effect on Railway signalling. The potential may exist for the reflected sun to distract the driver or possibly obscure signals at certain times of the day. A second issue is where the development could create reflections which could appear to light signals which are not switched on (known as phantom aspect illumination). The safety of the railway is paramount and any potential risk from adjacent development should be minimised as far as possible.

In order to assess the impact of the proposal on the operational development of the railway a glint and glare study is required which will assess the relationship between the solar panels and the signals.

Other matters that need to be taken into consideration is the distance between panels and the railway boundary; and construction traffic.

Further comments – Holding objection removed. However they have outlined their requirements for the safe operation of the railway, including, encroachment with the developer ensuring the development does not affect the safety, operation or integrity of the railway; buildings to be at least 2m from the boundary and tree roots to be considered; solar panels should not interfere with the line of sight of the driver and potential for glare/reflection in relation to signalling must be eliminated; drainage with all surface water directed away from Network Rail's land; excavations/earthworks with no interference with the integrity of the railway; plant/scaffolding and cranes; Network Rail access points must be maintained; and developer to contact Network Rail in advance of proposed works.

Telecommunications operator O2 – This application, whilst not a turbine, has the potential, depending on height and location of structures, to interfere. The information from the drawings indicates that the max. height of structures appear to be in the range 3-5m and the surrounding trees and planned environmental landscaping would pose more of an issue. That said the nearest site CSR 35025 (200m) is to the south of the area proposed. It does have comms fed by radio from CSR 4012 which is further south again. As such it should not cause any issues with respect to comms.

The Council's Legal Public Protection and Housing Services Directorate - Environmental Health – Pollution Section – “There is the potential for the development to negatively impact on nearby local residents during the construction phase and therefore we consider that the development can be adequately controlled by the attached conditions to prevent any nuisance occurring at the development affecting local residents. A portion of the site is also located within 150m of a former landfill site as such we have attached a condition to consider any ground contamination encountered during the development.”

The suggested conditions include, the requirement for a Construction Environmental Management Plan (CEMP); details of measures for wheel washing, road sweeping and dust suppression; restriction on hours/days of construction work or deliveries; and any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. A full copy of the comments and suggested conditions is available on file for Members inspection.

The Council's Highway Development team – Initial comments - "Further to reviewing the above proposals, I would comment as follows.

1. The submitted swept paths showing an articulated vehicle exiting the site are not acceptable as vehicles will encroach into both lanes of the adjacent carriageway, into oncoming traffic. As a result, the means of access is required to be improved to address this.
2. The access to the site is required to be widened for a distance of 20.0m from the adjacent highway, to allow two articulated vehicles to pass side by side when entering and exiting the site.
3. Two passing places/holding bays are required to be provided along the access road between the adjacent highway and Biglis Farmhouse, in order that delivery, construction and farm vehicles can pass side by side. The passing places/holding bays are required to be of sufficient size to accommodate an articulated delivery vehicle.
4. It is noted that there are two public rights of way (Route codes S1/10/3 and S1/11/1) that are located along the construction access into the site. Due to the width of the access and the nature of construction/delivery vehicles, there is a risk of pedestrian/vehicle conflicts. As a result, both public rights of way are required to be either temporarily diverted or suspended."

Further comments – "Further to receiving additional information submitted in relation to the above, an objection is not raised in relation to the highway and transportation aspects of the proposals, provided that the details below are made conditional to the planning consent.

1. Before and after commencement of any works, a condition survey shall be undertaken along Argae Lane adjacent to the site access. The applicant is required to contact Mr. Ken Evans of the Highways Maintenance Section prior to carrying out any works on the site to agree the method and extent of the condition survey. Thereafter, the condition surveys shall be submitted to the LPA and any works required along the highway as a result of the development, shall be undertaken at the applicant's expense upon completion of works within the site. Reason: To ensure that any damage to the highway network sustained as a result of the development is identified and repaired, in the interests of highway safety.
2. Before commencement of works, details of wheel washing facilities that shall be provided adjacent to the site access shall be submitted and agreed in writing by the LPA. Thereafter, the wheel washing facilities shall be provided for the duration of the construction works at the site. Reason: In the interests of highway safety.
3. Before commencement of any works, the proposed means of access shall be constructed from a bound material for a minimum distance of 6.0m from the boundary of the adjacent carriageway and thereafter, from compacted crushed stone for a distance of 15.0m. Reason: To prevent spoil and other loose material being deposited on the adjacent highway, in the interests of highway safety.

4. Before commencement of any works, the existing vehicle crossover shall be extended as shown on drawing No. SP01, dated 11/08/15 and constructed in accordance with the Council's standard details for adoption. The applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense. Reason: To ensure an adequate means of access to the site and constructed in accordance with the Council's standard details for adoption.
5. Any gates at the access to the site shall be located at a minimum distance of 20.0m from the adjacent highway along the site access road during the construction period. Thereafter, gates shall be located at a minimum distance of 6.0m from the adjacent highway. Reason: To allow vehicles to wait off the highway while gates are opened/closed, In the interest of highway safety.
6. No deliveries will be made to the site between the hours of 0800 – 0930 and 1430 – 1600. Reason: To avoid the peak periods associated with adjacent schools, in the interests of highway safety.”

The Council's Public Rights of Way Section – “Public Rights of Way Nos.10 and 11 St Andrews Major cross the proposed development.

The Public Rights of Way must be kept open and free for use by the public at all times. No adverse effect should result to the Public Rights of Way, the applicant should ensure that materials are not stored on the Public Rights of Way and that any damage to the surface as a result of the development is made good at their own expense.

Should the public rights of way require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions. A legal diversion or stopping-up order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place. No barriers, structures or any other obstructions should be placed across the legal alignment of the path.

The applicant should contact the Public Rights of Way Section to discuss the possibility of increased traffic along the access track to the development as public footpath No.10 follows the alignment of the track.”

The Council's Ecology Section - The submission of the ecological report with the application, *Ecological Survey, Biglis Farm, Barry, Vale of Glamorgan, June 2015 by Clarkson and Woods*, is welcomed. There is agreement with the findings of the report and it is recommended that one planning condition be attached to any consent to secure conservation and enhancement measures for biodiversity. The suggested condition requires the submission of an Ecological Management Plan (EMP), which should include, details of timing/phasing of the works to minimise impacts; biodiversity protection zones and measures to protect retained important habitats; and details of measures to achieve biodiversity enhancement in addition to details of future management of the site to maximise biodiversity.

The Council's Landscape Section – Indicate that they are satisfied with the methodology and conclusions of the LVIA with the exception of point 6.5. Viewpoints 2 and 5 have been correctly identified as representing the areas of greatest visual impact. However it is not agreed that the proposed landscape mitigation would effect as great a reduction in impact as is being suggested. It is recommended that new hedge planting and management of existing hedges should be supplemented with more tree planting, which would have a greater effect in breaking up the views of the development from these areas.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 17 June and 4 July 2015. In addition the application was advertised in the press on 11 and 25 June 2015 and on site on 3 July 2015.

The occupier of 'Welsh Supreme Lofts', Gilbert Lane has submitted an objection to the proposal. This relates to the development being much too large and will have a negative visual impact which is entirely disproportionate to the relatively small amount of electricity it will generate. The damage to the landscape and the views cannot be justified. This will change the whole character of the East side of the docks link road.

The owner/occupiers of Biglis Farm have submitted a letter in support of the proposal. This is reproduced at Appendix A.

In addition letters of support have been submitted by the Chair of Governors and the Head teacher of St Richard Gwyn High School. These are reproduced at Appendix B.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT.

POLICY 14 - COMMUNITY AND UTILITY FACILITIES.

Policy:

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE.
ENV2	- AGRICULTURAL LAND.
ENV7	- WATER RESOURCES.
ENV10	- CONSERVATION OF THE COUNTRYSIDE.
ENV11	- PROTECTION OF LANDSCAPE FEATURES.
ENV16	- PROTECTED SPECIES.
ENV17	- PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION.
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS.
ENV26	- CONTAMINATED LAND AND UNSTABLE LAND.
ENV27	- DESIGN OF NEW DEVELOPMENTS.
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY.
EMP7	- FARM DIVERSIFICATION.
TRAN10	- PARKING.
REC12	- PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.
COMM8	- OTHER RENEWABLE ENERGY SCHEMES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, Chapter 2 of Planning Policy Wales Edition 7, 2014 (PPW) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).’

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales Edition 7, July 2014 (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability, including paragraph 4.5; Chapter 5-Conserving and Improving Natural Heritage and the Coast, including paragraphs 5.1, 5.2, 5.2.9 and 5.3; Chapter 6-Conserving the Historic Environment, including 6.1.1, 6.1.2, 6.5.4, and 6.5.9; and Chapter 12-Infrastructure and Services, including paragraphs 12.8 and 12.10.

Technical Advice Notes:

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

- TAN5 - Nature Conservation and Planning.
- TAN6 - Planning for Sustainable Rural Communities, including paragraphs 3.7.1 and 3.7.2.
- TAN8 - Renewable Energy, including paragraphs 1.6 and 3.15
- TAN12 – Design
- TAN15 - Development and Flood Risk.
- TAN19 – Telecommunications, including paragraphs 89-91-potential for interference.

Supplementary Planning Guidance:

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

- Design in the Landscape SPG, including DG1-Sustainable development.
- Sustainable Development SPG.
- Biodiversity and Development SPG.
- Trees and Development SPG.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales Edition 7 July, 2014 (PPW) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Renewable Energy Study (2013 Update).
- Renewable Energy Assessment (2013).

Other relevant evidence or policy guidance:

“A Low Carbon Revolution – The Welsh Assembly Government Energy Policy Statement – March 2010”.

“Energy Wales: A Low Carbon Transition - March 2012”, which sets out what the Welsh Government intend to do to drive the change to a sustainable, low carbon economy for Wales. It also emphasises that Wales has significant assets in virtually every energy source, including one of the best solar resources in the UK.

Welsh Government Practice Guidance: “Planning Implications of Renewable and Low Carbon Energy - February 2011”.

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future (2013).

UK Solar PV Strategy Part 2: Delivering a Brighter Future (2014).

Welsh Office Circular 61/96-Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended By Circular 1/98-Planning and Historic Environment: Directions).

Welsh Office Circular 60/96-Planning and the Historic Environment: Archaeology.

Conservation of Habitats and Species Regulations 2010 (as amended).

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues relate to the justification for the development and effect on agricultural operations; the visual impact on the surrounding countryside; the historical impact including any effect on the setting of the nearby listed buildings; the likely effect on highway and pedestrian safety; the impact on ecology/biodiversity; any effect on residential amenity; and flood risk and other issues of public health and safety.

Justification

As already noted the site lies within the open countryside where Policy ENV1 of the Council's UDP seeks to restrict inappropriate development. The policy outlines certain development that is considered appropriate, including development essential for utilities and infrastructure, and development that is approved under other policies of the plan. In this respect it is noted that COMM8 permits renewable energy schemes, whilst EMP7 supports farm diversification, both subject to certain criteria. This is in line with national guidance including Planning Policy Wales (PPW), TAN6-Planning for Sustainable Rural Communities and TAN8-Renewable Energy. Paragraph 12.8.9 of PPW notes that local planning authorities should facilitate the development of all forms of renewable and low carbon energy to move towards a low carbon economy which should help to tackle the causes of climate change. However this is not without qualification, as paragraph 12.8.6 states:

“The Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales, whilst avoiding, and where possible minimising environmental, social and economic impacts. This will be achieved through action on energy efficiency and strengthening renewable energy production. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

In addition Policy ENV2 of the Council's UDP seeks to protect the best and most versatile agricultural land (Grades 1, 2 and 3A) from irreversible development, save where overriding need can be demonstrated. The Council's records indicate that the land is classified as Grade 3, but it is not clear whether this is the higher 3A or 3B. The application is supported by an Agricultural Assessment that has examined the agricultural land quality and the occupying agricultural business. This concludes that notwithstanding the grade, the land will not be irreversibly developed and, therefore will not be lost to future generations, and will remain capable of continued agricultural use, in particular sheep grazing. The proposed solar park will provide the occupying farm business with a stable income for the duration of the tenancy and will not unacceptably affect the interests of agriculture across the holding.

The additional income that will be generated as a result of the solar development will assist in the maintenance and development of viable agricultural enterprises operated by the business. In addition the proposals will not affect the ability of adjoining land to continue to be used for agricultural production. It will also be noted at Appendix A that the owners and residents of Biglis Farmhouse have indicated their support for the application, agreeing that the development should not prejudice the running of the smallholder business, Willowbank Produce. Indeed they go further and suggest that the development could serve to secure the area around Biglis Farm and the nearby St Richard Gwyn School.

The supporting Planning Statement outlines the threefold benefits of the development. These include not only the contribution to renewable energy at a local level, but also its contribution to the viability of the existing Biglis Farm through diversification, and the economic sustainability of the St Richard Gwyn School with the reduction in energy costs. It is considered that the relationship with the school is a valid material consideration in the acceptability of the application. The scheme is supported by both the head teacher and the governors of the school not only highlighting the financial benefits from a direct supply of renewable energy, but also the educational opportunities. As the head teacher notes in his supporting letter:-

“Conergy have been extremely keen to stress how the solar farm will offer opportunities as an educational tool to develop our students’ understanding of renewable technologies, climate change and global issues. I firmly believe that the development of the solar farm will be a real life opportunity for our students to witness a global issue in a local, educational context.”

