

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 2 JULY 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:

2014/0319/BN	A	16, Meadow Vale, Barry	Erection of two storey side extension and single and double storey rear extensions
2014/0535/BN	A	23, Sullivan Close, Penarth	Single storey extension to create a new lounge, removal of wall & chimney breast to existing living room.
2014/0585/BN	A	4, Heol Miaren, Pencoedtre Village, Barry	Single storey orangery extension to the rear of property
2014/0625/BN	A	34, Millfield Drive, Cowbridge	Two storey & single storey extension to rear & side
2014/0628/BN	A	24, The Broadshoard, Cowbridge	Single storey rear extension and porch
2014/0831/BN	A	29, Cae Stumpie, Cowbridge	Single storey extension to rear for kitchen utility dining area
2014/0842/BN	A	54, Longmeadow Drive, Dinas Powys	Two storey extension

2015/0051/BN	A	12, Daniel Hopkin Close, Llantwit Major	Single storey extension to enlarge dining area, upgrading the conservatory, plus single storey extension to utility room
2015/0083/BR	AC	12, Park Road, Penarth	Replacement dwelling including external works
2015/0284/BN	A	47, Westward Rise, Barry	Double storey extension to the rear of the property
2015/0389/BR	AC	Diamond Villa, Wick Road, Llantwit Major. CF61 1YU	Garden room extension
2015/0458/BR	AC	Llantrithyd House, Llantrithyd, Cowbridge	Conservatory extension
2015/0536/BN	A	20 West Terrace , Penarth CF64 2TX	Installation of Steel Support and extension
2015/0537/BR	AC	3, Mountjoy Close, Penarth. CF64 2TA	Demolish existing single story rear lean-to annex and replace with new single story extension on same footprint and also new wrap around side extension (single story).
2015/0539/BR	AC	24, Forrest Road, Penarth	Demolish existing garage and build single storey rear extension and garage
2015/0540/BR	AC	Out-building, rear of 20, High Street, Cowbridge	Conversion of out-building to office
2015/0542/BR	AC	6, Ham Lane South, Llantwit Major.	Demolition of an existing conservatory and construction of a single story extension to the rear of the property.
2015/0543/BR	AC	Cresselly, 1, Cae Rex, Llanblethian	Single storey extensions and loft room
2015/0544/BR	AC	13, Orchard Close, Wenvoe	Single storey extension
2015/0547/BR	AC	Hougomont, 32, Old Port Road, Wenvoe	Porch extension

2015/0548/BR	AC	2, Lakehill Drive, Cowbridge	Two storey front extension & single storey rear extension
2015/0549/BR	AC	17, Lakeside, The Knap, Barry	Repair & Alterations to dwelling to include replacement balcony
2015/0558/BR	AC	14a, Fitzhamon Avenue, Llantwit Major	New 4 bedroom dwelling
2015/0559/BR	AC	The Nest, St. Hilary	2 Storey rear extension. GF set in ground with FF at garden level & FF extension above play room at side of dwelling
2015/0560/BN	A	31, Castle Road, Rhoose	Supply & fit 1/2 hr fire check door FD30 & stops
2015/0573/BN	A	65, Hinsliff Avenue, Barry	Single storey extension, less than 4 sq m, to create a hallway to link to an existing reception room.
2015/0574/BN	A	3, Bittern Way, Penarth	Take down internal wall and insert steel beam
2015/0575/BN	A	Woodside Cottage, Fonmon	Demolition of single storey extension and erection of larger single storey extension
2015/0576/BN	A	11, Heol Pilipala, Rhoose Point, Rhoose	Convert existing integral garage into a dining room
2015/0577/BN	A	41 & 42, High Street, Barry	Conversion of vacant chemists to one house & 2 No. flats
2015/0579/BN	A	22, Hillside Close, Barry	Single storey granny annex
2015/0581/BN	A	88, Windsor Road, Penarth	Installation of support steelwork to form opening in external wall on ground floor

2015/0583/BR	AC	W601, Dow Corning, Cardiff Road, Barry	Upgrade of office spaces to 1st (mezzanine), 2nd Floor (Engineering Office) & 3rd Floor (Top). Includes new partition walls & doors, with modifications to small power, lighting, emergency lighting, HVAC system, deluge & smoke detection to accommodate the new layout.
2015/0584/BN	A	102, Jenner Road, Barry	Removal of load-bearing wall and insertion of steel beam
2015/0585/BR	AC	35, Southey Street, Barry	Single storey side & rear extension
2015/0586/BN	A	Unit 7, Esplanade Buildings, Barry Island	Alterations to cafe, shop to cafe
2015/0588/BR	AC	78, Lavernock Road, Penarth	Attic conversion with dormer
2015/0589/BN	A	30, King Street, Penarth	Re-roof
2015/0593/BN	A	27, Illtyd Avenue, Llantwit Major	single storey extension to provide kitchen, extension to existing lounge & cloakroom
2015/0594/BN	A	25, Minehead Avenue, Penarth	Rear dining room extension
2015/0596/BN	A	33, Pontypridd Road, Barry	Single storey side & rear extension
2015/0598/BN	A	32, Kingsland Crescent, Barry	Removal of kitchen wall & chimney breast and installation of steel beam
2015/0599/BN	A	38, Smithies Avenue, Sully	Removal of wall and installation of beam
2015/0600/BN	A	7, Maughan Terrace, Penarth	Kitchen Extension
2015/0601/BN	A	49, Enfield Drive, Barry	Single storey side utility & kitchen extension

2015/0603/BN	A	29 Lougher Place, St.Athan, CF62 4PW	Removal of non loadbearing pantries in kitchen.
2015/0604/BN	A	35, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in kitchen.
2015/0605/BN	A	37, Lougher Place, St. Athan CF62 4PW	Removal of non loadbearing pantries in kitchen
2015/0606/BN	A	12, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in kitchen.
2015/0607/BN	A	27, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in Kitchen.
2015/0609/BN	A	7, Mountjoy Close, Penarth	Loft & side extension
2015/0610/BN	A	61, Cosmeston Drive, Penarth	Kitchen extension
2015/0611/BN	A	18, Hickman Road, Penarth	Re-roof
2015/0612/BN	A	9, Verona Place, Barry	New windows & doors
2015/0613/BN	A	27, Wordsworth Avenue, Penarth	Re-roof in clay tiles to match the existing
2015/0615/BN	A	48, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in Kitchen, Removal of non loadbearing wall between bathroom and Wc.
2015/0616/BN	A	53, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries to kitchen.
2015/0617/BN	A	55, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in kitchen.
2015/0618/BN	A	70, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in kitchen.

2015/0619/BN	A	72, Lougher Place, St. Athan. CF62 4PW	Removal of non loadbearing pantries in Kitchen.
2015/0620/BN	A	Greenacres, South Terrace, Southerndown	Detached double garage
2015/0621/BN	A	11, Wick Road, Ewenny	Alterations and Side/Rear Extension
2015/0622/BN	A	61, Boverton Road, Llantwit Major	Alterations to kitchen, Remove wall. Install structural steel beams
2015/0624/BN	A	14, Ivy street, Penarth	Removal of internal wall in kitchen and installation of steel beam. Increase height of opening between lounge and dining room and install steel beam. Structural engineers reports to follow
2015/0626/BN	A	47, Pardoe Crescent, Barry	Re-roof
2015/0627/BN	A	49, Pardoe Crescent, Barry	Re-roof
2015/0628/BN	A	54, Pardoe Crescent, Barry	Re-roof
2015/0631/BN	A	The Old Ox Barn, Llantwit Road, Wick	Single storey extension to make utility room & porch
2015/0633/BN	A	11, St. Lythans Road, Barry	Garage conversion
2015/0635/BN	A	Fontygary Caravan Park, Rhoose	Development of touring park and amenity building
2015/0636/BN	A	61, Trebeferad, Boverton	Loft conversion to single bedroom
2015/0640/BN	A	Fern Lodge, Llanquian Rd, Aberthin, Cowbridge, Vale of Glamorgan CF71 7HE	Demolition of existing conservatory and balcony/patio area on side elevation and construction of single story side extension
2015/0641/BN	A	167, Lavernock Road, Penarth	Alterations to existing footprint of bungalow. Moving bathroom and creating kitchen/diner

2015/0645/BN	A	4, Kent Green, Barry	Re-roof
2015/0646/BN	A	3, Kent Green, Barry	Re-roof
2015/0647/BN	A	1, Kent Green, Barry	Re-roof
2015/0648/BN	A	6, Kent Green, Barry	Re-roof
2015/0651/BN	A	9, Kent Green, Barry	Re-roof
2015/0653/BN	A	9, Kent Green, Barry	Re-roof
2015/0654/BN	A	4, Cliffside, Penarth	Demolition of existing conservatory. Single storey extension to kitchen
2015/0655/BN	A	55, Shakespeare Avenue. Penarth	Remove internal wall and fit steel beam
2015/0659/BN	A	64, Redlands Road, Penarth	Re-roofing in fibre cement slates
2015/0660/BN	A	2B, Elfed Avenue, Penarth	Conversion of existing garage to utility/kitchen area
2015/0661/BN	A	66, Glamorgan Street, Barry	Re-locate stairs. Re-locate bathroom to first floor. Re-locate downstairs W.C. to make cloakroom/W.C. Move rear bedroom door.
2015/0662/BN	A	Land adjacent to Fir Cottage, Llantwit Road, St. Athan	New build stone fronted three bedroom cottage
2015/0663/BN	A	21, Seaview Drive, Ogmore By Sea	Internal alterations & refurbishment
2015/0664/BN	A	1, Walker Road, Barry	Re-roof
2015/0665/BN	A	2, Walker Road, Barry	Re-roof
2015/0666/BN	A	3, Walker Road, Barry	Re-roofing
2015/0667/BN	A	4, Walker Road, Barry	Re-roofing
2015/0668/BN	A	5, Walker Road, Barry	Re-roof
2015/0669/BN	A	1a, Pardoe Crescent, Barry	Re-roof
2015/0670/BN	A	2a, Pardoe Crescent, Barry	Re-roof

2015/0671/BN	A	7, Walker Road, Barry	Re-roof
2015/0672/BN	A	9, Walker Road, Barry	Re-roof
2015/0673/BN	A	11, Walker Road, Barry	Re-roof
2015/0674/BN	A	10, Walker Road, Barry	Re-roof

(b) Building Regulation Applications - Reject

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

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

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

2015/0095/AI	A	16, Heol Y Frenhines, Dinas Powys	Two storey side extension
2015/0096/AI	A	1, Portland Close, Penarth	Proposed bathroom installation at first floor level and fit an internal disabled lift facility (works to include material alterations to structure, controlled services, fittings and thermal elements)
2015/0097/AI	A	106, Stanwell Road, Penarth	Proposed change of use from a three storey property containing two self contained flats into one dwelling house, single storey rear extension and alteration (works to include material alterations to structure, controlled services, fittings and thermal elements).
2015/0098/AI	A	42, Fontygary Road, Rhoose	New detached dwelling
2015/0099/AI	A	212, Holton Road, Barry	Proposed part conversion to flats, internal alterations and associated works.
2015/0100/AI	A	15, Cae Gwyn, Penarth	Proposed conversion of garage into a habitable room, works to include material alterations to



			structure, controlled services, fittings and thermal elements.
2015/0101/AI	A	13, Smithies Avenue, Sully	Dormer loft conversion including gable end build up and associated works.
2015/0102/AI	A	Fairwinds, The Downs, St. Nicholas	Proposed single storey front extension and construction of single storey attached garage to front of dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0103/AI	A	2, Harbour View Road, Penarth	Dormer loft conversion and associated works
2015/0104/AI	A	16, Meadowside, Penarth	Proposed single storey rear extension to dwelling, works to include material alterations to structure, controlled services, fittings and thermal elements
2015/0105/AI	A	67, Highwalls Avenue, Dinas Powys	Proposed single storey rear extension and alterations to ground floor, layout, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0106/AI	A	Flat 2, 66, Victoria Road, Penarth	Single storey extension and associated works
2015/0107/AI	A	Great House Barn, Llandough	Conversion of barn to a dwelling
2015/0108/AI	A	88, Windsor Road, Penarth	Single storey extension, loft conversion and general refurbishment to provide a six bedroom HMO
2015/0109/AI	A	138, Fontygary Road, Rhoose	Proposed single storey front and rear extensions to dwelling, works to include material alterations to structure, controlled services, fittings and

			thermal elements
2015/0110/AI	A	24, Pencoedtre Road, Barry	Proposed formation of internal structural opening between the lounge and dining room, works to include material alterations to structure, controlled services, fittings and thermal elements.
2015/0111/AI	A	Ivy Cottage, 32B Grove Terrace, Penarth	Loft conversion and associated works
2015/0112/AI	A	61, Murch Road, Penarth	Dormer loft conversion and single storey rear extension and associated works
2015/0113/AI	A	76, Plymouth Road, Penarth	Loft conversion and associated works
2015/0114/AI	A	Stourbridge House, Llysworney, Cowbridge	Proposed erection of a three storey detached dwelling
2015/0115/AI	A	8, Britten Road, Penarth	Single storey extension and associated works
2015/0117/AI	A	1, Augusta Crescent, Penarth	Proposed internal structural alterations and associated works
2015/00118	A	6, Castle Precinct, Llandough, Cowbridge	Internal alterations to existing garage to form utility room and associated works

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

2011/0417/BN  
2011/0487/BN  
2011/0503/BR  
2011/0531/BR

2011/0538/BN  
2011/0540/BN  
2011/0542/BN  
2011/0557/BR  
2011/0618/BR  
2011/0628/BR  
2011/0654/BR  
2011/0706/BN  
2011/0708/BR  
2011/0710/BR  
2011/0718/BR  
2011/0720/BN  
2012/0001/BR  
2012/0008/BR  
2012/0017/BR  
2012/0017/PV  
2012/0020/BN  
2012/0034/BR  
2012/0062/BN  
2012/0073/BR  
2012/0080/BN  
2012/0125/BR  
2012/0145/BR  
2012/0151/BR  
2012/0153/BN  
2012/0158/BR  
2012/0160/BR  
2012/0202/BR  
2012/0221/BR  
2012/0260/BR  
2012/0261/BR

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

2014/00626/RES	A	Plot 5, Craig yr Eos Avenue, Ogmore By Sea	Proposed construction of detached residential dwelling
2014/00914/OUT	A	Ogmore by Sea Caravan Park, Hazelwood, Ogmore By Sea	Removal of Condition 6 of planning permission 2009/01273/OUT
2014/00917/OUT	A	Ogmore by Sea Caravan Park, Hazelwood, Ogmore By Sea	Variation of Condition 9 of planning permission 2009/01273/OUT
2014/01107/FUL	A	Beth Rapha, Ogmore by Sea Caravan Park, Hazelwood, Ogmore by Sea	Re-development of existing house for 3 detached houses

2014/01108/RES	A	Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	Redevelopment of caravan site for residential development, with associated open space at Ogmore by Sea Caravan Park
2014/01109/FUL	A	Crompton Bungalow, Ogmore by Sea	Redevelopment of existing bungalow for three detached houses
2014/01247/FUL	A	Meadowcopse, Waycock Road, Barry	Erection of an agricultural building
2014/01350/FUL	A	Wenvoe Service Station and West Cross, Port Road, Wenvoe	Removal of existing structures and canopy and construction of 3 no. two bedroom dormer bungalows on site and to include detached garage to Plot 3, including drive access, turning and parking areas
2014/01475/FUL	R	Land at Ynyston, Leckwith	Development creating floorspace of 125sq m on agricultural land for agricultural purposes
2014/01477/FUL	A	Upper Barn, Southra, Dinas Powys	Removing one small window enlarging the opening to accommodate glass sliding door. Move front door to swap with adjacent window (NMA)
2015/00051/FUL	A	The Stables, Treoes	Extension to the existing bungalow providing living accommodation of an open plan, small lounge/dining/kitchen and en-suite, for the parents of the applicants within the existing front yard
2015/00057/FUL	A	Glen Cottage, 39, Eastgate, Cowbridge	Proposed kitchen extension to existing dwelling and proposed detached garage/store/family room to rear garden (in place of existing garage)

2015/00108/FUL	R	Flush Cottage, Flanders Road, Llantwit Major	Domestic two storey extension
2015/00113/FUL	A	Westwood Cottage, Broughton Road, Wick	Single walled stone outbuilding, no windows, single door, tiled roof, rain water to water butts
2015/00126/FUL	A	25, Cwrt Y Vil Road, Penarth	Proposed detached greenhouse
2015/00159/FUL	A	17, Lakeside, Barry	Providing a roof canopy over an existing balcony to primary elevation plus replacement windows and some alterations to front garden, hardstanding and steps
2015/00172/FUL	A	Land at Maes Y Fro, Llysworney	To erect a polytunnel measuring 16ft x 24 ft
2015/00189/FUL	A	122, Plymouth Road, Penarth	Demolition of the single storey Reception roof and the erection of a new first floor, including associated enabling works
2015/00213/FUL	A	3, Darren Close, Cowbridge	Front extension over garage and front single storey lean-to
2015/00227/FUL	A	32, Porth Y Castell, Barry	Demolish garage and erection of single storey side extension
2015/00235/HH	R	3, Heol Y Felin, Llantwit Major	High hedge

2015/00254/FUL	A	Unit 1, Priority Business Park, Barry	Alterations to the existing second floor of Unit 1 which includes the introduction of new windows at this level, 1 number to the North West elevation and 5 to the North East elevation. In order to accommodate these windows, the lower sign to the North East will be removed and the sign to the North West relocated at the same level. Externally, it is proposed to develop the existing yard to Unit 1 which includes the removal of an existing cabin, diesel tank, barriers and container as indicated on drawing 7326-05-10. It is proposed to replace with a new portakabin, cycle stands, additional car parking, lorry parking bays, secure fenced compound, shelter, 2 no. containers and bunded fuel tank.
2015/00299/FUL	A	14, Llandaff Close, Penarth	Single storey extension to rear of the property, roof angle adjusted to rear of property to allow for rooms within loft area, new flat roof porch and associated works. Dormers to be formed within the roof
2015/00312/FUL	A	De Sully Grange, Swanbridge Road, Sully	Coach house extension (to include garage at ground floor and first floor gym)
2015/00335/RES	A	Land at St. Johns Well, St. Athan	Erection of 100 no. 2, 3 and 4 bedroom houses and associated works
2015/00338/FUL	A	3, Ludlow Street, Penarth,	Ground floor rear extension to improve kitchen and utility room. First floor rear extension to add upstairs bathroom and bedroom. Attic conversion with dormer to add bedroom

2015/00339/FUL	A	Beechwood College, Hayes Road, Sully	Erection of three temporary portable buildings
2015/00340/FUL	A	Beechwood College, Hayes Road, Sully	Retention of three demountable units
2015/00351/FUL	A	White Gables, B4268 Llysworney to Pentre Meyrick Boundary, Llysworney	To replace existing extension with a uPVC white conservatory on the rear of the property
2015/00367/FUL	A	Disused weighbridge and office, Llwynhelig Farm, Cowbridge	Construction of a detached laundry room and office for use in connection with the existing un-catered hostel accommodation together with associated engineering and other operations
2015/00369/FUL	A	Brook Farm, Llanmaes	Amendments of site boundaries and location of dwelling within the site, new gazebo structure adjacent to swimming pool, and replacement storage building in lieu of an existing dilapidated railway carriage, to house animal feed and small livestock/poultry
2015/00370/ADV	R	Unit E1, Westpoint Industrial Estate, Cardiff	Erection of free standing advertising structure comprising 2 no. 12m x 3m LED digital displays
2015/00372/FUL	A	Torridon, 3, Cefn Mount, Dinas Powys	Two storey rear extension for new ground floor kitchen and first floor bedrooms and family bathroom. Single storey rear extension for games room
2015/00374/FUL	A	Pennant Farm Lane - Moulton Village to Penant Farm, Llancaiwan	Demolition of existing buildings and erection of stable blocks
2015/00379/FUL	A	Dow Corning Ltd, Cardiff Road, Barry	Additional 30m tall steel process tower to house a replacement 10.5ft vessel. There is no change of use



2015/00384/FUL	A	44, Porthkerry Road, Rhose	Demolition of double garage and erection of one bedroom single storey annexe
2015/00388/FUL	A	14, Victoria Square, Penarth	Proposed demolition of existing single storey rear extension, erection of new single storey side extension at the rear, alterations to existing detached garage, minor internal and external works
2015/00390/FUL	A	16, Birch Grove, Barry	New single storey extension to side and rear of property, demolition and removal of existing single storey garage and dismantle and removal of upvc conservatory
2015/00395/FUL	A	2, The Crescent, Pontypridd Road, Barry	First floor rear extension
2015/00397/FUL	A	24, Seaview Place, Llantwit Major	Single storey rear extension and demolition of garage
2015/00401/FUL	A	53, Plas Taliesin, Portway Marina, Penarth	Proposed single storey extension to kitchen, new balcony and windows. Project previously approved, minor amendment to front elevation windows only
2015/00412/FUL	A	19, Heol Pilipala, Rhose	Two storey granny annexe
2015/00414/FUL	A	4, Burton Terrace, East Aberthaw	Single storey rear side extension
2015/00418/LAW	A	4, Birch Grove, Barry	Internal works to create bedroom within existing outbuilding
2015/00420/FUL	A	19, Plymouth Road, Penarth	Proposed ground floor rear family room extension
2015/00421/FUL	A	38, Stanwell Road, Penarth	Rear extension in a conservation area covered by an Article 4 Direction

2015/00423/FUL	A	11, Llwyn Passat, Penarth	Proposed garage conversion & balcony at first floor on front elevation
2015/00432/FUL	A	Westbrook, 1, Somerset View, Sully	Loft conversion to include raising of existing ridge line and the addition of 2 no. flat roof dormers plus associated works
2015/00433/FUL	A	72, Coleridge Avenue, Penarth	Alteration to the Full planning permission ref. 05/01658/FUL, which has been partially completed, to incorporate additional rear dormer window
2015/00435/FUL	R	Ground Floor Shop, 85, Glebe Street, Penarth	Change of use from shop to 1 bed self contained flat (with alterations to front elevation)
2015/00439/FUL	A	25, Heol Sant Bridget, St. Brides Major	Bungalow to single storey dwelling conversion, including new front porch and a rear extension to move the bedrooms to the first floor and create a larger family living area to the ground floor
2015/00445/FUL	A	12, Gelyn Y Cler, Barry	Proposed loft conversion and single storey kitchen extension
2015/00447/FUL	A	7, Britway Road, Dinas Powys	Demolish existing rear wc, utility and store and construct single storey rear extension
2015/00448/LAW	A	5, Purcell Road, Penarth	Proposed timber construction outbuilding, single storey
2015/00449/LBC	A	Rectory House, Peterston Super Ely	Installation of flue outlet and a plume deflector for a new oil fired boiler to the side of the building. Remove existing modern sauna in the boiler room to resite the new boiler and allow flue to exit building

2015/00451/FUL	A	43, Caer Worgan, Boverton	Single storey side and rear extension with mono-pitch roof
2015/00452/FUL	A	Land adjacent to the Bank House, Durell Street, Llantwit Major	Variation of Condition 1 - To extend time period for implementation of 2009/ consent (2009/01244/FUL)
2015/00455/FUL	A	Coed y Colwn Barn, Llancarfan	Conversion of a redundant stone barn to tourism accommodation
2015/00456/FUL	A	3, Craig yr Eos Place, Ogmore by Sea	Erection of double garage with living accommodation above, replacing existing single garage. Fenestration amended to 2014/01117/FUL application
2015/00457/FUL	A	Plot 98, The Hedgerows, White Farm, Barry	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00459/FUL	A	Holm View, Victoria Park Road, Barry	Proposed ground floor extension to form new lounge, internal alterations to enlarge kitchen and relocate bathroom, lower ground floor extension to provide new lounge, demolition of existing garage and construction on new garage
2015/00460/FUL	A	15, Porthkerry Road, Rhoose	Proposed single storey rear extension
2015/00463/FUL	A	11, Coates Road, Penarth	Flat roof single storey extension to the rear of the property. This will include demolishing and rebuilding the existing outside toilet, store, and garage
2015/00464/FUL	A	Broughton House, Chapel Road, Broughton	Demolition of existing detached garage and replacement with new garage

2015/00466/FUL	A	Kynance House, Mount Road, Dinas Powys	Proposed demolition of existing outbuilding and construction of new garden room
2015/00468/FUL	A	26, Heol Eryr Mor, Barry	Demolish existing conservatory, replace with single storey rear extension
2015/00471/FUL	A	Plot 15, St Cannas Green, Llangan	Proposed alteration of approved dwelling to include rear conservatory extension
2015/00475/FUL	A	7, Pwll y Min Crescent, Peterston Super Ely	Erection of a single storey timber shed less than 2.5 metres in height and with a floor area less than 15 square metres
2015/00478/LAW	A	Chans Fish and Chips, 123, High Street, Barry	Lawful development certificate for existing use of ground floor as Class A3
2015/00482/FUL	R	Bahaven, Sigingstone	Roof conversion and garage conversion (replace roof, incorporate dormers and garage extension to rear)
2015/00487/FUL	A	24, Whitcliffe Drive, Penarth	Single storey extension to rear of property to replace existing conservatory; Two storey extension containing a replacement garage with a bedroom over and an attached single storey extension to the rear. Minor changes to development approved under Planning Application 2014/00833/FUL
2015/00488/FUL	A	13, Llwyn Passat, Penarth	Proposed extension of balcony to front. Proposed installation of sliding doors to rear
2015/00499/PNA	A	Cefn Coed Farm, Llanharry	Proposed Grain store
2015/00500/PNA	A	Cefn Coed Farm, Llanharry	Proposed Hay barn

2015/00520/PNT A Railway Terrace Garage, Proposed base station  
Railway Terrace, Penarth

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 2 JULY, 2015

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2014/01028/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3031337  
Appellant: Mr. and Mrs. G. Gibson,  
Location: Broughton House, Broughton  
Proposal: Retrospective application for retention of log store, tractor and mower shed in grounds of Broughton House  
Start date: 18<sup>th</sup> May 2015

L.P.A. Reference No: 2014/01193/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3032621  
Appellant: Spring Design,  
Location: Land adjacent to The Meynell, Treerhyngyll  
Proposal: Proposed new dwelling  
Start Date: 19<sup>th</sup> May 2015

L.P.A. Reference No: 2014/00328/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3033043  
Appellant: Mr. Tim Allen,  
Location: The Laurels, Llanquian Road, Aberthin, Cowbridge  
Proposal: Erection of a pair of semi-detached and a detached dwelling  
Start Date: 22<sup>nd</sup> May 2015

L.P.A. Reference No: 2014/01415/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/3035805  
Appellant: Mr. Martin Brewer,  
Location: Old Lime Works, St. Athan Road, Aberthaw  
Proposal: Proposed steel framed storage barn to store plant and feed  
Start Date: 3<sup>rd</sup> June 2015

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2014/00655/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 15/2230126  
Appellant: Mr. David Thomas,  
Location: Yew Tree Cottage, The Lane, St. Nicholas  
Proposal: Change of use from agricultural use to residential use  
Decision: Appeal Dismissed  
Date: 5th June 2015  
Inspector: Melissa Hall  
Council Determination: Delegated

Summary

The Inspector considered the main issues to be the effect of the development on the character and appearance of the surrounding area.

The appeal site lies to the rear of Yew Tree Cottage, which is located within a group of dwellings set within a wider countryside location. The site formerly formed part of the adjoining field but has since been enclosed by a post and rail fence along its northern and eastern boundaries. The site lies within the Wenvoe Green Wedge and the Dyffryn Basin Special Landscape Area (SLA), as defined by the adopted Vale of Glamorgan Unitary Development Plan (UDP) and lies outside of any defined settlement boundary. It is therefore in the open countryside, where new development is subject to strict control.

The Inspector noted that the site has a distinct identity as a garden rather than part of an agricultural field, not least due to the boundary fence which separates it from the field beyond and its more tended appearance. The sense of domesticity is exacerbated due to the visually uninterrupted transition from the original garden serving the dwelling. Thus its character is materially and significantly changed as a private garden. The effect of this change is to increase the extent of land with a developed and domestic appearance of an urban character within a predominantly rural scene.

That change is clearly visible in the local landscape as it intrudes into what is otherwise clearly read as a rectangular field with limited tree cover. It therefore extends the boundaries of the existing built form into an area of open countryside, which harmfully erodes its prevailing rural character. Although the physical works to change the use to a garden have thus far been modest, the domestication of the land and associated garden paraphernalia could go much further to the detriment of the site's character and appearance without being within the scope of planning control.

The Inspector concluded that the development represents an inappropriate and unjustified form of development in the countryside. It thus conflicts with the overarching aims of Policy ENV 1 to conserve areas of open countryside and protect it from inappropriate or harmful development. It would also be at odds with UDP Policy ENV 27 to have full regard to inter alia the context of the natural environment and with Strategic Policy 1 to protect the Vale's distinctive rural character. The Inspector also found that the proposal would represent inappropriate development which would fail to maintain the openness of the Green Wedge. Thus, the proposal would conflict with UDP Policy ENV 3 designed to prevent the spread of development into vulnerable open land designated as Green Wedge to avoid the coalescence of settlements. The proposal would also result in the reduction of land available for agricultural use, and would therefore conflict with the aspirations of UDP Policy ENV 2 to protect the best and most versatile agricultural land. This matter further adds to my concern regarding the unacceptability of the proposal.

In view of the above, the Inspector dismissed the appeal.

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L.P.A. Reference No:	2014/01242/FUL
Appeal Method:	Written Representations
Appeal Reference No:	15/3004211
Appellant:	Mr. J. E. Langley,
Location:	Site Opposite No. 10 Seaview Drive, Ogmores-by-Sea
Proposal:	Proposed 2 no. ECO Homes on site of redundant Septic Tanks
Decision:	Appeal Dismissed
Date:	10th June 2015
Inspector:	Mellissa Hall
Council Determination:	Delegated



## Summary

The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the surrounding area.

The appeal site is a triangular parcel of land which lies adjacent to existing residential development along Seaview Drive and to the east of the foreshore at Ogmores-by-Sea. Whilst there is also sporadic residential development beyond its western, seaward boundary, the site drops steeply to meet the bungalows located on the edge of a large car park serving the beach and it is not therefore widely appreciated from public vantage points along Seaview Drive. In this context, it is the coastline that provides a backdrop to the site.

The Inspector stated that the proposed development relates more closely to the undeveloped coastline rather than the adjacent built form. Its openness makes a positive contribution to the character of its surroundings, and represents an appropriate transition between the urban form and the natural landscape setting of the coastline beyond. The significant change in ground levels between the site and the coastline adds to its prominence in the landscape. She accepted that the development would be partly subterranean with a sedum roof, the regular form of the dwellings would nonetheless be evident from a number of vantage points and they would not be concealed within the landscape. Together with the domestic activities and paraphernalia associated with the use, the change to the character and appearance of the site would be significant. Furthermore, the change to the topography would be apparent. The site currently slopes gently upwards towards the boundary with the neighbouring property to the south. The proposal would artificially alter the existing ground levels with the creation of an earth bund which is intended to partly conceal the dwellings. This would result in a significant change to the landform, and would have an engineered and 'man-made' appearance at odds with the gently sloping nature of the site. Thus, the development would result in the further expansion of built form in what is currently a largely undeveloped part of the Heritage Coast, adversely affecting its openness. And that the dwellings would not constitute rounding off of the built form; instead, it would stand in a very prominent position extending intrusively into the open coastal scene. The Inspector took into consideration the practical reasons why the land could not be used for such purposes and the sustainable credentials of the development but stated that this does not outweigh the harm to the landscape qualities and does not justify what is otherwise an unacceptable form of development

The Inspector concluded that the proposal would represent an unjustified and unacceptable form of residential development in the countryside, detrimental to the character and appearance of the Glamorgan Heritage Coast. It would therefore conflict with UDP Policies ENV 1, ENV 5, ENV 27 and HOUS 3. It would also be at odds with the aims of Planning Policy Wales and Technical Advice Note 12 'Design' to ensure that new development does not damage an area's character and to conserve the special qualities of the rural landscape and coastline. The development also does not constitute one of the exceptions for new housing development in the open countryside for the purposes of TAN 6 and the appeal was dismissed.

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L.P.A. Reference No:	2014/01191/FUL
Appeal Method:	Written Representations
Appeal Reference No:	15/2230128
Appellant:	Mr. Chris Williams,
Location:	10, Beach Road, Penarth
Proposal:	Retention of change of use of existing outbuilding to an independent dwelling
Decision:	Appeal Dismissed
Date:	1 <sup>st</sup> June 2015
Inspector:	Vicki Hirst
Council Determination:	Delegated

### Summary

In dismissing the appeal, the appointed Inspector identified the principal issues to relate to the whether the proposed dwelling would preserve or enhance the character or appearance of the conservation area and the effect the development would have on the living condition of the neighbouring properties and future occupants.

Whilst the Inspector was satisfied that the principle of residential development was acceptable, it was considered that the proposed development would result in a development with a squeezed appearance in an unwelcome contrast with the existing spacious character of villas and their outbuilding within the conservation area. The proposal was, therefore, neither considered to preserve nor enhance the character and appearance of the Penarth Conservation Area.

The Inspector was satisfied that the proposed development would not result in harm to the living conditions of the neighbouring residents with regard to privacy. In respect of the future occupant's amenity, the Inspector raised concerns in relation of the level of private and usable amenity space and concluded that the proposal would result in harm to the future occupants.

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(d) Enforcement Appeal Decisions

None

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(e) April 2015 - March 2016 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (incl. tree appeals)	W	4	-	<b>4</b>	-
	H	-	1	<b>1</b>	-
	PI	-	-	-	-
<b>Planning Total</b>		4 (80%)	1 (20%)	<b>5</b>	-
<b>Enforcement Appeals</b>	W	-	-	-	-
	H	-	1	<b>1</b>	-
	PI	-	-	-	-
<b>Enforcement Total</b>		- (0%)	1 (100%)	<b>1</b>	-
<b>All Appeals</b>	W	4	-	<b>4</b>	-
	H	-	2	<b>2</b>	-
	PI	-	-	-	-
<b>Combined Total</b>		4 (67%)	2 (33%)	<b>6</b>	-

Background Papers

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

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

Operational Manager Building and Development Control.

DIRECTOR OF DEVELOPMENT SERVICES

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 2 JULY 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

2015/00413/TPO	A	1, The Drive, Windyridge, Dinas Powys	Maple and Beech crown reduction
2015/00514/TPO	R	St. Cattwgs Church, Llanmaes	Fell Cypress

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 2 JULY 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.

Green Maple Projects and Hafod Housing Association, Churchgate House,  
Church Road, Whitchurch, Cardiff,  
C2J Architects, Unit 1A, Compass Business Park, Pacific Road, Cardiff,  
CF24 5HL

**Barry Dock Conservative Club, Station Street, Barry**

Proposed demolition of existing buildings and construction of 21 self contained apartments with on site parking and amenity facilities

SITE AND CONTEXT

The application site is Barry Docks Conservative Club, Station Street, Barry, which is a large, red brick building, located within the settlement boundary of the town, close to Barry Docks railway station. It is shown on the site plan below:



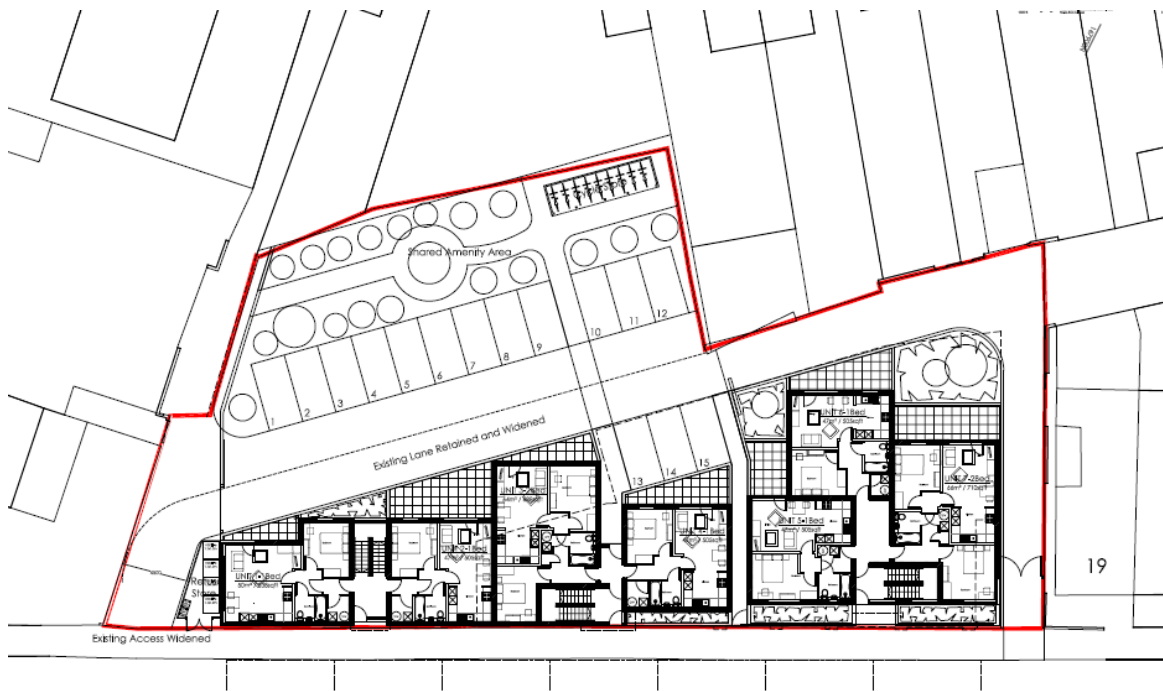
The site also includes an area of land to the rear of the building and part of the lane that runs directly to the rear of the building.