Thus it is considered that the principle of the proposal is acceptable as it represents an appropriate and sustainable form of development that is supported by both national and local policy. However, the acceptability of the detail of the development must be assessed, as illustrated by Policy COMM8 of the Council’s UDP, which outlines a number of criteria including criterion (i) which requires that the proposal has no unacceptable effect on the immediate and surrounding countryside, and criterion (ii) which relates to the effect upon sites of conservation, archaeological, historical, ecological and wildlife importance. The visual and historical impact is considered to be of particular relevance bearing in mind the prominence of the site close to the school and crossed by public footpaths, plus the location of the nearby listed Biglis Farmhouse and barn. Such impact, along with the other likely effects of the proposal, is assessed in more detail as follows.

Visual impact

The one neighbour objection that has been received to date relates to the visual impact of the development. The objector, who is a resident to the north west of the site, has objected to the negative visual impact that will damage the landscape and the views, and change the whole character of the East side of the docks link road.

As already noted the site lies in the countryside immediately to the south of St. Richard Gwyn School, and is crossed by Public Footpaths Nos. 10 and 11 St. Andrews Major. As such the application site will be visible to public view. In assessing the need for an Environmental Statement under the earlier screening request for the site, reference 2014/00069/SC1, it was acknowledged that the proposal would have some visual impact. Although it was determined that an EIA was not required for the development it was highlighted that the impact of the development on the landscape, and views from nearby properties and vantage points, would need careful consideration at application stage. The application is supported by several documents relating to the landscape and visual impact of the development, including the Landscape Assessment report, and the Tree Survey, Arboricultural Impact Assessment and Draft Tree Protection report, both prepared by Pegasus Planning Group.

The majority of the proposed works will entail the installation of rows of solar panels over a significant area of the four field parcels identified. Other visible works will include the provision of the relatively small scale substation housings, pole mounted CCTV cameras, tracks and fencing around the perimeter of the site. The submitted landscape information examines the context of the site, and has utilised the information available in the LANDMAP data prepared by the former CCW. In summary the landscape appraisal concludes that the actual Zone of Visibility associated with the development would be considerably smaller than the Zone of Theoretical Visibility. Although some viewpoints will be significantly affected, i.e. close proximity to the north, the majority will experience minor or negligible effect, with the impact reduced over time by hedgerow infill. Paragraph 6.12 of the Landscape Assessment states:-

“Although the proposal would introduce a new landscape feature into the site the low, uniform height of the arrays would retain the openness of the site within its wider landscape context. The proposed solar panels would be dark in colour, low lying and follow the existing topography, and as a consequence would not be a dominant feature in the landscape. The proposal would be in scale with the existing fields and agricultural infrastructure. As a consequence it is considered that the proposed Saint Richard Gwyn High School solar farm could be successfully integrated into the landscape character, landscape features and visual amenity of the site and surrounding area.”

The Council's Landscape Section has reviewed the submitted information and concur with the majority of the reports with the exception of paragraph 6.5 of the conclusions relating to photoviews 2 and 5. Although they have been correctly identified as representing the areas of greatest visual impact, it is not agreed that the proposed landscape mitigation would effect as great a reduction in impact as is being suggested. As such they recommend that the proposed new hedge planting and the management of existing hedgerow should be supplemented with more tree planting, which would have a greater effect in breaking up the views of the development from these areas. This could be pursued by the imposition of a condition on any planning permission.

Indeed it is noted that the submitted Tree Protection Plan is a draft, with the recommendation for this to be finalised following an approval. The site has a number of existing landscape features, in particular the hedgerow boundaries to the field parcels. Policies ENV10 and 11 of the UDP seek the conservation of the countryside and protection of landscape features, and follow national guidance contained in PPW. Paragraph 5.2.9 of PPW states:

“Trees, woodlands and hedgerows are of great importance, both as wildlife habitats and in terms of their contribution to landscape character and beauty. They also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. Local planning authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.”

The Tree survey finds that the majority of the existing features are of low quality. However the report indicates that the proposal does not require the removal of existing features, and instead seeks to retain them, nevertheless, some minor clearance may be required. Despite this it is considered that it is essential to maintain and enhance the existing hedgerows bearing in mind their contribution to the landscape character of the area and to ecology and biodiversity which is covered in more detail below. It is also considered that details of tree protection should also take account of the land preparation works, including the excavations for the proposed cabling.

It is recognised that the site is not within any statutory or non-statutory landscape designations and although the development will introduce a feature that has not previously been part of the rural context, the existing and rurally characteristic hedgerow and field pattern would remain evident. It is acknowledged that the undeveloped rural character would be affected, with the site being visible from a number of vantage points, including wider views of the small southern section on the opposite side of the railway line when travelling along Cardiff Road. However, this impact is still considered to be relatively limited, particularly given that the panels and the supporting infrastructure are generally low lying in form and would sit comfortably within the context of existing landscape features. Indeed, although relating to a different site context, the comments made by an appeal Inspector in a recent appeal decision against the refusal of a solar farm at Treguff, reference 2013/00912/FUL, have some relevance. The Inspector in allowing the appeal noted:

“(Solar panels)... can be compared to an installation of glasshouses or polytunnels which may well be regarded as acceptable in some agricultural settings without unduly disrupting the character of the landscape. Overall the effect of the proposal on the character of the landscape and its quality would be acceptable.”

It is acknowledged that the wider street scene of rurality along part of the PROW network near to the site would be subject to change, however, this comprises a relatively modest length of footpath and the attractiveness of this PROW network (as a whole) would not be significantly undermined.

Thus whilst it is acknowledged that the development will have a material impact on the character of the site, given the relatively local nature of the change it is concluded that any harm arising from the development in landscape terms will not unacceptably undermine the character of the wider area or be so severe that it outweighs the benefits in terms of renewable energy production. It should also be noted that the development is proposed for a period of 25 years, therefore the impact identified above will not be permanent. In this respect, it is considered that it would comply with the aims of Policies ENV10, ENV27, EMP7 and COMM8 of the UDP, and the national guidance within TAN6, TAN8, and PPW. In reaching this conclusion, it is emphasised that the solar farm would make a contribution to meeting targets for renewable energy, with the resultant contribution to the reduction of greenhouse gases in accordance with the government's aims relating to climate change, and energy security benefits. These are all important considerations that appeal Inspectors have recently emphasised should be given considerable weight in the overall planning balance. In this respect, they emphasise that the landscape and visual impact is only one part of the assessment, and must be considered alongside the wider environmental, economic and social benefits that arise from renewable projects.

Historical impact

In contrast it is acknowledged that the likely impact of the development on the setting of the nearby listed buildings is more than a material consideration to be weighed in the general balance. Recent case law indicates that the likely impact of the development on the listed buildings and their settings requires special consideration, and carries substantial weight in the determination of the application. Relevant policies include ENV17 of the UDP which seeks to protect the built and historic environment, and is supported by national guidance including PPW which states at paragraph 6.5.9:-

“Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.”

Biglis Farmhouse and the Barn at Biglis Farm are both Grade II listed buildings. It is recognised that the rural nature of the surrounding landscape is important to the setting of these historical agricultural buildings. The proposal will sit within this landscape setting with the closest panels being in field C approximately 25m to the south of the Barn. It will be noted from the details submitted with the screening request, 2014/00069/SC1, and the comments from the owner/occupiers of Biglis Farm, that the initial scheme has been reduced in scale, with the field immediately adjacent to the farmhouse being omitted from the current application. This means that only one limited area relating to the context of the buildings is directly affected by the proposed development.

When considering the specific impact it is noted that the points outlined in the landscape section above are of relevance here. In particular, the acceptance that the nature of the proposed solar panels can be compared to an installation of glasshouses or polytunnels, which are not unusual features in the rural landscape, has a bearing on the consideration of the likely impact on the listed buildings. In addition the solar arrays are low lying features that will not affect the existing hedgerow and field pattern, nor the openness of the wider area. Furthermore the development is temporary and reversible with an intended lifespan of 25 years.

In view of this it is considered that, with the presumption in favour of preservation, the impact on the setting of the listed buildings is acceptable. It is also recognised that the farm diversification element of the development, and subsequent economic benefits, could serve to enhance the long term viability of the listed buildings. Paragraph 3.15 of TAN8 states:-

“Other than in circumstances where visual impact is critically damaging to a listed building, ancient monument or a conservation area vista, proposals for appropriately designed solar thermal and PV systems should be supported.”

On the issue of the wider historical context of the site, including archaeology, the application is supported by a Heritage Desk-Based Assessment. This concludes that there is limited potential for significant archaeological remains within the site and that the nature of the development is such that there would be no overall physical harm on such features. However, the Council’s archaeological advisors Glamorgan Gwent Archaeological Trust have been consulted on the proposal and have confirmed that the proposed works will require archaeological mitigation. They acknowledge that the archaeological field evaluation undertaken by Cotswold Archaeology allows suitable detailed and targeted mitigation strategies to be made, but given the scattered nature of finds in the vicinity, further finds may be encountered during elements of the work such as cable trenching and soil stripping. As such they conclude that mitigation is required and have recommended the attachment of an archaeological watching brief condition to any planning permission, in line with national guidance, including the advice in WO Circular 60/96.

Highways

In respect of highway issues it is recognised that the proposal will have some impact on vehicular users and the adopted road network, as well as pedestrians, particularly in respect of the Public Rights of Way that cross the site.

The submitted details indicate that access to the site will be via the existing agricultural access to the fields which connect to Argae Lane and subsequently onto the A4321 to the west. Consideration of the traffic and access issues are outlined in the accompanying Construction Traffic Management Plan (CTMP) which specifies some alterations to the existing access and defines the construction traffic route. In summary the CTMP indicates that a maximum of around two large vehicles per day, plus construction workers, would access the site during the construction phase, over a two to three month period. For the operational phase it is anticipated that there is likely to be one visit a month to the site for maintenance and monitoring.

The highway engineer has raised no objection in respect of traffic generation and it is considered that in the context of existing traffic flows, the development would be acceptable and would not adversely impact upon congestion.

The Council's Highway Development team initially outlined a number of requirements relating to access by articulated vehicles, with improvements to both the entrance, and passing bays along the access road to Biglis Farmhouse. Following the receipt of additional information, the Highway team have confirmed that there is no objection, subject to certain conditions. The requested conditions relating to the extension of the vehicular crossover; access gates; surfacing; wheel washing; and delivery times, are considered appropriate and reasonable in planning terms. However, the requirement for a condition survey to be undertaken along Argae Lane is not considered acceptable. It is noted the CTMP makes reference to such a survey, and therefore the applicants are clearly aware of their obligations in this respect, and the Highway Authority have powers to enforce this if necessary.

On the issue of the effect on the Public Rights of Way at the site, the Highway team initially indicated that due to the width of the access and the nature of construction/delivery vehicles, there is a risk of pedestrian/vehicle conflicts. As such they requested that both public footpaths should be either temporarily diverted or suspended. However, the Council's Public Rights of Way team have commented on the application and have not indicated that such action is necessary. Their preference is to keep the Public Rights of Way open and free for use as much as possible, and have requested that the applicant contact them directly to consider the increased use of the track. In subsequent discussions with the Council's PROW section it is noted that they have indicated that footpath No. 11 will not be affected by the development. As for footpath No. 10, they confirm there will be no permanent obstructions and probably no requirement for temporary obstructions, although warning signs will be put in place. Thus it is considered that there will be no long term, permanent adverse impact on the public rights of way in the area. Temporary measures may be required and it is considered sufficient to attach an informative to any consent advising the developer of his obligations in relation to the public rights of way, including the requirements under the Road Traffic Regulation Act 1984, and to maintain contact with the Council's PROW team.

Thus the development is considered to be acceptable in terms of highway and pedestrian safety, in accordance with Policies COMM8, ENV27 and REC12 of the UDP.

Ecology/biodiversity

On the issue of ecology and biodiversity, relevant local policies include Strategic Policy 1, Policies ENV10, ENV11, and ENV16 of the UDP, plus the SPG on Biodiversity and Development. These follow national guidance including PPW and TAN5-Nature Conservation and Planning. PPW notes that biodiversity must be taken into account in determining individual applications, with the effect of a development on the wildlife of an area being a material consideration. Paragraph 5.5.2 of PPW states:

“When considering any development proposal (including on land allocated for development in a development plan) local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment. Where other material considerations outweigh the potential adverse environmental effects, authorities should seek to minimise those effects and should, where possible, retain and, where practicable, enhance features of conservation importance.”

The application is accompanied by an Ecological Survey undertaken by Clarkson & Woods Consultants, dated June 2015. This outlines the potential impacts of the development and makes recommendations for mitigation. In summary this concludes that the development is unlikely to have any adverse effects on designated sites. However, it recommends that a Landscape and Ecological Management Plan (LEMP) is drawn up to cover the protection of retained habitats and wildlife during the construction phase, and proposals for management once operational to ensure the biodiversity value of the site is maximised. In addition it is recommended that an appropriately qualified and licensed ecologist should be available ‘on-call’ throughout the construction phase.

The Council’s Ecology section has welcomed the report and concurs with the findings. A planning condition is recommended to secure conservation and enhancement measures for biodiversity, which would require the submission of an Ecological Management Plan (EMP). This should include, although not exclusively, details of timing/phasing of the works to minimise impacts; biodiversity protection zones and measures to protect retained important habitats; and details of measures to achieve biodiversity enhancement in addition to details of future management of the site to maximise biodiversity. NRW have also reviewed the submitted ecological report and commented in relation to European protected species. They note that the survey of several ponds located within 500m found no great crested newts, and that the risk to this species is low. The survey also identifies that the hedgerow and trees have potential for suitable bat commuting routes, however, these are to be retained. As such they confirm that there should be no detriment to the maintenance of the favourable conservation status of species present.

Thus it is considered that the proposal should comply with local, national and international policy and guidance in relation to ecology and biodiversity.