## DESCRIPTION OF DEVELOPMENT

The application proposes the demolition of the existing building and the erection of 21 apartments. The proposal is for a contemporary building, which would be sited adjacent to the pavement edge. The development also involves widening the access to the left of the existing building, and the provision of parking (15 spaces) and shared amenity space to the rear.



The plan below shows the proposed layout:



The application proposes twelve market apartments and nine affordable apartments, comprising fifteen one bed units in total and six two bed units in total.

### PLANNING HISTORY

None relevant to this application.

### CONSULTATIONS

**Barry Town Council**- No objection.

**Highway Development** have requested one parking space per flat, a single access with a 5.5m width and footways within the parking area. (See Appendix A).

**The Director of Legal and Regulatory Services (Environmental Health)** has raised no objection, subject to measures regarding the management of the construction works to minimise impact on amenity. Provisions are also recommended in respect of contamination, should it be encountered.

**Local ward members**- No representations received to date.

**Dwr Cymru Welsh Water** have raised no objection subject to standard conditions related to the drainage of the site.

**The Council's Ecology Officer** initially objected due to the absence of a bat survey, however, following its submission, the objection is now removed.

**Crime Prevention Design Advisor** has provided advice in terms of crime prevention.

**Affordable Housing Enabler** has provided advice (expanded upon with the report) in terms of the number of affordable units required, the tenure mix and the spread through the development.

**Natural Resources Wales** concurred with the initial advice of the Council's ecologist to require a bat survey.

### REPRESENTATIONS

The neighbouring properties were consulted and the development has been advertised on site and in the press. Sixteen letters of objection have been received, and the grounds are summarised as follows:

- Overdevelopment of the site.
- Additional pressure for parking on street.
- Blocking out of sunlight to residential properties.
- Insufficient parking.
- The building is of a design that is out of character with the area.
- Overlooking and loss of privacy.
- The building would be overbearing.



- Traffic congestion.
- Noise and general disturbance.
- Adverse impact on highway safety.
- The development would not assist community integration.
- Adverse impact on property value.
- Undesirable tenants.

A representative sample of three of these objections can be found 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 18<sup>th</sup> 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:*

ENV16	– PROTECTED SPECIES
ENV27	– DESIGN OF NEW DEVELOPMENTS
HOUS2	– ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS8	– RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
HOUS12	– AFFORDABLE HOUSING
TRAN9	– CYCLING DEVELOPMENT
TRAN10	– PARKING
REC3	– PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS
REC6	– CHILDREN'S PLAYING FACILITIES

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

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 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- 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
- Planning Obligations
- Public Art

## **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:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Study (2013 Update)
- Affordable Housing Delivery Statement 2009
- Open Space Background Paper (2013)

## Issues

### The principle of the development

The application site lies within the settlement boundary of the town and therefore new residential development is acceptable in principle, and then subject to the detailed criteria contained within policy HOUS 8 of the UDP. The building is also not listed and, consequently, there is no control in this respect over its demolition. It is, therefore, considered that the principle of a new form of residential development in this location is acceptable.

### Scale, form, design and visual impact

Policy ENV27 of the UDP relates to all new forms of development and requires proposals to be of a high standard of design, have regard to the context of the environment within which they are proposed and minimise and detrimental impact on adjacent areas. Similarly Policy HOUS8 requires the scale, form and character of developments to be sympathetic to the environs of the site.

In terms of National Guidance, the following advice contained within PPW at paragraphs 9.32, 9.33 and 9.34 is considered relevant to the assessment of the application:

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements.

9.3.2 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.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

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

Technical Advice Note 12 advises at paragraph 5.53:

“The design of housing layouts and built form should reflect local context, including topography and building fabric. Response to context should not be confined to architectural finishes. The important contribution that can be made to local character by contemporary design, appropriate to context, should be acknowledged. To help integrate old and new development and reinforce hierarchy between spaces consideration should be given to retaining existing landmarks, established routes, mature trees and hedgerows within housing areas as well as introducing new planting appropriate to the area.”

The existing building is traditional in form and the remainder of the street scene is largely also traditional in character. However, the existing building does stand alone, visually, from the smaller scale terraces of dwellings along most of Station Street.

Taken together, the sharp angular form, combination of materials and pattern of glazing serve to give the building a highly contemporary appearance that does not seek to replicate the existing built environment around the site. However, it is considered that a modern and visually contrasting form of development is not unacceptable in principle, subject to the quality of the design and its general scale, form and massing being compatible with the site and the surrounding environment.

It is considered that the proposed development represents a high quality and interesting modern design which, while contrasting with the character of buildings close to the site, would add positively to the built environment in this part of the town.

The building would be prominent within the street scene and would be a significant feature when travelling along Station Street in both directions, and from Dock View Road. The building would not exceed the ridge height of the buildings to either side of the site and, while the overall massing would be larger to a degree than the general form of the adjacent terrace (since it has a flat roof as opposed to a tapering pitched roof), it is considered that the building would nevertheless not appear as over scaled in this context or incongruous. Furthermore, it is considered that the series of recesses and the change in materials would visually break up the apparent scale and massing of the building, and would result in a more interesting frontage.

The nature and size of the site (and the location of the lane) dictates the general siting of the building, however, it is considered appropriate for the building to be sited adjacent to the pavement, in the same way that the existing building and nearby terraces do, providing a strong sense of enclosure to the street.

It is, therefore, considered that the proposed development would comply with the aims of Policies ENV27 and HOUS 8 of the Unitary Development Plan and the advice contained within PPW and TAN 12, in terms of its design and scale.

### Impact on neighbours

The building would be sited approximately 15m from the dwellings on the opposite side of Station Street. While this is less than the 21m required by the Council's Supplementary Planning Guidance, it is across a public highway (i.e. less private than the rear of dwellings) and similar to a typical relationship that is often found between the front elevations of terraced properties. There is approximately 17m between the two terraces further up Station Street (due to the small front yards) however, it is considered that 15m is not untypical of a residential context such as this, where the respective properties lie across a highway. In addition, most of the principal habitable rooms have been sited at the rear of the units and the windows on the front elevation are generally smaller in size (when compared to the larger areas of glazing on the rear).

While, therefore, there would be a degree of inter-visibility between the new units and the terrace of properties opposite, it is considered that the distance and relationship is not so close that it would unacceptably impact upon privacy. It is also considered that the distance is sufficient to ensure that the building would not appear as unacceptably overbearing or unneighbourly.

To the rear, the windows and balconies (of those units that have balconies) would be well in excess of 21m from the neighbouring dwellings and they would be in excess of 11m from the rear point of the neighbouring gardens. While this would potentially increase the level of overlooking when compared to the existing building, it is considered that the distances, which would satisfy the requirements of the Council's SPG would maintain sufficient separation such that the level of overlooking would not be unacceptable. The northern blocks of the development would be located up to 6m away from the rear of neighbouring dwellings, however, those are relatively long gardens and the new building itself would be approximately 24m from the rear elevation of the nearest dwellings to the rear. Given the relative proximity there are no balconies proposed on those units and it is, therefore, considered that these would also not unacceptably reduce the privacy enjoyed by neighbours. Finally in respect of those dwellings to the rear, it is also considered the siting maintains sufficient separation such that the building would not appear as unreasonably overbearing or unneighbourly.

There are no windows on the side elevation of no. 19 Station Street and the proposed building would be between 3m and 4m away from the side of that property. The siting of the building is such that it would not project significantly past the rear elevation of that dwelling and consequently it is considered that the development would not appear as overbearing or unneighbourly to that neighbour.

The development would potentially increase the numbers of comings and goings through the site, however, the parking spaces would not be sited directly against the rear boundaries of any gardens (only parking space 12 would be sited adjacent to the side of the rear most part of a neighbouring garden) and it is considered that the vehicle and pedestrian movements associated with the development (in what is a residential area) would not demonstrably harm residential amenity in terms of noise or nuisance.

### Highways issues (including waste collection and parking)

The site is presently accessed via a lane to the south of the existing building and the application proposes to widen this to 4.5m. The Highways Engineer has requested a 5m wide access, with a 1m footway/margin strip on one side, and a 1.8m wide footway on the other side, to provide pedestrian access into the site.

While the provision of footways would provide a dedicated and segregated pedestrian entrance into the site, those footways would not connect with any other footways further up the lane and given the layout of the site and building, it is considered that there would be very limited pedestrian movements associated with the development through this point and relatively limited numbers of vehicle movements. The absence of a footway also has to be weighed up against benefits to highway and pedestrian safety as a consequence of the entrance being widened. It must also be weighed against the benefits of making efficient use of a brownfield site in a sustainable location.

While it may be desirable for a pedestrian footway to be provided, it is considered that there would not be such a demonstrable impact upon highway safety to warrant the reduction in the number of units to accommodate it, particularly given the importance of making such efficient use of such sites.

In terms of parking, the Highways Engineer has requested one space per flat, however, the proposal indicates a shortfall of six spaces. While one space per unit would be desirable, the site is located in a very sustainable location, within very close proximity to Barry Docks train station, regular primary bus routes and the town centre. It should also be noted that in a recent appeal on the adjacent Custom House, the Inspector concluded the following:

*As the building is currently vacant and has been unused for some time, I am in no doubt that the development would result in an increase in current demand for parking in the locality. As some parts of the roads are subject to regulation orders, this could result in an increase in illegal parking. However, a number of factors must also be considered. Firstly, such parking infringements can be dealt with under other legislation. Secondly, the site is in a highly sustainable location very close to the rail station and other modes of public transport. The demand for car parking may therefore be less than would otherwise be the case. Having regard to both National and Local policy that encourages the use of transport modes other than by car, the lack of any car parking on site would reflect that approach.*

*Thirdly, given that the building has a long standing commercial use, consideration must be given to the fall-back position. Namely, that although some approved conversion works have started, the residential use has not commenced. Therefore, it is reasonable to have regard to the likely traffic generation and parking demand generated by a commercial use of the building.*

*...Therefore, given the characteristics of the location and the former use of the building which provided a significant amount of commercial floorspace, together with the other mechanisms to deal with illegal parking, I conclude that there is no compelling evidence to conclude that the proposal would be detrimental to highway safety and be contrary to UDP policy TRAN 10.*

This site is located in generally the same highway context as the application and appeal referred to above and it is considered that the above assessment is highly relevant to this application. Given the site's sustainable location, the fact that there is an existing commercial use to the building that is not currently served by parking and the fact that over 40% of the units would be affordable (where car ownership levels are typically lower) it is considered that the failure to provide one to one parking does not warrant the refusal of the application. This is also with regard to Planning Policy Wales, which notes that minimum parking standards are no longer appropriate and that Local Planning Authorities should ensure that new developments should provide lower levels of parking than have been achieved in the past.

It should be noted that this is significantly more parking than the Custom House scheme, which was held to be acceptable by a Planning Inspector. The plans also indicate that there is provision for 7 spaces on street along the frontage of the site (in the same way that dwellings along the street are reliant on parking in front of their properties) and it is considered that these, in addition to the 15 on site, are sufficient to serve the development, without adversely impacting upon highway safety.

In terms of waste collection, the application now includes a bin store at the front, directly adjacent to Station Street, while it would be more than 30m away from certain properties (a distance referred to in Manual for Streets) it is considered to be sufficiently close to those properties that it is likely to be used. It makes provision for the quantity of storage that the Council's Waste Manager has requested and it is considered that collection can be easily facilitated from the highway. This is considered to be a much more appropriate arrangement than the initial proposals, which sited a bin store to the rear of the site.

The Highways Engineer has requested a new alley gate by erected adjacent to parking spaces 12 and 15, and details of new alley gates are requested by condition. It is considered that the number of units would not have a significant impact upon traffic flows in the area and therefore, would not materially add to congestion.

### Ecology

The applicant has submitted a bat survey, which concluded that the building does not accommodate any bat roost. The Council's ecologist has agreed that the survey has been carried out to an acceptable standard, and therefore now raises no objection to the application, subject to the recommendations listed in the report being carried out. It is, therefore, considered that the development would comply with Policy ENV 16 of the UDP and would not adversely impact upon any protected species.



### Amenity space provision

The ground floor units would each be served by individual courtyards at the rear of the building and the majority of the upper floor units would be served by balconies (with the exception of those at the northern part of the building). While these areas are relatively limited in size, it is considered that they represent useable spaces that would meet the outdoor relaxation and functional needs of the occupiers.

The development would also be served by an area of shared amenity space, measuring 22m x 7m. It is considered that this would also serve as a useable area, which would supplement the balconies and provide space for those units not served by balconies. While it would not meet the 20m<sup>2</sup> per person standard contained within the Council's SPG, it is considered that in a sustainable and urban location such as this, where efficient use of land is appropriate, a deficit below that standard is justified. Having regard to the above, it is considered that the amenity space layout would meet the aims of the Council's SPG and Policy ENV 8.

### Drainage

Welsh Water have raised no objection, subject to standard conditions, including one that requires full and comprehensive details of the proposed means of foul and surface water drainage to be agreed. It is, therefore, considered that such a condition would give the Council full control over how the site is drained, to ensure that it accords with Policy ENV 7 of the UDP.

### Section 106 issues

#### Affordable housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households. 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.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in 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.

In 2010, the Council undertook an update to the 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. Out of this annual number 552 units or 59.9% are required in Barry. Housing need is determined by households lacking their own housing or living in housing which is inadequate or unsuitable, or those who are unable to meet their needs in the local housing market without assistance.

National guidance contained within Technical Advice Note 2 (Planning and Affordable Housing) places a requirement on local planning authorities to ensure that local planning policy requirements for the provision of affordable housing should be based on a robust assessment of site viability across the authority's administrative area (paragraph 10.4 refers).

Thirty percent of 21 equates to 7 units, however, as noted above the applicant is proposing 9 affordable units, which is considered to be very positive and is welcomed. A plan detailing which of the units are affordable, and of those which are social rented and intermediate has been requested, however, this has not been received to date. Therefore, a condition is recommended which requires the developer to demonstrate an acceptable affordable housing layout. For clarification, the Council's affordable Housing Enabler has requested the units should be spread through the development to assist community integration with at least 1 no. one bedroom flat on the ground floor. A mix of 8 social rented and 1 intermediate unit is requested (based on a split of 80% and 20%), however, it should be noted that 80% of the minimum requirement of 7 would be 6 units. The applicant has also not given definitive confirmation of that split, therefore, the condition would also cover that issue.

Subject to the condition referred to above, it is considered that the proposed development is acceptable in terms of affordable housing provision.

#### 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 24.3m<sup>2</sup> 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.

The Council's approved formula contained in the Planning Obligations Supplementary Planning Guidance requires £1000 per person which, based on the likely occupancy of the proposed units, is considered to equate to £42000 (based on two people in each of the 21 additional units). It is considered that this amount is reasonable and necessary to mitigate the impacts of the development, and would be spent on enhancements to public open space in the local area. The applicant has not disputed this requirement.

It is considered that this should be spent on the areas of public open space closest to the site, which are the green space directly to the north of Subway Road (on Dock View Road) and the park/play area adjacent to the end of Kingsland Crescent.

### 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.

Consequently, and given the size of the development, officers have considered the merits of a sustainable transport contribution. It should be noted that in the case of the appeal at the nearby Custom House, the Appeal Inspector concluded that due to the location, which is directly proximate to the train station and town centre, a contribution towards sustainable transport facilities was not justified. Given the significant similarities between that development and this (in terms of location) it is considered that refusing the application based upon a lack of a sustainable transport contribution could not be sustained. The applicant has also cited viability reasons as a consequence of providing above and beyond the minimum requirement of affordable housing (in excess of 40% in this case) and while a formal viability assessment has not been received, it is accepted that providing additional affordable housing will have a material impact on the viability of the scheme.

In light of the above and in particular the reasoning in the relevant appeal decision, it is considered that this development is acceptable without a contribution for sustainable transport. It should be noted that this does not infer that all developments in 'sustainable' locations would not need to be supported by a contribution of this type, but rather the development in this case is so close to local facilities and public transport routes, its sustainability credentials are greater than the vast majority of sites within the town.

### Education

Given that 15 of the units are one bed properties and only 6 are two bed properties, the development does not trigger the point at which education contributions would be considered (over ten after excluding one bed properties). Consequently no education contribution is sought here.

## 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, developers are required to 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. Where it is not practical or feasible to provide public art on the development site, the Council may accept a financial contribution in lieu of this provision to be added to the Council's Public Art Fund and held until such time as sufficient funds are available to cover the cost of an alternative work of art or until a suitable alternative site is found. Consequently, this requirement forms part of the recommendation.

## 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 ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS\* Residential Development Criteria, HOUS2 – Settlements, HOUS12 Affordable Housing, TRAN9 – Cycling Development, TRAN10 – Parking, REC3 – Provision of Open Space within New Residential Developments and REC6 – Children's Playing Facilities, the advice within Planning Policy Wales and Technical Advice Notes 1, 2, 12, 16 and 18 and the Council's Supplementary Planning Guidance on Affordable Housing, Vale of Glamorgan Housing Delivery Statement 2009, Sustainable Development, Amenity Standards, Planning Obligations and Public Art, the development is considered acceptable in principle and in terms of design, impact on residential amenity, highways issues, parking, amenity space provision and ecology.

## RECOMMENDATION

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

- Procure that at least 9 of the dwellings built 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 £42,000 towards the enhancement of public open space at the green space directly to the north of Subway Road (on Dock View Road) and the park/play area adjacent to the end of Kingsland Crescent.

The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.

- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.

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 registered on 2 December 2014 other than where amended by plans reference AL(0)11 D and AL(90) D received on the 18 June 2015 and plan AL(0)10 B, received on the 3 March 2015.

Reason:

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

3. Prior to the commencement of development, details (including sections) of the finished levels of the application site and building in relation to existing ground levels and those of the adjoining land 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:

In the interests of visual amenity and to ensure the development accords with Policies ENV27 and HOUS8 of the Unitary Development Plan.

4. All means of enclosure associated with the development hereby approved (including details of alley gates within the application site) shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their construction or erection in the 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. Prior to their use in the construction of the development hereby approved, a schedule and samples of all proposed external materials 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 samples.

Reason:

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

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

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. Prior to their use in the development hereby approved, further details and samples of all elements of the hard landscaping scheme, including the materials to be used in the construction of the parking areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall at all items thereafter be maintained in accordance with the approved details.

Reason:

In the interests of visual amenities and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Prior to the beneficial occupation of the development hereby approved, a Travel Plan shall be prepared, submitted and approved in writing by the Local Planning Authority to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and the site is accessible by a range of modes of transport in accordance with Policies 2, 8, ENV27 and TRAN9 of the Unitary Development Plan.

10. 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 plans hereby approved, 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.

11. 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.

12. The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Planning Policy Wales Edition 7, or any future guidance that replaces it. The scheme shall include:

i) the arrangements for the management of the affordable housing;

ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

iv) Details of the location of each of the affordable units (specifying tenure type) within the development.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

13. Prior to the first beneficial occupation of any of the residential units hereby approved, a parking management plan shall be submitted to and approved in writing by the Local Planning Authority, and the development shall at all times thereafter be managed in accordance with the approved plan.

Reason:

In order to ensure the efficient management of the parking provision serving the development and to ensure compliance with Policies ENV27 and HOUS8 of the Unitary Development Plan.

14. Prior to the commencement of development, a Construction and Environmental Management Plan to include such matters as the control of noise, vibration, dust and other deposits (and to include proposed hours of working during the development construction phase) shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented throughout the course of the construction phase of the development.

Reason:

To safeguard the amenities of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. Notwithstanding the submitted plans, full engineering details of the new widened vehicular access to the site, the highway/lane within the site and associated lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.



16. The Development shall at all times be carried out in accordance with the recommendations within the document entitled `Barry Conservative Club, Bat Surveys, June 2015, Project ref 14-036, version 3 by Just Ecology Ltd`.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV 16 of the Unitary Development Plan.

17. Full details of a scheme for the comprehensive drainage of the site 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.

Reason:

To ensure the adequate drainage of the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

**NOTE:**

1. **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.**
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. **The developer should be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.**



**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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	<b>The Vale of Glamorgan Council</b>	
Department:		
Title: <i>2014/01300/FUL</i>		
Drawn By:		
VALE of GLAMORGAN  BRO MORGANNWG	Scale	1:1323
	Time	10:44:10 AM
	Date	22 Jun 2015

VALE of GLAMORGAN



## Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2014/01300/FUL
Observations By:	Paul Harrison
Date:	24 December 2014
Location:	Barry Dock Conservative Club, Station Street, Barry
Proposal:	Proposed demolition of existing buildings and construction of 21 self contained apartments with on site parking and amenity facilities
Case Officer:	Mr. I. Robinson

Further to reviewing the above, amended plans are required to be submitted for consideration, which shall include the following details.

- 1 Resident car parking is required to be provided at 1 space per unit, within the boundary of the site. In addition, visitor parking is required to be provided at 1 space per 5 units. → *-6 on site  
-4 on visitor*
- 2 Cycle parking is required to be provided at 1 space per five bedrooms, within a secured location and undercover. ✓
- 3 A single point of vehicle access/egress is required to be provided to the south of the site, via the existing lane entrance. The access is required to be provided at a minimum width of 5.5m with a 1.8m pedestrian footway provided along the northern side of the access and a 1.0m margin strip to the south.

The access from Station Street and within the site is required to be constructed to adoptable standards and include the provision of street lighting and appropriate drainage. In addition, the widened lane will be required to be offered to the Highway Authority for adoption.

- 4 No vehicular through traffic will be permitted within the site. As a result, Ally Gates are required to be provided adjacent to parking spaces 12 and 15. In addition, ally gates will be required to be provided within the lane, adjacent to the western site boundary.

- 5 Bin stores are required to be locating within a 30m distance for residents and within 25m of the adjacent highway.

Appendix B

2014/01300/FUL

O'Keefe, Kevin T

**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 05 January 2015 15:52  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2014/01300/FUL  
**Attachments:** 2014-01300-FUL planning objection.docx

New comments have been received for application 2014/01300/FUL at site address: Barry Dock Conservative Club, Station Street, Barry

from Mr Jason Vincent-Newson [jason@jasreb.fsnet.co.uk](mailto:jason@jasreb.fsnet.co.uk)

**Address:**  
22 Station Street ,,CF63 4LY

**Comments:**  
see attachment

The following files have been uploaded:  
2014-01300-FUL planning objection.docx

**Case Officer:**  
Mr. I. Robinson

**Area:**  
South

D.E.E.R
RECEIVED
ACTION BY: IR
NO: 10
ACK:

RECEIVED

06 JAN 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

2014/01300/FUL Planning objection

I have no objection to a redevelopment of the existing site as a matter of principle however I have serious reservations regarding the provision of parking spaces (15) in proportion to the proposed number of dwellings (21).

A cursory observation of the existing parking arrangements in Station Street will immediately reveal parking congestion outside of office hours caused by an excess of vehicles over current parking spaces.

During late evenings there are often no parking spaces available for Station Street residents. This often results in residents of Station Street resorting to parking in adjacent streets (Cross Street, Dock View Road) and/or in unsafe/illegal locations on the corners of corresponding road junctions. The proposed development will only add to this burden and potentially cause considerable inconvenience and disruption to residents.

In the highly likely event that some occupants of the proposed new development will have more than 1 vehicle per residence then the problem would be made even worse to the point of being untenable.

Without a revision of the existing plans to either reduce the number of proposed dwellings or to increase the dedicated parking provision I do not see how the plan could be approved without complete disregard to the above concerns and the associated safety issues therewith.

J.Vincent-Newson  
CF63 4LY

## Lambert, Fiona

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 24 January 2015 16:19  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2014/01300/FUL

New comments have been received for application 2014/01300/FUL at site address: Barry Dock Conservative Club, Station Street, Barry

from Ms Victoria Smith [vhsmith@hotmail.co.uk](mailto:vhsmith@hotmail.co.uk)

**Address:**  
10 Kingsland Crescent, Barry, Vale of Glamorgan, CF63 4JQ

**Comment type:**  
Objection

**Comments:**

I write in connection with the above planning application. I wish to object strongly to the development of these apartments in this location.

The apartment block will overlook my property; this will lead to a loss of privacy and will certainly impact on the peaceful enjoyment of our home and garden.

The height and proximity of the development would be such that unreasonable overshadowing would occur.

The building will be visually overbearing and there would be unacceptable intrusion in the form of noise nuisance, general disturbance, odour which we do not experience now.

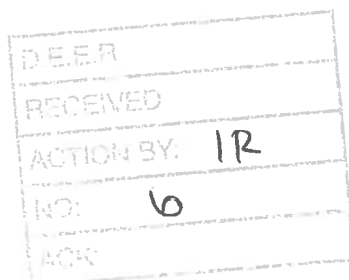
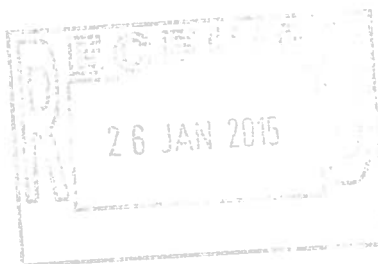
It is an inappropriate design for this part of Barry and such a large building would be totally out of keeping with the neighbouring properties.

Station Street is already busy and congested with parking a major problem.

The apartments have only 15 car parking spaces for 21 flats. The development may lead to a significant impact upon road safety

**Case Officer:**  
Mr. I. Robinson

**Area:**  
South





**O'Keefe, Kevin T**

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 06 March 2015 16:05  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2014/01300/FUL

New comments have been received for application 2014/01300/FUL at site address: Barry Dock Conservative Club, Station Street, Barry

from Mr david searle [daisearle@hotmail.co.uk](mailto:daisearle@hotmail.co.uk)

Address:  
flat 4,40 dock view road,cf63 4le

Comment type:  
Comment

Comments:

Having viewed proposed plans, I am pleased that at last access into our car park will be improved as a direct result of this development, should it achieve consent. However I note that there are 16 parking spaces allowed and it is possible that all 21 future residents of the new development would be vehicle owners; in view of this, my concern is that whilst we have enjoyed exclusive parking facilities, it may be that any new development residents vehicles could end up in our car park. Station street is already very congested with parked vehicles of evening, nighttime and weekend time and any extra vehicles would cause extra parking problems, in view of the fact that there are two buildings converted to flats already at the lower end of station street where this development is proposed. Perhaps the proposed communal space could be utilized to provide these extra spaces.

Case Officer:  
Mr. I. Robinson

Area:  
South

D.E.E.R
RECEIVED
ACTION BY: IR <i>[Signature]</i>
NO: 32
ACK:

RECEIVED  
09 MAR 2015  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

The Estate of the Late Jeanne Moorsom C/o Agent.  
Savills, 12, Windsor Place, Cardiff, CF10 3BY

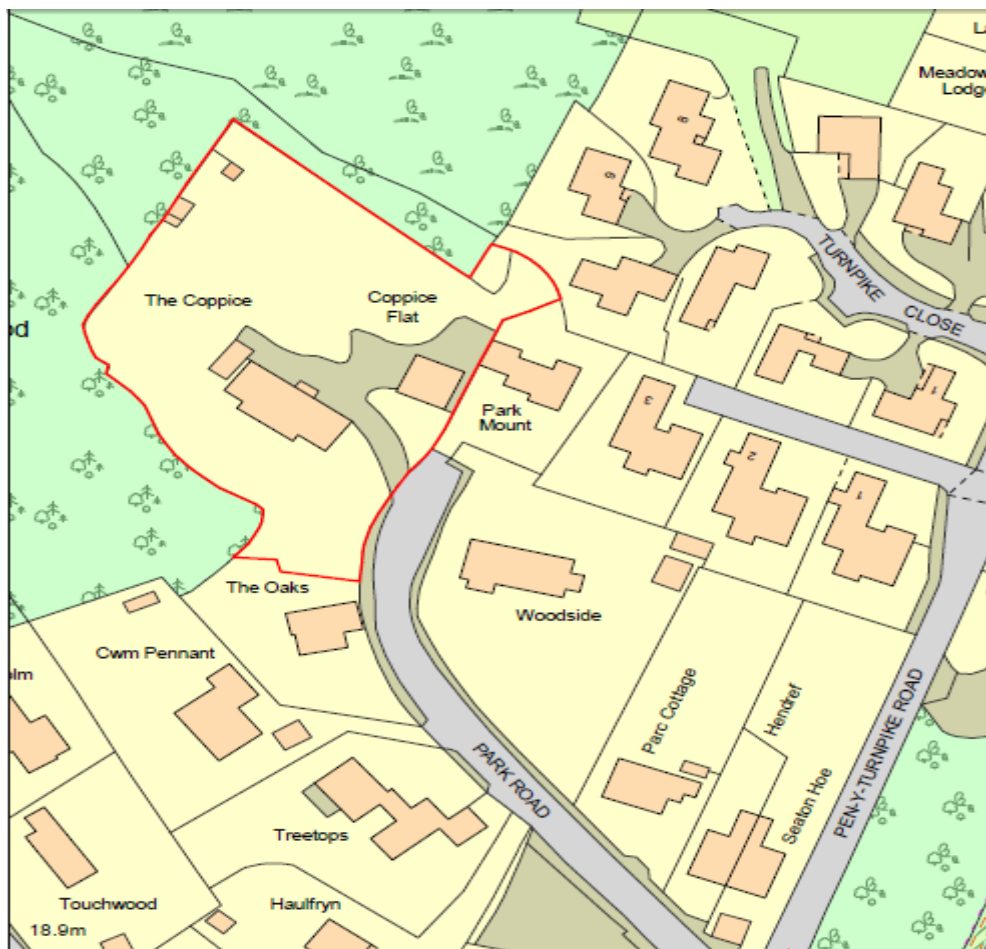
**The Coppice, Park Road, Dinas Powys**

Demolition of all existing buildings and structures and the erection of five dwellings, access, landscaping and associated works

**SITE AND CONTEXT**

The site relates to a single dwelling within a large curtilage on the edge of Dinas Powys. There is also a detached two storey annex residential building (garaging on the ground floor with a flat above) within the boundary. There are neighbouring residential dwellings to the east and south, with open countryside and woodland and countryside to the north and west. The site is accessed via the end of the cul-de-sac Park Road, which connects with Pen-Y-Turnpike Road. The site is within the Settlement Boundary of Dinas Powys.

There are numerous mature trees within the site, and is also adjacent to 'Case Hill' Woodland (designated as 'Ancient Woodland') and the Special Landscape Area of the Cwrt Yr Alla Basin. Some of the trees within the site are protected under Tree Preservation Order (No 14).



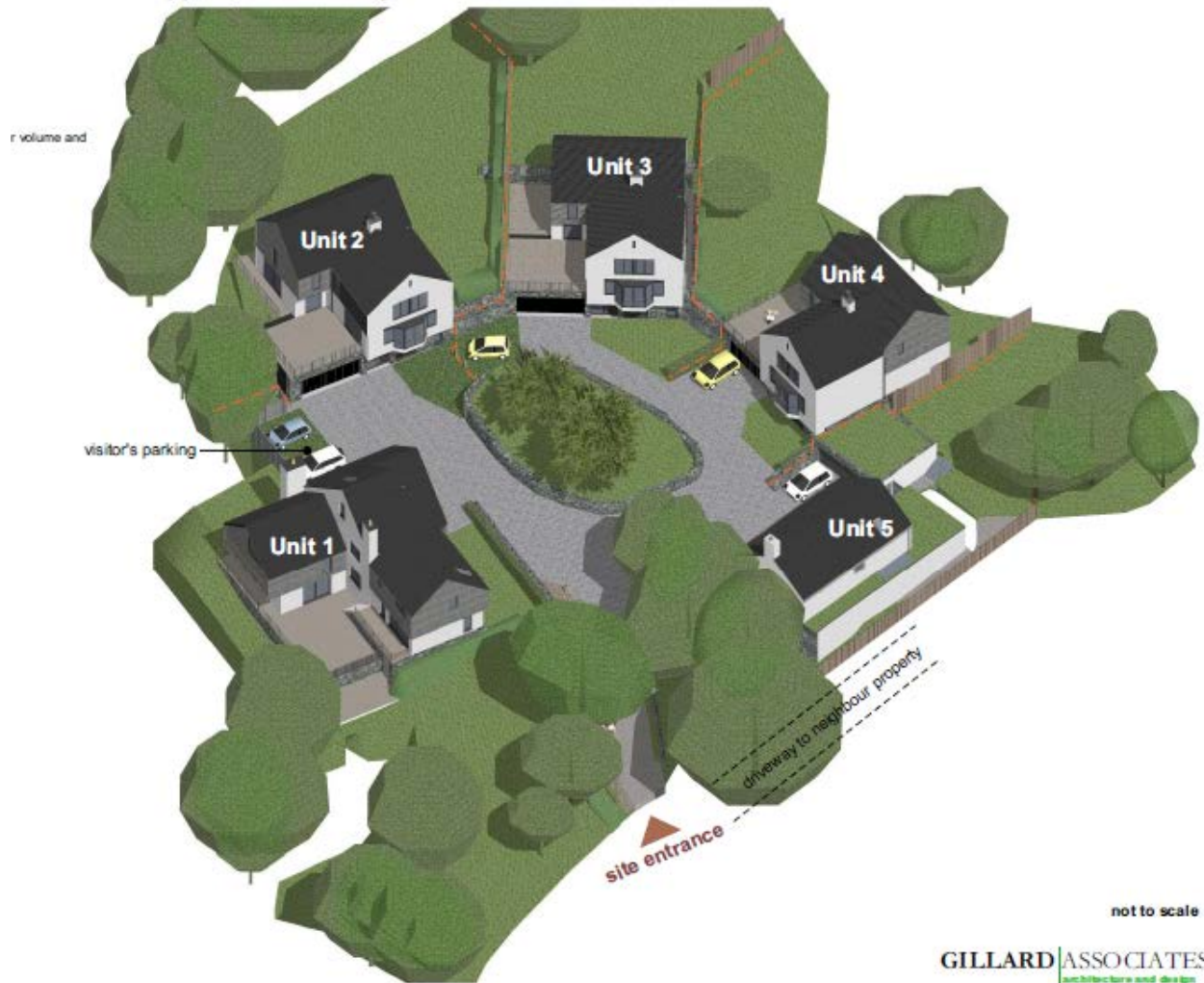
## DESCRIPTION OF DEVELOPMENT

The proposal is for the demolition of the existing large house and the two storey annex and develop 5 detached houses set around a communal garden area. Each dwelling will also have a private garden and also a terrace above the proposed garages. Access is to be as existing.



Layout Plan of site

## Development at The Coppice, Dinas Powys



### ***Proposed development***

#### PLANNING HISTORY

1985/00091/FUL : Plot 1, r/o The Coppice, Park Road, Dinas Powys - One two storey house and garage - Approved 12 March 1985.

1984/00466/FUL : Plot Two, The Coppice, Park Road, Dinas Powys - One two storey dwelling and garage - Approved 3 July 1984.

1984/00392/FUL : Plot 1, rear of the Coppice, Park Road, Dinas Powys - New two storey house - Approved 26 June 1984.

1982/01635/OUT : r/o 'The Coppice', Park Road, Dinas Powys - One detached dwelling house - Approved 8 February 1983.

1982/01634/OUT : Rear of 'The Coppice', Park Road, Dinas Powys - One detached dwelling house - Approved 8 February 1983.

## CONSULTATIONS

**Michaelston le Pit with Leckwith Community Council** – Objection due to loss of Edwardian house and “over 40 trees”, contrary to strategic policy 1 (The Environment). Part of the site is part of a SINC. Pen-Y-Turnpike Hill is dangerous for pedestrians and the site is only accessible by car. See **Appendix A** for full Community Council comments.