Residential and general amenity

Another issue relates to the likely impact on the amenity of the neighbouring properties. To date an objection has been received from the occupier of a dwelling located approximately 900m to the north west. The grounds of objection relate to the visual impact of the development, which has already been assessed above. The greater majority of the residential neighbours are located to the south west of the site.

These properties are separated from the site by the Docks link road, and, due to the topography of the area, it is considered that there should be no significant adverse impact from the operation of the solar farm on those or any nearer neighbours, including the existing farmhouse. This includes any issues of noise or general disturbance, or relating to glint and glare. Similarly, in relation to the non-residential neighbours, such as the school and the golf course, the operation of the solar farm should not have any significant adverse effect. Indeed, as already noted, the application is supported by the school for its financial and education benefits.

It is most likely that the greater impact of the proposal, particularly in respect of any noise or general disturbance, will arise during the construction phase. Indeed this is recognised by the Council's Environmental Health section, and they have suggested a number of conditions to prevent any nuisance, which are similar to those suggested by the Council's Highway section. As already noted it is anticipated that the construction phase will last for a period of around two to three months, and the application is accompanied by proposals to minimise any harm through the Construction Traffic Management Plan. It is not considered that such temporary disturbance would warrant the refusal of the application.

Flood risk

As already noted, part of the site lies within a C2 Flood Risk Zone as defined by the Development Advice Map (DAM) referred to under TAN15-Development and Flood Risk. NRW have been consulted on the proposal and have advised that, due to the particular nature of the proposal, they do not object to the proposal. However, they have submitted advice in relation to flood risk, ground contamination and European protected species. On the flood risk they advise that the developer is made aware of the risks and accept responsibility.

Other issues

NRW have also offered advice in relation to possible ground contamination. They note that the site is within Biglis Wells Source Protection Zone which is designated to identify catchment areas of drinking water sources where risk associated with contamination is greatest. They have not objected to the scheme, noting that the development will have minimal impact on surface water runoff, but have advised that all works are undertaken in accordance with their Pollution Prevention Guidance.

The Council's Environmental Health section have also commented on the potential for ground contamination, noting that a portion of the site is located within 150m of a former landfill site. As such they have requested a condition requiring any finds of previously unidentified contamination be reported in writing to the Local Planning Authority, and an investigation and risk assessment may need to be undertaken. On this point an informative can be attached to any consent notifying the developer of their obligations with regard to possible contaminates.

In addition the possible impact of the development in respect of the safeguarding of the operation of the railways and airports within the Vale. On this point it is noted that WG Practice Guidance acknowledges that glint and glare does have the potential to cause viewer distraction. Both Cardiff Airport and Network Rail have been consulted on the proposal. Cardiff Airport Safeguarding have examined the proposal from an aerodrome aspect and have advised that it does not conflict with safeguarding criteria, and therefore have no safeguarding objection to the proposal. However, Network Rail initially raised a holding objection to the development on the grounds of possible driver distraction and the effect on Railway signalling due to issues relating to glint and glare. In order to assess the impact of the development on the operation of the railway they requested that a glint and glare study be undertaken to assess the relationship between the solar panels and their signals. Following discussions between Network Rail and the applicants, the holding objection has been removed. However they have outlined their requirements for the safe operation of the railway which are matters that can be covered by their own legislation. An informative can be attached to advise the developer to contact Network Rail in advance of proposed works.

Finally, it is noted that there is an existing telecommunications mast in the area and the operator O² have been consulted. They note that the proposal has the potential to interfere with their apparatus. However from the information provided they have concluded that it should not cause any issues with respect to their telecommunication operations.

Thus it is considered that the proposal represents an acceptable form of sustainable development that offers considerable social and economic benefits by contributing towards renewable energy targets. The proposal should have no significant harmful impact on the character and appearance of the surrounding countryside, ecological or historical interests, highway safety or the local amenities of the area.

In view of the above the following recommendation is made.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regards to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV26-Contaminated Land and Unstable Land, ENV27-Design of New Developments, ENV29-Protection of Environmental Quality, EMP7-Farm Diversification, TRAN10-Parking, REC12-Public Rights of Way and Recreational Routes, COMM8-Other Renewable Energy Schemes, and Strategic Policies 1 & 2-The Environment and 14-Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance, including Design in the Landscape, Sustainable Development, Biodiversity and Development, and Trees and Development; and national guidance contained in Planning Policy Wales, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN8-Renewable Energy and TAN12-Design, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which far outweigh any limited adverse visual impact the proposal will have on the character and appearance of the surrounding countryside, and the setting of the nearby listed buildings. The proposal should also not result in any significant harmful impact to highway and pedestrian safety, or the general amenities of the area. In addition the proposal should not cause any detriment to ecological or archaeological interests in the area, nor result in any unacceptable risks to public health and safety.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. This consent shall relate to the following plans and documents:-

- Site Location Plan, Drg. No. BRS.5046_01E, received 28 May 2015;
- Site Layout, Drg. No. D04_1784_02_Rev8, received 9 June 2015;
- Elevational plans, including Drg. Nos D04-1784-04, 05 and 07, and Drg. No. PRG_C412_A, all received 20 May 2015;
- Planning Statement, received 28 May 2015;
- Design and Access Statement, received 28 May 2015;
- Swept Path Analysis and Site Access Arrangement, Drg. No. SP01, received 21 August 2015;
- Construction Traffic Management Plan, received 20 May 2015;
- Planting Plan, Drg. No. BRS.5046_13-D, received 20 May 2015;
- Landscape Features Plan, Drg. No. BRS.5046_11-A, received 20 May 2015;

- Landscape Assessment dated May 2015 and associated plans, including photomontages, landmap plan, landscape designations plan and zone of theoretical visibility, Drg. No.s BRS.5046_05-A and 06-A, received 20 May 2015;
- Tree Survey, Arboricultural Impact Assessment and Draft Tree Protection Plan, received 20 May 2015;
- Heritage Desk-Based Assessment, received 15 June 2015;
- Ecological Survey dated June 2015, amended plans received 8 July 2015;
- Agricultural Assessment, dated April 2014, received 20 May 2015;
- Flood Consequence Assessment, dated 27 April 2015, received 20 May 2015;
- Waste Audit Statement, received 20 May 2015;
- Statement of Community Engagement, received 20 May 2015;

and the development shall be carried out strictly in accordance with these details.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The proposed improvements to the access onto Argae Lane, shown on Drg. No. SP01 received 21 August 2015, and which shall provide for the upgrade of the existing crossover; surfacing in a bound material for a distance of 6m from the adopted highway; and any gates to be set back a minimum distance of 6m from the adopted highway (20m during construction), shall be implemented before the commencement of any works for the laying out of the solar farm.

Reason:

In the interests of highway safety in accordance with Policies COMM8 - Other Renewable Energy Schemes and ENV27 of the Unitary Development Plan.

4. Further details relating to the Construction Traffic Management Plan, which shall provide for wheel washing facilities and details of delivery times (with no deliveries made to the site between the hours of 0800 – 0930 and 1430 – 1600), shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in full accordance with the amended Construction Traffic Management Plan.

Reason:

In the interests of highway safety and having regard to the proximity to St. Richard Gwyn Secondary School in accordance with Policies COMM8 and ENV27 of the Unitary Development Plan.

5. No Development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and the development shall be implemented thereafter in accordance with the approved Plan.

Reason:

In the interests of general amenity and public health and safety in accordance with Policies COMM8, ENV27 and ENV29 of the Unitary Development Plan.

6. The development hereby permitted shall be implemented in accordance with the recommendations outlined in the submitted Ecological Survey prepared by Clarkson & Woods, dated June 2015, amended plan received 8 July 2015, in particular the maintenance of a minimum gap between the edge of the hedgerow and the nearest solar panel, and that an appropriately qualified and licensed ecologist is available via an 'on-call' system during the construction phase.

Reason:

In the interests of the ecology/biodiversity of the area in accordance with Policies ENV10, ENV11 and COMM8 of the Unitary Development Plan, and TAN5.

7. Before the commencement of development, including any site clearance, a comprehensive Ecological Management Plan (EMP), which shall include, but not be exclusively limited to: details of timing/phasing of the works to minimise impacts; biodiversity protection zones and measures to protect retained important habitats; and details of measures to achieve biodiversity enhancement in addition to details of future management of the site to maximise biodiversity, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed plan.

Reason:

In the interests of the ecology/biodiversity of the area in accordance with Policies ENV10, ENV11 and COMM8 of the Unitary Development Plan, and TAN5.

8. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist and no work shall commence on site until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

9. Notwithstanding the submitted landscape information, further details of a proposed landscaping scheme, which shall provide details of tree/hedgerow protection during construction, and additional tree planting, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and the setting of the listed buildings in accordance with Policies ENV10, ENV11, ENV17 and COMM8 of the Unitary Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, or first operational use of the solar facility, whichever is the sooner, with all new hedgerows and other planting provided as part of the approved landscaping scheme, together with the existing hedgerows and trees, to be managed and maintained for the duration of the life of the solar park in accordance with the approved details, including the Ecological Management Plan referred to at Condition No. 5.

Reason:

To ensure the maintenance of the existing and proposed planting on the site in the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV10, ENV11, ENV17 and COMM8 of the Unitary Development Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fencing or means of enclosure other than those hereby approved, shall be erected within and along the boundaries of the site unless details of such means of enclosure have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV10, ENV11, ENV17 and COMM8 of the Unitary Development Plan.

12. Within six months of the cessation of electricity generation by the solar photovoltaic facility, or within six months following a permanent cessation of construction works prior to the solar photovoltaic facility coming into operational use, whichever is the sooner, the solar photovoltaic panels, frames, foundations, and all associated structures, infrastructure and fencing hereby approved shall be dismantled and removed from the site and the land restored in accordance with a written scheme, which shall have been submitted to and agreed in writing by the Local Planning Authority. The developer shall notify the Local Planning Authority in writing no later than five working days following cessation of power production or construction works prior to first operational use, that use has ceased or will not commence, whichever is the sooner.

Reason:

In the interests of the character and appearance of the area; the ecology/biodiversity of the area; and historical interests in accordance with Policies ENV10, ENV11, ENV17 and COMM8 of the Unitary Development Plan.

NOTE:

1. **You will note that a condition has been attached to this consent and refers to an archaeologist being afforded the opportunity to carry out a watching brief during the course of developments. It would be advisable to contact the Glamorgan-Gwent Archaeological Trust, at Heathfield House, Heathfield, Swansea, SA1 6EL. Tel: (01792 655208) at least two weeks before commencing work on site in order to comply with the above condition.**

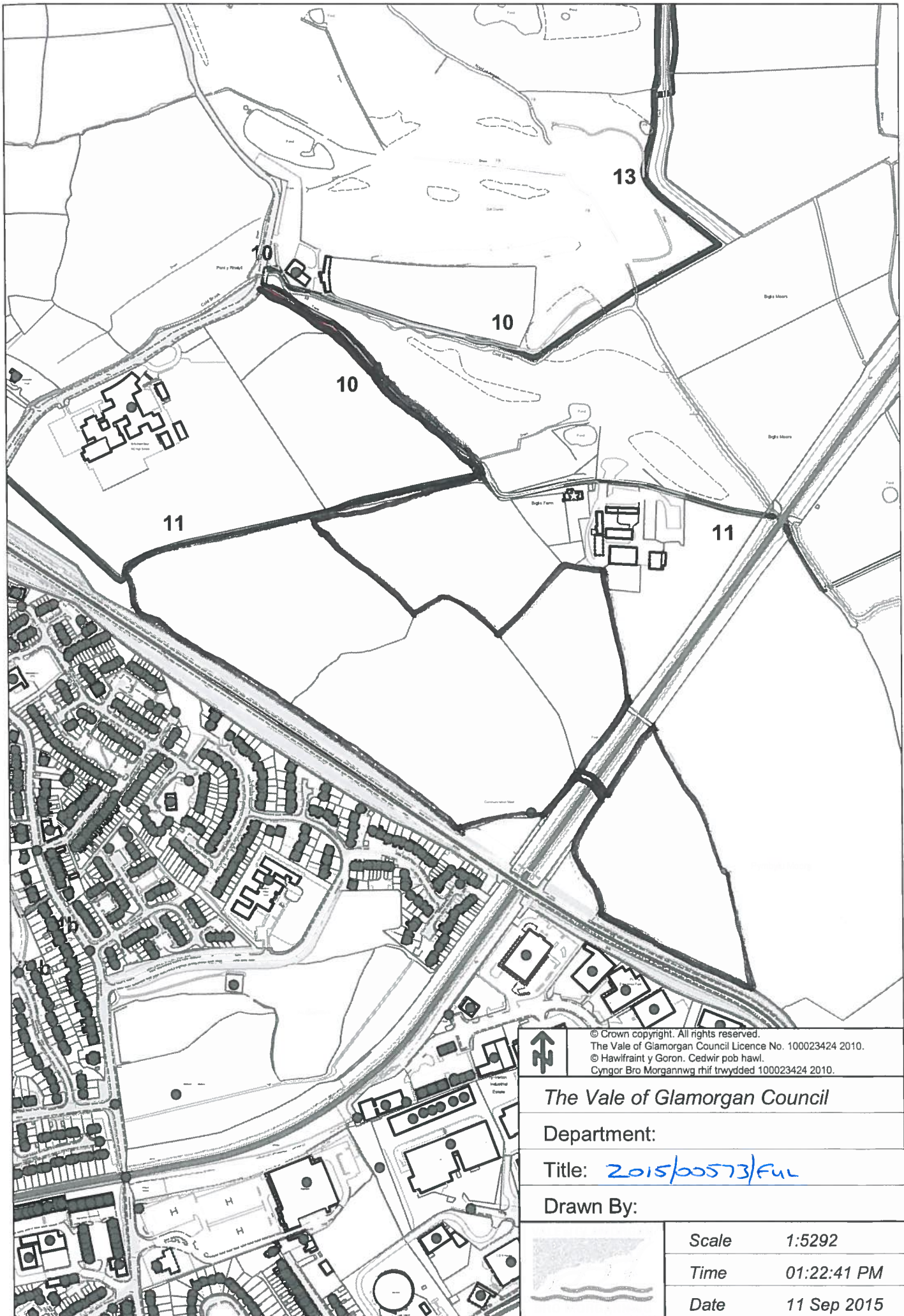
- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 3. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 4. In the event that contamination is found at any time when carrying out the approved development, that has not been previously identified, it must be reported in writing immediately to the Council's Environmental Health Department and Natural Resources Wales. An investigation and risk assessment may need to be undertaken in accordance with the requirements of current guidance. Further details of the advice pertaining to contaminated land matters and pollution prevention can be found on Natural Resources Wales website www.gov.uk/government/collections/pollution-prevention-guidance-ppg.**
- 5. The developer should be aware that the site lies partially within Zone C2 as defined by the Development Advice Map (DAM) under TAN15- Development and Flood Risk. There is therefore the potential for flood risk where Natural Resources Wales offer advice on the installation of flood-proofing measures as part of the development, which can be found in their Floodline publication 'Damage Limitation' www.naturalresourceswales.gov.uk.**
- 6. The developer is reminded of the responsibilities associated with working adjacent to the neighbouring railway line and Network Rail's land. In order to mitigate the risks involved the developer is advised to contact Network Rail's Asset Protection Wales Team on assetprotectionwales@networkrail.co.uk.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



REGENERATION

15/00573/FUL 'A'

ACK:

Dear Mrs Prichard,

We are the owners and residents of Biglis Farmhouse, a listed property situated next door to the proposed site for the Biglis Solar Farm.

We have been talking to Conergy for some time about their planning application and have been consulted by them about the impact of the solar farm on this property. Since taking over the project from the previous developer Conergy have agreed to reduce the size of the original proposal to ensure that the field immediately adjacent to the house would remain as open farmland and also ensure that the solar panels would not be readily visible from the farmhouse or any part of the land which forms the curtilage of the farmhouse. We have also had the chance to comment on the planting plans to help screen the solar panels and Conergy have agreed not to place the panels in the field immediately adjacent to the house it is our opinion that the siting of the solar farm on the fields nearby will actually benefit the property.

Presently the farm track which acts as the access road to this property and to the farm itself looks tired and not well maintained. It has attracted anti-social behaviour in the form of fly-tipping on the track (as well as on the farm itself) and there have even been incidents of prostitution in recent months. Since the Golf Club next door has stopped using the fields adjacent to the farm track, the track has become less visible to the public and so more of a potential target. There has also been one extremely sad incident of a young man's suicide in the field near the entrance to the track, next to St Richard Gwyn School which our children were fortunate enough not to see - by chance alone. The addition of security cameras and a neat access road which looks well maintained and well-used will act as a deterrent to anti-social activity, will sure up the school's security as well as the security of the farm and this property. It will serve to tidy-up land that is currently under-used and not carefully maintained and make the area a nicer place to be. We would like to see more walkers use the footpath which runs alongside the farmhouse and feel that all that Conergy are planning to do to help tidy up and secure the area around Biglis Farm will help with this too.

The installation of solar panels on rural land of course is not permanent and, although there are no current plan to permit building on the land, we feel the solar panels will help secure the building's position as a farmhouse in a rural area.

Solar panels, we understand, do not prevent sheep grazing and so the smallholder business - Willowbank Produce - currently being run from the farm will not be affected by the solar panels, which we believe to be a good thing.

All in all, we support this planning application for the reasons stated. We support the project and all that is being done to the land alongside it because we feel it will help secure Biglis Farm, its listed barn and farmhouse as Vale of Glamorgan assets and help to make this an attractive place to visit, work and live.

We would really welcome the opportunity to discuss the solar farm with you in person. As residents of the area, we know the place very well and so feel we could have some useful input. In fact given the proximity of the planned solar farm to this property we would feel somewhat disappointed if a decision was reached without a conversation. Please let us know how this might be arranged, assuming you agree that this would be helpful.

Kind regards.

15/00573/FWL 'B'

UWCHRADD GATHOLIG RICHARD GWYN SANT

Website: www.strichardgwyn.co.uk

Email: info@strichardgwyn.co.uk

Fax: 01446 720898



ST RICHARD GWYN CATHOLIC HIGH SCHOOL

Argae Lane, Barry, Vale of Glamorgan, CF63 1BL

Headteacher: Steven Grech

Tel: 01446 729250

20th August 2015,

Re: Solar Farm

Dear Mrs Prichard,

I wish to take this opportunity to express the school's view regarding Conergy's proposals to have a solar farm in our local area. Mr Lord our Deputy Head has been the main link between Conergy and the school since the project's conception. Mr Lord has a close professional relationship with Conergy employees who have kept him and the school updated and involved in developments at every stage.

Since joining the school I have been impressed how Conergy have made every effort and given consideration for our operational processes when planning how they will develop the site and move forward with the project. Conergy has asked our advice on how to minimise disruption and reduce the impact on the school and the local area.

Conergy have been extremely keen to stress how the solar farm will offer opportunities as an educational tool to develop our students' understanding of renewable technologies, climate change and global issues. I firmly believe that the development of the solar farm will be a real life opportunity for our students to witness a global issue in a local, educational context.

The business partnership between Conergy and the school is one that I believe is unique across the principality. Schools are encouraged to partner with companies not only to develop students learning, but also to take advantage of a business market without the associated risks. Furthermore, Conergy have agreed to supply St Richard Gwyn with a direct supply of renewable energy produced by the solar farm that will be of great benefit in financial terms.

Having had time to reflect on all aspects of the project I fully support Conergy's application.

Yours sincerely

Steven Grech

Headteacher

RECEIVED

02 SEP 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY:
NO:
ACK:

15/00573 /wLB₂

**ST RICHARD GWYN
CATHOLIC HIGH
SCHOOL**

Argae Lane, Barry,
Vale of Glamorgan, CF63 1BL
Tel: 01446 729250
Fax: 01446 720898



**YSGOL UWCHRADD
GATHOLIG RICHARD
GWYN SANT**

E mail:
info@strichardgwyn.co.uk
Website: www.strichardgwyn.co.uk
Executive Headteacher: Mr M J Clinch BA (HONS)
Acting Headteacher: Mr S J Lord BA (HONS), MA

8th January 2015

To whom it may concern

Proposed Solar Farm at St Richard Gwyn Catholic High School

I write in my capacity as Chair of Governors of St Richard Gwyn Catholic High School.

St Richard Gwyn is an 11 - 16 voluntary aided Catholic High School which serves the five parishes of the Vale of Glamorgan. Our catchment area extends from Penarth in the east, through Barry, Cowbridge and the rural Vale as far as Llantwit Major in the west. Also, a small number of our pupils travel from outside the geographical boundaries of the Vale. We are the only Faith Based Secondary in the Vale of Glamorgan.

The school has grown rapidly in recent years and is now larger than it has ever been. There are currently over 700 pupils on roll and the school has been oversubscribed in recent years.

The school has been in discussion with Conergy Solar since Spring 2014, working in partnership to progress plans for a solar farm on land at Biglis Farm, the farm immediately adjacent to the school grounds. Meetings between the Governing Body, Conergy and their planning consultants, Pegasus Group have taken place to establish a working partnership that seeks to successfully deliver the solar farm within the next 12 months.

We have participated in the successful public consultation event that took place at the school on 6th November and have encouraged pupils to take an interest in the proposals for the farm.

The school will benefit from the direct supply of renewable energy produced by the solar arrays. This will benefit the school in financial terms and the solar farm will also be used as an educational tool to spark discussion and debate amongst pupils about global warming, climate change and renewable technologies, issues which appear across a number of topics in our curriculum.

Yours faithfully

**Paul Burke
Chair of Governors**

cc. Conergy

2015/00574/FUL Received on 20 May 2015

ALDI Stores Limited, C/o Agent
Turley, 18, Windsor Place,, Cardiff., CF10 3BY

Unit 6, Ty Verlon Industrial Estate, Barry

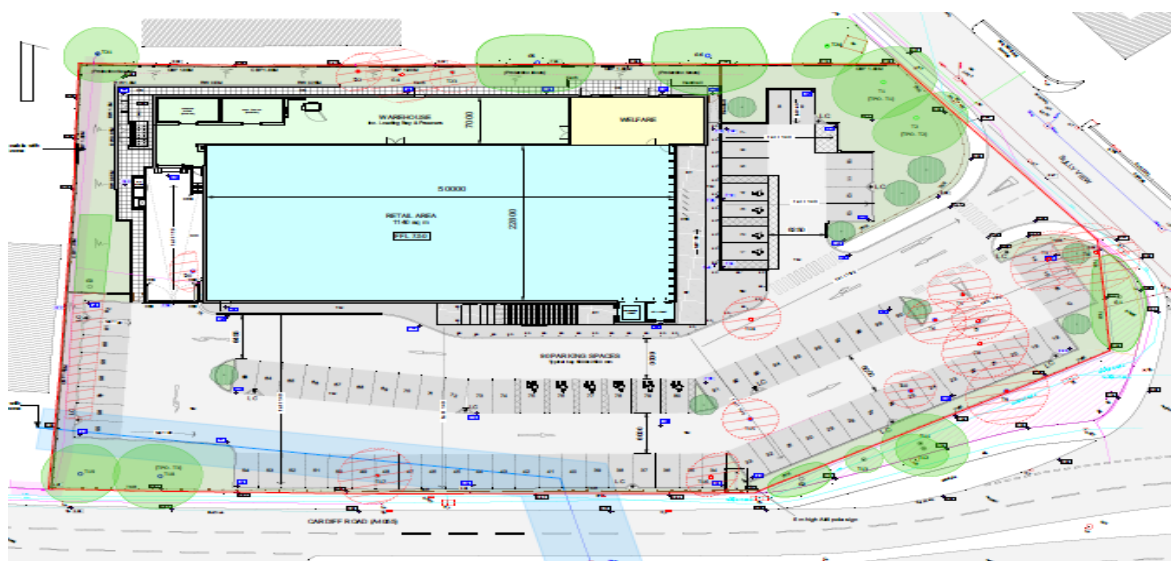
Demolition of the existing building and erection of a Class A1 Limited Assortment Discount foodstore (1,660 sq m gross, 1,140 sq m net) with associated access, parking, landscaping and ancillary works

SITE AND CONTEXT

The application site sits within the Ty Verlon Industrial Estate on the corner site at the junction of the classified A road of Cardiff Road (A4055) and Sully View. The site falls outside of the settlement boundary of Barry and therefore technically falls within the countryside for the purposes of the Vale of Glamorgan Unitary Development Plan 1996-2011. The site has an area of 0.63ha and is accessed from Sully View. Currently there is a medium sized industrial unit sat within the south-eastern corner of the site, with areas of landscaping to the north and west and large car park to the north-east of the site. There are three trees covered by Tree Preservation Orders with two Norway maples to the northern boundary (267 - 2004 - 08 - T001 and 267 - 2004 - 08 - T002) and another to the southern boundary adjacent to Cardiff Road (267 - 2004 - 08 - T003).

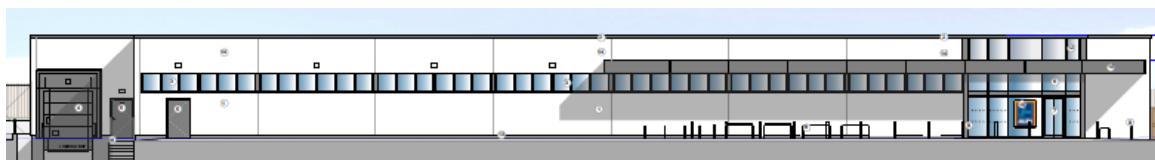
DESCRIPTION OF DEVELOPMENT

The application is for the demolition of the existing units on the site and the erection of 1,660 sq. m (gross), providing 1,140 sq. m of retail floor space. Car parking for 90 cars is proposed along the southern boundary of the site with the store being situated adjacent to the northern boundary. A proposed site layout is shown below:



Site layout of the proposed retail unit, with Cardiff Road to the bottom and Sully View to the right hand side of the picture.

The proposed supermarket would be occupied by Aldi, which is a Limited Assortment Discounter 'carrying a limited range of grocery products and base their retail offer on selling these products at very competitive prices'. The supermarket building itself is of a contemporary design, with a flat roof and largely rendered and glazed elevations. The proposed food store is sited to the west of the application site, with the principal store measuring approximately 59 metres at its maximum in width (inclusive of welfare and warehousing facilities), by approximately 33 metres at its maximum depth, inclusive of the entrance lobby to the front elevation. Elevations of the store are shown below:



North-west elevation of foodstore, with glazed lobby to the right



North-East Elevation Scale 1:100 @ A1

Largely glazed north-east elevation fronting onto entrance to the site

PLANNING HISTORY

2008/00997/FUL : 6, Ty Verlon Industrial Estate, Cardiff Road, Barry - 2 no. class B2 general industrial units and relocation of existing oil storage tanks - Approved

1997/00022/FUL : Unit 6, Ty Verlon Industrial Estate, Cardiff Road, Barry - Two light industrial units - Renewal of 92/00293/FUL - Approved

1992/00293/FUL : Unit 6, Ty Verlon Industrial Estate, Barry - Two light industrial units - Approved

CONSULTATIONS

Barry Town Council was consulted and state that 'subject to the Vale of Glamorgan Council being satisfied that the proposed development will not unacceptably impact on Barry Town Centre or on district centres in the areas and that the increased traffic generated from the proposed development does not cause unacceptable harm to local communities and the local environment, Barry Town Council has no objection to the proposal.