### **Highway Development** –

*“Further to reviewing amended drawings submitted in relation to the above, it is considered that the proposed development is now acceptable.*

*Therefore, provided that the details below are made conditional to the planning consent, an objection in relation to the highway and transportation aspects of the proposals is not raised in this instance.*

#### Conditions:

- 1 *Before commencement of any works at the site, full engineering details of the proposed highway improvements at the junction of Park Road and Pen Y Turnpike Road, including the provision of street lighting, junction build-outs, carriageway markings and vehicle activated signing are required to be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works are required to be completed before first occupation of the development. **Reason:** In the interests of highway safety*
- 2 *The means of access to the site shall be provided at a minimum width of 4.5m for the first 10.0m from the adjacent highway. **Reason:** To enable vehicles to pass side by side when entering and existing the site, in the interests of highway safety.*
- 3 *The means of access to the site shall be constructed from a bound material for a minimum distance of 6 from the boundary of the adjacent highway. **Reason:** To prevent loose material being deposited on the adjacent highway, in the interests of highway safety.*
- 4 *Before commencement of any works, details of 3 No. car parking spaces that shall be provided to serve each dwelling within the boundary of the site are required to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed car parking provision shall be maintained and retained at all times for the use of the development. **Reason:** To ensure the provision of adequate car parking facilities to serve the development, in the interests of highway safety.*
- 5 *Before beneficial occupation, the proposed manoeuvring area within the site as shown on the submitted drawings shall be provided and thereafter maintained and retained at all times. **Reason:** To ensure the provision of adequate manoeuvring facilities within the boundary of the site for the use of servicing vehicles.”*

**Environmental Health (Pollution)** – No objection subject to conditions relating to the construction phase.

**Dinas Powys Ward Members** – No comments received

**Dwr Cymru/Welsh Water** – No objection subject to standard drainage conditions;

**The Council's Ecology Officer** – Following consideration of the submitted ecology survey, no objections subject to conditions relating to reptile protection, protection and retention of habitats, dealing with non-native species and the submission of the European Protected Species licence;

**Natural Resources Wales** – Welcomed submitted survey. Advised condition for replacement roosts.

**The Council's Drainage Engineer** – No objection received

## REPRESENTATIONS

The neighbouring properties were consulted on 22 December 2014. A site notice was also displayed on the 23 December 2014. There have been representations received from three neighbours to the site raising issues such as the following:

- Overlooking and overshadowing impact from proposed windows
- Dwelling proposed at Unit 5 is larger than the existing annex
- Overdevelopment of the site
- Proposed dwellings not in-keeping with surroundings
- Loss of historically significant house
- Increase traffic flow for Pen-Y-Turnpike Road and Park Road
- Insufficient pedestrian access
- Concern about the presence of Japanese Knotweed
- Loss of trees

See a copy of an objection letter 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 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

*Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

*Policy:*

- ENV4 - Special Landscape Areas
- ENV11 - Protection of Landscape Features
- ENV16 - Protected Species
- ENV27 - Design of New Developments
- ENV29 - Protection of Environmental Quality
- HOUS2 - Additional Residential Development
- HOUS8 - Residential Development Criteria
- HOUS11 - Residential Privacy and Space
- REC3 - Public Open Space
- 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
- Biodiversity and Development
- Planning Obligations
- 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).'*

## Issues

### Principle of Development

The proposals are for the demolition of the existing house and annex and the development of five dwellings within the existing curtilage boundary. It is recognised that the site is within the settlement boundary of Dinas Powys, as defined by the adopted Unitary Development Plan. As such, the principle of residential development is accepted, as stated with Policy HOUS2, subject to various criteria, including those found with policy HOUS8 (Residential Development Criteria).

The existing dwelling is of distinctive traditional design and architecture of its time. However, it is not of a quality that has resulted in the property being listed for its architectural or historic value, neither is it a County Treasure. It is also noted that the house and adjacent annex do not appear to be in a good state of repair and have seemingly been in decline for some time. On this basis, it is considered that there is no objection to the demolition of the existing dwelling.

### Layout and Design

The proposal is for five detached dwellings positioned around a central communal garden. All five dwellings face the central communal garden and the internal access road area. The arrangement of houses is also a result of the site topography, which rises to the north, and the mature trees within and immediately adjacent to the site.

The area is characterised by large detached houses in spacious plots, which would be reflected in the proposed scheme. Each dwelling would have a significant amount of amenity space, mostly in the form of rear gardens, which would be in accordance with the Supplementary Planning Guidance 'Amenity Standards'. The central communal garden provides a positive feature and focal point for the development. This arrangement is considered acceptable and an efficient use of an irregular shaped plot. Given the above although the proposed dwellings are large, they do not result in the overdevelopment of the site. It is therefore considered that five dwellings of the size and layout proposed are suitable for the large overall plot size.

Of the five dwellings there are three house types, all of which maintain the same design approach and palette of materials. These include slate roofs, walls of timber cladding, stone cladding and render, which is considered suitable for this site.

Units 2, 3 and 4 (towards the north of the site) are to be house type A. Using the difference in levels these houses will be over three levels, with double garaging incorporated. There are to be four bedrooms and the house design includes stone cladding to the lower level, with a terrace over the garage. There is to be a rendered front projection with the house in an 'L' shape.

Unit 1, which is in much the same location as the existing house, is house type B. This is a large dwelling with high ridge, essentially incorporating three storeys. There are terraces and balconies to the rear elevation to benefit from the views this elevation will have available (much the same as the existing house). The house will have an integral garage to the front.

Replacing the existing annex is Unit 5, which is house type C. This is the smallest of the proposed dwellings, with a detached garage that is connected to the side of Unit 4. The house will have a single storey flat roof section to the side, to allow for further accommodation at ground floor.

The design of all three dwelling types is considered acceptable, but in terms of their materials, form and appearance. Unit 1 is particularly large, will not be overly prominent from Park Road due to the existing boundary trees that are to be retained. It should also be noted that this house would replace the existing house, which is also of a significant size. It is considered that the scale of the dwellings proposed is acceptable and will not result in any significant impact to the character of the area or the adjacent Special Landscape Area. The retention of many mature trees around the edges of the site and the sloping topography (which would result in the dwellings being less prominent from the north and west), assimilates the development into its setting.

Overall, the proposed dwellings and their layout are considered acceptable for this site.

## Drainage

No objections have been raised by Welsh Water or Natural Resources Wales with regard to any drainage problems at the site and standard conditions have been recommended ensuring that surface water and sewerage are drained separately. The Council's drainage engineer has also raised no objections to the scheme.

## Access and Parking

Access into the site would be via the existing site entrance. This connects with the top of Park Road. An internal access road around the central communal garden would serve all the dwellings. Swept path analysis plans have been submitted to show that larger vehicles could enter, turn and exit the site. Each dwelling would have a double garage, with further external parking also available to the front of the garages and the parking and internal turning provision is considered acceptable for the scale of development.

Concern was raised by the Highways Development Officer with regards to additional houses being built off Park Road, due to the substandard junction with the busy and steep Pen-Y-Turnpike Road. Following negotiations it has been proposed by the applicant that off-site highway works would be undertaken to improve this junction. This includes a minor build-out at the junction of Park Road and Pen-Y-Turnpike Road, a 30mph 'roundel' on a red surface and speed activation signs, both as a form of traffic calming. Furthermore, there is in addition lighting column proposed opposite the entrance to Park Road. These improvements provide a significant potential improvement to the junction in terms of highway safety and would mitigate any adverse impact of additional traffic using Park Road as a result of the proposed development. These improvements should be required via a Grampian condition, which would prevent occupation of the dwellings until the works are undertaken.

It is recognised that there is a lack of pedestrian footways along Pen-Y-Turnpike Road, however it is considered that these proposals which lead to a net increase of four additional dwellings to this residential area would not reasonably be sufficient to require substantial off-site highway works to provide footways. It is also recognised that the width of Pen-Y-Turnpike Road is such that new footways would not be achievable. The traffic calming measures as described above are considered sufficient improvement to make the proposals acceptable from a highway safety perspective.

The surface finish of the access and parking areas should be finished in a permeable material to safeguard against unacceptable surface water run off and to prevent flooding in the area.

## Neighbour Impact

Unit 1, towards the south of the site, would have views towards neighbouring dwellings to the south, but this would be a similar situation as exists with the existing dwelling. It is also noted that the combination of the distance to neighbouring properties and the woodland screening is such that direct impacts should not be significant.

Concern was initially raised as regards the dwelling proposed at Unit 5, near the boundary with Park Mount. Subsequently, amended plans have been received to reduce the bulk of the new dwelling on the boundary. This is done through the omission of the side first floor section, reducing the amount of first floor accommodation. This results in the impact of the proposed dwelling near the boundary of Park Mount being similar to that of the existing two storey annex which is a similar location, in terms of potential overshadowing or overbearing impact. It is considered that there would be some level of overshadowing impact from the proposed dwelling, but this would not be significantly more than that of the existing annex and it is also considered that the proposed house is also set off the boundary (at first floor level) which also helps to mitigate impact. There is only one first floor rear elevation window facing towards Park Mount, which serves the stairs area of the house, which is not a habitable room is indicated as to be obscurely glazed. As such, this should result in no significant overlooking impact.

Accordingly whilst it is noted that the proposed dwelling at Unit 5 would result in some impact to the occupiers of Park Mount, the amended proposals are such that any impact would not warrant refusal of the application. Overall, the proposed development is not considered likely to result in any inconvenient or significant neighbour impact, over that of the existing dwelling.

#### Impact to trees

An Arboricultural Report was produced by Mr Chesterton (June 2014) and submitted with the application. This report was necessary due to the significant amount of mature trees within the site, most of which are protected under Tree Preservation Order 14, dated 1973. The effect of the proposals were considered by the report and concluded as such:

*'Whilst the proposed design will require the removal of trees and shrubs, it is considered that remedial tree work to retained trees and low density construction will more than offset the loss of amenity resulting from the removal of trees from a wooded site which is already over stocked. Moreover, the trees of best quality will be retained and limited replanting together with future natural regeneration and good woodland management will redress the balance of tree cover.'*

Root protection areas have been included on the proposed layout plan, to avoid construction that would adversely affect the health of the trees. The trees to be retained and protected are generally the most important and valuable, and would maintain the 'wooded' nature of the site, being on the edge of the village adjacent to existing woodland.

To ensure the protection of the trees conditions should be attached to any approval requiring tree protection measures and also the submission of an Arboricultural Method Statement, prior to the commencement of development. Further landscaping works including replacement trees should also be also required via condition, which should complement the existing retained mature trees and hedgerows.

## Ecology Issues

An ecology survey has been submitted to accompany the application (David Clements Ecology Ltd) which found that the site indicated roosting by low number of bats, primarily under external structural features. To mitigate the loss of existing potential roosts it is recommended that bat boxes be located in the walls of the proposed houses. Also, prior to demolition bat boxes should be erected in adjacent trees as a temporary measure. Sensitive lighting within the site is also recommended to protect bat foraging areas from light spillage.

Other recommendations include avoidance of site clearance in nesting season, having a precautionary approach to safeguarding common reptiles and also the protection of the adjacent Case Hill Wood SINC. Furthermore, it is noted the presence of Japanese Knotweed and other invasive species. An appropriate strategy to deal with this issue is recommended, which can be required via condition.

The recommendations proposed are considered suitable and shall be required via condition to ensure the safeguarding of protected species and the removal of invasive species.

## Planning Obligation (Section 106) Matters

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 of 5 houses at Park Road, Dinas Powys. 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.

In light of the particular circumstances of this development, the following planning obligations have been considered and agreed by the developer:

## Public Open Space

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the character and form of development on the site in relation to surrounding development and the limitation due to the nature of the site's topography, there is no scope for any significant on-site provision. Therefore, an offsite contribution will provide or enhance public open space off site to serve the needs of future occupiers in accordance with the advice in the supporting text to REC3 and TAN16 (Sport, Recreation and Open Space). This will be secured through a Section 106 Agreement. This equates to a payment of £2,280 per dwelling which will total £11,400.

The applicant has agreed to this obligation if the application is approved and to the Local Planning Authority's fee for administering such agreement.

## 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 Developments), ENV4 (Special Landscape Areas), ENV16 (Protected Species), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria), HOUS11 (Residential Privacy and Space), ENV11 (Protection of Landscape Features), REC 3 (Public Open Space) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no significant detrimental impact to the character of the area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

## RECOMMENDATION

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

- Provide for an off-site contribution to public open space, with the financial contribution towards public open space calculated to be £11,400.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the Legal Agreement (£330 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: C200/AL(0)6 P6, C200/SK12 P1, C200/SK13 P1, C200/SK04 Rev P1, C200/SK11 P, C200/SK10 P, C200/SK06 P, C200/SK07 P, C200/SK08 P, C200/SK09 P, C200/SK03 P2, C200/SK15 P1, C200/SK16 P1, W151638/A/04 Revision A, C200/AL(0)5 P, W151638/B/02 Revision A

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. 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. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://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.

4. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to the commencement of development, details, including cross sections, of the existing ground levels of the site, the finished levels of the site and the finished floor levels of the dwellings hereby approved in relation to existing 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 visual amenities and neighbour amenities are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

6. 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 C200/AL(0)6 P6 and the submitted swept path 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 Policy ENV27 of the Unitary Development Plan.

7. No dwellings hereby approved shall be occupied until the off-site highway improvement works, including the 'build-out' vision improvement works on the junction between Park Road and Pen-Y-Turnpike Road, the new lighting column and traffic calming measures on Pen-Y-Turnpike Road, have been completed in accordance with submitted plan W151638/B/02A.

Reason:

To ensure the provision on safe access into site, in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. 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.



9. A scheme providing for the fencing of the trees 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 including any site clearance or demolition works and no such development 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. A landscaping scheme (including details of replacement trees) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development including any site clearance or demolition works. The landscaping scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained.

Reason:

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

11. 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.

12. Prior to the commencement of development, an Arboricultural Method Statement, produced by a suitably qualified tree surgeon/arboriculturalist, shall be submitted to and approved in writing by the Local Planning Authority. Any development shall be undertaken in complete accordance with the agreed details of the Arboricultural Method Statement.

Reason:

To safeguard important mature trees and hedges, and to ensure compliance with the terms of Policies ENV27 and ENV 11 of the Unitary Development Plan.

13. The development shall be carried out in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for Bats' (David Clements Ecology Ltd), detailed in section 6 of this report.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

14. Prior to the commencement of development including any site clearance or demolition works, details of a strategy for the protection of reptiles on/from the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy as approved shall be implemented in full accordance with the development hereby approved.

Reason:

To ensure protection for protected species, in accordance with policy ENV 16 of the Unitary Development Plan.

15. Prior to the commencement of development, an Invasive/non-native species Eradication Programme shall be submitted to and approved in writing by the local planning authority, detailing the containment, control and removal of all Schedule 9 (Wildlife and Countryside Act 1981) species on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason:

To suitably eradicate invasive species, in accordance with policy ENV 29 of the Unitary Development Plan.

16. The window in the first floor rear elevation of Unit 5 (facing towards Park Mount) 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 the dwelling 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.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking, amending or re-enacting that Order) no windows shall be inserted in the first floor rear (east) or side (north) elevation of the dwelling shown as Unit 5 on the submitted plans hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of adjoining occupiers, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

18. The flat roof to the single storey section of the dwelling at Unit 5 hereby approved shall not be used at any time as an additional amenity space/balcony area.

Reasons:

To protect the privacy and amenity of neighbouring properties and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

19. Prior to their use in the development hereby approved, full details of the internal access road materials and finish (which shall be of a permeable construction) 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:

In the interests of the visual amenities of the area to prevent surface water flooding and to meet the requirements of Policies ENV27 and ENV29 of the Unitary Development Plan.

**NOTE:**

1. **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.**
2. **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.**

- 3. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
- 4. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**
- 5. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 6. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

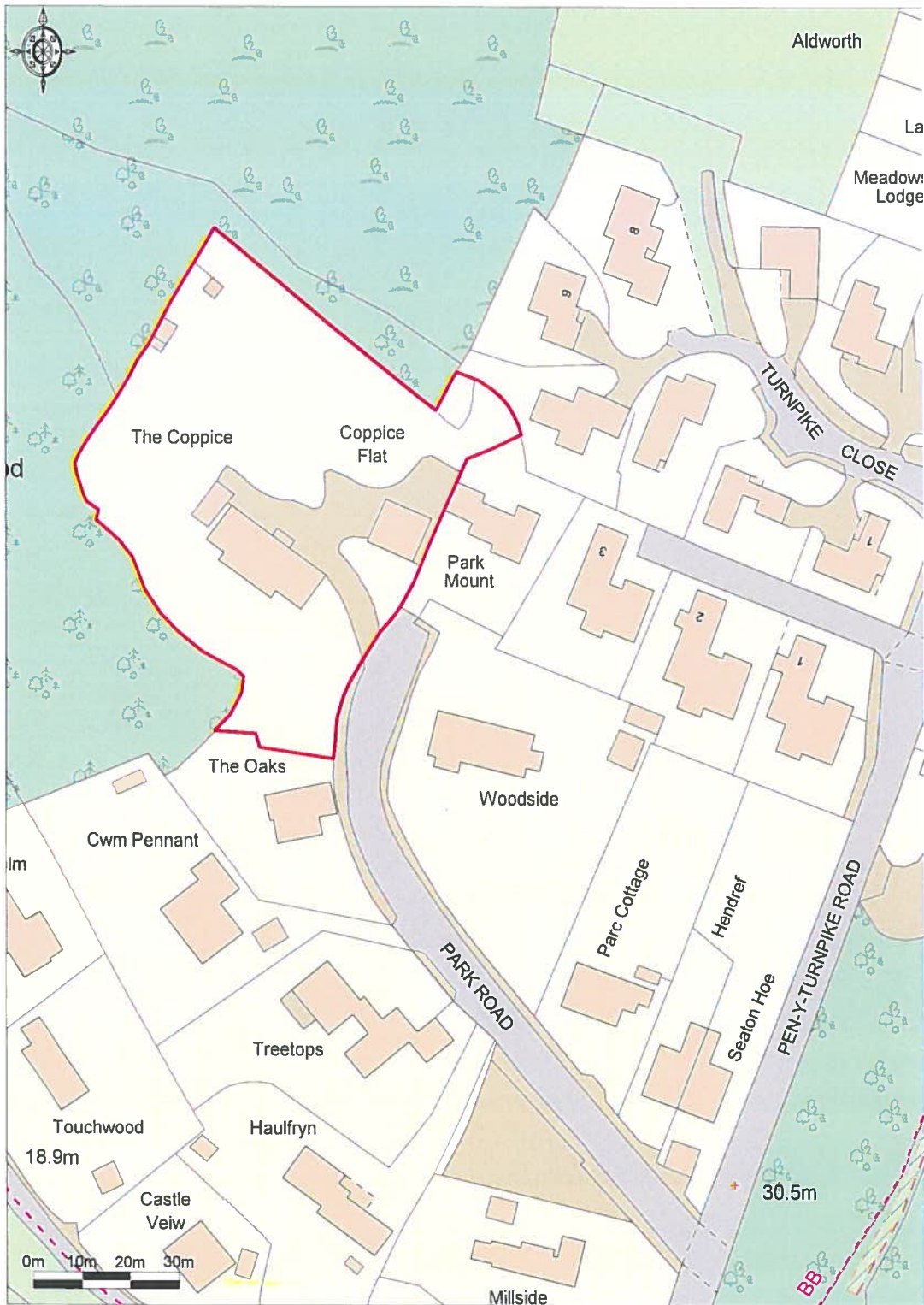
**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.**

2014/01452/FUL



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# GILLARD ASSOCIATES

architecture and design

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contact@gillardassociates.co.uk

Job Title  
Residential Development at  
The Coppice, Dinas Powys

Drawing Title  
**Site Location Plan**

Date 11/12/2014 Drawn by:

Drawing No

**C200/AL(0)1**

Revision

**P**

Client  
**Moorsom Estate**

File: C200 BIM Model Moorsom\_141205.pln

# APPENDIX 'A'

## Rees, Vivien

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**From:** Planning&Transport@valeofglamorgan.gov.uk  
**Sent:** 12 January 2015 13:42  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2014/01452/FUL

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

New comments have been received for application 2014/01452/FUL at site address: The Coppice, Park Road, Dinas Powys

from Mr Peter Akers (Clerk to Michaelston CC) [clerk@michaelstoncc.co.uk](mailto:clerk@michaelstoncc.co.uk)

**Address:**  
3 Archer Road, Penarth,, CF64 3HW

**Comment type:**  
Objection

**Comments:**

Other type details: Community Council.

Comment: 1. Removal of a fine old Edwardian style house and over 40 trees is not consistent with the Environmental Policy of the UDP which states :

Part 1: Strategic Policies

The Environment

Policy 1

The Vale of Glamorgan's distinctive rural, urban and coastal character will be protected and enhanced. Particular emphasis will be given to conserving areas of importance for landscape, ecology and wildlife ..... and important features of the built heritage.

2. Part of the site is an area designated as a SINC and this application would also not be consistent with this.
3. Replacement of the Coppice by five modern houses could be the start of losing other fine houses on that street thus changing the character of the area and again conflicting with the above policy and the SINC.
4. Pen-y-Turnpike Hill is extremely dangerous for pedestrians, and the residents of the new houses would only be able to reach local amenities by car which is not

**Case Officer:**  
Mr. Steven Rennie

**Area:**  
North

# APPENDIX 'B'

Park Mount  
Park Road  
Dinas Powys  
CF64 4HJ

28<sup>th</sup> January 2015

Ref Planning Application 2014/01452/Ful

FAO Mr Steven Rennie

Vale Of Glamorgan Council

Dear Mr Morgan

We have spoken on the telephone regarding this planning application above, as requested I have put my thoughts into a letter.

As you are aware I have examined the plans very thoroughly as I live next door to the proposed site. I wish to object strongly to the development of these houses in this location.

Initially I would like to confirm the situation regarding the building that runs close to our boundary. The architect has optimistically described this as "The coach house" when it is in fact a garage with a studio/flat above. At the rear of the garage is a single skin brickwork room & lean to. Neither of the rear rooms are shown on any of the land registry paperwork, I have no idea when they were built or if there is any consent with them, they certainly do not meet building regulations and probably have no footings. To my knowledge The 2<sup>nd</sup> floor was added to garages in the 1960's as chauffeur accommodation.

The proposed coach house (unit 5) covers the entire footprint of the current garages & lean to's, then extends past my garages completely incasing our property with views of walls and roof top balcony's. Our privacy will be non-existent. The increased size of the new unit is 5/6 times bigger that the current living space in the studio.

I note that the overall site plan disguise's our property by trees to avoid showing how close unit 5 would potentially be.



The Coppice is one of several large historic character properties on Park Road; it has only ever been a single family home with very typical ancillary buildings around it. This is a common style of street in Dinas Powys, many of which have large period homes with substantial gardens. I feel that the application for 5 houses over develops the original house & garden site.

I was shown the previous proposed site design for 4 houses which I was in favour of, as these did not infringe on our property and I felt that the space left between all the new houses gave enough privacy and gave the new homes a size of garden that was adequate for the type of property therefore not requiring any garage with balcony areas to compensate lack of outdoor space.

When we purchased Park Mount several years ago we had no concerns about the Coppice's garages being next door. We extended our property to the rear and also have approved planning permission for a 2<sup>nd</sup> floor to our garage adding another bedroom. I am sure due to this approved consent the addition of a dwelling in place of the Coppice's garage should be rejected, as its rear windows would look directly into one of our bedrooms in addition. At the time we consulted with our neighbors' on all boundaries and no objections were made. We intend to complete this project in the coming year.

Both the Coppice & Park Mount are completely surrounded by trees, whilst I am aware that a tree survey has been completed I believe it would be impossible to build so close to our boundary without damage to the existing trees & hedges that run along our boundaries.

See Site Section 3 Plan:

This clearly demonstrates the over powering effect that this proposal has on our home. If built Unit 5 and its increased ridge height will significantly reduce the amount of daylight to our kitchen/diner and main living room. It is very out of character with the small-scale building it replaces. The proposed plan shows that the new building will be almost twice the length of the existing one. A complex party wall act would have to be considered & agreed upon to protect the foundations of our property, which we would strongly oppose.

The impact on Park Mount will be devastating; our right to light, privacy and human rights will all be infringed. The increased height width & length of the proposed building will dominate & over shadow our home. The proposal to build unit 5 so close to us is extremely unneighbourly, and we believe it fails to comply with sustaining the historic character of Park Road. As well as numerous planning other conditions.

Further Concerns:

We are completely against the idea of rooftop gardens. As the proposed siting of these

and the very changing levels of ground indicates that they are likely to be significantly higher than our property. This would offer new owners the complete view of our gardens & us of them, again infringing the overlooking regulations. I suggest it would be like living in a fish bowl, and not the privacy that our home Park Mount has enjoyed since the 1980's when built. We would require further detailed clarification of these proposed roof top gardens, however reducing to 4 houses would take away the need to invent this style of outside space.

The increase in traffic to Park Road is also a concern, many of my neighbors at the bottom of the hill do not use or have private drive ways this means that they park on both sides the road, leaving only a 1 car center section to use. 5 properties of this size would require 12 to 15 car park spaces and with the addition of visitors to the proposed properties this could easily rise to 20 and above vehicles, this will have a massive impact on the upkeep and safety of the road not to mention the access to the site itself is directly adjacent to our property at an obtuse angle.

If this application is to be decided by councilors, please take this as notice that we would like to speak at the meeting of the committee.

I also invite my local councilors & the planning officer to Park Mount to consider & evaluate the impact of unit 5 & the potential roof top gardens would have on our home.

Yours Faithfully

Steve & Anne Birkinshaw

[REDACTED]

[REDACTED]

Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House, Bewsey Street,  
Warrington, WA2 7JQ

Sunrise Renewables (Barry) Ltd, Gilbert Wakefield House, Bewsey Street,  
Warrington, WA2 7JQ

**David Davies Road, Woodham Road, Barry**

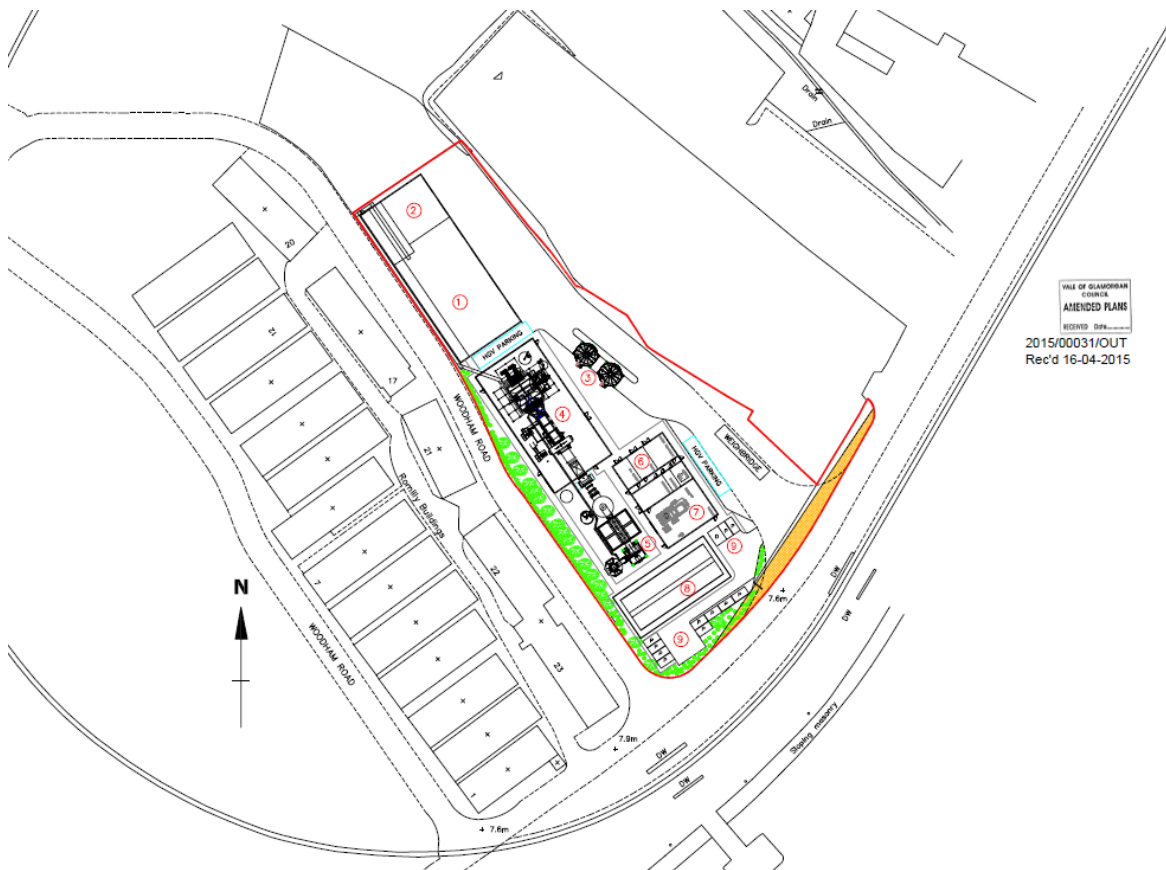
Outline application for a wood fired renewable energy plant

**SITE AND CONTEXT**

The appeal site forms part of the wider developed coastal area of Barry Docks, being located to the immediate north-east of the existing industrial units occupying the old Nissen huts on Woodham Road, and to the north of Dock No.

Access to the site is via Woodham Road, off the Ffordd-y-Milleniwm roundabout adjacent to the Council's Dock Offices. The site is currently vacant, having been occupied until recently by a container storage and refurbishment operation.

The nearest residential development is located on Dock View Road to the north and northeast of the site. The properties on Dock View Road closest to the appeal site are some 250 metres to the northeast. The first phase of the Barry Waterfront development is to the west of the site with the nearest dwellings being some 400 metres from the site.



## DESCRIPTION OF DEVELOPMENT

This is a full planning application made by Sunrise Renewables Limited for a Wood Fuelled Renewable Energy Plant / Biomass Plant of up to 72,000 tonnes of waste wood.

Having full regard to the previous proposals on the site the application was reconsidered as a new application and an updated screening of the proposal was assessed on the basis of the changes to be made to the application. As such, the Council consider the application to be a Schedule 2 development as described under Part 11 (b) of the EIA regulations. On the basis of its location and the changes proposed over the previously considered proposals it was not considered to have a significant environmental effect and no EIA was required. The application has been accompanied by a appropriate level of information, with the following key elements taken from the submitted supporting statement. This includes the following documents

- Design & Access Planning Statement
- Transport Statement
- Noise Statement and updated Noise Survey
- Stack height assessment
- Air Quality Assessment
- Updated Air Quality Assessment
- Ecology Appraisal
- Groundsure Environmental Data Report
- Groundsure Geology & Ground Stability Report
- Flood risk assessment
- Waste Planning Assessment (as required by TAN21)

### The Building/ Equipment

The previous consent granted permission for a single building with a footprint of approx. 2700sqm. At a height of 14m. Under the new proposals the applicant proposes that the proposed buildings footprint will be reduced to 2,497sqm, however, this will be separated into separate structures, most notably two large buildings and an increased stack structure. The application outlines that the details of the structure proposed are as follows: -

Wood storage and feed building: The wood storage and feed building (52.4 x 21.6 x 13.7m High) remains similar in height to the previously approved 14m high building

Turbine, Welfare and Ancillary buildings: This building 29.1 x 17.9 x 11m high) This building incorporates the switchgear, the main control room and turbine room (removing the formerly proposed piston engines)

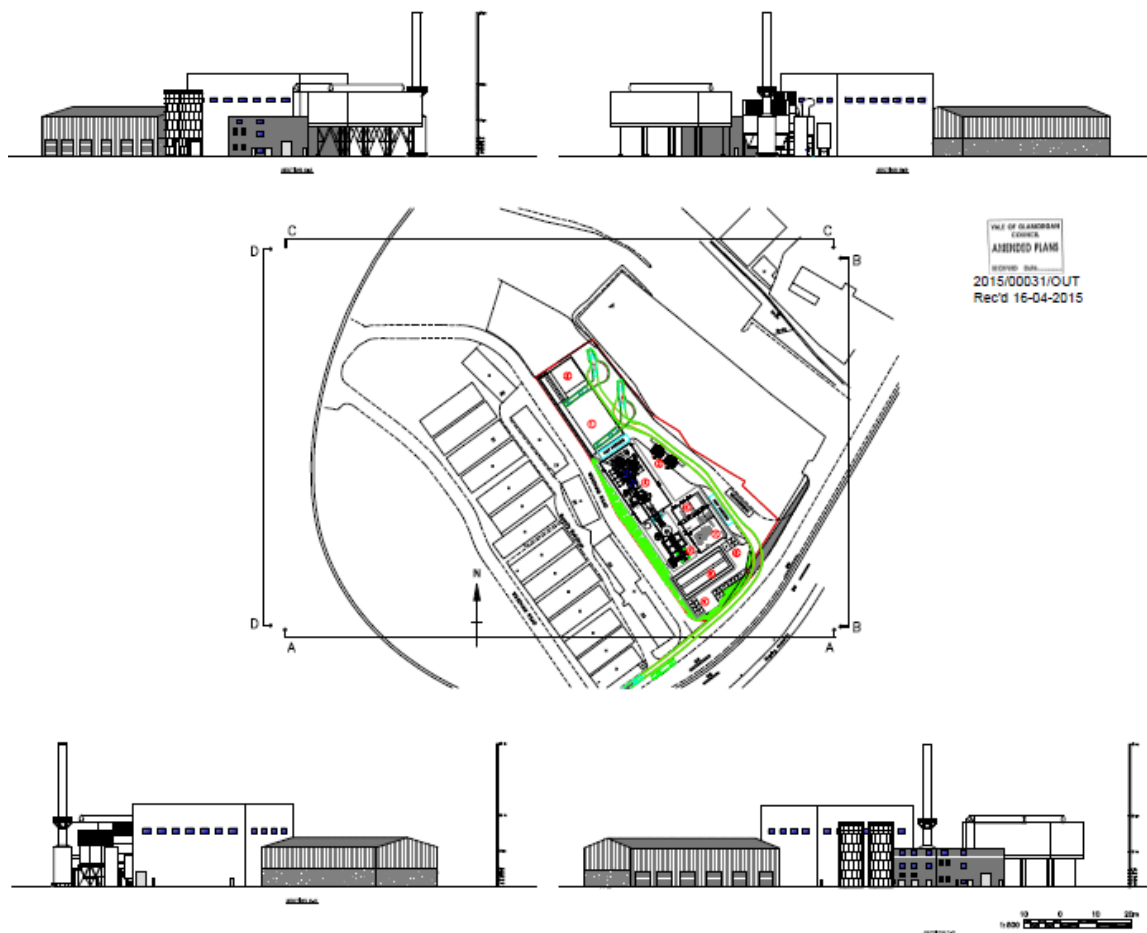
Main process building: This is the largest building and will comprise of the gasification equipment (41.4m x 20.4m x 23m high). This will significantly improve containment of the process as a whole.

ACC Unit: An external air cooled condenser (32m x 14.5m and 20m High) mounted on steel stilts adjacent to the turbine, welfare and ancillaries building

External Equipment: Ash silos- two cylinder shaped structures (18.4m high x 6.7m diameter). Flue gas treatment, exhausting to the chimney stack will also be external

Chimney Stack: 40m high stack; (previously 20m high) located to the south of the site and is this height to meet emissions. The diameter will also increase from the previous consent from 1m to 2.75m.

Parking provision will be 12 cars (including one disabled) and four cycle bays for employees and visitors



### The Process / Proposal

The design of the previous plant was undertaken by Prestige Thermal equipment (which produced a 9 MW average net output) but this is replaced in this proposal by the globally established manufacturer Outotec. The Outec technology is more efficient and will result in an average of 10MW rather than the approved 9MW for the same fuel amount (i.e. 72,000 tonnes). This equates to approximately 216 tonnes per day. The wood fuel accepted will be manufactured from clean wood, pallets, construction timber and other woods which have been removed from the construction and demolition waste stream locally. In short, the plant will process dry, non-hazardous batches of timber and wood.

The plant will be capable of producing syngas through a fluidized bed process while the previous produced syngas through pyrolysing. Both technologies are gasification. The general process is as follows

- Wood-waste feedstock is chipped off-site and delivered to the plant prior to being gasified. At the time of delivery, feedstock has a variable moisture content, the water having a function as a reformation agent in the gasification process.
- The wood fuel is fed into the gasifier system where it is converted into a raw natural gas ('syngas') which is reformed and used as the primary fuel in the gasification boiler to generate steam to power the steam turbine. The Outotec gasifier will process up to 72,000 dry tonnes of wood waste per year to produce an average net output of up to 10 MW (compared to 9 MW with the Prestige system) and is more flexible with respect to moisture content.
- The steam turbine uses the steam to produce electricity and the plant transfers electricity to the grid via an alternator, transformer and on-site substation. The turbine is enclosed in an acoustically attenuated extension to the electricity switchroom, to reduce noise to a minimum. The process is regulated from a computerised control room. The buildings will be lit internally using electricity generated from the process.
- The Outotec equipment utilises a single turbine-alternator which replaces the previously proposed system of multiple reciprocating piston engines.
- Burning of the refined syngas in the gasifier to produce energy combined with various plant and equipment used to reduce emissions results in cleaned exhaust emissions from the facility.

The change in technology remains one based on gasification. In addition, as the plant is proposed to be more efficient, i.e. 9MW rather than 10MW, the efficiency levels means there is no surplus heat generated. As such, the new proposal will not be a combined heat and Power Plan (CHP) Plant.

The plant would have a design life of approximately 25 years and will be operated during the following hours for the receipt of fuel and all other external operations:

- Monday to Friday 07:00 - 19:00
- Saturday 07:00 - 19:00
- Sunday /Bank/Public holidays 08:00 - 16:00

However, the applicant has outlined an intention to only operate deliveries over a 5 day period, excluding the weekends. Otherwise the plant itself will operate and generate electricity as a 24 hour process within the building:

The plant will operate and provide electricity to the grid 24 hours per day, with allowances for maintenance and breakdowns. The entrance gates will be closed upon the cessation of daily operations to ensure that there is no unauthorised access.

The applicants statements outline that the benefits from the Project remain essentially the same as for the 2010 Permission, namely:

“12.1.1 Renewable electricity: Utilising established biomass energy technology in order to contribute to national targets for renewable energy provision. The facility will supply electricity via the electricity grid which is equivalent to the annual energy usage of approximately 23,600 households (increased from the previous level of 22,000) based on an average UK household consumption of 3,300kWh.

12.1.2 Climate change: Contributing to creating “A resilient and sustainable economy for Wales that is able to develop whilst reducing its use of natural resources and reducing its contribution to climate change.” (Planning Policy Wales Edition 7, Para 4.1.5).

12.1.3 Reduced landfilling: Reducing the need to dispose of wood to landfill, thereby conserving finite landfill capacity and facilitating a more sustainable end use for waste wood as a renewable energy resource in accordance with the waste hierarchy (Planning Policy Statement 10). There remains an over-supply of waste wood in the UK and consequently, large volumes of wood continue to be directed to landfill or other less sustainable uses.