The Council's Highway Development section requested further details with regard to the swept path analysis of vehicles accessing and egressing the site as well as a review of the operation of the junction of Sully View and Cardiff Road in order to determine adequate capacity

The Council's Economic Development Section, have concerns at this proposal. They have advised that whilst it may create some net job gain locally, it would remove from supply a significant area of an established, important and high quality industrial estate.' They also have concern 'that traffic arising from such an intensive use for the location could conflict with the proper use of the industrial estate. '

The Council's Drainage and Flood Risk Engineer was consulted with regard to the proposals although no comments had been received at the time of writing this report.

Director of Legal and Regulatory Services (Environmental Health) was consulted with regard to the application and recommends limiting hours of construction and restricting burning of waste on site.

Cadoc Ward members were consulted with regard to the application although no comments had been received at the time of writing this report.

Dwr Cymru Welsh Water was consulted and recommend conditions relating to foul and surface water draining separately from the site; surface water shall not connect directly or indirectly to the public sewerage system; land drainage run-off shall not connect directly or indirectly to the public sewerage system.

The Council's Ecology Officer was consulted and indicates that there are no ecological constraints that restrict the determination of the application.

The Council's Waste Management section was consulted although no comments had been received at the time of writing this report.

Wales and West Utilities were consulted with regard to the application and state that they 'have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approve then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.'

The South Wales Police Crime Prevention Design Advisor was consulted although no comments had been received at the time of writing this report.

Natural Resources Wales were consulted and initially raised an objection due to insufficient information being provided with regard to the risks and consequences of flooding and the lack of information with regard to the risk of pollution of controlled waters. A subsequent consultation response (received after the submission by the applicant of a geo-Environmental Assessment) has removed the objection in respect of pollution (subject to a condition), however, the objection in respect of flood risk remains.

REPRESENTATIONS

The neighbouring properties were consulted on 6 June 2015, site notices were also displayed on 11 June 2015 and the application was also advertised in the press on 8 June 2015 and at the time of writing this report, one letter of representation had been received indicating their support for the application, 'given that the Vale could do with another supermarket from the budget end.'

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 5 - BUSINESS AND INDUSTRIAL USES

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

POLICY 9 – SHOPPING FACILITIES

POLICY 10 – SHOPPING FACILITIES

Policy:

ENV1	– DEVELOPMENT IN THE COUNTRYSIDE
ENV7	– WATER RESOURCES
ENV26	– CONTAMINATED LAND AND UNSTABLE LAND
ENV27	– DESIGN OF NEW DEVELOPMENTS
ENV 28	– ACCESS FOR DISABLED PEOPLE
ENV 29	– PROTECTION OF ENVIRONMENTAL QUALITY
EMP 1	– LAND FOR EMPLOYMENT USES
EMP 2	– NEW BUSINESS AND INDUSTRIAL DEVELOPMENT
EMP 4	– PROTECTION OF LAND FOR EMPLOYMENT USES
TRAN 10	– PARKING
SHOP 12	– NEW RETAIL DEVELOPMENT OUTSIDE DISTRICT SHOPPING CENTRES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

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

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

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

Paragraph 4.4.3 states that *Planning policies, decisions and proposals should:*

- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take (and especially extensions to the area of impermeable surfaces) and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites (Sections 4.7, 4.8 and 4.9).*
- *Locate developments so as to minimise the demand for travel, especially by private car (Section 4.7 and Chapter 8).*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy. This includes facilitating development that reduces emissions of greenhouse gases in a sustainable manner, provides for renewable and low carbon energy sources at all scales and facilitates low and zero carbon developments (Sections 4.7, 4.11 and Chapter 12)*
- *Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding. This includes managing and seeking to mitigate the consequences of climate change (see 4.5.4 and 4.5.5) by building resilience into the natural and built environment (Chapters 5, 12 and 13).*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings (Section 4.12).*

- *Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impact*

- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems. In particular, planning should seek to ensure that development does not produce irreversible harmful effects on the natural environment and support measures that allow the natural heritage to adapt to the effects of climate change. The conservation and enhancement of statutorily designated areas and of the countryside and undeveloped coast; the conservation of biodiversity, habitats, and landscapes; the conservation of the best and most versatile agricultural land; and enhancement of the urban environment all need to be promoted (4.10, 4.11.10, Chapters 5 and 13).*

- *Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity (4.11.10 and Chapter 6).*
- *Maximise the use of renewable resources, including sustainable materials (recycled and renewable materials and those with a lower embodied energy). Where it is judged necessary to use non-renewable resources they should be used as efficiently as possible. The use of renewable resources and of sustainably produced materials from local sources should be encouraged and recycling and re-use levels arising from demolition and construction maximised and waste minimised (4.11.5 and 4.11.10).*

- *Encourage opportunities to reduce waste and all forms of pollution and promote good environmental management and best environmental practice (4.11.5, Chapters 12 and 13). Waste arising from demolition and construction should be minimised, and opportunities to recycle and re-use this waste promoted (4.11.5).*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods (4.11.12 and Chapter 9).*

- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare (Sections 4.6 and 4.7, Chapters 7, 10 and 11).*

- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity. In general, developments likely to support the achievement of an integrated transport system should be encouraged (Section 4.7 and Chapter 8).*

- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car*

(Section 4.7 and 4.11.11).

- *Promote quality, lasting, environmentally-sound and flexible employment opportunities (Chapter 7).*
- *Support initiative and innovation and avoid placing unnecessary burdens on enterprises (especially small and medium sized firms) so as to enhance the economic success of both urban and rural areas, helping businesses to maximise their competitiveness (Chapter 7).*
- *Respect and encourage diversity in the local economy (Section 4.6 and Chapter 7).*
- *Promote a low carbon economy and social enterprises (Section 7.4).*
- *Contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development and responding to climate change. Consideration of the possible impacts of developments – positive and/or negative – on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account (Sections 4.7, 8.1, 11.1 and Chapter 12).*

Chapter 10 of PPW sets out the Welsh Government guidance for Planning for Retailing and Town Centres. The following paragraphs are considered to be of relevance in this instance:

10.1.2 Wherever possible this provision should be located in proximity to other commercial businesses, facilities for leisure, community facilities and employment. Town, district, local and village centres are the best locations for such provision at an appropriate scale. Such co-location of retail and other services in existing centres, with enhancement of access by walking, cycling and public transport, to provide the opportunity to use means of transport other than the car, will provide the greatest benefit to communities. This complementary mix of uses should also sustain and enhance the vitality, attractiveness and viability of those centres as well as contributing to a reduction of travel demand.

10.3.1 When determining a planning application for retail, leisure or other uses best located in a town centre, including redevelopment, extensions or the variation of conditions, local planning authorities should take into account:

- *compatibility with any community strategy or up-to-date development plan strategy;*
- *need for the development/extension, unless the proposal is for a site within a defined centre or one allocated in an up-to-date development plan;*
- *the sequential approach to site selection;*
- *impact on existing centres;*

- *net gains in floorspace where redevelopment is involved, and whether or not it is like-for-like in terms of comparison or convenience;*
- *rate of take-up of allocations in any adopted development plan;*
- *accessibility by a variety of modes of travel;*
- *improvements to public transport;*
- *impact on overall travel patterns; and*
- *best use of land close to any transport hub, in terms of density and mixed use.*

10.3.2 This approach reinforces the role of centres as the best location for most retail/leisure activities. In contrast to the way in which locations outside existing centres are dealt with, consideration of the need for additional provision is not a matter that should be taken into account when proposals for uses best located in centres come forward. It is not the role of the planning system to restrict competition between retailers within centres.

10.3.3 Where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment, as outlined in paragraph 10.2.10. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms, though they may be material considerations in making a decision on a planning application.

10.3.4 Developers should be able to demonstrate that all potential town centre options, and then edge of centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered for key town centre uses. The onus of proof that more central sites have been thoroughly assessed rests with the developer and, in the case of appeal Welsh Ministers will need to be convinced that this assessment has been undertaken. This approach also requires flexibility and realism from local planning authorities, developers and retailers.

10.3.5 To maximise the opportunities for new development in centres, developers and retailers will need to be more flexible and innovative about the format, design and scale of proposed development and the amount of car parking, tailoring these to fit the local circumstances. Rather than propose developments with a mixture of large scale retail and/or leisure uses and a large amount of car parking which can only be accommodated at single site out-of-centre or even out-of-town locations, developers are expected to demonstrate why they could not develop elements of the larger scheme on a site, or a number of sites, in more central locations with less car parking.

*10.3.8 **Out-of-centre food supermarkets** should not be allowed if their provision is likely to lead to the loss of general food retailing in the centre of smaller towns. Where the inclusion of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision they should be discouraged by imposing appropriate conditions.*

10.3.18 Planning applications for retail development should not normally be permitted on land designated for other uses. This advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.

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 4 – Retailing and Town Centres (1996)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)

Supplementary Planning Guidance:

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

- Sustainable Development
- Planning Obligations
- Public Art
- Trees and Development

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and submitted the Local Development Plan to the Welsh Government for Examination on 24TH July 2015. Examination in Public is expected to commence in late Autumn 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Employment Land and Premises Study (2013)
- Retail Planning Study (2013 Update)
- Town and District Retail Centre Appraisal (2013 Update)

Issues

The primary issues in the consideration of this application are the principle of providing a new retail unit in this location, the quality of the design of the building and the impact of the proposed development on the visual amenities of the area in terms of siting, scale and design, the residential amenity of the neighbouring dwellings and highway safety. Furthermore given the sites location it is also of relevance to consider issues of flood risk, water contamination and impact upon protected trees.

Principle of Development – loss of employment land

As aforementioned the site is located on Ty Verlon Industrial Estate, and seeks the redevelopment of the existing occupied, business premises with a retail food outlet (approximately 1,140 sq. m net floorspace). Ty Verlon Industrial Estate is identified as an established employment area within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and as such one of the main policy considerations is the loss of an existing employment use at the site, with policy EMP4 'Protection of Land for Employment Uses' considered to be of particular relevance. This policy states that 'on existing employment sites and site identified in policy EMP1 development of uses that are not contained in classes B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) will not be permitted.'

Since the adoption of the Unitary Development Plan in 2005, the Council has undertaken two reviews of the authority's employment land supply requirements, with the most recent being undertaken in 2013 (Vale of Glamorgan Employment Land and Premises Study, B.E. Group September 2013). This study examined the current employment land supply alongside a comprehensive market analysis of the local employment and land requirements to enable the Council to identify its employment land needs for the Local Development Plan period 2011-2026.

The Study identifies an existing shortage of good quality office space within the Barry area, including a demand for small units (as highlighted at paragraphs 5.15 and 5.16) and also demand for small developable plots of 0.4 -1.2 ha (paragraph 5.21). With regard to Ty Verlon Industrial Estate, the Study identifies the site as a '*reasonable quality, successful estate on the edge of Barry*' (Table 24, p. 68) and a Key Employment Site within the site hierarchy (Table 38 p.130). The recommendations of the Study indicate '*The retention of Employment Sites and Areas*' and it states that '*existing sites and premises provide valuable opportunities for employment close to where people live. They benefit the local economy, and the loss of employment uses can negatively impact on local access to jobs and the economic competitiveness of local areas. Ultimately this challenges the Vale's economic growth*' (paragraph 10.18 p.142). The Study further reinforces this stance noting that '*there is strong economic justification for the protection of employment land in Vale of Glamorgan from development for alternative uses*'; '*non B Class uses should only be allowed on existing sites if an applicant can demonstrate exceptional circumstances and that the proposals will not have a significant adverse impact on surrounding local uses*' (paragraph 10.21), and '*Retail uses should not generally be supported on employment sites*' (Paragraph 10.22). It is considered that the applicant has not adequately demonstrated such exceptional circumstances within their supporting documentation.

Noting all of the above, it is considered that the findings of this most recent study are consistent with the policy position of policy EMP4 of the Unitary Development Plan 1996-2011 as previously detailed, noting the restrictions on non B class uses within existing employment sites, particularly on sites identified in policy EMP1 (Land for Employment Uses) which includes Ty Verlon Industrial Estate. As such the proposed development of the site for a non B class use is clearly at odds with the provisions contained within the adopted Development Plan.

It is also noted as context to this that such policy provision is also contained within the emerging Vale of Glamorgan Local Development Plan. Policy MD16 'Protection of Employment Land and Premises' is considered to be of particular relevance to these proposals. This policy states that '*proposals which would result in a loss or redevelopment of existing local employment sites or premises will only be permitted where:*

1. *It is demonstrated that the site/premises is no longer suitable or reasonably capable of being redeveloped for employment purpose; or*
2. *There is significant community benefit which outweighs the impact of losing the employment site/premises; and*

3. *The proposal would not prejudice existing or neighbouring employment uses...*

The applicant has also failed to demonstrate compliance with the findings of the background evidence to the LDP and the provisions of this emerging policy. Furthermore the sentiment of Policy EMP4 and this policy is also echoed within extant national planning policy including Planning Policy Wales (7th edition which states:

10.3.18 Planning applications for retail development should not normally be permitted on land designated for other uses. This advice applies especially to land allocated for industry, employment and housing, where retail development can be shown to have the effect of limiting the range and quality of sites that would be available for such uses.