12.1.4 Assisting wood recycling: Providing an additional outlet for recycled wood to enhance the commercial viability of wood recycling, both locally and nationally.

12.1.5 Traffic: Achieving a reduction in the number of vehicle movements carrying waste wood to local and national landfill sites.

12.1.6 Economy/employment: Utilising a vacant industrial plot in order to provide skilled employment opportunities and investment in local goods and services. Up to 12 full-time equivalent jobs based at the site plus 2 office staff will be provided.”

## PLANNING HISTORY

2010/00240/FUL : Land off Woodham Road, Barry - Erection of new industrial building and installation of 9MW wood fuelled renewable energy plant - Withdrawn 20 April 2010.

2008/01203/FUL : Land at Woodham Road, Barry - Erection of new industrial building and installation of 9MW fuelled renewable energy plant - Refused 31 July 2009.

2008/00828/SC1 : Land at Woodham Road, Barry Docks - Proposed industrial building and installation of 9MW Biomass Gasification Plant to generate electricity from reclaimed timber - Environmental Impact Assessment (Screening) - Not Required 14 August 2008.

1987/00821/FUL : Woodham Way, Barry Docks - Construction of plant store - A 17 November 1987.

1985/00574/FUL : Woodham Road, North Side, No. 2 Dock, Barry - The land will be enclosed by a security fence and used for the storage of car trailers, such as touring caravans, boats etc. – Approved 23 July 1985.

1984/00348/FUL : Woodham Road, No. 2 Dock, Barry Docks, Barry - Proposed fenced off compound for the purpose of storage and distribution of solid fuel - Approved 17 May 1984.

1984/00214/FUL : Woodham Road, No. 2 Dock, Barry - Erection of a security fence around the plot of land which will be used for the storage of caravans. Approved 1 May 1984.

#### Other Relevant History

**2014/00610/FUL** : Dow Corning Ltd, Cardiff Road, Barry - Planning Application to develop a Biomass Energy Facility (BEF) including associated works. The BEF facility will be capable of generating 24.2MW of thermal energy (steam) via the gasification of up to 60,000 tonnes per annum (tpa) of recycled wood chip fuel on land within the Dow Corning Barry site. - Withdrawn 18 July 2014.

**2009/00021/FUL** : Land accessed off of Atlantic Way within Barry Docks, Barry - Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational development in the form of the construction of a gasification waste to energy plant for non-hazardous waste - Approved 23 December 2009.

#### CONSULTATIONS

**Barry Town Council** was consulted on 16 February 2015. Strong objection to the proposals on the basis that the increased height of the stack, proximity to the residential properties and transport impacts congested the existing roads to the site.

**Environmental Health (Pollution)** was consulted on 16 February 2015. Environmental health has no objection to the proposed development but made the following comments: -

#### Air Quality

Based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM<sub>10</sub>, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

However, reference has not been made to other approved sites (that may not yet be in operation) that could have a contributing/cumulative pollutant factor which may adversely affect the air quality.

Due to the topography of the local area, the height of the stack may be level with sensitive receptor locations, subject to planning approval that are yet to be constructed. The air quality assessment has not considered sensitive receptor locations yet to be constructed, including their relative elevations to the proposed stack.



It is recommended a condition is attached requiring quality control on the source material

### Noise

The noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased. However, reference has not been made to other approved sites that are yet to be constructed as they may impact on background levels.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

It is advised that the operators of mobile plant within and outside curtilage of the facility use reversing safeguards that have low off site impact. For example, bleeper alarms are omni-directional and can be audible over a large distance – alternatives to be used, for example directional sound or white noise.

### Construction Phase

Prior to this phase, a Construction Environment Management Plan (CEMP) should be submitted to and agreed with the LPA. This must detail the control of noise and dust etc. prior to works commencing.

### Odour

There should be no odour from the REP as it works on negative pressure.

### Lighting

A condition should be attached regarding exterior lighting should be installed in accordance with the Institute of Lighting Engineers guidelines for the control of obtrusive light. Reason: to avoid negative impact upon amenity by obtrusive light.

### Ground Conditions

The submitted report includes a recommendation for further gas monitoring. This is recommended. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

### Environmental Permitting Regulations

It is essential to note that the operation of this process cannot legally operate until it benefits from an Environmental Permit issued by Natural Resources Wales.

**Cardiff Airport (Safeguarding)** was consulted on 16 February 2015. No objection to the proposed development.

**Glamorgan Gwent Archaeological Trust** was consulted on 16 February 2015. No objection to the proposals.

**Policy Section (Planning)** was consulted on 16 February 2015. No principle objection to the proposed development, subject to the proposal being considered acceptable under Policies ENV6, ENV27, ENV29, TRAN11, COMM8 and WAST 1 & 2

**Local ward members** were consulted on 16 February 2015. No formal comments submitted

**Dwr Cymru Welsh Water** was consulted on 16 February 2015. No comments.

**The Council's Ecology Officer** was consulted on 16 February 2015. No objections have been received with respect to the proposal.

**Waste Management** was consulted on 16 February 2015. No comments

**Finance, ICT and Estates, Energy Manager** was consulted on 16 February 2015. No comments have been provided.

**Highways and Engineering** was consulted on 16 February 2015. No objection to the proposed development subject to conditions on visibility splays, parking provision and cycle provision within the site.

**Natural Resources Wales** was consulted on 16 February 2015 and 6th May 2015

Following the submission of the Air Quality Assessment (AQA) no objection to the proposals

NRW initially objected to the proposed development outlining that insufficient information had been submitted for the matter to be properly considered and that an updated AQA would be required.

NRW outlined that the proposed development lies within close proximity to the Severn Estuary (designated as a Special Area of Conservation (SAC) Special Protection Area (SPA) and RAMSAR site and is also within proximity of Hayes Point to Bendrick Rock (SSSI) and Barry Island (SSSI) and as such advised that a further assessment of aerial emissions should be undertaken. This was to ensure the principle of development at this location could be acceptable.

We confirm that the AQA has adequately assessed the potential impacts upon the above sensitive habitats. Our advice is that the proposed development is not likely to have significant effects on these sensitive habitats. We therefore remove our objection.

**Public Health Wales** was consulted on 16 February 2015 and 6 May 2015

In their second comments on the updated air quality assessment Public Health Wales outline that based on the information provided by the applicant, there is limited potential for risk to public health from the proposed process itself. However, they have raised concerns that previous permissions for similar uses have been approved in the vicinity (i.e. wood pellet plant Dow Corning and residual waste gasification plant approved in Atlantic Way) and multi storey residential properties may have permission approximately west of the site. As such, if this is the case then the AQA has not taken into account additional emission sources or receptors. As such, public health Wales do not object but suggest a condition requiring an additional AQA taking these matters into account.

### **Members note:**

The consent for the gasification plant at Atlantic Way (2009/00021/FUL) expired on 23 December 2014 and would now require a new planning permission to be implemented. The proposals for a wood chip gasification plant in Dow Corning (2014/00610/FUL) were withdrawn on 18 July 2014.

**Health and Safety Executive** was consulted on 16 February 2015. No comments have been received in regard to this matter

**Associated British Ports** was consulted on 16 February 2015. ABP outlined that there are in support of the application for the wood fired renewable energy plant and specifically outlined

### **REPRESENTATIONS**

The neighbouring properties were consulted on 16 February 2015.

A site notice was also displayed on 13th March 2015

The application was also advertised in the press on 13 March 2015

Over 100 letters and emails have been submitted in response to this application. The main issues raised are as follows:-

- Emissions and Health issues
- Traffic impacts. i.e. heavy lorries and intensity
- Noise
- Visual impact of the proposed Stack
- Proximity to residential properties
- Lack of information
- Types of wood being used

- Health grounds / Quality of Life (including asthmatic sufferers).
- Objection on the grounds that it is a waste disposal plant not the energy generation plant stated in the application; proximity to houses; lack of guaranteed reuse of waste heat.
- Impact of exhaust gases and particulates; and more appropriate sites for the facility.
- Siting in a highly populated residential area, and impact on road access; pollution; effect on community; impact in future; alternative sites more appropriate.
- potential use for other fuels in addition to wood; air quality; lack of jobs for local people;
- Emissions (smells, dioxins) noise from plant and lorries; traffic. Considers the plant to be a good idea but in the wrong location.
- Tourism- Impacts upon the Barry waterfront development regeneration and Barry Island regeneration.
- Property prices within the locality will decrease.
- Ecological impacts of the proposal.
- Wood waste is far more hazardous to health.
- Environmental impact assessment is required.
- Gasification- bad science.
- More public consultation is required.
- Docks area should be used as retail and leisure.
- Fire hazard or ash waste and wood chip stockpiles.
- Effects on Business

Five letters which are generally indicative of the objections received are attached as Appendix A.

Letters from the local AM, MP and MEP have also been received and are attached at Appendix B.

A letter of support has been provided by ABP

## 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 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

POLICY 4 – ADDITIONAL EMPLOYMENT LAND

POLICY 13 – WASTE MANAGEMENT

POLICY 14 COMMUNITY AND UTILITY FACILITIES

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.

Under the chapter on Waste, the following objectives are put forward for the purposes of guiding future decisions relating to waste disposal:

- To ensure that waste disposal is carried out with adequate environmental protection, so that there is no harm to human health, no pollution of the environment and no detriment to the amenities of the locality.
- To ensure that the waste disposal requirements of the County are adequately catered for within the context of other objectives.
- To ensure that waste disposal and other types of waste management facilities are considered within a hierarchy of priorities including:

Reduce (the production of waste)

Re-use

Recover (recycling, composting and energy recovery)

Disposal (with minimum environmental impact)

The UDP as a whole includes the following policies which are of relevance to these proposals:

STRATEGIC POLICY 13 – favours development proposals which encourage sustainable principles for waste disposal based on a hierarchical approach of (i) waste minimisation / avoidance; (ii) re-use of waste; (iii) waste re-cycling or recovery (including waste conversion to energy); and (iv) waste disposal land fill with minimal environmental impact.

## WAST 1 PROVISION OF WASTE MANAGEMENT FACILITIES

Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:

- i. Existing waste sites;
- ii. Existing and allocated B2 and B8 employment sites;
- iii. Within operational mineral working sites; or
- iv. The case of green waste composting and management, on land within or adjacent to farm building complexes.

Proposals will be considered having regard to the criteria listed in Policy WAST 2.

## WAST 2 CRITERIA FOR ASSESSING WASTE MANAGEMENT FACILITIES

Subject to the provision of Policy WAST 1 proposals for waste management facilities will be permitted if the proposal:

- i. Conforms with the principle of the waste hierarchy (reduction, re-use, recovery and safe disposal); the “proximity principle”; the principle of regional self sufficiency; the objective of waste avoidance, reduction and disposal; the setting of targets for reduction and modes of disposal:
- ii. Does not unacceptably affect residential amenity or pose a threat to public health;
- iii. Does not unacceptably affect the quality or quantity of water resources (both surface and groundwater);
- iv. has regard to the adequacy of the highway network and the need to minimise the demand on the transport network;
- v. does not unacceptably conflict with the interests of agriculture, nature conservation, areas of ecological, wildlife or archaeological importance or features of geological or geomorphological importance or landscape protection policies;
- vi. has a high standard of layout, landscaping and design;
- vii. Provides arrangements for the after treatment and future use of the site which are to the satisfaction of the local planning authority; and
- viii. Is not at an unacceptable risk of flooding, including tidal inundation, or does not increase the risk of flooding elsewhere

Para. 10.6.7. of the justification advises that the disposal or treatment of waste in any form is often a controversial issue, no matter how well managed. It is important therefore that any proposals for this type of activity can be thoroughly assessed against the above criteria and that any permission is conditioned to mitigate and / or abate environmental detriment and nuisance.

#### COMM 8 OTHER RENEWABLE ENERGY SCHEMES

Proposals for other renewable energy schemes will be permitted if all of the following criteria are met:

- i. the proposal has no unacceptable effect on the immediate and surrounding countryside;
- ii. The proposal has no unacceptable effect upon the sites of conservation, archaeological, historical, ecological and wildlife importance;
- iii. Adequate measures are taken, both during and after construction, to minimise the impact of the development on local land use and residential amenity.

Para. 11.4.45. of the justification states that "...the Council recognises that policies for developing renewable energy must be weighed carefully with its continuing commitment to policies which seek to protect the local environment. The Council acknowledges the advice in TAN 8 that proposals to harness renewable energy can display a variety of factors peculiar to the technology involved. ... The Council will assess applications for renewable energy developments in the light of the guidance put forward by the Welsh Assembly Government in TAN 8.

#### ENV6 EAST VALE COAST

States that development within the undeveloped coastal zone will be permitted if a coastal location is necessary for the development; and the proposal would not cause unacceptable environmental effects. In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

The justification notes that, "though outside of the defined settlement boundary for Barry, the Port estate is clearly a developed area and its continued use and development as a commercial/ industrial estate and for the expansion of operational port facilities by ABP is endorsed". (3.4.22 of UDP).

- ENV7 - WATER RESOURCES
- ENV16 -PROTECTED SPECIES
- ENV18 - ARCHAEOLOGICAL FIELD EVALUATION
- ENV26 - CONTAMINATED LAND AND UNSTABLE LAND
- ENV27 - DESIGN OF NEW DEVELOPMENTS
- ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

States that development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment: (i) by releasing pollutants into water, soil or air, either on or off site; or (ii) from smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions.

#### EMP2 NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

States, inter alia, that proposals for new business and industrial development will be permitted if nine specified criterion are met, including that the size and relationship of any new building and / or alteration or extension is not disproportionate to its size and setting; the proposal does not have an unacceptable effect on residential amenity; does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water, or land; and does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

#### EMP3 GENERAL INDUSTRY

States, inter alia, that development will be permitted for B2 use (general industry) where the proposal is compatible with existing business / industrial / warehousing uses; will not cause detriment to the amenities of nearby residential areas; the nature and scale of the proposed development does not unacceptably affect surrounding uses; it does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water or land; and it does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

#### TRAN10 - PARKING

#### TRAN11 - ROAD FREIGHT

States, inter alia, that, in order to reduce the unacceptable environmental effects of heavy goods vehicles...developments which generate HGV movements which would unacceptably affect the amenity and character of the existing or neighbouring environments by virtue of noise, traffic congestion, or parking problems will not be permitted.

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.

Section 12 of PPW can be considered

12.5.1 The Welsh Government's general policy for waste management is contained in its overarching waste strategy document *Towards Zero Waste* and associated sector plans. Planning authorities should, in principle, be supportive of facilities which fit with the aspirations of these documents and in doing so reflect the priority order of the waste hierarchy as far as possible.

12.5.2 The Collections, Infrastructure and Markets (CIM) Sector Plan describes the waste management framework considered to provide the best solutions to meet environmental, social and economic needs to 2050<sup>7</sup>. It indicates a move towards a position where disposal and recovery options are reduced in favour of high volume source segregated collection followed by reprocessing (as well as preparation for re-use and prevention). The reality as we move from where we are now towards these aspirations is the need for planning authorities to facilitate the provision and suitable location of a wide ranging and diverse waste infrastructure which includes facilities for the recovery of mixed municipal waste and may include disposal facilities for any residual waste which cannot be dealt with higher up the waste hierarchy.

12.5.3 The land use planning system has an important role to play in facilitating sustainable waste management by providing a framework for decision making which recognises the social, economic and environmental benefits that can be realised from the management of waste as a resource to meet the needs of society and businesses, whilst at the same time:-

- minimising adverse environmental impacts and avoiding risks to human health;
- protecting areas of designated landscape and nature conservation from inappropriate development; and
- protecting the amenity of residents, of other land uses and users affected by existing or proposed waste management facilities.

### **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 8 – Renewable Energy (2005)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2014)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 21 – Waste (2014)
- 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
- Amenity Standards

### **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:

- Waste Planning Background Paper (2013)
- Sustainable Transport Assessment (2013)

Specific Policies that would be relevant to this application

Policy SP8- Sustainable Waste Management

**Other relevant evidence or policy guidance:**

Land Fill Directive 1999

Waste Framework Directive 2008

South East Wales Regional Waste Policy (1<sup>ST</sup> Review 2008)

Project Gwyrdd 2008

Towards Zero Waste 2010

The Collections, Infrastructure and Markets (CIM) Sector Plan July 2012

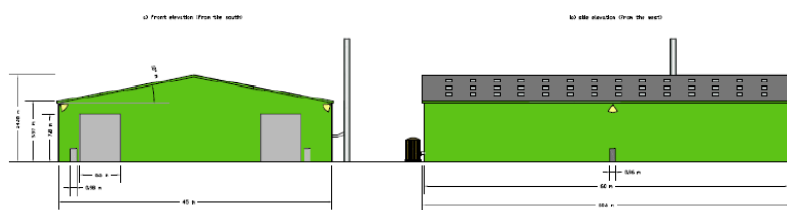
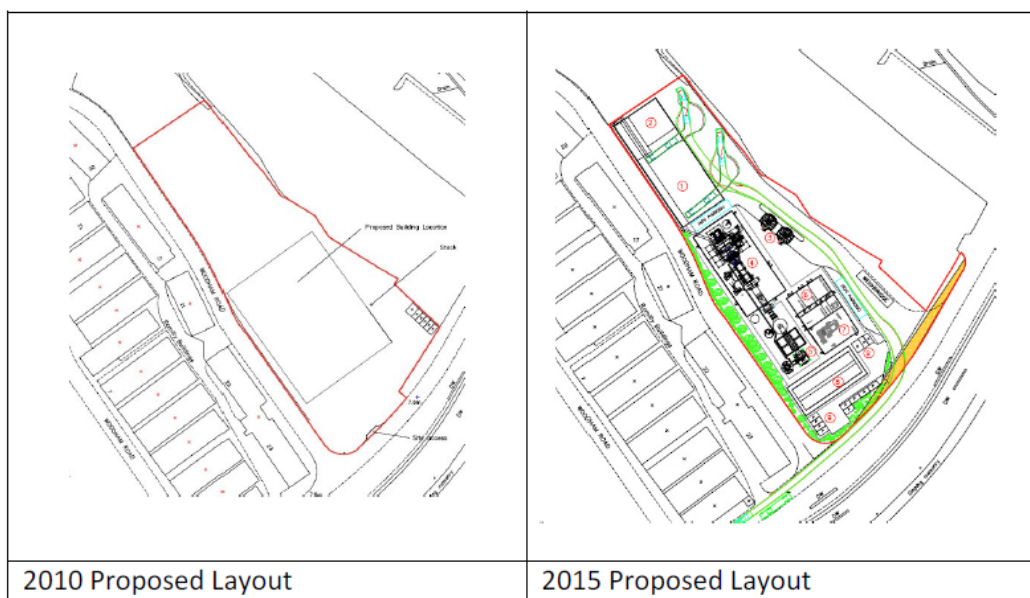
Background to the Proposal

Members will note that this application is a resubmission of the approved application 2008/01203/FUL, which was refused by Members at planning committee but allowed by the Planning Inspectorate following a public enquiry into the application in 2010. The appeal decision is attached as Appendix B. The main difference between this application and the previously approved is the following:

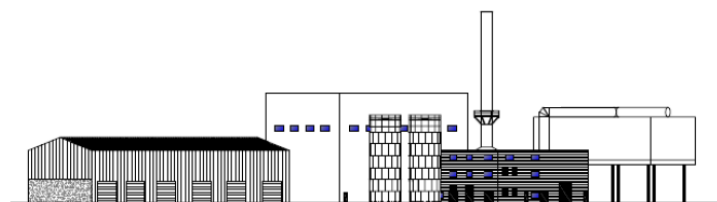
Technology: a change in the manufacturer of the advanced conversion technology (ACT) from gasification based on pyrolysis to one based on a fluidised-bed. The proposed technology is more fuel efficient and will improve the average annual power output to 10 MWe compared to 9.0 MWe in the 2010 Permission. It also means that there is no waste heat generated during the process.

Layout: accommodation of the proposed technology at the Project site requires a different configuration of the buildings housing the various components – the 2010 Permission contemplated a single connected structure while the revised layout breaks this up into three separate but functionally interconnected buildings. The footprint of these buildings is 7.5% less than under the 2010 Permission.

Elevations: the revised layout comprises two buildings that are lower than the building height in the 2010 Permission and one that is higher. The average building height of the 2010 Permission is 14m while the average building height of the revised layout is 16.3m. In order to meet emissions requirements, the stack height will be increased to 43m. This is less than the stack height approved for the waste-energy plant already approved for construction at Atlantic Way on the opposite side of the dock, although Members should note that this consent has now technically lapsed.



Elevation A: Elevations for the 2010 Permission



Elevation B: Elevations for the revised layout

As there are no other changes made to the application it is considered that the plant will be fuelled by reclaimed wood arising (for example) from local recycling operations.

## Issues

While members understand the material weight that should be given to the previous 2010 consent, the application must be considered in its entirety against National, regional and Local Policy objectives.

As such, this next section addresses some of the policy changes since the previous 2010 approval.

### National Policy (Planning Policy Wales 7<sup>th</sup> Edition), TAN21- Waste

Waste Policy in Wales is influenced by two major European Directives, the Waste Framework Directive and the Land Fill Directives, which came into effect in 2008 and 1999 respectively. These directives effectively set out a move away Landfill and the member states to take account of the best available technology to develop a network of disposal installations, taking into account the Waste Hierarchy as well as the 'Proximity principle and self-sufficiency.

While not significantly different to the National and Regional Policies that were considered in 2010 approval, Planning Policy Wales as well other documents on the Waste Strategy in Wales have been updated.

The Welsh Government's general policy for waste management is contained in its overarching waste strategy *Towards Zero Waste* (para 12.5.1 PPW). Planning authorities should, in principle, be supportive of facilities which fit with these documents– i.e. zero waste and associated plans – and in doing so reflect the priority order of the waste hierarchy as far as possible.

PPW also sets out the general criteria that proposals should meet (para 12.5.3), i.e.:

- Minimising adverse environmental impacts and avoiding risks to human health.
- Protecting areas of designated landscape and nature conservation
- Protecting residential amenity and other land users and uses

The proposal fits with the Governments waste policy since the processing of the wood waste at the plant results in Energy Recovery by Gasification. According to the Councils Waste Planning Background Paper for the LDP (Page 8 Para 4.2.1) the residual wood waste that would be used at the plant would be otherwise sent to be landfill at Trecati Landfill Site rather than energy recovery. As such, the proposed use does comply with the overarching policy of PPW zero waste and reflects a progression in the waste hierarchy.

TAN 21 Technical Advice Note for Waste (February 2014) TAN 21 reinforces the PPW approach towards 'zero waste' and includes the Waste Hierarchy (below). At chapter two TAN 21 promotes the EU Directive waste hierarchy as follows:

## **Waste Hierarchy diagram**



TAN 21 sets the framework for facilitating the delivery of sustainable waste management infrastructure through the planning process. Paragraph 1.10 of TAN21 explains:

Sustainable development is a key functioning principle of the Welsh Government and its policies. The movement towards sustainability in relation to planning for waste should be guided first by the wider principles of sustainability contained in Planning Policy Wales, however, with specific reference to waste management land use planning should help to:

- Drive the management of waste up the waste hierarchy and facilitate the provision of an adequate network of appropriate facilities;
- Minimise the impact of waste management on the environment (natural and man-made) and human health through the appropriate location and type of facilities;

TAN21 also indicates at paragraph 3.2 that: In the short to medium term there will be a continued need to develop more waste treatment and recovery facilities in order to reduce reliance on landfill.

Paragraph 3.26 advises: In general, the most appropriate locations will be those with the least adverse impacts on the local population and the environment, and with the best potential contribution to a broad infrastructure framework. Particular care should be taken to avoid locations where new or extended waste facilities may be incompatible with existing land-uses' amongst potential sites for facilities paragraph 3.27 includes:

- industrial areas, especially those containing heavy or specialised industrial uses
- degraded, contaminated or derelict land - well-located, planned, designed and operated waste management facilities may provide good opportunities for remediating and enhancing sites which are damaged or otherwise of poor quality, or bringing derelict or degraded land back into productive use

- existing or redundant sites or buildings - which could be used, or adapted, to house materials recycling facilities, or composting operations

The proposal will clearly raise the treatment of the wood waste from the bottom of the hierarchy (landfill) to the second level (recovery). The proposed site is within an industrial area, in accordance with para 3.26 of TAN 21 above, and on a site already approved as an energy recovery use in 2010.

It should be noted that some representations have been received that outline that the efficiency levels of the plant are below the requirements outlined in TAN21, rendering the development a Waste Disposal unit rather than an Energy Recovery. In particular para 4.33 states that *The recovery of energy from waste should be carried out at a high level of energy efficiency. In the case of energy from waste facilities using mixed municipal wastes and residual waste as a feedstock, in order to be classed as a 'recovery operation' these need to meet (as a minimum) the energy recovery efficiencies as defined under the 'R1 formula' (detailed in Annex 1 to the Waste Framework Directive). The Collections, Infrastructure and Markets Sector Plan provide details on the way in which the efficiency of energy from waste facilities is calculated using the R1 formula (see Collections, Infrastructure and Markets Sector Plan at p.217). Energy from waste facilities are categorised as recovery installations when their efficiency, as expressed using the R1 formula, is equal to or greater than:*

*Where facilities using municipal waste, or mixed municipal and industrial wastes as a feedstock operate at an R1 efficiency level of <0.6, the operation is classed as a disposal operation for the purpose of the waste hierarchy.*

In this instance, the developer has provided additional information, attached to this report as Appendix C that identifies that the energy recovery at the proposed plant would be efficient enough to meet the efficiency levels set out under the R1 formula. Accordingly, the proposal complies with the efficiency set out in TAN21 to be considered a recovery plant rather than a Waste Disposal.

## **Regional Waste Policy**

Regional waste policy covering Barry is set out in the 'South East Wales Regional Plan March 2004' which was endorsed by all of the local authorities within the area covered.

The Regional Waste Strategy is as follows:

- *Aim to achieve the 2020 Landfill Directive targets by 2013 (diversion of biodegradable waste from landfill)*
- *Achieve this principally through maximising recycling and composting deal with residual waste by Mechanical Biological Treatment*
- *Choose between either sending the residual waste from Mechanical Biological Treatment to landfill or using it as Refuse Derived Fuel; and*
- *Limit the amount of waste going to landfill to that which cannot be dealt with acceptably in any other way.*

A Review of the South East Regional Waste Plan was published in September 2008. The review had two elements, a Technology Strategy and a Spatial Strategy. The purpose of these strategies is to guide and support the unitary authorities in their plan making.

The Technology Strategy does not identify a single preferred technology but offers seven possible approaches all incorporating high source segregated recycling and composting levels with all remaining residual wastes, where possible, being managed by combinations of pyrolysis, incineration with energy recovery, MBT, gasification and autoclave. All are aimed, amongst other things, at minimising waste to landfill.

In relation to the development of a spatial strategy the Review:

- a) Provides map based very general areas of search which it stresses should not be used for development management decision making, and
- b) Concludes that the potentially available land area on existing B2 (and similar) or major industry sites and B2 sites that have already been allocated in development plans has shown that in each Unitary Authority area for which data is available there was, at 2008, a clear surplus of developable land with a B2 (and similar) planning permission or proposed use to accommodate the highest estimate of the total land area required for new in-building waste management facilities. In South East Wales there was a total of 729 developable hectares of land with a B2 (and similar) planning permission or proposed use.

The Regional Waste Policy identifies a need for additional energy recovery by gasification or other advanced technologies, Paragraph 7 of the Waste Background Paper to the deposit LDP also estimated that 6.6 (indicative number of facilities) are required to deal with 252,836 tonnes of waste and on an estimated land area of 8.6ha.

The LDP goes onto identify suitable locations for Waste Management Facilities based on the RWP identification for suitable locations for waste facilities and the guidance set out in TAN21. TAN 21 promotes the Local Development Plan (LDP) concept at paragraph 3.18. It explains that the locational requirements of waste facilities should be considered when preparing local development plans: *so as to ensure that the provision of a wide range of waste management infrastructure can be facilitated.* And at paragraph 3.21 it advises that LDPs should: *indicate where suitable and appropriate sites exist for the provision of all types of waste management facilities in order to provide some certainty for waste operators interested in fulfilling demand in an area.*

The background paper has drawn upon guidance as well as the findings of a study commissioned by Prosiect Gwyrdd to identify potential sites for developing a regional waste management facility. The background paper study assessed 59 sites, of which 14 were located within the Vale of Glamorgan and of the 14, 4 were identified as being the most suitable locations for residual waste treatment facilities. Specially Atlantic Trading Estate, the Operational Port of Barry Docks (application site), Llandow Trading estate, and land adjacent to Bosch at Junction 34. (Emphasis added)



As such, at a National and Regional level of policy of waste, the proposal for an Energy recovery unit at the applications site has been supported by the updates to Planning Policy Wales, TAN21 and the Councils background paper for the LDP on Waste Planning. While it is not zero waste, it is an acceptable short to mid range solution away from the land fill and is located within a sustainable location in an existing allocated employment land use.

This compliance with National and Regional policy is validated by the Councils deposit LDP and background papers. While the LDP is not adopted to date, the background paper is clear evidence that the application site is considered to be an appropriate location for potential waste facilities, subject to the proposal complying with the criteria outlined in the relevant local policies in the existing development plan (UDP 1996-2011) and general planning considerations

### **Local Planning Policy**

Policy EMP1 of the Unitary development Plan (UDP) lists the sites allocated for Employment Uses. Site 3 is the Barry Docks and Chemical Complex within which 16.6Ha of land is shown as available for development. The site lies within this designated area, which is specifically shown for development falling within Use Classes B1, B2 and B8 – i.e. business, general industrial and storage and distribution.

Policy WAST1 seeks to make provision for waste management facilities more generally:

*Proposals for the provision of waste management facilities including the handling, treatment and transfer of waste will be permitted where they are located on:*

- i) Existing waste sites*
- ii) Existing and allocated B2 and B8 employment sites*
- iii) Within operational mineral sites*
- iv) Composting at Farms*

Accordingly, the proposal is acceptable in principle as it is located on an existing dockland employment site, complying with criteria (ii) of the above mentioned policy.

Policy WAST2 provides criteria for assessing waste management facilities. This includes: Compliance with the waste hierarchy, residential amenity and public health, surface and groundwater quality, adequacy of the highway network, nature conservation, archaeology, geology and landscape; good layout and design, and flood risk.

These matters will be considered in turn below: -

### Compliance with Waste Hierarchy

Members should note that this matter has already been considered in this report in the sections relating to National and Regional Policy. The proposal is considered to comply with the Waste Hierarchy by producing energy through waste and being considered betterment to the existing land fill that is currently being used by the Vale of Glamorgan Council.

### **Impact on Local / Residential Amenity.**

The application site is located no greater than 250 metres from the existing residential properties on Dock View Road which overlook the site from an elevated height, with such proximity having raised many concerns from the public concerned about the impact of the proposed use on their amenities.

Such matters are addressed below, with specific consideration given to the following:

- Proximity to local residential properties
- Noise
- Air Quality
- Dust
- Odour
- Traffic Impact
- Visual Impact

### Proximity to Local Residential Properties

As discussed above, the choice of location is considered acceptable in land use terms, albeit there is a clear policy requirement (primarily Policies WAST2, COMM8 and ENV27) to ensure that any such development would not (amongst many other things) unacceptably affect residential amenity or pose a threat to public health.

As expanded upon below, it is considered that the proximity of the site, coupled with the appropriate controls and mitigation measures, ensure that there would be no demonstrable harm to local residential amenity, such that a refusal would be warranted.

### Noise Issues

The applicant advises that the plant has been designed to meet the BAT (Best Available Technology) requirements of the Environmental Permitting regime, which include noise emissions controls. The steam turbines produce the most noise, hence their enclosure within an acoustically attenuated compound within the building. The applicant goes on to say that plant as a whole is designed to be fully compliant with the applicable dBA requirements. In addition, the applicant has commissioned a contractor to ensure that the design and construction of the building ensures that the plant is compliant with all of the relevant noise guidance in Wales.

The application was submitted with an updated noise statement, the original noise survey and upon request the detailed survey that led to the updated noise statements conclusions. The additional background noise survey was submitted to Council on 13 March 2015.

The noise statement outlined that Power Consulting had been employed to consider whether background noise levels have changed in a way that would invalidate the conclusions in the 2009 reports and does the new plant expect to operate within the noise constraints that were envisaged for the original design approved under the 2010 permission.

During the survey on 21<sup>st</sup> November 2014 the background levels at all three locations (Dock view road, Cory way and Cei Dafydd) were re-checked and found to be still valid. This was supported by the updated noise survey submitted on 13 March 2015, which set out the contracted company's methodology and results from the three locations.

Ultimately, it was concluded that measurements used in the previous application remain valid and, therefore, if the specified internal level of 90 dBA is achieved then the external level of the proposed plant at the various locations will be equal to or less than the measured background level. In addition, it is also reasonable to conclude that the background measures proposed by AB acoustics for the original application remain valid.

The Environmental Health (Pollution Control) section has considered the submitted noise assessment and notes that the noise impact assessment and predictions are based on background noise measurements and locations as identified in a previous application. We do not believe that background noise levels within the area have increased.

The noise impact assessment and predictions indicate no adverse impact upon amenity from the REP. Nevertheless the process will need to demonstrate Best Available Technique for noise control during the permitting process. This will offer further opportunity to limit impacts and will be for discussion with Natural Resources Wales.

In addition, while not requested it is considered important to reapply the noise related conditions to ensure that the buildings doorways / openings in frequent use do not face sensitive locations, that such openings remain closed except when receiving deliveries, and that operators of mobile plant within and outside the facility use reversing safeguards that have low off site impact (e.g. bleeper alarms are omni-directional and can be audible over some great distance and thus avoided).

In addition, given the relative proximity of the site to residential properties, and the undoubted concerns expressed by many of the residents, it is considered prudent to require submission of a Construction Environmental Management Plan (CEMP) via condition to cover noise, including matters such as hours and delivery times, during the construction phase.

Environmental health and Public Health Wales have also commented on the information not taking into account the cumulative impacts of the proposed use with other applications that have been considered, approved but not implemented to date. In particular, the concerns relate to other pending and determined applications for similar developments within the locality and their cumulative impact when considered with this proposal. Specifically application **2014/00610/FUL** and **2009/00021/FUL** for energy recovery plants at the docks.

Notwithstanding the fact that these matters have been considered previously and were not found to have a detrimental impact upon the surrounding residential amenity, it is important to note that the application at Dow Corning was withdrawn before determination and the approved application at Atlantic way was approved but has since expired in the last year. As such, there cannot be any implementation of the two other applications and no cumulative impact at this stage if this is the only approved plant on the dock.

### Air Quality

The application was accompanied by the original Air Quality Assessment, the stack height assessment and on request from NRW an updated air quality assessment was provided.

The applicants advise that the proposal will not impact upon local air quality because its emissions must meet the limits set in the Environmental Permit. In this respect, they add that gaining a planning consent does not authorise the operation, it must still have a permit and agreed abatement technology before it can operate. Not only does the plant have to meet strict emission criteria it must also be the Best Available Technology (BAT) for the use.

As part of the permit application process National Resource Wales will assess the emissions modelling carried out and set emission limits for the process.

The stack height assessment outlines that the stack height assessment was conducted for a range of stack heights between 30 m and 55 m using ADMS, an industry standard dispersion modelling tool. Worst case emission limits for Nitrogen Dioxide (NO<sub>2</sub>) as defined in the Industrial Emissions Directive (IED), were assumed and five years of meteorological data were used to take account of inter-annual variability in local weather conditions. It was assumed that for long term impacts, all Nitrogen Oxide (NO<sub>x</sub>) emissions have been converted to NO<sub>2</sub>, whereas for short term emissions, a worst case assumption was made whereby 50% of NO<sub>x</sub> emissions have been converted to NO<sub>2</sub>.

The impact of Sunrise Renewables' proposed ERF was assessed across a 2 km x 2 km modelling domain from which the highest modelled ground level pollutant concentrations have been extracted and used to calculate a stack height for which the impact of emissions can be described as 'NEGLIGIBLE'. It was the conclusion of the assessment that a stack height of 43 m will be sufficient for adequate dilution and dispersion of residual emissions from the plant and it is shown that there would only be very minor appreciable benefits gained by increasing the stack height further.

The previous application submissions emphasised that the proposed biomass plant is not a mass burn process which results in large volumes of emissions at the stack which require abatement, rather, that by the time the gas reaches the engines it has to be clean to ensure that the engines operate efficiently. In other words, the stack (exhaust) will have no visible air emissions as particulates will be controlled using the abatement equipment agreed with the National Resource Wales. In essence, the technology used is modern and is not a traditional 'incineration', but rather a gasification process which breaks down the fuel into a gas which drives an engine to create electricity, with the 43m stack acting as an 'exhaust' rather than a traditional flue.

The EHO has also considered the submitted assessment in detail and has concluded that, while any process of this kind will generate emissions to atmosphere, the key issue is to assess whether these emissions significantly impact upon health or the environment both in the immediate vicinity and further afield.

It has been confirmed that based on the modelled data provided, there appears to be no evidence of the Renewable Energy Plant (REP) breaching the relevant ambient air quality objectives (Nitrogen Dioxide, Sulphur Dioxide, PM<sub>10</sub>, Carbon Monoxide). Specific stack emissions have also been modelled and indicate that they would comply with imposed permit conditions as set by Natural Resources Wales.

Nevertheless it is required by the EHO that the Local Planning Authority (LPA) should ensure that the REP will not lead to any Process Environmental Concentrations (PECs) breaching any relevant Environmental Assessment Levels or local air quality objectives to be addressed. It is noted that the environmental permit amended by NWR also requires for these issues, and as such a condition is proposed (No.29) to deal with this. However, a condition proposal is considered necessary to require the developer to submit a further investigation once the plant is operational.

In addition, National Resource Wales initially objected to the proposal as it was outlined that the information submitted was insufficient to assess the impact the proposal would have on nearby sensitive receptors, i.e. SPAR and SSSI. However, on the submission of an Air Quality Assessment that took into account the impacts the emissions could have on the nearest sensitive sites, National Resource Wales removed their objection to the proposal.

Accordingly, there are not considered to be any sustainable objections in respect of the impact on local air quality which would justify refusal of this application on such grounds.

### Dust

As for any industrial process, there is an opportunity for dust to create a nuisance in the local area unless adequately controlled. In this respect, the applicants have advised that site operations will be carried out to minimise the creation of dust, with a permanent constant mains water supply available and all external water pipes are to be lagged to prevent frost damage.

They advise that water sprays and/or bowsers will be used to reduce dust levels on all external site surfaces where necessary; that vehicles carrying potentially dusty loads off site will be securely sheeted or sprayed with water to reduce dust emissions; and that site staff will continuously monitor dust emissions whilst the plant is in operation and take appropriate action when required.

Subject to conditions covering such dust control measures, there are not considered to be any adverse impacts on local area by reason of dust generation.

### Odour

The submissions advise that no material will be accepted which is likely to cause an odour nuisance, and that any loads which are malodorous will be rejected and the appropriate authorities informed. They also state that the Biomass plant itself does not produce odorous emissions.

No objections have been raised by the EHO or NRW in respect of prospective odour nuisance.

### Traffic Impact

The amount of traffic generated by this process, in comparison with the existing local and industrial traffic on the network (particularly Ffordd-y-Milleniwm) is not considered to be great, and in this respect there are not considered to be any substantive reasons to object to the proposal on the grounds that there would be an unacceptable increase in noise or activities from lorry movements, not least because the site is located in an industrial area (notwithstanding proximity to dwellings) where such activities are not uncommon.

The Highways Officer has made observations on the application and has no objection subject to site specific requirements the vision splays being provided and these requirements being attached as condition.

### Visual Impact

The application site is located to the immediate east of the industrial/ commercial units within the old Nissen huts on Woodham Road, The site is visible from Ffordd y Milleniwm and higher ground (Dock View Road etc.) to the north, and (up close and at a distance) from Barry Island and the Waterfront in general to the west, as well as generally from the Docks. Nevertheless, in terms of its wider context, it clearly relates primarily to the wider industrialised area of Barry Docks.

A visual analysis document was submitted with the application, which outlined that on the basis of the previous approval at appeal as well as the approved development at Atlantic Way, there was no real reason for the Council to refuse this application on visual amenity grounds, despite the buildings and stack being taller. In particular, the agent highlighted the Planning Inspector's comments in his appeal decision: -

*8. Local Residents may wish otherwise but the site lies in an industrial area. The Council conceded at the inquiry that it had no objection to the appearance of the proposed building. Looking down from Dock View Road the new building would be seen in the context of the development within the docks, and, in my view, would sit comfortably in its industrial surroundings.*

In considering the physical impact of the development the applicants have copied drawings submitted for the Atlantic way application (2009/00021/FUL) which displayed cross-sections demonstrating the height of the buildings and stack compared to approved Atlantic way application and the docks office building. In this respect it is notable that the ridge height to the proposed Welfare & Ancillaries building is 23m, compared to 29.2m to the ridge of the Council's Dock Office, as well as being lower than the approved buildings along Atlantic way. This is considered to demonstrate that the building will undoubtedly become a visible structure within the immediate vicinity as it would exceed all but the Dock Office in the immediate area, while its 40m stack would clearly exceed all but the stacks on the chemical works to the east. This in itself, however, does not make the development unacceptable.

It is considered that, while some 23 metres tall, the buildings would still nevertheless relate to the character of nearby use and buildings, and are not considered to have a detrimental impact upon the surrounding area. The height of the new buildings and the proposed stack will of course have a marked impact upon the immediate landscape and would be visible from prominent locations around the site, but they will appear as modern designed industrial buildings relating to the existing use and character than surrounds them.

While it is appreciated that the Docks are overlooked by houses from an elevated height in and around Dock View Road – with the visual impact of the proposal on residential amenity having been raised in local representations, including matters relating to the impact on or loss of view, value of properties, regeneration of the docks for retail - the area is indisputably industrialised in character and the addition of a new industrial building would, within this context, not appear out of place. It could also be considered that the retail sector of the waterfront, in particular, the Asda waterfront store, as well as the those adjoining Morrisons, have taken account of its historical siting within the docks and has been designed in a very similar and utilitarian manner, resulting in a simple grey cubed building. As such, while it could be said to be at odds with the appearance of some of the near by residential buildings, the utilitarian box design is not too dissimilar to the existing industrial buildings and the newly constructed retail developments.

Indeed, the main element of the proposal which distinguishes it from any other large industrial building is the proposed 40m high stack. While the stack height does appear large, this height is to mitigate environmental impacts of the process and it must also be considered that the stack is not a building and will only measure 2m in diameter. Furthermore, within the industrial backdrop of the docks and Dow Corning Chemical works there are several large tower and stacks that can be viewed in this landscape, some taller, some shorter than proposal in this instance. Within its industrial context, therefore, this would similarly have no adverse impact.

Furthermore, views of the building will be softened by the proposed landscaping and the proposed finishes to the buildings and stack. Conditions would be required on matters including materials, landscaping, no open storage, and external lighting (of site and building).

For those reasons discussed in greater detail above, it is thus considered that the physical impact of the use and building would neither appear out of character or unacceptably overbearing to the extent that it would cause demonstrable harm to the amenities of those residential properties living near the area. Accordingly, it is concluded that the proposal would not have any unacceptable visual impact, and would accord with the objectives of the policies listed in the policy section above, including WAST2, ENV27, COMM8, EMP2 and EMP3.

### Conclusions on Impact on Residential amenity

While it is acknowledged that there is a considerable degree of unrest over the nature of these proposals and the impact on the local community, for the reasons given above it is concluded that there are no overriding objections to the development which could be substantiated on grounds relating to local residential amenity.

In addition, the location of the site, and the heavy support for such sustainable proposals from national, regional and local policy, is such that the planning balance is considered to be in favour of approving such facilities where no such harm is identified.

### Highways and Access

A traffic statement was submitted with the application that highlighted that there are no significant changes to the assessment since the 2010 approval. As such, the proposal will continue to operate continuously in order to generate electricity with the exception of routine maintenance check. However, time limits will remain to receive fuel and general access, i.e.

The site will only receive deliveries of fuel and visits from third parties and the public during the following hours: (planning statement refers)

- Monday to Friday 07:00 - 19:00
- Saturday 07:00 - 19:00
- Sunday / Bank / Public Holidays 07:00 - 16:00

Output calculations/projection are based on

- Delivery of waste wood at a frequency to enable to plant to operate with a processing capacity of 72, 0000 dry tonnes of wood biomass.
- 52 weeks operation at a 24 hour process.
- Feedstock is expected to be delivered to site by road and or sea according to source.



In addition, it should be noted that the developers scheme proposes off site pre processing of wood waste by the feedstock supplier for delivery in a chipped state ready for processing. As such, there is no need for the storage or removal of processed ferrous, non ferrous and other materials. There will be the need to deliver any output waste material (bottom ash and Fly ash) to either landfill or recycling operations (bottom ash only)

From inspecting the documents it is evident that vehicle and pedestrian access will be provided from David Davies Road into the site. Parking will be provided within the site for 12 cars (including one disabled) and four cycle bays for employees and visitors. There will be a total of 10 staff at the site at any one time. While the above proposals do closely remain the same as the previous 2010 consent, the statement does make reference to the applicants considering the delivery periods associated with the development (excluding weekends). I.e. same number of trips but over a five day week rather than a seven day week.

In considering this proposed change, the Highways Authority determined that the HGV trips to and from the site would be increased from 22(two way) to 30(two way) trips per day, giving a net increase of 8 trips (two way) between the operating times outlined from Monday to Friday. When considering the additional trips, the Highways Officer was satisfied that there would be no material impact over and above the existing planning consent. As such, no objection is held by the Councils Highways Officer subject to conditions on visibility splays, the material used for access to the site, parking layout plan, access gates and details of the cycle spaces.

Furthermore, a green travel plan was submitted with the previous application approved at appeal and a condition was attached to the permission required the developer to incorporate the measures set out within the Green Travel Plan submitted.

The overall target of the GTP was “to promote, encourage and facilitate alternative travel where possible”, with the GTP “designed to reflect the company’s awareness of its need to promote sustainable travel, and its responsibility in reducing the impact on the local and wider environment The GTP included measures aimed at encouraging use of public transport, cycling, walking, and car sharing, including provision of information through induction packs, provision of free equipment, an assigned GTP co-ordinator; and regular monitoring and review;

The applicant outlines that they are satisfied that these conditions can be reapplied to the revised development, however, the travel plan was not submitted with this application. As such, a condition will have to be applied that requires the resubmission of an updated Travel Plan and to implement its measures once agreed by the Local Planning Authority.

## Ecology

An updated Ecology assessment was prepared by Power Consulting Midlands Ltd to review the ecological considerations pertaining to the site. As such, the statement outlines that two fundamental issues were addressed: -

- 1) Have conditions at the site changed materially in a way that would alter the ecology and consequently invalidate the conclusions in the 2009 report?
- 2) Is there currently any evidence of the presence of *Althaea Hirsuta* (rough Marsh Mallow) at the site?

The updated survey undertaken shows that no *Althaea* or superficially similar species of the Malvaceae were recorded in this survey, and concludes that there is no significant change to the topography of the site or the species found at this location since the previous appeal consent.

NRW have considered this report, and advised that the presence of the plant nearby and that Rough Marsh Mallow is a locally important plant in the Vale of Glamorgan. NRW therefore recommend this is considered by the Authorities Ecologist. However, no objections have been received from the Councils Ecologist and from a consideration of the previous appeal decision and consent conditions it is considered that there is no justified reason to introduce a condition for the marsh if none was found on site.

Accordingly there are no ecological objections to the proposals, which satisfy Policy ENV16 of the adopted UDP.

## Other Matters

### Handling of Waste Outputs

As a result of the process, the main waste emission (requiring disposal/ handling) would be ash ('bottom ash' and 'fly ash').

### Bottom Ash

A condition will be attached to require the applicants to submit details of the how the bottom ash can be disposed of sustainably (recycled) A condition requiring submission of such matters is recommended below.

## Fly Ash

The submissions advise that the European Waste Catalogue Fly Ash is termed an absolute hazardous waste. The submissions assume that 1500 tonnes per annum of fly ash will be generated by the proposal. However, it does qualify that the exact tonnage will depend on the abatement technology, which will be determined by NRW, but it is unlikely to exceed that calculated amount

In order to control the disposal of such waste from the site, a methodology statement condition is recommended which would cover any required storage and subsequent disposal, and also cover matters (if deemed necessary) such as the use of sealed transport, dust sheeting on lorries etc.

## Proximity Principle -Source of Waste Wood

It should be noted that the issue of the proximity principle was considered in the previous appeal, with specific regard to the applicant's non-committal stance on the supply of the chipped waste wood. As such, the Council applied conditions that were attached to the planning consent requiring the source of the waste wood to be local or within the South East Wales Region. This matter was considered at the inquiry in 2010 and the inspector outlined the following in para 29: -

*The appellant proposes that the operation would utilise waste wood sourced locally but, in order to avoid problems regarding supply, does not wish to be tied to using waste wood from the SE Wales region only. The Council propose a condition that would allow fuel to come from farther afield provided it comes in by sea. However it arrives, importing waste wood from outside the region would not accord with the proximity principle and this seems to me to be an acceptance by the Council that it is important to ensure a reliable supply of fuel. I am persuaded by the appellant's argument that the cost of transportation will weigh towards the use of local material but acknowledge that, without a condition, it cannot be guaranteed.*

*The Assembly's Energy Policy Statement of March 2010 promotes renewable energy and the use of waste wood in the generation of electricity to prevent negative impacts on the environment and food security. The Statement also recognises that by 2020, 50% of the biomass used to generate electricity will be imported, an acknowledgement, in my view, that waste used to generate electricity may need to come from outside the region and outside Wales.*

As such, it would appear that planning cannot enforce the proximity principle by virtue of requiring the applicant to source the wood locally as this should occur logically. For instance, the cost of transporting material would be costly from further away, as such, the market should dictate that the source of the waste wood is local. Accordingly, having a condition requiring this is too onerous and could affect the viability of the business.

## Archaeology

GGAT (Glamorgan & Gwent Archaeological Trust) were notified of the proposals. They noted that the site would have been constructed between 1894 and 1898 and would have previously been marshland.

However, within the dock site there are areas where items of medieval periods of history may be found, however, it is considered that in this instance it is high unlikely and there is no reason to condition the consent requiring any archaeological watching brief.

## Contaminated Land

The application has been accompanied by a standard environmental report, the submitted report includes a recommendation for further gas monitoring. A detailed ground investigation will be required to ensure that any contamination does not impact upon the end use.

A condition requiring a contaminated land assessment and associated remedial strategy to be submitted to and approved by the Local Planning Authority.

## Cumulative Impacts with Other Development

As advised above, during the assessment of the previous application the Council were aware that an application was being considered on land accessed off of Atlantic Way within Barry Docks, Barry for the "Change of use from B2 - General Industrial Use to Sui Generis - Waste Use which would include operational development in the form of the construction of a gasification waste to energy plant for non-hazardous waste (app. Ref 2009/00021/FUL)". In addition, another separate application was submitted by Dow Corning that proposed Planning to develop a Biomass Energy Facility (BEF) including associated works

As such, Public Health Wales and the EHO comments note that the Council should ensure that the developer has considered the cumulative impacts of the developments on the surrounding residential amenity.

However, it is noted that the two applications cannot be implemented at this stage as one was withdrawn and was not determined while the application at Atlantic Way was approved but not implemented within the 5 year time limit and expired in December 2014.

## Flood Risk / Water Resources

The site lies entirely within Zone B, as defined by the Development Advice Maps (DAM) referred to by TAN 15 Flood Risk, but NRW have no comments to make.

It is understood that from looking at the previous application that the controlled waters at this site are considered to be of low environmental sensitivity, and therefore the NRW have not provided any site-specific advice with regards to land contamination, while Welsh Water has provided no comments.

Accordingly, there are no matters of concern with respect to flood risk / water resources (Policy ENV7 refers). However, conditions will be attached to any permission requiring the submission of surface water and foul drainage details associated with the development

### Employment

The applicants advise that the installation of the new Biomass plant will result in the generation of a minimum of 12 to 14 local jobs based at the site, with other spin offs in the supply / delivery chain.

Although this is not a considerable employment generating use (as identified by some representations), it is still considered to be a use appropriate to its location within an existing employment area/ dockland, with an opportunity for local jobs during construction and operation, as well as in the supply chain.

### 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 National and Regional Policies on Waste and Renewable Energy, and Policies 13, WAST1 – Provision of Waste Management Facilities, WAST2 – Criteria for Assessing Waste Management Facilities, COMM8 – Other Renewable Energy Scheme, ENV6 – East Vale Coast, ENV7 – Water Resources, ENV16 – Protected Species, ENV18 – Archaeological Field Evaluation, ENV26 – Contaminated Land and Unstable Land, ENV27 – Design of New Developments, ENV29 – Protection of Environmental Quality, EMP2 – New Business and Industrial Development, EMP3 – General Industry, TRAN10 - Parking and TRAN11 – Road Freight of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is concluded that the proposal would represent a sustainable, renewable energy proposal, which meets the above policies, while also satisfactorily protecting the interests of local residential and visual amenity, and highway safety, while not compromising other material considerations detailed in the accompanying report.

### RECOMMENDATION

APPROVE subject to the following conditions(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 registered on 5 February 2015 other than where amended by plans reference E1627- 2101 Rev A, E1627- 2102 Rev A, E1627- 2103 Rev A, E1627- 2104 Rev A, E1627- 2105 Rev A, E1627- 2116 Rev A dated 16 April 2015, the updated Air Quality Assessment submitted on 12 June 2015 and the Waste Planning Assessment received on 17 June 2015

Reason:

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

3. No development shall take place until details of a scheme for the management of waste emanating from the site has been submitted to and approved in writing by the Local Planning Authority. The disposal of waste shall be carried in accordance with the approved scheme.

Reason:

In order to ensure the disposal of waste from the site without harm to local amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

4. No development shall take place until full details, including samples of the external facing materials to be used in the development, to include colour of the building and stack and shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out and retained in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of local visual and residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

5. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' available from the Local Planning Authority:

- a) A Phase I Preliminary Risk Assessment (Desk Study) to be submitted to the Local Planning Authority for 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. The requirements of the Local Planning Authority shall be fully established 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 the Local Planning Authority. The Local Planning Authority shall approve any such remedial works as required, 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 with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a verification report has been submitted to and approved 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:

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

6. Should contamination not previously identified be found through the course of development it must be reported immediately in writing to the Local Planning Authority. An investigation shall be carried out to assess the nature and extent of any contamination and the contamination shall be dealt with in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before the building hereby permitted is occupied.

Reason:

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

7. 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.

8. Prior to the facility being brought into beneficial use, details of a scheme to control dust within the site and locality shall be submitted to and approved in writing by the Local Planning Authority. The operation of the plant shall thereafter be in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

9. Prior to their construction / installation / use on site, details of all external lighting of the building and site, to include specification, means of operation (whether permanent or sensor/security lights, and hours of operation), and lux plots to prevent / minimise light spillage outside of the site (including atmospheric light pollution) shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be implemented in accordance with such approved scheme and thereafter retained as approved, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of residential and visual amenity, and to ensure compliance with with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

10. The building hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;



ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

11. The building hereby permitted shall not be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason:

To ensure that the development is serviced by an appropriate Sustainable Urban Drainage Scheme, and to ensure compliance with the terms of Policies ENV7 and ENV27 of the Unitary Development Plan.

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

Reason:

To provide effective landscaping and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

13. 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.

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

14. The access and visibility splays (4.5m x 48m ) to the site are approved in accordance with the amended site layout plan draw ref E1627-2104 Rev A received on 16 April 2015 and shall be constructed from a bound material for a minimum distance of 20.0m from the carriageway boundary. The development should be carried out in accordance with these details unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interest of Highway Safety and in accordance with WAST2 and COMM8 of the Unitary Development Plan.

15. Notwithstanding the approved access and site layout plan, an amended plan with full details of the means of enclosure to the front boundary with Woodham Road, and forecourt area, shall be submitted to satisfy the following highway requirements: -
- i) The boundary fence shall be set back a minimum of 4.0m from the carriageway edge to allow for adequate visibility splays from the proposed access and to maintain visibility from the existing Woodham Road junction.
  - ii) Visibility splays of 4.5m x 48m in both directions, measured from the centre line of the proposed access shall be provided.
  - iii) Provision of a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary.
  - v) A manoeuvring area, to enable all vehicles to enter and leave in a forward gear at all times, which shall be kept free of obstruction at all times.
  - vi) Gates, if provided, that shall not open outwards and shall be set back a minimum of 6.0m from the carriageway edge.

The development shall be undertaken and thereafter retained in full accordance with such approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

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

Reasons

In the interests of highway safety

16. The proposed energy recovery plant shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained 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 to be submitted and approved by the Local Planning Authority 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. Details of secure parking on site for cycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of cycle parking shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

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. A noise survey post installation at the nearest residential premises, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

20. The total tonnage of wood waste treated at the plant hereby approved shall not exceed 72,000 tonnes per annum, unless otherwise agreed in writing with the Local Planning Authority beforehand, and records of the amount of fuel processed shall be retained and made available to the Local Planning Authority on request.

Reason:

To ensure accordance with the terms of the application, to limit the impact of activities on the immediate area, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

21. The plant hereby permitted shall only process waste wood.

Reason:

In the interests of local amenity, given that the technical equipment is capable of processing alternative fuels, the impact of which has not been considered through the environmental submission accompanying this application, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

22. Deliveries to the site, and all other external operations, shall be restricted to the following hours: - Monday to Saturday : 07:00 - 19:00; and Sunday /Bank/Public holidays 08:00 - 16:00.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies WAST2, EMP2, EMP3, ENV27 and ENV29 of the Unitary Development Plan.

23. The internal plant noise shall be restricted to a maximum of 85 dBA to include a 5 dBA tonal penalty (with every opportunity to reduce this level explored and demonstrated prior to final construction) and a noise survey, post installation, shall be undertaken when the plant is initially commissioned and again after six months. The noise survey is to be provided in the same format as in the developer's submitted noise statement. The results of the first noise assessments shall be submitted to the Local Planning Authority, within two months of the date of commissioning the plant and, should either of the surveys indicate that the noise levels exceed those stated in the application documents, the use of the plant shall cease until such time as a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of local residential amenity, and to ensure compliance with Policies ENV27 and COMM7 of the Unitary Development Plan.

24. There shall be no open storage of materials of any kind outside any approved buildings on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

25. Foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

26. 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. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://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.

27. Prior to the first beneficial use of the development hereby approved, a Green Travel Plan (which will include details relating to proposals for minimising the use of staff car journeys to and from the site and measures to control the plan shall be submitted to and agreed in writing by the Local Planning Authority.

Reason:

In the interest of minimising vehicular movements and sustainability in compliance with Policy ENV27 Unitary Development Plan.

28. The roller shutter doors in the feedstock building shall be kept closed at all times other than when deliveries are being received.

Reason

To protect residential amenity, complying with the requirements of ENV27 and COMM 8 of the Adopted UDP 1996-2011

29. Within nine months of the energy plant hereby approved being fully operational, the applicant shall carry out a further Air Quality Assessment through monitoring at the nearest residential property locations, 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd . The new assessment should be completed and submitted to the Local Planning Authority within 3 months of being commenced and, should the assessment indicate that the air quality levels fail to comply with predicted process concentrations as set out in the updated Air Quality Assessment document submitted on 12 June 2015, the use of the plant shall cease until such time as a scheme of mitigation has been submitted to and approved in writing by the Local Planning Authority, and those measures identified in the scheme, implemented. The development shall at all times be carried out in accordance with any mitigation measures that are identified as being necessary.

Reason:

In the interests of residential amenity and to ensure compliance with Policies ENV27 and COMM7 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.**



2015/00031/OUT  
Rec'd 16-04-2015

VAL OF GLAMORGAN  
COUNCIL  
AMENDED PLANS  
RECORD DATE

- Legend**
- ① FEEDSTOCK RECEPTION
  - ② FEEDSTOCK FEED SYSTEM
  - ③ ASH SILOS
  - ④ MAIN PROCESS BUILDING
  - ⑤ FGT AND EXHAUST (EXTERNAL)
  - ⑥ WELFARE & ANCHILLARIES
  - ⑦ TURBINE
  - ⑧ ACC
  - ⑨ CAR PARKING
- ▲** SITE ENTRANCE/EXIT VISIBILITY SPLAY



Rev	Description	By	App'd	Date
A	ISSUED FOR DISCUSSION	JW	WVC	20.03.15
B	Revised details	DM	CM	19.03.15
C				



Imtech  
5th Floor, 100, The Quadrant, London, E1 1BB  
Tel: 020 7323 7000  
Fax: 020 7323 7001

Customer: SUNRISE RENEWABLES  
Project: BARRY ACT

Site: SITE LAYOUT

Drawn by	Checked by	Scale
JW	JW	AS SHOWN
Designed by	Approved by	Scale
DM	DM	AS SHOWN
Drawing number	Rev	
E1627-2105	A	

DISCUSSION/COMMENT



# APPENDIX A

52 Enfield Drive  
Hunters Ridge  
Barry  
CF62 8NU

5 June 2015

The Planning Department  
Dock Offices  
Barry  
Vale of Glamorgan

Dear Sirs

Ref: 201500031/OUT

I would like to object to the proposed building of an incinerator at the east end of Barry Docks.

What is this Council thinking? Haven't we enough industry producing lots of toxic gases and waste here already? Why haven't you looked at the fact that Aberthaw Power Station is just down the road and could be used to burn rubbish at high temperatures and even produce electricity while doing so. I do believe that the power station actually came up with this idea some years ago and it was blocked, so why not look at it again?

Barry is trying desperately to regenerate and building affordable housing so very close to the proposed site, I wonder how many houses the building companies will be able to sell should the TV carry a story on their evening news about this. Then would we get the hoped for surge in tourists into Barry? I think not.

Again the worst part about all of this is that just so much information is given out but not enough to let us all really know exactly how much pollution this incinerator will produce. So spare a thought for those who already live on the docks and those living on Dock View Road, not to mention the rest of Barry!

I do hope that you refuse this application for the incinerator although I have little hope as this is the second time this has been proposed! Barry Council listened then to its people and refused permission for the building of this eyesore.

Yours sincerely

P J Long

16 CHURCHILL TERR  
CADOXTON  
BARRY  
CF63 2RX  
2.6.15

Dear MR Howell,

RE: APPLICATION N<sup>o</sup> 2015/00031/OUT/RL  
( outline application for Wood fired )  
renewable energy plant.

I have been passed information in respect of the above Planning application and must express my concern regarding the Health & Safety risk of hazard materials being released into the atmosphere.

As a long time resident of the Cadoxton area I know that the wind direction is predominately from the west therefore any hazard compounds released to the atmosphere will certainly contaminate the "Cadoxton" areas.

We on Cardiff Road have already seen Dow Corning Chemical Plant grow and grow and grow which we have to live with. However any further possible contamination of the atmosphere with dangerous hazardous substances would be totally unacceptable.

In my view the Planning Community should reject the proposals entirely  
yours faithfully,

[REDACTED]  
(local resident)

# APPENDIX A

Chief Planning Officer,  
Vale of Glamorgan Council

Dear Sir

**Environmental Impact Assessment Regs 1999 (as amended) 2015/00031/OUT**

**OUTLINE APPLICATION FOR A WOOD FIRED RENEWABLE ENERGY PLANT - SUNRISE RENEWABLES (BARRY) LTD**

The case-file for this major application appears very incomplete. We asked the NRW for their views on aspects of this application, but I see nothing of their views in the case-files on the web-site.

The NRW replied to my first, basic question – As the plant would burn over 100 tonnes waste wood per day, is this a Schedule 1 development under the EIA Regulations?

*NRW answer: A plant of this capacity would appear to fall under a Schedule 1 development, Category 10, however this is a decision that would be made by the Local Authority.*

Please state and justify your decision on this basic point, noting the application is a new one and independent of previous checkered decisions.

Second, the plant appears to have low energy efficiency so the description “Renewable Energy Plant is false; it is really a waste-wood-fired disposal plant. Will you change the title-descriptor or ask the applicants to justify their description?

Third, please say whether you have sought the views of the NRW on this application, in view of their responsibility for waste management planning as well as statutory consultee on EIA-developments.

Fourth, I submitted questions requesting information from the applicants via the web-site on 7 April, but see no evidence that these requests have been transmitted to the applicants as a Section 19 request for further information or otherwise. Please explain what action has been taken over these requests (copied below).

We look forward to your answers within days, as this application has been on the stocks for too long. We and the public need to know answers to these basic questions.

Max Wallis 07714 16324  
pp. Barry & Vale Friends of the Earth  
14 Robert Street, Barry

RECEIVED

28 MAY 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

J.E.E.R
RECEIVED
ACTION BY: MPHILK
NO: 3
ACK:

**Objection submitted 7 April**

Large tonnages of toxic ash, over 10 tonnes per day (3700 tonnes pa) would be produced. As it derives from burning coated, treated and used wood, including MDF, it is likely to be hazardous waste, so the answer is given to the Q24 on the application form: “is any hazardous waste involved in the proposal” would be false.

Can the applicant supply any information that none of the ash from this plant, both flyash and bottom ash, under all likely combustion conditions, will not be classed as hazardous waste?

If some could be hazardous waste, how do they propose to test it ?

This is an objection that that application is inadequate as to the composition of the ash and probably misleading as to its character and therefore to possible disposal routes.

quotes the South East Wales Waste Group, Regional Waste Plan 1st Review, 2008, but the Welsh Government revoked this under the new TAN21 and Planning Policy Wales 2013. Will the VoG Council tell the applicant that use of the 'revoked' document is inadequate as justification of their claim to Advanced Conversion Technology and Gasification?

Quotes policy to include 'local use of the output heat' and 'potential to use the syngas', but the proposal meets neither of these

Is it 'gasification' ?

2012 review by Mott Macdonald questioned that the Outotec system could be termed 'gasification' in the EU definition of the

technology. [https://www.whatdotheyknow.com/request/mott\\_macdonald\\_technical\\_review](https://www.whatdotheyknow.com/request/mott_macdonald_technical_review) Surrey CC. carried out a 'due diligence' check.

## APPENDIX A

### Outline application for a wood fired re gy p

I refer to the above and would like to **raise serio** application in terms of public health, quality of life, en impact.

The planning application states the site is predominantly an industrial site, located away from neighbours and from the Waterfront Development. The fact that 2000 homes are being built, Asda, primary school & cafe quarter wholly negates the ethos that the waterfront site and adjacent land is 'industrial'. The waterfront project is a catalyst to improve the economic prosperity of the town. This application threatens to damage the environmental outlook for the area, threatens to damage air quality & will impact on current & future generations in terms of long term health. This will also massively impact on future possibilities for expansion of the waterfront development.

Large tonnage of toxic ash will be generated, increasing the likelihood of harmful fumes emanating throughout the area. The plan to burn 72,000 tons per annum of wood; not fresh wood – but chipped up building waste including items that are either painted or chemically treated. There are significant risks of fire hazards, potential for combustion of materials stored. There is high likelihood of fumes reaching the properties in all surrounding areas; including Castleand ward. The height of the stack will ensure that the fumes are pumped higher, which will ultimately reach the land of my property. I am very concerned that the planning application consultation was not extended across all neighbouring, including all of the properties overlooking or adjacent to the site.

Small particles of NOx can penetrate deeply into sensitive lung tissue and damage it, causing premature death in extreme cases. Inhalation of such particles may cause or worsen respiratory diseases, such as emphysema or bronchitis, or may also aggravate existing heart disease. The plan refers to comprehensive flue gas treatment that will be in place however, there will still be **residual emissions** which need to be discharged via an

RECEIVED

26 MAR 2015

## APPENDIX A

elevated stack to ensure resulting pollutant concentrations are acceptable by the time they reach ground level at sensitive receptor locations. Any emissions from the site are very concerning for myself, my family, my neighbours and my town as a whole. The visible vapour plume and the buildings / stack will be unsightly, will impact on the visual appearance of the land; will impact on views from residents situated above the land; Dock View Road and adjacent areas.

Scientists have recently discovered that the pollutants in wood smoke, notably particulate matter, are harmful to human health. In fact, wood smoke has become the most serious kind of air pollution, causing more illness and deaths than smog does. Additionally, the fine particulates in smoke are very effective at reducing visibility. Smoke can also blot out the view, making it difficult for residents and tourists alike to enjoy the scenery, or even travel by road or air. This, in turn, can cause economic losses.

Wood combustion products can include toxic and carcinogenic substances. Generally, the heartwood of a tree contains the highest amounts of toxic substances, and precautions should be taken when burning wood of an unknown nature, since some trees' woodsmoke can be highly toxic and can endanger human health. Burning wood will also produce tons of fine particulate matter, a pollutant associated with asthma, heart disease, and cancer for which no safe level is known.

I would suggest that **additional local publication** of the application is absolutely essential, prior to any decision being made. Local councillors should also be seeking constituent views and the council itself should be very concerned over the health of all residents in Barry, as we are relying on the council to represent our views effectively.

This planning application is illogical, in terms of the benefits to the local community and should not be progressed. We, as the community of Barry are wholly relying on the local council to make the best decisions for our future and for our health, for our children's health and for the future prosperity of the town. Who would look to purchase a house on the new waterfront development when just over 0.3km along the way there could potentially be **an industrial site emitting dangerous toxic particles into the atmosphere.**

Have the builders of the new properties, Asda store and school been privy to the information contained in this planning application? I would suggest that they would also strongly object to the plans, as they could impact massively on the attractiveness of purchasing a home on the new waterfront development site.

This application must be strongly objected on all grounds. I urge you to expand the consultation, **take on board the public views seriously and support the public** by realising the potential impact this application will have on the future of Barry.

Yours faithfully,

Mrs Maria Spence

APPENDIX A

Payne, Adrienne J

From: [Redacted]  
Sent: 06 May 2015 10:16  
To: Planning & Transportation (Customer Care)  
Subject: RE: Comments acknowledgement

Thank you for accepting my Objection to the biomass incinerator plant that I entered on, 29 April 2015. I have sat at the computer for several hrs & the more i read about these biomass plants, the more Danger it would be bringing to the Population of Barry Town. The USA & Europe realize the true cost's of the Unacceptable ( risk ) to the Public's Health by increasing Air Pollution. Medical & Health associations are all Opposed to Biomass incinerators which Will produce hundreds of tons of Nitrogen Oxides, ( Nox. ) Sulfur Dioxide & Particulate air Pollution of which is Unacceptable, is associated with increased Cardiopulmonary symptoms, Asthma & Respiratory disease ending in Hospitalization, obviously increasing Healthcare cost's, Sadly some cases ending in their Mortality. Added HGV traffic using the already well worn roads in this area. Dangerous Emissions, & Unacceptable levels of Contamination in the Air that " WE " breath. I could go on & on all day every day about the DANGERS of this Application 2015/0031/out. I beg you Please DO NOT ALLOW the Biomass Incinerator to built anywhere, especially in Barry Town. Regards J.M.Hopkins.

> From: [Planning&Transport@valeofglamorgan.gov.uk](mailto:Planning&Transport@valeofglamorgan.gov.uk)  
> To: [Redacted]  
> Date: Wed, 29 Apr 2015 14:01:13 +0100  
> Subject: Comments acknowledgement

> Dear Mr John Hopkins.,

> Town and Country Planning Act 1990 (as amended)

> Application Number: 2015/00031/OUT

> Location: David Davies Road, Woodham Road, Barry

> Proposal: Outline application for a wood fired renewable energy plant

> I hereby acknowledge receipt of your representations on the above planning application. These have been forwarded onto the planning officer dealing with this application, who will take your views into consideration when considering this application. We are sorry but owing to workload, the planning officer will not be able to respond to any questions which you may have raised in your correspondence.

> Please note that when a decision is made on this application, the Council's on line register will be updated.

> Thank you for taking the time and trouble to let us have your views on this planning application.

> MJ Goldsworthy

> Operational Manager Building & Development Control

RECEIVED

06 MAY 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

DEER
RECEIVED
ACTION BY: MPH/IR
NO: 36
ACK:

# APPENDIX B

**Payne, Adrienne J**

---

**From:** CAIRNS, Alun <alun.cairns.mp@parliament.uk>  
**Sent:** 11 June 2015 10:53  
**To:** Planning & Transportation (Customer Care)  
**Cc:** PEARCE, Katharine  
**Subject:** Proposed Wood Gasification Facility: 2015/00031/OUT

**RE: Proposed Wood Gasification Facility: 2015/00031/OUT**

My purpose in writing is to highlight concerns that have been raised with me about the outline planning permission to change the existing planning consent for a waste wood pyrolysis plant at Woodham Road, Barry.

It has been suggested that there are contradictions in the planning documents that need clarification in order for the proposals to be properly considered to ensure that a full response can be submitted.

I understand that there are discrepancies between the stated efficiency of the current proposals and the previously consent pyrolysis plant and that the proposed development would require an increase in the amount of waste wood to be sourced for the plant. In addition, the Air Quality Assessment suggests that the technology would not reduce emissions of air pollutants as stated in the plans.

It has also been highlighted to me that a similar proposal was submitted by the developers in Barrow-in-Furness, Cumbria which included an explicit request to increase tonnage of feedstock.

It is important that the developer clearly sets out the needs of the new plant and clarifies the efficiency data before the proposals can be fully considered. The current application does not include sufficient information for a fully informed decision to be made at this stage.

I therefore hope that you will consider requesting further details on these points before the permission is changed.

Yours,

Alun

Alun Cairns MP  
Vale of Glamorgan



**Alun Cairns MP AS**  
Vale of Glamorgan / Bro Morgannwg  
[alun.cairns.mp@parliament.uk](mailto:alun.cairns.mp@parliament.uk)  
House of Commons, London, SW1A 0AA  
T: 0207 219 7175  
29 High Street / 29 Y Stryd Fawr, Barry / Y Barri, CF62 7EB  
t: 01446 403814  
[www.aluncairns.co.uk](http://www.aluncairns.co.uk)

RECEIVED

11 JUN 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: MPH112
NO: 16
ACK:

UK Parliament Disclaimer: This e-mail is confidential to the intended recipient. If you have received it in error, please notify the sender and delete it from your system. Any unauthorised use, disclosure, or copying is not





HOUSE OF COMMONS  
LONDON SW1A 0AA

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

16 March 2015

Ref: VoG

Dear Mark

**Planning Application 2015/00031/OUT/RL**  
**Outline application for a wood fired renewable energy plant**

I am extremely concerned by the prospect of this application being granted. As you may remember, I was actively involved in the campaign to oppose this development several years ago and spoke at length during the Welsh Planning Inspectorate's assessment.