In this regard, the site as aforementioned is recognised as a Key Employment Site and as detailed within Employment Land and Premises Study the loss of such sites would limit access to jobs and undermine the economic success of the Vale of Glamorgan. Such a stance is again reinforced within Technical Advice Note 23: Economic Development (2014). Paragraph 4.6.8 states that '*Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8*' whilst paragraph 4.6.9 states that:

4.6.9 Existing employment sites should only be released for other uses if one or more of the following apply:

- *they have poor prospects of being re-occupied for their previous use;*
- *the particular market that the site is part of is oversupplied;*
 - *the existing employment use has unacceptable adverse impacts on amenity or the environment;*
- *the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;*
- *other priorities, such as housing need, override more narrowly focussed economic considerations; and/or*
- *land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.*

The applicant's planning statement in support of the proposals states that:

"The application site is currently occupied by COS Group. COS Group have been based in Barry for 47 years and currently employ 32 people within the existing unit. The vendor has confirmed that the success of the business in recent years has resulted in a need to relocate to larger premises within the Barry area. Therefore, the redevelopment of the site to provide an ALDI foodstore will help facilitate COS Group to invest in growth and this in turn, will result in a net positive increase in the number of jobs within the Barry economy. Whilst COS Group is yet to identify a relocation site, it has appointed local agents, DTZ, to act on its behalf and is committed to remaining within the Barry area."

Given that the site is currently occupied by a successful local business, and could be occupied by another future business, this adds further weight to the view that the proposal is contrary to the UDP and the emerging LDP background evidence, as well as the above quoted provisions of PPW and TAN23. Whilst the applicant suggests that the redevelopment of the site would assist in enabling the existing business to expand, the proposal would nevertheless result in the loss of existing employment uses, in a location identified within the Council's employment land study as being a key local employment site, and in an area where there is an identified shortage of office space. Additionally, national policy set out in TAN 23 recognises the importance of maintaining existing local employment sites "*where there is strong evidence of likely future need for B1-B8*" and that "*the loss of such areas may cause harm to local economies and should be avoided.*" Such a stance is reinforced within the recommendations of the Employment Land and Premises Study prepared as background evidence in support of the Local Development Plan. This states at paragraph 10.20 that:

'realistic local employment land provision and forecast demand are at equilibrium (i.e. all of the realistic local supply will be required to meet projected demand to 2026, plus a five year buffer to provide a continuum of supply beyond the end of the Plan period). This combined with the relative scarcity of a range and choice of available developable employment land, due to the domination of the supply by just two locations, means there is strong economic justification for the protection of employment land in Vale of Glamorgan from development for alternative uses.'

The applicant has submitted a further statement (Economic Development Statement August 2015) which seeks to argue (in summary) that the Vale of Glamorgan is well served by employment sites, there is a substantial amount of available space, there is little demand for industrial space in this location and the Council has recently approved changes of use of units away from B uses in the vicinity.

This information has been considered, however, it remains the Council's view that the proposal would be contrary to both UDP policy and those set out in the emerging LDP. The submitted statement at para. 1.3 indicates that the proposal would facilitate the relocation and expansion of COS elsewhere in Barry, however the market demand statement undertaken by DTZ states that "the nearest comparable available office accommodation is St Hilary Court at Culverhouse Cross "(para 5.6). This supports the views expressed above that the proposal would result in the loss of an existing employment premises in an area where the Council has identified a shortage, as highlighted within the Council's own Employment Land and Premises Study (2013), stating " an existing shortage of good quality office space within the Barry area, including demand for small units up to 93 sqm leasehold suites (paragraphs 5.15-16), and demand for small developable plots of 0.4-1.2 ha, (paragraph 5.21)".

Elsewhere the DTZ market analysis highlights that the loss of the premises would not prejudice the supply of employment land within the Vale of Glamorgan, indicating "there is an abundance of allocated (both strategic and local) development sites available in the Vale of Glamorgan which are suitable for class B1/B2/B8 uses to support the plentiful provision of employment land supply". While this is generally consistent with the findings of the Council's Study, the proposal is for the redevelopment of existing premises which in Barry where the Council's evidence clearly identifies shortage of such space. Additionally, as a result of the shortage of office space within the Barry area, Ty Verlon is identified as being a Key Local Employment Site (Table 38, page 130), advocating the protection of such premises.

While the statement cites a number of recent planning approvals for non B1, B2 and B8 uses within Barry, suggesting that these applications indicate that non-conforming uses are acceptable within the TY Verlon Industrial Estate, in all of those cases (apart from 2012/01220/FUL which sought a change from car repairs (B1) to MOT station (B2)) the premises were vacant at the time of the application, and there were specific circumstances in the case of each which the Local planning Authority considered merited the approval of those applications at those points in time.

The loss of allocated employment land is therefore considered to be a significant material consideration in determination of this application, and it is considered that the information submitted in support of this application fails to demonstrate that there are exceptional circumstances that would justify a departure from both local and national policy.

The applicant has also failed to demonstrate through any marketing exercise that the site no longer remains viable for 'B' uses or that there is an oversupply of such employment land in the area. It is considered that this is clearly not the case since the site remains occupied by a viable 'B' use.

With regard to the needs of the existing business, if there is a need for the existing business to expand, UDP policy EMP2 and emerging LDP Policy MD15 support the expansion of existing employment premises, and as such there is potential for the LDP to facilitate the existing businesses needs without the loss of employment land.

Having considered all of the above it is considered that the proposed demolition of the existing units on the site and the erection of an A1 retail store, would be at odds with the provisions of EMP1 'Land for Employment Uses' and EMP4 'Protection of Land for Employment Uses' of the adopted Unitary Development Plan 1996-2011, the background evidence of the emerging Local Development Plan and the guidance contained within national guidance including Technical Advice Note 23: Economic Development. The proposals are therefore considered to be unacceptable in principle.

Principle of use – retail impact

The application is supported by a Planning and Retail Statement prepared, which seeks to provide details of a Sequential site assessment, and an Impact Assessment on local centres, to demonstrate that the provision of a supermarket on this site would not undermine the vitality and viability of local centres. Notwithstanding this, the provisions of the development plan with regard to employment uses within the Vale of Glamorgan are of principal relevance to this application.

Although the development does not exceed the threshold of 2,500 square metres indicated within TAN4 (where development requires a Retail Impact Assessment), the application is supported by a Planning and Retail Statement which includes Qualitative, Sequential and Impact Assessments of the proposed supermarket on existing retail offers in proximity to the site. In this regard policy SHOP12 of the UDP is of relevance to this proposal relating to 'New Retail Development outside District Shopping Centres. This policy is a criteria based policy stating that new retail development outside existing town and district shopping centres will be permitted if all of the listed criteria are met including:

- (i) The proposal either singularly or cumulatively with other existing or approved developments will not undermine the vitality, attractiveness and viability of the town and district shopping centres...;*
- (ii) There are no suitable town, district or edge of centre sites and in the case of out of town proposals, there are no suitable town, district or edge of centre or out of centre sites ('the sequential test');*
- (iii) The proposal will not have an unacceptable effect on the achievement of an acceptable supply of business/industrial land as identified in policy EMP1;*

With regard to point (i) the application is supported by a retail assessment, which seeks to assess the impact upon neighbouring retail centres. The submitted retail assessment indicates that there will be a negative impact upon Barry Town Centre (-4.1%), Main Street (-5.6%), Upper Holton Road (-4.9%) and Castle Court/The Parade, Dinas Powys (-7.2%). In conclusion however, the assessment states that *'in light of their respective roles, we do not consider that the proposed ALDI store at Ty Verlon Industrial Estate would have any detrimental impact upon the important role that the local centres perform.'*

Conversely however, it is considered that given these centres are recognised as struggling at present (with incidences of unit vacancies), the impact upon the convenience stores within these positions would be likely to cause further appreciable detriment to these centres. As such it is considered that the proposal would have a negative impact upon their viability and vitality and such an impact would be harmful to the character and retail function of these areas. The proposal would therefore be contrary to the provisions of criterion i) of policy SHOP12 of the UDP. Paragraph 10.3.8 states that '*Out-of-centre food supermarkets should not be allowed if their provision is likely to lead to the loss of general food retailing in the centre of smaller towns*' and as such the proposals are similarly contrary to the provisions of Planning Policy Wales (7th edition).

The submitted survey also provides a Sequential Assessment of alternative sites within proximity of the site which concludes that '*the application site is considered to be the most sequentially preferable site situated relatively central to the community, amongst other commercial and community uses and accessible by a variety of modes of transport*'. The study provides a limited assessment of alternative sites and notes that the 3 of the 4 sites identified in Barry within the UDP have been developed whilst the other (1-7 Thompson Street) is too small to accommodate their store. The study incorrectly notes that no further retail allocations are identified within the emerging LDP although policy SP6 clearly identifies future retail provision including 3600m² of comparison floor space and 2800m² of convenience retail that has or is to be provided within the Barry Waterfront Development. Notwithstanding this however, it is considered that the proposals would not strictly be contrary to the provisions of criterion ii) of policy SHOP12 since the development in question could not benefit from these provisions.

With regard to criterion iii) of policy SHOP12 this has been discussed at length previously within the report, and it is considered that the proposals are clearly at odds with the provisions of this criterion.

In terms of demonstrating need for additional floorspace, the study states that their analysis states that '*there is a quantitative need for the proposed ALDI store*', based upon residual expenditure capacity. Paragraph 10.3.3 of PPW indicates that '*where need is a consideration, precedence should be accorded to establishing quantitative need. It will be for the decision-maker to determine and justify the weight to be given to any qualitative assessment*'. Being mindful of this it is noted that the Retail Planning Study prepared as background evidence to the emerging LDP, identifies that demand for convenience floor space capacity in 2012 was 3803.00 sq.m and by 2026 this demand would rise to 3928 sq.m. However, being mindful of approvals granted since 2011, including that at Barry Waterfront (comprising of 2800 sq.m) the total amount of floor space consented had reached 4,174.32 sq. metres, resulting in an over-provision of 246.32 sq. metres at the time of writing this report, relative to projected 2026 demand. Indeed the submitted survey recognises that there would be a substantial impact upon existing LIDL stores (-22.2%) and Waitrose (-7.6%). Being mindful of this, it is considered that the application does not demonstrate demand for additional convenience floor space as proposed by this application, that would outweigh the policy presumption against such development.

Noting all of the above, it is considered that the works are clearly at odds with the provisions of criteria i) and iii) of policy SHOP12 of the Development Plan as well as the provisions of Planning Policy Wales (7th edition) including those contained within paragraph 10.3.1, 10.3.3 and 10.3.8.

Design and visual impact

The proposal seeks permission for the demolition of the existing industrial unit, and the erection of a single storey largely glazed contemporary building set towards the northern boundary of the site, to be served by 90 car parking spaces sited predominantly to the south of the site with access gained from Sully View to the east of the site. As noted, previously the site sits within an established industrial estate, characterised by units of varying scales and design. Whilst the building itself would be setback significantly from the frontage of the site, the submitted site layout indicates minimal opportunity for soft landscaping along the southern boundary of the site, whilst a number of established (but not protected) trees are to be removed adjacent to the junction of Sully View and Cardiff Road, and as such the building would be readily visible from wider view. Notwithstanding its prominence and the proposed use of the building (as discussed above) it is considered that the design and scale of the building is acceptable in this context. If the proposals were considered to be acceptable in all other regards, it would be recommended that conditions relating to finishes and landscaping be attached to any permission granted to ensure a high quality form of development.

Impact upon amenity of neighbouring residential properties

The application site is set a substantial distance from the nearest residential properties and as such it is considered that there will not be an adverse impact on residential amenity.

Ecology

The application as submitted is supported by a Preliminary Ecological Appraisal and Bat Survey prepared by RSK. Following consultation with the Council's Ecologist and Natural Resources Wales, there is not an ecological constraint that would restrict the grant of planning permission in this instance.

Impact upon trees

As aforementioned there are three protected trees within the confines of the site, and these are shown to be retained on the submitted details. Whilst a number of trees are shown to be removed these are indicated as being of either moderate or poor quality within the submitted Tree Survey, and a number of trees are shown to be retained and tree protection provided with the details provided in support of the application. Noting this, in this instance it is considered that the respective removal and retention of the trees identified, would be acceptable and as such the loss or works to trees proposed by the applicant would not unacceptably impact upon visual amenity.

Highways implications

As detailed previously, vehicular access is proposed from Sully View from the east of the site, into a car park providing parking facilities for up to 90 vehicles along the southern and eastern boundaries of the site. The servicing and delivery bay is proposed to western end of the store. The application is supported by a Transport Statement, which concludes that *'based on these conclusions the impact of the development proposals on the surrounding transportation network should be considered acceptable and sustainable'*. The Council's Highways Officer raised no objection to the submitted details included within the Transport Statement and site layout, although requested further details with regard to the swept path analysis provided within the Transport Statement and further review of the operation of the junction of Sully View and Cardiff Road to confirm adequate capacity within the local highway network. Members are advised that this additional information had not been received at the time of writing this report. However, following further discussion with the Council's Highways Officer, the Local Planning Authority is advised that there insufficient grounds to refuse the application due to the absence of this additional information. Noting the above in principle objection on policy grounds however, it was not considered appropriate to defer the determination of the application in the absence of this information.

In summary, following discussion with the Council's Highways section there is not considered to be a material Highways reason to refuse planning permission in this instance, since it is considered that the development would not be demonstrably harmful to highway safety or prejudicial to the free flow of traffic.