I was extremely disappointed that the planning inspector overturned the Vale of Glamorgan Council's decision, and would ask again that the Council reject this application.

My original objections to the facility remain, such as the height of the development, the effect that it will have on congestion and residential amenity, and the impact that it will have on local businesses, but these concerns are given added weight because the proposed application is for a development several times bigger than the previous one. Again, I have serious concerns about the effect that this development will have on the future regeneration of Barry, specifically the Waterfront.

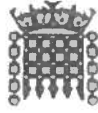
The Vale of Glamorgan Council rejected this application on the grounds that the proposal is considered to be unacceptable, and would result in adverse impacts on local residential amenity (noise, traffic, and pollution) and on the character of the area. The Council also objected to the application because of the effect that it would have on the Barry Waterfront development – I would ask again that the Council reject this application.

29 High Street  
Barry  
CF62 7EB

Alun Cairns MP  
www.aluncairns.co.uk  
alun.cairns.mp@parliament.uk  
☎ 0207 219 5232 ☎ 01446 403814

29 Y Stryd Fawr  
Y Barri  
CF62 7EB

Alun Cairns MP  
Vale of Glamorgan



HOUSE OF COMMONS  
LONDON SW1A 0AA

Thank you for your consideration in this matter and I do hope that the Council takes into consideration local opinion when debating this application.

Yours sincerely

**ALUN CAIRNS MP**  
Vale of Glamorgan

29 High Street  
Barry  
CF62 7EB

Alun Cairns MP  
[www.aluncairns.co.uk](http://www.aluncairns.co.uk)  
[alun.cairns.mp@parliament.uk](mailto:alun.cairns.mp@parliament.uk)  
☎ 0207 219 5232 ☎ 01446 403814

29 Y Snyd Fawr  
Y Barry  
CF62 7EB

# APPENDIX B



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

Planning Officer  
Vale of Glamorgan Council  
Dock Office  
Barry

Our Ref: 131531/Vale/Planning

Date: 1<sup>st</sup> April 2015

RECEIVED

15 APR 2015

D.E.L.P.
RECEIVED
ACTION BY
NO: 2 IR / MPH
ACK

Dear Sir

APPLICATION: 2015/00031/OUT  
PROPOSED BARRY INCINERATOR

I am writing to object to the above application as one of the Regional Assembly Members for South Wales Central, although I also live in neighbouring Rhose.

I understand a previous application for a wood fired renewable energy plant was rejected by the Council but granted on appeal and the applicants have submitted an amended application for a bigger plant and new technology.

As such, it is my understanding that this new development, which is both bigger in size and scope, is being treated as a new application and is not restrained by the previous application and permission, although the principle of an incinerator may have been established.

The 43m increased height of the stack will be a carbuncle on the local landscape and its emissions will be wide and far reaching. They will extend over a population which is greater in density than the Wales average and, if not properly treated, they may contain copper, chrome, arsenic (CCA) and creosote.

Although it is intended to increase the dispersal range of the 10 tonnes of ash that will be generated every day from the daily incineration of 200 tonnes of "treated" wood chips, residents are obviously concerned that their homes, communities and local environment are within the emissions range and at risk from potentially "contaminated" ash particles.

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru  
38 Y Parêd, Y Rhath,  
Caerdydd, CF24 3AD  
Eluned.Parrott@cymru.gov.uk  
www.ElunedParrott.com  
T +44 (0)29 2046 2326

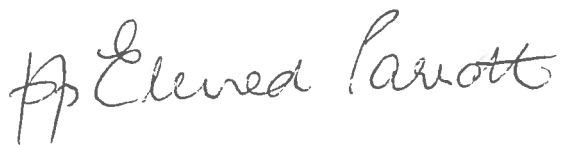
National Assembly for Wales  
38 The Parade, Roath,  
Cardiff, CF24 3AD  
Eluned.Parrott@wales.gov.uk  
www.ElunedParrott.com  
T +44 (0)29 2046 2326

## APPENDIX B

Concerns have been expressed as to the public cost of fighting the previous appeal but what about the cost of this new "industrial" development in relation to the existing communities and proposed nearby £230m Barry Waterfront scheme of 2,000 homes, new business and a waterfront sports activity centre.

The additional traffic generation will also impact upon all routes in and out of Barry and exacerbate existing congestion problems.

Yours sincerely,



**ELUNED PARROTT AM**

Welsh Liberal Democrat Assembly Member for South Wales Central

Whilst Eluned Parrott AM will treat as confidential any personal information which you pass on, she will normally allow staff and authorised volunteers to see if this is needed to help and advise you. The AM may pass on all or some of this information to agencies, such as the DWP, the Inland Revenue or the local Council if this is necessary to help with your case. Eluned Parrott AM may wish to write to you from time to time to keep you informed on issues which you may find of interest. Please let her know if you do not wish to be contacted for this purpose.

Cynulliad Cenedlaethol Cymru  
Bae Caerdydd  
Caerdydd CF99 1NA  
[www.cynulliad.cymru](http://www.cynulliad.cymru)

National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA  
[www.assembly.wales](http://www.assembly.wales)

Our ref: JH/CB/

Mark Petherick  
Cabinet Officer  
Vale of Glamorgan Council  
Civic Offices  
Holton Rd  
Barry  
CF63 4RU

FAO: Cllr Lis Burnett

25 March 2015

Dear Lis

**Re: 2015/00031/OUT Wood Fired Renewable Energy Plant Barry**

I have been contacted by a number of Barry residents with concerns regarding the above application from Sunrise Renewables Ltd.

I understand that an application was originally submitted 5 years ago for a wood fired renewable energy plant on Woodham Rd Barry, but this latest application contains amendments which have drawn considerable local concern.

It appears that the scale of the plant has been significantly increased-with a bigger wattage and 23m tall building and 43m chimney which would detrimentally affect the view line of nearby houses.

Local residents are very concerned about the visual, public health and environmental impact of this proposal and feel that this application, far from amending the original application, actually plans for a much bigger proposal.

I would be grateful if their concerns could be accorded due attention.

APPENDIX B

With very best wishes

Yours sincerely

A handwritten signature in black ink that reads "Jane". The letter "J" is large and stylized, with a horizontal line above it. The rest of the name "ane" is written in a cursive, flowing script.

JANE HUTT AM (VALE OF GLAMORGAN)



## Andrew RT Davies AM/AC

Leader of the Opposition  
*Arweinydd yr Wrthblaid*  
 Welsh Conservative Member for  
 South Wales Central  
*Aelod y Ceidwadwyr Cymreig dros*  
*Ganol De Cymru*

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

Please reply to:  
 Cardiff Bay, Cardiff, CF99 1NA  
 Bae Caerdydd, Caerdydd, CF99 1NA  
 Ffon/Tel: 029 20 898523  
 Ffacs/Fax: 029 20 898371  
[AndrewRT.Davies@wales.gov.uk](mailto:AndrewRT.Davies@wales.gov.uk)

Ein cyf/Our Ref: **AD/VB**  
 Eich cyf/ Your Ref: **Planning**

11<sup>th</sup> June 2015

Dear Mr Petherick,

In recent months I have received a number of letters and calls from constituents who have expressed their concerns over the proposed wood fire incinerator in Barry and similar concerns regarding this application and the impact that it could have on future efforts to regenerate the Barry area, specifically the Waterfront.

For my part this application raises the question of what kind of waterfront we want to see in Barry? Is a development of this kind in keeping with wider plans to generate tourism in the area? I would argue that these plans are completely out of character.

Not only am I also concerned about the impact of the plans on the local residential area (due in no small part to the height of the development), it is clear that it could have a sizeable impact upon local businesses due to increased traffic flow - leading to heavy congestion in the locality.

I would strongly urge the Vale of Glamorgan council to take into consideration the views of local residents when debating these proposals and find against the application.

APPENDIX B

Kindest regards,

Andrew RT Davies

**Andrew RT Davies AM**  
Leader of the Welsh Conservatives





**Plaid Cymru – The Party of Wales**

**Leanne Wood AC/AM**

*Arweinydd Plaid Cymru / Leader of Plaid Cymru*

*Aelod Cynulliad Canol De Cymru / South Wales Central Assembly Member*

Mr. Morgan P. Howell  
The Vale of Glamorgan Council,  
Development Control,  
Dock Office,  
Barry,  
CF63 4RT

Our Ref: LW/hp/150424/BarryIncinerator

24<sup>th</sup> April 2015

Dear Mr. Howell

**Re: Planning Application reference 2015/00031/OUT**

I have been contacted by a number of constituents who have raised concerns about the proposed Waste Wood incinerator by Sunrise Renewables, in Barry Dock.

I understand that the location for the proposed incinerator is in relatively close proximity to the houses on Dock View Road. I understand further that the proposed incinerator relies on new and largely untested gasification processes and that residents are, therefore, naturally concerned about the potential negative effects on their health and the air quality in the surrounding area.

Furthermore, it has been indicated that the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. There also appears to be a lack of information available as to the disposal of the ash produced by the incinerator, which would presumably need to be taken off-site and transported elsewhere.

As this proposal could have significant effects on the environment and health, further testing of the gasification process is needed to monitor the impact on the environment and local residents and, in light of the reasons outlined above, it should be subject to a full Environmental Impact Assessment.

I therefore request that the application is deferred until such a time that adequate information is available to ensure that the proposal can be assessed with proper consideration of the facts.

Yours sincerely,

A handwritten signature in black ink that reads 'LWood'.

Leanne Wood AC

Cynulliad Cenedlaethol Cymru, Bae Caerdydd • National Assembly for Wales, Cardiff Bay CF99 1NA  
☎ 0300 200 7202

Swyddfa Ranbarthol • Regional Office  
32 Heol Gelliwastad, Pontypridd, Rhondda Cynon Taf CF37 2BN ☎ ☎ 01443 480291

leanne.wood@cynulliad.cymru • leanne.wood@assembly.wales



## APPENDIX B

Member of the European Parliament

45 Gelligaled Road,  
Ystrad,  
Rhondda,  
CF41 7RQ.  
Tel: 01443 441395  
Email: [post@jillefans.net](mailto:post@jillefans.net)

Mr. Morgan P. Howell  
The Vale of Glamorgan Council,  
Development Control,  
Dock Office,  
Barry,  
CF63 4RT

16<sup>th</sup> of April, 2015.

Dear Mr. Morgan P. Howell,

I am writing with regard to the proposed Waste Wood incinerator by Sunrise Renewables (ref 2015/00031/OUT).

I ask that the application is deferred for the following reasons.

This proposal could have significant effects on the environment and health, and as such should be subject to a full Environmental Impact Assessment. The proposed incinerator relies on new and largely untested gasification processes, and the plant's energy efficiency would be around 20%, making it a waste disposal facility, not an energy recovery plant, under EU law. Further testing of the gasification process is needed to monitor the impact on the environment and local residents.

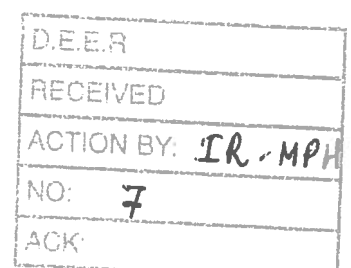
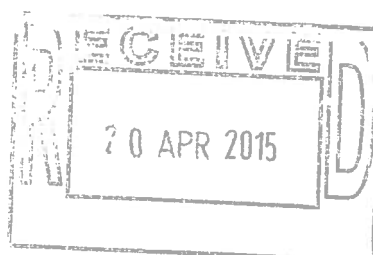
Burning contaminated wood chips would produce toxic ash which would have to be taken off-site and transported elsewhere for specialist disposal. And with inadequate information available regarding the proposal, residents are worried about their health and air quality.

I believe that the Vale of Glamorgan Council needs a great deal more information from the developers before this application can be determined.

Yours sincerely,

*Jill Evans*

Jill Evans ASE/MEP  
Plaid Cymru - The Party of Wales.



Waterstone Homes,  
Asbri Planning Ltd., Unit 9, Oak Tree Court, Mulberry Drive, Cardiff Gate Business  
Park, Cardiff, Glamorgan, CF23 8RS

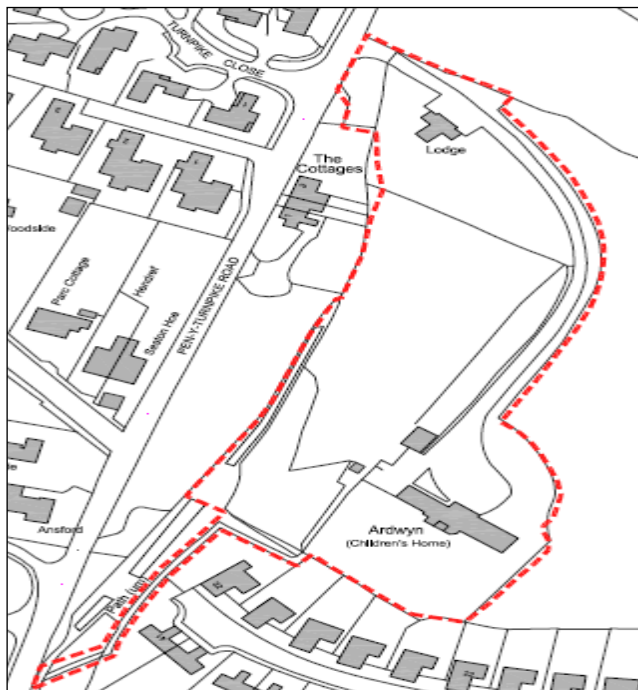
**Ardwyn, Pen Y Turnpike Road, Dinas Powys**

Construction of eighteen dwellings and associated works

**SITE AND CONTEXT**

The site was until recently a vacant former children's home on the edge of Dinas Powys. The site included a large house and a detached 'lodge' building with extensive garden areas with mature trees, many of which are protected under Tree Preservation Orders. Following approval of application 2014/00167/FUL construction has commenced on the residential development subject to this previous application and are not altered with this revised proposal.

The site is to the east of Pen-Y-Turnpike Road and north of Millbrook Heights. Ardwyn is to the edge of Dinas Powys, within the designated Green Wedge area (defined under Policy ENV 3 of the Unitary Development Plan) and outside, though immediately adjacent to, the Settlement Boundary of Dinas Powys. Open countryside and agricultural land is predominantly to the east and north of the site. Access is via Pen-Y-Turnpike Road.



## DESCRIPTION OF DEVELOPMENT

The proposed development is for 18 dwellings, 12 of which would be detached private houses and 6 would be affordable units, including 2 x 1 bed flats. This is essentially 1 additional private dwelling above that approved under application 2014/00167/FUL, which would be positioned centrally within the site (other part of the development are very similar to that previously approved). The central area of the site as previously approved in 2014 was as follows:



**Figure 1 - Section of layout of approved application 2014/00167/FUL**

This section seen in Figure 1 has been reconfigured to accommodate one additional dwelling with the inclusion of House Type B. The new proposed layout is as follows:



**Figure 2 – Revised layout of the proposed development central section to include additional dwelling**

All other aspects of the development are the same or very similar to that approved with the previous approved application 2014/00167/FUL, including the affordable housing provision, internal access road, open space areas, access into the site and the design approach for the proposed houses.

### PLANNING HISTORY

2014/00167/FUL: Ardwyn, Pen Y Turnpike Road, Dinas Powys - Demolition of existing buildings, construction of 17 dwellings and associated works. - Approved 11 November 2014.

2000/00636/FUL: Ardwyn Lodge, Penyturnpike Road, Dinas Powys - Renewal of application 95/00983/FUL for change of use - Approved 21 July 2000.

1995/00983/FUL: The Lodge, Ardwyn, Penyturnpike Road, Dinas Powys - Lodge F/F/ Flat - Retained for residential (Caretaker) Lodge G/F Garage and workroom - To be converted into school classroom and staff room resultant 'Change of use'. - Approved 15 December 1995.

1984/00381/FUL: The Lodge, 'Ardwyn', Pen-y-Turnpike Road, Dinas Powys - Multiple occupancy accommodation for 2 or 3 young people to give independent living facilities with overnight by existing staff in 'Ardwyn' - Approved 17 May 1984.

## CONSULTATIONS

Dinas Powys Community Council – Objection – Overdevelopment of the site;

Michaelston le Pit with Leckwith Community Council – Requests that in order to improve safety the new pathways “are open for all people to use and not just Ardwyn residents.”

Highway Development – No objections raised to the addition of an additional dwelling in terms of highway impacts;

Highways and Engineering (Drainage) – No comments received

Environmental Health (Pollution) – No comments received

Dinas Powys Ward Members – No comments received

Dwr Cymru/Welsh Water – No objection subject to standard drainage conditions;

Ecology Officer – No objection subject to conditions to safeguard protected species

Natural Resources Wales - Highlighted the potential impact to bats as a result of the proposed development. Stated the need for a licence from NRW as a result. Also required the submission of a bat mitigation strategy via condition.

Housing Strategy – Stated the need for an additional 2 bedroom social rented affordable unit, or an off-site payment of £101,790 as an equivalent. This would be additional to the 6 affordable housing units shown on the submitted plans;

Glamorgan Gwent Archaeology Trust – The trust has received a record of the now demolished Ardwyn building that was requested via condition with the previous approval. No further requests are made.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 February 2015. A site notice was also displayed on the 27 February 2015. The application was also advertised in the press on the 3 March 2015. There have been 5 letters/emails received with comments including the following:

- Concern that the houses being built are closer to the boundary than shown on the plans submitted.

- Concerns relating to potential overlooking impact and loss of privacy.
- Water running into neighbouring gardens as a result of the development currently being built.
- Lack of pedestrian links along Pen-Y-Turnpike Road.
- Questions relating to improvements to the existing footpath from Ardwyn to Pen-Y-Turnpike Road.
- A neighbour has raised the issue of a dispute over ownership with the site land owner.
- Concern relating to increase traffic to the local highway network as a result of the proposed development.
- Loss of trees and shrubs

One letter is reproduced as Appendix A being generally representative of the views expressed.

## REPORT

### Planning Policies and Guidance

#### *Strategic Policies:*

POLICIES 1&2 - THE ENVIRONMENT  
 POLICY 3 - HOUSING  
 POLICY 8 - TRANSPORTATION  
 POLICY 11 - SPORT & RECREATION

#### *Policy:*

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE  
 ENV3 - GREEN WEDGES  
 ENV10 - CONSERVATION OF THE COUNTRYSIDE  
 ENV11 - PROTECTION OF LANDSCAPE FEATURES  
 ENV16 - PROTECTED SPECIES  
 ENV27 - DESIGN OF NEW DEVELOPMENTS  
 ENV28 - ACCESS FOR DISABLED PEOPLE  
 ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY  
 HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT  
 HOUS3 - DWELLINGS IN THE COUNTRYSIDE  
 HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA  
 HOUS11 - RESIDENTIAL PRIVACY AND SPACE  
 HOUS12 - AFFORDABLE HOUSING  
 REC3 - PROVISION OF PUBLIC OPEN SPACE  
 REC6 - CHILDREN'S PLAY FACILITIES  
 TRAN10 - PARKING

### **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 (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009)  
Amenity Standards  
Design in the Landscape  
Model Design Guide for Wales  
Planning Obligations  
Sustainable Development –A developers Guide  
Trees and Development  
Biodiversity 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 20 March – 1 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 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
- Housing Supply Background Paper 2013
- Local Housing Market Assessment 2013 Update
- Open Space Background Paper 2013
  
- Joint Housing Land Availability Study 2014 (July 2014)
- Green Wedge Background Paper 2013



- Findings of the site assessment 2013
- Population and Housing Projection Background Paper 2013
- Transport Assessment of LDP Proposals 2013
- Educational Facilities Assessment 2013

## National Planning Policy

National planning guidance in the form of Planning Policy Wales (Edition 5, 2012) (PPW) is of relevance to the determination of this application.

### Chapter 2:

In addition to the advice mentioned above with regard to weight to be attached to emerging draft LDP, chapter 2 of PPW provides advice in cases where development plan policies are considered to be outdated or superseded. The following advice is given:

*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).'*

### Chapter 4:

Chapter 4 of PPW deals with planning for sustainability. Paragraph 4.2.2 states that **'The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:**

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).'*

Paragraph 4.2.4 states that *'A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:*

- *there is no adopted development plan (see 2.6) or*
- *relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *where there are no relevant policies (see 2.7)*

*there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes (see Figure 4.1).'*

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Governments approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development 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'*.

PPW advice on brownfield or previously developed land is of relevance in this case. Paragraph 4.9.1 states:

*'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.'*

#### **CHAPTER 9 – Housing:**

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

*'9.1.1 The Welsh Government will seek to ensure that:*

- *previously developed land 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. 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;*
- *well-designed living environments, where appropriate at increased densities;*
- *construction of housing with low environmental impact by using nationally prescribed sustainable building standards; 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.*

*9.2.3 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.*

9.3.2 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.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.

9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.

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.'

## 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 (2006)

'2.2 Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing. This land supply must inform the strategy contained in the development plan. Local planning authorities should also have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and Local Development Plans Annual Monitoring Reports (AMR).'

- Technical Advice Note 2 – Planning and affordable housing (2006)

*‘10.4 When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.’*

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

- Technical Advice Note 12 – Design (2009)

- Technical Advice Note 18 – Transport (2007)

### Issues

The primary issues to be considered with this amended proposal for a site with an extant consent for 17 dwellings are considered to be the following:

- Visual impact of the development, which is within the designated Green Wedge within the countryside;
- Considerations of the proposed access;
- Issues related to the highways impact as a result of the additional unit and amended layout;
- Consideration of the potential impact to neighbour amenities;
- Consideration of whether the proposals constitute an efficient use of land;
- Resultant loss of protected trees should the proposed development be approved;
- Other issues that will be considered include drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development;

Members should be aware that this application follows approved application reference 2014/00167/FUL and as such, the principle of residential development of the site has already been agreed.

A full assessment of residential development on the site was made in respect of application 2014/00167/FUL including assessment of the principle of development taking into account all material planning considerations. A copy of the report in respect of the extant consent is attached as Appendix B for information.

Whilst the principle of the development is accepted, this is a full planning application and issues such as layout, design, neighbour impact and access will all need to be considered. These remaining issues are considered in the sections below.

## Ownership Issue

An objection has been received from a neighbour claiming that a small area of land to the south of the access, which is included within the site area and where the realigned access is proposed to be positioned, is within their ownership. This was a matter raised in respect of the earlier application, was disputed by the applicant's solicitor then and noted they would contest any effort by the neighbour to register this land in their name through the Land Registry. On this basis the Council has no evidence to dispute the applicant's claim to this land and no planning objection was raised then nor is raised now with regard to this matter.

## Layout Proposals

The layout plan submitted for the proposals is for 18 dwellings, which is one more than the 17 dwellings previously approved. This additional house is to be located within the centre of the site, off the private drive that will serve units 6-11. It is considered that there is sufficient space within the site for the additional dwelling, without resulting in the overall development being considered a cramped layout. The house types have altered to include house type B, for units 8 and 10, which appears as follows:



FRONT ELEVATION

M



**Central area of the site, as part of this revised proposal;**

The number of dwellings now proposed does not result in overdevelopment of the site. The layout safeguards the majority of the existing trees to be retained on the site thus preserving its semi-rural character.

The proposed dwellings are laid out in such a way to avoid significant loss of existing trees though some will still need to be removed, including some with Tree Preservation Orders attached (although it should be noted that this has changed since the previous approval). The layout also makes use of existing native hedgerows within the site to enclose groups of houses. As previously considered the nature of the site and its shape and size means that the most practical layout is a single main access road with small clusters of dwellings accessing onto this road. This layout was and remains to be considered as a suitable arrangement of dwellings that responds to the constraints of the site and works to minimise tree loss. The dwellings are well spaced with generally large rear gardens with parking provision. The layout appears suitably spacious, even though several of the houses proposed are large with detached double garages.

The amenity space for each dwelling varies depending on their position within this irregular shaped site. However, the amenity space to be provided is considered acceptable and generally in accordance with the requirements of the Supplementary Planning Guidance 'Amenity Standards'. It is noted that the rear gardens to Plots 8 and 9 include a portion of wooded area, though there would still remain open garden space for general garden activities. The dwellings will also be served by the informal amenity space provided within the site as part of the development. The garden space for the flats at Plot 4-5 should be conditioned to remain shared for all occupants.

Much of the development would be obscured from view from the highway due to mature woodland along this boundary. The most visible aspect of the proposed development would be Plot 1, which is side-on to the main site access, in much the same position as The Lodge, prior to its recent demolition. Trees on the boundary of the site and within the site would also screen the development from views from the north (the approach to Dinas Powys from Pen Y Turnpike Road) and from the countryside to the east. The proposed development is not anticipated to have a significant visual impact to the green wedge, countryside setting, subject to landscape and boundary treatment.

The layout includes two areas of open space. One being the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.023ha). However, the applicant does not wish to provide this as a form of formal open space provision, though it will remain available for use. Again the applicant has agreed to an off-site contribution towards open space provision in the locality, together with the 'informal' open space that is shown on the plan as within the site.

Overall, the layout and proposed density of development is considered acceptable, with no significant adverse impacts to the character of this semi-rural location.

### Scale and Design

There are three types of houses proposed for the site (Type A, B, C and D). House types A, C and D remain as approved in the earlier application. House type B is as detailed above and reflects the character, form, detailing and material finish generally of the 'as approved' dwellings .

House type B has a connected double garage to the front of the house, forming an 'L' shaped building. This dwelling will also have a traditional style appearance, with 5 bedrooms to the first floor.

The affordable housing units also maintain the traditional approach, with use of render and clay tiles for the dwellings. These are arranged with one semi-detached pair and a terrace that includes two houses and a unit split into two one-bedroom flats.



## Drainage Proposals

The proposals indicate that the surface water will discharge to the stream in the woodland to the western edge of the site, though some form of storm flow attenuation is required. Discussions have been ongoing between the developer, the Council's Drainage Engineer and Welsh Water over the drainage of the site towards discharge of the drainage condition attached to the 2014 approval. This has led to the inclusion of a foul water pumping station included in the southwest corner of the site, which is now shown on the revised layout plan. The discussions are ongoing and as such it is considered reasonable to condition the need for full drainage details via condition, as was required with the previous consent.

## Neighbour Impact

The proposed development would be mainly screened from 1-3 The Cottages on Pen Y Turnpike Road by the thick and mature tree belt. However, the separation distance between the proposed houses and these cottages is such that there should be no significant impact to amenities, notwithstanding any screening. With regard to the dwelling at Plot 1, it is considered that there will be some views between the side of 1 The Cottage and the rear of this new house. However, there would be a separation distance of approximately 32m, which is sufficient to mitigate any potential overlooking impact to a reasonable and acceptable level and would comply with the Council's adopted Supplementary Planning Guidance.

Also, the rear of proposed plots 13, 14 and 15 would have views back towards the existing houses of Millbrook Heights, which are also on a lower level. As with the previous application, the proposed layout would result in a separation distance of over 30m between the rear of the proposed houses and the rear of the nearest houses on Millbrook Heights. It is recognised that the dwellings proposed at plots 13-15 having an approximate ridge height of 10 are large however it is considered that the separation distance is sufficient to mitigate any impact to an acceptable level, whether that be overlooking or overbearing impact. Also, as the new dwellings are to the north of the houses at Millbrook Heights there should be no overshadowing impact.

Overall, it is considered that the proposed development should not have any significant impact to the amenities of neighbouring dwellings.

Members should note that there have been claims from members of the public that some of the houses being built under the original 2014 planning permission are in the wrong location. This matter has been investigated by the Enforcement section. The applicant refutes these claims and states that the dwellings are in the correct location and any deviation would be negligible (50mm approx.). The applicant has also undertaken a survey to prove the position of the houses being built under the 2014 permission is correct.

## Highways Matters

The application is accompanied by an updated Transport Statement (February 2015) by Asbri Transport. The findings conclude that the development would likely result in 13 two-way peak time vehicles in the AM peak time period and 12 movements in the PM peak time periods of the day, and would have “minimal impact on the surrounding highway network”. It is considered that whilst Pen-Y-Turnpike Road is a busy route between Dinas Powys and the Cardiff area the proposals for 18 dwellings would not cause a significant amount of additional traffic over and above existing levels that could result in any detrimental impact to the highway network.

The access onto the highway was approved under the previous application proposals and include reconfiguration and repositioning of an access point approximately 4.5m to the south of existing. This would link with the existing access road within the site. The access is repositioned to allow for enhanced visibility and to form a new ‘priority junction’ with the site access as the minor arm. The new section of road would be built to adoptable standards, with a 5.5m width and a 2m wide footpath to both sides.

The visibility splays would effectively be provided by ‘pushing’ the access out into the existing carriageway, therefore realigning the carriageway route. This is achievable due to the existing wide carriageway at Pen-Y-Turnpike Road. This would enhance visibility, to a degree that it would allow for 2.4m x 90m for the splays in either direction. These works were approved under the previous application and highway improvement and access works have been commenced. Based on one additional house, there would be no need to modify the improvements currently being undertaken.

As regards parking provision, each dwelling would include dedicated parking spaces. For the market housing this would include a double garage with further spaces in front of each garage. As such, 4 parking spaces would be provided for each of these dwelling which is considered sufficient. The affordable units would each have two spaces, except for the one bedroom apartments, which would have one space each. Overall, it is considered that the parking provision for the site is sufficient and should avoid any overspill parking outside of the site.

As with the previous application, it is noted that there is a lack of pedestrian access to the village along Pen-Y-Turnpike Road. However, amended plans have been submitted to include an established footpath to the south of the site, linking with Pen-Y-Turnpike Road, near the junction with Millbrook Road. The provision of a footpath link is important as otherwise there would be no safe pedestrian route connecting with the village. The footpath enhances the sustainability of the development by allowing for a safe pedestrian links to local services, without the need for the use of private vehicles. The proposed houses would be within walking distance of the village centre and the public transport links as a result of the incorporation of the footpath (this is enhanced by avoiding a length of Pen Y Turnpike Road where there is no pavement or scope for one to be provided).

It is recognised that the path will need significant maintenance works to make the footpath usable and safe, along with the provision of lighting, which would be required by planning condition with any approval. The footpath should be widened to 1.5m with a solid appropriate surface. Levelling works would be required with additional steps required. Full details of the works to enhance the footpath and bring it up to suitable standards should be required via condition if approved.

It is recognised that the path would not be suitable for all, due to the incorporation of steps along the path route due to the incline, which could pose an issue for those with mobility problems and wheelchair users. However, this cannot be resolved due to the incline and the length of path. Nevertheless, it is considered to be of significant benefit to the proposals and will allow for a link where otherwise there would be none. This would benefit future occupants of the development and also existing occupants of the area, such as those in the residential properties further along Pen Y Turnpike Road.

Where the path connects with Pen Y Turnpike Road, there is no footpath, with the existing footpath starting approximately 14m to the south. A footpath cannot be formed along this area of grass verge due to ownership issues and the narrowness of the highway. However, as there is only a short distance between the footpath to Ardwyn and the highway footpath this was previously considered acceptable and this remains the stance with the current application and would be the same arrangement established over the years when Ardwyn was active as a children's home.

It is noted that the land to which the existing path is located is of unknown ownership. The applicant has tried to establish the ownership and Certificate D has been submitted, with a press advertisement displayed. At the time of writing there is no owner identified. Nevertheless the site is within the red line of the application site it is considered reasonable to condition the path is upgraded and maintained in perpetuity for residents to use, as was done with the previous application.

### Trees and Hedgerows

The site contains many trees and hedges within its boundary. Many of these trees are protected under Tree Preservation Orders 1973 - No 14 and 2011 - No 4. A Tree Constraints Plan and Arboricultural Method Statement have been submitted (TDA February 2014).

Previously the cluster of protected trees towards the northern edge of the site was to see several trees felled. Concern was expressed regarding this. However, the amended proposal for 18 dwellings retains almost the entire cluster of these trees. It is also noted that the trees identified in the survey as 'High Quality and Value' are to be maintained. New tree planting is also indicated on the submitted plan.

It is considered that the proposals suitably maintain the majority of the existing trees within the site, with planting indicated to compensate for tree loss. Some internal hedgerows are to be removed, however those which are retained will provide screening between proposed dwellings.

It is noted that the most recent amended plan includes the foul water pumping station, which would result in some additional tree loss over that indicated with the 2014 application. It is noted that this is a small area of trees and the majority of the woodland area is set to remain.

### Ecological Issues

An 'Ecological Assessment and Survey for Bats' by David Clements Ecology Ltd (July 2014) has been resubmitted with this application.

Following the conditions attached to the previous consent a document entitled "Wildlife Protection Plan for the Clearance and Construction Stages and Biodiversity Management Plan for the Completed Development" has been submitted and was agreed to discharge the relevant conditions of that consent. It is also noted the developer has obtained a European Protected Species Licence. It is, however, considered that a condition should be attached to require an Ecological Design Strategy to incorporate into the constructed development.

### Planning Obligation (Section 106) Matters

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 this case, the application relates to the development of up to 18 dwellings on a site adjoining the settlement boundary of Dinas Powys. 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.

## Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households. 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.

As previously assessed, there is a requirement for affordable housing provision. The layout has shown that on a development of 18 dwellings, four two bedroom dwellings and two one bedroom flats will be affordable. However, this does not comply with the 35% needed for 18 dwellings now proposed. It was an acceptable amount of affordable housing for the 17 dwellings previously approved, but with the increase of a single dwelling now proposed this would result in the need for a total of seven affordable units. The applicant has stated that they would not be able to provide an additional affordable unit within the confines of the site as they have just enough space for an additional private dwelling. Following negotiations with the Affordable Housing Enabling Officer it has been decided that this shortfall could be addressed with an off-site contribution towards an affordable unit. This would be an equivalent contribution to the cost of providing a 2 bedroom social rented unit, which is calculated to be £101,790. The applicant has agreed to this contribution, together with the 6 on-site affordable units as proposed. This would be resolved as part of the S106 Legal Agreement.

## 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 is contained in the Planning Obligations SPG and identifies that the development of this site for 18 houses would generate demand for two nursery, five primary and four secondary pupil places. This is one additional primary space over that calculated for the previously approved 17 dwelling scheme. These are split proportionally between English, Welsh and denominational provision.

At nursery level there is no spare capacity to accommodate the development (current and projected) within all types of provision.

Of the five spaces required for primary age children generated, four would be allocated to English medium and one to Church in Wales provision. In terms of the English medium and Church in Wales sector there is limited surplus capacity overall, current and forecast, with some year groups operating to their maximum capacity. The local authority would therefore seek contributions where specific year groups are full.

At secondary level, based on the percentage split above in terms of the four secondary children generated, three would be allocated to English medium and one to Welsh medium. However, there is surplus capacity in the English and Welsh medium sector over the next five year period and the authority would not be seeking contributions.

Considering the above, based on the anticipated additional pupil numbers and based on the cost of a school place as outlined in the Supplementary Planning Guidance plus other costs need to be factored in, such as professional and legal fees, and would total as follows:

- Nursery - two children at £14,463.26 per child = £28,926.52
- Primary - five children at £14,463.26 per child = £72,316.30
- Total contribution required : £101,242.82

### 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.

As previously assessed there is a requirement for sustainable transport contributions and the additional dwelling would require a further £2,000 in addition to that previously sought 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. In this case, this would equate to up to £36,000.

The agent, on behalf of the applicant has agreed to this planning obligation requirement.

## Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states “Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments” (paragraph 4.15 refers).

The Supplementary Planning Guidance ‘Planning Obligations’ requires an overall on site provision of 55.4 sq. m. public open space per dwelling. The site lies within Dinas Powys ward. The LDP Open Space Background Paper (2013) indicates the ward has an under provision of children’s play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space.

As stated in the ‘layout’ section, the proposals include two areas of open space within the proposed development site, including the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.023ha). The total area to be provided is 0.11ha. However, as with the previous application the applicant does not wish to provide this as formal open space in the form of a Local Area of Plan (LAP). Instead, an off-site contribution would be required to provide for formal open space provision. If an off-site contribution would be made to meet all the requirements for public open space, this would equate to a requirement for £1000 per person or £2280 per dwelling. On this basis, the total amount required for public open space provision for the development as proposed would be £41,040. This could be invested into open space for public use within the locality and for the benefit of the community.

## 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.

### S106 Administration

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee (£1188) or 2% of the total level of contributions sought whichever is the higher.

### CONCLUSION

The decision to recommend approval of 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 ENV3 Green Wedge, ENV10 Conservation of the Countryside, ENV11 Protection of Landscape Features, ENV27 Design of New Developments, ENV28 Access for Disabled People), ENV29 Protection of Environmental Quality, HOUS2 Additional Residential Development, HOUS3 Dwellings in the Countryside, HOUS8 Residential Development Criteria, HOUS12 Affordable Housing, ENV16 Protected Species, REC3 Provision of Public Open Space for New Developments, REC 6 Children’s Play Facilities and TRAN10 Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance ‘Amenity Standards’ and ‘Planning Obligations’, Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; 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 a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.



## RECOMMENDATION

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

- Procure that 6 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. Furthermore, a contribution of £101,790 will be required towards affordable housing provision to ensure 35% affordable housing contribution for the development as proposed.
- Pay a contribution of £101,242.82 for the provision or enhancement of education facilities and school transport
- Pay a contribution of £41,040 for the provision or enhancement of public open space.
- 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.
- Pay a contribution of £36,000 to provide or enhance sustainable transport facilities 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.

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.

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: 2024/101 T, 2024-200-01 Rev E, 2024-201-01 Rev A, 2024-202-01 Rev D, 2024-206-01, 2024-203-01 Rev D, 2024-204-01 Rev B and 2024-205-01 Rev B, 2024-300, 2024-301, Detailed Soft Landscaping Proposals 2, Tree Constraints Plan - Layout 2, Arboricultural Method Statement - Layout 2 and Transport Statement (February 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 details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. 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 2024/101 Revision T 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.

5. 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 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.

6. The development shall be carried out in accordance with the terms and details of the scheme providing for the protection of the trees to be retained and the details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage as approved in respect of application 2014/00167/FUL. No development, site clearance or demolition 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.

7. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

8. 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.

9. The development shall be constructed in full accordance with the submitted Construction Environmental Management Plan (CEMP), by Waterstone Homes.

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.

10. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used 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.

11. Notwithstanding the submitted Illustrative Master Plan and associated access/ highway improvements, within three weeks of the date of this permission full engineering details of the proposed access, internal roads, associated works, turning areas, new footway, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway shall have been submitted to the Local Planning Authority for approval, and following the written consent of the Local Planning Authority the development shall thereafter be completed in full accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision on safe access into site, in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted drawings and within three months of the date of this consent, full engineering drawings/details of the proposed footpath link and associated works (from the site adjacent to Plot 13 and its connection with the highway just north of No 1 Millbrook Road), including levels works and steps to be incorporated, fencing, surfacing and a safety barrier adjacent to the highway, plus new lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority for their approval in writing. The footpath as approved shall be implemented and ready for use prior to the first occupation of any of the dwellings hereby approved and shall be in accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision of safe and appropriate pedestrian access into site to serve the development in the interests of sustainable connections, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. The proposed footpath linking the development (adjacent to Plot 13) and Pen Y Turnpike Road shall be open to public use from the time of the first occupation of any of the dwellings hereby approved and shall remain open to public use in perpetuity.

Reason:

To allow for a pedestrian link to Dinas Powys to ensure the sustainability of the development, in accordance with Policy ENV27 of the Unitary Development Plan.

14. The development hereby approved shall not be brought into beneficial use until the approved access has been constructed in full accordance with the submitted plans, including additional plan T14.105.CAD.101, incorporating the vision splays and the engineering details as required by Condition 12 and the access shall thereafter be so retained 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.

15. The visibility splays as indicated on plan Figure 3.3 of the Transport Statement (February 2015) shall be kept clear of obstructions, or planting exceeding 0.9m in height and shall be constructed in accordance with the engineering details as required under Condition 12. The vision splays as agreed shall be implemented before the first beneficial occupation of any of the dwellings hereby permitted and maintained thereafter.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and ENV8 of the Unitary Development Plan.

16. Notwithstanding the submitted plans, and prior to the commencement of development on the units Nos. 6-11 inclusive, further details (including sections across and through the site) of the finished floor levels of the dwellings, in relation to existing and proposed 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:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

17. The development hereby approved shall be in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for bats' (David Clements Ecology Ltd - July 2014) and the 'Wildlife Protection Plan for the Clearance and Construction Stages and Biodiversity Management Plan for the Completed Development (David Clements Ecology Ltd - December 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

18. The full rear garden area for the flats at Plots 4 and 5 on the approved drawings Ref: 2024/101 Revision K shall be made available for use by occupants of both flats at first beneficial occupation, shall not be enclosed or partitioned in any way and shall be so available at all times for the occupants of the flats thereafter unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure adequate amenity space for occupiers of both flats, in accordance with Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

19. All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (CON3).

Monday to Friday 0700 – 1900  
Saturday 0700 – 1700

Unless such work –

(a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan (CON2).

**NOTE:**

1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
2. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).
3. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.
4. This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.
5. Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.
6. 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.

- 7. You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
- 8. 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.**
- 9. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

**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.**

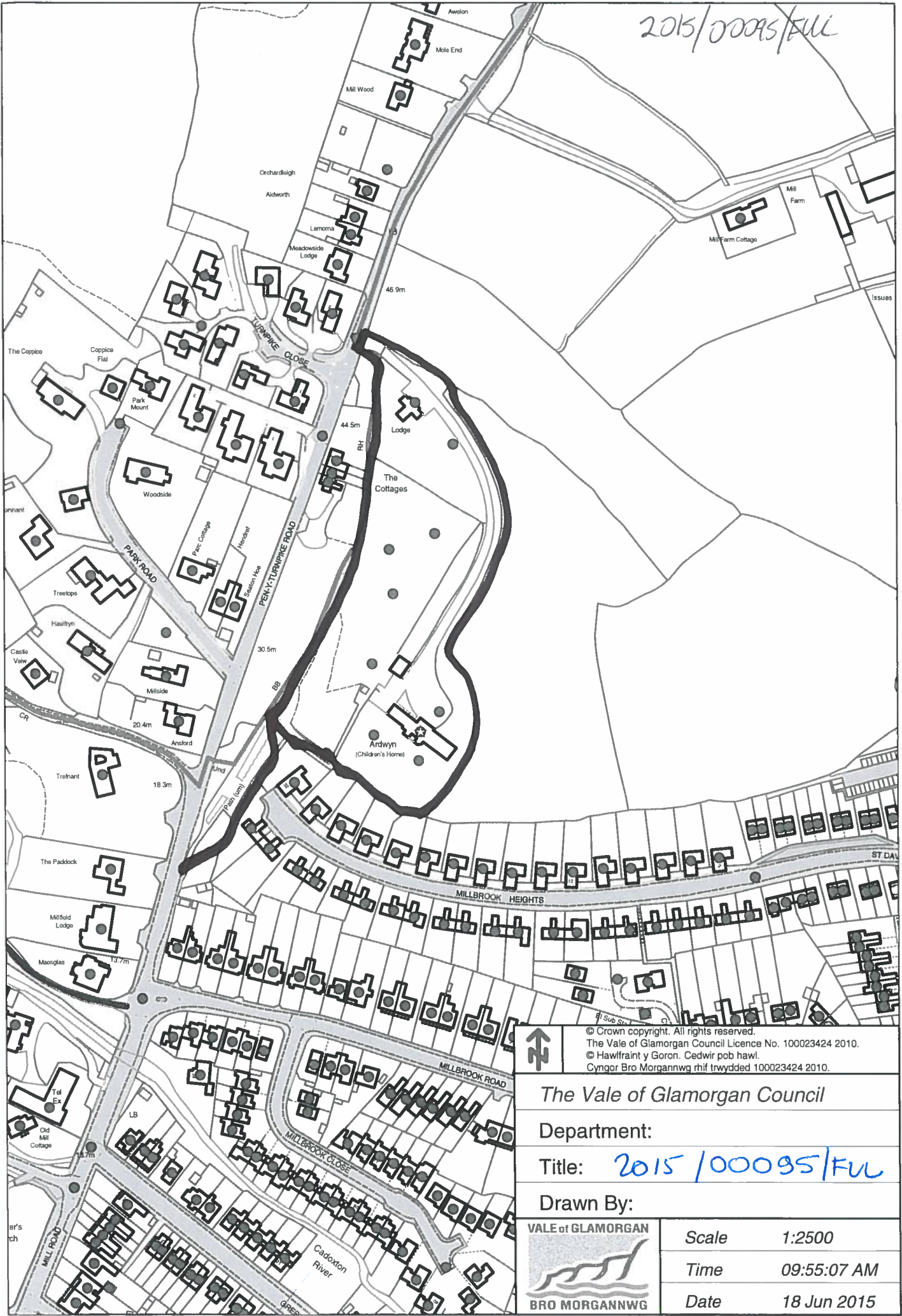
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**

2015/00095/FULL



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**The Vale of Glamorgan Council**

Department:

Title: **2015/00095/FULL**

Drawn By:

	Scale	1:2500
	Time	09:55:07 AM
	Date	18 Jun 2015

2015/00095/FUL

Appendix A

*Shirley Lewis, 28 Millbrook Heights, Dinas Powys, Cardiff, Vale of Glam, CF64 4JJ.*

*tel nos. home – 02920514353, email. shirleylewisdp1@outlook.com*

M Goldsworthy  
Operational Manager  
Development and Building Control  
Vale of Glamorgan Council  
Dock office  
Barry Docks  
Barry  
CF63 4RT

28<sup>th</sup> March 2014.

Dear Mr Goldsworthy

Re: Ardwyn Development, Pen-y-Turnpike Rd, Dinas Powys

It has been recommended that I inform you of the following, although I expect you already know of the incident from Welsh Water. My garden is on a steep gradient and abuts from below the Ardwyn grounds.

On Friday 6<sup>th</sup> of March 2015 water was beginning to collect at the rear of my property on my patio area. Next day there was more water which I found alarming because there had been no rain for some time! My neighbour at no 26 had water running down her garden, then down the side of her property over her steps and down on to Millbrook Heights road. Later that evening outside the back of my house I realised the water level was rising further. Fortunately my drain/soakaway seemed to be coping with this extra water. Throughout the night I kept a vigil only to find that the water level continued to rise. This continued through Sunday and into Monday.

My son visited me Monday morning to view my concern of the flooded patio and went up to the top of the garden. The garden was absolutely saturated. Although having lived at this address for 38 years we had never experienced anything like it before. Alarmed at what he saw my son phoned Welsh Water, the firm carrying out the demolition work of the former Ardwyn House (Youngs?) and the new owners of the site. The demolition workers said they had informed Welsh Water on the Saturday.

Shortly afterwards Welsh Water were clearing drains in my road. At the time I didn't connect this with the Ardwyn problem because there was no obvious build-up of water in the road. Then soon after a Welsh Water representative called and asked "what's the problem?" Looking then at the build-up of water at the back of my home, my absolutely saturated garden, the earth that was being washed down etc. and what he called "a lake" on Ardwyn's land he immediately went to Ardwyn to investigate further.

He later told my son that the demolition people had not capped off the water supply at the mains and had also dug a channel to take the water from the "lake" towards mine and neighbouring properties. He said he had now sealed off the water mains and to be in touch again if the problem worsened and then the Water Board would seal off for good. I thanked Welsh Water for their rapid response.

Within a few days the flow of water had eased and during this past week I have finally been able to clear most of the mud away that had been washed on to my patio. Following some better weather the ground seems to be drying out.

*Shirley Lewis, 28 Millbrook Heights, Dinas Powys, Cardiff, Vale of Glam, CF64 4JJ,  
tel nos. home – 02920514353, email. shirleylewisdp1@outlook.com*

People have informed me that on the Saturday prior (Feb 28<sup>th</sup>) the Fire Brigade had been called to the Ardwyn site to put out a fire which, so I am told, was visible from the other side of Dinas Powys.

My reasons for writing therefore are:

1. In the event of any damage to my house or walls surrounding my garden as a result of this leak, you are now aware of it.
2. As the overseers of such building development I will hold you equally responsible for such damage as you are there to protect parties and neighbours such as myself and ensure that such major development is carried out correctly.

I look forward to your urgent response on what is being done to keep a close check on this development before anything else untoward happens.

Yours sincerely

RECEIVED  
31 Mar 2014  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

ACK:	
NO:	9
ACTION BY:	MCS
RECEIVED	
D.E.R	

2014/00167/FUL

Received on 16 September 2014

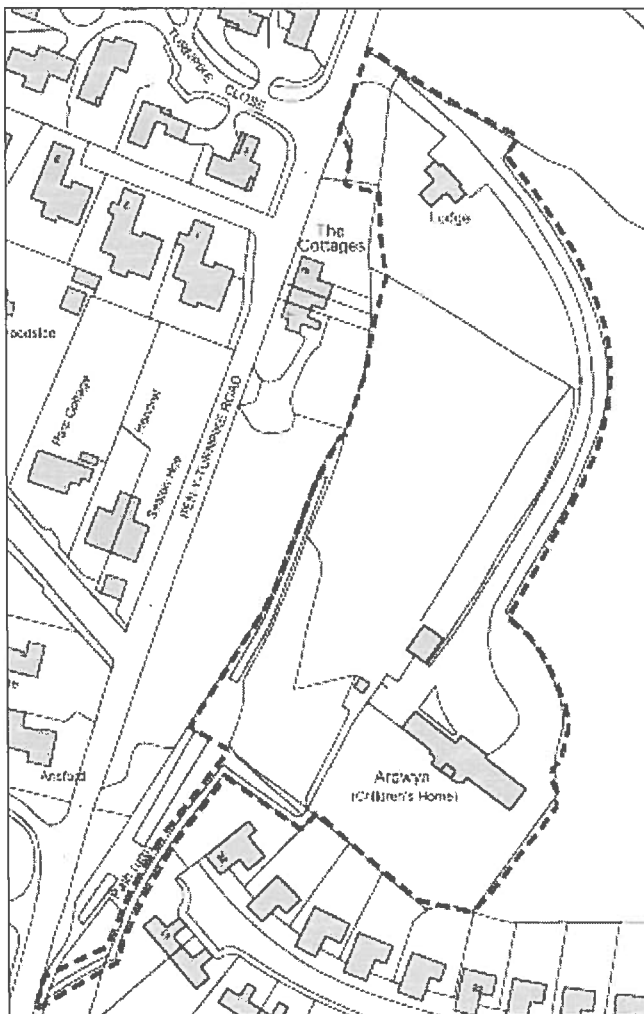
Waterstone Homes & Action for Children, C/o Agent  
Asbri Planning Ltd. 1st Floor, Westview House, Unit 6 Oak Tree Court, Mulberry  
Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS

**Ardwyn, Pen Y Turnpike Road, Dinas Powys**

Demolition of existing buildings, construction of 17 dwellings and associated works.

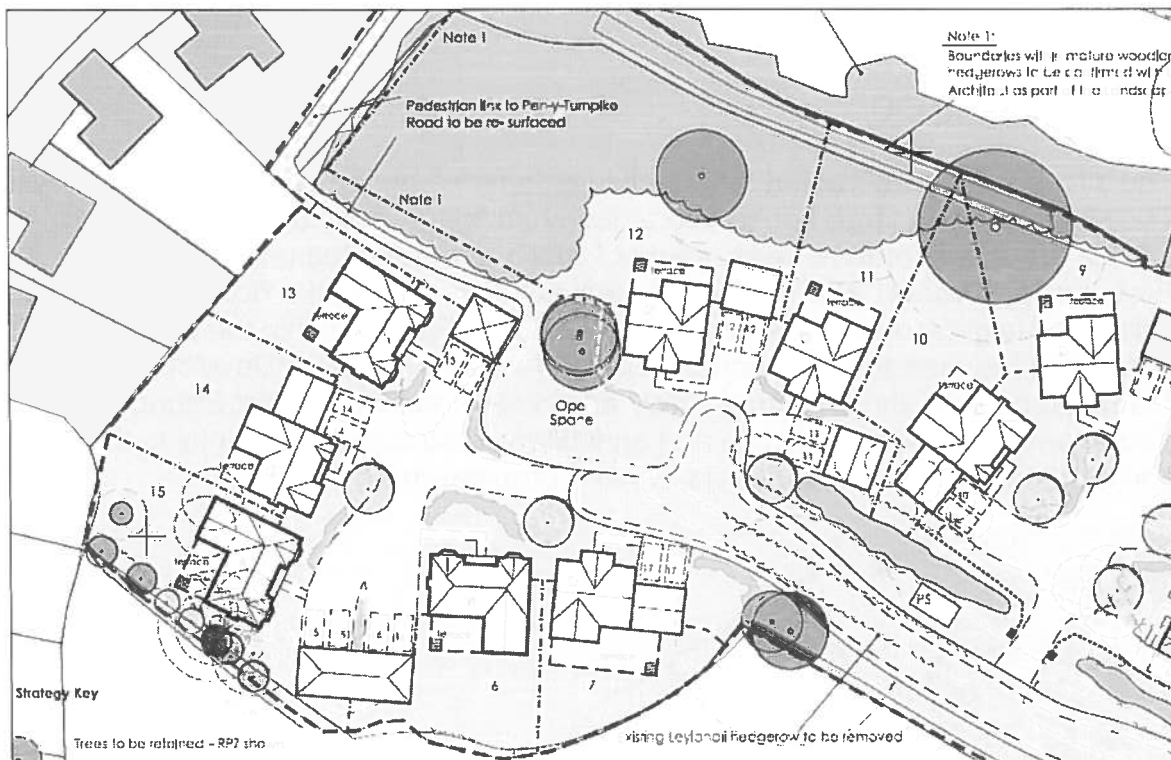
SITE AND CONTEXT

The site is a currently vacant former children's home on the edge of Dinas Powys. The site includes a large house and a detached 'lodge' building with extensive garden areas with mature trees, many of which are protected under Tree Preservation Orders. The site is to the east of Pen-Y-Turnpike Road and north of Millbrook Heights. Ardwyn is to the edge of Dinas Powys, within the designated Green Wedge area (defined under Policy ENV 3 of the Unitary Development Plan) and outside, though immediately adjacent to, the Settlement Boundary of Dinas Powys. Open countryside and agricultural land is predominantly to the east and north of the site. Access is via Pen-Y-Turnpike Road.



## DESCRIPTION OF DEVELOPMENT

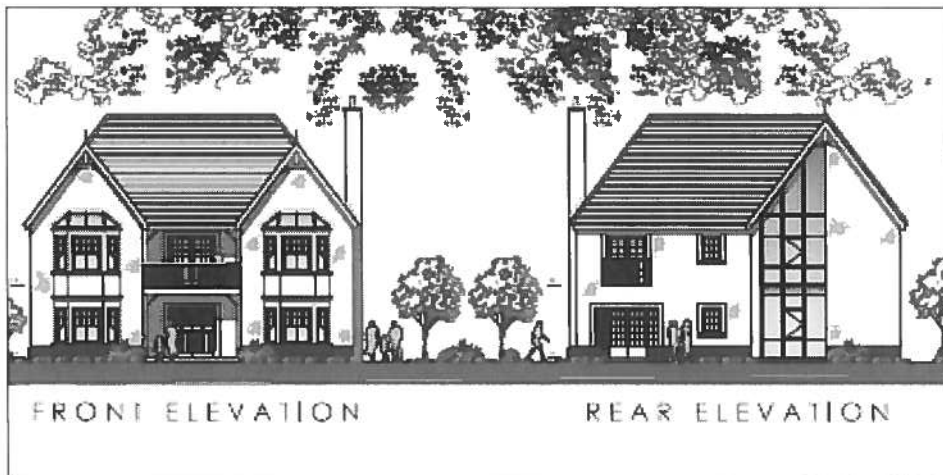
The proposed development is for 17 dwellings, 11 of which would be detached private houses and 6 would be affordable units, including 2 x 1 bed flats. The dwellings would be served by an access road, being realigned from the existing access off Pen-Y-Turnpike Road, which would be enhanced to improve visibility. The proposed development would follow the full demolition of the existing former children's home of Ardwyn and The Lodge within the site.



**Figure 1 - Section of proposed layout**

The existing internal road within the site is to be widened and realigned to connect to two private shared driveway areas serving 9 of the proposed dwellings. There is a historical pedestrian link that connected Ardwyn with Pen-Y-Turnpike Road. The path appears currently in a poor state with overgrown vegetation, and the applicant intends to improve the path with low level lighting etc. However, the path is not within the applicant's ownership, but is assured that they have rights over this pathway.

The plans show the retention of many of the existing trees on the site, especially the larger specimens. Some native hedgerows are to be retained within the site and used to enclose some of the dwellings from other proposed houses. Some new tree and landscaping planting is also proposed to enhance the development. However, some trees are to be removed, of which several are covered by a blanket Tree Preservation Order (No 14 – 1973).



**Figure 2 - House Type A**

The market-sale houses are generally large with either 4 or 5 bedrooms. They are of a traditional design, akin to early 20<sup>th</sup> Century character, with features such as hanging tile, large projecting steep pitch gables, and bay windows. The houses appear to be mainly rendered with red brick included, such as for the plinths. The windows and doors are to be painted hardwood.



**Figure 3 - Section of affordable housing**

The affordable housing reflects the market housing in terms of their appearance and materials, with again the use of a traditional approach. The 6 affordable units will be split into a semi-detached pair of two bedroom houses and a terrace of two houses with two one bedroom flats (which will have the appearance of a single dwelling house – see Plots 4 and 5 above).

### PLANNING HISTORY

2000/00636/FUL : Ardwyn Lodge, Penyturnpike Road, Dinas Powys - Renewal of application 95/00983/FUL for change of use - Approved 21 July 2000.

1995/00983/FUL : The Lodge, Ardwyn, Penyturnpike Road, Dinas Powys - Lodge F/F/ Flat - Retained for residential (Caretaker) Lodge G/F Garage and workroom - To be converted into school classroom and staff room resultant 'Change of use'.  
- Approved 15 December 1995.

1984/00381/FUL : The Lodge, 'Ardwyn', Pen-y-Turnpike Road, Dinas Powys - Multiple occupancy accommodation for 2 or 3 young people to give independent living facilities with overnight by existing staff in 'Ardwyn' - Approved 17 May 1984.

## CONSULTATIONS

**Dinas Powys Community Council-** "Even though this amended application is more in line with the 2013 LDP Deposit Plan for this Candidate Site Dinas Powys Community Council Objects to any further housing allocation being made in Dinas Powys until the necessary improvements to the Highway and Transport network have been undertaken.

Also if there is to be future development on this site we would much prefer a scheme which incorporates re-use/conversion of the existing building.

As previously stated "it was noted that some drawings indicate a pedestrian link to Millbrook Heights – this seems to be an error as the 'Transport Statement' mentions upgrading the present informal link which connects the site with Pen-Y-Turnpike Road".

Dinas Powys Community Council would like this application to be called in and to include a site visit."

**Michaelston-Le-Pit Community Council** – 'Whilst the Council has no objection in principle to the development it requests that very careful consideration is given to the potential danger in traffic entering from and exiting to Pen-y-Turnpike Road.'

**Highway Development** – No comments received as yet.

**Environmental Health (Pollution)** – No objections. Required a 'Construction Environmental Management Plan' via condition.

**Glamorgan Gwent Archaeological Trust** – No comments received to date.

**Dinas Powys Ward Member** – Cllr C Williams stated he is "against any further housing developments in Dinas Powys" as he does not feel the road infrastructure can cope with the further traffic that "would inevitably occur".

**Dwr Cymru/Welsh Water** – No objections subject to standard drainage conditions.



**Ecology Officer** – Further information required, including a bat method statement and more information to clarify points submitted with the Ecology Report. Further information (method statement) has been submitted and is under consideration. Final comments shall be submitted to the Planning Committee as late representations.

**Natural Resources Wales (NRW)** – Highlighted the potential impact to bats as a result of the proposed development. Stated the need for a licence from NRW as a result. Also required the submission of a bat mitigation strategy via condition.

**South Wales Rescue Service** – Provided advice such as the need for suitable access for emergency fire fighting appliances and that all dwellings should be within 45m of a pump appliance. See file for full comments.

## REPRESENTATIONS

The neighbouring properties were consulted on 24 February 2014 and re-consulted on the 18 June 2014. A site notice was also re-displayed on the 30 September 2014 and was also re-advertised in the press on the 28 September 2014. There have been 34 letters/emails received (relating to the original proposals and then the amended proposals) citing issues such as the following:

- Concern regarding additional traffic to use Pen-Y-Turnpike Road, adding to existing congestion with a lack of suitable infrastructure.
- The development would set the precedent for further development within the Green Wedge.
- Concerns with the access and doubts as to the effectiveness of the proposed vision splay.
- Loss of the existing building, which was stated to be 'historic'.
- Lack of a pedestrian link along Pen-Y-Turnpike Road to the village, which should be provided with any further development.
- Concern that there would be more traffic generated by the development than claimed with the application Transport Statement.
- Concern that further use of the informal path link from Ardwyn to Pen-Y-Turnpike Road could cause security issues and light pollution to adjacent neighbours to the path.
- Concerns regarding drainage from the site affecting neighbouring residences.
- Objection due to the neighbour claiming they own land within the application site that would affect the access proposals

Please see Appendix A for copies of three of the submitted letters/emails from members of the public.

## REPORT

### Local Planning Policies

#### **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 18<sup>th</sup> 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:*

HOUS3	(DWELLINGS IN THE COUNTRYSIDE)
HOUS11	(RESIDENTIAL PRIVACY AND SPACE)
HOUS12	(AFFORDABLE HOUSING)
ENV3	(GREEN WEDGES)
ENV10	(CONSERVATION OF THE COUNTRYSIDE)
ENV11	(PROTECTION OF LANDSCAPE FEATURES)
ENV16	(PROTECTED SPECIES)
ENV27	(DESIGN OF NEW DEVELOPMENTS)
ENV29	(PROTECTION OF ENVIRONMENTAL QUALITY)

#### **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 (Partly superseded by the Vale of Glamorgan Housing Delivery Statement 2009)  
Amenity Standards  
Design in the Landscape  
Model Design Guide for Wales  
Planning Obligations  
Sustainable Development –A developers Guide  
Trees and Development  
Biodiversity 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 20 March – 1 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 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
- Housing Supply Background Paper 2013
- Local Housing Market Assessment 2013 Update
- Open Space Background Paper 2013
- Sustainable Settlements Appraisal Review 2013
- Joint Housing Land Availability Study 2014 (July 2014)
- Green Wedge Background Paper 2013
- Findings of the site assessment 2013
- Population and Housing Projection Background Paper 2013
- Transport Assessment of LDP Proposals 2013
- Educational Facilities Assessment 2013

## National Planning Policy

National planning guidance in the form of Planning Policy Wales (Edition 5, 2012) (PPW) is of relevance to the determination of this application.

### Chapter 2:

In addition to the advice mentioned above with regard to weight to be attached to emerging draft LDP, chapter 2 of PPW provides advice in cases where development plan policies are considered to be outdated or superseded. The following advice is given:

*'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).'*

### Chapter 4:

Chapter 4 of PPW deals with planning for sustainability. Paragraph 4.2.2 states that **'The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:**

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).'*

Paragraph 4.2.4 states that *'A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:*

- *there is no adopted development plan (see 2.6) or*
- *relevant development plan policies are considered outdated or superseded (see 2.7) or*
- *where there are no relevant policies (see 2.7)*

*there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes (see Figure 4.1).'*

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Government's approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development 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'*.

PPW advice on brownfield or previously developed land is of relevance in this case. Paragraph 4.9.1 states:

*'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.'*

#### CHAPTER 9 – Housing:

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

*'9.1.1 The Welsh Government will seek to ensure that:*

- *previously developed land 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. 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 by using nationally prescribed sustainable building standards; 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.*

*9.2.3 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.*

*9.3.2 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.*

*9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.*

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.*

*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.'*

## **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 (2006)

*'2.2 Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing. This land supply must inform the strategy contained in the development plan. Local planning authorities should also have regard to the requirement to prepare and provide timely housing land supply figures to satisfy the requirements of the Wales Programme for Improvement Core Planning Indicators and Local Development Plans Annual Monitoring Reports (AMR).'*

- Technical Advice Note 2 – Planning and affordable housing (2006)

*'10.4 When setting site-capacity thresholds and site specific targets local planning authorities should balance the need for affordable housing against site viability. This may involve making informed assumptions about the levels of finance available for affordable housing and the type of affordable housing to be provided. Local planning authorities should also take into account the impact on the delivery of the affordable housing target and the objective of creating sustainable communities across the plan area and in the individual parts of the plan area.'*

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

- Technical Advice Note 12 – Design (2009)

- Technical Advice Note 18 – Transport (2007)

## Issues

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

- The principal of the development in the context of the statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), and any other material considerations.
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, emerging planning policy etc.
- Visual impact of the development, which is within the designated Green Wedge within the countryside;
- Considerations of the proposed access;
- Issues related to the highways impact as a result of the proposed development;
- Consideration of the potential impact to neighbour amenities;
- Consideration of whether the proposals constitute an efficient use of land;
- Resultant loss of protected trees should the proposed development be approved;
- Other issues that will be considered include drainage; ecological and environmental impacts.
- S106 Planning Obligations to mitigate the impact of development;

## Principle of Development

### Adopted Unitary Development Plan Policies and PPW

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).

The proposals consist of a small-scale residential development of the site of the former children's home, known as Ardwyn, on the edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys as defined in Policy HOUS2 of the UDP. As such, the development is not within the settlement boundaries and does not, therefore, benefit from the provisions of the first part of Policy HOUS2.



In view of the above, the Council's policies that make provision for development in the countryside must be considered. Policy ENV1 seeks to strictly control development within countryside locations and indicates at criterion (i) and (ii) that development will only be permitted that is essential for uses appropriate in the countryside. This proposal does not fall within the definition of such a use. The principle of Policy ENV1 is supported in PPW where, at paragraph 4.7.8, it sets out that new building in the open countryside, away from existing settlements should be strictly controlled. Criterion (iv) of policy ENV1 makes provision for development that is approved under other policies of the plan. As such, consideration must be given to those relevant policies.

Notwithstanding the provision of the first part of policy HOUS2, the policy goes on to state 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. Policy HOUS8 permits development which is '*closely related to the defined settlement boundaries*' providing the development complies with all of the criteria of that policy. The guidance in PPW is also noted at paragraph 9.3.2 where it 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*'. Whilst the supporting text of policy HOUS2 defines small scale as no more than 5 dwellings, PPW is not so prescriptive, suggesting that each case should be considered on its merits depending on the context of the site. In addition to the above, the guidance provided at part 4.9 of PPW is noted, with regard to the preference for the re-use of previously developed land. The site is occupied by a large detached building and other associated structures of the former children's home. PPW suggests that, wherever possible, such land should be used in preference to greenfield sites.

With the above guidance in mind, the application site is occupied by multiple buildings and the grounds associated with the former children's home. Whilst the extent of development proposed exceeds that currently occupying the site, PPW does favour the development of such land over 'greenfield' alternatives. In addition to this, whilst being outside the UDP settlement boundary of Dinas Powys, the site of the former children's home and its grounds are read as being part of the settlement of Dinas Powys, being located immediately adjacent to existing residential areas and seen within the context of the village rather than being an isolated rural location. It is also considered that there is a linear form of residential development running along the western side of Pen Y Turnpike that projects north of the village, which would be reflected with the proposed development. In view of this and the linear form of the development within the context of built development along Pen y Turnpike Road and to the rear of Millbrooks Heights, the development would be in keeping with the character of the area. Accordingly, and in the light of the fact that the proposal re-uses previously developed land, the development can be considered to accord with guidance provided in PPW.

Notwithstanding the findings above, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers), which seeks to restrict development to prevent urban coalescence and to retain 'openness' in rural areas. It is also noted that the provisions of HOUS 2 of the UDP with regard to small-scale 'rounding off' of settlements, cannot be considered within areas identified as Green Wedge. This matter however is considered under the section of this report entitled 'Local Development Plan Context'.

### Housing Land Supply

Paragraph 2.2 of TAN1 states that 'Local planning authorities must ensure that sufficient land is genuinely available to provide a **5 year supply** of land for housing'. In cases where supply is below 5 years, paragraph 5.1 of the guidance suggests that 'The results of the Joint Housing Land Availability Studies should be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply **below the 5 year requirement**, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies'. This guidance is supported in part 9.2 of PPW, in particular paragraph 9.2.3.

The Council has published its Joint Housing land Availability Study 2014 (JHLAS 2014) which presents the housing land supply for the Vale area at the base date of 1st April, 2014. The statement indicates that the Council has a 7.3 year supply of housing land that has been calculated using the past house completion figures, in accordance with the TAN1 guidance. Accordingly, the Council have a sufficient supply of housing land to comply with paragraph 2.2 of TAN1. It should, however, be noted that the Council must maintain a supply of housing land in excess of 5 years at the next JHLAS for 1 April, 2015.

### Local Development Plan Context

The Deposit Local Development Plan (DLDP) has been considered by the Council's Elected Members and was placed on Deposit on 8 November 2013, with a subsequent public consultation. In early 2015 the Council's Cabinet Members will consider its responses to the representations made to both the Deposit and Alternative Site Plan Stages. The LDP will then be submitted to Welsh Government where an independent Planning Inspector will be appointed to conduct an Examination into the soundness of the Plan. Until these stages have been complete the DLDP will remain an unadopted document and is not envisaged to be adopted until 2016.

In the Local Development Plan (LDP) Draft Deposit of 2013 the application site has been included as a housing allocation site, under policy MG 2 (28). It is estimated that the site would have capacity for up to 15 dwellings. The Deposit LDP also indicated a requirement for 35% affordable housing for the site. The DLDP also raises issues of pedestrian links to the village centre, safe means of access to the site, the need for suitable drainage, and the need for a full tree survey due to on-site Tree Preservation Orders.

The guidance provided in paragraph 2.6.2 of PPW with regard to the weight that should be given to the policies of emerging LDP, as mentioned above, is noted.

The guidance does, however, state that *'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)'*.

With the above guidance in mind, the background evidence gathered in preparation of the LDP can be afforded some weight in its relevance to the development proposed, particularly the background evidence as follows.

The inclusion of the Ardwyn site as an allocated site within the Draft Local Development Plan is also a positive indication that this is a suitable site for development, due to the significant level of assessment that has been undertaken that has led to its inclusion to this stage. A relevant background paper on this issue is the 'Findings of Candidate Site Assessments Process Paper' (2013). This catalogues all the sites that have been rejected, though includes Ardwyn as a site that has been selected and then assesses it from a sustainability perspective. The background paper includes a matrix which colour codes each site under different sustainability indices. The Ardwyn site shows a generally very positive outcome to the sustainability appraisal. This includes a 'positive impact on sustainability' within the assessment on the basis of providing housing to meet people's needs. This is represented by the 17 dwellings proposed on site, together with the 35% affordable housing proportion. The assessment also finds that a residential development of this site would provide a 'positive sustainability impact' for providing an efficient use of land (the provision of 17 dwellings on this site, considering its constraints, would be considered an efficient use of land) and also positive responses for both climate change and reducing needs for travel/use of sustainable transport. This is demonstrated with the path link to the village, allowing for pedestrian connections to the village centre, and therefore decreasing the need for private vehicle use. The positive sustainability aspect, as highlighted through this background paper, is another important aspect that has been considered with assessing this proposal.

Also relevant to this application is a 'Green Wedge Background Paper' (September 2013). As stated above, the site is currently within the designed Green Wedge, as defined by the Unitary Development Plan. However, it is also important to note that this background paper, produced to inform the emerging LDP, illustrated that this site should be omitted from the Green Wedge under the re-defined boundaries. The Ardwyn site would be immediately adjacent to the revised Green Wedge area, with the background paper stating that the Green Wedge between Llandough Hospital and Pen Y Turnpike Road provides a strong and defensible boundary. The background paper explains that the Green Wedge is important to stop encroachment into the countryside. However, it is recognised that this site has already been developed and is essentially a 'brownfield site', given the main Ardwyn building, the smaller Lodge and other ancillary structures within this site and the existing access road and large parking area. Although the site contains extensive garden areas, this cannot be considered an undeveloped site, which is reason for its omission from the revised Green Wedge. Furthermore, the Green Wedge seeks to prevent sporadic development, as stated in the background paper, though this development cannot be considered as sporadic. The site has been put forward and assessed and incorporated as an allocated site within the Draft Local Development Plan. This is a site that has been considered for some time for future development and its inclusion as an allocated site demonstrates that this would not be a sporadic development. The development would also be in keeping with the built form and character of Dinas Powys and be well integrated with the village, as such, the proposed development would not undermine the objectives of the Green Wedge designation, for the reasons set out above.

### PPW and Sustainability

The guidance above also refers to section 4.2 of PPW relates to planning for sustainability.

The key sustainability principles and the key policy objectives of PPW are clearly a set of guidelines that set out the Welsh Government's '*vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). The development can be considered to accord with the principles and objectives.

Paragraph 4.2.2 states that '***The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:***

- *preparing a development plan (see Chapter 2); and*
- *in taking decisions on individual planning applications (see Chapter 3).'*

As discussed above, the 'Findings of Candidate Site Assessments Process Paper' (2013) background paper for the LDP concludes that the site would be sustainable for reasons such as providing an efficient use of land. This assessment reflects the sustainability objectives set out in section 4.4.3 of PPW particularly as the proposed development would re-use previously developed land, replacing the redundant children's home and the associated buildings, thereby avoiding the use of greenfield land. Furthermore, the location of the site is notably immediately adjacent to the village and within walking distance to shops and services but promotes sustainable practices through the provision of a footpath link, thereby having a positive contribution to climate change and reducing needs for travel by use of private vehicles.

Overall the site is considered sustainable and is in accordance with the sustainability principles and objectives as set out in Part 4.2 of PPW. With the presumption in favour of sustainable development, which is set out as a key principle within PPW, it has to be considered that the proposals are in accordance with the national policy as set out within PPW.

### Conclusion on the Principle of the Development

The proposals consist of a small-scale residential development of the site of the former children's home, known as Ardwyn on the edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys, though is actually outside of this designated area. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers).

In the Local Development Plan (LDP) Draft Deposit of 2013 the application site has been included as a housing allocation site, under policy MG 2 (28), indicated for 15 dwellings with 35% affordable housing included. As stated above, the LDP has not been adopted at the present time, being in draft form. However, the background papers are a material consideration and issues such as the impact to the designated Green Wedge and sustainability factors are assessed through these documents.

Thus although the development is not in full accordance with UDP policies, the LDP background papers and national policies, especially those within PPW, have been fully considered in assessing these proposals, as demonstrated above. In this context, the proposed dwellings would be considered a sustainable development, being the re-use of brownfield land, contributing new housing (including much needed affordable housing) that is well integrated with the village, due both to the location of the site immediately adjacent to existing Dinas Powys residential areas and also the proposed pathway connection. The proposals would not have a detrimental impact to the character of the area or have any significant impacts to the Green Wedge, which is set to be revised under the LDP to omit this site. It is for a combination of all these reasons, that are particular to this case, it is considered that the proposals are an appropriate form of sustainable residential development, which outweighs any conflict with UDP policies.