Flooding

TAN 15 states that in order for a development to be justified in Zone C, it must be demonstrated that:

Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement1; or,

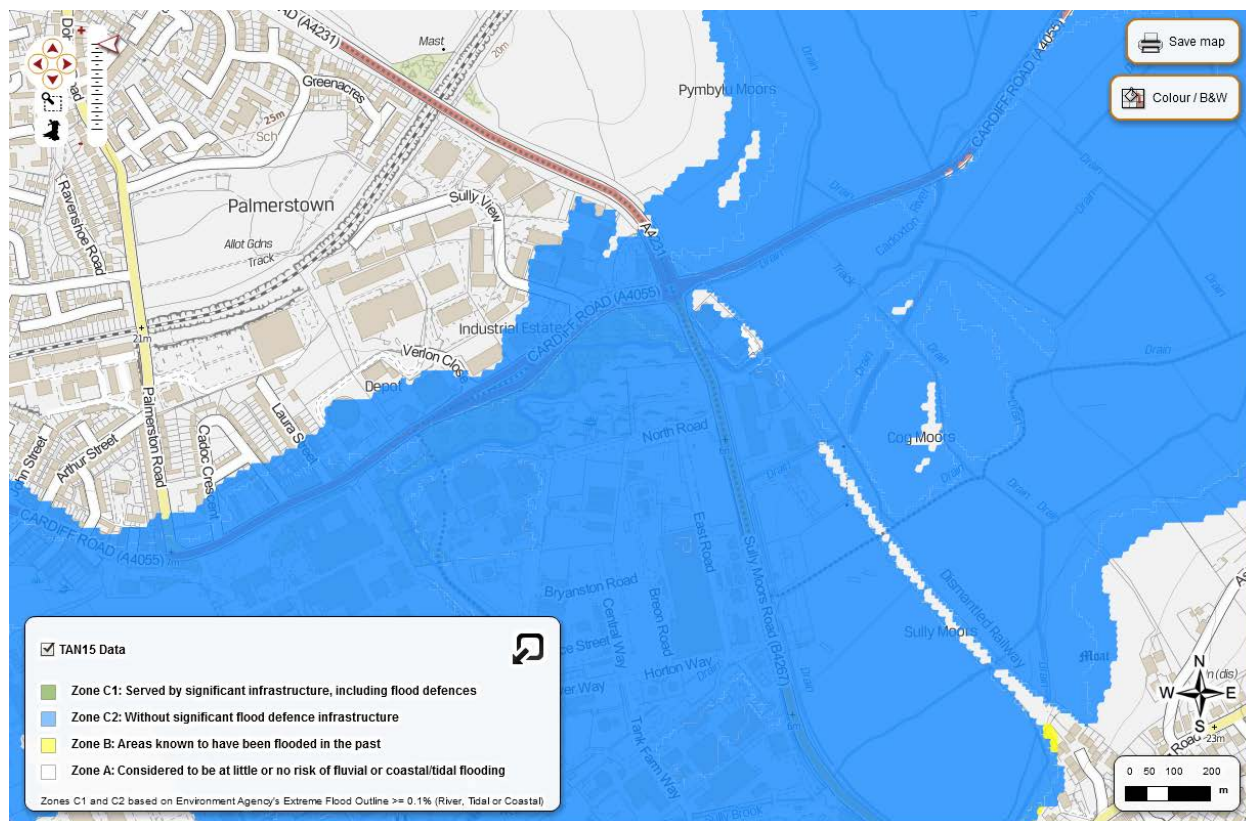
Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in Sections 5 and 7 and Appendix 1 found to be acceptable.

In addition, Policy ENV7 of the UDP states that development will not be permitted where it would potentially be at risk from flooding or increase the risk of flooding locally or elsewhere to an unacceptable level. The application site partially lies within Flood Zones C2 as defined within the Development Advice maps accompanying TAN 15, with the primary source of flooding arising from Cadoxton River which lies immediately to the west of the application site. The Flood Zone is shown in blue on the maps below:



As such the application has been supported by a Flood Consequences Assessment (FCA) dated May 2013. Following consultation with Natural Resources Wales, it is considered that the submitted FCA has failed to demonstrate that the consequences of flooding can be acceptably managed for the lifetime of the development in accordance with TAN15. A level of 7.5m AOD has been proposed although no flood level information of the Cadoxton River has been provided to allow an assessment of the adequacy of this; whilst such a floor level would also mean that it would not be compliant with the guidance contained within TAN15 with regard to tidal flooding for either for the 200 year event or the 1000 year event. NRW also note that the FCA does not provided details of speed of inundation, rate of rise and velocity and therefore is incomplete.

In the absence of the information noted above, it is considered that the application has not demonstrated that issues of flood risk have been properly considered within the submitted FCA. Furthermore having reference to the provisions of TAN15 with regard to development within Flood Zone C2, the proposed development is not considered to comply with the provisions of the criteria laid down in section 6, since it is not necessary to assist a regeneration initiative or sustain an existing settlement, nor is it required for a key employment use (as detailed previously). Therefore it is considered that the risks of flooding on the site have not been adequately considered nor is it considered that the proposals comply with the criteria identified within TAN15. Overall therefore the proposed development is considered to be contrary to the provisions of Policy ENV7 of the Development Plan and TAN15.

Impact upon water resources

Following consultation with Natural Resources Wales (NRW), it was initially considered that insufficient information was provided to demonstrate that the risk of pollution to controlled waters would be acceptable. NRW indicate that the site falls within the Zone 1 of the Biglis Well Source Protection Zone (SPZ) and contamination is known/strongly suspected at the site due to its location and previous industrial use. Given this, NRW indicated initially that the application as submitted failed to provide assurance that the risks of pollution have been adequately assessed and advise that a preliminary risk assessment should be provided. This has now been carried out and NRW have removed their objection in this respect.

Planning (Section 106) obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to any material circumstances.

In this case, the application relates to a development for a retail store at Ty Verlon Industrial Estate. Officers have considered 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.

Sustainable Transport

UDP Policies 2 and 8 favour proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.

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

In particular TAN 18 states that "Planning authorities may use planning obligations to secure improvements in roads, walking, cycling and public transport, whether as a result of a proposal on its own or cumulatively with other proposals and where such improvements would be likely to influence travel patterns, either on their own or as part of a package of measures" (9.20 refers). At paragraph 9.21 it continues "Circular 13/97 sets out the way in which planning obligations can be applied, but practical examples relating to influencing movement to a site include the funding of additional or improved bus services, commuted sums towards new or improved bus and rail interchanges, and improvements to pedestrian or cycle routes which go near the site or make it easier to access the site."

The Council's SPG assists the assessment of what would be reasonable levels of contributions for off-site works to enhance sustainable transport facilities, has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and to the scale of development proposals. The approach set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It is considered that a contribution of £2,000 per 100 sq. metres of floor space for this development is reasonable and necessary and as such, a contribution of £32,000 has been sought from the Developer. Such contributions could be spent on improvements for pedestrian mobility at the junction of Sully View and Cardiff Road including improved crossing points to allow access to bus shelters on opposite side of Sully View; or alternatively on improvements to the bus shelter/stop on the opposite side of Sully View to improve usability by buses and assist the free flow of traffic along Cardiff Road, noting that this facility currently lacks a number of features including a dedicated bay or Kassel kerb to assist movements at the stop; and/or improvements to bus services adjacent to the site.

At the time of writing this report, the applicant has not agreed to the payment of such a contribution. As such it is considered that the development as proposed would have an unacceptable impact in this respect, as the impact of the development would not be mitigated.

Training and Development

Part of the justification for permitting new developments such as this is the employment opportunities they present. Training local residents, to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population.

This may be provided by the developer on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development. In this case, it is considered reasonable to expect training (on a recognised training course) to be provided for at least 3 employees or alternatively pay the Council a contribution of £3600 as an in lieu contribution. The financial contribution would be used to remove the barriers to work by providing assistance such as training, skills development, childcare etc. This has been sought from the developer and would have been secured through a Section 106 Agreement if the application was considered to be acceptable in all other regards.

At the time of writing this report, the applicant has not agreed to the payment of such a contribution. As such it is considered that the development as proposed would not mitigate impacts in this respect.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments of this nature (1,000 sq. metres floor area and above), developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, public art should be provided on site integral to the development proposal.

At the time of writing this report, the applicant has not agreed to the payment of such a contribution. As such it is considered that the development as proposed would not comply with national guidance and the Council's SPg in terms of public art.

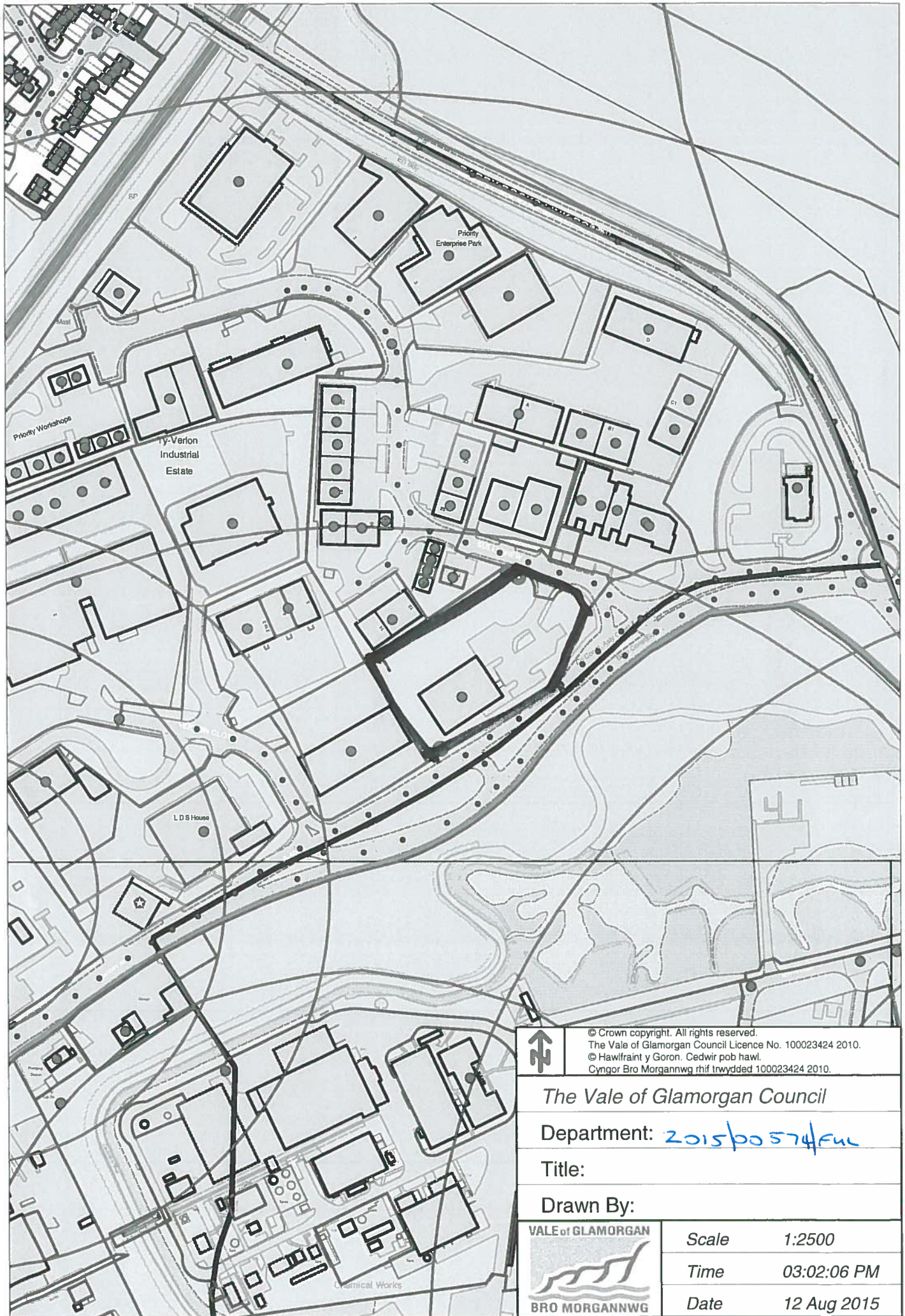
CONCLUSION



The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed A1 retail unit would result in the unacceptable loss of employment land allocated for uses falling within classes B1, B2 and B8 of the Use Classes Order 1987 on an identified Key Employment Site, and would therefore be detrimental to the economic health of the Vale of Glamorgan given that it would adversely impact upon the requisite supply of employment land in the area. The loss of such employment land would be at odds with policies EMP1 'Land for Employment Uses' and EMP4 'Protection of Land for Employment Uses', Technical Advice Note 4 'Retailing and Town Centres', Technical Advice Note 23 'Economic Development' and guidance contained within Planning Policy Wales (7th edition), as well as the background evidence base that supports the Council's Draft Local Development Plan.
2. The application site falls within Flood Zone C2 as identified within the Development Advice Maps within TAN15, and the submitted Flood Consequences Assessment does not adequately demonstrate that issues of flood risk have been fully considered. Therefore it has not been demonstrated that the development would not result in increased flood risk both within and outside the confines of the application site. The proposal is therefore contrary to Policy ENV7 – Water Resources and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the guidance contained within Planning Policy Wales (edition 7 2014) and Technical Advice Note 15: Development and Flood Risk.
3. The applicant has failed to agree to adequately mitigate the impact of the proposed development in terms of sustainable transport facilities, via an appropriate Section 106 agreement. The development would therefore be inadequately served by sustainable transport facilities, contrary to the aims of Policies ENV27 - Design of New Developments and SHOP 12- New Retail Development Outside District Shopping Centres, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance on Planning Obligations and the advice contained within Planning Policy Wales (edition 7).
4. There is no demonstrated need for a proposed A1 retail unit in this location and the proposal would result in an unacceptable detriment to the vitality and retail function of existing town and district shopping centres, and would therefore be detrimental to the economic health of the Vale of Glamorgan given that it would adversely impact upon existing Town and District Centres. Such an impact would be at odds with policy SHOP12 'New Retail Development Outside District Shopping Centres' and Technical Advice Note 4 'Retailing and Town Centres', and guidance contained within Planning Policy Wales (7th edition), as well as the background evidence base that supports the Council's Draft Local Development Plan.