Whilst the principle of the development is accepted, this is a full planning application and issues such as layout, design, neighbour impact and access will all need to be considered. These remaining issues are considered in the sections below.

### Ownership Issue

An objection has been received from a neighbour as they claim that the area south of the access, which is included within the site area and where the realigned access is proposed to be positioned, is within their ownership. The applicant's solicitor has contested this claim and would oppose any effort by the neighbour to register this land in their name through the Land Registry. On this basis the Council has no evidence to dispute the applicant's claim to this land and no objection is raised on this matter.

### Layout Proposals

The layout plans submitted for the proposals has been amended since initial submission, with 17 dwellings now. It should be noted that the original proposals for 9 large houses with either double or triple garages were not considered to be an efficient use of the site. To address these concerns the proposals were substantially amended to now propose 17 dwellings, including an affordable housing element. It is considered that 17 dwellings is an acceptable number of units for this site, with both larger dwellings and smaller affordable units to be provided. The number of dwellings now proposed does not overdevelop the site, with the layout safeguarding the existing trees to be retained on the site thus preserving its semi-rural character.

The provision of affordable housing (required to be 35% of the total number of dwellings developed) has been included, with contributions also required towards education and sustainable transport etc. (see the 'planning obligations' section below).

The proposals include the demolition of both Ardwyn, which has retained its appearance as a large detached house (as was its original use) and the detached residential building near the access known as The Lodge. The applicant states that it was considered whether the existing Ardwyn building could be converted to residential use, however it is noted that the poor state of repair means that this approach was unviable. Ardwyn and The Lodge are not listed buildings or locally listed as a County Treasure and there is no objection to the principle of their removal prior to the proposed development.

The proposed dwellings are laid out in such a way to avoid significant loss of existing trees (some will still need to be removed, including some with Tree Preservation Orders attached). The layout also makes use of existing native hedgerows within the site to enclose groups of houses. The nature of the site and its shape and size means that the most practical layout is a single main access road with small clusters of dwellings accessing onto this road. There are two sections of private shared drives indicated within the development, each with 5 dwellings served off these drives. The layout is considered to form a suitable arrangement of dwellings that responds to the constraints of the site and works to minimise tree loss. The dwellings are well spaced with generally large rear gardens and parking provision all included. The layout appears suitably spacious, even though several of the houses proposed are large with detached double garages.

The amenity space for each dwelling varies depending on their position within this irregular shaped site. However, the amenity space to be provided is considered acceptable and generally in accordance with the requirements of the Supplementary Planning Guidance 'Amenity Standards'. It is noted that Plot 11's rear garden includes a portion of wooded area, though there would still remain open garden space for general garden activities. The garden space for the flats at Plot 4-5 should be conditioned to remain shared for all occupants.

Much of the development would be obscured from view from the highway due to mature woodland along this boundary. The most visible aspect of the proposed development would be Plot 1, which is side-on to the main site access, in much the same position as The Lodge. Trees on the boundary of the site and within the site would also screen the development from views from the north (the approach to Dinas Powys from Pen Y Turnpike Road) and from the countryside to the east. The proposed development is not anticipated to have a significant visual impact to the countryside setting, subject to landscape and boundary treatment. Furthermore, the development of this site would not be of such a scale to cause a significant impact to the aims of the Green Wedge designation.

The layout includes two areas of open space, including the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.031ha). The total area to be provided is 0.118ha. The Supplementary Planning Guidance 'Planning Obligations' requires an overall on site provision of 55.4sqm public open space per dwelling, which equates to 941.8sqm (0.0941ha). As such, sufficient public open space is to be provided, which is positioned in easily accessible areas within the site. A Local Area of Play (LAP) has been requested as part of the public open space provision, though details have not yet been received. Members will be updated at the Committee Meeting on this matter. Please see the Planning Obligation sections below for details of the 'Public Open Space' planning obligation.

Overall, the layout and proposed density of development is considered acceptable, with no significant adverse impacts to the character of this semi-rural location.

## Scale and Design

There are three types of houses proposed for the site (Type A, C and D). These house types are large detached units over two storeys with predominantly traditional features though with some contemporary features, such as the full length glazing to some rear elevations. House Type A is to have a floor area of 2450 sqft, with Type C a similar 2430sqft. House type D is slightly smaller at 1964sqft. These houses are to have a primarily rough cast render treatment with a red brick plinth, with clay tiled roof.

House Type A has a symmetrical front elevation with two projecting gables with bay windows. The house also has a projecting rear gable which is significantly glazed. This house has 4 bedrooms, with the 'master suite' to the rear. The house has a steep pitched roof, though there is no accommodation included within the roof space. Three of the proposed houses are Type A design.

House type C has a two projecting bays to the front elevation, with what appears to be hanging tiles. There is also a two storey section projecting from the rear elevation. This dwelling is to have a traditional style appearance, with a steep pitched roof. This also is to be a five bedroom house, with one bedroom to be in the roof void.

Finally, House D has a centrally positioned projecting bay with high pitched gable, which includes an arch over the front entrance. The dwelling also has a traditional approach to the design, highlighted through the window design and the high pitched roof.

Some of the dwellings have two bay garages. The garages have pitched hipped roofs, rendered walls and timber garage doors.

The affordable housing units also maintain the traditional approach, with use of render and clay tiles for the dwellings. These are arranged with one semi-detached pair and a terrace that includes two houses and a unit split into two one-bedroom flats.

The proposed design approach is considered acceptable, with the dwellings and materials proposed being in keeping with the nearby older properties in the vicinity of Pen-Y-Turnpike Road. Though mainly large dwellings, the provision of affordable housing provides a suitable housing mix within the site. As described above, with the retention of much of the existing trees and hedgerows the proposed dwellings should blend sufficiently into the landscape and not be overly prominent.

## Drainage Proposals

The proposals include a 'Drainage Strategy Note' (February 2014). This firstly confirms that the site is outside any flood risk area and existing runoff rates. For surface water, the proposal is to discharge all into an existing ditch located along the western site boundary in the wooded area. The rate of discharge will be approximately half that of the current runoff rate due to the introduction of a flow control device.



The foul drainage is to connect with an existing Welsh Water sewer at Pen Y Turnpike Road. A small pumping station will be required on site due to the topography of the site. Welsh Water has raised no objection to this strategy.

There is no objection to the principle of the drainage strategy proposed, this would however be subject to full drainage details being received via condition.

### Neighbour Impact

The proposed development would be screened from 1-3 The Cottages on Pen Y Turnpike Road by the thick and mature tree belt. However, the separation distance between the proposed houses and these cottages is such that there should be no significant impact to amenities.

Also, the rear of proposed plots 13, 14 and 15 would have views back towards the existing houses of Millbrook Heights, which are on a lower level. The proposed layout would result in a separation distance of over 30m between the rear of the proposed houses and the rear of the nearest houses on Millbrook Heights.

Overall, it is considered that the proposed development should not have any significant impact to the amenities of neighbouring dwellings.

### Highways Matters

The application is accompanied by a Transport Statement (June 2014) by Asbri Transport. The findings conclude that the development would likely result in 12 two-way peak time vehicles movements at both AM and PM time periods of the day, and would have "minimal impact on the surrounding highway network". It is considered that whilst Pen-Y-Turnpike Road is a busy route between Dinas Powys and the Cardiff area the proposals for 17 dwellings would not cause a significant amount of additional traffic over and above existing levels that could result in any detrimental impact to the highway network.

Concern was raised at pre-application stage as to the existing access, as this is seen as substandard in terms of visibility onto Pen-Y-Turnpike Road. The proposals include the reconfiguration and repositioning of the access point approximately 4.5m to the south of existing. This would link with the existing access road within the site. The access is repositioned to allow for enhanced visibility and to form a new 'priority junction' with the site access as the minor arm. The new section of road would be built to adoptable standards, with a 5.5m width and a 2m wide footpath to both sides.

The visibility splays would effectively be provided by 'pushing' the access out into the existing carriageway, therefore realigning the carriageway route. This is stated by the applicant to be achievable due to the existing wide carriageway at Pen-Y-Turnpike Road. This would enhance visibility, to a degree that it would allow for 2.4m x 90m for the splays in either direction. The Transport Statement is also proposing a 'gateway feature' to try to slow traffic as it approaches Dinas Powys, but it should be noted that the enhanced visibility this is not considered necessary to make this application acceptable.

As regards parking provision, it is noted that each dwelling would include dedicated parking spaces. For the market housing this would include a double garage with further spaces in front of each garage. As such, 4 parking spaces would be provided for each of these dwelling which is considered sufficient. The affordable units would each have two spaces, except for the one bedroom apartments, which would have one space each. Overall, it is considered that the parking provision for the site is sufficient and should avoid any overspill parking outside of the site.

It is noted that there is a lack of pedestrian access to the village along Pen-Y-Turnpike Road. However, amended plans have been submitted to include an established footpath to the south of the site, linking with Pen-Y-Turnpike Road, near the junction with Millbrook Road. The provision of a footpath link is important as otherwise there would be no safe pedestrian route connecting with the village. The footpath enhances the sustainability of the development by allowing for a safe pedestrian links to local services, without the need for the use of private vehicles. The proposed houses would be within walking distance of the village centre and the public transport links as a result of the incorporation of the footpath (this is enhanced by avoiding a length of Pen Y Turnpike Road where there is no pavement or scope for one to be provided).

It is recognised that the path will need significant maintenance works to make the footpath usable and safe, along with the provision of lighting, which would be required by planning condition with any approval. The footpath should be widened to 1.5m with a solid appropriate surface. Levelling works would be required with additional steps required. Full details of the works to enhance the footpath and bring it up to suitable standards would be required via condition if approved.

It is recognised that the path would not be suitable for all, due to the incorporation of steps along the path route due to the incline, which could pose an issue for those with mobility problems and wheelchair users. However, this cannot be resolved due to the incline and the length of path. Nevertheless, it is considered to be of significant benefit to the proposals and will allow for a link where otherwise there would be none. This would benefit future occupants of the development and also existing occupants of the area, such as those in the residential properties further along Pen Y Turnpike Road.

The path connects with Pen Y Turnpike Road, and there is no footpath where the path meets the highway, with the existing footpath starting approximately 14m to the south. A footpath cannot be formed along this area of grass verge due to ownership issues and the narrowness of the highway. However, as there is only a short distance between the footpath to Ardwyn and the highway footpath this is considered acceptable and would be the same arrangement that has been established over the years when Ardwyn was active as a children's home.

It is noted that the land to which the existing path is located is of unknown ownership. The applicant has tried to establish the ownership and Certificate D has been submitted, with a press advertisement displayed. At the time of writing there is no owner identified. Nevertheless the site is within the red line of the application site it is considered reasonable to condition the path is upgraded and maintained in perpetuity for residents to use.

## Trees and Hedgerows

The site contains many trees and hedges within its boundary. Other than the main Ardwyn building, the Lodge and the access driveway the site is predominantly green space and vegetation. Many of these trees are protected under Tree Preservation Orders 1973 - No 14 and 2011 - No 4. A Tree Constraints Plan and Arboricultural Method Statement have been submitted (TDA February 2014).

Initially, the cluster of protected trees towards the northern edge of the site was to see several trees felled. Concern was expressed regarding this. However, the amended proposal for 17 dwellings retains almost the entire cluster of these trees. It is also noted that the trees identified in the survey as 'High Quality and Value' are to be maintained. New tree planting is also indicated on the submitted plan.

It is considered that the proposals suitably maintain the majority of the existing trees within the site, with planting indicated to compensate for tree loss. Some internal hedgerows are to be removed, though some are to be maintained to provide screening between proposed dwellings. The development proposed has taken account of the trees with the submitted survey indicating that the most valuable trees are to remain and protection measures incorporated. These protection measures, along with a full landscaping scheme, would be required via condition if approved.

## Ecological Issues

The proposals include the demolition of both the main building, Ardwyn, and The Lodge, and developing the site for housing. Demolition of these on-site buildings, both of which are relatively old and appear unused for some time, and therefore it is considered reasonable to assume there could be some impact to protected species. To address this issue an 'ecological assessment and survey for bats' have been submitted by David Clements Ecology Ltd (July 2014).

The survey found that the existing buildings were used by low numbers of roosting Pipistrelle and Myotis bats, with some Lesser Horseshoe Bat droppings also found at Ardwyn. Evidence of nesting birds has also been found. No evidence of reptiles have been found, though the survey advises that it is likely that there are slow-worms or common lizards present within the site. Considering the result, the survey advised the need for mitigation if the site is redeveloped.

Such a scheme must include timing of works to avoid bat roosting season and bird nesting season, along with the provision of bat boxes and a 'fence, trap and clear' operation to avoid harm to reptiles.

Both the Council's Ecologist and Natural Resources Wales (NRW) have considered the submitted survey. It is considered that, based on these consultation responses and the findings of the survey that the proposed development would not result in a detrimental impact to protected species if the mitigation measures are incorporated. Furthermore, it should be required via condition that a bat mitigation strategy be submitted, which should 'build on' the submitted survey, and also a 'Landscape and Ecology Management Plan' (LEMP) which shall include a 5 year management plan for biodiversity post-construction. Such conditions should safeguard protected species and enhance the biodiversity of the site post-development.

Under Article 16 of the Habitats Directive three tests have to be met to establish whether the works can be considered acceptable. In considering the first test, it is noted that the existing buildings would need to be significantly renovated or replaced to avoid it being abandoned. Therefore, the development would have benefits to the local economy with the works also providing a social benefit as it will provide new housing. In considering the second test, there is no reasonable alternative to a demolition of Ardwyn or The Lodge as it is imperative to render the buildings safe and bring the site back to social and economic use, which could not be achieved with the buildings remaining empty in its current condition.

The third test considers whether the proposed derogation will result in there being no detriment to the maintenance of bat species at the site. A method statement with detailed mitigation measures has been submitted, with this approach agreed subject to conditions being attached to a permission requiring the works to be in compliance with the mitigation recommended in the report and a full biodiversity method statement. The applicant would need a full NRW licence for the proposed works.

#### Planning Obligation (Section 106) Matters

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<sup>th</sup> 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 this case, the application relates to the development of up to 17 dwellings on a site adjoining the settlement boundary of Dinas Powys. 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.

### Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households. 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.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale".

In 2010, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. In light of the evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted SPG on Affordable Housing (contained in the Affordable Housing Delivery Statement) now seeks 35% affordable housing on sites of 10 or more dwellings. This scheme proposes 6 no. affordable dwellings in a scheme of 17no. dwellings in total which equates to 35%.

The layout has indicated that on a development of 17 dwellings, 4 no. 2 bedroom dwellings and 2 no. 1 bedroom flats will be affordable. This is in accordance with the need identified from the Affordable Housing Enabling Officer.

### 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 is contained in the Planning Obligations SPG and identifies that the development of this site for 17 houses would generate demand for 2 nursery, 4 primary and 4 secondary pupil places. These are split proportionally between English, Welsh and denominational provision.

At nursery level there is no spare capacity to accommodate the development (current and projected) within all types of provision.

Of the 4 spaces required for primary age children generated, 3 would be allocated to English medium and 1 to Church in Wales provision. In terms of the English medium and Church in Wales sector there is limited surplus capacity overall, current and forecast, with some year groups operating to their maximum capacity. The local authority would therefore seek contributions where specific year groups are full.

At secondary level, based on the percentage split above in terms of the 4 secondary children generated, 3 would be allocated to English medium and 1 to Welsh medium. However, there is surplus capacity in the English and Welsh medium sector over the next five year period and the authority would not be seeking contributions.

Considering the above, based on the anticipated additional pupil numbers and based on the cost of a school place as outlined in the Supplementary Planning Guidance plus other costs need to be factored in, such as professional and legal fees, and would total as follows:

- Nursery - 2 children at £14,463.26 per child = £28,926.52
- Primary – 4 children at £14,463.26 per child = £57, 853.04
- Total contribution required : £86,779.56

The applicant has agreed to this planning obligation requirement.

### 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 has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which 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. 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 a contribution of £2,000 per dwelling 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. In this case, this would equate to up to £34,000.

The agent, on behalf of the applicant has agreed to this planning obligation requirement.

### Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments" (paragraph 4.15 refers).

The Supplementary Planning Guidance 'Planning Obligations' requires an overall on site provision of 55.4 sq. m. public open space per dwelling. The site lies within Dinas Powys ward. The LDP Open Space Background Paper (2013) indicates the ward has an under provision of children's play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space. As stated in the 'layout' section, the proposals include two areas of open space within the proposed development site, including the area around the cluster of protected trees adjacent to Plots 4-5 (0.087ha) and a smaller area to the front of Plot 13 (0.031ha). The total area to be provided is 0.118ha. This is considered a suitable amount of public open space provided within the site, with details of a Local Area of Play (LAP) requested as part of this provision.

### 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.

### S106 Administration

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee (£1120) or 2% of the total level of contributions sought whichever is the higher.

### CONCLUSION

The decision to recommend approval of 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), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), ENV16 (Protected Species), REC3 (Provision of Public Open Space for New Developments), REC6 (Children's Play Facilities) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; 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 a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

### 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 enter into appropriate Agreement(s) to carry out the necessary alterations/modifications to the adopted highway to create a safe access to the site.
- Procure that 35% 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 £86,779.56 for the provision or enhancement of education facilities and school transport
- Pay a contribution of £38,760 for the provision or enhancement of public open space.
- 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.
- Pay a contribution of £34,000 to provide or enhance sustainable transport facilities 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.

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 re-registered on 16 September 2014 other than where amended by plans reference 2024/101 Revision K received on 3 October 2014, plus additional drawings T14.105.CAD.101 (Received 21 July 2014), T14.105.CAD.105C (received 16 September 2014), amended/additional plans 2024-205-01, 2024-204-01, 2024-202-01, 2024-203-01 and 2024-200-01, all received 6 June 2014, and the revised Site Location Plan 2024/100A (16 September 2014) .

Reason:

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

3. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. 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 2024/101 Revision K 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.

5. 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 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.

6. Prior to the commencement of construction of any of the dwellings, a scheme for the provision and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, to include details of the timing of its provision. The Public Open Space shall be provided in accordance with the approved details and so retained at all times thereafter.

Reason:

To ensure the timely provision of the public open space and to ensure compliance with Policies ENV27 and REC3 of the Unitary Development Plan.

7. A scheme providing for the fencing of the trees 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 or any site clearance works commencement. No development, site clearance or demolition 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.

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

9. 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.

10. 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. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://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.

11. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used 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.

12. No development shall commence until a construction/haulage traffic route plan is submitted to and agreed in writing by the Local Planning Authority and this plan shall include confirmation that no deliveries will be made to the site during the peak hours of 8 am until 9.30am and 4pm until 6p.m. on any working day.

Reason:

To minimize the congestion to the surrounding highway network and conflicts between site traffic and in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the submitted Illustrative Master Plan and associated access/ highway improvements, no works whatsoever shall commence on the development until full engineering details of the proposed access, gateway feature, internal roads, associated works, turning areas, new footway, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision on safe access into site, in the interests of Highway / Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Notwithstanding the submitted drawings and prior to the commencement of any works on site, full engineering drawings/details of the proposed footpath link and associated works (from the site adjacent to Plot 13 and its connection with the highway just north of No 1 Millbrook Road), including levels works and steps to be incorporated, fencing, surfacing and an safety barrier adjacent to the highway, plus new lighting and drainage details shall be submitted to and approved in writing by the Local Planning Authority. The footpath as approved shall be implemented and ready for use prior to the first occupation of any of the dwellings hereby approved and shall be in accordance with the agreed details and maintained as such thereafter.

Reason:

To ensure the provision of safe and appropriate pedestrian access into site to serve the development in the interests of sustainable connections, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. The proposed footpath linking the development (adjacent to Plot 13) and Pen Y Turnpike Road shall be open to public use from the time of the first occupation of any of the dwellings hereby approved and shall remain open to public use in perpetuity.

Reason:

To allow for a pedestrian link to Dinas Powys to ensure the sustainability of the development, in accordance with policy ENV 27 of the Unitary Development Plan.

16. The development hereby approved shall not be brought into beneficial use until the approved access has been constructed in full accordance with the submitted plans, including additional plan T14.105.CAD.101, incorporating the vision splays and the engineering details as required by Condition 13 and the access shall thereafter be so retained 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. The visibility splays as indicated on additional plan T14.105.CAD.101 shall be kept clear of obstructions, or planting exceeding 0.9m in height and shall be constructed in accordance with the engineering details as required under Condition 13. The vision splays as agreed shall be implemented before the first beneficial occupation of any of the dwellings hereby permitted and maintained thereafter.

Reason:

In the interests of highway safety and to ensure compliance with Policies ENV27 and ENV8 of the Unitary Development Plan.

18. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwellings, in relation to existing and proposed 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:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

19. The development hereby approved shall be in accordance with the recommendations of the submitted 'Ecological Assessment and Survey for bats' (David Clements Ecology Ltd - July 2014) unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

20. Notwithstanding the submitted information, no development whatsoever shall take place (including any demolition, ground works, site clearance) until a method statement for the protection and enhancement of biodiversity has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Method Statement for sensitive site clearance with respect to reptiles and birds;
- b) Maintenance and enhancement of the site for bats; to include details of dark flight corridors to reduce any impacts on light sensitive species;
- c) Site enhancement details such as locations of gaps under fences/underpasses/green bridges, creation / retention of habitats of value;
- d) Details of post development monitoring (if appropriate);
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works;

The works shall be carried out strictly in accordance with the approved details to the agreed timetable and shall be retained in that manner thereafter.

Reason:

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

21. Prior to the occupation of the first dwelling, a Landscape and Ecology Management Plan (LEMP) shall be submitted to, and agreed in writing with the Local Planning Authority. The LEMP shall include any post development monitoring proposals, and a 5-year Management Plan for biodiversity to guide the management and maintenance of semi-natural habitats and ecologically important features of the site and shall include:

- a) Initial aftercare and long-term maintenance; and

- b) Maintenance and enhancement of the site following development, including the use of locally occurring, native species in the planting scheme; and habitat enhancement measures;

Reason:

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

22. The full rear garden area for the flats at Plot 4 and 5 on the approved drawings Ref: 2024/101 Revision K shall be made available for use by occupants of both flats at first beneficial occupation, shall not be enclosed or partitioned in any way and shall be so available at all times for the occupants of the flats thereafter unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure adequate amenity space for occupiers of both flats, in accordance with Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

23. Prior to the commencement of development details of measures for wheel washing and dust suppression shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be fully implemented on site prior to the commencement of any works and shall thereafter be so retained for the duration of the development unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (AA103).

24. All heavy commercial vehicles and any mobile plant which has an operating weight exceeding three tonnes associated with the construction of the Development leaving the Site, other than those vehicles exclusively using tarmac or concrete roads, shall on each occasion, prior to leaving, pass through the wheel cleansing facilities provided in compliance with Condition 23.

Reason:

To ensure highway safety and that the amenities of the area are not adversely affected and in order to ensure compliance with Policy ENV27 of the Unitary Development Plan (CON3).



25. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday 0700 – 1900  
Saturday 0700 – 1700

Unless such work –

(a) is associated with an emergency (relating to health and safety or environmental issues);

(b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan (CON2).

**NOTE:**

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
3. **Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
4. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

5. **Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense Ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
6. **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.**
7. **You should note that the building / site may constitute a breeding or resting place (roost) for bats, both of which are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994) (as amended). This legislation makes it an absolute offence to either damage or destroy a breeding or resting place (roost), to obstruct access to a roost site used by bats for protection and shelter, (whether bats are present at the time or not) or to intentionally or recklessly disturb a bat/bats within a roost. It is recommended that a full bat survey of the building/ site (including trees) be conducted by a licensed bat surveyor to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**

**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.**

9. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

**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.**

**2015/00522/FUL** Received on 9 June 2015

Mr. Robert Penrose, 7, Oyster Bend, Sully, Vale of Glamorgan, CF64 5LW  
Mr. Robert Penrose, 7, Oyster Bend, Sully, Vale of Glamorgan, CF64 5LW

## **7, Oyster Bend Sully**

Demolition of existing conservatory to be replaced with brick walled/tiled roof building of exactly the same dimensions and profile to be used as new kitchen

### SITE AND CONTEXT

The application property is a detached bungalow located within the Sully settlement boundary adjacent to the coast. The neighbouring properties consist of modern bungalows similar in scale, with brick finishes and tiled roofs. The property is set behind the main building line within the street, and accessed by a narrow private driveway. A public footpath runs in proximity to but outside the rear and western boundaries of the site.

### DESCRIPTION OF DEVELOPMENT

It is proposed to demolish an existing conservatory to the western elevation of the property and replace it with a brick built extension of the same scale. The extension would measure 4.9m to the ridge height, 3.15m to the eaves height, 5m in width and 3.35m in depth.

An illustration of the proposed western elevation is shown in the following plan extract:



### PLANNING HISTORY

1990/01138/FUL: 7, Oyster Bend, Sully, Nr. Penarth - Erection of sea defence wall and footpath to front boundary wall of above - Approved 11 December 1990.

1985/00512/FUL: Plot 7, Oyster Bend, Sully - Residential unit - Approved 23 July 1985.

1981/00606/FUL: Oyster Bend, rear of Smithies Avenue, Sully - The erection of 17 purpose built bungalows with garages or car ports - Approved 28 July 1981.

## CONSULTATIONS

Sully Community Council was consulted on 10<sup>th</sup> June 2015. No responses had been received at the time of preparing this report.

The Sully Ward Councillors were consulted on 12<sup>th</sup> June 2015. No responses had been received at the time of preparing this report.

## REPRESENTATIONS

No letters of representation have been received.

The neighbouring properties were consulted on 10 June 2015.

## 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 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

#### *Strategic Policies:*

#### POLICIES 1 & 2 - THE ENVIRONMENT

#### *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.

### **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

### **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).'*

## Issues

The main issues to consider in the determination of this application relate to the visual impact of the proposed extension on the character of the property and the street scene, as well as any impact on the residential amenities of the neighbouring properties. Potential impacts on parking and amenity space will also be considered.

## Design and Visual Impact

The proposed extension would replace an existing conservatory and be identical in scale. It is therefore considered that the proposal would be sensitively proportioned in relation to the scale of the existing dwelling.

In terms of the design, whilst the individual finishes are not specified, the extension has been designed to complement the existing dwelling and its roof form. Subject to the finished materials matching the existing, it is considered that the development would be a suitable addition to the dwelling. Materials to match may be suitably secured by condition.

## Neighbouring and Residential Impact

In relation to the neighbouring impact, the land adjacent to the western boundary is currently appears to be within the ownership of 32 Smithies Avenue, albeit it is only approximately 2 or 3 metres in width and currently provides access to the coastal footpath rather than being used as a part of the garden. Beyond this land, at approximately 30m, lies the boat yard and sports ground. The development would not result in any protrusion beyond existing building lines, and the replacement of the conservatory with a brick built extension would not exacerbate overlooking. Notwithstanding this, any impact would be considered acceptable in this context.

## Amenity

The proposed development would not result in any erosion of amenity space and is therefore in accordance with guidelines within the Amenity Standards SPG.

## Parking

The development would be within the original footprint of the dwelling, and therefore result in no loss of parking within the curtilage.

## 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 Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; it is considered that the proposal is an acceptable form of development, well designed, and would not cause any significant adverse impact on neighbouring amenity or highway 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. The development shall be carried out in accordance with the following approved plans and documents: '603/P/04' and '604/P/10'.

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 external finishes of the development hereby approved shall match those of the existing building.

Reason:

To safeguard local visual amenities, as required by Policy 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.**

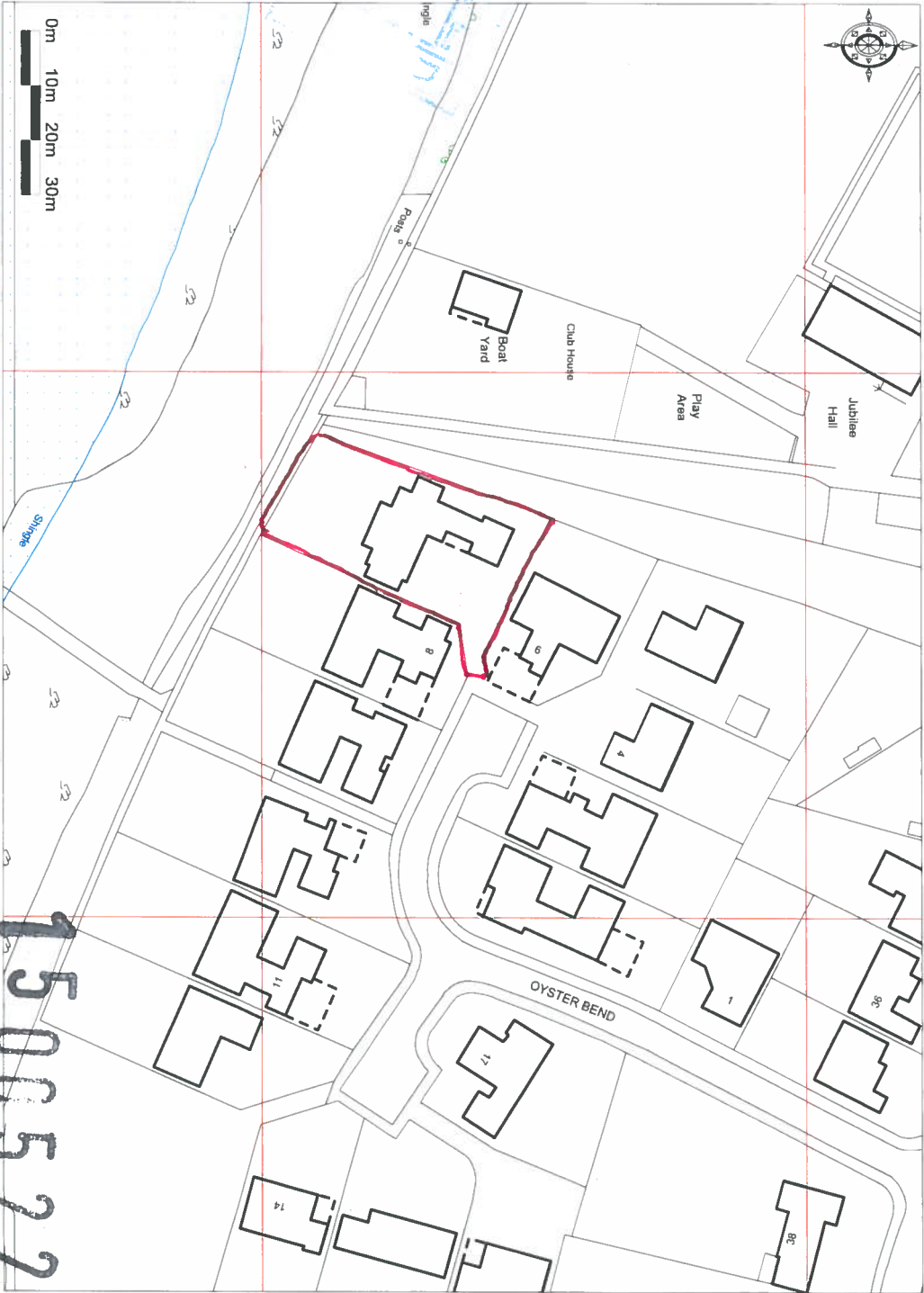
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**



Vale of Glamorgan  
Bro Morgannwg



0m 10m 20m 30m

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7 Oyster Bend, Sully, Vale of Glamorgan

Mr Robert Penrose

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**2015/00541/FUL** Received on 12 May 2015

Mr. B. T. Jones, 9, Park Road, Penarth, Vale of Glamorgan, CF64 3BD  
Loyn & Co. Architects, 21, Victoria Road, Penarth, Vale of Glamorgan, CF64 3EG

### **9, Park Road, Penarth**

Alterations and extensions to existing dwelling. Existing lean-to to be demolished

#### SITE AND CONTEXT

The site relates to a semidetached, substantial Victorian dwelling situated in the Penarth Conservation Area. The site is enclosed by stone walls, including to the side, common boundary with the semi-detached pair. The site has landscaped gardens and a rear, detached, two storey coach house serving the dwelling sited to the rear to the property accessed by a driveway alongside the property. .

#### DESCRIPTION OF DEVELOPMENT

A rear lean-to has been demolished.

The application proposes a rear extension and refurbishment of the coach house and a free standing music room, with a maximum height of 4.7m, a width of 3.6M. The proposal seeks to amend previously approved scheme (2015/0097/FUL), to re-furbish and extend the dwelling by deleting the glazed link to the rear of the site to a 'music' room and creating a smaller, single storey addition to the rear elevation only.

#### PLANNING HISTORY

2015/0097/FUL extensions and refurbishment approved subject to conditions .

2006/01831/TCA : 8 and 9, Park Road, Penarth - Work to a beech tree at No. 8 and a birch tree at No. 9 - Approved 23 January 2007.

2003/01633/TCA : 9, Park Road, Penarth - Fell two Lawsons Cypress, remove one lower limb from a beech and deadwood four birch - Approved 2 December 2003.

#### CONSULTATIONS

Penarth Town Council: has no objections with to the proposal.

Plymouth Ward member notified, no problem with the application (Cllr Clive Williams)

The Environmental Health Officer: previously advised on working practice and request a condition seeking further information regarding acoustics.

## REPRESENTATIONS

The neighbouring properties were consulted and no comments have been received

## 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:

- ENV17 – Protection of Built and Historic Environment
- ENV20 – Development in Conservation Areas
- ENV27 – Design of New Developments
- ENV29 – Protection of Environmental Quality
- HOUS11 – Residential Privacy and Space
- 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).

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 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 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
- Penarth conservation area appraisal and management plan

#### Issues

The main considerations are the scale and design of the development and in addition any differing impacts over and above the issues already addressed under the application 2015/00097/FUL. The assessment is made to the impact on the setting and character of development in the conservation area and the impact on neighbours' privacy and amenity.

The contemporary extensions now proposed to the dwelling have been reduced from those granted consent and having regard a glazed link to the music room in the rear garden has also been removed from the proposals leaving a stand alone building in the garden. The extension of the dwelling next to the side boundary with No. 10 is now only single storey with no steps access or balcony area.

The site lies within a conservation area and therefore the development should seek to preserve or enhance the character and setting of this area. Having regard to this and the reduced scale of the development it is considered it will have no adverse impact on the setting or character of development in the conservation area.

In terms of the impacts on neighbours, the reduced scale of the extensions, removal of the covered link and the construction of the free standing, music room are noted and it is considered that the neighbours to the rear and to the south would not be affected by the development.

The neighbour at No.10; being on the common boundary will suffer no detrimental impact from the amended, reduced scheme. The development is therefore considered to neither have a significant or adverse impact on neighbours' privacy or amenity. The development of the music room does not dominate nor significantly over shadow that property or its garden, noting that both the application property and No. 10 have very large gardens.

Furthermore the use of the development should only be for purposes incidental to the enjoyment of the dwelling house, however as the scheme includes a music room, the EHO previously advised regarding any adverse noise impacts, this being a matter also raised previously by neighbours. In terms of the use for the occupiers' own personal purposes, a condition requiring satisfactory acoustics/sound insulation is required however there are no in-principle objections to this use or building.

Finally there are trees within the site which should be protected during construction work noting they are afforded a degree of protection by virtue of their location in the Conservation Area.

## 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 ENV17 - Protection of Built and Historic Environment, ENV20 – Development in Conservation Areas, ENV27 – Design of New Developments, ENV29 – Protection of Environmental Quality, HOUS11 - Residential Privacy and Space, TRAN10 – Parking the proposed design, scale, and use of the amended scheme for development, subject to conditions, is not considered to adversely affect the privacy or amenity of adjoining occupiers nor to adversely affect the setting or character of development in the conservation area but complements 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. The development shall be carried out in accordance with the following approved plans and documents: planning brochure and associated plans there in including drawings 1409/S01-S11 received on 12 May 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. Prior to the commencement of development of the music room, details of the finished floor levels of the building in relation to existing and finished 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 adjoining occupiers and the conservation area are safeguarded, and to ensure the development accords with Policies ENV20 and ENV27 of the Unitary Development Plan.

4. Prior to their use in the construction of the development details, including samples, of the materials of external finishes for the buildings and hard surfaces hereby approved, 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 Policies ENV20 and ENV27 of the Unitary Development Plan.

5. Prior to the commencement of development for the construction of the music room a scheme for noise attenuation shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of noise attenuation shall be fully implemented prior to the first beneficial use of the music room.

Reason:

To safeguard the amenities of adjoining occupiers, and to ensure compliance with the terms of Policies ENV29 and ENV27 of the Unitary Development Plan.

6. The development hereby approved shall only be used for purposes incidental to the enjoyment of the dwelling house number 9 Park Road.

Reason:

To enable the Local Planning Authority to maintain control over the nature of the use to safeguard residential amenity and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. A scheme providing for the fencing of the trees 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 the development hereby approved. No development 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 ENV20 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.**

2015/00541/FUL



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9 PARK ROAD,



PROJECT  
9 PARK ROAD, PENARTH

DRAWING NAME  
STATUS: PRELIMINARY  INFORMATION  APPROVAL  PLANNING   
TENDER  B.PEGS  CONTRACT  CONSTRUCTION

SCALE  
1:1250 @ A4  
DATE  
JAN 15  
DRAWN  
VC  
DRAWING NO  
1409/L01

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