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	The Vale of Glamorgan Council	
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	Date	12 Aug 2015

2015/00700/FUL Received on 25 June 2015

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CF64 1EE
Mark Taylor, MT Surveyors, Heatherton Lodge, Michaelston Y Fedw, Cardiff,
CF3 6XS

23, Glebe Street, Penarth

Change of use from retail shop to three bedroom dwelling

SITE AND CONTEXT

The site relates to a mid-terrace retail premise with accommodation above. The site is located in the northern part of Glebe Street, north of Plassey Street and comprises a mix of retail /commercial and residential properties.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the whole of the premises into a dwelling. The works entail restoring a frontage of domestic appearance by removing the shop front and installing a domestic scale front door and window.

PLANNING HISTORY

There have been several planning applications for the site related to its commercial use including as a betting office and shop. It is noted that application 2005/0225/FUL approved consent for conversion of No.24 to two self-contained flats.

CONSULTATIONS

Penarth Town Council: should be refused because it will result in the loss of a retail outlet which would be detrimental to the vibrancy of the town centre.

Highway Development: Further to reviewing additional information provided in relation to the above, it is noted that both the existing and proposed uses at the site are deficient in car parking. As a result, it is considered that the development would not increase the car parking demand along the adjacent highway, above that of the existing uses at the site

Therefore, an objection in relation to the highway and transportation aspect of the development is not raised in this instance.

St. Augustine's members were notified, Councillor Gwyn Roberts advises that the matter should be considered by the planning committee as the scheme has caused concerns that there is an increasing demand for small shops in the Penarth centre and this (conversion to a dwelling) would be seen as a retrograde step.

REPRESENTATIONS

The neighbouring properties were consulted on 2 July 2015.

Seven representations were received objecting to the scheme due to the adverse impact on remaining retail units from the loss of this retail unit and the resulting reduction in foot fall.

Loss of small start up business scale units would be to the detriment of retailing in the area in general and once lost never recovered. See appendix A for two emails of representation being generally indicative of the views expressed.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 9 – SHOPPING FACILITIES

POLICY 10 – SHOPPING FACILITIES

Policy:

ENV27	- DESIGN OF NEW DEVELOPMENTS
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS 8	- RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
SHOP 9	- PROTECTION OF RETAIL USES

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The UDP is the adopted development, therefore, against which this application should be assessed.

Policy SHOP5 states:

- "ground floor uses in primary shopping areas at ground floor level in primary shopping areas of the town / district shopping centres, uses other than those which fall within class a1 of the use classes order 1987 (as amended) will only be permitted where the proposal:

(i) would not, by virtue of its nature, design and scale create an unacceptable effect on the character of the primary shopping frontage;

(ii) would not dominate the primary shopping areas in a way which would undermine the retail function;

(iii) would not create a dead window frontage;

(iv) would not give rise to new, or exacerbate existing, local problems resulting from traffic generation, highway safety, noise, smell or other amenity considerations; and

(v) incorporates a high standard of design. "

The site is not in the primary retail frontage as defined in the UDP policy and therefore the development is not contrary to this policy.

Policy SHOP9 states:

"-protection of retail uses- the retention of class A1* uses, as defined by the town and country planning use classes order 1987 (as amended), in local and neighbourhood centres will be favoured.

* A1 shops as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended)"

Again the site is not in a local or neighbourhood centre as defined in the UDP and therefore the development is not contrary to this policy.

The town centre remains vibrant and has a good mix of retail uses, including independent shops. The loss of this shop does not detract from the vitality and viability of the defined town centre or any local or neighbourhood retail area.

The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 7, July 2014) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 and 4.3.1 in particular

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 4 – Retailing and Town Centres (1996)

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (edition 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

- Town and District Retail Centre Appraisal (2013 Update)

Issues

The application was deferred from the meeting on 3 September 2015 to enable Members to visit the site. The site visit will have taken place before this meeting to reconsider the scheme.

The issues to be considered are the loss of the retail unit and associated accommodation from this street and its impact on the local planning authority's retail policy for the protection of town centres and the suitability of the site and its location as a dwelling as contained in the UDP. The draft Local Development Plan Town (DLDP) and District Centre Retail Appraisal 2013 (DCRA) identify the site as falling within the Penarth District retail boundary as a secondary frontage.

POLICY MG 14 of the DLDP states: - non A1 retail uses within town and district retail centres proposals for non A1 retail uses at ground floor level within the town and the district centres will be permitted subject to criteria including the criterion that-

"7. proposals for non A1 retail uses outside the defined primary and secondary retail frontages will be permitted where it is demonstrated that the existing A1 use is no longer viable. Residential uses within primary and secondary ground floor frontages in town and district centres will not be permitted."

The

There have been several objections, including from existing retailers located in close proximity to the site, to the loss of this unit in terms of impact on retailing in this area and discouragement to footfall to the area. The site is not located within the primary, local or neighbourhood hierarchy of shops as identified in the UDP. It is, however, defined as a secondary frontage in the 2013 retail appraisal.

Secondary frontage is defined as : "Important shopping frontages in the town centre, generally with a greater diversity of ancillary retail uses than the primary frontages and lower rental values."

There is therefore no adopted, development plan policy that supports a refusal of the scheme and the loss of this one unit is not considered to undermine the viability or vitality of the retail hierarchy defined in the UDP. As detailed above the DLDP carries limited weight and even if the local planning authority were to consider prematurity in relation to the scheme, the loss of this single unit would not go to the heart of the DLDP and there would, therefore, be no justified planning reason for refusal on retail policy grounds.

The DCR Appraisal states:

5.10 Rental information is not available for Penarth District Centre Values due to the limited number of transactions. The business survey for Penarth indicated that many premises were rented (72%). The availability of short term leases and affordable rents was not a frequent reason given for locating in Penarth by respondents to the business survey suggesting this is not one of the commercial attractions of the centre. In addition affordable rents were ranked quite low amongst positive aspect of the centre as a business location. Conversely the cost of rents was ranked as one of the least problems with the centre perhaps reflecting mixed fortunes amongst businesses in the centre and / or that there are other greater problems with the centre. In addition reduced property costs was only ranked 3rd in the list of priorities for investment in the centre suggesting high rents is an issue for some but not all businesses in Penarth.”

This unit has the appearance of having been vacant for some time. The applicant was, therefore, asked to clarify the marketing and timescale of the vacancy of the unit and has replied that the unit was last used as a retail unit about 2012, it was stated it had been marketed until 2014 without success and the current owner bought the premises in 2015. They indicate the property is in a poor state of repair and it was noted at the site visit that the building appeared to be empty and the interior has been stripped.

The applicants advise the first floor had not been used for a considerable time (25 years).

The DCRA continues stating:

“5.67 The remainder of the shopping centre as defined by Goad should be designated as secondary frontage where some non-retail uses will be permitted. This will enable the centre to develop supporting business and leisure services.”

Whilst sympathetic to the points made by adjoining businesses, there is no planning policy reason based on the adopted Development Plan policies or the background papers of the Draft LDP to resist this application on the grounds of loss of retailing or impact on any primary, local or neighbourhood centre.

It is noted that number 24 Glebe Street was given consent for conversion to two flats in 2005. Given also the comments of the applicant /agent regarding the inability to let/sell the premises for retail purposes, refusal of the current scheme would not appear to be supported by the marketing exercise. There is no specific retail policy support in the UDP for retention of the site for retailing.

In terms of the suitability of the accommodation and location for a dwelling, the site is edge of town centre and adjoins existing residential development in a mixed area. There is no reason to consider that the property is not suitable for a dwelling even noting that this property has a very small area of garden to serve the property.

In terms of impact on parking, the highway officers comments note the lack of any on-site parking now and the use as a dwelling in this edge of centre location with good public transport links would not be objected to in sustainability terms.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', ENV27 'Design of New Development' and SHOP9 'Protection of Retail Uses' the Local Planning Authority's adopted guidelines 'Amenity Standards' and the location and scale of the site there are no planning reasons on highway safety, retail policy or neighbour amenity grounds to refuse this scheme.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Design and Access statement and drawings 2011.31.01 and 02 received on 19th June 2015.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

NOTE:

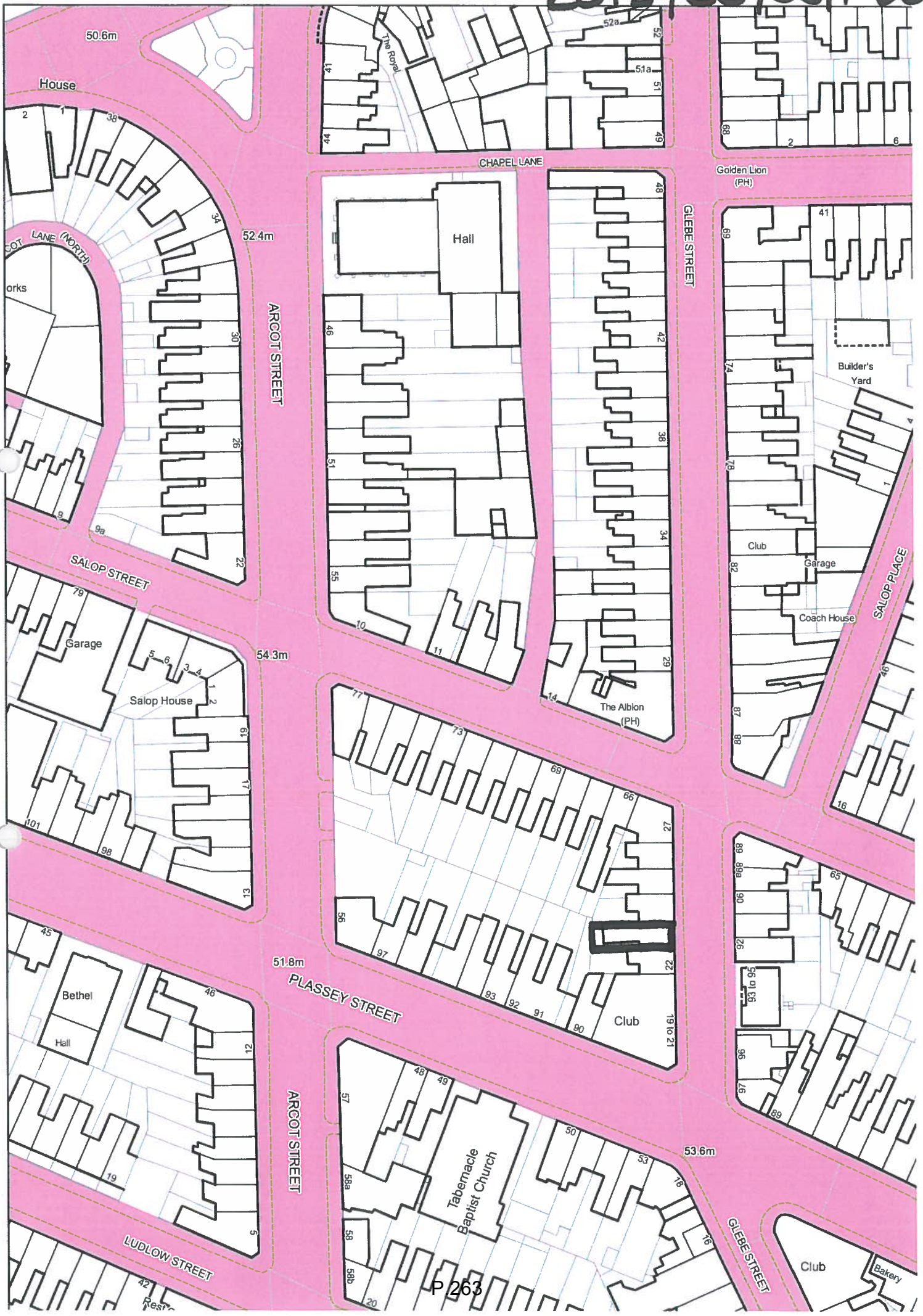
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2015/00700/FW



Payne, Adrienne J

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 14 July 2015 16:29
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00700/FUL

New comments have been received for application 2015/00700/FUL at site address: 23, Glebe Street, Penarth

from Mr Nicholas Janes [REDACTED]

Address:
89 Glebe Street, Penarth, CF64 1EE

Comments:

I do not wish this application to be approved as it will remove a potential business from opening in this small but thriving business community in this particular part of Glebe street. The Public will be denied choice if there are no affordable shops available to rent outside of the town centre. I am a business owner just opposite and also live above my business. I believe that it should stay as a shop and not converted to the more profitable residential development as once its is gone its gone for good.

The following files have been uploaded:
Objection 23 Glebe Street
.doc

Case Officer:
Mrs. J. M. Crofts

RECEIVED

15 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 7
ACK:

From: Planning&Transport@valeofglamorgan.gov.uk
Sent: 16 July 2015 11:13
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00700/FUL

New comments have been received for application 2015/00700/FUL at site address: 23, Glebe Street, Penarth

from Miss Jo Powell [REDACTED]

Address:
5 Arcot Street ,Penarth ,cf64 1es

Comments:

Other type details: penarth resident and buisness owner.

Comment: I think this proposal is crazy!

The traders in upper Glebe Street are all going beyond their means to help include that section of the town as 'the town center'

It is hard enough for them to get people to walk up that far to visit the many wonderful shops that are already on offer, turning this prime retail unit in to residential is only going to hinder that.

Penarth - included in Cardiff South has been in the press recently highly praising the amount of individual retailers and how much it has boosted the local economy - if consent is given more would be taken away from this! Penarth overall doesn't have a huge percentage of empty retail units... showing there is huge demand for them within the town - the residents, the buisness owners, the visitors need more shops not more residential dwellings on such prime land!

Case Officer:
Mrs. J. M. Crofts

RECEIVED

16 JUL 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC
NO: 21
ACK: